

Mom gets day in court over records about COVID masking in schools

Peg Quann

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The fight over emails and documents surrounding a change in guidance to schools during the coronavirus pandemic in 2021 made its way to court Thursday, but no decision was rendered.

Bucks County parent Megan Brock, of Northampton, represented by Judicial Watch, said she is still waiting for documents she won in a public records battle with Bucks County. The county's attorney Thursday, however, said all available records that exist have been turned over.

Last year, Brock and Jamie Cohen Walker, of Chalfont, won their open records appeals seeking documents related to COVID-19 recommendations concerning masking in schools made in 2021. The women won their appeals through the state Office of Open Records but the county, in turn, appealed that reversal in Common Pleas Court, bringing the matter to a hearing Thursday.

The women said they are still fighting the lawsuit brought against them by Bucks County to prevent them from receiving emails on how county officials issued a directive in late August 2021 impacting students and school protocols around COVID.

Brock and Walker have been outspoken opponents to changes the county made in its coronavirus recommendations for school districts, and the transparency around how those decisions were made.

Walker said Thursday the changed guidelines were to keep children home from school but, at the time, county officials said the updated recommendations were about masking children in schools amid concern by area hospitals about not enough pediatric beds if many children came down with COVID and needed hospitalization.

The fight for records in COVID fight in Bucks County

Attorney J. Chadwick Schnee, who has written books about Pennsylvania's Right to Know laws, represented Brock in court as he was hired by Judicial Watch to represent her. Judicial Watch states it is "a conservative, non-partisan educational foundation, which promotes transparency, accountability and integrity in government, politics and the law."

Attorney Meredith DiLiberto, who works for Judicial Watch, was also in the courtroom with Schnee.

Attorney Keith Bidlingmaier, representing Bucks County, said the county complied with the requests and no further records exist that were requested and can be disseminated.



Standing outside the Bucks County Justice Center in Doylestown Thursday following their press conference are (from left) state Sen. Jarrett Coleman, R-16, Jamie Cohen Walker, Megan Brock, and attorneys Meredith DiLiberto and J. Chadwick Schnee. PEG QUANN / STAFF PHOTOJOURNALIST

Schnee told the judge that the county's search for documents and emails related to the recommendations "was not sufficient" and that officials failed to turn over factual information in "internal predecision documents." Information from those documents that was "purely factual should be severed and provided to the public," he said. And logs of how the county determined what it was providing also should have been available.

He said information in "internal predecision documents" as well as information related through attorney-client privilege are protected by section 708.B10 of the Right to Know law, but can be reviewed by the judge.

Bucks County Judge Denise Bowman said she would take the issue under advisement before issuing a decision.

Walker's case will be heard in late May or June.

Megan Brock and Jamie Walker hold news conference outside courthouse

Brock and Walker held a news conference after the court hearing saying they are determined to learn how the back-to-school guidelines proposed by county health director Dr. David Damsker were changed in late August 2021 before the start of school.

Walker said her case relates to Commissioner Diane Marseglia's second email account. Walker had requested emails related to the county's pandemic response to the education issues from

Marseglia and said emails from a second account weren't reported.

Brock said that obtaining the emails is important to people wanting to understand the pandemic's effects on education. "At the end of the day, if we have records, it eventually ends all the questions," she said.

Walker said citizens are entitled to find out how decisions are made, especially when they are impacting so many children.

"I asked for the emails ... I won these emails already, the county is refusing to release these emails," she said. "I want to understand what was going on, this guidance impacted 80,000 children and is contributing to the current mental health crisis by our children today."

State Sen. Coleman wants to know too

State Sen. Jarrett Coleman, R-16, supports Walker and Brock's efforts. He is chair of the state Senate's Intergovernmental Operations Committee and said his primary concern was understanding the decision-making process, and who intervened and for what reason and how they impacted the education of children.

He said he wants to help the commonwealth know how to approach any future emergency.

Bucks County spokesman James O'Malley said no county officials would comment on the case while it was in litigation.

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