

August 30, 2018

SCRANTON, PENNSYLVANIA 18503

The Scranton School Board of Directors held a Special Meeting for the specific purpose of furloughs on Thursday, August 30, 2018 at 7:00pm in the Board Room of the Administration Building, 425 N. Washington Ave., Scranton, PA.

President Dixon called the meeting to order at 7:08PM with a Pledge of Allegiance to the Flag.

Roll Call: By the Secretary.

Present: Directors Casey, Cognetti, Duffy (via teleconference), Gilmartin, Lesh, McAndrew, Oleski, Schuster and Dixon.

Absent: All Present.

President Dixon now read the Notice of Meeting as follows:

The Scranton School Board of Directors will hold a special meeting on Thursday, August 30, 2018 at 7:00pm in the Board Room of the Administration Building, 425 N. Washington Ave., Scranton, PA for the specific purpose of the furloughs.

The public is invited to attend.

Barb Dixon, President
Scranton School Board

Solicitor Minora now explained that he was asked to give some background on this process so people can understand more clearly. Mr. Minora said that on January 25, 2018 a notice of intent to furlough was passed via resolution and provided for the August 30th deadline to actually pass those furloughs; hearings were held regarding some of those furloughs pursuant to school code and require a vote on the furloughs pursuant to school code. School Code Article V, Section 508 requires a majority vote in order to furlough which means five votes are needed to furlough which is why we're here again and the purpose of this meeting is to reach a majority. Mr. Minora continued to say that there were some questions raised, for one, whether or not the satisfactory ratings were presented in evidence and he believes they were presented on the 2nd day but even if they weren't fully presented, the case log presumes a satisfactory rating in review of all of the ratings, all of the teachers received a satisfactory or better, which means that the furloughs occur based on seniority, it is a seniority based furlough and the problem with the evaluations, so that everyone understands is the transition from paper to electronic in the 2015-2016 school year, so that problem was eliminated and going forward, it was a little bit of work for Mr. Gaynord's office, and finally we're here today and tonight's motion will be a motion to renew, not a motion to reconsider; a motion to reconsider under Roberts Rules of Order can only be made on the night of the vote and only by someone who voted in the negative, to change their vote to the positive, a motion to renew is simply how a normal motion is treated, read and voted on. He hopes that answers everyone's questions and anything he did not cover that the board feels he should have please ask now.

August 30, 2018

Director Cognetti asked for more information about the evaluations as they stand now.

Mr. Minora said he will cover it again that we are now using electronic evaluations, PAETEP (Electronic Teacher Evaluation Portal), and those evaluations are very easy to access so we're no longer using a paper format which caused part of the problem and now going forward electronically we shouldn't have any type of issue again.

Public Comment

Rosemary Boland, SFT, spoke of the recent furlough hearings, 200 evaluations were missing and PAETEP has nothing to do with this evening. Ms. Boland disagreed with Solicitor Minora's explanation of Robert's Rules of Order regarding reconsidering and renewing and spoke of the Board's own Book of Rules that does not allow the board to renew, that they must reconsider under Roberts Rules, they have to get 2/3 majority vote before they can act on anything this evening and must move to reconsider which can only be done by one of the three people who voted negative at the August 27th meeting. Ms. Boland said she is quite clear on Roberts Rules of Order and the board must vote to reconsider because that comes first.

Kevin Kays, SFT, spoke of budgetary reasons given as the reason for the furloughs and asked for the names from other groups other than the professional group who were furloughed because he doesn't think this process was fair. Mr. Kays also believes the healthcare expenditures are vastly inflated and urged the board to talk to Mr. Laffey and see what kind of savings are coming from an inflated number. Mr. Kays concluded by saying he understands that the board is looking to waive prior transportation agreements from 2006 that had to do with fuel surcharges and the agreement he feels a signature page was mistakenly or fraudulently attached to and asked them to take a closer look at that, the district is paying millions too much for transportation, listen to prior audits and bid the contracts and again asked to please study and consult with Mr. Laffey and look at all the issues.

The following was submitted by Director Casey.

J-1

It is the recommendation of the Superintendent and the Personnel Committee that the following resolution be approved:

WHEREAS, at its regular meeting of January 25, 2018 the Board of School Directors adopted a resolution of the intent to suspend district's professional staff effective August 30, 2018; and

WHEREAS, the administration considered realignment of the professional staff for the purpose of minimizing suspensions pursuant to current statutes and court decisions, and implemented a plan of realignment to the extent it was educationally practical; and

WHEREAS, that letters were hand delivered and/or sent via certified mail on January 26, 2018, specifically outlining the employee rights under School Code Sections 1124 and 1125.1; and

August 30, 2018

WHEREAS, all employees so notified of the intent to suspend filed for a hearing before the Board of Education pursuant to the Act; and

WHEREAS, hearings were conducted before a committee of the Board of Education and all parties were afforded an opportunity to present witnesses, cross examine witnesses, and present documentary evidence; and

WHEREAS, the Board of Education, having heard or reviewed the evidence presented hereby approves the recommended suspensions and the adjudication which will follow; and

NOW, THEREFORE BE IT RESOLVED, the attached list of names are hereby suspended as professional employees of the Scranton School District effective August 30, 2018, in accordance with the provisions of Section 1124 and 1125.1 of the Public School Code, and subject to their right to be recalled as provided therein.

The resolution was seconded by Director Oleski.

ON THE QUESTION:

Director Cagnetti said that over the last few days, consulting with administration, the board members had a lot of questions about evaluations and that is what she had concerns about and now that she has more background from Mr. Gaynord, Dr. Kirijan and Mr. Minora, she's been told the outcome of the names listed would not have been different if the evaluations had been in hand because in fact the evaluations were all satisfactory so then it became a seniority based furlough and although she would have liked to have more time between last Friday and Monday so they didn't have to come back twice, she appreciates working with everyone over the last few days to sort that out.

At this time Director Casey made a motion to renew the motion, seconded by Director Oleski and passed unanimously on roll call.

President Dixon moved back to the original motion.

ON THE QUESTION:

Director McAndrew said he is glad to have had the opportunity tonight to hear the procedural legal opinion which he did not have on Monday night.

Roll was now taken on original motion and passed unanimously on roll call.

August 30, 2018

ATTACHMENT

SCRANTON SCHOOL DISTRICT

vs.

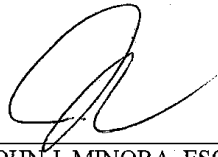
SCRANTON FEDERATION OF TEACHERS

: IN RE: FURLOUGHS

: HEARING OFFICER: JOHN J. MINORA, ESQ.

ORDER

AND NOW, on this 30th day of Aug, 2018, the suspension of Scranton School District Employees is sustained.



JOHN J. MINORA, ESQUIRE

SCRANTON SCHOOL DISTRICT :
 : IN RE: FURLOUGHES
vs. :
 :
SCRANTON FEDERATION OF TEACHERS :
 : HEARING OFFICER: JOHN J. MINORA, ESQ.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Dr. Alexis Kirijan has recommended furloughs of teachers to the Scranton School Board. N.T. 07-19-2018, page 15, 26, 29-30, 32-33.
2. Furloughs were for academic and economic reasons.
3. Alteration or curtailment of programs added instructional time to core classes and allowed for interventions and enrichment. N.T. 07-19-2018, page 14-18 and 31-32.
4. Nine minutes were added to core instructional time.
5. Librarians were eliminated and turned into multi-media centers with libraries remaining open but now used more expansively. N.T. 07-19-2018, page 20.
6. The Scranton School Board approved a Notice of Intent to Furlough on 01-25-2018. N.T. 07-18-2018, page 33.
7. Six tenured teachers were targeted for suspension. N.T. 07-19-2018, page 35, 104-106. Those subject to possible suspension were notified on 01-26-2018. N.T. 07-19-2018, page 47 and 111.
8. Of the six tenured teachers targeted for suspension, five teach physical education and one teaches music. All were rated satisfactory.
9. On March 28th, 2018, the School District passed a final budget that included suspensions of teachers. N.T. 07-19-2018, page 164.
10. All parties stipulated that non-tenured teacher hearings are waived and not challenged herein.

CONCLUSIONS OF LAW

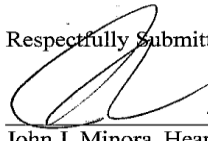
11. The reasons for suspensions were two fold; first to rectify low test scores in core subject areas. This was motivated to provide a more effective school program for instruction in core areas. See Sporie vs. E. Westmoreland Area Vocational – Technical School, 408 A2d. 888 (Commonwealth Ct. 1979).

12. Under 24 Pa.C.S.A. 11-1124(2) suspension of professional employees is allowed for curtailment or alteration of purpose as recommended by the Superintendent and concurred by the School Board. This confirms with standard of organization or educational or educational activities.
13. No physical education or music teachers received less than a proficient rating in the last two years. Therefore, the least senior employees must be furloughed pursuant to 11-1125.1. No employee remains on staff who should have been furloughed first and no evidence was presented to rebut this claim.
14. The district also suspended for economic reasons under 24 P.S. 11-1124 and 1125.1.
15. The district did not use employee compensation to determine furloughs 24 P.S. 1125.1.
16. Department of Education (PDE) was notified of alteration of programs, in fact, PFM the Department of Education's appointed advisor recommended furloughs.
17. The district suspended an equal percentage of administration personnel to compile with Act 26 P.S. 1124 and 1152.1. This was done through retirement and the furloughs of a position in special education.
18. The board approved notice of intent to suspend on 01-25-2018, sixty days prior to the adoption of a final budget on 03-28-2018 and complied with 24 Pa.C.S.A. 1124 and 1125.1.
19. The district has a larger deficit funded with borrowing making the suspension economically necessary as required by 24 Pa.C.S.A 1124 and 1125.1.
20. The proposed savings were proven and totaled approximately \$700,000.00 in year 1 and 1,500,000.00 in year 2. See 24 Pa.C.S.A. 1124 and 1125.1.
21. Other cost savings measures on healthcare and other items were proven. See 24 Pa.C.S.A. 1124 and 1125.1.
22. It was noted what expenditures would have been without the furloughs and such was proven pursuant to 24 Pa.C.S.A 1124 and 1125.1.
23. Projected revenues were identified and proven. See 24 Pa.C.S.A. 1124 and 1125.1.
24. Projected expenditures were illustrated and proven. See 24 Pa.C.S.A. 1124 and 1125.1.

August 30, 2018

25. Employees suspended who are professionals and administrators were identified and proven. See 24 Pa.C.S.A. 1124 and 1125.1.
26. The reasons for suspensions allow more core instructional time to benefit academic purposes. 24 Pa.C.S.A. 1124 and 1125.1.
27. The resolution of intent to suspend satisfied the district's statutory obligation.
28. The proposed suspensions should be sustained for both economic and non-economic (curtailment or alteration) of programs.

Respectfully Submitted:



John J. Minora, Hearing Officer

8/30/18

There being no further business a motion to adjourn was made by Director Casey, seconded by Director Oleski and the meeting adjourned at 7:25pm.

By: _____
Secretary