



**Arizona School for the Arts**  
**Special Board of Directors Meeting Minutes**  
 Thursday, August 12, 2021 at 5:00 p.m.  
**Zoom Meeting: 892 9014 8734 Passcode: 262121**

<b>Attendance (voting Members in bold)</b>					
<b>Dr. Anthony (Tony) Dietz, President</b>	<b>P</b>	<b>Carlos Contreras, Vice President</b>	<b>A</b>	<b>Dr. David Garcia, Secretary/ Treasurer</b>	<b>P</b>
<b>Dr. Javier Cárdenas, Past President/RDC Chair</b>	<b>P</b>	<b>John Snider, FIC Chair</b>	<b>P</b>	<b>Alexander Laing</b>	<b>P</b>
<b>Betty Hum, GC Chair</b>	<b>P</b>	<b>Marcia Mintz</b>	<b>P</b>	<b>Kevin Allen</b>	<b>P</b>
<b>Allison Otu</b>	<b>P</b>	<b>Karen Lugosi</b>	<b>P</b>	<b>Dr. Ed Finn</b>	<b>P</b>
<b>Dr. Heidi Jannenga, TC Chair</b>	<b>A</b>	<b>John O'Neal</b>	<b>P</b>	Yetta Gibson	A
Dr. Hazem Hnaide	P	Ricky Livoni, Honorary Academic Faculty	P	Jessica Elder, Honorary Arts Faculty	P
Jesús López, Honorary Alumni	A	Amalia Nevarez, Honorary Student	P	Amara Washington-Bess, Honorary Student	P
Leah Fregulia, Head of School/ CEO	P	Sara Maline Bohn, Principal	P	Elizabeth (Liz) Shaw, Business Director	A
Leslie Tan Religioso, Development & Marketing Director	A	Carolyn Smith, Executive Assistant	P	Marc Wancer, EFF	A

<b>Agenda Items</b>	
<b>Call to the Public</b>	
<b>Discussion Items</b>	
<ul style="list-style-type: none"> <li>The Board of Directors will consider the masking policy for ASA beginning August 17, 2021</li> </ul>	
<b>Action Items</b>	
<ul style="list-style-type: none"> <li>Approval of ASA's Mask Policy beginning August 17, 2021</li> </ul>	
The Board of Directors may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to: ARS §38-431.03 (A)(3) Legal Advice	

<b>Minutes</b>
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Board President Dr. Tony Dietz called the meeting to order at 5:03 p.m.

**Call to the Public**

Tony made a call to the public for comment on the agenda item, reviewing the rules for public comment under Open Meeting law and requesting that those who wish to speak enter their name in Chat to be called upon. He then opened the floor for comments:

Amy Vynalek, Parent, has a child that cannot be vaccinated yet; he will be wearing a mask and she supports requiring the rest of the students being masked.

*Tehya Young, 12<sup>th</sup> Grade Student*, questioned why we are discussing this again. When school came back in hybrid mode last year, students still felt disconnected because of the masks and social distancing. She thinks wearing masks should be a personal choice.

*Cara Denby, Parent*, is an administrator/teacher at another school and has had to make this same decision at her school. Research shows that masks are effective, the CDC and the AAP recommend masks. She is a strong proponent of masks along with other protocols in a layered, protective approach.

*Andrew Jacobs, Parent*, CDC shows that masks are scientifically proven to reduce spread. Urges the Board to require masks, especially since it will help keep school open, and also urges the Board to join any litigation to be able to keep requiring masks past September 29<sup>th</sup>.

*Ramon Islas, Parent*, believes that masks only protect ourselves not others. There are too many contradictory reports. He believes we need to do more, especially since we don't know how the kids are handling the masks throughout the day. He thinks wearing a mask should be a personal decision, not imposed on him.

*Gina Montion, Parent*, is a pediatrician in Phoenix for over twenty years. With masking and social distancing, this is the first time in twenty years she has not gotten sick. Studies can be confusing, but she is proof that masking works. Cold and flu season was skipped this year, but the RSV and rhinovirus that usually appears in Fall and Winter is happening now and she attributes that to Arizona opening up. Kids can build up their immunity to common illnesses after COVID is under control. Mask discussions are part of her well check now.

*Lucero Beebe Giudice, Parent*, is a teacher at a Title 1 school and she believes the mask is an important item we can use to take care of ourselves and each other. If we are in this together, we must protect our most vulnerable, including those at home.

*Michelle Hoxie, Parent*, is immunocompromised and strongly supports a mask mandate, not only for herself but for immunocompromised students at the school who deserve to go to school in a safe environment. For those who feel restricted by the masks, she encourages parent to help their kids cope with change because those techniques are important to keeping them safe as well.

*Eric Rossell, Parent*, read H.B. 2898 and discovered that the law is meant to be retroactive to June 30<sup>th</sup> and does not think this is a discussion on whether masks are appropriate or effective or not, but whether we should follow that law which is a personal decision and we should not be dragging the children into a political agenda.

*Amy Felix, Parent*, supports the Board mandating masks. She had had to be at work throughout the pandemic and masks have worked for her. She has a child who is at risk to go to the hospital with a simple flu and even though her daughter is vaccinated, the Delta variant is frightening for them.

*Melinda Iyer, Parent*, COVID case rates have doubled in Arizona in the past two weeks, multiple schools are reporting outbreaks. Science is clear: the most effective mitigation strategy is vaccination, the second most effective is universal masking. She supports the Board mandating masks to keep the community safe.

*Destyn Moreno, Parent*, she and her husband are essential workers and neither have worn a mask throughout the pandemic. Arizona S.B. 1824 does not preclude parents from making essential health decisions for their child and prohibits discrimination based on vaccine status. We need to think about what it is going to do to kids socio-emotionally to go against the law.

*Michelle Khazai, Parent*, supports the Board mandating masks in line with many other Arizona school districts. *Thomas Field, Parent*, opposes requiring all members of the community to wear masks, particularly cloth masks. Thinks that a targeted approach of N95 masks for vulnerable people would be more effective. Suspects that the Board will go with the medical recommendations, but does not think the school should go against the law. The school where he teaches is mask optional and he thinks ASA should be as well.

*Ajai Iyer, 12<sup>th</sup> Grade Student*, has a grandparent with a chronic respiratory illness and feels that being at school with unmasked students is a threat to his health. Those who complain about the negative psychological effects of wearing a mask are not recognizing the negative effects of bringing illness home. The school already has a dress code that everyone follows without an issue and a mask requirement should be no different to keep our community and families safe.

*Gloria Martins, Parent*, supports a mask requirement, it is fundamental. Recommendations from the CDC should be followed; law or no law, we will have the support of other school districts. We should be safe and not endanger someone else just because masks can be uncomfortable.

*Jason Kron, Parent*, is extremely pro-mask. There is an immunocompromised person in their household. Being uncomfortable wearing a mask pales in comparison to being ill. It is misleading to paint ASA as vigilantes if the Board decides to go against the law as other school districts are doing. We are not telling kids that it is okay to break the law, we are telling them it is important to doing everything we can to keep those around them safe.

*Brenda Foley, Parent*, supports universal masking. Her brother got sick with COVID and is still suffering the aftereffects since December. This is not something to take lightly.

*Mandel Moreno, Parent*, has been an essential worker throughout and thinks masks are silly. Dr. Fauci and the CDC keep changing recommendations; COVID is 99.9% survivable, just like most illnesses we have faced and we have been allowing the hypochondriacs to make decisions for all of us. We are all going to die someday. Kids have not learned about their rights, just how to be afraid this past year.

*Nora Muma, 12<sup>th</sup> Grade Student*, is fully vaccinated and got a breakthrough case of the Delta variant two weeks ago. It was horrible and she is just starting to feel better. Masks may be uncomfortable, but it would be worse for a student to get ill and miss school for two weeks. She supports a mask requirement.

*Wendy Johnson, Parent*, has Chron's disease and no immune system; she had to be separated from her daughter at the end of last school year. Masks are life and death for her. ASA is a community that cares about each other and that is why they choose to come here. A mask mandate is the responsible thing for everyone.

### **Discussion Item**

- Tony reminded members of the Board of their responsibility to ASA on the levels of health and safety, legally, fiduciary, role modeling and care for each other.
- Leah Fregulia gave an overview of ASA's mitigation strategies including vaccines, pooled testing, daily deep cleaning and social distancing when possible. She then gave an overview of Arizona H.B. 2898 as it refers to the restriction on mask mandates in schools and the clause making the law retroactive to June 30<sup>th</sup> which is being challenged in the courts; the bill does not address after school hours or visitors to campus. Included in the overview was the possible negative financial impact should ASA put a mask mandate in effect in contradiction to the law.
- Honorary Faculty Board members Ricky Livoni and Jessica Elder presented the results of an anonymous poll of the faculty and staff indicating that 81.2% of respondents support a mask mandate or requirement for all students and staff; 18.8% support a recommendation of masks. They also shared faculty concerns about the health and safety of unvaccinated students, that of their own family members and the worry of having to go back to online school.
- *Health and Wellness Council*
  - Council member Dr. Rebecca Sunnenshine shared COVID data from Maricopa County showing the case, hospitalization and death rates increasing over the past few weeks. The transmission rate in Maricopa is in the substantial range with 85% of cases in Arizona being the Delta strain which is twice as contagious as other strains. The majority of cases and hospitalizations are among the unvaccinated. There are currently 40 open school outbreaks.

- Proper universal mask use – both cloth and surgical – are effective in preventing the spread of COVID.
- Committee Chair Dr. Javier Cárdenas then told the Board that the recommendation from the HWC is that all students, faculty and staff wear masks indoors in conjunction with pooled testing.
  - Tony provided case rate data for Maricopa County and ASA student zip codes; case rates in all areas are trending upward.
  - Leah provided mask policy options for the Board:
    - Mandate that all students, faculty, staff, and campus visitors wear masks indoors during school hours. In effect until September 29<sup>th</sup>.
    - Require that all students, faculty, & staff wear masks indoors during school hours & provide an opt out clause (signed letter from parent).
    - Strongly recommend that all students, faculty, and staff wear masks indoors during school hours.
    - Have no policy or recommendation regarding masking.
  - Members of the Board then discussed the policy options in the framework of H.B. 2898 and its current and possible future legal challenges as well as the ramifications for the Board, school and community as a whole should the law, as written, be upheld.

#### *Executive Session*

At 6:54 p.m. John O'Neal moved the Board of Directors commence an executive session pursuant to ARS §38-431.03 (A)(3), in order to discuss legal advice obtained from the Board's attorney regarding ASA's mask policy as of August 17, 2021. The motion was seconded by Betty Hum and passed without further discussion. [Dietz, Garcia, Cárdenas, Snider, Laing, Hum, Mintz, Allen, Otu, Lugosi, Finn, and O'Neal voting in favor.]

Executive Session ended at 7:32 p.m.

- Tony invited the Board to discuss the policy options in light of the legal guidance they received. Dr. Ed Finn noted that the Board will need to make a decision in the face of a lot of ambiguity both from a legal standpoint and from the disease itself which makes the decision harder, but the Board will need to make a decision that provides some clarity to the community at the start of the school year.
- With no further comments from the Board, Tony then asked for a motion.

#### *Approval of ASA's Mask Policy beginning August 17, 2021*

Javier Cárdenas moved that public health is priority number one and this leads us to require masks from all students, staff, faculty and visitors to campus. Recognizing there is an ambiguous law in its start date and perhaps constitutionality, the motion is that all students, faculty, staff and visitors must wear face masks indoors during school hours; however, should parents, staff or faculty opt out, they may do so with a signed and notarized letter verified by school personnel. The motion was seconded by David Garcia. Karen Lugosi suggested that the motion include that should the retroactivity of H.B. 2898 be struck down in court the following day that the policy change to a mask mandate until September 29<sup>th</sup>; David countered that since the Board meets monthly, should that happen, the issue could be taken up at a later meeting. Javier rejected the addition to his motion due to the ambiguity of the addition and the fact that the motion as written has sufficient flexibility; Marcia Mintz added that the court case may not be a one-day decision and we do not know what will happen with the virus over the next couple of weeks. John O'Neal recommended calling another special meeting should the need arise. David suggested that the vast majority of students, faculty and staff will be wearing masks and this motion reinforced that; Leah reminded the Board that the school will be participating in pooled testing and changes to policy can be made should the need arise. In light of the discussion Karen withdrew her addition to the motion. The motion passed unanimously without further discussion. [Dietz, Garcia, Cárdenas, Snider, Laing, Hum, Mintz, Allen, Otu, Lugosi, Finn, and O'Neal voting in favor.]

**Adjournment**

Ed Finn made a motion to adjourn. The motion was seconded by Marcia Mintz and passed unanimously without further discussion. [Dietz, Garcia, Cárdenas, Snider, Laing, Hum, Mintz, Allen, Otu, Lugosi, Finn, and O'Neal voting in favor]

The meeting adjourned at 7:53 p.m.

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Minutes reviewed and accepted on: August 30, 2021

Signed by:  \_\_\_\_\_, Board Member