

January 13, 2021

The Board of Education of the County of Kanawha met in Special Session on Wednesday, January 13, 2021 at the Board of Education Building, Charleston, West Virginia. The meeting was called to order by Board President Becky J. Jordon at 8:30 a.m.

PRESENT

Becky J. Jordon, President

Tracy White, President Pro Tem

Ric Cavender

Jim J. Crawford, Sr.

Ryan White

Thomas E. Williams, Secretary

Debra J. Lewis, Recording Secretary

ADMINISTRATIVE STAFF

Dr. Paula Potter, Deputy Superintendent

Mellow Lee, Assistant Superintendent, Elementary

Amon Gilliam, Assistant Superintendent, Middle & Alternative Schools

George Aulenbacher, Assistant Superintendent, High Schools, Technical & Adult Education

Kate Porter, Assistant Superintendent, Special Education & Student Support Services

Alicia Warden, Health Services

Lindsey McIntosh, General Counsel

Carol Hamric, Executive Director, Human Resources

Briana Warner, Communications Director

NEW BUSINESS

A. 2nd Semester Re-Entry Discussion & Decision

Dr. Williams-Saturday as I was in Amish Country, I got a phone call that three of the Board Members wanted a special meeting today to discuss re-entry. I know we have all received numerous emails from concerned employees. Tomorrow we will be vaccinating approximately 1,600 people. That will not get everyone. We will still have a list of 300-400 people that will not be vaccinated. We will be looking at one day next week possibly after hours to try and get everyone else vaccinated with the first round. The second round will be February 3rd and 4th and then the following week will be the second round for everyone that went the week after that. If the Board would like to wait until everyone has received two vaccinations that will be the week of February 15th. I don't know if the Board wants to do a blended model until February 15th or go back in-person. I don't think that remote will be an option from now on. The State Board today will say that remote is no longer an option, that's the current rumor anyway. Blended will probably become an option at the meeting today from what I hear. If the Board would like to go remote pending approval by the State Board then we can do that or if you want to go back full in-person starting Tuesday as the Governor has said then we can do that.

Mrs. White-What happens if we make a motion and vote to stay remote and they say we can't? Dr. Williams-If the State Board says we can't then we can't and we would either go full in-person or we could go blended. Mrs. White-So if we vote to go remote and then they say we can't what to do we go back to? Dr. Williams-We would have go back to the 19th. Mr. Cavender-Or the motion could have a pending in the motion.

Mr. White-Can't we recess this until after their meeting and then we will know what we can do? Mr. Cavender-I'd say we are all here, the unions are here, the media is here and staff is here. I would like to hear from the teachers to see how they are feeling. If we still at the end feel like we need to recess then that's fine. I'm more comfortable with us having a motion approved even with a pending status as we leave today and if we have to come back at 5 o'clock and re-discuss then we can do that. I'd like to hear from the teachers. Mrs. White-I would as well. Mr. White-I don't know that making a decision prior to the State School Board Meeting is in the best interest of everybody. Mr. Crawford-My opinion is that we stay remote until everyone is vaccinated and then when we feel like its safe for our people to come back we follow the guidelines handed down by the State Department of Education.

NEW BUSINESS (continued)

Mrs. White-The Governor gave an executive order on Monday giving the counties authority to make a decision. As of right now the ball is in our court so I feel we should continue on and if something happens we address that. We aren't the only county that's going to make a decision. Many counties have already made a decision. Mr. Cavender-We called the meeting for 8:30 a.m. and everyone's here, I saw we go ahead and listen. Mrs. Jordon-Let's go ahead and listen to everyone.

Dinah Adkins-We believe that receiving both of the shots for the employees will be the bridge that brings us to safety at least as much safety as we can have for our employees and students. We ask that you wait until the vaccinations are complete and stay remote until that time. WVEA feels that the county has the right to make this decision. We do not believe that they can deny you that right. We hope that you will move forward today. We really appreciate all that you are doing for our students and our employees.

Fred Albert-We talk about the social and emotional needs of our students all the time and they are so important but I'm here to tell you that your employees are suffering both socially and emotionally and they are full of stress. Our members want to return to school but only when it is safe to do so for staff and students. We took a survey last week and we had around 5,000 answer the survey and overwhelmingly they don't feel safe going back as things are now. The only thing that has changed since this started is the recent deployment of the vaccination. Of course in person learning is best for students, however in order to achieve a safe return to in-person learning, specific protocols and measures must be in place. Let's give the vaccination time to do what it needs to do. I want to compliment KCS on the way you have rolled out the vaccination, I was fortunate enough to get my first vaccination. I've talked to friends in California and they can't believe that West Virginia has done such a wonderful job like we have. It's a constitutional right of the local school boards to make that decision. The State Board Meeting is at 11:00 today and it's virtual. I've sent them comments from members. I know that you will do the right thing. Please keep in mind that I think that some of our worst days are still ahead of this with this infection and we have to be cautious. Just know that you have a lot of dedicated employees that are looking for you to take care of them.

Mrs. Jordon-When can sports begin? Dr. Williams-Sports can begin March 1st but practices begin February 15th.

Jerry Throckmorton-The other day I heard that Dr. Marsh said that January 21st will be the worst day of the pandemic in this state. It seems to me that it's the wrong time to bring people back into the worst situation for the safety of everyone. The vaccine will

NEW BUSINESS (continued)

make people more comfortable once they get it. Teachers are ready to roll up their sleeves and bring kids back in and do what they do. I cannot be as an effective teacher talking to a video screen. We want the ultimate safety for our kids but the ultimate safety for our kids is a teacher that is stable and healthy and prepared and not scared to go to work every day. I appreciate all the work that everyone has done. I'm so proud to be an employee of KCS. Our survey said 86% said they disagreed that this was the right time to do it. Most of the people who responded said they were willing to take the vaccine. My suggestion is to delay that opening. Let people get vaccinated.

Mrs. Jordon-I have a question for both unions. What's the percentage of your employees that will not be taking the vaccine? Fred Albert-We had 63% who said they were willing to take it of those who responded to our survey. I'm sure there are more than that but they haven't responded to the survey. Mrs. White-Dr. Williams do you happen to know how many of our employees will be taking the vaccine? Dr. Williams-We did approximately 900 last week and we are doing 1,600 this week and we have about 300 more or so left so probably 60-70%. Mrs. Jordon-So there are other people who don't want to get vaccinated but then they want to be home? I know there are some that can't because of health issues. Mr. Crawford-How many employees do we have in Kanawha County? Dr. Williams-About 3,800 and about 2,800 will have received the vaccination. Mr. Crawford-So we have about a 1,000 that haven't responded one way or another. Have we made contact with those people? Dr. Williams-We have sent out numerous surveys and emails. Briana, Zach, Keith and Alicia have just done a fantastic job of notifying people. Mr. Cavender-Will be able to determine how many of that number are in direct contact with students every day? Dr. Williams-Really almost everyone could be in contact with children at some point, some more than others obviously. Mrs. Jordon-We know that kids are missing out on education, and everyone is not being a team player and I know that some people have health reasons that cannot get it, but it's hard to believe that there are 1,000 employees that can't get this vaccination.

Mrs. Adkins-I believe that there is a moving trend that employees are seeing others getting it and they are becoming more secure in taking the vaccine.

Mr. Crawford-I think we need to stay remote until everybody that wants the vaccine gets vaccinated and we have got those people protected and then we make a decision whether we go back full blast in-person or we go on a blended schedule like the State Department is going to recommend today. Mr. Cavender-I agree. Mr. Crawford-My main concern is that we don't lose anybody. Mr. Cavender-We already have. Mr. Cavender-I just want to say that one thing that I have found interesting between this

NEW BUSINESS (continued)

conversation versus a month ago when I actually had COVID, is that I was hearing a lot more from just teachers. They are afraid. This time I am also getting phone calls and emails from parents. They were saying they wanted the kids back in school but that is shifting and now they are concerned because they are having family members getting sick. My mother was in the hospital for 23 days so I have direct experience with this. We lost someone at Sissonville High this past week that had been a volunteer for years. We know how serious it is. I agree with Mr. Crawford. Regardless of what the State School Board does today at 11:00 Mr. Albert had a good point, constitutionally we as a county can make this decision. The Governor gave us through executive order the ability to make this decision. I think we should go ahead and respect and honor what the teachers have been asking for the past couple of months and make a decision so teachers and parents can plan. They have done an incredible job getting this vaccine out. So my official stance on this is that we stay remote through the time period until the vaccine is rolled out and then go back in person for those who chose that.

Mr. White-Dr. Williams you said the State School Board would trump us and that is contrary to what Mr. Albert said. Can we get some clarification from a lawyer on that? Dr. Williams-Lindsey, as far as I know can the county board make the decision to go remote? Lindsey McIntosh-Yes. Mr. White-What if the State Board says you can't? Lindsey McIntosh-Are you asking me to give a legal opinion in an open meeting? Mr. White-Yes. Lindsey McIntosh-If the State Board says you cannot then other county boards have bucked that authority. If we do that though we are risking losing their support should we later need it. All I can say is other people have done it and they are surviving. Whether or not you should do it is not a legal question. Mr. Cavender-I would certainly hope that the State School Board would not hold us hostage because we are concerned about our employee's safety. Mr. White-I think they will. Mrs. White-Back in the fall when I suggested that we call parents earlier than Saturday to give our folks more time, your recommendation was not to do that because we had certain waivers out there given to us by the State and if we didn't follow their lead we may lose those waivers. If we buck them now are we in fear of doing that again? Dr. Williams-I think anything's possible. There are a lot of counties in the State and so far the organization that I belong to did a survey and only 32 have responded but 8 have said no they are not going back in person and 9 have said yes they are following the Governor's decision and 15 haven't made a decision yet there are other counties are not doing what the Governor has said.

NEW BUSINESS (continued)

Mrs. Jordon-I don't think we know more than Dr. Marsh and Dr. Young. I feel like that we need to listen to the State Board and hopefully get more answers from Dr. Young. Mr. Cavender-I've asked three times to hear from a medical professional at these meetings and no one will come. Mrs. White-I will say that a red flag for myself came during Monday's press conference when the press asked Dr. Amjad if she felt it was safe for students to go back on the 19th and she clearly wouldn't answer that question. She didn't deny it but she wouldn't confirm it either. This is a big decision. I feel like we need more insight.

Mr. Cavender-Let's be clear, we have the ability as a county board to make this decision right? Lindsey McIntosh-Yes you do, however when I said support from the State Department I don't mean that they will hold certain things hostage but what I meant is that when we have grievances that come about or lawsuits, normally they go to the State Department because those decisions were made at the State level, but when you buck that they will come to us so it's not going to be a State Department decision it will be our decision so we will lose their support in being able to defend ourselves is the issue.

Mr. White-I saw an article where a professor from the WVU College of Law said the ultimate entity that has the ability to determine schooling in West Virginia is the State Board. I don't think that it's necessarily a given that we have the authority to act outside of the bounds of the State Board. I think it's prudent to hold off on a decision until we get more information. I spoke with the Governor's Chief of Staff and he did indicate that they are probably going to state that they are not going to allow remote and he said if other counties go remote that there are consequences that can happen including money that's going to be allocated from COVID 19 funding and they could decide not to give us as much as we need.

Mr. Cavender-So we as a Board are supposed to live in fear of the folks at the State when we are trying to protect our employees? Mrs. Jordon-I think when we make a motion it should say something like it's pending the State Board's decision.

Dinah Adkins-I can't imagine that the communities would allow the state board of the Governor or anyone else to deny you what is required by law and that is a safe school environment. Our employees are scared. If you set a plan that's pending and you don't take firm action and show your employees that you want a safe environment then we are going to be flip-flopping for the next several weeks. When the Governor speaks we all know we have to let the dust settle. Right now you can move forward and let the people in Kanawha County know that you care.

NEW BUSINESS (continued)

Mr. White-What's the rush? I realize we don't need to live in fear of the State Board but why would we make a decision two hours before they meet? Mr. Cavender-The same reason the Governor told us Monday that it was up to the counties and apparently that's going to be changed today. I think we need to be definitive. Mr. White-The Governor said he will support what the State Board does. That's what he said in the paper. Mr. Cavender-I'd like to see us take a firmer stand. We are here this morning and a lot of people are wanting to know what's going to happen and I think we owe it to them. Mr. White-What's the harm in waiting in waiting 5 hours?

Jerry Throckmorton-Making a decision today will cause other people to help make their decision. Take a leadership role and do the right thing. When consequences come up you can respond to them. The last thing is Mrs. Jordon said the people in this county want a good education and the students in this county are getting a fabulous education.

Mrs. Tracy White called to order. We allowed delegations and we can't keep doing this back and forth.

Tracy White-I was the one back in September that made the big controversial motion in the first place. We've all got the emails and I will say that when I was contacted back in the fall by teachers saying they wanted the students back in the classroom and those same teachers are now saying I'm afraid to go with all of those kids in my classroom. My job is to do what I feel is best to keep the students and staff of Kanawha County safe. We had three LSIC meetings this year and I asked what the staff morale was at each one of those schools and they all said it was low but they came to work and make it happen. Everyone should agree that face-to-face is the best but staff are afraid to go to work because they are getting more students back and the numbers are insane. We can't deny the fact that is getting worse. I feel we have to validate our teacher's wishes. We've got to stay remote for a while longer. I'm afraid we are going to lose teachers. I feel it's our role to make that choice so they aren't forced to make choices that will hurt us in the end. Mr. Cavender-If those board members want to vote to stay remote and people are commenting that they are anti-going back to school, I want to make it clear that the number one thing I want for my kids is to be back in the classroom, but at this point safety supersedes that and I want to make sure that that is clear.

Mr. White-I'd like to ask Dr. Williams what he thinks. Dr. Williams-My head says kids need to be in school and my heart says kids need to be in school but we also have employees that we need to think about and I feel that they are scared. My suggestion would be to go remote until the 8th of February. That would give everyone the first shot and most people the second shot and it would be effective by then.

NEW BUSINESS (continued)

Mr. White-It's not an easy decision. I encouraged our State people to give our teachers the vaccines and they did and I think that's great. There is no question that having kids not in school is very detrimental to the kids that do not have the resources necessary to do eLearning. There's a study that I read that said the loss of life from not having kids in school is greater than than it is from the entire pandemic. It's not an unreasonable compromise to do what the State School Board is doing. The Governor and State Superintendent wants them in 5 days a week and the State School Board said no we are going to let the counties choose to go blended.

Mr. Cavender-The unfortunate part about is that it comes down to us. We have to make decision that's what we've been charged with. Mr. Crawford-I appreciate the information you sent us Mr. White, but I have not changed my mind and I personally think we would be doing our employees a disservice by not letting them stay remote until they are vaccinated. Mrs. Jordon-I would prefer blended but I will support remote, but if the State Board says we can't go remote I will not buck what the State Board is asking us to do. Mrs. White-Is there a way that we could vote that we stay remote until February 8th pending the State Board? Mr. Cavender-If they make a decision to force our hands at 11:00 we will call a meeting. I think we need to make a decision today and show them that we support them. Mr. White-I think we need to wait until after their meeting. If we don't want to and the Board wants to continue to do this I would join in with Becky and I would vote for a motion to go remote pending the State Board decision. Us not cooperating with the State Board is not a good idea. They have money that they give us and it's a bad idea to buck them.

Mrs. White moved: That Kanawha County Schools stay remote learning until February 8th pending State Board approval this afternoon. Motion was seconded by Mr. Ric Cavender.

Mr. Crawford-Let's repeat that motion so I understand what we are doing.

Mr. White- I think you need to say what we are going to do. If you want to go 5 days then just don't say what you are going to do because that's the default, but if you want to go blended rather than 5 days then I think you say we move to go remote until February 8th unless the State Board says we can't and if they say we can't then we go blended until that day.

NEW BUSINESS (continued)

Mrs. Tracy White moved: The Kanawha County Board of Education stay with remote learning pending State Board approval this afternoon. If the State Board rescinds remote learning for all counties, then Kanawha County Schools will go to a blended model until February 8th. Motion was seconded by Mr. Ric Cavender and unanimously carried.

ESTABLISHMENT OF MEETING DATES

- A. Monday, January 4, 2021, 6:00 p.m.-Special Session at Piedmont Elementary
- B. Wednesday, January 13, 2021, 8:30 a.m.-Special Session
- C. Thursday, January 21, 2021, 6:00 p.m.-Regular Session
- D. Monday, February 1, 2021, 4:00 p.m.-Special Session
- E. Thursday, February 18, 2021, 6:00 p.m.-Regular Session
- F. Monday, March 1, 2021, 4:00 p.m.-Special Session
- G. Monday, March 15, 2021, 3:00 p.m. & 3:05 p.m. Budget Workshop-Statutory Session (Presentation of Schedule of Proposed Levy Rates) (Budget Workshop to Follow)
- H. Tuesday, March 16, 2021, 12:00 Noon-Statutory Session (Approval of the Schedule of Proposed Levy Rates)
- I. Thursday, March 18, 2021, 2021, 6:00 p.m.-Regular Session

NOTE: The above meetings of the Kanawha County Board of Education, unless otherwise indicated, will be held in the Board of Education Building, 200 Elizabeth Street, Charleston, WV.

ADJOURNMENT

Mrs. Tracy White moved: That the Special Session of the Board be adjourned. Motion was seconded by Mr. Ric Cavender and unanimously carried. The Special Session was declared adjourned by Board President Becky J. Jordon at 9:24 a.m.

President

Secretary

djl

1/21/2021