



*Inspiring Hope and Empowering All Students To Courageously
Pursue Their Goals and Dreams*

**Governing Board
Special Meeting Minutes
August 23, 2021**

I. CALL TO ORDER THE REGULAR MEETING

Mr. Sunn Governing Board President at 4:08 p.m., called the special meeting to order.

Administration Present:

Kristine Morris, Superintendent

Ana M. Avalos, Director of Human Resources

Susan O'Rielly, Executive Director of Business Services

Jonathan Stewart, Dos Rios Principal

Melanie Block, Director of Academic Services

Carrie Brandon, Director of Student Service

Michael Welsh, Union Principal

Matthew Haley, Network Administrator

II. ROLL CALL

Mr. Delson Sunn, Mrs. Nubia Briceno, and Mrs. Susan Doucet were in attendance.

III. PLEDGE OF ALLEGIANCE

IV. PRESENTATION BY DISTRICT PERSONNEL

UESD 2022 Back to School Safety and Services Plan Update

Q. Mrs. Briceno asked if we come back after the 29th to see if whether or not it's going to continue to be mandatory or do we wait?

A. Ms. Kristine Morris responded you all can direct me and we can bring it back even at our next board meeting and see if the courts are moving any where else. Not only was there the Phoenix Union law but there was the one brought forward by the coalition of educational advocates that were challenging whether or not they could pass it with a budget bill. This one is also making its way through and may get decided prior to the 29th. If that gets decided and they say, that law is not constitutional, then it would come back to the board to be able to decide.

Q. Ms. Kristine Morris asked when is the next board meeting?

A. Governing Board Secretary, Cara Hill, responded September 9th.

A. Ms. Kristine Morris added that we can discuss it on September 9th. We could also hold a meeting 2 weeks subsequently to see how things are shaking out in order to revisit this. If the law stood and we were not able to require masking and the board doesn't want to break the law we would revert back to highly recommending and encouraging. As this motion is written we would require masking while we are in substantial and high spread unless the law doesn't allow it, in which case we would revert back to highly recommending and encouraging.

Q. Mrs. Briceno asked if would we highly recommend with an opt out so we can keep track of who is wearing a mask?

A. Ms. Kristine Morris responded that is not an option, that is not proposed on this one. This is only requiring at this point in time. The board could say, when explicitly prohibited by law, which then you would require with an opt out provision. You could do that.

Q. Mrs. Doucet asked if there is any other discussion that you have heard about Ducey and the funding? If we make this mandatory can he come back and say, "well your school made it mandatory during this period, so you are disqualified?"

A. Ms. Kristine Morris responded there is a limited set of funds that is being disputed right now. They are federal funds that he has said you can only qualify for them if you follow the law.

A. Mrs. Doucet responded technically we are still following the law till the 29th, if we make it mandatory.

A. Ms. Kristine Morris responded right. Susan may have to correct me on this. Although I'm someone who is really big on extra money, I don't know if we would even be able to spend any additional money if we were eligible for it.

A. Mrs. Susan O'Rielly added as crazy as that sounds I will second that.

Q. Mrs. Doucet asked if it is something we should even worry about then?

A. Ms. Kristine Morris responded I don't think that with this bucket he's granting, that it jeopardizes the District.

Q. Ms. Kristine Morris asked, "Susan do you agree?"

A. Mrs. Susan O'Rielly responded yes, as of right now there is no impact on Esser 2 or 3. It is approximately 1.6 million and 3.2 million which goes through 2023. It seems strange to say we are having trouble spending it, but we are trying to spend it wisely. Our first attempt was to focus on class sizes and hiring teachers, and we haven't been able to hire the teachers we wanted. We are shifting the goals as things evolve. Quite honestly, I don't think we will ever be in a position where we are not following the law. We have until the 29th, then after that they are highly recommending.

Q. Mr. Sunn asked unless it gets changed?

A. Mrs. Susan O'Rielly and Ms. Kristine Morris both responded yes.

Q. Mr. Sunn asked if we think a lot of other school districts are jumping on board and trying to fight this? I'm wondering if we could get our school attorney to start something where we would jump on that wagon? The more the merrier.

A. Ms. Kristine Morris responded as members of ASBA, I believe we are part of the lawsuit that challenged the constitutionality of the blocking of our ability to require masks. I think we are part of that suit already, but I can check on that one. The other one that is proceeding seems to be a fight between the federal government and the state. We are kind of caught between because to receive Esser funds (Esser 3), we have to implement strategies to reduce the spread of Covid-19 in our schools and provide in person learning. That requires us during times of high and substantial spread to require masking. That is to receive Esser 2 and 3 funds. This other pot happened to be Governor discretionary federal dollars that require also the same thing, so that is why they are fighting. They are telling the Governor you can't do that with your federal dollars. You have to stop the spread of Covid not do things that increase it. We can explore and put feelers out there, if the board should so desire, anybody mounting any other challenges, or sign on to "letters of support." You may have received things as a board member that say sign up and express your interest and sign this petition. You as individuals can do that. We would have to take action as a board if we wanted to put our name as a board there.

Q. Ms. Kristine Morris stated I can explore that and bring that back September 9th if you all would like?

A. No response to question.

A. Mr. Sunn responded that he had hoped they would have isolated it to just the school. I never agreed with this right from the start. We have kids who can't get vaccinated, and they are saying we can't have the masking mandatory. This throws everything out the window. We have adults that aren't wearing masks because of human nature and will take the path of least resistance. That is upsetting because I think they should keep in mind that they are here for the kids. That includes the kid's safety not just the education.

Q. Mr. Sunn asked if the percentage of the survey is 72%? You did mention that not everyone took it.

A. Ms. Kristine Morris responded that is 72% of the 45% who took it.

Q. Mr. Sunn stated that it isn't 72% that took it?

A. Ms. Kristine Morris responded it's not a large percentage.

Q. Mr. Sunn stated that over half of the people didn't take the survey? Do we have more than 50% of the employees not wearing a mask?

A. Ms. Kristine Morris responded no. We actually have a lot that do, you can ask the principals. We have a large percentage of our employees that do mask.

A. Mr. Michael Welsh responded at Union all staff are masked.

A. Dr. Randy Watkins responded during his walk through today all, but 1 staff member was wearing a mask, and by the end of the day that gentleman had a mask on.

A. Mr. Jonathan Stewart responded same thing at Dos Rios.

A. Mr. Sunn responded that's good to hear.

A. Ms. Kristine Morris responded that our principals have done a really good job of encouraging our staff and expressing the importance of keeping our kids safe. Parents send them, expecting that we are going to do our best to keep them safe.

A. Mr. Sunn made a statement about the vaccination question. There are some people that won't do it for different reasons (health, religious) so I don't know if we should make that a mandatory thing here.

A. Ms. Kristine Morris responded the FDA just approved the Pfizer fully and we do have the ability as an employer to require vaccinations. We've done it with measles, mumps, and rubella, all of those types of things for years. I wouldn't recommend it right at this time. I did put it out there to see how employees felt about it.

A. Mr. Sunn stated to try and get 100% next time.

A. Ms. Kristine Morris responded I'm trying. It was a quick turnaround survey.

A. Mr. Sunn responded oh ok.

A. Ms. Kristine Morris responded most of the time the employees that are really passionate about it will weigh in. This is probably giving you the folks who are really passionate about it and the rest weren't as passionate one way or another.

Q. Mr. Sunn asked about the incentive that you are talking about. Is that monetary?

A. Ms. Kristine Morris responded that it could be. If you want me to explore that, we will have to go through legal counsel to see how you incentivize something like that. It might be giving someone a stipend if they agree to follow these. They could be paid out monthly and allow them to opt out if they choose not to follow the guidance, but we would have to work through some logistics on that one if that is one you would like me to explore. We have not extended Covid leave and you could give a *certain amount* by agreeing to abide by all of these covid mitigations and then each month they could get a portion paid out, but if by chance they run out of leave because they become sick they could use that to supplement. Those that don't get sick could just have the additional incentive. It could be coupled perhaps with something like that. A lot of times with the employee leave, sometimes the employees who are following the mitigations don't get the benefit of the leave policy. How do you give that to everybody? An incentive might do that.

Q. Mrs. Doucet asked if we had the Covid leave last year?

A. Mrs. Ana Avalos responded yes. It went through December 31st and then the federal government no longer required it. There was no additional funds or credit for the employer.

Q. Mrs. Doucet asked if this is something we could match as a school? Pay what the federal government was offering?

A. Mrs. Ana Avalos responded that we could explore it as an option, if that is something you would like. It would not be funded by the federal government, it would be paid for by the District, and that would be an additional expense on our part.

A. Ms. Kristine Morris added, we were trying to figure out how to give those folks that need that leave the dollars to get through that time, but for people who don't need it they can also get an additional

incentive. That was one idea that was brought forward, but we can continue to explore other incentive type things. As always all of those will have to go through legal counsel.

A. Mr. Sunn added that he doesn't agree with the incentive option. It is in the handbook or in policy and it talks about how they're expected to carry out their duties plus professional responsibilities, and I feel it's follows under the category here. I like the idea if somebody gets sick and we could probably help them when they are out for as many days as we can. Kind of like how the federal government did in the past. I think that's a good idea, but to pay people to follow the rules and to keep safe doesn't sit well with me.

Q. Ms. Briceno if that is going to lower the number of individuals out, wouldn't you want to reward them at the end of the year? "Thank you, for following all the CDC guidelines, and helping keep our numbers low." They are actually helping our students not get sick.

A. Mr. Sunn said to me that is their duty that is part of their job.

A. Ms. Briceno responded right now no it's not.

A. Mr. Sunn said I believe it is.

A. Ms. Briceno responded it's not, because of the law of the state, it's not.

Q. Mr. Sunn said think of it this way. What are the duties of the teachers and staff of Union? It's to educate and keep kids safe, right?

A. Mrs. Doucet stated I think the problem is right now they aren't doing it, so we need incentives to assure that the teachers are doing it.

A. Mr. Sunn responded I would like to see them get more money, but I feel like they should already have that intent to keep them safe, instead of getting paid for it.

A. Mrs. Doucet stated you would think, it would be nice.

A. Mr. Sunn stated I like the idea if someone should get sick and they are out they could get some help.

A. Mrs. Ana Avalos responded that there is an additional layer of pressure that every person that works for this district is feeling and that is COVID. It's taking more resources, it's taking more time, and there are many more things we are layering on top of everyday duties that is well beyond the normal expectation as an employer. I can tell you from experience, our employees are doing the best they can. Are their individuals that we have to provide constant reassurance to, or constant reinforcements to follow the mitigations? 100% there is. There is an additional layer of pressure that I think a lot of people are feeling right now and sometimes an incentive will give that extra boost. It helps individuals feel a little bit of a relief. If you look at it with some of our new hires that are coming on board. They don't have time built up, and if they were to get sick their going to be in an unpaid status. An individual like me or other parent who have kids and their kid get sick, and they use their time, and use it appropriately but they don't necessarily have a lot of time saved up in case they get sick or whatever the case. Sometimes those extra incentives help in situations like that. Every situation is a little different, but it is helpful.

A. Mr. Sunn stated of course it is. Maybe you can write up something for that item only. We will have to vote on it as a board because I don't think it can be done just like that. I don't agree with it, but I do like the idea of giving help to those that are sick or their kids are sick and need to stay home.

A. Ms. Kristine Morris stated that one of the things we could do, if the board chooses to require masks, we then have some time to explore some of these other options. It gives us 4 weeks to see if we need to come up with other incentives to keep folks wearing their masks. We can require it right now for these next 4 weeks. Ana, Susan and I can draw up some possible incentives for the board to consider, run them by legal counsel over the next period of time. Should we come to a place where we can no longer require, we have some other options for the board to look at. In the meantime, even if we are requiring, we can bring back what types of leave in case people are needing it.

Q. Mr. Sunn stated since we will be going until September 29th with mandatory masking everyone will be following the guidelines, does that mean everyone is going to get the incentive pay no matter what? It would throw incentive right out the window.

A. Mrs. Briceno responded we don't have one.

A. Ms. Kristine Morris responded right now this one would not be in effect. I did not think this would be one we could completely take action on. This is just information. If we need to bring back incentives another time we could, if we can't mandate it. These were all standalone questions that we could possibly try. The easiest one, and the one that seems to be the most effective is the first one, requiring masking in our buildings. The others are possible options.

V. ACTION ITEMS

Motion by Mr. Sunn, seconded by Mrs. Briceno to revise the 2021-22 Mitigation plan to require face coverings for all staff, students, vendors, visitors, and volunteers in accordance with Public Health Guidelines, beginning August 24, 2021, and seek legal counsel as to the board's authority after September 29, 2021. Vote was unanimous. Motion carried. Aye: Mr. Sunn, Mrs. Briceno, Mrs. Doucet.

VI. ASBA LAW CONFERENCE

Q. Mr. Sunn asked if the School Law Conference is virtual or in person this year?

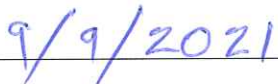
A. Governing Board Secretary, Cara Hill, responded it is in person.

VII. ADJOURNMENT

Motion by Mr. Sunn, seconded by Mrs. Doucet, to adjourn the meeting at 4:45 p.m. Vote was unanimous. Motion carried. Aye: Mr. Sunn, Mrs. Briceno, Mrs. Doucet



Governing Board Member



Date