

Subject: Re: BOE Mtgs

From: "Michele E. Collins" <micheleecollins@gmail.com>

Date: 8/15/2021, 10:11 AM

To: Thomas Giaimo <giaimot@middletownk12.org>

CC: Frank Capone <caponef@middletownk12.org>, Joan Minnuies <minnuiesj@middletownk12.org>, Mary Ellen Walker <WalkerM@middletownk12.org>

Mr. Giaimo,

I appreciate your response, thank you. As the Board is not prohibited from offering a ZOOM platform for inclusivity, what is the reason to not offer it? And was this a BOE decision or a superintendent decision?

Thank you,
Michele Collins

On Sat, Aug 14, 2021 at 5:54 PM Thomas Giaimo <giaimot@middletownk12.org> wrote:

Ms Collins:

Here are my thoughts as to Mr.Capone's e-mail reply issued to you at 4:11 this afternoon.

1) Mr Capone asserts that the underlying "factual premise" of the Executive Order rests upon the fact that vaccinations are not available to those under 12 years of age. This is misleading as the substantive factors articulated in Executive Order 251 are multifold and include:

1) that the American Academy of Pediatrics ("AAP") has emphasized that in person learning is critical for educational and social development.

Two) that there is at present no remote learning option available to school districts in New Jersey.

Three) that the CDC has and continues to report as to new variants and in particular Delta which according to the CDC is more transmissible.

4) that the CDC recommends indoor masking for all who enter K – 12 school buildings.

Five) that the CDC emphasizes that children should return to full-time in person learning with layered preventative strategies in place such as masking.

Six) that the AAP recommends universal masking in schools because a significant portion of the student population is not as yet eligible for vaccinations.

Seven) that there is no timeline as to when vaccines will be made available for children under 12.

Eight) that the CDC and AAP recognize that masking is a critical tool to reduce transmission of the virus.

Nine) that the State is experiencing significant upticks in COVID-19 metrics, including the number of positive cases, the rate of transmission and hospitalizations.

10) Mr. Capone has replied to you that the Board is “not required by law to take EMAIL comments and read them” at public meetings. It should be underscored that the Board is NOT PROHIBITED from taking email comments and reading them at public meetings; nor is the Board prohibited from permitting members of the public to participate in Board meetings on a virtual platform which would include an ability to comment and/or ask questions.

11). The Board IS REQUIRED BY LAW to implement and follow the express mandatory requirements set forth in Executive Order 251

12). The Board DOES NOT HAVE THE DISCRETION to pick and choose which law it will follow.

Thank you Mrs. Collins.

Tom Giaimo, Esquire

On Sat, Aug 14, 2021 at 4:41 PM Michele E. Collins <micheleecollins@gmail.com> wrote:

Frank,

Thanks for your prompt response. So you are saying masks won't be required at the Board of Education meeting because students won't be in attendance? FYI, I know of many students planning to attend. And where is this exemption stated in the Executive Order (attached)?

Are you also saying that because it's not required by law, you refuse to allow parents to participate via ZOOM or read parent emails?

Why would a Board of Education limit ways for parents to make their voices heard?

Best,
Michele Collins

4:34

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nj.gov

and DIRECT:

1. All public, private, and parochial preschool programs and elementary and secondary schools, including charter and renaissance schools (collectively "school districts"), must maintain a policy regarding mandatory use of face masks by staff, students, and visitors in the indoor portion of the school district premises, except in the following circumstances:

- a. When doing so would inhibit the individual's health, such as when the individual is exposed to extreme heat indoors;
- b. When the individual has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove a face masks without assistance;
- c. When a student's documented medical condition or disability, as reflected in an Individualized Education Program (IEP) or Educational Plan pursuant to Section 504 of the Rehabilitation Act of 1973, precludes use of a face mask;

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- d. When the individual is under two (2) years of age;
- e. When the individual is engaged in activity that cannot physically be performed while wearing a mask, such as eating or drinking, or playing a musical instrument that would be obstructed by a face mask;
- f. When the individual is engaged in high-intensity aerobic or anaerobic activity;
- g. When a student is participating in high-intensity physical activities during a physical education class in a well-ventilated location and able to maintain a physical distance of six feet from all other individuals; or
- h. When wearing a face mask creates an unsafe condition in which to operate equipment or execute a task.

2. This Order shall not impact the obligation of any school district to comply with requirements issued by the CDC on masking on public transportation conveyances including school district

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On Sat, Aug 14, 2021 at 4:11 PM Frank Capone <caponef@middletownk12.org> wrote:

Michele,

The underlying factual premise of the EO was that students under 12 are not eligible for vaccination, therefore the Governor's statement that masks should be worn because that segment of the population cannot get vaccinated. However, the plain language of the EO requires masks in indoor school premises, notwithstanding that board meetings do not have a prevalence of student attendance. Thus, the district complies with the executive order, including its exemptions.

As for Zoom, that was only required under emergency regulations since before Governor Murphy left for his ten-day family vacation in Umbria, Italy, he decided not to reissue the health emergency. We are not required by law to take EMAIL comments and read them.

Have a great day.

Thank you

Frank Capone

Vice President

Middletown Board Of Education

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On Aug 14, 2021, at 3:10 PM, Michele E. Collins <micheleecollins@gmail.com> wrote:

Hi Frank,

Thanks for your response but you didn't answer all of my questions:

1. Will masks be REQUIRED as per the Governor's mandate?

2. Why have you made meetings less inclusive by not allowing parent participation via ZOOM?

3. If you are not allowing ZOOM participation why won't you read parent e-mails at meetings?

In addition, the data you shared is incorrect. The vaccination rate is not "extremely high", there have been 2 deaths in the last 7 days, and there are 162 more COVID positive cases in Middletown (1182 in Monmouth County) in the last 7 days than there were the previous week.

Best,
Michele Collins

On Sat, Aug 14, 2021 at 1:47 PM Frank Capone <caponef@middletownk12.org> wrote:

Hi Michele,

You certainly have the option to wear your mask at the next meeting. In Middletown, we have an extremely high vaccination rate that Governor Murphy claims to be 99.95% efficacy. Our hospitals are at normal levels, and our seven-day average death rate is 0. As you are aware, the Governor, before he left for a 10-day vacation at his Italian villa in Umbria, took away the health emergency. As for any rally planned, that would be a first amendment right, and it is unethical to utilize board/taxpayer funds for any political or non-school-related rally.

Stay safe. Have a great day!

Thank you

Frank Capone

Vice President
Middletown Board Of Education

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On Aug 14, 2021, at 12:36 PM, Michele E. Collins <micheleecollins@gmail.com> wrote:

Hello,

Will masks be required at the next BOE mtg? If not, I'm requesting that you allow people to participate via ZOOM. It's unfair for parents/students to put their health at risk by attending BOE mtgs w unmasked/unvaccinated people in order to have their voice heard. There are many parents who have health conditions or other circumstances who cannot attend a meeting in person and I'm not clear as to why you have decided to make these meetings less inclusive by forcing people to come in person during a global pandemic. This is reckless. It's also been stated that you will no longer read parent emails. Why?

FYI: There is an anti-mask rally planned before your next meeting. Will tax payer dollars be used for security? Will this be a super spreader event, 3 weeks before school is supposed to start?

I would appreciate a response to my questions.

Respectfully,
Michele Collins