

Health and Safety Measures for the 2021-2022 School Year

WHEREAS, Minnesota Statutes Section 123B.09 vests the care, management, and control of independent districts in the school board; and

WHEREAS, the Superintendent of Independent School District 709 [hereinafter the “Superintendent”] is responsible for the management of the schools, the administration of all School District policies, and is directly accountable to the School Board; and

WHEREAS, when responsibilities are not specifically prescribed nor School District policy applicable, the Superintendent shall use personal and professional judgment, subject to review by the School Board, pursuant to School District Policy 302, *Superintendent*; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) and the Minnesota Department of Health (“MDH”) have determined that the COVID-19 pandemic is currently ongoing and may remain ongoing for an unknown time; and

WHEREAS, the Minnesota Department of Education (“MDE”) has issued and may continue to issue written guidance for Minnesota schools on educational issues related to COVID-19; and

WHEREAS, the MDH has issued and may continue to issue written guidance for Minnesota schools on public health issues related to COVID-19; and

WHEREAS, the Superintendent and the administration of the School District have conferred with the School Board regarding COVID-19 health and safety measures, the current CDC, MDE, and MDH requirements for each, and other relevant information; and

WHEREAS, based upon the collective consideration of these factors, the Superintendent has recommended to the School Board that the health measures below be enacted beginning with the commencement of the 2021-2022 school year.

NOW, THEREFORE, BE IT RESOLVED, by the School Board of Independent School District No. 709 as follows:

Section 1: The Superintendent is hereby directed to implement the health and safety measures to open the 2021-2022 school year:

Section 2: The Superintendent is hereby authorized, after consultation with the School Board Chair and notification to the School Board, to select and implement different health and safety measures for the School District or any specific school buildings without School Board action if the Superintendent reasonably believes that prompt implementation of different health and safety measures is necessary, and that constraints of time and public health considerations render it impractical to hold a School Board meeting to approve the implementation. The health and safety measures selected and implemented by the Superintendent shall continue in effect unless and until the School Board, in consultation with the Superintendent and appropriate school district staff and public health officials, deems it in the best interest of the School District and its students to eliminate or implement different health and safety measures.

Section 3: The Superintendent will provide regular updates to the School Board regarding the School District's efforts to implement COVID-19 related educational and public health guidance issued by the MDE and the MDH, respectively.

Health & Safety Measures

At this time, the Center for Disease Control (CDC) and Minnesota Department of Health (MDH) have strongly recommended that all students and staff in K-12 wear face coverings.

I. PURPOSE

The purpose of this resolution is to establish requirements for employees, students, and other persons (including visitors, guests, contractors, etc.) present on school property to wear face coverings in classrooms, preschool, child care settings and other indoor areas; when deemed necessary, in order to minimize exposure to COVID-19.

II. GENERAL OF STATEMENT

- A. Face coverings are meant to protect other people in case the wearer does not know they are infected.
- B. Unless an exception described in Part IV below applies, all students, staff, and other people present indoors in school buildings and district offices or riding on school transportation vehicles are required to wear a face covering.
- C. A violation of these measures occurs when any student, staff, or other person present in a school building, in the school district office, or on a school transportation vehicle fails to wear a face covering, unless an enumerated exception applies.

III. DEFINITION OF FACE COVERING

- A. A face covering must be worn to cover the nose and mouth completely, should not be overly tight or restrictive, and should feel comfortable to wear. The following are included in the definition of face covering:
 - 1. Paper or disposable mask;
 - 2. Cloth face mask;
 - 3. Scarf;
 - 4. Neck gaiter;
 - 5. Bandana;
 - 6. Religious face covering; and
 - 7. Medical-grade masks and respirators
- B. A face shield is a clear plastic barrier that covers the face and allows visibility of facial expressions and lip movements for speech perception. A face shield should extend below the chin anteriorly, to the ears laterally, and there should be no exposed gap between the forehead and the shield's headpiece.

- C. Masks that incorporate a valve designed to facilitate easy exhaling, mesh masks, or masks with openings, holes, visible gaps in the design or material, or vents are not sufficient face coverings because they allow exhaled droplets to be released into the air.

IV. EXCEPTIONS AND ALTERNATIVES; TEMPORARY REMOVAL OF FACE COVERING

Face coverings should not be placed on anyone under age 2, anyone who has trouble breathing or is unconscious, anyone who is incapacitated or otherwise unable to remove the face covering without assistance, or anyone who cannot tolerate a face covering due to a developmental, medical, or behavioral health condition.

- A. A face shield may be used as an alternative to a face covering in the following situations:
 - 1. A student in grades kindergarten through eighth grade may wear a face shield when wearing a face covering is problematic.
 - 2. A teacher of any grade level may wear a face shield when wearing a face covering may significantly impede the educational process.
 - 3. Staff, students, or visitors who cannot tolerate a face covering due to a developmental, medical, or behavioral health condition may wear a face shield instead of a face covering.
 - 4. Staff providing direct support student services may wear a face shield instead of a face covering when a face covering would significantly impede the service being provided.
- B. Staff, students, and other people present in school buildings or in district offices may temporarily remove their face covering or face shield in the following situations:
 - 1. When engaging in classes or activities conducted outdoors, though people participating in these activities should try to maintain three feet of distance to the extent possible;
 - 2. While receiving a service, including nursing, medical, or personal care services, that cannot be performed or is difficult to perform when the individual receiving the service is wearing a face covering;
 - 3. Children age 2 years and older while within a school building or district office;
 - 4. When the wearer needs to remove their face covering to eat or drink, though care should be taken to maintain as much space as possible between people while doing so;

5. During indoor practices or performances involving singing, acting, public speaking, or playing musical instruments where a face covering cannot be used while playing the instrument, though people participating in these activities should try to maintain three feet of distance to the extent possible;
6. When required by school staff for the purposes of identification;
7. Staff working alone in their offices, classrooms, vehicles, or job locations that have no person-to-person interaction;
8. Staff working in communal spaces that have barriers such as Plexiglas or cubicle walls between employees that are above face level; or
9. When communicating with a person who is deaf or hard of hearing or has a disability, medical condition, or mental health condition that makes communication with a face covering difficult, provided that social distancing is maintained to the extent possible.

V. IMPLEMENTATION

- A. The school district will provide face coverings and/or face shields to employees and students. Employees and students may choose to wear their own face covering as long as it covers the nose and mouth. To the extent practicable, the school district will maintain an extra supply of face coverings for people who forget to bring their face covering.
- B. The school district will teach and reinforce the use of face coverings and/or face shields for students and staff throughout the school day, including on transportation vehicles, inside school buildings, and generally when on school grounds.
- C. Individuals who cannot tolerate a face covering due to a medical condition or disability related condition may be permitted to utilize alternative options such as a face shield or other reasonable accommodation. The Superintendent or designee shall have discretion to determine whether an employee, parent, or community member qualifies for a reasonable accommodation and the accommodation to be provided. For a student with a medical condition or disability, the student's education team (i.e. IEP team, Section 504 team, health plan team) will determine whether the student qualifies for a reasonable accommodation and the accommodation to be provided. As a condition to granting a reasonable accommodation, the school district may require an individual to provide a physician's note and/or other relevant information or with respect to the condition or circumstance. Requests for reasonable accommodations from the face covering requirement shall be assessed on a case-by-case basis in accordance with applicable federal and state law.
- D. All face coverings shall meet the requirements of applicable dress code policies and/or codes of conduct as written in the student/family handbook.

VI. ENFORCEMENT; CONSEQUENCES FOR NON-COMPLIANCE

- A. In order to promote the health and safety of employees, students and members of the community, and make available a safe environment that is conducive to learning, compliance with these measures are necessary.
- B. Employees who fail or refuse to comply with these measures may be subject to discipline, as appropriate, up to and including the termination of employment.
- C. Students who fail or refuse to comply with these measures may be subject to discipline as per the code of conduct.

Cross References: MSBA/MASA Model Policy 807 (Health and Safety Policy)
MSBA/MASA Model Policy 504 (Student Dress and Appearance)

Note: *The Minnesota Department of Health issued the following:*
<https://www.health.state.mn.us/diseases/coronavirus/schools/schoolrecs.pdf>

Note: *The Center for Disease Control issued the following: Given new evidence on the B.1.617.2 (Delta) variant, CDC has updated the [guidance for fully vaccinated people](#). CDC recommends universal indoor masking for all teachers, staff, students, and visitors to K-12 schools, regardless of vaccination status. Children should return to full-time in-person learning in the fall with layered prevention strategies in place.*