

October 11, 2021, Board Workshop

Ms. Elizabeth Andersen, Chairman
Mr. Darryl Willie, Vice-Chairman
Dr. Kelly Coker
Ms. Lori Hershey
Mr. Warren A. Jones
Ms. Charlotte D. Joyce
Ms. Cindy Pearson
Dr. Diana Greene, Superintendent

ATTENDANCE AT THIS MEETING OF THE DUVAL COUNTY SCHOOL BOARD: All Board Members were present. Dr. Diana Greene, Superintendent, and Ms. Rita Mairs, Office of General Counsel, were also present.

Call Meeting to Order

The meeting was called to order at 1:04 P.M.

Items to be Discussed

Chair Andersen stated items to be discussed and turned it over to Dr. Greene.

1. SUSPENSION CRITERIA OF FACIAL COVERING EMERGENCY RULE

Dr. Greene shared a PowerPoint presentation (see attached) with COVID-19 updates and a COVID-19 Weekly Situation Report: State Overview handout. She explained the weekly situation report to include the report for Duval County which was highlighted.

- Dr. Greene shared insight on the percentages included to explain the positivity rate of change for each category and percent positivity. Within this presentation Dr. Greene reviewed the Center for Disease Control and Prevention (CDC) website and shared insight as to where we are today.

Board member Darryl Willie arrived at 1:08 p.m.

- Dr. Greene explained the chart is probably saying we are between the last two predicted forecast for cases per 100,000 and if this maintains the trajectory and the trend that hopefully

in 2 weeks, we will meet the higher end in the model on page 3.

- Dr. Greene continued with the presentation explaining slide 4 as being a screenshot of Duval County's cases.
- Clicking on the link for the metrics produces the determining transmission risk. If the 2 indicators suggest different transmission levels the higher level is selected so we have the possibility of having these into 2 different transmission levels. The CDC suggest that the higher level is chosen to determine the transmission level.
- The prediction (forecast) looked like in 2 weeks the higher number for us per 100,000 will get to moderate which is 49 or less, between 10 & 49.
- Chair Andersen thanked Dr. Greene for the brief synopsis.
- Chair Andersen asked to hear from the Office of General Counsel.
- Ms. Cook, Office of General Counsel, advised the Board to be thoughtful about conversations due to current litigations. She shared insight on current litigations regarding the mask mandate to include sharing the litigation team has concerns about discussions taken place in a public meeting before they have had the opportunity to get direction from the Board in private or shade contact. It's our position and our advice to you as your attorneys to limit or delay your conversations concerning the mask mandate.
- Ms. Cook explained why the shade meetings are advised and concerns of issues that could rise with pending litigation and she also shared concerns about creating new liability in addition to the cases pending now and what is expected.
- Board member Hershey questioned why the Board Members were not advised of this before the meeting?
- Counsel advised of conversation about this concern however there are certain options that can or cannot be taken when advising as well as the time needed for research before advising in the best interest of the Board.
- Dr. Coker thanked Ms. Mairs for being there for the Board and then asked to advise on future dialog as it relates to the information Dr. Greene shared in the presentation.
- Counsel advised that generally they would not advise an indefinite hold, but the litigation team's priority is to have the opportunity to advise the Board and get their direction on as attorney/client in shade and then be able to fully inform you.
- Ms. Mairs continued the discussion by sharing insight on the rule challenge filed by the district and 3 lawsuits. She shared the importance of understanding the litigation of the cases.
- Chair Andersen asked can the Board move forward with the information that the Superintendent has provided today?
- Ms. Mairs strongly advises to not move forward.
- Chair Andersen apologized to the Board and the Community for not being present in last week's board meeting and asked how would the Board like to proceed?
- Board Member Hershey shared her interest in wanting to have a conversation about the 2nd criteria.
- Chair Andersen shared discussion from the last meeting to assist Board Members. She shared information concerning on agenda item #28, Approval of facial coverings

suspension criteria pursuant to an emergency rule of the Duval County School Board, from the September 7, 2021, Regular Board Meeting, along with the Superintendent's report which was the criteria approved on September 7, 2021.

- Chair Andersen shared insight on conversation and criteria for students.
- Ms. Mairs shared insight on the audio of the meeting and shared the recommendation made in that meeting to include the vote of acceptance or not of the Superintendent's recommendation.
- Board Member Jones thanked the Superintendent for the work that she has done. He recalled the recommendations that the Superintendent had and asked her to share insight on them.
- Dr. Greene shared insight on the recommendations.
- Board Member Jones shared insight and how members of the community felt as it relates to the range. He shared his support of the Board's decision to stick with the moderate range which was recommended by the Duval County Health Department.
- Chair Andersen reminded everyone about the pending litigations and the advice of the attorneys.
- Ms. Mairs shared they will have individual conversations with each Board Member understanding the impact of words.
- Board Member Joyce shared concerns about different policies that are being litigated and that has never in the past stopped policy making and wants to understand why an exception is being made right now?
- Ms. Mairs provided clarity for Board Member Joyce. She shared this situation is unprecedented and should not be compared to other situations.
- Ms. Cook provided more insight as to the advisement to delay conversation at this time.
- Chair Andersen asked if there were other times that discussion took place on this specifically, September 28, 2021?
- This was confirmed by Ms. Mairs, and she shared insight on why the advisement to hold off on discussions concerning this matter was just released.

2. DRESS CODE AS IT PERTAINS TO FACIAL COVERINGS

- No discussion took place due to advice of counsel.

Adjournment

1. ADJOURNMENT

Motion:

That the Duval County School Board move to adjourn the meeting at 1:37 P.M.

Vote Results:

Motion: Darryl Willie

Second: Cindy Pearson

PASSED 5-2

Aye:

Warren Jones
Elizabeth Andersen
Darryl Willie
Kelly Coker
Cindy Pearson

Nay:

Lori Hershey
Charlotte Joyce

MA

Superintendent

Chairman