

**Special Board Meeting      PHS Commons      President Doug Kirkbride**

The Board of Education of Pana Community Unit School District #8 of the Counties of Christian, Shelby and Montgomery, Illinois met in Special Session on Monday, August 9, 2021 at 6:30 p.m. in the Pana High School Commons, 801 W 8th St, Pana. IL.

**Meeting called to Order/Roll Call**

Vice-President Anderson called the meeting to order at 6:30 p.m. The following board members were present: Kirkbride (Remote), Anderson, Beyers, Deere, Dorn, Moon, and Blackwell

Meeting Call to  
Order/Roll call

**VISITORS**

Visitors signed in with a sign in sheet and will be available in the meeting file.

Anna Everyly (Parent) Speaking against masks coming back, would like to have masks optional. Would like the board to keep the prior approved back to school plan in place. Facial expressions, especially for those with social and sensory difficulties are very hard when you have a mask covering the face. Thinks it should be up to each individual parent to choose.

Tiffany Sims (Parent). Would like for masks to be options. She would like to "go into the school year with masks recommended but optional. Would also like to have a poll sent to parents and guardians and then go with what the majority votes for. Asks the board not make decisions out of fear but take into consideration the parents passion. Truly believes that there are risks and it isn't just about masks. It is beyond.

Derek Pearcy (speaking on behalf of Dillons Law and School Code. Mr Pearcy speaks on 105ILCS/Title23, 20ILCS 3305, 745 ILCS 70. States that the code to give government authority to require kids to wear masks in schools doesn't exist. Did we give the governor the authority to tell schools to wear masks. It is not there. Can schools lose funding or tort immunity. No one can give an answer and FOIA was answered with "No Records Exist." No one was told they would lose immunity and funding. There is precedence for Tort Immunity to go away so that is something to consider. Recognizes that the board has a very difficult decision. .

Dr Doug Cyrus you have to go by the science. For over a year we have known, it is hard for them to get covid or to give covid. Having children wear a mask isn't helping that child at all. We are all going to go out or be around people without a mask. Wearing a mask in schools isn't going to help this fact. Why should we have children wear a mask.

Jeremy Williams stated that if the board does the right thing, the group will be for you. If you make the group angry, they will not. Facial cues are very important. If you can't use these cues you will end up with problems. There are increases in abuse of all kinds - depression, suicide, abuse, etc.

Clay Hardy would like to restate what was said prior. If you do the right thing, people are going to be happy with you. If you make them angry they are going to have a very different feeling. Facial expressions are important and when you are wearing a mask, you do not know what is going on or what facial expressions are being made. If you take a person's ability for facial expressions, you will have a lot of problems. Increases in depressions, clinical issues, substance abuse, physical/verbal abuse, suicide. Consider this before making your decision.

Jamie Glick - When kids wear a mask at school but nowhere else what does that accomplish. I or my children are not responsible for anyone else's health either. What good does wearing a mask do? Don't give into peer pressure.

Nicole Brown - Feels like this is a bully situation by the government. All we are teaching our children is to bow down to oppression. Masks are muffling. Some people have to see a mouth move to understand. Can we have a waiver to take the accountability away from the schools and put on parents?

Heath Everly - He has fought 2 wars in the Army for oppression. Our governor is also trying to tell us what we can and cannot do. If we give in we are no better than over there.

Mike Smith - be the ones to stand up and make these masks go away. If you make the right decision we will gladly follow.

Joanna Hardy - As a parent I can approve what is ok or approved for my kids. A current taxpayer in Shelby County and acknowledges that public service is a very difficult job and respects the board. Wants to repeat somethings that has already been said. The government only has the authority under the school code and the mask issue follows under health issues not school code. They have no legal means to enforce. It is almost impossible to prove where you contractid COVID. The governor doesn't have the authority to create new laws. Please think long and hard and be educated before mandating masks in our schools.

Katie McKinna - I am not a scientist or doctor and was ok when masks first came out. Read a lot of what happens when wearing a mask and side effects. There were dark circles under the eyes and this is from breathing in the breath and carbon monoxide. Had headache and nausious. Can't imaging how these young kids feel. Kids are visual learners and that is extremely difficult when facial expressions can't be seen. It also has impacts on mental and physical health. It has been a complete struadale on the kids and the parents.

Kenny Barringer - Speaking as a parent and as a teacher. Students where she teaches experience major depression and anxiety. These kids don't know how to deal with pressure and social cues. It is hard to hear when you wear a mask. Safety concerns are also a major issue. When having classes like shop and other hands on classes, there are safety concerns with glasses fogging up, being able to hear instructions correctly.

Amber Blackwell - School is a safe and happy place for a lot of kids. Feels the mas takes away their individuality. Should be left up to the parents. Thank you for allowing this to be an open board meeting.

Cheri Wysong - Washington School Principal - Our number one priority is your kids. This is a very emotional issue and I understand how you feel. Kids don't care one way or another. We are not stuck in a mask the whole time. We take breaks, we go outside. Wants 5 days a week in school to spend time with their friends, learn, and have fun. Kids at Washington and Lincoln are too young to be vaccinated. These rules help us keep in school. Quarantine is a loss of time. Please celebrate what this district has accomplished, we (school staff) showed up every single day for yoru kids. Your kids are our kids. We want to keep them safe and make sure they feel loved. We want what is best for them. Your fight isn't with

Tiffany Pinkston - I have a child that was in Kinergarten last year. He was in a class with another child that had hair like his and his teacher couldn't tell them apart most days. When the mask decision was overturned and my child heard about possibly having to wear a mask again, they were in tears.

### **Executive Session**

A motion was made by Deere and seconded by Moon to enter Executive Session at 7:23 p.m. for the purpose of discussion of the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the District, student discipline, student concerns, litigation, and collective negotiating matters.

ROLL CALL: Kirkbride (remote), Anderson, Beyers, Deere, Dorn, Moon, and Blackwell All aye, motion carried.

Executive Session

Roll Call

### **Return to Regular Meeting**

A motion was made by Blackwell and seconded by Dorn to return from the Executive Session to the Regular Meeting at 7:59 p.m. Executive Session was held for the purposes of discussion of the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the District, student discipline, student concerns, litigation, and collective negotiating matters.

ROLL CALL: Kirkbride (remote), Anderson, Beyers, Deere, Dorn, Moon, and Blackwell All aye, motion carried.

Return to Regular Meeting

Roll Call

### **Approve executive session minutes**

A motion was made by Deere and seconded by Beyers to approve executive session minutes as read in executive session.

ROLL CALL: Kirkbride (remote), Anderson, Beyers, Deere, Dorn, Moon, and Blackwell All aye, motion carried.

Approve Executive Session

Roll Call

### **Personnel Recommendations**

A motion was made by Moon and seconded by Blackwell to approve the Superintendent's personnel recommendations as reviewed in executive session.

ROLL CALL: Kirkbride (remote), Anderson, Beyers, Deere, Dorn, Moon, and Blackwell All aye, motion carried.

Personnel

Roll Call

### **Board Member Considerations**

Superintendent Bauer we are all here because we feel strongly about the re-masking mandate made by Governor Pritzger. The executive order, in essence, took away the local control that we had achieved previously and necessitated that the Back to School Plan for 2021-2022 be modified. It is very difficult to have a civilized conversation on anything where there is disagreement. We all have our own personal set of beliefs outside my professional obligations. A lot of us think very similarly to those in attendance. I am acting in a professional capacity as the leader of this school district trying to do everything I can to ensure that everyone has the ability to come back to school in the safest way possible. I ask that you be respectful to our board of education members who volunteer to provide the very best educational experience for our students and staff. I am recommending that as of tonight, August 9, 2021, we are in a better position as we were at this time last year. Teachers were also trying to balance between in-person and remote learning. We have an obligation to have students in school. We are aiming at providing instruction 5 days per week for full days with normal schedules. Extracurriculars are also being offered. Moving forward the recommendation to approve the Back to School Plan as presented and to follow CDC, IDPH guidelines. Masks will be required regardless of vaccination status. This will reduce the amount needing to quarantine. We are also looking to implement covid testing using the Binax Now test. There is no test available for those under the age of 12. If we go against the order, no coverage by insurance carriers, jeopardize losing recognition status - not able to issue diplomas, athletics would jeopardize being able to play under IHSA/IESA sanctioned athletic events. Loss of evidence based funding. Loss of Tort immunity. Brandon Wright - School Attorney is also in attendance to elaborate on this as well.

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Brandon Wright - My job is to advise/do what is in the best interest of the school and school board. The liability risk is very significant. Deliberate defiance would breach the Tort Immunity shield. Insurance coverage would also be impacted. Claims wouldn't be covered with deliberate defiance. Coverage could be denied for workmans comp as well with defiance. Liability waivers would create more problems than good. It only covers the ones the waiver is for, not anyone else that doesn't sign a waiver. Would also add to the evidence against the school for loss of tort immunity. Every court (over 60 challenges) in reference to the governors legal authority have failed. There have been no successful challenges to remove any of the orders. Once school district who's board went against the order to not wear masks (last school year) the state sought and won an injunction against that school district. The courts have held that the governor does have the right to make these orders and they are enforceable. The recognition status - ISBE has the authority under its regulation to pursue the recognition status that they believe are not following the requirements. They have done this with one school already and that district is under probation status. The districts diplomas wouldn't be valid, state fund eligibility would be impacted, ihsa eligibility would be impacted as well as many other issues going forward. Recognition status is also impacted.

A motion was made by Deere and seconded by Moon to approve the Back to School Plan for the 2021-2022 school year as presented  
ROLL CALL:Kirkbride (remote), Anderson, Dorn - Nay. Deere, Moon, Beyers and Blackwell - Aye, motion carried 4-3.

#### **Adjournment**

A motion was made by Moon and seconded by Deere to adjourn the regular meeting of Monday, August 9, 2021 at 8:30 p.m. All aye, motion carried.

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Secretary

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President