



Meeting Minutes Duval County Public Schools

August 23, 2021, Emergency Meeting

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 2:01 p.m.

Approval of Agenda

1. APPROVAL OF THE AUGUST 23, 2021, AGENDA

Motion:

That the Duval County School Board approve the August 23, 2021, agenda as submitted on August 22, 2021, with the following changes:

- Amendment of the section of Code of Student Conduct, previously adopted August 3, 2021, pertaining to face masks - Item Added

Vote Results:

Motion: Kelly Coker

Second: Warren Jones

PASSED 7- 0

Aye:

Lori Hershey

Warren Jones
Charlotte Joyce
Elizabeth Andersen
Darryl Willie
Kelly Coker
Cindy Pearson

Nay:
None

Public Comment

The following are against the mask mandate:

- Kallie Orr
- Hillary Lovelady
- Debbie DeSipio
- Melissa Bernhardt
- Joe Myers
- Katie McNeal
- LeeAnn Parker
- Alieria Peterson
- April Carney
- Mark Spencer
- Katie Pelletier
- Margie Barriento
- Brian Kennedy
- Rosi Duca (had to leave)
- Maleana Gay
- Sarah Evans
- Nikole Maddox
- Tia Bess
- Victoria Dykes
- Becky More
- Meredith Holladay
- Nick Cherniavsky
- Tess Perry
- Grace DeLaRosa
- Sarah Tyler
- Tamsyn Bell
- Betty Bentley
- Jordan Warner
- Sterling Warner
- Annalyn Insco
- Eric Bartlett

- Aaron Montgomery
- Dr. Carmen Martinez

The following are for the mask mandate:

- Katie Wisner
- Paulla Murray
- Shannon Shanklin
- JoAnn Brooks
- Hetal Gandhi
- Pastor Kimberly Pullings
- Leslie Kaplan
- Christ Hand
- Rebecca Cardona
- Ben Frazier
- Mike Ludwick
- Donna Deegan
- Richard Reiss
- Suzanna Siebert
- Dr. Jeff Goldhagen, M.D.
- Tango Jordan
- Rev. Aaron J. Flagg, Jr.
- Matt Hartley
- Audrey Keith-Horton
- Tiffany Woodie
- Agata Gardner - read the comments Nicole Alexander
- Kathleen Dumitru

Tim Miller spoke regarding ESE students and mask; transmission of COVID-19; and if the District is having a true emergency, then school activities need to be shut down.

Anna Irby spoke regarding ESE students and against the mask mandate.

Katie Hathaway spoke about her concern of no waiver from the Department of Education regarding exemptions from Emergency Drills during the pandemic.

Nicole Wulf (had to leave) had mask mandates on her card.

Mindy Waldron spoke about no air conditioning in the classroom, proper air-filtration, and crowded buses.

Shawn Eaton spoke about listening to Science or Sudo-Science and the Preamble.

Debbie Tribble (had to leave) had mask mandates on her card.

Lara Hejtmanek spoke about not totally removing the mask mandate, but to have the mask opt-out

option.

Kerry Burke-McCloud - for a mask mandate and better COVID-19 mitigation.

Luis Miguel (had to leave) had mask on his card.

Marnie King (had to leave) had mask on her card.

Dorothy Manning (had to leave) had mask mandates on her card.

Discussion

1. COVID-19 MITIGATION MEASURES

Recess at 5:01 p.m.

Reconvened at 5:09 p.m.

Chair Andersen requested for the guest speakers to introduce themselves:

- Dr. Jeffrey L. Goldhagen, MD, MPH - Professor Community Hospice of Northeast FL/Neviaser Family Professor in Pediatric Palliative Care; Department of Pediatrics; and Division of Community and Societal Pediatrics
- Ernesto 'Tito' Rubio, MPH, Interim Administrator/Duval County Health Department
- Dr. Sunil Joshi - Allergy/Immunologist
- Dr. Mobeen Rathore – Chair of Infection Prevention and Control Committee, Baptist Health System; Hospital Epidemiologist and Chief, Pediatric Infectious Diseases and Immunology, Wolfson Children's Hospital

Dr. Joshi:

- Acknowledged the mitigation procedures that the School District used during the 2020-2021 school year.
- Spoke about the mixed messages about the interventions that the School District used during the 2020-2021 school year.
- Spoke about COVID-19 and children who contracted COVID-19.
- Spoke about the Delta Variant.

Dr. Rathore:

- Spoke about the value of masks.
- Spoke about mitigation procedures.
- Spoke about children and COVID-19.

Dr. Goldhagen:

- Spoke about children catching COVID-19 and the effects.
- Spoke about how decisions need to be evidence-based on the best data and science.
- Spoke about the benefits of wearing masks.

Mr. Rubio stated that it would be a disservice to decide based on last year's data. He added that the variant being dealt with today is much different.

Board Member Dr. Coker inquired about the short-term and long-term effect of wearing masks. Dr. Goldhagen responded that there was no evidence of any medical issues being caused from wearing mask. He also commented on language development of children.

Board Member Jones inquired about the positivity rate and the role it plays regarding masks. Mr. Ernesto responded that when looking at the positivity rate, they look at the percent of people who are positive to the percent of people who are tested. He added that the positivity rate on any given day does not mean that it is the positivity rate in the community. It is used as an example to gauge and understand what is going on in community transmission. He also spoke briefly about the Delta variant and that anything that could be done to mitigate the spread is helpful.

Board Member Jones mentioned that the hospitalizations are lagging indicators of the positivity rate. He wanted to know if that was true. Mr. Ernesto confirmed the statement and added that Duval County's hospital beds were 30% COVID cases.

Dr. Goldhagen briefly spoke about the following:

- The number of cases in a few hospitals.
- The data pertaining to the Delta variant.
- The people more affected by the Delta variant.

Dr. Rathore spoke about the following:

- Children who are positive and asymptomatic
- Data points for positivity rates.

Dr. Joshi chimed in on the conversation regarding the positivity rate.

Board Member Hershey mentioned about the medical field being split regarding COVID. She inquired about the steps that the District needed to take to ensure health safety. Dr. Joshi mentioned that the mitigation strategies that the District used during the 2020-2021 school year worked. He also mentioned that using other mitigations along with mask would be helpful. Dr. Rathmore mentioned that masks were just one critical part that could be done quickly, and then other mitigations could be looked at. Dr. Goldhagen mentioned about this being a dress rehearsal, that there will be other variants and diseases.

Vice Chair Willie inquired would putting a stronger mask mandate in place keep the students safe. There was a consensus of all the doctors and the Director for DOH.

Board Member Pearson inquired if children wear mask at school where they may be exposed to COVID, should they also wear a mask at home to protect their parents, and where else outside should they be worn. Dr. Goldhagen responded that family members should not be wearing mask. Mask should be worn whenever inside, whether vaccinated or not. He briefly spoke about the situations that could warrant not wearing a mask.

Board Member Joyce inquired if all health professionals and pediatricians agree that children

masking children is necessary. Dr. Rathore said stated that there are differences in opinion.

Dr. Goldhagen stated that as a representative of the Northeast Florida Pediatrics Society, he could get a statement to show that they support the wearing of mask.

Board Member Joyce expressed her concern about some pediatricians not agreeing with children having to wear a mask and that parents have the right to follow the advice of their pediatrician. She also inquired at what point do children stop wearing mask since the doctors are saying that there will be more variants. Dr. Rathore stated that they don't know when it will end, only what was currently happening, and that people need to adapt to the changes. Dr. Joshi mentioned about people getting vaccinated as a prevention strategy.

Board Member Dr. Coker inquired how much are parents taking advantage of getting their eligible children vaccinated in Duval County. Mr. Ernesto responded that there is data for vaccination rates by certain ages. He mentioned that there had been an uptake of vaccinations being done and places where people could go to receive the vaccination. Dr. Goldhagen responded that the children are well below 30% with vaccination.

Board Member Hershey mentioned about the studies that refute the effectiveness of mask and inquired about boundaries being set or are students not allowed to have extra-curricular activities. Dr. Joshi responded that outside activities were different from sitting in a classroom.

Chair Andersen inquired if anyone could speak to the urgency of the matter so that a decision could be made at the meeting or in the future. There was a consensus from the doctors and the Director of Department of Health (DOH) about there being an urgent need for a mask mandate.

Chair Andersen also inquired about who should wear mask and why. There was a consensus from the doctors and the Director of DOH about everyone and students K-12 should wear mask while indoors.

Superintendent Dr. Diana Greene provided an update regarding COVID-19 cases in the schools through a PowerPoint presentation (attached).

Board Member Joyce wanted to know the student population in brick and mortar during day 9 of the previous school year (2020) and day 9 of the current school year (2021). Dr. Greene provided a ballpark figure:

- Day 9 of 2020 school year
 - 99,000 students in the system
 - 35,000 of the 99,000 were in Duval Virtual Institute Academy (DVIA) or Duval HomeRoom
 - specifically hovering around 60,000 to 70,000 students in brick and mortar
- Day 9 of 2021 school year
 - 100,000 students in the system
 - 4,000 of the 100,000 are in DVIA

Board Member Pearson made inquiry about the following:

- An update on mitigation procedures and the status of ESSER funds.
- Constituents wanting to raise money to assist with the mitigation process for schools and how that would affect Facilities.
- The receipt of ESSER III funds.

The responses from Dr. Greene and Chief of Operations Paul Soares:

- The District has access only to the advanced lump sum of ESSER II and that ESSER III funding had not been made available to school districts yet.
- All Superintendents have made a request of the Florida Department of Education (FLDOE) to put the waivers for Code Red Drills from 2020 school year back into place for the 2021 school year.
- What the District is doing regarding the air filtration system and the mitigation procedures.
- Gestures for assistance with the mitigation process is good, however there were safety rules that needed to be considered.
- The State only received a portion of the ESSER III and must complete its application to receive all the funds.

Vice Chairman Willie inquired about COVID testing. Dr. Greene stated that the District uses PCR for employees and Rapid Antigen test for students. Executive Director of Nursing Elizabeth Trisotto confirmed all that Dr. Greene mentioned and provided additional information. Vice Chairman Willie inquired where would test be given. Ms. Trisotto stated that plans were still being worked on and explained the procedures for anyone exhibiting symptoms for COVID-19. Vice Chairman Willie also inquired of DOH about staff and money to resolve the delays. Mr. Rubio explained the staffing situation for DOH.

Board Member Dr. Coker inquired about desk-shields and how many days it would take to make sure the teachers and schools have what is needed. Dr. Greene provided an explanation regarding the desk-shields and the break-away lanyards that have been ordered for students.

Board Member Hershey mentioned about a problem with the online portal for parents to opt-out and inquired if the problem had been resolved. Assistant Superintendent of Accountability and Research Corey Wright mentioned about the only concern that had been brought to his attention and that was taken care of. He was not aware of anything else.

Board Member Jones spoke about the number of students in brick and mortar for 2021-2022 being higher than the 2020-2021 school year. He added that the number of students testing positive for the 2021-2022 school year is higher than the 2020-2021 school year. Dr. Greene mentioned that the quantity each day is larger than last year. Board Member Jones inquired about the number of students who opted out 2020-2021 for medical reasons. Dr. Greene stated that parents were informed they could opt out.

Board Member Pearson requested for the comparison and contrast regarding consequences for unmasked student under the current policy of highly recommended with opt out and the mandatory with no opt out. Dr. Greene mentioned that for 2021-2022 there was no consequence and for 2020-2021 it was tied to the Student Code of Conduct. She then provided the different level of consequences for the 2020-2021 school year.

Board Member Joyce requested for the number of students in brick and mortar for Duval County Public Schools (DCPS) only on day 9 of the 2020-2021 and the 2021-2022 school years. She also inquired if the Board were to approve a mask mandate, what would be the disciplinary action should a student choose not to comply. Dr. Greene stated that if using the same language as the previous school year the consequences would be the same. She reminded the Board that the beginning of last school year was a hybrid for high school students because they were not in brick and mortar every day, so the numbers would not truly reflect the number of students in brick and mortar.

Discussion that:

- Duval Virtual Instructional Academy (DVIA) is an actual school and what the expectations are for that school. She also explained the difference of DVIA, and Duval HomeRoom and the financial situation connected to both programs.
- Students who are self-quarantined and the use of TEAMS.
- The Student Code of Conduct - mask strongly encouraged and parents can opt out. The teachers are not mask police, speak with the Principal.
- The COVID-19 dashboard does not include Charter Schools.
- The status of the new custodial contractor.
- The possibilities of having to close schools.
- Dr. Greene provided the numbers that Board Member Joyce had requested:
 - On day 9 of 2020-2021 school year there were 77,336 students in brick and mortar and Duval HomeRoom and DVIA, there were 29,701 students.
- The metric used for closing schools with regards to the new directive.
- Possibility of hiring out to do contract tracing.
- Number of employees in the hospital or have died.

2. ENACTING EMERGENCY RULE REQUIRING MASKS

Ms. Mairs provided the following information:

- The requirements for Emergency Rule Making.
- The options available to the Board regarding facial covering.
- The need to consider FL Statute 120.54 and Board Policy 2.25.
- This is a two-part process:
 - That a motion needs to be made to invoke the emergency rule making authority to enact a policy requiring mask.
 - The Code of Student Conduct needs to match what is done regarding the emergency rule.
- Mentioned about opt out medical exemptions.
- The duration of the emergency rule.
- If the Board chooses not to make a decision at present, they could turn it over to the Superintendent and give her a date to report back to the Board with suggestions of what could be in the rule.
- The basis for the emergency rule and notification of when the rule is posted.

Board Member Coker inquired about a board policy being developed regarding communicable

diseases to be in harmony with the emergency rule to prevent this from happening again. Ms. Mairs stated that would be a separate process.

Board Member Hershey expressed her concerns about the Emergency Meeting. Ms. Mairs responded to Board Member Hershey's concerns.

Other Board Members provided input into the conversation regarding the concerns that were expressed.

Board Member Joyce expressed her concern about taking away the rights of the parents to make the decision about whether to mask or not mask their children and that she could not support the decision.

Additional comments were made about:

- The dashboard.
- The policy that says 'strongly recommended with an opt-out' for parents.
- The safety procedures that need to be considered.

Ms. Mairs and the Board Members worked on preparing the Emergency Rule.

Recessed at 9:09 p.m.

Reconvened at 9:40 p.m.

Motion:

Motion to invoke emergency rule making authority to enact an emergency rule requiring masks.

Vote Results:

Motion: Warren Jones

Second: Darryl Willie

PASSED 5 - 2

Aye:

Warren Jones

Elizabeth Andersen

Darryl Willie

Kelly Coker

Cindy Pearson

Nay:

Lori Hershey

Charlotte Joyce

3. MOTION TO ADOPT EMERGENCY RULE OF THE SCHOOL BOARD OF DUVAL COUNTY AS AMENDED

Motion:

Motion to adopt emergency rule of the School Board of Duval County as amended.

Vote Results:

Motion: Darryl Willie

Second: Warren Jones

PASSED 5 - 2

Aye:

Warren Jones

Elizabeth Andersen

Darryl Willie

Kelly Coker

Cindy Pearson

Nay:

Lori Hershey

Charlotte Joyce

4. AMENDMENT OF THE SECTION OF CODE OF STUDENT CONDUCT, PREVIOUSLY
ADOPTED AUGUST 3, 2021, PERTAINING TO FACE MASKS

Motion:

Motion to amend motion approving changes to student code of conduct and adding opt-out language that was previously adopted August 3, 2021.

Vote Results:

Motion: Kelly Coker

Second: Warren Jones

PASSED 5-2

Aye:

Warren Jones

Elizabeth Andersen

Darryl Willie

Kelly Coker

Cindy Pearson

Nay:

Lori Hershey

Charlotte Joyce

Adjournment

1. ADJOURNMENT

The meeting was adjourned at 10:03 p.m.

GC

Superintendent

Chairman