

**Vista School Board Meeting**

**September 3, 2020 Agenda**

**Location: 585 East Center, Ivins, UT 84738 (virtually via zoom)**

**Board members present:**

**Others present:**

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**5:00 PM- CALL TO ORDER: Welcome and Introductions**

**5:00 PM- APPROVAL OF PREVIOUS MINUTES**

**5:05 PM- PUBLIC COMMENTS**

**5:00 PM- COMMENTS FROM THE ADMINISTRATIVE TEAM**

**5:15 PM- BOARD CALENDAR**

**Next Board Meeting- Thursday, September 17 @ 5:00 pm**

**5:15 PM- REPORTS**

**Director's Report – Sam Gibbs**

**-Policy Updates**

**-Expansion Update**

**-COVID-19 update**

**5:50 PM - DISCUSSION/ACTION ITEMS**

**- Title IX Policy**

**- Mask Exemption Request?**

**MISC COMMENTS**

**TABLED AGENDA ITEMS**

**6:30 PM – ADJOURN**

**CLOSED SESSION**

**To discuss the character or competence of an individual. Requires Roll call vote.**

	Blue	Green	Total Proficient	Yellow	Red	Total Below			Blue	Green	Total Proficient	Yellow	Red	Total Below
19/20								20/21						
Kindergarten	64	21	85	11	4	15		Kindergarten	45%	25%	70%	15%	15%	30%
MOY FSF	61	28	89	6	5	9		BOY FSF	59%	10%	69%	13%	18%	31%
MOY LNF	N/A	N/A	N/A	N/A	N/A	N/A		BOY LNF	N/A	N/A	N/A	N/A	N/A	N/A
MOY PSF	67	20	87	12	1	13		BOY PSF	69%	11%	80%	9%	11%	20%
MOY NWF CLS	61	26	87	12	1	13		BOY NWF CLS						
MOY NWF WWR	N/A	N/A	N/A	N/A	N/A	N/A		BOY NWF WWR						
First Grade	48%	19%	67%	14%	19%	33%		First Grade	29%	15%	44%	16%	40%	56%
BOY LNF	N/A	N/A	N/A	N/A	N/A	N/A		BOY LNF	N/A	N/A	N/A	N/A	N/A	N/A
BOY PSF	N/A	N/A	N/A	N/A	N/A	N/A		BOY PSF	44%	23%	67%	25%	8%	33%
	45%	34%	79%	13%	8%	21%		BOY NWF CLS	31%	12%	43%	33%	24%	57%
	50%	35%	85%	6%	9%	15%		BOY NWF WWR	23%	24%	47%	53%	0%	53%
DORF Acc	48%	13%	61%	19%	20%	39%		DORF Acc	N/A	N/A	N/A	N/A	N/A	N/A
DORF Fluency	50%	14%	65%	20%	15%	35%		DORF Fluency	N/A	N/A	N/A	N/A	N/A	N/A
DORF Retell	N/A	N/A	N/A	N/A	N/A	N/A								
Second Grade	36%	24%	60%	14%	26%	40%		Second Grade	41%	25%	66%	9%	25%	34%
MOY NWF CLS	N/A	N/A	N/A	N/A	N/A	N/A		BOY NWF CLS	35%	21%	56%	25%	19%	34%
MOY NWF WWR	N/A	N/A	N/A	N/A	N/A	N/A		BOY NWF WWR	31%	30%	61%	20%	19%	39%
DORF Acc	29%	20%	49%	23%	28%	51%		DORF Acc	41%	18%	59%	16%	25%	41%
DORF Fluency	32%	20%	52%	17%	31 %	48%		DORF Fluency	47%	11%	58%	11%	31%	42%
DORF Retell	53%	28%	81%	12%	7%	19%		DORF Retell	62%	14%	76%	11%	13%	24%
Third Grade	49%	20%	69%	9%	22%	31%		Third Grade	30%	30%	59%	31%	10%	41%
DORF Acc	43%	25%	68%	15%	17%	32%		DORF Acc						
DORF Fluency	52%	17%	69%	10%	21%	31%		DORF Fluency						
DORF Retell	57%	24%	81%	13%	6%	19%		DORF Retell						
DAZE	38%	25%	63%	16%	21%	37%		DAZE						
								Fourth Grade	64%	15%	79%	10%	11%	21%
								DORF Acc	49%	18%	67%	16%	17%	33%
								DORF Fluency	54%	12%	66%	13%	21%	34%
								DORF Retell	78%	14%	92%	8%	0%	8%
								DAZE	50%	20%	70%	18%	12%	30%
								Fifth Grade	38%	13%	51%	34%	15%	49%
								DORF Acc	35%	21%	56%	19%	25%	44%
								DORF Fluency	38%	6%	44%	20%	36%	56%
								DORF Retell	65%	15%	80%	14%	6%	20%
								DAZE	33%	8%	41%	32%	27%	59%

## **POLICY: Sexual Harassment, Including Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Retaliation**

### **1. Glossary**

- *Advisor* means a person chosen by a party or provided by Vista) to accompany the party to meetings, interviews, or hearings related to the resolution process and to advise the party on that process.
- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment based on a protected class; or retaliation for engaging in a protected activity.
- *Complaint (formal)* means a document submitted by a Complainant or their parent/guardian or signed by the Title IX Coordinator alleging sexual harassment or retaliation under this Policy and requesting that VISTA investigate the allegation.
- *Confidential Resource* means a non-school employee who is not a Mandated Reporter of notice of harassment and/or retaliation.
- *Day* means a calendar day when VISTA is in normal operation.
- *Education program or activity* means locations, events, or circumstances where VISTA exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.
- *Final Determination*: A conclusion that the alleged conduct did or did not violate policy.
- *Finding*: A conclusion that the conduct did or did not occur as alleged (as in a “finding of fact”).
- *Formal Grievance Process* The method of formal resolution designated by VISTA to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).
- *Grievance Process Pool* includes any investigators, Decision-makers, hearing officers, appeal Decision-makers, and/or Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- *Decision-maker or Panel* refers to those who have decision-making and sanctioning authority within VISTA’s Formal Grievance process.
- *Investigator* means the person or persons assigned by VISTA to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize

the evidence, and compile this information into an investigation report and file of directly related evidence.

- *Mandated Reporter* means an employee of VISTA who is obligated by policy to share knowledge, notice, and/or reports of harassment and/or retaliation with the Title IX Coordinator.
- *Notice* means that an employee, student, parent/guardian, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- *Official with Authority* (OWA) means any VISTA employee.
- *Parties* include the Complainant(s) and Respondent(s), collectively.
- *Recipient* means a K-12 education program that receives federal funding.
- *Remedies* are applied following a Resolution to the Complainant and/or the community to address safety, prevent recurrence, and restore access to the VISTA educational program.
- *Respondent* means an individual who has been reported as having engaged in conduct that could constitute sexual harassment or retaliation under this Policy.
- *Resolution* means the result of an informal or Formal Grievance Process.
- *Sanction* means a consequence imposed by VISTA on a Respondent who is found to have violated this policy.
- *Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence. See Section 16., for greater detail.
- *Title IX Coordinator* is the official(s) designated by VISTA to ensure compliance with Title IX and the VISTA Title IX program. References to the Title IX Coordinator throughout this policy may also include a designee of the Title IX Coordinator for specific tasks.
- *Title IX Team* refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

## **2. Rationale for Policy**

VISTA is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from sexual harassment and retaliation. To

ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, VISTA has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation sexual harassment or retaliation. Recipient values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

### **3. Applicable Scope**

The core purpose of this policy is to prohibit sexual harassment and retaliation. When an alleged violation of this policy is reported, the allegations are subject to resolution using the procedure as detailed below.

When the Respondent is a member of the VISTA community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the VISTA community. This community includes, but is not limited to, students, student organizations, teachers, administrators, staff, and third parties (such as parents/guardians, guests, visitors, volunteers, invitees, contractors, and consultants).

The procedures below may be applied to incidents, to patterns, and/or to the school climate, all of which may be addressed and investigated in accordance with this policy.

### **4. Title IX Coordinator**

The Director serves as the Title IX Coordinator and oversees implementation of this policy. The Title IX Coordinator has the primary responsibility for coordinating VISTA's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sexual harassment and retaliation prohibited under this policy.

### **5. Independence and Conflict-of-Interest**

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures.

The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case or biased for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Director. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct committed by the Title IX Coordinator should be reported to the Board Chair.. Reports of misconduct committed by any other Title IX Team member should be reported to the Title IX Coordinator.

## **6. Administrative Contact Information**

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Sam Gibbs

Title IX Coordinator

VISTA has also classified all employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing sexual harassment and/or retaliation.

The section below on Mandated Reporting details the responsibilities and duties that all VISTA employees have as Mandated Reporters under Title IX.

Inquiries may be made externally to:

Office for Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <http://www.ed.gov/ocr>

For complaints involving employees: [Equal Employment Opportunity Commission](#) (EEOC) <sup>[4]</sup>

## **7. Notice/Complaints of Sexual Harassment and/or Retaliation**

Notice or complaints of sexual harassment and/or retaliation may be made using any of the following options:

1) File a complaint with, or give verbal notice to, the Title IX Coordinator. A report may be made at any time (including during non-school hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.

[2) Report online, using the reporting form posted at [Vistautah.com](http://Vistautah.com). Reports may be made anonymously but may result in a need to investigate. VISTA tries to provide supportive measures to all Complainants, which is often not possible with an anonymous report. Know that reporting carries no obligation to file a Formal Complaint, which would trigger a formal response. VISTA respects requests from Complainants to dismiss complaints unless there is a compelling threat to health and/or safety, criminal activity, child abuse, and/or the Respondent is an employee.

A Formal Complaint means a document submitted or signed by the Complainant or their parent/guardian or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that VISTA investigate the allegation(s).

A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the VISTA) that contains the Complainant’s, or their parent/guardian’s, physical or digital signature, or otherwise indicates that the Complainant, or their parent/guardian, is the person filing the complaint, and requests that VISTA investigate the allegations.

If a complaint is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant, and/or their parent/guardian, to ensure that it is filed correctly.

### **8. Supportive Measures**

VISTA will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties. Supportive measures are designed to restore or preserve access to VISTA’s education program or activity, including measures designed to protect the safety of all parties or the VISTA’s educational environment, and/or deter sexual harassment and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, VISTA will inform the Complainant, in writing, that they may file a formal complaint with VISTA either at that time or in the future, if they have not done so already.

The Title IX Coordinator works with the Complainant, and/or their parent/guardian, to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented.

VISTA will maintain the privacy of the supportive measures so long as the privacy does not impair VISTA's ability to provide the supportive measures. VISTA will reduce the academic/occupational impact on the parties as much as possible. The Recipient will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the VISTA EAP
- Referral to community-based service providers
- Visa and immigration assistance
- Education to the school community or community subgroup(s)
- Altering school housing assignment(s)
- Altering work arrangements for employees
- Safety planning
- Providing school safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the school
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

## **9. Emergency Removal**

The Recipient can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

This risk analysis is performed by the Title IX Coordinator in conjunction with the Title IX team. In cases when an emergency removal involves a student with a disability who is receiving services under an Individualized Education Program (IEP), this risk analysis will also be performed in conjunction with the student's IEP Team and may present the need for a manifestation determination.

In all cases in which an emergency removal is imposed, the student and parent/guardian will be given notice of the action and the option to request to meet with the Title IX Coordinator



prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to demonstrate why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. A student Respondent may be accompanied by an Advisor of their choice during the meeting. The student Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

When this meeting is not requested [in a timely manner], objections to the emergency removal will be deemed waived, except as below.

In cases when an emergency removal involves a student with a disability who is receiving services under an IEP, this meeting can serve as the student's manifestation determination hearing and will be conducted in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA). The student will not have to request such a meeting as it will be scheduled and held within ten (10) days of the decision to implement the emergency removal. If it is determined that an emergency removal is necessary for more than ten (10) school days, that would constitute a change in placement and would be addressed in accordance with the requirements of the IDEA.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

VISTA will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: restricting a student's or employee's access to or use of facilities or equipment, changing transportation arrangements, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student organizational leadership, or athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for interim action are applicable.

## **10. Promptness**

All allegations, whether by notice or formal complaint, are acted upon promptly. Complaints can take 30-60 school days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but VISTA will avoid all undue delays within its control.

Any time the general time frames for resolution outlined in VISTA procedures will be delayed, VISTA will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

## **11. Privacy**

Every effort is made by VISTA to preserve the privacy of reports. VISTA will not share the identity of any individual who has made a report or complaint of harassment or retaliation, any Complainant, any individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

VISTA reserves the right to determine which VISTA officials have a legitimate educational interest in information about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

## **12. Jurisdiction of VISTA**

This policy applies to the education program and activities of VISTA to conduct that takes place within school or on property owned or controlled by VISTA, or at VISTA-sponsored events. The Respondent must be a member of VISTA's community in order for its policies to apply.

This policy can also be applicable to the effects of out-of-school misconduct that effectively deprive someone of access to VISTA's educational program. VISTA may also extend jurisdiction to out-of-school and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial VISTA interest.

Regardless of where the conduct occurred, the Recipient will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on school or in an out-of-school sponsored program or activity. A substantial VISTA interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;

c. Any situation that materially and substantially interferes with the requirements of appropriate discipline in the operation of the school; and/or

d. Any situation that is detrimental to the educational interests or mission of VISTA.

If the Respondent is unknown or is not a member of the VISTA community, the Title IX Coordinator will assist the Complainant in identifying appropriate school and local resources and support options and/or, when criminal conduct is alleged, in contacting local law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the VISTA community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, VISTA may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from VISTA property and/or events.

All vendors serving VISTA through third-party contracts are subject to the policies and procedures of their employers.

When the Respondent is enrolled in or employed by another school, or institution of higher education, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that school or institution, as it may be possible to allege violations through that school's or institution's policies.

### **13. Time Limits on Reporting**

There is no time limit on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to VISTA's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, VISTA will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

### **14. Online Sexual Harassment and/or Retaliation**

The policies VISTA are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the

Recipient's education program and activities or use VISTA networks, technology, or equipment.

Although VISTA may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to VISTA, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the VISTA community.

Public Recipients: Any online posting or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of the Recipient's control (e.g., not on Recipient networks, websites, or between Recipient email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline.

Out-of-school harassing speech by employees, whether online or in person, may be regulated by the Recipient typically only when such speech is made in an employee's official or work-related capacity.

### **15. Policy on Nondiscrimination**

VISTA also strives to provide a work environment that is free of discrimination and physical or verbal harassment regarding race, gender, color, pregnancy, childbirth or pregnancy-related conditions, national origin, religion, age, disability, sexual orientation, gender identity, and/or veteran status. Such harassment and discrimination will not be tolerated.

### **16. Definition of Sexual Harassment**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Utah regard Sexual Harassment as an unlawful discriminatory practice.

VISTA has adopted the following definition of Sexual Harassment in order to address the unique environment of an educational setting.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex or that is sexual that satisfies one or more of the following:

- 1) Quid Pro Quo:
  - a. an employee of the VISTA
  - b. conditions the provision of an aid, benefit, or service of VISTA
  - c. on an individual's participation in unwelcome sexual conduct.
- 2) Sexual Harassment:
  - a. unwelcome conduct,
  - b. determined by a reasonable person,
  - c. to be so severe, and
  - d. pervasive, and,
  - e. objectively offensive,
  - f. that it effectively denies a person equal access to VISTA's education program or activity.
- 3) Sexual assault, defined as:
  - a) Sex Offenses, Forcible:
    - o Any sexual act directed against another person,
    - o without the consent of the Complainant,
    - o including instances in which the Complainant is incapable of giving consent.
  - b) Sex Offenses, Non-forcible:
    - o Incest:
      - 1) Non-forcible sexual intercourse,
      - 2) between persons who are related to each other,
      - 3) within the degrees wherein marriage is prohibited by Utah law.
    - o Statutory Rape:
      - 1) Non-forcible sexual intercourse,
      - 2) with a person who is under the statutory age of consent of 18.
- 4) Dating Violence, defined as:
  - a. violence,
  - b. on the basis of sex,
  - c. committed by a person,
  - d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
    - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of

interaction between the persons involved in the relationship. For the purposes of this definition—

ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

iii. Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Utah, or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Utah.

\*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6) Stalking, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
  - i. would cause a reasonable person to fear for the person's safety, or
  - ii. the safety of others; or
  - iii. Suffer substantial emotional distress.

For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

- (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

VISTA reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

### **c. Force, Coercion, Consent, and Incapacitation**

As used in the offenses above, the following definitions and understandings apply:

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

#### **Consent is:**

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should stop within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) does not imply there is consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on VISTA to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

## **17. Retaliation**

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. VISTA will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.



VISTA and any member of the VISTA community are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Filing a complaint under another school/district policy could be considered retaliatory if those charges could be applicable under this policy, when the charges are made for the purpose of interfering with or circumventing any right or privilege provided under this policy that is not provided under the other school/district policy that was used. Therefore, VISTA vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

### **18. Mandated Reporting**

All VISTA employees (teachers, staff, administrators) are expected to report actual or suspected sexual harassment or retaliation to appropriate officials immediately. This includes employees who might otherwise be considered confidential resources.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting school resources. In school, some resources may maintain confidentiality and are not required to report actual or suspected sexual harassment or retaliation. They may offer options and resources without any obligation to inform an outside agency or school official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at VISTA for a Complainant or third-party (including parents/guardians when appropriate):

#### **a. Confidential Resources**

Because all VISTA employees are required to report actual or suspected sexual harassment or retaliation, any such information a Complainant shares with any VISTA employee cannot remain confidential.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with a non-Recipient employee. Following are some confidential community-based resources:

- Employee Assistance Program
- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies

All of the above-listed individuals are not VISTA employees and may maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor, elder or individual with a disability, or when required to disclose by law or court order.

#### **b. Mandated Reporters and Formal Notice/Complaints**

All employees of VISTA are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Failure of a Mandated Reporter to report an incident of sexual harassment or retaliation of which they become aware is a violation of VISTA policy and can be subject to disciplinary action.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though VISTA is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

#### **19. When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may

make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the school and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether VISTA proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires VISTA to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. VISTA may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and VISTA's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to have experienced conduct that could constitute a violation of this policy.

When VISTA proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor or the student's parent/guardian may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony except in situations where a Complainant is unable to provide evidence or testimony without assistance (e.g. due to age, disability, etc.).

# Mask Order FAQs

The Utah Department of Health issued an update to the [state public health order requiring face masks in schools](#) on August 14, 2020. The order is effective immediately and expires on December 31, 2020.

Wearing a face mask AND physical distancing are important to keep our schools as safe as possible from COVID-19. Schools should implement as many prevention strategies as possible in addition to mask requirements, especially in situations where physical distancing is difficult.

These frequently asked questions will be updated as needed.

For more information on masks in schools, please visit:

- COVID-19 School Manual <https://coronavirus.utah.gov/education/school-manual/>
- Making sense of the research on COVID-19 and masks <https://pws.byu.edu/covid-19-and-masks>
- Making sense of the research on COVID-19 and school reopenings <https://pws.byu.edu/making-sense-of-the-research-on-covid-19-and-school-reopenings>
- CDC Schools and Childcare Programs guidelines <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/index.html>

## Face masks basics

### 1. Why is it important to wear a face mask at school?

Studies from around the world show face masks are very effective to reduce the spread of COVID-19<sup>1</sup>. To be the most effective, all children, teachers, and employees at a school need to wear face masks.

The virus that causes COVID-19 is mainly spread through droplets that we expel when we breathe, talk, laugh, sing, cough, or sneeze. People can have the virus and not know it because they might not feel sick. A mask prevents the accidental spread of the virus by catching droplets. [See how in this video from the National Institute of Standards and Technology](#).

### 2. Are masks safe to wear all day?

Yes. There are many studies that show masks are effective and safe. Only mild and rare side effects have been seen, such as skin irritation, headaches, and general discomfort. There is no evidence that wearing a mask is dangerous and causes hypoxia (low oxygen) or hypercapnia (high carbon dioxide) in healthy individuals, even when multiple masks are layered on top of each other. It is safe for individuals to wear a face mask

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<sup>1</sup> <https://pws.byu.edu/covid-19-and-masks>

even if they have a health condition like asthma or allergies. In fact, wearing a surgical mask during exercise has been used as a treatment to reduce exercise-induced asthma<sup>2</sup>. Many children with developmental disabilities have other medical conditions that may place them at higher risk for severe illness from COVID-19. Wearing a mask is protective for these children<sup>3</sup>.

3. Is a cloth face covering the same thing as a face mask?

Yes. A cloth face covering is also called a face mask. A cloth face covering or face mask:

- Covers the nose and mouth without openings that can be seen through
- Is made of synthetic or natural fabrics
- Secures under the chin
- Fits snugly against the nose and sides of the face
- Does not have an exhalation valve or vent

In these FAQs and in the public health order, the term “face masks” is used to mean a cloth face covering.

4. Is a plastic or clear face mask allowed?

Yes, as long as the face mask covers the nose and mouth without openings, secures under the chin, fits snugly against the nose and sides of the face, and does not have an exhalation valve or vent. A plastic or clear face shield is NOT the same thing as a plastic or clear face mask.

5. What is a face shield?

A face shield:

- Covers the entire face
- Protects the eyes of the wearer
- Is made of clear plastic or similar nonpermeable transparent material
- Secures around the top of the head
- Does not secure under the chin
- Does not fit snugly against the nose or sides of the face
- Can be used in conjunction with a mask for enhanced protection

Face shields are not a substitute for face masks.

6. Are neck gaiters, neck fleeces, and bandanas OK to use?

The public health order allows neck gaiters, neck fleeces, and bandanas as long as they meet the definition of a face mask. As research on the effectiveness of different face

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<sup>2</sup> <https://pws.byu.edu/covid-19-and-masks>

<sup>3</sup>

<https://www.healthychildren.org/English/health-issues/conditions/COVID-19/Pages/Cloth-Face-Coverings-for-Children-During-COVID-19.aspx>

masks continues to evolve, updates to the definition of a face mask in the public health order may change.

7. Are masks with exhalation valves or vents safe to use?

These types of face masks do not trap respiratory droplets and do not stop the person wearing the mask from spreading COVID-19 to others. Face masks with one-way valves or vents let air out through a hole in the material. The CDC does not recommend using face masks if they have an exhalation valve or vent<sup>4</sup>. The public health order on face masks in schools does not consider face masks with a vent or exhalation valve to be an approved face mask.

8. How should you care for a face mask?

Information on how to make and properly care for cloth face coverings can be found on the CDC website at

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

9. Will the state of Utah provide face masks to schools?

The Utah State Board of Education (USBE) procured disposable masks for each school as part of PPE health supplies when treating students who get sick at school. Donations have been made to the USBE by Cotopaxi and H.M. Cole to provide cloth face masks for students and staff. These have been distributed by the USBE to local school districts. In addition, five KN95s and two face shields have been provided for each educator and employee in public schools in Utah<sup>5</sup>. These additional face masks and personal protective equipment (PPE) were sent to local emergency managers on August 7, 2020. If you have not received your face masks, please contact your local school district.

School districts can make a request for more PPE by contacting their county emergency manager. The county emergency manager will then make a request to the supply group under Unified Command for consideration.

Students and teachers may also use homemade cloth face masks. Reusable cloth face masks can also be made from very low-cost materials. The CDC has instructions for making a cloth face mask at

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>.

### Public health order on face masks in schools

10. What types of school settings does the public health order apply to?

The public health order states that each individual on school property or on a school bus shall wear a face mask. Individuals are required to wear a face mask while at school, on

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<sup>4</sup> <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>

<sup>5</sup> <https://coronavirus.utah.gov/school-teachers-and-staff-to-receive-ppe-from-state-distribution-center/>

a school bus, or while on school property. This includes public, charter, and private schools that provide any kindergarten through grade-12 program or service, including a residential treatment center that provides any kindergarten through grade-12 programs or services.

A school bus means district- or school-provided transportation that transports a student to or from a school or a school-sponsored activity.

School property means any real property, including any building, structure, facility, or part thereof, that is owned, leased, occupied, or controlled by a school.

11. Does the public health order apply to all students and adults in all schools?

Yes. The public health order applies to all individuals while in any public or private school facility, including K-12 district, charter, and private schools, career and technical education centers, preschool programs provided on school property, and residential treatment centers which provide K-12 programs. The order also applies to school buses which are used for district or school-provided transportation to and from school or a school-sponsored activity.

12. Do people attending a school-athletic event need to wear a face mask?

Yes. All individuals on school property are required to wear a face mask. School property means any real property, including any building, structure, facility, or part thereof, that is owned, leased, occupied, or controlled by a school. This includes athletic facilities, indoor or outdoor venues where athletic events are held, and playing fields.

13. Who was consulted in the drafting of this public health order?

The Utah Department of Health drafted the order with the Governor's Office, with input from organizations representing infectious disease experts, teachers, parents, school officials, school employees, and urban and rural schools.

14. How long is the public health order effective?

The order is effective immediately and remains in effect until December 31, 2020. The public health order may be updated as we learn more about COVID-19 and how it is spreading in Utah.

The Governor previously issued an [Executive Order](#) mandating face coverings in all state government facilities, including all institutions of higher education. That order continues to remain in effect for higher education.

### Face shields

15. When can you use a face shield instead of a face mask?

Face shields are not a replacement for face masks. Face shields may be used with face masks for additional protection if an individual chooses. The public health order allows the use of a face shield without a face mask only:

- When seeing a person's mouth is essential for communication, such as for individuals who are deaf or hard of hearing or when students and teachers are participating in speech therapy.

16. Are face shields safe to use in place of a face mask?

It is not known if face shields provide any benefit to protect others from the spray of respiratory particles. The CDC does not recommend use of face shields instead of a face mask, or for normal everyday activities.

If you want to wear a face shield, you also need to wear a face mask.

Only wear a face shield instead of a face mask if you are allowed to as outlined in the public health order. If you wear a face shield without a face mask, make sure it wraps around your face and goes below your chin. Only wear a disposable face shield one time. Clean and disinfect reusable face shields after each use. Put your face mask back on as soon as possible. Adding additional layers of protection in these situations such as physical distancing, increasing ventilation or airflow, or extra clearing and sanitization is encouraged.

17. Can a face shield be used instead of a face mask when singing?

Singing is not an exemption allowed in the public health order. Students in choir classes are expected to wear a face mask, even in choir classes that have been moved to larger, indoor settings such as gymnasiums or auditoriums. People who are outdoors and who maintain at least six feet of physical distance between one another are not required to wear face masks. Face shields are not a replacement for face masks. However, a face shield may be used in addition to a face mask if an individual chooses.

### Physical distancing and face masks

18. If you wear a face mask, do you still need to physical distance?

Yes. Face masks are very effective to reduce the spread of COVID-19. However, wearing a face mask does not eliminate the risk completely. If you wear a mask AND physical distance, the chance of being exposed to COVID-19 is much lower.

The public health order requires the use of a face mask even while physical distancing except when outdoors and eating or drinking indoors.

19. If I wear a mask when I sing, do I also need to physically distance?

Yes. Certain activities like singing, chanting, or shouting can increase the number of respiratory droplets a person is exposed to in the air. Choir in particular is considered a



higher risk activity for COVID-19 spread. Masks and physical distancing, along with other prevention measures such as increasing airflow or ventilation should be taken during these higher risk classes and activities.

20. If I can't wear a face mask while playing a musical instrument, do I need to physically distance?

Yes. Certain activities like singing or playing a wind musical instrument can increase the number of respiratory droplets a person is exposed to in the air.

21. If a teacher is teaching an online course from his or her classroom and is the only person in the classroom, does he or she need to wear a mask?

Faculty and staff should use sound judgement in these scenarios. If a teacher is alone in their classroom, and can ensure no students or other adults will be entering the classroom, they do not need to wear a facemask.

22. What things can be done to keep students safe while they are eating breakfast or lunch at school and they aren't wearing face masks or able to physical distance?

The [school manual](#) has suggestions to make cafeteria spaces as safe as possible as well as ideas for other accommodations to lower the risk of COVID-19 spread (such as having students eat outside while physical distancing or staggering lunch hours).

. If you have a child who has a food allergy, they may need additional accommodations depending on what plans your school has for preventing spread of COVID-19 during lunch.

### Exemptions from face masks

23. Does everyone need to wear a face mask?

There is clear scientific evidence that wearing a face mask reduces the spread of COVID-19. Face masks are strongly encouraged to reduce the spread of COVID-19, but it may not be possible in every situation, or for some people, to wear a face mask<sup>6</sup>.

The public health order allows for very limited exemptions from wearing a face mask while at school or on a school bus. In these cases, school administrators should consider adaptations and alternatives whenever possible to help someone wear a face mask or to reduce the risk of COVID-19 spread if it is not possible for someone to wear one.

24. Are there medical reasons for children to not wear a face mask?

There are very few times when an individual should not wear a face mask for medical reasons<sup>7 8</sup>. Medical exemptions from wearing a face mask should be carefully considered by a licensed healthcare provider.

It is safe for individuals to wear a face mask even if they have a health condition like asthma or allergies. Many children with developmental disabilities have other medical conditions that may place them at higher risk for severe illness from COVID-19. Wearing a mask is protective for these children<sup>9</sup>.

If a healthcare provider determines a child has a condition that warrants an exemption to wearing a face mask while at school, it is likely that child has other health conditions that put them at severe illness from COVID-19. Parents should talk with their child's healthcare provider about whether their child should do online or remote learning to limit the risk of being exposed to COVID-19.

#### 25. Who is allowed to not wear a face mask?

The public health order requires all students, teachers, employees, volunteers, or visitors wear a face mask while on school property or on a school bus, even if they are able to physical distance (stay 6 feet away from other people).

The public health order allows for some exemptions, meaning a mask is not required for certain people or situations. The order does not apply to:

- An individual who is outdoors AND physical distancing (meaning they can stay at least 6 feet from another individual).
- An individual who is eating or drinking AND physical distancing (meaning they can stay at least 6 feet from another individual).
- Children younger than 3 years of age.
- An individual with a medical condition, mental health condition, or disability that prevents him or her from wearing a face covering.
- An individual who is unconscious, incapacitated, or otherwise unable to remove a face covering without help.
- Anyone who is engaged in an activity where seeing a person's mouth is essential for communication, such as for communicating with individuals who are deaf or hard of hearing or when students and teachers are participating in speech therapy.

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<sup>7</sup> <https://pws.byu.edu/covid-19-and-masks>

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<https://services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/cloth-face-coverings/>

<sup>9</sup>

<https://www.healthychildren.org/English/health-issues/conditions/COVID-19/Pages/Cloth-Face-Coverings-for-Children-During-COVID-19.aspx>

- An individual who has an Individualized Education Program (IEP) or Section 504 accommodation that would exempt him or her from wearing a face mask.
- When a face mask must be temporarily removed to provide or receive a service involving the person's nose or face, such as speech therapy.
- During outdoor recess for elementary school students.
- During a school-sponsored activity if an individual cannot reasonably participate while wearing a mask. In this case, each individual participating in the activity must complete a symptom assessment, verbally confirm they are free of COVID-19 symptoms before participating in each event, and attest to the fact they have not been in close contact (within 6 feet for 15 minutes or more) with a person who has tested positive for COVID in the last 14 days, and where possible, confirm participant temperature is below 100.4 degrees Fahrenheit.
- During a physical education class if an individual cannot reasonably participate while wearing a mask. In this case, each individual participating in the physical education class must complete a symptom assessment, verbally confirm they are free of COVID-19 symptoms before participating in each event, and attest to the fact they have not been in close contact (within 6 feet for 15 minutes or more) with a person who has tested positive for COVID in the last 14 days, and where possible, confirm participant temperature is below 100.4 degrees Fahrenheit.

26. How do I get a mask exemption for my child?

Parents need to get a medical directive from their child's healthcare provider stating the child has a known medical or mental health condition or other disability and can't wear a mask during school or needs other accommodations, if there are no current accommodations on file with the school already. Parents are also responsible for providing the medical directive to their child's school. A school may require additional exemption forms to be filled out. Please contact your school to find out what paperwork is needed.

27. Who can sign the medical directive?

A medical directive exempting an individual from wearing a mask while at school must be provided by a licensed healthcare provider. A licensed healthcare provider includes a Doctor of Medicine (MD), Doctor of Osteopathic Medicine (DO), Physician Assistant (PA), or Advanced Practice Registered Nurse (APRN).

28. Can an exemption be granted based on parent request alone?

A school may require mask exemption documentation from a Doctor of Medicine (MD), Doctor of Osteopathic Medicine (DO), Physician Assistant (PA), or Advanced Practice Registered Nurse (APRN). Schools should have a consistent policy for when they will require medical documentation

29. Can an exemption be granted for an entire school?

No. The public health order allows exemptions for an individual, not an entire school. Individuals who qualify for an exemption as outlined in the order should contact their school to determine if any documentation is required.

30. Does a student still need a medical directive if he or she already has an IEP or 504 Plan and the medical exemption relates to the disability identified in the existing plan?

No. The public health order provides a different exemption for students who have an Individualized Education Program (IEP) under the Individuals with Disabilities Education Act, 20 U.S.C. section 1414, or an accommodation under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 794, that would necessitate exempting the individual from wearing a face covering. These students do not fall within the medical directive provision and the determination can be made by the IEP/504 team, including the parent, based on the child's disability and medical diagnosis. The decision should be documented in the child's IEP or 504 Plan.

31. Should a school create a 504 Plan for a student who obtains a medical exemption to the mask requirement?

No. The mask requirement and the medical directive for exemption are generally applicable admission requirements issued by public health authorities. The public health order is a state law and is similar to the current state vaccination requirement, although temporary.

A school is not required to implement all of the procedures of 504 such as evaluation, team meetings, 504 Plan, etc., in response to a student's medical mask exemption. It is merely an exemption to the temporary mask requirement.

However, if the parent indicates that the student's medical condition is causing problems beyond the masking requirement, school officials should clarify with the parent whether a formal 504 evaluation is being requested or is necessary.

32. Will parents be notified if someone in their child's class is not wearing a mask or is exempt from wearing a mask?

No. It is up to the school to enforce mask wearing among their student body and staff.

33. Do students with disabilities need special accommodations related to this order?

Students with a medical condition, mental health condition, or disability that prevent them from wearing a face covering, including individuals with a medical condition for whom wearing a face covering could cause harm or obstruct breathing, or who is unconscious, incapacitated, or otherwise unable to remove a face covering without assistance are exempt from this order. A school may require an individual to provide a medical directive verifying the need for an exemption.

Anyone who is deaf or hard of hearing, or anyone who is communicating with someone who is deaf or hard of hearing where the ability to see the mouth is essential for communication, may use a face shield or alternative protection.

School districts and charters are required<sup>10</sup> to systematically review all current plans (Individual Healthcare Plans, Individualized Education Program, or Section 504 plans) for accommodating students with special healthcare needs and update their care plans as needed to decrease their risk for exposure to COVID-19.

34. What are some examples of times when people need adaptations or alternatives to a face mask while at school?

It may be hard for some people with intellectual and developmental disabilities, mental health conditions, or other sensory sensitivities to wear a face mask. They should talk to their doctor or healthcare provider for advice about wearing a face mask and if appropriate a medical directive should be created. In any case where a student or staff member has received an exemption, it is very important that other prevention measures are in place including physical distancing, washing your hands often, and cleaning and disinfecting surfaces that are touched often.

People who rely on lipreading to communicate may not be able to wear a face mask (such as someone who is deaf or hard of hearing, or someone who cares for or interacts with a person who is hearing impaired). Students and teachers who are participating in speech therapy where the ability to see the mouth is essential for communication may also need adaptations or alternatives to a face mask. In these situations,

- Consider using a clear face covering.
- If a clear face covering isn't available, consider whether you can:
  - Use written communication
  - Use closed captioning
  - Decrease background noise to make it possible to communicate if you are wearing a cloth face covering that blocks your lips.
- Consider using a plexiglass barrier.
- Maintain a physical distance of 6 feet from other people.
- If a face shield must be worn, make sure it wraps around your face and goes below your chin. When you are not communicating, you should put your face mask back on. A face shield is not a substitute for a face mask.

35. Why does the mask order say a child younger than 3-years old does not need to wear a face mask?

The youngest children in school-based preschool programs are 3-years old, which is why the public health order provides this exemption.

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<sup>10</sup> <https://schools.utah.gov/file/a5eba09a-42b8-45c0-b8fa-9adeea879fcd>

36. Is it legal to require a medical directive verifying a need for an exemption or does doing so violate IDEA or Section 504?

Neither federal IDEA nor Section 504 speak directly to temporary emergency health provisions enacted by a state in times of emergency and how state education agencies (SEAs) and local education agencies (LEAs) should apply them. Traditionally, courts have held that states and local school boards have broad discretion to legislate in the areas of education, health, and safety.<sup>11</sup> Generally applicable, system-wide changes in public schools that affect disabled and non-disabled children alike are not prohibited by federal laws where the federal laws do not specifically address the intended action of the state law.

For example, vaccination laws are not specifically addressed by, altered by, or prohibited by IDEA or Section 504. They are generally applied admission requirements for the health and safety of all students. Many states allow parents to provide an exemption from a medical provider. Absent the proof of vaccination or the medical exemption, a student will be excluded from school. IDEA/504 are not violated by the exclusion or by the requirement for proof of vaccination or exemption.

Face covering requirements have not been specifically addressed by courts. However, face coverings are much less intrusive upon a person than a vaccination. In light of the courts' support of mandatory vaccination requirements (which once administered cannot be undone), it is highly likely that the courts will find a generally applicable temporary face mask requirement and the need for a medical exemption to be a valid exercise of the state and local school board powers.

### Enforcement

37. Who has the authority to mandate face coverings in schools?

Under Utah Code §§ 26-1-30(3), (5), and (6), the Utah Department of Health has the power and duty to promote and protect the health and wellness of the people within the state; to control the causes of epidemic, infectious, communicable, and other diseases affecting the public health; and to prevent and control communicable, infectious, acute, chronic, or any other disease or health hazard that the Department considers to be dangerous, important, or likely to affect the public health.

38. Is this order enforceable?

Yes. Utah Code §§ 26-1-30(3), (5), and (6) allows for enforcement of a public health order. Violation or noncompliance with a health order may be punishable as a class B misdemeanor. However, it is not the state's intent to seek criminal prosecution of the

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<sup>11</sup> Desiano v. Warner-Lambert & Co., 467 F.3d 85, 86 (2d Cir. 2006); Edwards v. Aguillard, 482 U.S. 578, 107 S. Ct. 2573, 2577, 96 L.Ed.2d 510 (1987); Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico, 457 U.S. 853, 863, 102 S.Ct. 2799, 73 L.Ed.2d 435 (1982).

public health order.

39. How will it be enforced?

Students can be sent home for not wearing a face covering. Existing behavior policies and procedures at all schools should be updated to reflect the circumstances and to support teachers and staff in their response to student behaviors related to mitigating the spread of COVID-19.

40. Where can I report a student or teacher not wearing a face mask?

Please contact your school to report a student or teacher who is not wearing face masks. Schools will have policies and procedures for how to handle these situations.

41. What if parents are angry about the masking requirement?

It's important to treat everyone with dignity and respect. Even though a statewide public health order has the force of law, it's best to appeal to a person's sense of the greater good. Remind others that a mask requirement is a temporary measure while we wait for a vaccine to be developed. Masks are our medicine for now. They have the best chance of stopping the spread of droplets from one person to another and the quickest way to get back to normal.

42. What if a student who does not qualify for an exemption refuses to wear a face covering?

The public health order has the same authority/force as a law during the time it is enacted. Failure to comply with the order is a misdemeanor. The order requires all students, K-12 to wear masks. As face coverings are required, if a student does not qualify for one of the outlined exemptions, it is assumed the student would not be allowed on the bus or to be physically present in school. This exclusion will last until the public health order expires or the student decides to begin wearing a face mask at school.

While school staff should respectfully recognize a parent or student's opinion, and handle the situation with compassion, the public health order is clear and the student who does not qualify for an exemption can be sent home from school and should be informed of alternative educational opportunities available.

*Schools must be careful to equitably implement the order.* For example: if all students seeking a medical exemption are required to provide a medical provider's note, then all students should be held to the same standard. Exceptions should not be made based on subjective factors such as trustworthiness of the student, a history of difficulty communicating with a parent, or familial relationships with the student. Another example might be if the school provides a disposable mask for a student the first time the student

forgets to bring a mask. The school must not discriminate when mitigating non-compliance.

#### Quarantine guidance and face masks

43. Does wearing a face mask change quarantine recommendations?

No. If you wear a face mask, it reduces the risk of COVID-19. However, wearing a face mask does not eliminate the risk completely. Anyone who came into close contact with a person who tested positive for COVID-19, even if they were both wearing a face mask, will still be considered exposed and should quarantine for 14 days. Close contact means a person was closer than 6 feet or 2 meters (about 2 arm lengths) from someone who tested positive for COVID-19 for 15 minutes or longer.

44. If a student, teacher, or other school employee has already tested positive for COVID-19 and has finished isolation, do they still have to wear a mask in school?

Yes, the person would still have to wear a mask at school. There are no exemptions for face masks if a person has completed their isolation period.

45. If a student, teacher, or other school employee has finished quarantine, do they still have to wear a mask in school?

Yes, the person would still have to wear a mask at school. There are no exemptions for face masks if a person has completed their quarantine period.

46. If I wear a face shield (not a face mask) and physically distance, will I have to quarantine if someone in the class tests positive for COVID-19?

Face shields are not a substitute for face masks. Wearing a face mask or face shield does not change when someone would need to quarantine.

Anyone who came into close contact with a person who tested positive for COVID-19, even if they were both wearing a face mask or face shield, will still be considered exposed and should quarantine for 14 days. Close contact means a person was closer than 6 feet or 2 meters (about 2 arm lengths) from someone who tested positive for COVID-19 for 15 minutes or longer.

#### Classes or school settings with a higher chance of COVID-19 spread

47. What classes are considered higher risk for COVID-19 spread?

School administrators should identify courses that would put students and teachers at an increased risk of exposure and work with their local health department to make a plan to reduce the risk for these classes.

School administrators may also consider limiting or canceling nonessential assemblies, recitals, dances, and other school gatherings or reschedule them as virtual gatherings.



Gatherings that are held outside, where students and others who attend can practice physical distancing, are also an option to reduce the risk of exposure

### Choir and Band Classes

Choir is an inherently high-risk of exposure because people are more likely to be exposed to someone else's respiratory droplets. Consider using several strategies<sup>12</sup>, such as:

- Hold choir courses or practice in outdoor spaces and keep students spaced six feet apart.
- Face masks are not required outdoors where six feet of distance can be maintained between individuals.
- Limit the amount of time students are face-to-face.
- Use barriers in between students.
- Increase the airflow and ventilation.
- Build in time to clean and sanitize between classes or when students use the area.

48. If I wear a mask when I sing, do I need to physically distance?

Yes. Certain activities like singing, chanting, or shouting can increase the number of respiratory droplets a person is exposed to in the air. It is important to wear a face mask during these higher risk activities as well as implement as many additional prevention measures as possible, such as physical distancing or increasing airflow and ventilation.

49. If I can't wear a face mask while playing a musical instrument, do I need to physically distance?

Yes. Certain activities like singing or playing a wind musical instrument can increase the number of respiratory droplets a person is exposed to in the air. It is important to implement as many prevention measures as possible during these higher risk activities, such as physical distancing or increasing airflow and ventilation.

50. Do I have to wear a face mask during choir or while playing a musical instrument?

Yes. It is expected that students and teachers wear a mask during choir or while singing. If it is not feasible to wear a mask when playing a wind instrument, physical distancing should be implemented along with any additional prevention measures the school is able to do, such as increasing air flow and ventilation.

### Alternative learning options for students with exemptions or who refuse to wear a mask

51. If a student is excluded from school, must the school provide alternative education?

If the student is excluded from school because the student refuses to wear a face covering and the student is not receiving special education services under an IEP or services under Section 504, it is up to the local education agency (LEA) as to whether alternative or distance education is provided.

52. What if the student who is excluded for not wearing a mask is entitled to special education services under an IEP or FAPE under Section 504, does the “10-day rule” apply?

If a student who has an individualized education program (IEP) through the Individuals with Disabilities Education Act, or is receiving services under Section 504, is required to stay home by public health authorities or school officials for an extended period of time (longer than 10 days) because of their refusal to wear a mask, provision should be made to maintain education services. During such absences, if the school is open and serving other students, the school must ensure that the student continues to receive a free appropriate public education (FAPE), consistent with protecting the health and safety of the student and those providing that education to the student. If feasible, the student’s IEP Team, or the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, can be utilized to assist with the effort to determine if some, or all, of the identified services can be provided through alternate or additional methods.

[Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students](#), United States Department of Education, Office for Civil Rights

[QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK](#), United State Department of Education

## **Vista School Board Meeting**

**August 20, 2020 Minutes**

**Location: 585 East Center, Ivins, UT 84738 (virtually via zoom)**

**Board members present: Matt Middione (Board Chair), Josh Aikens, Dave Hunter, Michelle Walter, Eli Milne, Jacqueline Powell,**

**Others present:** Sam Gibbs (Director), Troy Bradshaw (Tech/Finance Director), Britni Armstrong (Board Secretary), Marie Ehlers (Counselor), Meltem Kelepir-Wood, Emily Caplin, Aubree Warby, Hilary Osness, Beth D'Antonio (joined at 5:35), Allison Shultz (joined 5:51), Bruce Hatch (Tech- joined at 5:53) Lex (joined 6:06)

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### **5:04 PM- CALL TO ORDER: Welcome and Introductions**

### **5:05 PM- APPROVAL OF PREVIOUS MINUTES**

Josh moves to approve July 16 2020 minute, Michelle seconds. Joshua says "Aye.", Michelle says "Aye.", Matt says "Aye.", Eli says "Aye.", Jacqueline abstains, Dave says "Aye.". Unanimously approved.

Josh moves to approve July 29, 2020 minutes. Michelle seconds. Josh says "Aye.", Dave says "Aye.", Jacqueline abstains, Eli says "Aye.", Matt says "Aye.", Michelle says "Aye.". Unanimously approved.

### **5:09 PM- PUBLIC COMMENTS**

Eli asked that we start adding any public comments emailed to the Board members. Jacqueline says that according to Roberts Rules includes decisions made during a meeting and is wondering if the comments can be added to the agenda instead. It was discussed back and forth what could be done.

Emily Caplin said she submitted a letter and asked to give her permission to have some comments added. She sent an email to Mr. Gibbs about how banning face shields is harming students. She mentioned Maslow's Hierarchy of needs and how that is being ignored. She is seeing negative effects of this and it is very difficult for the students. Shields allowed better breathing and better sound across the room. Masks make it very difficult to breath and affects learning in the classroom. Students cannot connect with teachers with masks on and teachers cannot relay their emotion and facial expressions in a positive way. She mentioned that she did not recognize one of her students without their masks on. She thinks teachers and students should have the choice and right to wear a shield.

Hilary Osness also emailed the board and asked that they draft a letter to ask for exemptions so that k-3 classes have the option to wear a shield, exemptions for all teachers during whole group instructions, and exemptions for choir and other classes where teacher's faces are needed to teach effectively. Young grades with phonics need to focus on the forming of certain words, and it is especially important for under privileged families because their teacher may be the only one they are getting phonics from. She mentioned ADD, ADHD, and claustrophobia being issues that make masks more difficult to function with. She mentioned different cases she is aware of with students having exemptions and think they should also apply to us even though we are a smaller district.

### **5:24 PM- BOARD CALENDAR**

**Next Board Meeting- Thursday, September 17 @ 5:00 pm**

### **5:24 PM- REPORTS**

**Director's Report – Sam Gibbs**

#### **5:25- Faculty/Staff Changes**

Two resignations- James Haley- severe special education

- Tammy Engel- part time kindergarten paraprofessional

All employees and their contracts will be reviewed in September.

### **5:28- Enrollment and Lottery Update**

July numbers were 1025, 36 students have added themselves to the waitlist since July. The number of students who are doing distance only is 79, hybrid is 97, face to face is 847. If all student came back to face to face learning we would be at 1023 and were aiming around 1030 so we would be right on target. Eli asked if we are paying for all of the online waitlist students and Sam said we have purchased curriculum for the online students.

#### **- Update on Expansion**

### **5:34- Student Performance Data**

Sam pulled up Comparative Dibels Data and explained that we have goals to hit certain levels that show a quality of curriculum, instruction, and student effort. If 85% of students are at or above the target, it is generally give that your instruction is up to par. In January, all of kinder was where we wanted it to be. First had a mix of some on target and some near and some below. Second and third grade were below or near the target. They would have been tested again in the spring but because of COVID it did not happen. He shows that testing from this year show that the kindergarten students who were all in the green last year, are now all in the red in first grade. Second grade is similar. Same says it was to be anticipated but is still disappointing. Dave asks if is the same assessment given to the first graders this year as the all green kindergarteners last year. Sam says yes, most are the same and new assessments and targets are gradually added. Sam is eager to address these things and get kids closer to the target.

Sam adds that a lot of events will be digital through the fall.

### **5:43 PM Financial Report – Troy Bradshaw**

#### **5:43- Financials and Budget Review**

Troy wants to give a disclaimer that July and August should be “glued” together in order to see the budget properly because of the way contracts and payments and the PNL are ran. It looks like we have a huge revenue but it’s a reimbursement. That money will all go back into the expansions on the new building. Income is down but expenses are also low.

#### **- Report on compliance with bond covenants and state filing deadlines**

### **5:50 PM - DISCUSSION/ACTION ITEMS**

#### **5:50- FY SY Budget**

Previously addressed

#### **6:03- COVID-19 update**

There are several documents that the board has access to in the google drive. In summary, the Governor indicated that he was intending to change his current executive order in regards to face coverings including restricting face shields. Friday night it became an executive order. It gave several orders, including face shields not being acceptable face coverings and gave several examples of exclusions. The Washington County School district is focusing on the wording of “essential to communication” and are allowing their parents and teachers to choose when it is essential. Sam notes that majority of speech services are provided in general in the classroom. We could have teachers who have speech students in the classroom use shields when working with those students in the classroom. Sam feels there are ways to comply with the orders. We did not ignore the orders like the district did because we are a different school district than they are. We rely on different organizational structures than they do. Matt asks if we have to accept what the governor says or can we find wiggle room for exceptions. Eli says it is a misdemeanor if you don’t comply. Sam said our ability to remain open is contingent upon compliance. Michelle agrees- she is less worried about the

misdemeanor and more about the possible shut down. Eli asks whether we have had instances of students or others with COVID known or suspected cases. Vista has no active cases. We did have 2 employees who quarantined and had positive cases. One student stayed home with symptoms for a few days but tested negative and will return next week. Sam doesn't expect cases to jump for about 2 weeks because of incubation period. Sam feels the current mask mandate could allow speech students to wear shields instead of masks, and any teacher teaching that student. It can get very complex on how we comply to the order. Sam agrees that masks are not in the best interest developmentally of children's but that the public health issue has trumped the development portion. Sam has talked to several representatives for the state recently. Sam says much of what they say has revolved around limiting the extent of the governor's orders and what they contain. Sydney Dixon was apologetic for the timing (3 days into school) and was very clear that the expectation was that we follow the mandate. Eli thinks that if we use the exemption of a class instead of an individual that it undoes the effort of trying to follow the order. Eli thinks it is inconsistent with the intent. He intends to say Nay on these exclusions because he feels it is against the law. Michelle agrees and that the approach may be that a majority of parent and people coming out and saying this does not work. Sam says other options (other than legal) is the governor's office and the office of the superintendent to get where we want to go. Michelle and Lex feel like there has got to be a better way to protect our students and deliver education. Lex does not agree that it's against the law- if there are parents saying exemptions should be for their child then it should happen because we are teaching their children. Eli says he agrees with the concerns but his concern is with the legal compliance with it. Josh asks if when or if we see that there has not been an increase in cases, if would be a good timing to use that as a way to get back to our original plan. Sam agrees and that it may be a good time to revise out plan. Josh notes that southern Utah is very different than Northern Utah and we may want to request a review from the state. Eli asked if we reached out to school board and got an advised opinion about our interpretation he would be fine with, He does want to be the "poster child for insurrection" and does not want out name in the media in a negative light. Sam said the state has declined to give legal advice and that they said to refer to his own legal team. Michelle thinks to wait for the incubation period and see if nothing happens then to appeal to the governor's office. Matt agrees and thinks if we have the ability to voice our opinion then we should, Eli is afraid our voice will not be heard and to wait another week or so. Sam says if we do have an outbreak 2 weeks from now, they will close a class, an environment, or the school based on the circumstance because of the updated case "allowance" recently given. Eli feels it may be best to reconvene in 2 weeks and re-approach the options and that once the rest of the state goes back to school, we may have more political power on our side. Josh agrees but is bringing up the idea of what is the middle ground? Sam agrees that we have experimented with different ideas but they don't solve the speaking problem. He mentioned a chiffon mask with a face shield over it. Sam felt it worked great for visibility except for the talking part. Michelle is k with waiting 2 weeks as recommended by Eli and maybe including a section in the news letter to encourage those with concerns to reach out to the governor's office to communicate with their concerns. Matt thinks it is important to use to verbiage that we are not simply waiting to wait, we are waiting to gather data over the next 2 weeks. Sam says he will most likely send out a separate email with the info about the data gathering instead of placing it in the new letter. Eli suggests putting together coalition to join with other schools down here. Josh brought up the fact that we still need to answer to the Southwest Public Health Dept. Sam notes that it's the representatives that have the power to make these decisions. Sam answers a question in the chat- Yes, we are

allowing individual exemptions. Sam is going to table to universal speech exemption. Josh notes that we will re-convene September 3<sup>rd</sup> at 5:00 to continue this discussion.

#### **5:51- Vista Early literacy plan**

State gives funding every year and it's based on the goals Sam went over previously. Board needs to approve the plan. Josh asked if goals were changed. Sam said curriculum and practices were changed but not goals. Michelle asked how we are measuring whether we hit those goals. Sam explains that we use progress monitoring and add instructional things to those students who need it and they are monitored more often. Other students are monitored less frequently if they are at the target goal. Josh asks who manages it- Sam says the reading specialist and Title I specialist manage it, plus the title I paraprofessionals along with many meetings. Josh moves to approve, Michelle seconds. Josh says "Aye.", Jacqueline says "Aye.", Matt says "Aye.", Eli says "Aye.", Michelle says "Aye." Unanimously approved

#### **6:00- Approve/Extend COVID based policies**

State board has asked us to reiterate some policies made in April for the rest of the school year. They are the same policies approved in April that need to be in function until October 2021. Sam is asking them re-implement the current policies for an additional 12 months. Eli Moves, Josh seconds, Josh, Jacqueline, Matt, Eli, Michelle

- **Apply for exemption to mask mandate**
- **Approve other COVID based measures**

#### **7:00 PM- COMMENTS FROM THE ADMINISTRATIVE TEAM**

Marie wanted to note that she is so happy to see us back in session, that the kids are doing great with wearing their masks and that it's important to keep them on in order to stay open. Sam agrees that the most important thing is to stay open and function. Michelle asks if he has sent out information saying "we do not want you to send you students f they have the following symptoms..." Sam says he has relayed it and Josh thinks it's ok to keep saying it.

#### **MISC COMMENTS**

#### **TABLED AGENDA ITEMS**

#### **7:03 PM – ADJOURN**

Josh moves to close the public board meeting. Lex seconds. Josh says "Aye.", Jacqueline says "Aye.", Lex says "Aye.", Matt says "Aye.", Eli says "Aye.", Michelle says "Aye." Unanimously approved.

#### **CLOSED SESSION**

**To discuss the character or competence of an individual. Requires Roll call vote.**

	Enrolled August 2020 Board Meeting	Enrolled August 2019	Enrolled Septemb er 2020	Waiting List	Students doing distance only	Students doing hybrid	Students doing face to face	Max Total
Kindergarten	93	78	92	18	10	0	82	110
1st Grade	103	89	99	17	10	6	83	116
2nd Grade	101	97	100	1	10	10	80	101
3rd Grade	106	100	102	22	10	7	85	124
4th Grade	115	107	114	26	10	17	82	140
5th Grade	111	112	113	6	8	9	94	119
6th Grade	129	120	130	0	10	12	108	130
7th Grade	125	118	130	0	2	16	112	130
8th Grade	123	107	121	0	4	17	100	121
9th Grade	38	0	37	0	1	3	34	37
	1044	928	1038	90	75	97	860	1128
							957	
			-6				1038	
9/17/20								
SG								