

Lincoln Board of Health
Virtual Meeting Minutes
Wednesday, August 18, 2021

Members Presents: Frederick Mansfield, MD

Patricia Miller

Steven Kanner, MD (arrived late)

Others Present: Trish McGean, Town Nurse, Becky McFall, Superintendent of Lincoln Elementary School

The meeting was called to order at 7:35 p.m. The next meeting will be on September 8, 2021 at 7:30 p.m.

Details of Mask Mandate for School Staff:

Fred said the point of this meeting is to talk over things we did at last week's meeting. We decided we ought to mandate face coverings inside all public spaces for everyone and apparently that went through with Tim Higgins putting out notifications to all businesses and a reverse 911 to all residents about the mask mandate. As background for the mask mandate, Trish McGean said she has been keeping track of the cases since July 1 through today and Lincoln has had 21 cases in about 10 days and about 10 days ago we had 10 cases within a week that were not clustered. They are all individual events. Out of 21 of those cases, 18 were fully vaccinated most with mild symptoms and one person in the hospital who was recently discharged. We have had no kids under 12 in Lincoln but there were 19 kids in Concord under 12 so there has definitely been a big jump. Once we were seeing the numbers we got together to see what could be done to help prevent further spread and we started talking about the mask mandate. Fred said that given the rate of change with COVID, it would be better to do the mandate now with a few cases instead of waiting for a few weeks when there are a lot of cases. Patricia said we wanted to get ahead of this knowing that we are heading into the school year and knowing that 12 and under are not vaccinated. Trish said they are saying right now that the Alpha variant is not out there and it is mostly the Delta variant which is four times more transmissible. They equate it to the chicken pox so it is a whole different ball of wax.

Becky McFall reported the following: "There was a meeting of their COVID Problem Solving Team which is a little bit different than how we worked last year when we had our health and safety working group which is our nurses, one of our principals, an administrator for student services and a parent who was also a physician. They did a lot of the discussions but they were not a decision making group. The decisions got made and agreed to in the COVID Problem Solving Team, which last year included a school committee member, me, our assistant superintendent and our two teacher union president and they had four other faculty members join them. It was that team who would discuss protocols, any concerns or needs related to COVID. We would make decisions as a group and that was the decision making body. This year because we are in a different place especially with vaccinations, I made a move to streamline the process a bit. The health and safety working group has to work and then it has to come to this other group. I have just expanded the COVID Problem Solving Group. We have the same usual people but have added a school nurse to the group and another elementary principal in addition to the middle school principal. Rob Ford who is our technology director but also oversees our COVID testing program among other things has joined us today and will be there intermittently. We have agreed that we will have this one working group come together to discuss and draft protocol and come to an agreement on what we will implement in the schools and that happened this morning.

We had a lot of conversations about a lot of different things and everybody is on board with the mandated masking and we have drafted a simplified mask protocol and will share it on the screen. The draft mask mandate says: all persons must wear masks while in school buildings regardless of vaccination status; masks are required on school transportation, which is a Statewide mandate; masks are not required outdoors. In general, people are considered fully vaccinated two weeks after the second dose of a two-dose series or two weeks after a single-dose series. Mask wearing in your work space: a fully vaccinated employee may remove their mask when alone in their work space; unvaccinated employees must wear a mask at all times inside a building. Becky said she saw the mask mandate for Town employees that said vaccinated people could remove their masks when at their work stations with a six foot distance or behind a partition. She made the assumption that during a period after school when kids are not there during planning periods that teachers can remove their masks if no kids are in the room. Last year until the very end of the school year we wore masks in our offices even if we were alone. Now with vaccination, we feel that we can go back to people in their own spaces being able to remove their masks when alone. This is basically saying that we are on board with the mask mandate that the Board has put out. Our Union

is on board with it and this is the simplified language which we will refine a little bit and send out to everybody in the coming weeks to say this is the expectation around masking. This goes above what the Department of Education has put forth as a requirement. They are saying that students who are fully vaccinated do not have to wear a mask, but we prefer to go above and beyond and require everyone to be masked at this time. Fred said he is okay with removing the mask when you are alone in the work space and Patricia agreed with that as well.”

Feasibility of Vaccination Mandate for School Staff and Eligible Students:

Becky also reported: “This is more complicated. She wants to separate vaccination of employees from vaccinations of students. She has had conversations with our legal counsel on this and in addition the Mass. Superintendents Association has sent out some legal guidance as well. First we are trying to put in place a carrot and stick process that encourages vaccinations and rewards vaccinations especially for employees. The teachers union is actually in favor of mandating vaccinations for employees and that includes the Massachusetts Teachers Association, which is also in agreement, but it does have to be bargained. She is asking the Board to give them some time to bargain the language around it and bring that back to the Board within the next week or so. It should not be a long time because we already have agreement from them that they are in favor of moving in the direction of mandating vaccinations for employees. Data from the spring showed about 90% of our employees were vaccinated, which is based on the people who reported but some people did not report and we need to follow up with them. We had 248 responses from employees, 43 employees did not respond who are currently working on site and 23 employees did not respond who are not working on site. In the District/Central Office all 22 are vaccinated. At Hanscom Campus 9% out of 22 was declining vaccination which is not that many. 4% of those 248 responses which is 11 people were declining vaccination and assuming the rest are fully vaccinated now. We have a pretty high percentage of staff who is vaccinated but we do have a small number plus the 48 who did not respond to the survey to see where they are. As we start the new year we have been checking on new faculty as we hire them and they are all fully vaccinated. We have a pretty high percentage of vaccinated faculty but we do have a little work to do.”

Fred said that if people are not vaccinated for any reason then they need to be tested twice a week. Becky also reported that the school will be participating in a testing program from the State, and believes they have support from the union for testing the entire faculty, whether they are vaccinated or not. We do not know if the State program will allow us to test certain people twice a week. I am wondering if you would consider participation for unvaccinated employees in the testing program the school is providing. Otherwise, this could mean expecting employees to get tested themselves twice a week and that could get pushback and could get sent to Town counsel to determine whether we can actually require them to go twice a week and have to pay for it.

Here is what the testing program would be: “We put in our application to the State to participate in three types of testing. This is the same company which will be providing testing to all districts. They will actually help to provide some staff to run the testing as well in our school, which was not the case last year. 1) Symptomatic Testing when individuals have symptoms while at school using the newly updated symptoms list which is different from last year. We would be able to use the BinaxNOW rapid antigen test. This is where the carrot comes in to get families to participate in the testing. If their child has symptoms and tests negative, they can stay in school. If they do not participate or test positive, they will need to quarantine at home, which will put a burden on the family. The State says we cannot provide a totally remote program this year. We are sending a message that says these are the benefits of participating in the testing program as far as keeping your child in school and everyone safe. 2) Test and Stay (close contact testing). If an individual is identified as coming in close contact with a positive individual, we would test them every day for seven days. As long as they have a negative BinaxNOW test, they can stay in school. Last year if you had close contact, you had to quarantine for 10 or 14 days. 3) Routine COVID Safety Checks. This is a surveillance test where everybody gets tested weekly with a self-swab in the nose and it is the pool testing. What is different is in addition to the pool they will do a second swab that goes into their individual test. This way when it goes to the lab and a pool tests positive, they test each individual swabs in that pool and let us know which individual tested positive in that pool. This will help us identify the positive cases much quicker so we can take action and hopefully keep more kids and staff in school. The tests usually come back in 24 to 36 hours. Fred said it was Steve Kanner who was asking for twice weekly tests.”

Trish said the one concern is keeping symptomatic kids in school. If someone has a fever, they should stay home. If it is mild symptoms and they test negative, I guess it is okay. Becky said they are putting things in combination which means if you only have a runny nose and test negative you are okay. If you have a combination of symptoms, we would send them home. Trish said they are making it so confusing but the nurses are going to use their best judgment. Becky said the unvaccinated employees would be getting the once a week regular test and

also the weekly pool test so they are basically getting two tests a week. Fred said we do not want this to become a legal issue so this seems to sidestep that a little bit. Becky showed another slide about keeping kids in school, which talks about testing and trying to get all students to be a part of it. This is not complete but they are working on it. It states that if you are not in the testing program and not vaccinated and have symptoms you will need to quarantine. Legally we cannot mandate that students participate in testing. We are hoping more parents will participate if they understand the consequences. If you can give me some time to do the collective bargaining with the union around the language for vaccinations for all employees, I think we will have that within the next week or so. I can then bring that back to you.

I am asking that we not put in a vaccination mandate for students because it puts us between a rock and a hard place. If we say a student cannot come to school unless they are vaccinated if eligible, we would be saying stay home but we are not providing you with an educational program and I think that would be illegal. We would have to provide an educational program, but the State has said we cannot provide a fully remote program for students. I am not sure we want to be the legal test case on this. Patricia said she agrees with Becky. With the rigorous testing and letting the collective bargaining happen, that is a good way to start the school year. Becky said if you want to vote to mandate vaccinations for employees including all Town employees that would be okay. We would just have to bargain the language with the union. Fred said to wait because we are not sure we want to mandate all Town employees. We should talk a little more with Tim Higgins. Becky said 60 – 70% participated in testing last year as opposed to only 40% at Hanscom. She thinks that most districts will be participating in the testing program since there is no cost through the State program. There is no distancing requirement now but most of the kids will be masked.

Steve Kanner joined the meeting and was given an update as to what has already been discussed. Steve said he feels we have the ability to mandate vaccinations for all eligible students and wants to see the legal opinions. Becky said she has talked to our legal counsel who does not recommend mandating vaccinations for all students and also feels it is the decision of the School Committee. The Department of Education has said no remote learning so if we mandate vaccinations and some parent say no then we say your student cannot come to school, we are excluding them from the educational program with no other option. We cannot legally provide a virtual option. We would basically be saying get vaccinated or stay home. Legally we would lose that battle. She believes there will not be a student vaccine mandate anywhere in the State and believes if we let parents know the benefits and consequences of the testing program and vaccinations then more parents will make the right decisions on their own.

It has been made clear by the State that testing programs are a medical test, and we cannot mandate that. Steve feels we will have a much less effective program going forward and a much higher risk environment than we need to have. Becky said at the State level, they are requiring only people who are unvaccinated to wear masks. We are going above and beyond requiring everyone to wear masks. Fred asked Steve to put together a short list of questions for legal counsel. Becky said testing will be done weekly for all staff and all students that we have consent to test. We will be sending out consent forms to all families explaining the pros and cons of participation but we cannot mandate testing for students but we can mandate testing for employees, and that came from the State level legal counsel. We did a good job last year. School was open every single day and now with vaccinations of all employees and a lot of students we feel pretty confident that we will be okay. Last year the State said every student needed to get a flu shot and because they got so much pushback they backed out of that. Patricia asked if facilities employees and administration falls under the same collective bargaining. Becky said they do not but whatever the outcome we apply it to everyone. She has also applied through the State for a vaccine clinic for August 30 or 31, which are the two faculty days before school starts and it would be open to anyone in the Lincoln and Hanscom communities. She put in an estimate of 50 to 100 people who would come based on the vaccine clinic last year where 60 to 70 people showed up.

At 8:40 p.m. Patricia Miller made a motion to adjourn the meeting. Fred Mansfield seconded the motion. Roll call vote: Patricia Miller-aye; Steven Kanner-aye; Fred Mansfield-aye.

Submitted by Elaine Carroll

Approved: September 8, 2021