

MINUTES
SPECIAL MEETING OF THE BOARD OF TRUSTEES
MONDAY, AUGUST 2, 2021, 6:30 P.M.
Oakdale Joint Unified School District
Technology & Staff Development Center
331 Hinkley Avenue, Oakdale, CA

THIS MEETING WAS OPEN TO THE PUBLIC
MASKS MUST BE WORN INDOORS IF STUDENTS ARE PRESENT

THIS MEETING WAS WEBCAST LIVE: <https://www.youtube.com/channel/UCZdB-OF9xQSDVe3Csc84K0w>

Link to OJUSD Board Reports: <https://www.ojUSD.org/boardreports>

CALL TO ORDER	1.1	The meeting was called to order at 6:30 P.M. by Board President Barbara Shook.
TRUSTEES PRESENT	1.2	Larry Betschart, Diane Gilbert, Mike House, Tina Shatswell, and Barbara Shook
LATE ARRIVALS	1.3	None
TRUSTEES ABSENT	1.4	None
OTHERS PRESENT	1.4	Amanda Clark, Jamie Dray, Kevin Gonzales, Jayme Griffin, Kevin Larrabee, Kristen Lewis, Sev Magina, Melanie Nunes, Heather Oliveira, Kathryn Rogers, Amanda Stall, Shelly Stueve, Jennilyn Tolboe, Sarah Webb
PLEDGE	1.5	The Pledge of Allegiance was led by Board President Barbara Shook.
PUBLIC COMMENTS		Board President Shook proposed allowing public comments on each item as they come up rather than at the end; the Board will comment first and then the public may comment.
PRESENTATION & DISCUSSION ON OJUSD OPENING PLAN	2.0	<p>Superintendent Kline reviewed the OJUSD Opening Plan which covered In School Learning Process, Masks, Other Points, Quarantine Plan, and Independent Study.</p> <p>Board President Shook opened the meeting to questions and comments from the Board. Trustee Gilbert asked about the process for how we arrived at this reopening plan. Superintendent Kline responded that mid-June, CDC came out with a report saying masks are recommended. CDPH said they would mimic whatever CDC said. They then changed and said masks are required in classrooms but would leave up to districts for enforcement. If they do not want to wear masks in classroom, we have to provide an alternative educational setting. Students and staff, regardless of vaccination status, have to wear a mask. If unable to, we offer an alternative educational setting. This has been vetted with the county district superintendents and our attorneys. We are required to do this. With everybody in masks, we don't have to quarantine like we did last year, which is disadvantageous to the quarantined</p>

kid or class. Last year some kids had to learn outside because of social distancing limitations.

Trustee Gilbert stated that she is not a fan of bringing students back in masks. Clovis Unified took action as a Board, and put control in parents' hands. Superintendent Kline said he is aware of the Clovis situation; other districts are doing something similar. This has been vetted by our attorneys, what options we have; we cannot waiver on this because it will jeopardize district liability.

Trustee Larry Betschart agrees it is heartbreaking. He doesn't understand the science, noted children have a much better survival rate, and understands everyone's frustration.

Trustee Mike House agreed that, as parents, we want to make those decisions for our child, but we are responsible for the district as a whole. If we get sued, it comes affects our children's education. Potentially the whole district could lose funding, lawsuit by lawsuit.

Trustee Tina Shatswell agrees with Trustee Gilbert and is totally against masking children. She believes everyone who chooses to should wear a mask to feel safe and protected. She is completely against masking, but loss of liability is an issue. It is the Board's job to protect the district as a whole, but we also have to protect students. It was noted that Clovis does not have a union. She suggested we mask for the first 3 days of school and come up with something and say enough is enough. County COVID numbers are low now, but if we had a huge influx, that would be a COVID-related general population situation. We are trying to prevent going back to distance learning.

As a parent, Trustee House agrees with every word said. A parent can sign off, take at home learning, or have child wear a mask. We need to pay attention to what Clovis is doing and watch it. It was suggested we get info on Clovis and Orland plan.

It was noted the state is giving confusing signals on how mask mandates should be handled. As of July 28, the California Department of Public Health (CDPH) indicated that all individuals, regardless of vaccination status, are required to wear masks on public transit, in emergency shelters and cooling centers, and indoors in K-12 schools and childcare, in addition to a few more specific listings. The 'mask on' directive came just a week before the first day of classes for the new school year in the district, Wednesday, Aug. 4.

OJUSD's opening plan acknowledges these mandates and is as follows: in-school learning will return so that all students can return to class all day, every day, social distancing will no longer be required, teachers can return to traditional teaching methods, and masks are required inside when students are present (with possible exemptions for medical issues that are confirmed by a doctor).

Trustee Gilbert commented that she is not in favor of bringing our students back in masks; other Board members and many in the audience agreed. While the majority in the audience did not want to require masks for children, Superintendent Dr. Dave Kline explained that the mask mandate has been vetted with our attorneys, and we cannot waiver on this because it will jeopardize the district's liability, and that is just not something the district is willing to do.

The board noted a concern that if they don't enforce the mask mandate, there could be a student who is infected with COVID because of another non-masked student and the family could sue. Several parents and community members addressed the Board to say that they'd stand behind the district if the district would fight for kids' right to not wear masks, asked the Board to tell parents what is needed to offset whoever it is that's coming down on you, and they'd gladly write the check.

Others addressed the Board to share personal stories of their children that have been affected especially by these mandates. One retired teacher noted that her grandson, who is hard of hearing, loses most of his communication when masks are in place, explaining that "masking is extremely detrimental to the hearing and speech impaired who depend on vocal projection, facial expression, lip reading, and body language for all communicating and learning." Another shared the negative experience of their daughter, who has tachycardia and a pacemaker, having to do P.E. in a mask. The current mandate requires masks for inside sports, but not outside activities.

Board members expressed concerns and sympathy for parents and tried to assuage worries, explaining that there could be mask breaks and special circumstances for mask-wearing, while also noting that it's not simple to change these rules, however much they may want to. Trustee Betschart noted his frustration, and understands parents' frustration, and the need to keep pushing on the boundaries and on the state. Trustee House noted that as a parent, he wants to make those decisions for my child and wished each parent could as well, but noted the Board is responsible for the district as a whole; if we get sued and lose 10 million dollars that money comes from om the kids' education.

During public comment, a few members of the audience addressed insurance claims and the difference between state recommendations and what is law. Dr. Kline explained that the information has been interpreted as a requirement or a mandate to the school districts; a board member added they got a specific email from the district insurance carrier saying they would not be covered in the event that they disregarded mask mandates and someone sued. Retiree and grandmother Linda Metcalf addressed the Board and listed 20 schools in the area like, Clovis and Hughson, that have adopted mask choice, and asked OJUSD to follow their lead.

LINDA METCALFE

Linda Metcalfe, retired OJUSD teacher, addressed the Board to say she has been following the science and data on COVID for the last 1.5 years. She asked the board to step outside their

comfort zone and challenge informed vote of compliance with everything the state tells us to do, citing examples of NCLB, Common Core, and STEM. She noted teen suicide is up 51% among teenage girls. She attended 2 county supervisor meetings, and MCS has presented a resolution to the state stating that they want to recapture local authority to manage their own health protocols for their own staff and students. The County Board of Supervisors endorsed and they are sending to the state. She noted districts that have taken a proactive position, including: Cold Springs, Orland, Lincoln, Placerville, Yorba Linda, Beaumont Unified, San Bernardino, Palermo, Roseville, El Dorado County Board, Rocklin, Alpine, Saddleback, Tulare Co. Wheatland Union, Private and Christian Schools.

She noted she has 4 grandchildren in the district, 3 at Magnolia. Her 2nd grade grandson is hearing impaired and struggles with speech. Masking isolates him; masking is detrimental to speech and hearing impaired. She noted arbitrary and capricious mandates, and asked the Board and administration to step up and do the right thing and adopt mask choice, and to welcome exemptions without violating student privacy. She stated that State mandates do not protect our children.

JENNIFER PASCAL

Jennifer Pascal addressed the Board to say she has 2 boys at Cloverland. She asked to have a normal schedule for children, and strongly encouraged masks be optional. She feels it is confusing and political, wrong to make children wear masks 4-5 hours a day breathing in toxins, and it is difficult to understand IEP's with speech problems. She asked to have parent and student write exemption, and say they won't sue. Let them breathe; let them make their own choices.

PAUL RIVERA

Paul Rivera addressed the Board, noting we are looking at majority of community here, that things are changing leadership and Mustang Pride. He stated he has given up on State, his child hasn't been in school since March 2020, and she didn't learn anything last year. He asked the Board to tell parents what is needed to offset, and we would potentially be losing families.

JASON LEWIS

Jason Lewis addressed the Board to say he has 3 daughters, 1 currently at OHS, who was muzzled (masked) and running conditioning for volleyball tonight. He stated he needs to understand the science for that decision, what mask stops a virus from transmitting. He feels it is about control and politics, and is fighting anger, trying to be polite. He noted money matters, and to let parents know what the Board needs.

JENNY

Parent Jenny addressed the Board, and is on the same page regarding masks being a choice. Parents are willing to sign waivers and send children to school, and will back whatever you support. If parents are not comfortable, let them send their child to school with a mask, or there are better independent study options this year. She noted ventilation has been brought up a lot, and asked about putting air purifiers on ducts. She also noted we don't want to lose sight of Critical Race Theory. She also noted the desire to have children walked into school with

parents, and asked about kids who were in Kindergarten last year and may have no clue where classrooms are. She feels parents and children have been robbed of that moment and that time with them, and that getting mandate that says parents cannot walk their child in to school needs to be revisited.

TRUSTEE GILBERT

Trustee Gilbert noted the Board is laser focused in their concern about Critical Race Theory.

AMANDA STALL

Amanda Stall addressed the Board, noting they probably have been flooded from parents, and asked the Board to use their position to be powerful and extraordinary, and allow parents and families to have a choice. She noted as the draft letter highlights, requiring students to wear masks is a step backwards, and asked what can be done to support and protect children now. They will lose another year of learning and academic growth, and we are putting the burden of being mask police on teachers. She has e-mailed her principal about what consequence would be for not wearing a mask, and will sign anything you want her to sign so her child does not have to.

TRUSTEE BETSCHART

Trustee Betschart noted e-mails sent to the Board, if we don't respond, we have to discuss as a Board, we are listening to you.

PARENT

A parent asked why parents were not informed kids would be lined up outside school gates to get temperature checks last year. Dr. Kline stated he was not aware of that.

JUNE LOPEZ

Grandparent June Lopez, retired banker, addressed the Board to say her grandchildren are in school and her daughter opened a day care with her. The impact of COVID the last 1.5 years was significant and we will be a long time recovering. She appreciates loyalty and appreciates what the Board is doing. She noted fear being sued and fear of repercussion of financial impact. She noted parents voted the Board in because of their character and integrity, and now they make a recommendation out of fear of being sued; it is time to do something, don't use this as an excuse, let children be free.

SEV MAGINA

Sev addressed the Board to say he moved here 2 years ago and his stepdaughter is going to school here. He felt the best thing he can do is be present at meetings, and has attended a Stanislaus County Board meeting, Turlock and MCS meetings, and questioned CDPH public health guidance for use of face coverings.

Superintendent Kline responded that requirements from CDPH and info posed to us from Stanislaus County Office of Education as interpreted through Stanislaus County Public Health, has been interpreted as a mandate to school districts. He noted Stanislaus County is different from San Joaquin.

SEV

Sev questioned the definition of guidance, and wanted it shown where it says mandate. He stated kids aren't getting sick from COVID and there is 1 chance in a million of dying. He questioned masks on kids running in sports and feels kids are

being used as pawns for political BS. He stated the Board was voted in and asked when voting was when Kline got voted in.

TRUSTEE SHATSWELL
Trustee Shatswell responded that the public voted the Board in; the public doesn't vote the Superintendent in.

TRUSTEE BETSCHART
Applauded everyone here, and noted getting feedback in person is much better than phoning in. He noted that in November 2022, several Board seats will be available if anyone wants to step up and run.

TRUSTEE HOUSE
Trustee House noted we now have 5 Trustee Areas.

PARENT
A parent addressed the Board about their daughter having to wear a mask today during volleyball practice while running in the gym. Last Spring her daughter played volleyball and was mandated to wear a mask and passed out, had a concussion and a seizure. She felt we need to stop requiring masks inside gym. She has a Freshman and JV daughter and would like this addressed. She noted they allowed conditioning without masks prior to today. A parent asked about testing of athletes.

SUPERINTENDENT
Superintendent Kline stated that we can look at taking masks off after a series of exercises, take water breaks, etc. Dr. Kline explained that testing of athletes is no longer required, and he doesn't want to be put in the position where he is having to justify what he is being mandated to do.

TRUSTEE SHATSWELL
Trustee Shatswell asked if there is something else we can do so kids don't have to wear mask while running.

TRUSTEE SHOOK
Trustee Shook thanked everyone for their input, noting the Board does receive a lot of phone calls, e-mails, comments, documentation, talking about the same type of things they are bringing forward. The Board are in contact with district lawyers frequently. She noted it has not been a fun experience, and invited anyone to start looking at the possibility of becoming a Board member.

LEANN
Parent Leann addressed the Board to say she has a daughter in high school who had 5 heart surgeries, a stroke, a pacemaker, and tachycardia. It is a struggle for her daughter to do PE in masks, and she has been singled out because she already has a pre-existing illness. She noted kids wear the same mask every day, they aren't cleaned, and she doesn't have science of masking.

KATIE ROGERS
Katie Rogers addressed the Board, stating she called in to almost every meeting last year, asked the Board to get parent input and to get different plans than those presented last year. She stood in the rain and felt dissed and dismissed and was yelled at, and the Board didn't respond to anything called in to meetings. She's lived in Oakdale 20 years and has 3 kids, grade K, 4, & OJHS. She acknowledged the new Superintendent of C&I, noting independent study options are much better this year.

She stated that she's not sure who the Board is sitting in front tonight, but applauded all of the Board and whatever happened

over the summer to change their attitude. She noted if the Board doesn't stand up for kids you will lose families and lose funding. She noted she has been a very involved Fair Oaks parent for 9 years, and when there was school boundary change she fought hard to stay at Fair Oaks. Last week she withdrew her children from Fair Oaks, and because she is not out of Fair Oaks zone, if she changes her mind and wants to re-enroll they will go to Magnolia. Her 8th grader doesn't trust teachers now and is at Charter. The issue for her was that the Board that sat up there last year, she didn't trust any more, and is glad she sees a different Board tonight. She warned the Board that she is not the only one looking at the issues of masks, vaccine, being able to walk on campus and attend assemblies, and will fight for kids. She stated people are trusting the Board to make better choices this year than last year.

HEATHER OLIVEIRA

Heather Oliveira addressed the Board, noting she also stood in the rain last year, and e-mailed multiple times with no reply. She works in Escalon and they did go back to school in November. It was noted that in Stanislaus County things were different, although Hughson went back when Escalon did. She noted this is the Board's opportunity to step forward and be the leader's parents were looking for last year.

Board President Barbara Shook wrapped up public comment noting these opening plans have not been a fun task, this is not a voting situation, this is simply an educational piece, and we are trying to inform everyone on where we are at this point.

Board members will have staff follow up to see what other districts are doing to get away from masking, and see if there is anything we can do to look into this and move forward to get masks off. It was also noted liability is real; but the Board wants to be proactive in getting masks off. The Board requested a report on what Clovis and other districts that have adopted mask choice are doing and obtain copies of their letter or waiver, and possible action at the next meeting.

MOTION TO APPROVE &
ADOPT BP/AR 6158,
INDEPENDENT STUDY

3.0

Assistant Superintendent Gillian Wegener presented the revised board policy and administrative regulation on Independent Study, explaining we usually do a first reading and then adoption at the next meeting, but legal counsel recommended that we adopt this revised policy before the school year starts. She explained the main points are that there will be opportunities for synchronous learning for younger students; older students will use Edgenuity and have a weekly hour of synchronous teaching with an IS teacher. Several parents in the audience complimented the new plan and noted it was much better than what was offered last year.

It was **M/S/C (Betschart/Shatswell)** to approve BP/AR 6158, Independent Study. Passed unanimously.

PARENT COMMENT

One parent in the audience commented that Edgenuity in theory sounds great, but it is really awful. Her daughter took Health in Summer School, and did not have a good experience. She

encouraged the Board not to be fast to approve system because they are not working for kids; it is detrimental.

Ms. Wegener stated that with synchronous teaching weekly, hopefully it will keep more kids engaged. TK-6 will use remote learning devices called an Owl.

Trustee Shatswell noted sometimes parents don't know where to go; she encouraged parents to try to fix at the site level, or make a complaint, rather than talking amongst themselves.

Superintendent Kline stated that what he would have liked to have seen happen would be for the child reaching out to the teacher, and we should have followed up. If something is not working, we need to know about it.

There was a question asked about quarantining kids and who is doing contact tracing. Assistant Superintendent Wegener responded that for secondary students who need to stay home, there are teachers that will provide quarantined students with a more traditional independent study and they will be doing what the class is doing. Edgenuity is an option, but those classes are different than what is going on in the classrooms.

It was noted that contact tracing is done by our health department nurses. The rule is if they are exposed for more than 15 minutes, less than 6', in a 24-hour period. Dr. Kline noted we have to be careful how we question.

A parent asked if there is an Edgenuity check and balance in place. Ms. Wegener reported Edgenuity gives % of how much they have completed in that curriculum, and the parent can see if they are doing work or not. She noted anybody frustrated with any level of independent study can call a meeting with the teacher.

OJUSD BOARD LETTER TO STATE HEALTH & HUMAN RESOURCES & DEPARTMENT OF HEALTH 4.0

Superintendent Kline presented this item, explaining the OJUSD Board deems it necessary to ask the State to reconsider the mask requirement. A letter has been drafted that the Board will send to the California Department of Health to request that they reconsider the mask guideline.

It was **M/S/C (House/Betschart)** to approve sending a letter to the California Department of Health to reconsider the mask requirement. Passed unanimously.

- OTA COMMENTS 5.0 Lisa Greenhow, OTA President, was in the audience, but had no comments.
- CSEA COMMENTS 6.0 None
- PUBLIC COMMENTS 7.0 With the consensus of the Board, Board President Shook explained that public comments would be taken after each agenda item, following Board member comments on the agenda items.
- ADJOURNMENT 8.0 The meeting adjourned at 8:40 p.m.