

February 1, 2021 Board of Education Emergency Meeting (Monday, February 1, 2021)

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A. Call To Order

Welcome by Board President Tom Hansen

B. Roll Call

Board President, Tom Hansen
Board Member, Cory Holmes
Board Member, Marianne B. Allen
Board Member, Kimberly Dickerson
Excuse Board Member Tyler Bluth

C. Community Comment

Open for Public Comment - No Public Comment Requests

D. Action Item

Action: 1. Emergency Vote to Transition to Online School at WHS and TMS

Tom Hansen - This evening's study session was very informative from guests and presenters around COVID as it impacts schools and our students. We received a lot of great information to help make these important decisions.

I will entertain a motion, based on the increase COVID cases numbers in TMS and WHS that the board of education moves those schools into Online Learning, closing the two schools for 10 calendar days.

Supt. Sweat - In this unique circumstance, I would inform the board in the event of a tie. "A tie vote means the motion is defeated. If the stalemate is on an issue of particular importance, the board may wish to reconsider it. However, it can do so at the same meeting only if the motion to reconsider is made by a board member who voted against the measure. Any member of the board can present an alternative motion however, the motion may be ruled out of order by the president or by a vote of a board if the alternative is deemed too similar to the original defeated motion". I am not sure of the legality of Tyler voting by just phoning in his vote, he would need to be on the call.

We can not close schools tomorrow. This is a disruption in the lives of families. The earliest we could consider closing would be Friday or Monday.

Marianne Allen - So moved (motion to entertain).

Tom Hansen - Motion dies, no second from board members.

Tom Hansen - For clarification as a new board and as we are moving together as a board - at any point in time a board member can make a motion, but a second is needed to open for the vote to finalize a vote. To move to an emergency meeting we were required to make an attempt to call all board members. Board Member Bluth said that if he needed to call in he would.

Marianne B. Allen - I truly believe that the best place for kids is in schools. I'm not comfortable going against what the health department has said. The constituents that I have been hearing from have said they have concerns about the schools staying open safely. I worry about the legal implications and for teachers and staff that are not comfortable with the inconsistencies. One parent said that "I trust them with my kids, I trust that they would keep them safe in accordance of what the thresholds are." If the health department says there is a threshold that is not healthy I am not comfortable keeping schools open. I made a motion to transition in hopes of preventing the trends from getting worse. My reasoning is to be able to have prom, and in person graduation - we make have to make a hard decision now for those things to happen later. As for bringing the attorney, I just want to open it up for legal conversations. Our health department is saying that they are not comfortable with what is happening. I was hoping to piggyback on a 4-day weekend. I am a teacher, parent, coach and I know school is the best place for students, until it is deemed unsafe. I respect my fellow board members for the time, research and thoughts they have put toward making this decision as well.

My question for the attorney is to ask if there are legal liabilities for not transitioning when the thresholds exceed what the health department is comfortable with.

Jared Anderson, District Attorney - The statute is specific, if the district goes against a directive that local health agency has set. To my knowledge, that has not happened. The only governing authorities that have the ability to close schools are the governor, the state board of health and the local health agency. The distinction between transitioning to online and closing a school has not been ruled on, the statute could be read that closing a building could be interpreted as a closure.

Supt. Sweat - To clarify Randall's presentation tonight wouldn't rise to the level of defying an order from the local health department.

Jared Anderson - At the beginning of the outbreak we saw a series of orders from the Governor and State School Board.

Randall Probst - One of those orders that is standing is the requirement to wear masks. My purpose is not to exercise an authority to close schools, just to see that measures are taken and a plan is put in place to respond immediately to the trend that we are seeing. We are supportive of making sure that something is happening.

Tom Hansen - The COVID-19 school manual helps clarify that the governor, health department and state health department have legal authority to close schools in a health emergency, the local school board will help decide if a school will move to remote or hybrid learning during the pandemic. The local health department should be the consultant. Many things will be considered in the social emotional and academic wellbeing of the growth of the students. Tonight we addressed and listened to experts to help us work through the process to discuss the transition. The board has now had an opportunity to express opinions and vote. I feel like it was a successful evening.

D. Adjournment

Motion to adjourn the meeting by Cory Holmes, Second by Kim Dickerson