

PSA BOARD OF DIRECTORS
EMERGENCY MEETING MINUTES
August 17,2021
7:30pm

I. Administrative

- a. Meeting commencement and call to order at 7:33pm
- b. Board/Member Roll Call

Board Members	Bryan Coppage	X	Cynthia Hall	X	Mary Brown	X
	Joel Baughman	X	Susan Durand	X	Liliana Hudescu	*
	Faith Bongiorno	X	Jason Colonna	X		
Ex-Officio Members	Corrigan Rutherford	x	Destiny Grant		Amber Speights	X
	JBC Representative					
Non-Board	Faculty Liaison: Terra Poetzscher	X	PCA: Christine LaRue	X		

X = Present A = Absent *arrived late

Also present: Leslie Sarj, Oriana Roumillat (board members elect)

- c. Mission statement: Palmetto Scholars Academy (PSA) will provide a differentiated program designed to meet the educational needs of intellectually gifted learners, address their distinctive social and emotional needs, promote individual character development and instill a life-long love of learning. Our students will engage with leading innovative organizations in higher education, business and science, to empower them to make original and impactful contributions toward the elevation of South Carolina in the areas of education, commerce, arts, and science.
- d. Public Comment: Michael Laird, Alexi Valencia, John Jordan, and Britney Quimby, Vanessa Moody Laird, and Leah Coppo.

II. New Business

- a. Discussion/Decision: Authorization of PSA Principal to implement a mask requirement for students, staff, and visitors inside school facilities and on school grounds until at least October 15, 2021.

Motion: Authorization of PSA Principal to implement a mask requirement for students, staff, and visitors inside school facilities and on school grounds until at least October 15, 2021.

Made by: Joel

Second by: Mary

Discussion: After inquiries from Board members, Principal Rutherford discussed staff, Administration, and Charter School District opinions regarding a mask mandate.

-Principal Rutherford indicated the Administration had sent a brief survey to PSA staff and received 44 responses from staff (of the responses, 48% from middle school staff, 30% from high school, and remaining 23% other staff, rounded numbers). The question posed was if the individual supported a universal mask policy/procedures similar to that of the Charleston County School Board mandate. Out of the responses, 66% said they did support, 25% did not support, and 9% stated they needed more information.

-Principal Rutherford read off many open ended comments left by staff in the survey,, which were wide ranging.

-Principal Rutherford stated the Administration team is concerned for the implications, particularly for younger students and the crossover of grades. She noted the Administration was excited to open the building in a “close to normal fashion” and they are concerned about the implications of Covid/Delta, especially for our younger students where masks are not required.

-Regarding the Charter School District, Principal Rutherford reported that the most recent correspondence from the District was that “all Charters are to follow the law.” While she reached out to them today, she did not receive additional feedback from the Charter School District.

III. Executive Session:

Motion to: Enter Executive Session at 8:01pm

Made by: Joel

Second by: Faith

Vote: unanimous of those present

Board Members	Bryan Coppage	X	Cynthia Hall	X	Mary Brown	X
	Joel Baughman	X	Susan Durand	X	Liliana Hudescu	*
	Faith Bongiorno	X	Jason Colonna	X		

Participants: Bryan, Joel, Faith, Cynthia, Susan, Jason, Mary, Liliana, Tyler Turner, Principal Rutherford, AP Speights. *arrived during Executive Session.

Legal advice from Tyler Turner

Motion to: Exit Executive Session at 8:54pm

Made by: Mary

Second by: Faith

Vote: unanimous of those present

Board Members	Bryan Coppage	X	Cynthia Hall	X	Mary Brown	X
	Joel Baughman	X	Susan Durand	X	Liliana Hudescu	X

	Faith Bongiorno	X	Jason Colonna	X		
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*****End of Executive Session*****

Following the Executive Session, Bryan asked each Board member to offer a brief summary of their thoughts.

-Mary spoke about her strong pro-vaccine and pro-mask opinions for Covid/Delta mitigation. In that context, she wanted the public to understand her personal reluctance to vote for a mask mandate based on information brought to her attention over the past day - that it appears the State Legislature, Governor, Department of Education, the Charter School District, the State Supreme Court, and State Attorney General have all spoken against a mask mandate. Mary noted that while it is personally abhorrent to her, the State government is dead set against the school board to enforce a mask mandate. While she completely agrees with masks and masking children in school being the safest thing for our kids, she feels her hands as a board member are completely tied. She feels she is in such a tough spot as voting for a mask mandate in this State government environment, including the recent State Supreme Court decision, worries her because a board mask mandate will be so contrary to State law and the wishes of our Charter District that it could put our school charter at risk, it could put our administrators and their certifications at risk, and it could put our state funding at risk. She encouraged everyone to reach out to local legislators because she felt board members cannot effectuate this change, which is so obviously needed. She stated that as a result, unfortunately, despite her absolute desire to have a mask mandate at PSA, she is unable to vote for one today due to the legal ramifications with our charter, any teacher or administrator holding a certificate, and potential funding issues that may come about. Mary offered her apologies.

-Cynthia agreed with Mary but indicated that part of her wanted to take a stand because she is so frustrated and angry. She reported that as a scientist she knows that vaccines are safe and masks work. She felt it is imperative that we encourage that happening. She noted concern about the ramifications about making this decision and hopes it is difficult for those trying to sue about a mask mandate. She stated she wants to take a stand but knows that may not be appropriate, thinking about the future of the school. She indicated she is still thinking about her decision.

-Faith thanked all the parents for expressing their perspectives and wanted them to know that they are being heard. She agreed with Mary, particularly given the developments in the past 24 hours. She encouraged all to read the recent State Supreme Court ruling and the implications for K-12 schools. She encouraged families to reach out to state legislators. She noted she will encourage her students and everyone to wear masks. Faith complained that her hands are tied in this situation and the board is not in a good position to do what we feel is the "right" thing to do considering what legislators have done to tie our hands and remove the choice from us.

-Jason stated he intended to vote no for many of the reasons already discussed. He reported that with the ruling by the State Supreme Court and the mandate affirmed by the legislature and the Attorney General, as public officials we are mandated under the duty of care and duty of loyalty standards of fiduciary responsibility to adhere to and follow the law. To do otherwise would create an untenable circumstance for the Administration and a provision that is unenforceable and put the school in peril. He agrees our hands are tied. If this is not the outcome desired, he stated the place to look is the general legislature as we are subservient to the legislature and the laws of this State.

-Joel additionally shared that as a PSA parent for a little over a year, with his kids 100% virtual for that time, he is very excited for his kids to go to school in person. He offered that he felt the same as the fellow board members and that he believes in subsidiarity and that this is a decision that should lie with the Board. However, this decision does not lie with us and he does not have the authority as a PSA board member or as a member of a board of a publicly chartered school in the state of South Carolina to authorize a mask mandate for our school administration. Joel noted there is nothing the Board can do to change that fact. However, he stated that we can encourage our school community to pull together. He understands the different perspectives people hold and hopes that we can pull together as a community to check some instincts we might have to do what is most likely to keep the school doors open for as long as possible and create an environment for our students that is as safe as possible. He noted his opinion, backed up by a lot of expert opinion, is for everyone to wear masks. After traveling, he knows that masks are obnoxious but reported that masking is effective in limiting the spread and preventing outbreaks at our school, which would jeopardize our ability to have kids in school. Joel stated that in absence of the legal authority to support a mask mandate, he encourages our community to have a community mindset and do everything we can to make sure the school community is as safe as possible for all of our learners.

-Liliana asked the Administration about measures for Covid mitigation in place and what happens when a child gets sick according to what we have in place. Principal Rutherford spoke that PSA is going to continue with cleaning throughout the day, contact tracing, and when there is a positive case identified, close contacts are to be isolated and quarantined. Nurse Rachel Crafton spoke about DHEC notifications and case clusters. She stated a "cluster" is when there are 3 positives in a classroom within a 14-day period and indicated that PSA has to notify DHEC of clusters. At that point, they (the administration, DHEC, and her as nurse) would determine how to go forward. Liliana asked whether we had an explanation/procedure under which we have to shut down the school and Rachel stated there was no specified number and it was on each individual basis. For example if we have 6 cases that are unrelated, it would not show spread. However, if we have a whole bunch of cases in one class, it indicates spread and we would have to evaluate that. Rachel reported that every time we identify a cluster, we need to look and see if this is a PSA spread and whether we need to shut down that cohort, class, grade, the middle school, or the high school.

-Liliana asked what the current situation in our county for virus spread is compared to 3 or 4 months ago and Rachel noted our spread was much higher. Rachel reported that State guidance did not include a certain number at which point we would have to do something.

-Liliana apologized for missing the first part of the meeting. She stated she is a parent of a child who spent most of his time in Charter schools and she believes in Charter school independence. Liliana explained that in South Carolina, Charter school law allows for independence in many ways against a promise that the charter school will provide students outstanding education beyond the state average produced. One stipulation in the SC Charter school law is that a charter could get revoked almost immediately for putting in harm's way its students and employees. Meanwhile, by developing, voting, and imposing such a law, conditioned upon budget retraction on a charter school, state legislators have taken away this freedom from us. Liliana stated that as a citizen and board fellow, she is being manipulated to vote in one way. She reported she is truly sorry for those with immunocompromised states and those in fear. She stated she wanted everyone to reach out to the legislators who are taking away the freedom of the board to decide in favor of what our constituents are telling us to do. She noted that we, as Board members, don't have that freedom because it is taken away by this law going against

the charter schools. She hoped she had explained what has happened to the PSA board and how our hands are tied. That each board member, regretfully, is unable to vote as we pleased - as our conscience, heart, and knowledge dictate - because we are being manipulated to vote one way and we do not have the freedom to decide otherwise. Liliana also stated the law (the way stated today and the budget proviso) states that if we use state money, which funds our building, our employees, and activities, we are in position to be shut down. She noted there is nothing in the law that prevents us from taking a stand if we don't use state money. In her opinion, this is how our community should come together and she also raised the possibility of the PCA providing assistance. She noted that for those who don't fear, they should take the stand because if they don't believe Covid is true, then they have nothing to fear so they should come and help those who do fear.

-Susan stated she had little to add to the points raised by the Board members. She stated it would be lame of her to vote in favor of a mask mandate because it would mean nothing because it would be unenforceable and overruled based on recent information which came out. She wants students and teachers to wear masks because she wants her kids and students to go school in person and this is the easiest way to ensure that we can continue to go to school in person. She is sorry that she is unable to do what she really wants to do.

-Bryan stated to everyone listening (students, parents, administrators, teachers, and staff) that we have heard their voices, and we want to do what is best for the school. We have exhausted every avenue we could - including trying to utilize the federal land/base mask mandate - and we could have appeased those teachers having concerns with their ability to teach with social distancing etc.. He knows of no way the board could act to enact/enforce a mask mandate. Bryan implored all of our families to wear a mask and stated that he knows people are at PSA because they want to do what is best for their children. He asked that everyone continue to do what is best for their children and PSA as a whole and implored children to wear masks while on campus. He stated that perhaps/hopefully, the PCA could come up with an avenue that we as a Board could not.

Vote: by name, below

Board Members	Bryan Coppage	no	Cynthia Hall	abstain	Mary Brown	no
	Joel Baughman	no	Susan Durand	abstain	Liliana Hudescu	abstain
	Faith Bongiorno	no	Jason Colonna	no		

Liliana explained that she abstained from this vote because she wanted legislators to see in our minutes what a difficult decision it was and that she is not voting against the passing the mask mandate, that she is actually saying that legislators took away her freedom to vote and manipulated her into being unable to exercise her ability as a board leader.

Motion: Authorize Joel to draft a letter to be sent to the PSA community on behalf of the Board regarding our position.

Made by: Mary

Second by: Faith

Vote: unanimous of those present

Board Members	Bryan Coppage	X	Cynthia Hall	X	Mary Brown	X
	Joel Baughman	X	Susan Durand	X	Liliana Hudescu	X
	Faith Bongiorno	X	Jason Colonna	X		

Discussion: Joel indicated he would be happy to do this with commentary from the Board prior to it being sent. There was additional discussion that the Board will issue the statement and Joel will draft it and be the point person in the letter's creation.

- IV. Adjournment at 9:33pm
 - Motion to: Adjourn
 - Made by: Faith
 - Second by: Liliana
 - Vote:

Board Members	Bryan Coppage	X	Cynthia Hall	X	Mary Brown	X
	Joel Baughman	X	Susan Durand	X	Liliana Hudescu	X
	Faith Bongiorno	X	Jason Colonna	X		

****This public meeting was recorded****