

Board Approval of Minutes: 09/23/2021

Board Chair's Signature: *Jayne Kelland*

Director's Signature: *Connie Guertin*



# Lutz Preparatory School

A Hillsborough County Public Charter School of Choice Serving Grades K-8

## Board of Directors Emergency Meeting Minutes September 13, 2021

- 1) Meeting called to order by Board Chair at 6:40 PM
- 2) Attendance:
  - a) Present: Andrews, Gaudi, Kouffman, Lambert, Moore, Narkiewicz, Paladino, Ramirez, & Wieland
  - b) Administration: Mrs. Guertin
- 3) Chair statement: three board members requested meeting due to recent circuit court ruling; Mr. Arnold was invited at their request to give guidance and help them have a better understanding on the latest ruling.
  - a) Guest: Shawn Arnold, Arnold Law Firm
    - i) Discussed various items that are going through court system via cases and appeals in Florida related to the EO. Enforcement actions, DOE appeal, revocation of stay; thirteen school districts have mask mandates with limited opt out; EO does not say "unlimited opt out"; some cases are tied to 'beyond rule of authority' due to immediate health danger; civil rights offense, etc.
    - ii) Directors inquired regarding the right of a private party to sue the school or board members individually regarding the current vote.
      - (1) SA: No, based on FSS 617.0834 Officers and directors of certain corporations and associations not for profit; immunity from civil liability.
    - iii) KA interpretation is that the EO is still in effect and enforceable. Mr. Arnold states a three level process: District (HCPS mandatory with medical opt out), State (Governor enforcing EO), Federal (saying Governor EO overreaching due to immediate health danger)
    - iv) JP asked for Mr. Arnold to review the process of what a stay and lifting of a stay actually means.
    - v) BL concerned with the effect of the vote within the law and within our DnO insurance coverage and potential for denial of coverage. Mr. Arnold stated that he has not reviewed in detail but it appears to be a standard DnO; he feels that it must be a clear violation of the law for example: serve food without a license and kids got sick in order for a denial of coverage.
    - vi) DK inquired if the board vote in place is against EO. Mr. Arnold would have liked the vote to be contingent on Judge Coopers ruling. He feels that the end battle needs to be the DOE vs. the school districts to have the final decision so that schools can move forward. DK inquired if the DnO policy has a potential for denial of coverage. Mr. Arnold has not formed a complete opinion yet due to timing of request – still researching. He feels in order to decline coverage them must find probably cause, LP policy currently in line with HCPS policy - believes they are in compliance because the offer of the medical opt out. DK inquired regarding the topic to adding statements to a board vote. Mr. Arnold feels that as long as the board minutes give an accurate representation of the meeting if someone wants to give a level of detail as to why they voted a certain way it is fine. But, he cautions that it can be used both for and against the board.
    - vii) JP asked Mr. Arnold to explain a stay and what it means to lift a stay.
    - viii) CM inquired if our charter is at risk. Mr. Arnold does not believe that our charter is at risk. If it was black and white he would tell the board. If he had to defend in court he would defend either way. 1) Going against EO does have risk 2) but also there is an immediate health risk to students and staff. That is why

it is uncertain; these two factors are being played out in the court systems right now; but ultimately the Federal government has supremacy. These court cases may go to the Supreme Court. There will be a time soon that there will be clear direction and once that decision is made in the courts it will be enforced.

- ix) FR feels more comfortable after this discussion with Mr. Arnold. It is not a black and white situation as these are being decided on in the courts.
  - x) KA inquire about religious exemptions – Mr. Arnold is unsure as have not seen cases yet, concerned that it would be hard to monitor. The current medical exemption in the district has a procedural process through the district nurse.
- 4) Public comment: Twenty seven members of the public spoke regarding a variation of opinions on mandatory mask policy.
  - 5) Two minute break; board rejoined again at 8:37 PM.
  - 6) Roundtable discussion after public comment.
    - a) KA feels these important issues are parental choice, negative benefits of masks outweighs positive benefits; feels we are in violation of the EO and feels it is very black and white decision.
    - b) CM tonight's discussion very legally centered which is why the emergency meeting was called, to educate the board on the current circuit court legal positions as they evolve. As the treasurer for Lutz Preparatory School, Inc. he has the fiduciary responsibility to ensure the continuation of the charter for our students and staff. The issues discussed are broader than just the mask mandates.
    - c) RN wants to ensure everyone knows that CM is protecting the school both financially and legally with his inquiry; he has worked tirelessly to support the school in his years on the board. The entire board is always concerned about the safety of our students and staff.
    - d) DK is thankful for the board and the parents for the democratic discussions. He believes there are gray areas based on the points outlined by Mr. Arnold. He is thankful that voices can be heard on both sides of the discussion – both through public comments and board discussions.
    - e) JP sees there is so much strong emotion each time a new meeting is called, knows it is stressful for all involved. Glad we can all come together to discuss – sees important issues on both sides.
    - f) BL is concerned about the enforcement by the state with regards to the EO; would like a written opinion from Mr. Arnold.
    - g) JW would like to thank all the parents for coming to listen and make public comments; also thanked the board and staff for their dedication to our students. We have seen the number of students quarantined as a result of the change from the last meeting; important so that our students can stay in school with their teachers. Please understand that these topics will continue to evolve both at the county and state level and the board will continue to monitor the situation.
  - 7) Meeting adjourned at 9:02 PM.