

**INDEPENDENT SCHOOL
DISTRICT #624**



**SCHOOL BOARD
WORK SESSION
PACKET**

August 23, 2021

MISSION STATEMENT

The mission of the White Bear Lake Area School District, the community at the forefront of educational excellence, honoring our legacy and courageously building the future, is to ensure each student realizes their unique talents and abilities, and makes meaningful contributions with local and global impact through a vital system distinguished by:

- *Students who design and create their own future*
- *A culture that respects diverse people and ideas*
- *Safe, nurturing and inspiring environments*
- *Exceptional staff and families committed to student success*
- *Abundant and engaged community partners*

**INDEPENDENT SCHOOL DISTRICT NO. 624
WHITE BEAR LAKE, MN 55110**

To: Members of the School Board

From: Dr. Wayne A. Kazmierczak
Superintendent of Schools

Date: August 18, 2021

A work session of the White Bear Lake Area School Board will be held on **Monday, August 23, 2021**, at 5:30 p.m. in Room 112 at District Center, 4855 Bloom Avenue, White Bear Lake, MN.

WORK SESSION AGENDA

A. PROCEDURAL ITEMS

1. Call to Order
2. Roll Call

B. DISCUSSION ITEMS

1. Minnesota Association of School Administrators (MASA) **5:35 pm**
Presentation of Superintendent of the Year

C. OPERATIONAL ITEMS

1. Action on School Board Committee and **5:45 pm**
School Liaison Assignments
2. Action on Resolution on Health and Safety Measures **5:50 pm**
for the 2021-2022 School Year
3. Action on School Board Policy 808, Face Coverings and **6:05 pm**
Policy 808 Exemption Form

D. NEGOTIATIONS

1. Labor Negotiations* **6:30 pm**
2. Review of Superintendent's Evaluation**

E. ADJOURNMENT

Times listed for each discussion item are estimated start times.

**This portion of the meeting may be closed to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to Minn. Stat. 179A.01 to 179A.25.*

***This portion of the meeting may be closed to discuss evaluation of superintendent, pursuant to Minnesota Statutes 13D.05, Subd. 3(a).*

B. DISCUSSION ITEMS

AGENDA ITEM: **Minnesota Association of School Administrators (MASA) Presentation of Superintendent of the Year**

MEETING DATE: **August 23, 2021**

SUGGESTED DISPOSITION: **Discussion Item**

CONTACT PERSON(S): **Marisa Vette, Director of Communications and Community Relations**

BACKGROUND:

The Minnesota Association of School Administrators (MASA) named White Bear Lake Area Schools Superintendent Dr. Wayne Kazmierczak as the 2021 Minnesota Superintendent of the Year. Deb Henton, MASA Executive Director, will be in attendance at the School Board meeting to present Dr. Kazmierczak with this honor.

C. OPERATIONAL ITEMS

AGENDA ITEM: **Action on School Board Committee and School Liaison Assignments**

MEETING DATE: **August 23, 2021**

SUGGESTED DISPOSITION: **Operational Item**

CONTACT PERSON: **Don Mullin, School Board Chair;**
Dr. Wayne Kazmierczak, Superintendent

BACKGROUND:

At the July 12, 2021 School Board meeting new School Board Committee and School Liaison assignments were discussed.

RECOMMENDATION:

The board chair and superintendent are recommending the attached School Board Committee and School Liaison assignments be approved.

INDEPENDENT SCHOOL DISTRICT #624
SCHOOL BOARD COMMITTEE and SCHOOL LIAISON ASSIGNMENTS
July 12, 2021 - July 10, 2023

School	Arcand	Beloyed	Chapman	Ellison	Mullin	Newmaster	Thompson
Birch Lake				X			
Hugo/Oneka		X					
Lakeaires		X					
Lincoln			X				
Matoska Int'l				X			
Otter Lake						X	
Vadnais Heights	X						
Willow Lane							X
Central						X	
Sunrise	X						
North Campus					X		
South Campus			X				
ECFE						X	
ALC							X
TEC					X		
Committee							
American Indian Parent Committee							X
Assoc. of Metropolitan School Districts						X	
Community Services Advisory						X	
Finance Advisory Committee		X			X		
Metro ECSU			X				
Policy Committee			X	X			
Ramsey County League of Local Governments	X						
Special Education Parent Advisory							X
WBLAEF	X	X					
WBWF		X					X
Other District Boards							
Equity Alliance Board				X			
N.E. Metro District 916 Board			X				
MSHSL	X						

Action taken at the August 23, 2021 School Board Meeting.

AGENDA ITEM: **Action on Resolution on Health and Safety Measures for the 2021-2022 School Year**

MEETING DATE: **August 23, 2021**

SUGGESTED DISPOSITION: **Operational Item**

CONTACT PERSON: **Dr. Wayne Kazmierczak, Superintendent**

BACKGROUND:

The School Board will be asked to approve the attached Resolution on Health and Safety Measures for the 2021-2022 School Year. The Resolution is aligned with the course of action recommended by the District's COVID Incident Command Team as the 2021-2022 school year gets underway.

RECOMMENDATION:

Approve the Resolution on Health and Safety Measures for the 2021-2022 School Year as recommended.

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 No. 624 [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 all persons ages 2+ are required to wear a face covering when they are in any building that is owned, leased, or operated by or on behalf of the District and serves students from ages 2+, regardless of vaccination status in accordance with the District’s mitigation plan, unless an exemption or exception stated in District policy applies to be implemented at the commencement of the 2021-2022 school year (effective August 24, 2021).

NOW, THEREFORE, BE IT RESOLVED, by the School Board of Independent School District No. 624 as follows:

Section 1: The Superintendent is hereby directed to implement the following health and safety measures to open the 2021-2022 school year: all persons ages 2+ are required to wear a face covering when they are in any building that is owned, leased, or operated by or on behalf of the District and serves students from ages 2+, regardless of vaccination status in accordance with the District’s mitigation plan, unless an exemption or exception stated in District policy applies.

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 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.

Adopted this _____ day of _____, 2021.

Roll Call Vote

School Board Chair

School Board Clerk

AGENDA ITEM: **Action on Policy 808, Face Coverings and Policy 808 Exemption Form**

MEETING DATE: **August 23, 2021**

SUGGESTED DISPOSITION: **Operational Item**

CONTACT PERSON: **Dr. Wayne Kazmierczak, Superintendent**

BACKGROUND:

School Board Policy 808, Face Coverings and Policy 808, Exemption Form, were reviewed by the School Board Policy Committee and Cabinet. The changes to this policy are in sections I - VIII and the References.

RECOMMENDATION:

Approve the changes made to School Board Policy 808, Face Coverings and Policy 808, Exemption Form.

808 FACE COVERINGS

I. POLICY CONSIDERATIONS

The COVID-19 pandemic continues to present a public health threat. This is particularly true in school settings, where vaccinated and unvaccinated individuals congregate indoors. Additionally, at the time of this policy's adoption, a vaccine has not been approved for children under the age of twelve. Face coverings are an important preventative measure, even for those who are vaccinated, to limit the spread of COVID-19 and associated disruptions to the educational environment. Face coverings are meant to help protect people from contracting COVID-19 and spreading COVID-19, particularly when a person does not know that they are infected.

In adopting this policy, the School Board has considered the potential benefits and potential costs of requiring face coverings for students, employees, and visitors. Specifically, the School Board has weighed the health and educational benefits of face coverings, which may help limit disruptions to in-person learning and the need for students and staff to quarantine. The School Board has also weighed the potential social, political, and financial costs associated with requiring masks, including the fact that some families may choose to withdraw their children from the District's schools if the School Board requires face coverings. The School Board has also considered the guidance that federal and state authorities have issued and continue to issue and the fact that the virus continues to mutate. The School Board recognizes that the guidance will likely change as vaccine rates and infection rates change and that any District's policy on face coverings must give the Superintendent the authority and flexibility to act quickly and to modify this policy, between regular meetings of the School Board, based on new developments locally, across the state, and across the nation.

II. GENERAL POLICY

A. **Face Coverings.** All persons ages 2+ are required to wear a face covering when they are in any building that is owned, leased, or operated by or on behalf of the District and serves students from ages 2+, regardless of vaccination status in accordance with the District's mitigation plan, unless an exemption or exception stated in this policy applies.

B. **School Transportation.** In accordance with federal law, all persons, ages 2+, are required to wear a face covering when they are in any vehicle that is owned, leased, or operated by or on behalf of the District, regardless of vaccination status, unless an exemption or exception stated in this policy applies or, in the case of an employee, the employee is traveling alone. This specifically applies to, but is not

limited to, all school buses and contracted vans that are used to transport students to and from school and school sponsored events and activities.

C. Visitors. All volunteers and other visitors to school property who enter a building that is owned, leased, or operated by the District must wear a mask at all times, unless an exemption or exception stated in this policy applies.

D. Distancing Encouraged. When practicable, a physical distance of three feet between students within classrooms should be maintained, as well as a physical distance of three feet between students and staff and between staff.

E. Extracurricular Activities. When students are participating in extracurricular events and activities that are governed by the MSHSL, they must comply with all MSHSL recommendations and guidelines, except where this policy contains more stringent requirements.

F. Superintendent Authority. The School Board hereby delegates and gives to the Superintendent the authority and flexibility to exercise professional judgment and modify this policy immediately and without any further Board approval, between regular meetings of the School Board, based on new developments, if the Superintendent concludes that immediate or prompt implementation of changes is necessary or appropriate. All District employees, volunteers, students, and visitors are required to follow this policy, including any modifications that the Superintendent makes to the policy between regular meetings of the School Board. The Superintendent will bring any changes that are made to this policy to the School Board for ratification at the next regularly scheduled meeting of the School Board.

~~In accordance with Emergency Executive Orders 20-81 and 20-82, including the applicable face covering requirements established by the Minnesota Department of Education (MDE) and the Minnesota Department of Health (MDH), all persons are required to wear a face covering when they are in any building that is owned, leased, or operated by or on behalf of the District, unless an exemption or exception stated in this policy applies. Similarly, all persons are required to wear a face covering when they are in any vehicle that is owned, leased, or operated by or on behalf of the District, unless an exemption or exception stated in this policy applies. This policy will remain in effect as long as Emergency Executive Order 20-81 is in effect.~~

~~The MDH has stated that face coverings are meant to protect other people in case the person wearing the face covering does not know that he or she is infected with COVID-19. A face covering is not meant to be a substitute for social distancing. But a face covering is especially important in situations when maintaining social distancing (six feet of physical distance) is not possible.~~

~~For schools that have a kitchen, cafeteria, or other food services component licensed by MDH or a local health department, all food services workers must follow the Industry~~

~~Guidance for Safety Reopening Restaurants and Bars. To the extent that this Policy conflicts with the MDH guidance for kitchen, cafeteria, or other food service, the more restrictive provision applies.~~

II. DEFINITIONS

- A. **Disability.** The term “disability” means a mental or physical impairment that substantially or materially limits a major life activity.
- ~~B. **District.** The term “District” refers to Independent School District No. 624. The District is an institution of learning. It is also a nonprofit, political subdivision. The District is not a “business” that has “customers” for purposes of Emergency Executive Order 20-81.~~
- C. **Face Covering.** The term “face covering” means any paper or disposable mask, cloth face mask, medical-grade mask, medical grade respirator, scarf, bandanna, neck gaiter, or religious face covering that covers the nose and mouth completely in accordance with CDC guidance. Masks with valves, mesh, openings, holes, vents, or visible gaps in the material do not qualify as face coverings.
- D. **Face Shield.** The term “face shield” means a clear plastic barrier that covers the face, extends below the chin, and wraps around the sides of the face to the ears. A face shield may not have an exposed gap between the forehead and the shield’s headpiece.
- E. **Medical Authority.** For purposes of this policy, the term “medical authority” means a medical doctor, clinical psychologist, physician assistant, or nurse practitioner who has seen or treated the student or employee in question.
- F. **Medical Condition.** For purposes of this policy, the term “medical condition” means a disease, illness, injury, or physiologic, mental, or psychological disorder. A biological or psychological state that is within the range of normal human variation is not a medical condition.
- G. **Parent.** For purposes of this policy, the term “parent” means the legal parent, legal guardian, or conservator of a child who is under the age of eighteen. A student who is eighteen years of age or older is considered to be a “parent” for purposes of this policy, unless a court has found that the student is incompetent and has appointed a conservator or legal guardian for the student.
- H. **Visitor.** For purposes of this policy, the term “visitor” means any person other than a student or employee of the District. The term visitor includes, but is not limited to, parents, community members, vendors, and contractors.

III. EXEMPTIONS

A. Circumstances When a Face Covering Should Not Be Used

1. **Children under the age of two.** A face covering should not be placed on a child under the age of two.
2. **Incapacitated persons.** A face covering should not be placed on any person who is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.
- ~~3. **Trouble breathing.** A face covering should not be placed on any person who has trouble breathing.~~

B. Persons Who Are Exempt from Wearing a Face Covering

- ~~1. **Students five and under in child care.** Pre-kindergarten students who are five years of age or younger and are participating in child care programming in a District building are not required to wear a face shield or face covering. Pre-kindergarten students who are at least two years of age may wear face coverings if done in compliance with CDC guidance.~~
- 12.** Medical condition, mental health condition, or disability. A person is not required to wear a face covering if the person **cannot wear a face covering or cannot wear a face covering safely due to** has a medical condition, mental health condition, or disability ~~that makes it unreasonable for the person to maintain a face covering.~~ This includes a person who has a medical condition that compromises the person's ability to breathe.

IV. WHEN FACE COVERINGS MAY BE TEMPORARILY REMOVED

A. Child Care and Prekindergarten.

1. Temporary removal permitted when a face covering or a face shield is impracticable. Nonexempt workers and children who are required to wear a face covering or shield may remove the covering or shield temporarily to engage in certain activities that make wearing a covering or shield impracticable. These activities include:
 - a. Eating **or drinking**;
 - ~~b. **Drinking**;~~
 - c. Communicating with an individual who is deaf or hard of hearing;
 - d. Communicating with an individual who has a disability, medical condition, or mental health condition that makes communication with that individual difficult while wearing a face covering;

- ~~e. Participating in physical activities;~~
- f. Participating in activities where the face covering would get wet;
- ~~g. Playing instruments;~~
- ~~h. Performing or presenting; and~~
- i. Receiving a service, such as a nursing or medical service, which would be difficult or impossible to perform with a face covering;

~~2. Single group cohort in single setting. Nonexempt employees may temporarily remove face coverings or face shields when in an indoor classroom or care setting that is confined to one group or cohort. Employees are strongly encouraged to wear face coverings or shields in these settings to the extent possible, especially when social distancing cannot be maintained, unless wearing a covering or shield would interfere with the early childhood development process. This exception does not apply to staff who float between rooms such as those helping to cover staff break times or deliver meals. In those cases, staff must be required to wear face coverings.~~

B. Kindergarten Through Grade 12⁺

1. **Staff working alone.** Staff may temporarily remove face coverings when working alone (such that ~~social~~ distancing is maintained), including when alone in an office, classroom, ~~district~~ **school** vehicle, cubicle with walls or barriers (including plexiglass) that are at least face level, or other enclosed work area.
2. Temporary removal permitted when a face covering or a face shield is impracticable. Any person who is in a school building or ~~district~~ office may temporarily remove a face covering or face shield in the following situations, provided that ~~social~~ distancing of at least six feet (or more, if specified below) is maintained, to the extent possible:
 - ~~a. When engaging in indoor physical activity where the level of exertion makes wearing a face covering difficult or impracticable;~~
 - a.b.** When eating or drinking;
 - b. When playing musical instruments that make wearing a face covering difficult or impracticable, provided that six feet of distancing is maintained, to the extent possible;**

(1) Depending on the activity, face shields should also be considered as an alternative if six feet of physical distance cannot be consistently maintained.

~~c. When participating in practices or performances involving singing, acting, public speaking (e.g. debate or speech team events), or playing musical instruments that make wearing a face covering difficult or impracticable, provided that twelve feet of social distancing is maintained, to the extent possible;⁺~~

c.d. When asked to remove the covering for identification purposes, such as when a person enters a school building during the school day and a staff member asks the person to remove the face covering briefly for the purposes of verifying the person's identity;

d.e. When communicating with an individual who is deaf or hard of hearing or who has a disability, medical condition, or mental health condition that makes communication with a face covering difficult;

e.f. When participating in activities, such as swimming or showering, that would cause the face covering to become wet; and

f.g. When receiving a service – including nursing, medical, or personal care services – that cannot be performed or would be difficult to perform when the individual receiving the service is wearing a face covering.

V. WHEN FACE SHIELDS ARE PERMITTED AS AN ALTERNATIVE TO FACE COVERINGS

A. **Students.** A nonexempt student may use a face shield as an alternative to a face covering if:

1. The student is unable to tolerate a face covering due to a developmental, behavioral, or medical condition;

~~2. The student is in kindergarten through eighth grade and the teacher or an administrator determines that wearing a face covering would be problematic for the student; or~~

2.3. A face covering would interfere with religious attire that is worn as part of a sincerely held religious belief.

~~⁺ Depending on the activity, face shields should also be considered as an alternative if twelve feet of physical distance cannot be consistently maintained.~~

- B. **Employees.** A nonexempt employee may use a face shield as an alternative to a face covering with approval from an administrator if:
1. The employee is a teacher and a face covering would impede the educational process;
 2. The employee is a staff member who is providing direct student support services and a face covering would interfere with the services that are being provided;
 3. The employee has a disability or medical condition that prevents the employee from wearing a face covering;
 4. A face covering would interfere with religious attire that is worn as part of a sincerely held religious belief; or
 5. A face covering would create a job hazard for the employee or others, if approved by an administrator based on local, state, or federal laws, requirements, or workplace safety and health standards and guidelines
- C. **Visitors.** A visitor may use a face shield as an alternative to a face covering if:
1. The visitor states that ~~he or she has~~ **they have** a medical condition, mental health condition, or disability that makes it unreasonable to wear a face covering; or
 2. A face covering would interfere with religious attire that is worn by the visitor as part of a sincerely held religious belief.

VI. PROCEDURES FOR DETERMINING WHETHER AN EXEMPTION APPLIES OR WHETHER AN INDIVIDUAL MAY WEAR A FACE SHIELD INSTEAD OF A FACE COVERING

- A. **Students.** If a parent states that a student **who is otherwise required to wear a face covering under this policy** is exempt from wearing a face covering ~~under this policy~~ because the student **cannot wear a face covering or cannot safely wear a face covering due to** ~~has~~ a medical condition, mental health condition, or disability ~~that makes it unreasonable for the student to maintain a face covering,~~ or if the parent states that a student is unable to tolerate a face covering because of a developmental, behavioral, or medical condition, the District will require the parent to submit documentation from a medical authority stating that the student has such a condition or disability and needs to be exempted from wearing a face covering. The documentation from the medical authority must also state whether the student can wear a face shield.

1. **Exception.** The District will not require a parent to submit documentation from a medical authority if the District already has reliable information showing that the student cannot wear a face covering or cannot safely wear a face covering due to ~~has~~ a medical condition, mental health condition, or disability ~~that makes it unreasonable for the student to maintain a face covering~~, or if the District already has reliable information showing that the student is unable to tolerate a face covering because of a developmental, behavioral, or medical condition.
2. **Religious reasons.** The District will not require documentation if a parent ~~or student over the age of fourteen~~ states that a face covering would interfere with religious attire that is worn by the student as part of a sincerely held religious belief. However, ~~if~~ the District may consider whether the student wore the same or similar religious attire before the COVID-19 pandemic began. The District and the parent may also explore other options that balance the student's sincerely held religious beliefs with safety needs.
3. **Determination.** In determining whether a student is exempt from wearing a face covering, the District will consider the parent's request, any documentation the District receives from a medical authority, and all reliable information in the student's educational records. The District may also consider and give weight to the knowledge of certified staff members who have taught or worked with the student.
 - a. If the District determines that the student is exempt from wearing a face covering or is unable to tolerate a face covering because of a developmental, behavioral, or medical condition, the District will determine whether the student can wear a face shield.
 - b. If the District determines that the student who is otherwise required to wear a face covering under this policy is unable to wear a face covering or a face shield because of a medical condition, mental health condition, or disability, the District will consider other options for reducing the potential spread of COVID-19. Such options may include, but are not limited to, using plexiglass barriers around the student's desk, maintaining more than six feet of physical distance from the student, providing PPE for staff members who work with the student, ~~and offering the student remote learning.~~
 - c. If the student has an IEP or Section 504 Plan, the IEP team or Section 504 team is responsible for determining the appropriate placement for the student and any accommodations or supports that may be necessary based on the student's disability. In determining the appropriate placement for the student, the IEP

team or Section 504 team should consider the student's individual educational needs and all relevant information, including, but not limited to, whether the student's presence at school, without a face covering or face shield, would create a direct threat of harm to the student or others.

- B. **Employees.** If an employee **who is otherwise required to wear a face covering under this policy** claims to be exempt from wearing a face covering ~~under this policy~~, the District will require the employee to submit documentation from a medical authority stating that the employee **cannot wear a face covering or cannot safely wear a face covering due to** ~~:(1) has a medical condition, mental health condition, or disability that makes it unreasonable for the employee to maintain a face covering; or (2) is unable to tolerate a face covering because of a developmental, behavioral, or medical condition.~~
1. **Exception.** The District will not require an employee to submit documentation from a medical authority if the District already has reliable information showing that the employee **cannot wear a face covering or cannot safely wear a face covering due to** ~~has a medical condition, mental health condition, or disability that makes it unreasonable for the employee to maintain a face covering, or if the District already has reliable information showing that the employee is unable to tolerate a face covering because of a developmental, behavioral, or medical condition.~~
 2. **Religious reasons.** The District will not require documentation if an employee states that a face covering would interfere with religious attire that is worn by the employee as part of a sincerely held religious belief. **However,** ~~the District may consider whether the employee wore the same or similar religious attire before the COVID-19 pandemic began.~~ **The District and the employee may also explore other options that balance the employee's sincerely held religious beliefs with safety needs.**
 3. **Determination.** In determining whether an employee is exempt from wearing a face covering because of a medical condition, mental health condition, or disability, the District will consider the employee's request, any documentation the District receives from a medical authority, and all reliable information the District maintains about the employee.
 - a. If the District determines that the employee has or may have a disability, the District will engage in an interactive process with the employee.
 - b. If the District determines that the employee is unable to wear a face covering or a face shield because of a medical condition, mental health condition, or disability, the District will consider other options for reducing the potential spread of COVID-19.

Such options may include, but are not limited to, using plexiglas barriers around the employee's work area; **and** maintaining more than six feet of physical distance from others; ~~and the availability of a remote work assignment.~~

- c. The District is not required to create a remote work assignment, to create a light duty position, or to excuse an employee from performing the essential functions of the job.
- C. **Visitors.** If a visitor is not wearing a face covering while in a building that is owned, leased, or operated by the District, a staff member will inform the visitor of the face covering requirement, offer a face covering, and request that the visitor put it on. If the visitor refuses and claims that ~~he or she is~~ **they are** entitled to an exemption from the face covering requirement, the staff member will contact an administrator to determine whether the visitor should be permitted in the building or should be required to leave. Visiting a building that is owned, leased, or operated by the District is a privilege, not a right. Based on the risk of harm that a visitor without a face covering or face shield creates when students and staff members are present for educational purposes, including the risk of a widespread outbreak that could close ~~the~~ **a** schools, building administrators and other school officials may require a visitor to leave the premises if the visitor refuses to wear a face covering or face shield; ~~or if the visitor refuses to maintain social distancing of at least six feet when students or staff are present for educational purposes.~~ If the visitor refuses to leave, the school official, or a designee, should contact law enforcement.
- D. **School Board Meetings.** Face coverings are generally required at School Board meetings, regardless of where the meetings are held.
- ~~1. — Exception for medical condition or disability.~~ If a person asserts that ~~he or she~~ **they cannot wear a face covering or cannot safely wear a face covering due to** ~~has~~ a medical condition, mental health condition, or disability ~~that makes it unreasonable for the person to maintain a face covering,~~ the District will seek to accommodate the person by allowing the person to wear a face shield. If the person refuses to wear a face shield, the District may seek to accommodate the person by allowing the person to watch the meeting from a remote location. Individuals are encouraged to contact the Superintendent's office at least twenty-four hours in advance of a School Board meeting if they want the District to establish a separate remote location for the person to view the meeting.
 - ~~2.~~ **1.** Temporary removal when speaking. If a person has been recognized by the School Board Chair at a School Board meeting (meaning the Chair has authorized the person to speak at the meeting), the person may temporarily remove a face covering while speaking to the Board at the meeting,

provided that at least ~~twelve~~ six feet of ~~social~~ distancing is maintained, to the extent possible.

VII. POSTING, TRAINING, SUPPORT, AND ACCESS

- A. **Posting.** Where applicable, ~~¶~~ the requirement to wear a face covering will be conspicuously posted in the entryway of each the building or vehicle that is owned, leased, or operated by the District. Additionally, this policy will be posted in each building and posted on the District's website.
- B. **Training.** The District will provide training to staff and students on the requirements of this policy. The training will address the proper use of face coverings in District buildings and vehicles, and will reinforce the importance of using face coverings, face shields, and social distancing to prevent the spread of COVID-19. The training will also seek to facilitate understanding in the school community about the exemptions and exceptions stated in this policy, including the legitimate reasons why some staff members and some students cannot wear face coverings. Additionally, the training will seek to combat any stigma associated with wearing or not wearing face coverings and will emphasize to students and staff that bullying or harassment related to the wearing of a face covering is prohibited and may result in discipline up to and including suspension, expulsion, or discharge.
- C. **Support.** District School staff members will provide support and guidance to a student who cannot wear a face covering due to ~~because of~~ a medical condition, mental health condition, or disability ~~that makes it unreasonable for the student to maintain a face covering,~~ and to a student who cannot wear a face covering because the student qualifies to wear a face shield instead of a face covering (i.e. the student is unable to wear tolerate a face covering due to ~~a developmental, behavioral, or~~ medical condition, mental health condition, or disability; ~~a face covering would be problematic;~~ or a face covering would interfere with religious attire that is worn as part of a sincerely held religious belief).
- D. **Access to Face Coverings.** ~~The District will make at least one face covering available to each student and to each employee of the District. Students and employees may choose to wear their own face coverings as long as they meet the definition of a "face covering" under this Policy and they cover the mouth and nose completely.~~ To the extent practicable, the District will maintain an extra supply of face coverings for students and employees who forget to bring them.

VIII. COMPLIANCE

- A. **Compliance with Other Policies.**
1. **Compliance with dress code.** All face coverings must comply with the District's dress code requirements for clothing. Face coverings may not

promote or contain images of items that are illegal for minors or items that minors are prohibited from possessing on school property. Additionally, face coverings must not contain images or messages that are: (1) vulgar; (2) obscene; (3) threatening; (4) incite violence; or (5) reasonably likely to create a material and substantial disruption at school. The District's dress code policy may not be interpreted to prohibit the wearing of any face covering or shield required under this policy. To the extent that any conflict exists between the two policies, this policy controls.

2. **No bullying or harassment.** No student, employee, or visitor may wear a face covering that violates any District policy, including, but not limited to, the District's policy prohibiting bullying and the District's policies prohibiting harassment and other forms of discrimination based on protected class status. Additionally, no student, employee, or visitor may bully, unlawfully harass, or unlawfully discriminate against any student or employee because the student or employee is wearing a face covering or a face shield, or is exempt from wearing a face covering or a face shield.

B. **Discipline of Students.** This policy contains reasonable School Board regulations. Any student who willfully violates this policy is subject to discipline. The District will administer such discipline in accordance with the Minnesota Pupil Fair Dismissal Act.

1. **Exempt students.** ~~School~~ District administrators may not dismiss an exempt student who does not wear a face covering.
2. **Nonexempt students.** ~~School~~ District administrators may dismiss nonexempt students who are required to wear a face covering but refuse to wear a face covering, ~~but suspension is strongly discouraged as a first step.~~ Suspension is strongly discouraged as a first step. ~~School~~ District administrators are encouraged to take the following steps in addressing a student's refusal to wear a face covering:
 - a. Offer the student a face covering, if available, and give the student an opportunity to explain why ~~he or she is~~ they are refusing to wear a face covering. In accordance with ~~Section VI of~~ this policy, determine whether an exemption applies or whether the student may wear a face shield instead of a face covering.
 - b. If the school administrator determines that the student is required to wear a face covering, is not exempt, and ~~that~~ no ~~other~~ exception applies, the school administrator should direct the student to wear the face covering and inform the student that failure to comply with the directive will be considered to be insubordination, which is a ground for dismissal. If the student persists in refusing to wear a face covering, the school administrator may send the student

home for the remainder of the school day and direct the student to wear a face covering upon returning to school, including entry on any District vehicles.

- c. If the student returns to school the following day and persists in refusing to wear a mask, the school administrator may suspend the student for one school day by following the procedures stated in the Pupil Fair Dismissal Act. The school administrator should warn the student that another violation will result in a three-day suspension. The school administrator, or a designee, should also contact the student's parent to discuss the matter ~~and give the parent the option of having the student receive remote instruction.~~
- d. If the student returns to school after the suspension and persists in refusing to wear a mask, the school administrator may suspend the student for three school days by following the procedures stated in the Pupil Fair Dismissal Act. The school administrator should warn the student that another violation will result in a suspension of at least ten school days along with the initiation of expulsion proceedings. The school administrator, or a designee, should also contact the student's parent to discuss the matter ~~and give the parent the option of having the student receive remote instruction.~~
- e. If the student returns to school after the suspension and persists in refusing to wear a mask, the school administrator may suspend the student for ten school days, which may be extended to fifteen days for a regular education student, while initiating expulsion proceedings. The school administrator, or a designee, should also contact the student's parent to discuss the matter and give the parent the option of having the student receive online or remote instruction in lieu of attending school and as an alternative educational service beginning on the sixth day of suspension. (Note: Special education students are entitled to receive a free appropriate public education beginning on the tenth cumulative day of suspension.)

~~f. If the student is expelled, the District may offer remote learning as an alternative educational service during the period of expulsion.~~

C. Discipline of Employees

- 1. **Exempt employees.** ~~School District~~ administrators may not discipline an exempt employee who does not wear a face covering.
- 2. **Nonexempt employees.** ~~School District~~ administrators may discipline nonexempt employees who are required to wear a face covering but refuse

to wear a face covering. Employees must understand the importance of complying with District policies because employees serve as a role model for students. ~~School~~ **District** administrators should take the following steps in addressing an employee's refusal to wear a face covering:

- a. **If available**, ~~Offer~~ offer the employee a face covering and give the employee an opportunity to explain why ~~he or she is~~ **they are** refusing to wear a face covering. In accordance with ~~Section VI of~~ this policy, determine whether an exemption applies or whether the employee may wear a face shield instead of a face covering.
- b. If the school administrator determines that the employee is not exempt and that no other exception applies, the school administrator should direct the employee to wear a face covering and inform the employee that failure to comply with the directive will be deemed to be insubordination, which is a ground for discipline up to and including immediate discharge. If the employee persists in refusing to wear a face covering, the school administrator may suspend the employee without pay for one duty day and direct the employee, in writing, to wear a face covering upon returning to work for the District. In issuing the suspension, the school administrator must comply with any applicable requirements set forth in the employee's employment contract, **School Board policy**, or labor **contract agreement**.
- c. If the employee returns to work following the suspension and persists in refusing to wear a **face covering mask**, the school administrator should consult with the superintendent about taking further disciplinary action up to and potentially including immediate discharge.

~~D. Referral to Law Enforcement. A building administrator or other school official may report to law enforcement any employee or visitor who repeatedly violates this policy. An employee or visitor who willfully violates Executive Order 20-81 or 20-82 is guilty of a petty misdemeanor.~~

Legal References: **CRC January 29, 2021 Order: Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs**
~~Emergency Executive Order 20-81~~
~~Emergency Executive Order 20-82~~
~~Minn. Stat. § 12.45 (Governor's Orders and Rules, Effect)~~
~~Minn. Stat. § 12.45 (Violations; Penalties)~~

Cross References: Policy 504 (Student Dress and Appearance)

Other References:

MDE Best Practice Recommendations for COVID-19 Prevention in Schools for the 2021-22 School Year

CDC Interim Public Health Recommendations for Fully Vaccinated People

CDC Your Guide to Masks

MDH Recommendations for Wearing Masks

MDH Masking Recommendations for Child Care: COVID-19

~~MDE Safe Learning Plan for 2020-2021~~

~~MDE 2020-2021 Planning Guidance for Minnesota Public Districts~~

~~MDH Guidance for Delivering Direct Student Support Services: Staff Protective Equipment~~

~~MDH Frequently Asked Questions About the Requirement to Wear Face Coverings;~~

~~MDH 2020-2021 Planning Guide for Districts~~

~~MDH Best Practices for Masks: Considerations for People with Disabilities and Special Health Needs~~

FACE COVERING EXEMPTION/FACE SHIELD AUTHORIZATION

A student ~~in grades K-12~~ may be exempt from the requirement to wear a face covering at school if a medical authority certifies that the student has a medical condition, mental health condition, or disability that makes it unreasonable for the student to wear a face covering. A student who is not exempt from wearing a face covering may qualify to use a face shield as an alternative to a face covering if the student is unable to tolerate a face covering because of a developmental, behavioral, or medical condition.

- **Face covering.** The term “face covering” means a paper or disposable mask, cloth face mask, medical-grade mask, medical grade respirator, scarf, bandanna, neck gaiter, or religious face covering that covers the nose and mouth completely in accordance with CDC guidance.
- **Face shield.** The term “face shield” means a clear plastic barrier that covers the face, extends below the chin, and wraps around the sides of the face to the ears. A face shield may not have an exposed gap between the forehead and the shield’s headpiece.
- **Medical authority.** The term “medical authority” means a medical doctor, clinical psychologist, physician assistant, or nurse practitioner who has seen or treated the student.

If you believe that your child is exempt from wearing a face covering, you must sign this form and have a medical authority sign and complete this form. An exception will be made if the District already has reliable information from a medical authority confirming that your child has a medical condition, mental health condition, or disability that makes it unreasonable for your child to maintain a face covering.

If your child is not exempt from wearing a face covering but you believe your child cannot tolerate a face covering because of a developmental, behavioral, or medical condition, you must sign this form and have a medical authority sign and complete this form. An exception will be made if the District already has reliable medical information confirming that your child has a developmental, behavioral, or medical condition that causes your child to be unable to tolerate a face covering.

This form must be given to your building principal. The School District will make the final determination of whether the student qualifies for an exemption or for the use of a face shield instead of a face covering.

TO BE COMPLETED BY PARENT/GUARDIAN

Student Name: _____ Date of Birth: _____

Address _____ School of Attendance: _____

I certify that the information on this form is true and accurate to the best of my knowledge.

Parent signature: _____ Date: _____

TO BE COMPLETED BY MEDICAL AUTHORITY

Print Name: _____ Name of Clinic: _____

Clinic Address: _____ Clinic Phone: _____

Based on personal knowledge from examining, treating, or reviewing the medical records of the student who is identified above, I certify that the following is true and accurate (check those that apply and identify condition):

The student has the following medical condition, mental health condition, or disability that makes it unreasonable for the student to wear a face covering at school:

The student is unable to tolerate a face covering and should be permitted to use a face shield at school because of the following developmental, behavioral, or medical condition:

The student is unable to tolerate a face shield at school because of the following medical condition:

Signature of Medical Authority _____

Date: _____

The Minnesota Chapter of the American Academy of Pediatrics (MNAAP) ~~has expressed support for children wearing face coverings with limited exceptions. MNAAP recommends considering whether the child is capable of physically removing their face covering in the event of an emergency. If yes, MNAAP generally believes most children should wear a face covering. A child should be exempt from wearing a face covering if the child has a medical condition that prevents the child from removing the face covering in an emergency.~~ Examples include children with severe cognitive issues, significant sensory challenges, significant respiratory impairments (e.g. tracheostomy or on oxygen), or an orthopedic or neurological issue (e.g. cerebral palsy) that prevents the child from removing the face covering in an emergency.

D. NEGOTIATIONS

AGENDA ITEM: **Labor Negotiations***

MEETING DATE: **August 23, 2021**

SUGGESTED DISPOSITION: **Discussion Item**

CONTACT PERSON(S): **Matt Mons, Director of Human Resources,
General Counsel**

BACKGROUND:

Matt Mons, Director of Human Resources, and Tim Wald, Assistant Superintendent for Finance and Operations, will provide information on labor negotiations.

This portion of the meeting will be closed as permitted by Minnesota statutes.

**This portion of the meeting may be closed to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to Minn. Stat. 179A.01 to 179A.25.*

AGENDA ITEM: **Review of Superintendent's Evaluation***
MEETING DATE: **August 23, 2021**
SUGGESTED DISPOSITION: **Discussion Item**
CONTACT PERSON(S): **Don Mullin, School Board Chair**

BACKGROUND:

The School Board will review and discuss the evaluation of the superintendent for the 2020-21 school year.

This portion of the meeting will be closed as permitted by Minnesota statutes.

**This portion of the meeting may be closed to discuss evaluation of superintendent, pursuant to Minnesota Statutes 13D.05, Subd. 3(a).*