

**RESOLUTION OF THE BOARD OF EDUCATION OF FORT SMITH PUBLIC
SCHOOLS ADOPTED AT THE BOARD'S REGULAR MEETING OF**

SEPTEMBER 27, 2021

Regarding Masks for the

2021-22 School Year

WHEREAS, at the Called Meeting of the Board on August 9, 2021, the Board passed a Resolution (the "Resolution"):

1. authorizing our Superintendent, Dr. Terry Morawski, to take all steps necessary to implement a face covering requirement to the maximum extent legally permissible for all persons, including staff, students, and visitors, in district buildings or in school vehicles or buses that contain two or more persons, with such requirement to last the shorter of further action by the Board, the passage of 60 days or the reversal of Judge Fox's Order;
2. authorizing our Superintendent to make exceptions to the these requirements, in his discretion and as informed by the CDC and Arkansas Department of Health; and
3. strongly recommending that all of our students, their families, and our employees consider getting vaccinated and follow all CDC guidelines regarding wearing a mask in order to protect themselves and others, without regard to the final outcome of all litigation regarding Act 1002. Arkansas is experiencing a public-health emergency due to COVID-19; and,

WHEREAS, the Certified and Classified PPCs of the District thereafter proposed and approved by secret ballot vote an Emergency Regulation that stated:

In consideration of the recommendations and guidance issued by the Centers for Disease Control and Prevention and the Arkansas Department of Health, all employees of the District shall follow such requirements of the Fort Smith School District's Board of Education regarding the wearing of masks as may be imposed from time to time; and,

WHEREAS, the Board approved the Emergency Regulation on August 12, 2021; and

WHEREAS, the Board has, at this meeting, reviewed whether the terms of the Resolution should be extended.

Now therefore, be it resolved that we, the Fort Smith School Board,

1. shall require all persons, including staff, students, and visitors, in district buildings or in school vehicles or buses that contain two or more persons, to wear face coverings, with

such requirement to last the shorter of further action by the Board, December 8, 2021 or the reversal of Judge Fox's Order; and

2. authorize our Superintendent to make exceptions to the these requirements, in his discretion and as informed by the CDC and Arkansas Department of Health; and
3. direct our Superintendent to monitor the reports by ACHI of new, known infections for a 14-day period per 10,000 residents ("New Infections"), and when the number of New Infections is 29 or below (yellow level or below), authorize the Superintendent to relax enforcement of the face covering requirements for the following week from mandatory to voluntary, but highly encouraged, with such weekly determination being made by the close of business on Friday and taking effect the following Monday; and
4. authorize our Superintendent to reverse his Friday determination the following week if necessary due to rising Covid infections or quarantines; and
5. in any event, continue to strongly recommend that all of our students, their families, and our employees consider getting vaccinated and follow all CDC guidelines regarding wearing a mask in order to protect themselves and others, without regard to the final outcome of all litigation regarding Act 1002.

[CERTIFICATE FOLLOWS ON NEXT PAGE]

CERTIFICATE

I, the undersigned, Secretary of the Board of Directors of the above District, certify the foregoing to be a true copy of a Resolution duly adopted by the Board at a regular (regular or special) meeting of the Board held on the 27th day of September, 2021. The Resolution appears in the official minutes of the meeting which are in my custody. At the time of the meeting the duly elected (or appointed), qualified and serving members of the Board and their respective votes on the adoption of the Resolution were as follows:

| <u>Director</u> | <u>Vote</u> <u>(Aye, Nay, Abstain or Absent)</u> |
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I further certify that the meeting of the Board was duly convened and held in all respects according to law; that to the extent required by law due and proper notice of the meeting was given to the members of the Board and to the public; that the meeting was open to the public; that a legal quorum was present throughout the meeting; that all other requirements and proceedings under the law incident to the proper adoption and passage of the Resolution have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this Certificate.

CERTIFIED under my hand and seal of the District this _____ day of September, 2021.

(SEAL)

Secretary