

SPECIAL MEETING

A Special meeting of the Benzie County Central Board of Education was held Monday, November 29 2021, in the Board of Education Conference Room. *MDHHS has amended its order to now allow for in-person board meetings that are exempt from the 25 person capacity limit. Updates can be found [here](#). It is recommended that if we are holding an in-person board meeting, we not allow virtual public comment but only allow those in attendance to comment. (If a school board is not conducting a virtual meeting in whole or in part under OMA, MASB recommends that the board limit public comment to individuals who are attending the meeting in person.) (US) +1 504-502-7546 PIN: 660 188 120#*

Vice President Brown called the meeting to order at 6:00 PM

Members Present: Mrs. Brown, Mr. Barnard, Mrs. Pomper, Mrs. Johnston

Members Absent: Mr. Childs, Mr. Noffsinger, Ms. Cota Hill

21-22-063 It was moved by Mrs. Johnston and supported by Mr. Barnard to approve the agenda as presented.

Ayes: 4

Nays: 0

Motion Carried

Student Council Report: NONE

Administration Report: NONE

Board of Education/Committee Reports: NONE

Audience Participation (Agenda Items Only): NONE

Discussion Topics:

- A. Juul Litigation Resolution – Superintendent Erfourth – Mrs. Erfourth shared the following back history with the Board of Education.** *“In 2019, several California school districts sued Juul Labs, Inc., Altria, and other vaping manufacturers in a California federal court. The lawsuit alleges that the defendants fraudulently and intentionally marketed their products to children. Frantz Law Group (Frantz), a California law firm with a background in representing school districts, is representing school districts in that litigation. Frantz represents over 226 school districts in 23 states. Frantz requested Thrun to gauge whether Michigan schools are interested in joining this lawsuit and, if so, to facilitate contact with Frantz. School districts, intermediate school districts, and public school academies are eligible to join the lawsuit. The lawsuit seeks monetary compensation for damages incurred by schools related to the vaping epidemic created by the defendants. These damages are separated into past and future damages. For past damages, schools in the litigation will be seeking reimbursement for costs associated with purchasing and installing vape detectors. In*

addition, they will be seeking any lost state aid associated with vaping suspensions and expulsions. Frantz is representing schools in the litigation on a contingent fee basis, meaning Frantz will not charge any fees or costs unless there is a financial recovery. Frantz will receive 25% of any recovery. Thrun will receive a portion of that 25%, specifically 25% for referring a client to Frantz or 35% for both referring a client to Frantz and assisting that client with the litigation questionnaire.” **Superintendent added, that should the Board of Education want to move forward, the Juul Litigation Resolution would need to be adopted and signed this evening to make the December 1, 2021 deadline. Should the Board of Education approve the JUUL Litigation Resoultion, they must also list a designated signer.**

- B. COVID-19 Vaccination Policy - [Emergency Temporary Standard - Policy 4226](#) Temporary COVID-19 Vaccination, Testing, and Face-Covering and three accompanying forms: This new policy is required for districts with 100 or more employees under the U.S. Department of Labor’s Occupational Safety and Health Administration COVID-19 vaccination, testing, and face-covering emergency temporary standards. The accompanying forms assist districts with implementing the policy (See Policy 4226. **Supeintendent Erfourth shared the following: Emergency Temporary Standard Policy 4226 Temporary COVID-19 Vaccination, Testing, and FaceCovering and three accompanying forms: This new policy is required for districts with 100 or more employees under the U.S. Department of Labor’s Occupational Safety and Health Administration COVID-19 vaccination, testing, and face-covering emergency temporary standards. The accompanying forms assist districts with implementing the policy. Since the Federal Court has called for a stay, Katie Broaddus (Thrun Law Firm) has advised that we approve a policy with the caveat that this would only go into effect should it become a requirement of law in consultation with our attorney. Thus, Superintendent Erfourth recommends to the Board of Eduction to approve this policy, as discussed by the policy committee, *if not vaccinated, must test weekly*, only should OSHA and MIOSHA move forward with the mandate.****

Action Topics:

21-22-064 It was moved by Mr. Barnard and supported by Mrs. Johnston to approve the Juul Litigation Resolution, with Superintendent Amiee Erfourth as the designated signer.

Ayes: 4

Nays: 0

Motion Carried

21-22-065 It was moved by Mr. Barnard and supported by Mrs. Johnston to approve the COVID-19 Vaccination Policy, Policy 4226, with the caveat that this would only go into effect should it become a mandated requirement by OSHA and MIOSHA. Medical, ADA, and Religious Exemptions will be taken into consideration.

Ayes: 4

Nays: 0

Motion Carried

Audience Participation (Open Topics): NONE

21-22-066 It was moved by Mr. Barnard and supported by Mrs. Pomper to adjourn the special meeting 6:10 PM

Ayes: 4

Nays: 0

Motion Carried

Secretary, Board of Education

Catina Crossman

Executive Assistant to the Superintendent

Board of Education Administrative Assistant

Benzie County Central Schools