

**BUENA VISTA CITY PUBLIC SCHOOLS
BUENA VISTA, VIRGINIA
MINUTES
CALLED MEETING
AUGUST 16, 2021
6:00 PM**

School Board Members present: Teresa Ellison, Mac Felts, John Roberts, Lisa Kerr, John Rice and Roy Mohler. Absent: Wayne Flint. Also present: Anthony Francis, Gennifer Miller and Sandra Mohler.

Meeting was called to order at 6:00 PM. The Pledge of Allegiance and a Moment of Silence was observed.

Motion was made by Mac Felts to approve the Agenda. It was seconded by John Rice and passed by a 6-0 vote.

Welcome of visitors and public comments: Stan Coffey – I asked some questions at the last meeting, and was told that the Board had to discuss it with your attorney, I was wondering if that happened?

Teresa Ellison – Yes, the Board will go into a closed session to talk to the attorney tonight.

Presentation – Update on the school opening plan. Dr. Francis – The main change is that mask are required for all students, staff and visitors. We will follow the CDC guidelines. Outdoors requirements are unchanged. Not required to wear a mask outside. Masks are required indoors. Masks would be required for visitors, players for volleyball games. Mask would be optional for other VSHL sports since they are held outdoors.

Audience – Stan Coffey – Is the mask mandate law?

Dr. Francis – It is a state law, a state mandate from the Governor. When we go into closed session, the Board can ask any questions they want. The School Board needs to hear it. It's good for the Board to get insight from the attorney. We will provide masks for students and staff. Transportation federal mandate has not changed, drivers and students must wear a mask. Recess – must follow all CDC guidelines. I did talk to the attorney multiple times before this presentation. We will talk to our school attorney in closed session tonight to clarify some issues. No changes to the remainder of the plan. Only change is the requirement of universal masks, which does not take into effect vaccination status. Mask use is required for all students, staff, and visitors regardless of vaccination status. BVCPS will follow CDC guidelines as mandated by Code of VA (SB 1303/Public Health Order).

Motion was made by Lisa Kerr that we go into Closed Session for the consideration and the discussion of personal matters as it relates to performance, appointments, new hires, resignations and retirements according to {State Law § 2-2-3711 (A) (1)} and for consultation with legal counsel retained by the School Board for legal advice pertaining to mitigation strategies {State Law § 2.2-3711 (A) (8)}. It was seconded by John Rice and passed by a 6-0 vote.

Motion was made by Mac Felts to adjourn Closed Session. It was seconded by John Rice and passed by a 6-0 vote.

Certification was read and the Board was polled.

Mr. Felts – yes
Mr. Roberts – yes
Mrs. Kerr – yes
Mr. Rice – yes
Mr. Mohler – yes
Ms. Ellison – yes

Mac Felts made the motion to accept the updated School Opening Plan for the school year 2021-2022 as presented by Dr. Francis. It was seconded by John Rice and passed by a 6-0 vote.

Lisa Kerr made the motion to accept the resignations of Catherine George and Janet Stevenson as paraprofessionals effective August 13, 2021. It was seconded by Mac Felts and passed by a 6-0 vote.

Lisa Kerr made the motion to accept the resignation of Tyler Staton as a Physical Education teacher at Kling effective August 11, 2021. It was seconded by John Rice and passed by a 6-0 vote.

Lisa Kerr made the motion to approve the hiring of Ashley White as Nutrition School Manager effective August 17, 2021 pending satisfactory background check. It was seconded by Mac Felts and passed by a 6-0 vote.

Lisa Kerr made the motion to hire Tammy Hickman and Kirkland Campbell as Paraprofessional in Buena Vista City Public Schools effective August 17, 2021 upon completion of a satisfactory background check. It was seconded by John Roberts and passed by a 6-0 vote.

Teresa Ellison - Does any School Board Members have any comments or questions?

Roy Mohler – Here is what we learned.

- 1) Question – Is this a law? In March the law stated you must adhere to the recommendations of the CDC. CDC does not make laws but the Senate Bill with the statement we must adhere to CDC recommendations.
- 2) When asked how some schools are balking at wearing masks, how can they get away with not adhering the law? The attorney said to stay tuned they will not get away with it for long. As law suits will be popping up
- 3) We asked what would happen if we did not require masks? Attorney said not everyone has the same insurance carrier. Our insurance carrier has told us that they would not cover us if someone gets sick and we get sued because we did not follow the law. That's why we decided to uphold the Governor's law.
- 4) Don't have to wear masks outside. Planning to have mask breaks during the school day, more outside time.
- 5) Could the child take off their mask at their desks? No, CDC does not allow that.

Audience – Can we request a waiver for our children?

Roy Mohler – The only exemption possible would be medical. Would have to be a serious medical condition to qualify for a medical exemption.

Dr. Francis – Note from the Doctor. We would have to create a Health Care Plan. Similar to a 504. Doctor provides documentation that the child medically cannot wear a mask. Coordinate with our Nurse and the doctor to make accommodations. There could be some other options like face shields and social distancing.

Audience – What about religious exemption?

Mac Felts – That question was asked and the attorney said if the child wore a mask last year, then why would are they asking for a religious exemption this year?

Dr. Francis – But, you could always submit one. Our attorney was not aware of any religion that outlaws wearing a mask.

Roy Mohler – You can submit a request for religious exemption?

Dr. Francis – We would submit any requests to our attorney for review. Approval will be based on the attorney's recommendation.

Audience – I don't really understand about the insurance. How the school would be responsible for my child? My insurance would cover my child.

Lisa Kerr – It's not medical insurance.

Mac Felts - We are talking about civil insurance. If someone gets sick and they sue the School Board. Civil litigation. Regarding waivers – If we allow a child a waiver and another child gets sick with COVID and they sue us because we allowed a waiver for a child not to wear a mask. If that child gets seriously ill, the School Board is on the hook because we allowed the waiver to take place, according to our attorney. Everyone in this room is dissatisfied with this mandate. The only way we can change it is on Nov 2nd. I promise you every Board member agrees with you. We hear you and we understand you, we are in your favor, but we don't have the money to fight a law suit. Our insurance will not cover us and we don't have the money in our pockets. Sorry.

Audience - SB 1303 law is in effect through August 1, 2022. It concerns me about recommending vaccinations for 12 and up. Did you ask this question?

Roy Mohler – its two fold, CDC guidelines and the Governor push it through. With the Governor saying you have to follow CDC guidelines shuts the door on us.

Teresa Ellison – We don't know how the disease will change. We keep hearing more and more people coming down with the virus. There are new vaccines coming out for younger children. We don't know what to expect in the future. We have to do the best we can right now.

Audience – If the School is required to following CDC guidelines concerning vaccinations, would the School be responsible to getting kids vaccinated.

Lisa Kerr – That was not one of the questions asked. We went through the questions asked during the last meeting.

Audience – Can you ask?

Lisa Kerr – yes we can definitely ask.

Audience – Can you make accommodations for locker rooms? I don't want any male in the bathroom with my child.

Dr. Francis – Only one student is allowed in the bathroom at a time. Monitors will be outside the bathroom to make sure only one student is in the bathroom at a time. Any student can request a private changing area or private shower area. 2nd part is students are not required to dress out for PE. It's optional, but if a student feels the need to change for PE they can request a private changing area.

Audience – Do you have room to accommodate one student at a time?

Dr. Francis – We did it last year. The High School and Middle School can arrange to follow the same procedure again this year. It is not an issue at the elementary schools because there is a bathroom between classrooms. They are single use anyway. It was done last year because of COVID. We have the staff and the means to do this. The High School and Middle School have a plan.

Audience – What happens if a young lady walks in the restroom and there is a male in there and he touches her?

Dr. Francis – If there is only one student in the bathroom at a time – That cannot happen. Procedure is the bathroom monitor lets one student in the bathroom at a time. When one student comes out the next one goes in.

Audience – Who is the bathroom monitor?

Dr. Francis – We have staff to do that. It is in place. It has already worked and it should work this year.

Audience – Coffey – Does a transgender student have to notify you, that they identify as transgender?

Roy Mohler – Yes, they would have to let us know. A boy cannot say they are a girl today and go into the girl's bathroom. They will be taken to the office and questioned. They cannot change gender from day to day. They have to go through a process where a group of people will decide if it is legit or not. Lawyer used this as an example: if the team captain joking runs into the girl's bathroom to be funny, you can certainly discipline him.

Mac Felts – The parents would have to be brought in to consult with the principal and superintendent. If the student is under the age of 18.

Audience – What about sports?

Mac Felts – If they want to participate in sports, a transgender student would have to receive approval from VSHL before they can play. VSHL would have to approve their application.

Dr. Francis – Application goes to the district first and the student would have to identify themselves as transgender. Ask for permission to play. Will then go to a district committee. Final step ends with the Executive Director of the VSHL for approval. It's a long process. If a student decides tomorrow they want to play, they could not participate until they received approval from VHSL. it's going to take a while to get through the process to meet VHSL requirements. I am not aware of any student in the Pioneer District that has made this type of request.

Audience – What population of transgender students are you working with now or do you anticipate working with in the coming school year?

Dr. Francis – I am not aware that we have any, but school has not started yet. I am not aware of any student who has met with any of our principals and has asked to use a bathroom or locker room of the gender they identify with as of today.

Audience – I know we are a small school system and you have to go through a process, but is there some kind of identification created for transgender students in case someone does not know they are transgender?

Dr. Francis – If something arises, that student would have to meet with the principal and counselor. If they are under 18 their parents would have to come in and discuss it and come up with a plan. If a student identifies as transgender they can also ask for a private restroom and locker room.

Audience – If my granddaughter decides to dress out. Is there a chance she could have a transgender student changing beside her? Or would it be announced to her that this student is transgender. How do they know? I think they all should be able to dress out and be comfortable with their own sex.

Dr. Francis – Any student can ask for a private changing area or private locker room. If a student is not comfortable, they need go to the school administration and tell them they are uncomfortable and request a private changing area if they feel they must dress out for PE. The administration will provide them with a private changing area.

Teresa Ellison – We appreciate your questions. We have a couple of questions we need to get answers too. We appreciate you letting us know your concerns. We do understand your concerns, but in many ways our hands are tied. We try to always consider our student first and do what is best for them. Anyone who feels uncomfortable in the shower or dressing out should let the guidance counselor, or administrator know their concerns.

Audience – Do all parents know their children have these options?

Dr. Francis – Elementary does not have locker rooms. We could have the high school send out something to notify parents of 8th – 10th grades that take PE. Let them know their child can request a private changing area or shower.

Audience – I appreciate the courtesy of the Board. Can you address critical race theory?

Dr. Francis – We don't teach critical race theory in Buena Vista. We don't plan to.

Audience – it's cultural responsive teaching which is a form of critical race theory. DOE will evaluate teachers on this.

Teresa Ellison – As far as I know that is still in process and not required.

Audience – It is required by 2022.

Dr. Francis – Training is required by the end of 2022 and teachers will be evaluated in 2023-2024. Cultural responsible teaching is not critical race theory. Critical race theory is usually subject matter taught at college or master degree level, which has a lot of elements in there that are concerning to people. Cultural responsible teaching will be released from the DOE in December 2021, We will then know what to expect.

Audience – Right now, you don't know what the cultural responsible teaching will consist of?

Dr. Francis – DOE is still working on it.

Audience – This is the training manual for cultural responsible teaching. This manual makes direct reference to critical race theory. This is a training manual.

Dr. Francis – I am not aware if that has been adopted by the DOE.

Audience – This book is on the reading list for the DOE.

Dr. Francis – It is a resource, it is not mandated that you use it. The training material is not available yet. Training does not take place until the spring of 2022. There is a lot of resources at the DOE that divisions can use or not use. We will have to wait and see. We have not been directed to use the book you are talking about.

Audience – Cultural responsible teaching is just a play on words or smoke screen and we are not going to buy it. We are smart enough to know we are being lied to. You work for us, change will come for the state of Virginia.

Audience – Please be aware of CRT.

Audience – To me it seems like we are more separated than ever. Kids need to come together, and accept each other for who they are and what they are. They are pushing kids further and further apart.

Teresa Ellison – We will keep up with it, I promise.

Audience – We have got to stand together for our kids.

Mac Felts made the motion to adjourn the meeting. It was seconded by Lisa Kerr and passed by a 6-0 vote.

Meeting was adjourned.

Teresa R. Ellison
Teresa Ellison, Chair

09-23-2021
Date

Sandra Mohler
Sandra Mohler, Clerk

9/23/2021
Date