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# GREENE COUNTY RECORD



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## After two board meetings, masks required

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Following two contentious school board meetings in the week leading up to the start of school, the decision on whether masks will be required for Greene County Public Schools (GCPS) students, staff and teachers was announced Tuesday afternoon by the superintendent.

“The CDC states ‘universal indoor masking for all teachers, staff, students and visitors (aged 2 and above) to K-12 schools, regardless of vaccination status,’” said GCPS Superintendent Dr. Andrea Whitmarsh in a statement Tuesday afternoon. “This requirement will start on

Wednesday, Aug. 11 (the first day of school).”

“I do understand the varying opinions and emotions surrounding masking and other COVID-19 mitigation strategies,” she continued. “This has been evident in the reactions from our community as we worked to decide on our mitigation strategies to begin the school year. In order to ensure that our students and staff can begin the school year in a safe and healthy learning environment, we will utilize additional supports from local law enforcement as necessary. ... I am hopeful that we can come together as a community for our children and focus time and energy on what matters most—

student success.”

Due to the high level of parent concern regarding the COVID-19 mitigations for the start of school, the August school board meeting—originally scheduled for Aug. 11—was rescheduled to Aug. 4 to give parents and community members the chance to hear all the details of the return to school plan and to voice their opinions before the vote.

Dr. Kyle Pursel, director of administrative services for GCPS, presented the updated health policy to the board. The main points were that classrooms have been set up with three feet of social distancing to the extent possible, while schools will continue to emphasize cleaning and

sanitizing throughout the buildings.

With a very small minority of families having expressed a desire to continue virtual learning this year—and with Senate Bill 1303 stating that all schools must provide full-time in-person education—it was not possible to staff virtual classes with Greene County teachers at every grade level, so the schools will be at near full capacity with enrollment just over 3,000 students.

Pursel reminded the board and audience members that Executive Order 79—which mandated that all students, teachers, staff and visitors must wear masks while on school property—ended May 28 of

this year while the similar public health order expired July 25. Also on July 25, the Virginia Department of Health (VDH) and Virginia Department of Education (VDOE) released their interim guidance for COVID-19 prevention in Virginia PreK-12 schools.

“VDH and VDOE strongly recommend in elementary schools that students, teachers and staff wear masks indoors, regardless of vaccination status,” Pursel said. “They strongly recommend that middle and high schools implement—at minimum—a requirement that students, teachers and staff who are

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# Masks

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not fully vaccinated wear masks indoors.”

As of July 27, CDC guidance for vaccinated individuals stated: “To reduce their risk of becoming infected with the delta variant and potentially spreading it to others, CDC recommends that fully vaccinated people wear a mask in public indoor settings if they are in an area of substantial or high transmission.”

The American Academy of Pediatrics also recommends that all students older than 2 and all school staff wear face masks at school because a significant portion of the student population is not yet eligible for vaccination, and the U.S. Department of Transportation requires that all students and staff wear masks while riding on public transportation—which includes public school buses.

“We were one of four divisions in the state that remained open the entire year (in 2020-21)—we never shut down,” Whitmarsh said. “That was due in large part to the multiple mitigation strategies that we had in place but also to the teamwork of our faculty, our staff, our parents, our students; everybody really worked together to make sure we could keep our doors open. Our goal remains to stay open for our students and families the entire year and of course to keep everyone healthy.”

After hearing public comment from 13 individuals—most of whom were opposed to having the children wear masks in school—the board voted 3-2 to make mask wearing “optional but recommended” for all

students, staff and teachers at the start of school. Board Chair Leah Paladino (Midway) and Sharon Mack (Ruckersville) voted against the measure, feeling that a phased approach starting with mask-wearing would be the safer option.

The following afternoon, the Blue Ridge Health District (BRHD) held a town hall to discuss the Delta coronavirus variant, the recent local uptick in COVID cases and the guidance regarding masks in schools. Also that same day, Virginia Gov. Ralph Northam insinuated in a press briefing that school districts that chose to go against the CDC’s recommendations could be legally liable for any COVID cases due to perceived negligence.

“Local school divisions are taking the lead, including mask wearing and mitigation measures in their schools,” Northam said Aug. 5. “We expect them to follow the law, and the law that was passed earlier this year says that schools will do two things this fall: they will offer in-person instruction five days a week, and they will follow CDC mitigation strategies. The CDC guidance is that people in schools need to be wearing masks. That law was passed by a strong bipartisan vote of the legislature, and I expect school divisions to follow it. If they choose not to follow it, they should have a frank discussion with their legal counsel.”

Based on this, there was some confusion as to the legality of allowing mask-wearing to be optional for the start of the 2021-22 school year, as Greene County is considered a “high transmission” area according to the CDC.

In the past month, there have been 106 new cases of COVID in Greene

County (compared with only eight cases in the month of June), along with 11 new hospitalizations and four deaths attributed to the virus. This includes a single-day total of 19 cases on July 8, which ties the highest case total of the entire pandemic from early January. There are 51.4% of Greene County residents—or just over 11,000—are fully vaccinated as of Aug. 9.

The board called a special meeting Aug. 9 to address the legality of the Aug. 4 vote ahead of the first day of school.

As passed by the General Assembly in March, Senate Bill 1303 requires that “each school board shall (i) adopt, implement, and, when appropriate, update specific parameters for the provision of in-person instruction and (ii) provide such in-person instruction in a manner in which it adheres, to the maximum extent practicable, to any currently applicable mitigation strategies for early childhood care and education programs and elementary and secondary schools to reduce the transmission of COVID-19 that have been provided by the federal Centers for Disease Control and Prevention.” (<https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0456>)

The Monday meeting, as publicly announced, was intended to be a brief discussion and vote on whether the previous decision went against the governor’s statements regarding adherence to SB 1303. There was no public comment on the agenda, yet numerous members of the public wanted to make their opinions known, including interrupting board members and yelling over their statements, as well as yelling at one another and speaking to

the audience instead of directing comments to the board.

“The board voted on Aug. 4, 2021, to make masks optional indoors for students and staff. The next day, guidance from the Virginia Department of Education, the Virginia Department of Health and the Governor of Virginia changed,” said Paladino in a prepared statement. “By enacting Senate Bill 1303, the General Assembly removed the ability of local school divisions to make decisions locally about what’s best for their schools.”

Paladino went on to summarize the governor’s remarks as well as revised guidance released to superintendents from the VDOE in the days since the briefing and various legal implications of failing to follow SB 1303.

Mack’s first attempt to make a motion was drowned out by yelling from the crowd, despite attempts by Paladino to call for order.

“I would like to move that each school board member takes an oath to follow the law,” Mack stated. “This school board reaffirms its commitment and directive to division employees to follow the laws governing the operation of the schools, including the requirement to provide in-person instruction to all students according to the conditions and requirements of Senate Bill 1303.”

The chair seconded the motion and opened the floor to board member comments before a roll call vote.

“The first thing I’d like to say is that the comments that were given to you tonight are not the

comments of the board in its entirety,” said Todd Sansom (Vice Chair, Monroe). “We had not seen them, we had not heard them and I was not aware of them before I stepped in this room tonight—and I was given a different picture of what they would look like. ... I would also like to present the motion that we amend the agenda tonight to have public comment.”

According to Robert’s Rules of Order, a manual of parliamentary procedure from 1876 which all public governing bodies generally follow, there cannot be two open motions on the floor at one time. (<https://robertsrules.com>)

Over many more interruptions, the board voted 3-2 in favor of Mack’s motion to uphold Senate Bill 1303 as it pertains to COVID-19 mitigation strategies, overturning the Aug. 4 decision in light of the governor’s guidance. Sansom and Tooley voted against the motion.

With the room rapidly erupting into chaos, Paladino asked if there was another motion to be made. Tooley reiterated his motion to add public comment, but the audience members—loudly expressing their confusion and frustration over the decision that had just been made—drowned out any second on the motion and a vote was not taken.

Paladino stood up and adjourned the meeting—which those who were continuing to yell out of turn seem not to have noticed. She gathered her belongings and left the room.

After several more minutes of arguing, Sansom resumed the meeting in the chair’s absence. He

reintroduced the motion for public comment, which was seconded by Tooley, and members of the audience lined up to sign up on a list at the back of the room. Eleven members of the public spoke—five of whom were the same speakers from the Aug. 4 meeting—asking for everything from a legal fight against the governor to a postponement of the first day of school until a decision could be reached. Two speakers said they intended to tell their children to disobey the mask rules, and one called the mandate an “insane tyrannical overreach” by the government.

Tooley motioned to make mask-wearing optional, reaffirming last week’s vote, and Sansom seconded. Collier stated that he was not sure if the continuation of the meeting was in accordance with Robert’s Rules and abstained from the vote, which was 2-1 for optional mask-wearing. The meeting was eventually adjourned again.

Whitmarsh’s statement Tuesday afternoon did not address the votes of the previous night’s meeting.

As of press time, Charlottesville city schools along with Albemarle, Augusta, Orange and Madison counties, UVA and PVCC are requiring masks indoors for everyone, regardless of vaccination status. Orange and Madison counties had both initially voted for optional masking but switched course Monday in special called meetings after the governor’s briefing.

At press time the next School Board is set Sept. 8 at 7 p.m.