



**STATE BOARD OF EDUCATION MEETING  
December 10, 2020**

**Office of the State Board of Education  
Len B. Jordan Building  
650 W State Street, 3<sup>rd</sup> Floor  
Boise, Idaho**

A special meeting of the Idaho State Board of Education was held via Zoom teleconference on Thursday, December 10. Board President Critchfield presided and called the meeting to order at 11:00am (MST). A roll call of members was taken.

**Present**

Debbie Critchfield, President  
Andy Scoggin, Vice President  
Kurt Liebich, Secretary  
Dr. Linda Clark

Shawn Keough  
Emma Atchley  
Dr. Dave Hill  
Sherri Ybarra, State Superintendent

**Thursday, December 10, 2020, 11:00 a.m. (MST)**

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**

1. Stage 2 Stay Healthy Order Resolution

**BOARD ACTION**

**M/S (Clark/Scoggin): I move to approve the Resolution set forth in Attachment 1, the title of which is as follows:**

**A Resolution Directing School District and Charter School Compliance with Stage 2 Stay Healthy Order.**

A roll call vote was taken and the motion carried 8-0.

Before asking Board Member Clark to formally introduce the item, Board President Critchfield discussed the many challenges and changes that the Board has faced over the past several months throughout the COVID-19 pandemic and noted that local school boards have played a crucial role in ensuring that schools are able to remain open while maintaining the safety of students. Board President Critchfield also discussed that Stage 2 Stay Healthy Order that was issued by Governor Little and the Director of the Idaho Department of Health and Welfare on November 14, 2020.

Board President Critchfield outlined that the order prohibits public or private gatherings of more than 10 people, whether indoors or outdoors, and added that while these gatherings do not include educational activities involving students taught by an educator in a school or equivalent setting, spectators at school events remain subject to the prohibition of gatherings of more than 10 people. School districts and charters across the state are feeling pressure from the public to allow more than 10 people to attend athletic and extracurricular events, but doing so would be in violation of the Stage 2 Stay Healthy Order, which has the full force and effect of law. Board President Critchfield stated that the action that the Board would consider is not a revision to current guidelines or an introduction of new guidelines, but a Resolution to call upon districts and charters to comply with the State 2 Stay Healthy Order.

Board Member Clark read the Resolution, the full text of which can be found within the meeting agenda materials.

Superintendent Ybarra shared that she supports protecting students' health and safety as well as the health and safety of the public. Supt. Ybarra inquired about rural districts across the state who may not be experiencing high levels of COVID-19 cases, and asked if the resolution provides local districts within enough flexibility to make decisions that are best for them. Board Member Clark noted that local public health districts are responsible for making decisions that best fit the local situation. Board President Critchfield added that any statewide orders issued by Governor Little are applicable to every school district, regardless of their location. She also discussed that the resolution does not limit local school boards' ability or authority to make decisions within the order, but provides the clear guidelines that should be followed.

Board Secretary Liebich discussed that he tries to look at the pandemic through the lens of the Board's priorities, highlighting four key areas: 1) protecting the healthcare capacity across the state, 2) maintaining a functioning economy, 3) ensuring that students are able to be in school under the instruction of a teacher, and 4) creating a sense of normalcy wherever possible while maintaining the first three priorities. He added that if districts across the state are able to balance these four key areas, it is acceptable to ask that they comply with the Stage 2 Stay Healthy Order.

Matt Freeman, Executive Director, outlined that it is important for districts and the public to understand that the Resolution does not add new restrictions or mandates, but rather reinforces the Governor's mandate which has the full force of law. He also noted that the Resolution highlights the risks that local school boards run if they do not comply with the Stage 2 Stay Healthy Order. Mr. Freeman discussed that it is crucial to make local boards aware of the order and the criminal and civil liability risks that are present if they disregard the order.

Board Secretary Liebich noted that the agenda materials outline that the Board was made aware of school districts in various areas of the state that are not complying with the Stage 2 Stay Healthy Order, and asked if there is any sense of how widespread the

issue is aside from media reporting and anecdotal conversations. Board President Critchfield responded that she had several conversations with district superintendents, and the main concern is that districts have opened further than what the Idaho Back to School Framework staging allows, which has created pressure from surrounding districts who have not progressed as far within the staging. Board Member Clark added that there are other statewide entities who share the Board's concerns about the criminal and civil liability risks that districts are facing.

Board Member Atchley discussed that there is a lot of angst and disagreement within communities regarding the response to the pandemic. She emphasized that the Board's priority as the state's education leader is to maintain the safety of students and reduce the spread of COVID-19, and added that the Board must require districts to enforce the guidelines set by the Stage 2 Stay Healthy Order. Board President Critchfield, Supt. Ybarra, and Board Vice President Scoggin echoed these comments.

Board Member Hill inquired if the Board will need to adjust the Resolution if a new health order is issued by the Governor, and Board Member Clark explained that the Resolution asks for compliance for the current order as well as any subsequent orders.

There were no additional questions or comments from the Board.

There being no further business, a motion to adjourn was entertained.

#### **BOARD ACTION**

**M/S (Hill/Scoggin): I move to adjourn the meeting at 11:26 am (MST).** The motion carried 8-0.