

**Documentation of Legal Authority of School Boards to Issue Mask Directives
Per Direct Communication with Governor Gianforte's Senior Staff**

From: Lance Melton <lmelton@mtsba.org>
Sent: Thursday, February 11, 2021 9:18 AM
To: Oppel, Glenn <Glenn.Oppel@mt.gov>; Milburn, Mike <Mike.Milburn@mt.gov>
Subject: [EXTERNAL] Governor Gianforte's Plans for Dissolving Mask Directive

Mike and Glenn,

We are fielding lots of calls and contacts from members wondering about their options for continuing local mask directives once Governor Gianforte dissolves the statewide directive as expected tomorrow. Is there any possibility that the Governor would consider adding elected school boards among those with the authority to impose mask mandates? We have members with perspectives spanning the full continuum on this issue and we are hoping they will be granted continued authority in determining whether and how to implement mask requirements. I am confident that elected trustees will exercise that authority carefully and with the input of affected constituents and staff.

It should also be noted that Senate Bill 65 provides immunity protection only to private entities and not to public schools. Having the option of requiring continued use of masks would provide school boards with a tool they may need to protect the district taxpayers from liability that could arise from the spread of COVID-19 within Montana's public schools.

Thank you for your consideration of this request.

Lance L. Melton
Executive Director
Montana School Boards Association
863 Great Northern Blvd. Suite 301
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406-495-2347 (direct line)
406-439-2180 (cell)

From: Oppel, Glenn <Glenn.Oppel@mt.gov>
Date: Thursday, February 11, 2021 at 9:43 AM
To: Lance Melton <lmelton@mtsba.org>, Milburn, Mike <Mike.Milburn@mt.gov>
Subject: RE: Governor Gianforte's Plans for Dissolving Mask Directive

Let me get your note into the right hands here and we'll get back to you.

Thanks!

Glenn Oppel, Policy Director, Office of Governor Greg Gianforte

----- Forwarded message -----

From: **Kirk Miller** <samkm@sammt.org>

Date: Thu, Feb 11, 2021 at 9:54 AM

Subject: Mask Mandate lifted and Impact on Schools - Consideration

To: Milburn, Mike <MMilburn@mt.gov>

Cc: samkm@sammt.org <samkm@sammt.org>

Hi Mike,

I'm just checking with you to see if you have received this correspondence from Lance, and to let you know that I'm getting numerous contacts from our school leaders very concerned about their school environment, staff and the impact on the community of lifting of the mask mandate at the state level. I agree with Lance's take on the local control of trustees, and also the liability schools will be exposed to with the change on the horizon. Please advise what you think.

Thanks Mike.

Kirk

From: Milburn, Mike <Mike.Milburn@mt.gov>

Sent: Thursday, February 11, 2021 10:50 AM

To: Kirk Miller <samkm@sammt.org>

Cc: Hall, Travis <Travis.Hall@mt.gov>

Subject: RE: [EXTERNAL] Fwd: Mask Mandate lifted and Impact on Schools - Consideration

Thanks Kirk.

It's me. We just talked about Lance's email at a staff meeting with the Governor. I am going to send this to our comm's person for him to respond so it comes from one source.

Thanks.

I hope all is well with you.

Mike

----- Forwarded message -----

From: **Hall, Travis** <Travis.Hall@mt.gov>

Date: Thu, Feb 11, 2021 at 3:01 PM

Subject: RE: [EXTERNAL] Fwd: Mask Mandate lifted and Impact on Schools - Consideration

To: Milburn, Mike

<Mike.Milburn@mt.gov>, Kirk Miller <samkm@sammt.org>

Thanks, Mike.

Kirk, happy to provide some clarity. As I understand it, the upcoming directive allows local jurisdictions, including local school boards, to implement their own mask requirements. Mike, will you please correct me if I'm wrong?

Please let me know if you have any questions.

Thanks,

Travis Hall

Senior Advisor and Director of Strategic Communications, Governor Greg Gianforte

On Feb 11, 2021, at 4:21 PM, Milburn, Mike
<Mike.Milburn@mt.gov> wrote:

That is true.

Thanks

Mike

From: Kirk Miller <samkm@sammt.org>

Date: Thursday, February 11, 2021 at 4:38 PM

To: Milburn, Mike <Mike.Milburn@mt.gov>

Cc: Hall, Travis <Travis.Hall@mt.gov>, mt-pec <mt-pec@mt-pec.org>, Kirk Miller <samkm@sammt.org>

Subject: Re: [EXTERNAL] Fwd: Mask Mandate lifted and Impact on Schools - Consideration

Thanks Mike and Travis.

Kirk

Kirk J. Miller, SAM Executive Director