

**Andover Central School  
Board of Education Meeting – Special – Grievance Hearing  
May 31, 2022 – 6:00 PM**

**A. Call to Order at \_\_\_\_\_**

**B. Pledge of Allegiance**

**C. Superintendent's Report**

---

**D. Public Comments** – The Board of Education invites public comments in Open Forum at this time. Each individual speaker is allotted 3 minutes. The Board is here to listen to your comments or concerns. The public comment period is not designed to be a discussion, so please do not expect The Board to respond to your comments, concerns or questions tonight. If need be, The Board may follow up with you during the week, at a future meeting, have the proper staff member get back to you at the appropriate time, or just listen carefully and value your input.

**E. Presentations – NONE**

**F. Board Dialogue/Information –**

**F1. Juul Lawsuit follow-up**

**G. Consent Agenda – New Business Resolutions**

**G1. Authorize the Resolution of the Board of Education – for the participation in the Juul Litigation**

Motion \_\_\_\_\_ Second \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

**H. Consent Agenda – Grievance Hearing**

**I. Items removed from Consent Agenda**

---

**J. Executive Session to discuss the employment history of a particular person**

Move to Executive Session - \_\_\_\_\_

Return to Regular Session - \_\_\_\_\_

**K. Adjourn at \_\_\_\_\_.**

Motion \_\_\_\_\_ Second \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

# SCHOOL DISTRICT V. JUUL LABS, INC

FRANTZ LAW GROUP,  
APLC

ATTORNEYS:

JAMES FRANTZ

WILLIAM SHINOFF

REGINA BAGDASARIAN

# E-CIGARETTE USE BY STUDENTS

Between 2011 and 2015, e-cigarette use among high school and middle school students increased 900%.

- Between 2017 and 2018, e-cigarette use increased 78% among high school students, from 11.7% of high school students in 2017 to 20.8% of high schoolers in 2018.

- Among middle school students, e-cigarette use increased 48% between 2017 and 2018.

In 2018, 4.9 million middle and high school students used tobacco products, with 3.6 million of those students using e-cigarettes.

Between 2017 and 2018, the number of youth e-cigarette users increased by 1.5 million.

# E-CIGARETTE USE BY STUDENTS

---

According to the Centers for Disease Control and Prevention (“CDC”) Director Robert Redfield, “The skyrocketing growth of young people’s e-cigarette use over the past year threatens to erase progress made in reducing tobacco use. It’s putting a new generation at risk for nicotine addiction.”

# NICOTINE USE EPIDEMIC CAUSED BY JUUL

A major cause of this epidemic is JUUL, Labs, Inc., the maker of the JUUL e-cigarette.

Juul entered the e-cigarette market in 2015 and now controls over 70% of it.

Over a million JUUL e-cigarettes were sold between 2015 and 2017.

In 2017, JUUL generated over \$224 million in retail sales, a 621% year over year increase.

By June 2018, sales had skyrocketed another 783%, reaching \$942.6 million.

Juul's nicotine content is one of the highest among e-cigarettes on the market.

# NICOTINE SALTS: JUUL INNOVATION EASES CONSUMPTION OF NICOTINE

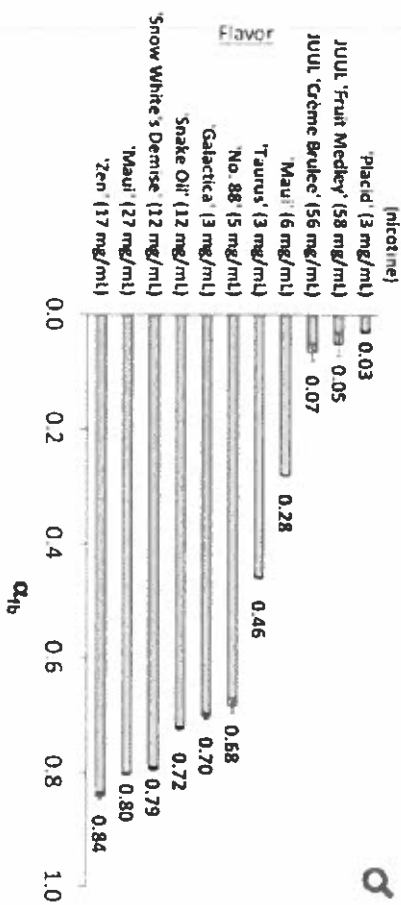


Figure 3  
Nicotine concentration (mg/ml) in various JUUL E-cigarettes as an average using automatic puffs H<sub>1</sub> and H<sub>2</sub>. The ranges between the base values are indicated. Nicotine amounts as indicated to the right of each name were determined by NMR analysis, relative to the 70 mg/ml standard.



# GOVERNMENT INVESTIGATION INTO JUUL LABS, INC.

JUUL's market dominance has attracted the attention of government regulators, including the FDA.

On **February 24, 2018**, the FDA sent a letter to JUUL expressing concerns about the popularity of its product among youth and demanding that JUUL produce documents regarding its marketing practices.

As of **October 2019**, the FDA, the Federal Trade Commission, multiple state attorneys general, and the U.S. House of Representatives Committee on Oversight and Reform have all commenced investigations into JUUL's role in the youth vaping epidemic and whether JUUL's marketing practices purposefully targeted youth.

On **September 9, 2019**, the FDA warned JUUL that it has violated federal law by making unauthorized representations that JUUL products are safer than cigarettes.



# TEEN NICOTINE ADDICTION CAUSED BY JUUL

---

JUUL has compelled a generation of youth, who were never cigarette smokers, into nicotine addiction and put them at risk for severe lung injury and/or health harms resulting from aerosol inhalation.



# JUUL AND SCHOOL DISTRICTS

- **School Districts** are the primary entities affected by the JUUL crisis.
- Schools are on the front-line of fighting this epidemic.
- JUUL use has invaded school bathrooms—now known as “the JUUL room.”

# JUUL AND SCHOOL DISTRICTS

---

- Rampant JUUL use has effectively added another category to teachers and school administrators job descriptions; many now receive special training to respond to the various problems that JUUL presents, both in and out of the classroom.
- A national survey of middle schools and high schools found that **43.3% of schools have had to implement not only an e-cigarette policy but a JUUL specific policy.**
- Participants in the survey reported multiple barriers to enforcing these policies, including the discreet appearance of the product, difficulty pinpointing the vapor or scent, and the addictive nature of the product.



# JUUL AND SCHOOL DISTRICTS

Across the United States, schools have had to divert resources and administrators have had to go to extreme lengths to respond to the ever-growing number of students using JUUL's on school grounds.

## According to the Truth Initiative:

More than 40 percent of all teachers and administrators reported their school uses camera surveillance near the school's restroom.

Almost half (46 percent) reported camera surveillance elsewhere in the school.

23 percent reported using assigned teachers for restroom and surveillance.

Schools have paid thousands of dollars to install special monitors to detect vaping, which they say is a small price to pay compared to the plumbing repairs otherwise spent as a result of students flushing vaping paraphernalia down toilets.

Other school districts have created new positions for tobacco prevention supervisors, who get phone alerts when vape smoke is detected in bathrooms.

# JUUL AND SCHOOL DISTRICTS

---



Many schools have shifted their disciplinary policies in order to effectively address the JUUL epidemic. Rather than immediately suspending students for a first offense, school districts have created anti-vaping curricula which students are required to follow in sessions held outside of normal school hours, including Saturdays.

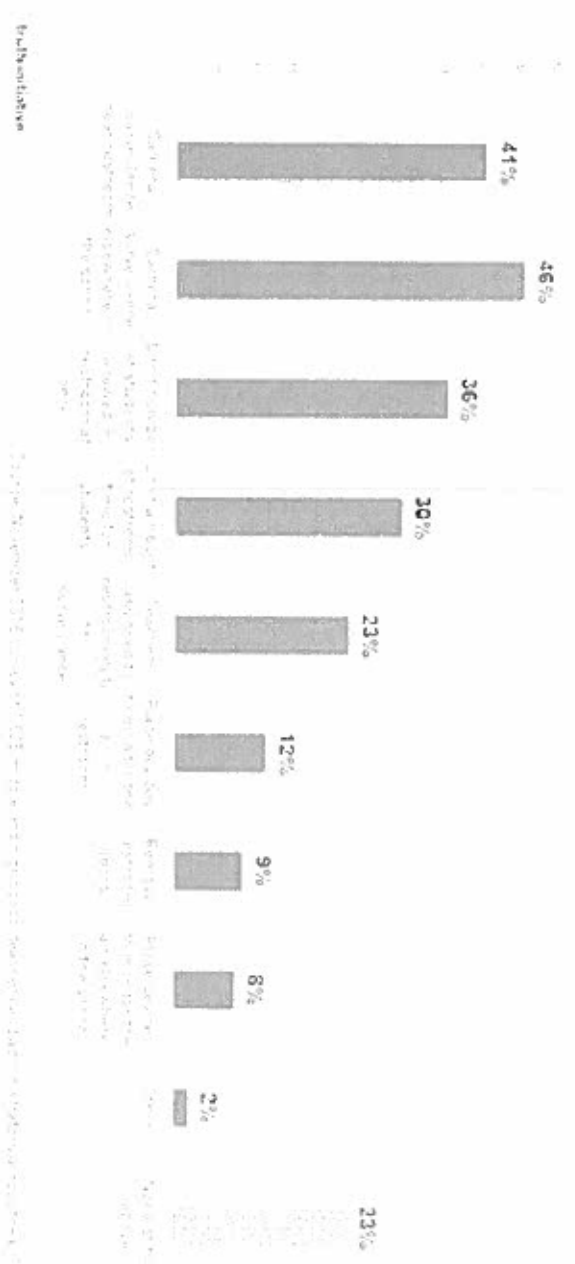


This extra work requires atypical hours early in the mornings and on weekends.



# TREATING YOUTH NICOTINE ADDICTION

What have schools done about e-cigarettes?



# DAMAGES SUFFERED BY SCHOOL DISTRICTS AS A RESULT OF THE JUUL EPIDEMIC

---

The surge of vaping disrupts the learning environment as educators have to deal with the prevention and detection of student vaping and modify school property and school operations in response to the problem.

- With respect to students who are caught vaping, administrators must expend time and resources to deal with the problem and provide supports (e.g. positive behavioral intervention.)
- Because standard smoke detectors are not sufficiently sensitive to detect vape smoke and interferes with fire alarm detectors, the District would need to retrofit its detector systems or procure vaping detectors to fully monitor and prevent in-school vaping on middle school and high school campuses.



# DAMAGES SUFFERED BY SCHOOL DISTRICTS AS A RESULT OF THE JUUL EPIDEMIC

---

- The vaping epidemic hurts individual student learning.
- Vaping has led to a rise in student absence due to sickness or absenteeism.
- Vaping hurts all students in the District, not just those who do it, through less school funding from the State for school operations.
  - The vast majority of revenue the District receives is tied to daily student attendance.
  - Student absence due to vaping related issues cause a reduction in state funding for the District, which inherently results in less funding to spend on learning for all students.



# DAMAGES SUFFERED BY SCHOOL DISTRICTS AS A RESULT OF THE JUUL EPIDEMIC

Vaping hurts all students by diverting funds away from learning toward anti-vaping educational campaigns, as well as vaping prevention, and treatment.

For example, a District would potentially have to divert services and funding away from implementing specialized programs, lowering class sizes, improving technology, enhancing curricular materials, and academic reading and math instructional intervention programs for students who are struggling academically. The District instead must put additional resources into addressing the vaping harm within the District.

Districts will continue to incur extensive costs to orchestrate outreach regarding the risks of vaping, to enforce restrictions regarding vaping in school (for example, through vape smoke detectors), and to develop and carry out protocol associated with the collection and disposal of vaping products.

In the absence of student vaping, these funds could have gone to the District's core activity--educating youth.

## HOW FRANTZ LAW GROUP CAN HELP

---

- Filing of a lawsuit on behalf of the District to recover damages associated with dealing with this crisis.
- Litigate the matter on behalf of the District (i.e. conducting discovery, motions, trial)
- Regular updates to the administration and board on the status of the litigation.
- Recoup past and future costs to the District related to the JUUL vaping epidemic.
- Provide free educational workshops to students and parents on the harms of vaping and how to find support for students who are trying to quit vaping.



# WHY CHOOSE FRANTZ LAW GROUP, APPLC

- Over 100+ years of experience litigating cases in state and federal court.
- Past experience representing School Districts in state and federal court.
- Over \$500 million recovered in verdicts and settlements.
- Integral role in recovering approximately \$2 Billion (along with other counsel) for wildfire victims against SDG&E/SEMPRA Energy\*
- Currently representing over 4,000 clients against PG&E for the 2017 and 2018 wildfires which has resulted in a tentative \$13.5 billion settlement.\*\*
- Represent 199 victims in the 2017 Las Vegas shooting which resulted in an \$800 million settlement for our clients along with other plaintiffs.\*\*\*
- Currently representing over 1000 clients against SoCal Edison in the Thomas and Woolsey Fires.
- Successfully represented (through settlement or trial) approximately 500 wrongful death matters.
- Currently represent families in 31 individual wrongful death cases with respect to the Thomas Fire/Mudslides and the North Bay and Camp Fires.

\* Results in other matters are not a guarantee or prediction of the outcome of your legal matter. Results are dependent on the facts of each case, and different facts can result in different outcomes.

\*\* Tentative settlement which awaits further review of the PG&E Plan of Reorganization by the CRJC and the Bankruptcy Court.

\*\*\* The settlement is conditionally resolved subject to the satisfaction of some outstanding requirements.

# AWARDS

---



American Board  
of Trial Advocates



## **RESOLUTION OF THE BOARD OF EDUCATION PARTICIPATION IN JUUL LITIGATION**

WHEREAS, this Board of Education is aware that over the past ten (10) years Juul Labs, through its advertising, allegedly misled children to believe that their product was not harmful when in fact, e-cigarettes contained ten (10) times the amount of nicotine than a “traditional” cigarette; and

WHEREAS, the manufacture, distribution and marketing of vaping products has resulted in widespread negative consequences for the people of this nation, including addiction, developmental disabilities in children, death and major expenditures of money; and

WHEREAS, this Board believes that the school districts of this nation, including our school district, have suffered significant damages as a result of vaping product abuses, including expenditures of public funds to address the detection and impact of these abuses on students teachers, other staff and taxpayers of this District; and

WHEREAS, a number of other school districts have filed or will be filing legal claims in a lawsuit entitled *In Re: Juul Lab, Inc. Marketing, Sales Practices and Products Liability Litigation*, Case No. 19-md-02913-WHO, pending in the United States District Court for the Northern District of California, for the purpose of pretrial proceedings, including potential settlements of claims seeking compensation for the impact of the vaping epidemic on school districts;

NOW, THEREFORE, this Board hereby authorizes the following:

1. That this School District hereby elects to file claims in the *In re Juul Labs, Inc.* litigation and to join in the class action lawsuit to recoup damages inflicted by the vaping; and
2. That this Board appoints the following law firms to represent the District's interests in the vaping litigation:
  - a. Frantz Law Group, APLC (William B. Shinoff, Esq., of counsel, San Diego, California);
  - a. Hodgson Russ LLP (Buffalo, New York); and
3. That this Board directs the Superintendent of Schools and the Administrative Staff to cooperate with the appointed attorneys to gather the necessary data and take other required actions necessary to assist the law firms in representing the foregoing interests of this District; and

4. That this District will expend no resources or funds for its participation in this litigation, other than the personnel time required to gather data necessary to participate in the litigation.