

September Special Meeting Agenda

A special meeting of the Board of Trustees of School District #35 has been scheduled for **Friday, September 3, 2021** at **9:00am** via Zoom (*to avoid disruption to the instructional day*). (All policies can be found at www.gallatingatewayschool.com.)

Call to Order

Presiding Trustee's explanation of procedures

Public Comment- Non Agenda Items- Sign in sheet

Consent Agenda:

Finance: Warrants; **Minutes:** August 18, 2021 Minutes and August 23, 2021 Minutes; **Other:** Consider Non-resident student attendance agreements

New Business

Consider Revision to Paraprofessional Employment Contracts and Salary Increase

Hire: Paraprofessional & Assistant Volleyball Coach

Discuss and Consider Interim District Clerk

Review, Discuss, and Consider Plan for Safe Return to School

Discuss and Set agenda for September 15, 2021 Regular Meeting

Approve minutes from September 3, 2021 Meeting

Next meetings

September 9, 2021- Special Meeting- Facility Walk-through and Board Training with MTSBA

September 15, 2021- Regular Meeting

October 1, 2021- Special Meeting- Agenda setting

Adjournment

ZOOM MEETING INFORMATION:

1. Login details are on the district website-- [See District Calendar](#)
2. Please ensure your mic is muted until called upon by the Committee Chair
3. Public Comment is accepted two times during the meeting:
 - a. During non-agenda public comment for items not on the agenda
 - b. When the Committee Chair opens it for public comment as determined appropriate
4. To participate from a mobile device or computer:
 - a. Please use the "Raise Hand" button under "Participants" button at the bottom of your screen
 - b. Once called on please unmute yourself to provide comments
5. To participate from a phone when dialed in:
 - a. *9 to raise and lower hand for public comment
 - b. Once called on please press *6 to unmute yourself to provide comment

**MINUTES
SPECIAL MEETING
BOARD OF TRUSTEES, GALLATIN GATEWAY SCHOOL DISTRICT #35**

Call to Order

The Board of Trustees of the Gallatin Gateway School District #35 met at 9:00am Friday, September 3, 2021 at the Gallatin Gateway School. Board Chair Julie Fleury presided and called the meeting to order at 9:03am.

Trustees Present

Julie Fleury, Board Chair; Carissa Paulson, Board Vice-Chair, Patti Ringo, Aaron Schwieterman

Trustees Absent

Mary Thurber

Staff Present

Theresa Keel, Superintendent; and Carrie Fisher, District Clerk

Others Present

No sign-in sheet due to meeting being held virtually

Adam Racow, Alison Slayton, DJ, Heidi Maus, Lynn Nowling, Matt Elwell, Max Harrison, Sara Richardson, Wendy Hourigan, Carly Kundert, CJ Smith, Lessa Racow, Misti Richardson, David Jaffe, Heidi Maus, Lesley Gilmore,

Presiding Trustee's Explanation of Procedures

Board Chair Julie Fleury explained the public comment process to be followed for addressing the Board in accordance with Gallatin Gateway School policy. She noted: 1) that prior to a vote the public may comment on agenda items; 2) there will be time for public comment on non-agenda items; and 3) public comment periods are not intended to be a question and answer session.

Public Comment on Non- Agenda Items

None

NEW BUSINESS

Consent Agenda

Motion: Trustee Patti Ringo to approve warrants #37043 - #37058, August 18, 2021 minutes, August 23, 2021 minutes and one nonresident student attendance agreement.

Seconded: Trustee Aaron Schwieterman

Public Comment: None

For: Fleury, Paulson, Ringo, Schwieterman

Opposed: None

Motion passed unanimously.

Consider Revision to Paraprofessional Employment Contracts and Wage Increase

Motion: Trustee Patti Ringo to amend the contracts for Spencer Kirkemo and Nicki (Achinger) Barnes to increase hourly wage to \$16/hour and to increase the starting wage for paraprofessionals during the 2021-2022 school year to \$16/hour.

Seconded: Aaron Schwieterman

Public Comment: None

For: Fleury, Paulson, Ringo, Schwieterman
Opposed: None
Motion passed unanimously.

Paraprofessional & Assistant Volleyball Coach

No motion was presented to hire a paraprofessional position.

Motion: Vice Chair Carissa Paulson to hire Tina Albers as the assistant volleyball coach for a salary of \$700/season.

Seconded: Vice Chair Aaron Schwieterman

Public Comment: None

For: Fleury, Paulson, Ringo, Schwieterman

Opposed: None

Motion passed unanimously.

Discuss and Consider Interim District Clerk

Motion: Trustee Patti Ringo to enter into a contract with Todd Watkins Consulting Services, LLC to provide financial and mentoring services until the District hires a new District Clerk.

Seconded: Vice Chair Aaron Schwieterman

Public Comment: None

For: Fleury, Paulson, Ringo, Schwieterman

Opposed: None

Motion passed unanimously.

Review, Discuss, and Consider Plan for Safe Return to School

The Board reviewed and discussed the Plan for Safe Return to School.

Public Comment: Wendy Hourigan, Adam Racow, Matt Elwell, Aaron Trainer, Sara Richardson, Max Harrison, Misti Richardson, Lessa Racow, CJ Smith, Zach Nowlin, Morgan Stuart, Jenny Trainor

The Board tabled any further discussion or changes for a future meeting.

Ms. Keel will provide the Board and community with ideas/options for ways to update the plan and make it available to

Next Agenda Setting Meeting:

September 9, 2021- Special Meeting- Facility Walk-through and Board Training with MTSBA

September 15, 2021- Regular Meeting

October 1, 2021- Special Meeting- Agenda setting

Adjournment

Board Chair Julie Fleury adjourned the meeting at 1:15pm.


Julie Fleury, Board Chair

Carrie Fisher, District Clerk

09/02/21
20:29:01

GALLATIN GATEWAY ELEMENTARY
Check/Claim Details
For the Accounting Period: 9/21

Page: 1 of 3
Report ID: AP100W

* ... Over spent expenditure

Warrant Claim	Vendor #/Name	Amount	Acct/Source/					
Line #	Invoice #/Inv Date/Description	Line Amount	PO #	Fund	Org	Prog-Func	Obj	Proj
37043S	1620 4 CORNERS WELDING							
	2912	1,020.00						
1	13885 08/16/21 RAILING REPAIR NEAR BUS ENTRAN	1,020.00*		161	80	100-2600	440	613
	Total Check:	1,020.00						
37044S	161 BOZEMAN SAFE & LOCK							
	2900	497.73						
1	49066 08/17/21 LOCK REPAIRS & KEY MAINTENANCE	497.73		101	80	100-2600	440	
	Total Check:	497.73						
37045S	228 CENTURYLINK							
	2904	10.58						
1	85642150 08/20/21 MONTHLY LONG DISTANCE	7.72		101	80	100-2300	531	
2	85642150 08/20/21 MONTHLY LONG DISTANCE	2.65		110	80	100-2300	531	
3	85642150 08/20/21 MONTHLY LONG DISTANCE	0.21		117	80	610-2300	531	
	Total Check:	10.58						
37046S	349 DRAKE IRRIGATION							
	2898	1,132.50						
1	2026 06/20/21 IRRIGATION REPAIRS	415.50		101	80	100-2630	440	
2	2226 08/25/21 IRRIGATION REPAIRS	717.00		101	80	100-2630	440	
	Total Check:	1,132.50						
37047S	352 EAGLE FENCE							
	2901	221.14						
1	1623 08/30/21 CHAINLINK FENCE REPAIR	221.14		101	80	100-2630	440	
	Total Check:	221.14						
37048S	1740 Educational & Community Supports							
	2914	350.00						
1	INV0006391 09/01/21 SWIS ANNUAL LICENSE	266.00*		101	81	100-2120	680	
2	INV0006391 09/01/21 SWIS ANNUAL LICENSE	84.00		101	82	100-2120	680	
	Total Check:	350.00						
37049S	409 FIRE SUPPRESSION SYSTEM INC							
	2913	185.00						
1	1034946-IN 08/26/21 KITCHEN HOOD INSPECTION/SE	185.00		101	80	100-2600	440	
	Total Check:	185.00						
37050S	439 GALLATIN GATEWAY SCHOOL							
	2910	385.93						
2	238906 09/01/21 OPEN HOUSE FOOD/SUPPLIES	108.06*		115	82	100-1000	610	110
3	238906 09/01/21 OPEN HOUSE FOOD/SUPPLIES	277.87*		115	81	100-1000	610	110
	Total Check:	385.93						

09/02/21
20:29:01

GALLATIN GATEWAY ELEMENTARY
Check/Claim Details
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Page: 2 of 3
Report ID: AP100W

* ... Over spent expenditure

Warrant Claim	Vendor #/Name	Amount	Acct/Source/				
Line #	Invoice #/Inv Date/Description	Line Amount	PO #	Fund	Org	Prog-Func	Obj Proj
37051S	577 KELLEY CONNECT						
	2907	60.11					
1	IN882221 08/10/21 COPIER- BUSINESS OFFICE	36.86		101	80	100-2500	550
2	IN867087 07/08/21 COPIER- BUSINESS OFFICE	23.25		101	80	100-2300	550
	Total Check:	60.11					
37052S	609 KENYON NOBLE						
	2902	161.07					
1	8533067 08/09/21 MAINTENANCE SUPPLIES	25.07		101	80	100-2600	610
2	8561815 08/09/21 MAINTENANCE SUPPLIES	60.76		101	80	100-2600	610
3	8563339 08/24/21 MAINTENANCE SUPPLIES	75.24		101	80	100-2600	610
	2905	266.11					
1	8535379 08/10/21 MAINTENANCE SUPPLIES	92.24		101	80	100-2600	610
2	8552922 08/18/21 MAINTENANCE SUPPLIES	115.96		101	80	100-2600	610
3	8553927 08/19/21 MAINTENANCE SUPPLIES	57.91		101	80	100-2600	610
	Total Check:	427.18					
37053S	856 NORTHWESTERN ENERGY						
	2906	817.03					
	ELECTRICITY						
	POWER-LIGHTS						
	NATURAL GAS						
1	08/04/21 ELECTRICITY	465.50		101	80	100-2600	412
2	08/04/21 ELECTRICITY	119.36		110	80	100-2600	412
3	08/04/21 ELECTRICITY	11.94		117	80	610-2600	412
4	08/04/21 POWER-LIGHTS	50.59		101	80	100-2600	410
5	08/04/21 POWER-LIGHTS	52.71		110	80	100-2600	410
6	08/04/21 POWER-LIGHTS	2.11		117	80	610-2600	410
7	08/04/21 NATURAL GAS	112.52		101	80	100-2600	411
8	08/04/21 NATURAL GAS	2.30		117	80	610-2600	411
	Total Check:	817.03					
37054S	917 POWER SCHOOL GROUP LLC						
	2911	288.00					
1	INV274192 08/19/21 PS Registration	207.36*	22032	101	81	100-1000	680
2	INV274192 08/19/21 PS Registration	80.64*	22032	101	82	100-1000	680
	Total Check:	288.00					
37055S	1724 PURITAN COMMERCIAL CLEANING &						
	2899	6,104.00					
1	29087 09/01/21 MONTHLY CUSTODIAL CLEANING	4,761.12		101	80	100-2600	433
2	29087 09/01/21 MONTHLY CUSTODIAL CLEANING	1,220.80		110	80	100-2600	433
3	29087 09/01/21 MONTHLY CUSTODIAL CLEANING	122.08		117	80	610-2600	433
	Total Check:	6,104.00					

09/02/21
20:29:01

GALLATIN GATEWAY ELEMENTARY
Check/Claim Details
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Page: 3 of 3
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Warrant Claim	Vendor #/Name	Amount	Acct/Source/				
Line #	Invoice #/Inv Date/Description	Line Amount	PO #	Fund	Org	Prog-Func	Obj Proj
37056S	1110 SYSCO FOOD SERVICES OF MT						
	2908	2,229.97					
1	343396421 08/24/21 FOOD	829.08		112	80	910-3100	630
2	343396421 08/24/21 SUPPLIES- OTHER	225.58		112	80	910-3100	630
3	343407517 08/31/21 FOOD	760.57		112	80	910-3100	630
4	343407517 08/31/21 SUPPLIES	414.74		112	80	910-3100	630
	Total Check:	2,229.97					
37057S	666 THOMAS, LORRIE						
	2903	200.00					
1	08/22/21 WATER TESTING- AUGUST	98.00		101	80	100-2600	421
2	08/22/21 WATER TESTING- AUGUST	2.00		117	80	610-2600	421
3	08/22/21 WATER TESTING- SEPTEMBER	98.00		101	80	100-2600	421
4	08/22/21 WATER TESTING- SEPTEMBER	2.00		117	80	610-2600	421
	Total Check:	200.00					
37058S	420 US FOODS						
	2909	2,141.67					
1	4286314 08/25/21 FOOD	285.74*		112	81	910-3100	630
2	4286314 08/25/21 FOOD	90.24*		112	82	910-3100	630
3	4286315 08/25/21 FOOD	37.86*		112	81	910-3100	630
4	4286315 08/25/21 FOOD	11.95*		112	82	910-3100	630
5	4236792 08/23/21 FOOD	716.19*		112	81	910-3100	630
6	4236792 08/23/21 FOOD	226.17*		112	82	910-3100	630
7	4236792 08/23/21 SUPPLIES	125.54*		112	81	910-3100	610
8	4236792 08/23/21 SUPPLIES	39.65*		112	82	910-3100	610
9	4354173 08/27/21 FOOD	340.46*		112	81	910-3100	630
10	4354173 08/27/21 FOOD	107.52*		112	82	910-3100	630
11	4207479 08/18/21 FOOD	121.87*		112	81	910-3100	610
12	4207479 08/18/21 FOOD	38.48*		112	82	910-3100	610
	Total Check:	2,141.67					
	# of Claims	17	Total:				16,070.84

Agenda Item: Non-resident Student Attendance Agreements

Recommended Motion: I move to approve the following one (1) Discretionary Non-resident Student Attendance Agreements for the 2021-2022 school year:

Grade	Status (new student or current student)	Home School District	Tuition
K	NewStudent	Cottonwood	\$0

Superintendent Recommendation:

Approve one(1) Discretionary Non-resident Student Attendance Agreements for the 2021-2022 school year

Background:

Gallatin Gateway School Board set the 2021-2022 tuition rate at the April 21, 2021 regular board meeting as follows:

to set the 2021-2022 out-of-district tuition at the Montana state rates for grades K-6 and for grades 7-8, waiving the entire amount of tuition for students whose parents/guardians are responsible for the tuition and the district of residence will pay the full staterate amount per student for those who are attending from Cottonwood School District in grades 6-8.

Out of District Enrollment History:

2013-2014	37
2014-2015	24
2015-2016	28
2016-2017	25
2017-2018	34
2018-2019	42
2019-2020	44
2020-2021	34

Agenda Item: Consider Revision to Paraprofessional Employment Contracts and Wage Increase

Recommended Motion: I move to amend the contracts for Spencer Kirkemo and Nicki (Achinger) Barnes to increase hourly wage to \$16/hour and to increase the starting wage for paraprofessionals during the 2021-2022 school year to \$16/hour.

Background:

- During the budget workshop and discussion it was recommended that the District increase the hourly wage for paraprofessionals to \$16/hour, which would require an amendment to Ms. Barnes and Mr. Kirkemo's current contracts.
- Current starting hourly wage for paraprofessionals is \$14/hour with % increase each year.

Agenda Item: Hire: Paraprofessional & Assistant Volleyball Coach

Paraprofessional:

Recommended Motion: to hire _____ at \$16.00/hour for the 2021-2022 school year with a contract end date of June 10, 2022 pending adequate fingerprint/background check.

Recommendation will be provided at the meeting.

Assistant Volleyball Coach

Recommended Motion: to hire Tina Albers as the assistant volleyball coach for a salary of \$700/season.

Todd Watkins Consulting Services, LLC.

Todd Watkins, PO Box 790, Manhattan, MT 59741

(406) 253-4645 Cell/Business Line • E-Mail toddwatkinsconsulting101@gmail.com

September 1, 2021

Gallatin Gateway School District
Theresa Keel, Superintendent of Schools
PO Box 265
Gallatin Gateway MT, 59730

RE: Consulting Proposal – Financial and Mentoring Services

Dear Theresa,

I am pleased to have this opportunity to provide a proposal for consulting services to Gallatin Gateway School District. From the information provided, my proposal would encompass immediate interim financial, accounting, and clerk services, as well as mentoring and training services to your new Business Manager/District Clerk “as needed”. Services would be provided via on site services up to three days per week as needed and as requested. Specific services would be determined by the Superintendent but would typically include accounts payable, payroll, month-end closing and balancing, reporting to OPI, budget, accounting and Clerk services. Specific services would also include general ledger accounting, reconciliation of the county treasurer’s monthly reports, payroll and claims processing, and day to day mentoring services once you hire a new Clerk/Business Manager.

If the proposal is accepted, the School District will establish and monitor the performance of the described services to ensure that they meet the government’s objectives. As such, management of the School District accepts full responsibility for any decisions made.

I am familiar with your accounting, payroll and budget, system (Black Mountain Software). If you decide to accept my proposal for services, it would be very effective for me to have remote access to the accounting system via RDP with Cloud access or some other form of remote connection. As such I will need authorization to use the cloud connection to access the BMS. As an alternative, we can also establish a remote connection to the school office computers via my office computer for training via TeamViewer or your preferred remote desktop software.

My hourly fee for financial and mentoring consulting services would be \$55.00 hour. Billing will be based on actual time committed (quarter hour basis) and associated travel/office expenses. Onsite services will include travel time at \$30.00 per hour, and mileage at \$.575 per mile. Travel would be from Manhattan, MT to Gallatin Gateway, MT. Invoices will be submitted monthly by the 5th of each month following the month of service.

I appreciate the opportunity to assist you and believe this letter accurately summarizes the significant terms of my proposed engagement. If you have any questions, please let me know. If the need for additional services arises, my agreement with you will need to be revised. It is customary to enumerate these revisions in an addendum to this letter.

Should you have any questions, please feel free to contact me.

Very truly yours,

Todd W. Watkins

Todd Watkins Consulting Services, LLC

RESPONSE:

This letter correctly sets forth the understanding of the School District.

By: _____

Title: _____

Date: _____

Gallatin Gateway School District

Plan for Safe Return to In-Person Instruction and Continuity of Services

Date of Adoption: August 18, 2021

Revision Dates: No later than February 18, 2022

SAFETY MEASURES

The District is taking the following measures to safely provide in-person instruction, including consideration of guidance by the CDC and state and local health officials as follows:

Universal and correct wearing of masks

- All individuals are recommended to follow the CDC guidelines for the universal and correct wearing of face shields or masks in the building
- The decision regarding the recommendation for the universal and correct wearing of face shields or masks in the building is at the discretion of the individual or, in the case of a student, their parent or guardian
- The universal and correct wearing of face shields or masks are required on school buses
- GGS will supply every student and make available to all visitors a washable cloth or disposable face mask.

Physical Distancing

- Individuals will maintain a three-foot distance, described as their “Social Bubble,” in the classrooms, cafeteria, buses and other indoor spaces. In instances where a three-foot distance is not manageable, the close proximity of individuals will occur in time periods of less than 15 minutes.
- Clear Desk Carrels are provided for each student when needed for a physical barrier
- Floor markers and assigned seats in classrooms, on buses, and in the cafeteria will assist with helping students maintain three-foot distancing and providing contact tracing information.
- No more than two students at any one time will be allowed in any of the public restrooms.
- We encourage instruction to be held outdoors, and learning spaces and portable desks are available.

Handwashing and Respiratory Etiquette

- All individuals will wash or sanitize their hands when entering or leaving the building, after recess, and prior to breakfast and lunch
- The district provides hand sanitizer in every instructional area, at the front entrance, in the cafeteria, and in the gymnasium
- Students and Staff will receive direct instruction regarding proper coughing/sneezing etiquette as recommended by the CDC, and visual aids will be posted in public areas.

Cleaning and Maintaining Healthy Facilities (including improving ventilation)

- Buses will be sanitized after each route.
- Touchless systems are provided in the Library, in restrooms, and cafeteria.
- Individuals use personal water bottles – no water fountains remain in the school
- Nightly sanitizing of all classroom desks, tables, chair uppers, door knobs, classroom sinks, fixtures, and light switches occurs
- Classroom computer monitors and keyboards sanitized by students after each use and 2 times per week by Custodial Services.
- Nightly sanitizing of all windows, benches, doors, handles and frames occurs
- Weekly sanitizing of exterior of lockers occurs
- We encourage open windows to facilitate the flow of fresh air, fans are available in every classroom, and air scrubbers are installed in every instructional space.
- Mold, Radon, and other air quality improvement or mitigation will occur as necessary

Contact Tracing

- All Contact Tracing follows the guidelines of the Gallatin City/County Health Department.

Diagnostic and Screening Testing

- COVID-19 Testing is available from the School Nurse for students, staff, parents, or non-school age siblings of students and staff.
- Any individual with COVID-19 symptoms should stay at home.
- Parents are asked to take their child/children's temperatures prior to boarding the bus or bringing them to school.
- Students/Staff who indicate a fever (>99), after they have come to school, will be sent home immediately. Students waiting on parent pick-up will be isolated in a designated waiting area.
- Students/Staff should be fever free for 24 hours with improving symptoms of any illness prior to returning to school.
- Students/Staff who have a fever of 100.4 or higher OR at least two other COVID-19 Symptoms will be isolated in a designated waiting area and sent home.
 - Students/Staff with a positive COVID-19 test result **or** if COVID-19 cannot be ruled out with a negative test will be asked to stay home in isolation, until it is safe to be around others, which is after 24 hours with no fever, respiratory symptoms have improved, **AND** 10 days since symptoms first appeared/positive test result.

Vaccinations

The District will act in accordance with state and federal law with respect to vaccinations for its staff and eligible students.

The District will not refuse, withhold from, or deny a person any services, goods, facilities, advantages, privileges, licensing, educational opportunities, health care access, or employment opportunities based on the person's vaccination status.

Accommodating Students with Disabilities

The District will provide accommodations to its policies for students with disabilities as determined appropriate based upon the individual student needs and in accordance with a individual accommodation plan or individualized education plan. Students requiring accommodations should contact the Superintendent to request information on plans for students with disabilities.

CONTINUITY OF SERVICES

The District will provide for continuity of services as follows:

Student Academic Needs

- Students are provided with a 30-minute intervention/acceleration time, called Growing Gators, for targeted instruction based on individual student needs.
 - Targeted instruction may be teacher-driven, electronic, or provided by an instructional paraprofessional
 - Targeted instruction will accommodate English Language Learners, Gifted and Talented Learners, Special Education Learners, and 504 Learners
- After-school programming called “Later Gators” is provided for students who need additional assistance or enrichment. Programming for Later Gators is dedicated to a STEAM curriculum.
- Students are provided an individual Chromebook for use during the school year both in the classroom and if the student is quarantined or medically isolated due to COVID-19
- Google Classroom is used for student instruction and teacher planning for ease of transition if a student is quarantined or medically isolated due to COVID-19

Student Social, Emotional, and Mental Health Needs

- The Montana Mindfulness Project is being explored by the District Whole Child Committee
- The School Counselor has dedicated Montana Behavior Initiative and Social Emotional Learning time with each grade level throughout each month
- The School Counselor has dedicated time for individual and small group counseling each day.
- The District has committed to a partnership through the Gallatin Madison Special Education Cooperative to provide 8-10 hours of professional counseling on-site weekly.

Other Student Needs (which may include student health and food services)

- The District has committed to having a nurse present, on campus, at least two-times weekly
- GGS will continue to participate in the Seamless Summer Option of the Federal School Breakfast and lunch program which provides free breakfast and lunch for all students
 - Breakfast will continue to be served in the classroom

Staff Social, Emotional, and Mental Health Needs

- All but one of the Teacher Health Care Plans provide for counseling services (first 3 visits free)
- The district provides flex funding for all employees which can be used for social, emotional and mental health needs.
- The School Counselor provides services to staff when needed

Other Staff Needs

Any other staff needs will be addressed either through collaboration or through a memorandum of understanding.

PUBLIC INPUT

This plan will be placed on the District Website with a Google Form to allow for public input no later than June 24, 2021. There will be a discussion item and opportunity for public input at the June 30 Regular Meeting of the Gallatin Gateway Board of Trustees. The Superintendent will hold a public meeting on August 16, 2021 for final public input prior to submission to OPI on August 24, 2021.

The District will review this Plan at least once every six months and will provide an opportunity for public input in association with any review of the Plan.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

In the matter of the adoption of)	NOTICE OF ADOPTION OF
Temporary Emergency Rule I to allow)	TEMPORARY EMERGENCY RULE
students and/or their parents or)	
guardians the ability to opt-out of)	
school health-related mandates for)	
health, religious, moral, or other)	
fundamental rights reasons)	

TO: All Concerned Persons

1. The Department of Public Health and Human Services (department) is adopting the following temporary emergency rule as part of the State’s response to the current COVID-19 global pandemic. The current COVID-19 global pandemic has placed great burdens on the State, and some of the responses to the pandemic, including mask mandates, have also imposed additional burdens on citizens, including on their health and well-being. While the department encourages citizens to receive the COVID-19 vaccine in consultation with their health care provider, this choice, which could mitigate not only the need to wear a mask, but also, potentially, the need for school-based mask mandates, is not yet available to the majority of students because of their age. The rule directs that, if schools or school districts impose a health-related mandate on students, such as a mask mandate, they should consider, and be able to demonstrate they considered, parental concerns in adopting the mandate, and should provide the ability for students, and/or parents or guardians on behalf of their children, to choose to opt-out based on physical, mental, emotional, or psychosocial health concerns, as well as on the basis of religious belief, moral conviction, or other fundamental right, the impairment of which may negatively impact such students’ physical, mental, emotional, or psychosocial health.

2. The Centers for Disease Control and Prevention (CDC) recognizes categories of people as exempt from the requirement to wear a mask, including children under age two; persons with disabilities who cannot wear a mask, or cannot safely wear a mask, for reasons related to the disability; and persons for whom wearing a mask would create a risk to workplace health, safety, or job duties (see “Guidance for Wearing Masks”, “Who should or should not wear a mask” at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>, last updated April 19, 2021). Similarly, mask wearing can interfere with the learning and general well-being of school-aged children, related to their age and development; their disabilities, and physical and mental health attributes; and classroom health, safety, and productivity. As those best suited and entitled to assess individual needs for the physical, mental, and developmental well-being of their minor children, parents or guardians, in consultation with their children’s health care provider as appropriate, should be afforded the ability to opt-out of mask requirements on behalf of their children.

3. The department is charged with providing consultation on conditions and issues of public health importance for schools, to school and local public health personnel, and to the superintendent of public instruction (50-1-202(1)(l), MCA). The department is also charged with adopting and enforcing rules regarding public health requirements for schools, including any matters pertinent to the health and physical well-being of pupils, teachers, and others (50-1-202(1)(p)(v), 50-1-206, MCA). To this end, for example, the department recommends students be evaluated by a health care provider periodically and as necessary to identify health problems with the potential for interfering with learning, including assessment of students' health and developmental status, vision, hearing, and mental health (ARM 37.111.825(7)). In furtherance of this obligation, and for the reasons set forth herein, the department has determined that schools and school districts that impose such health-related mandates as mandatory mask wearing should provide the ability for students through their parents or guardians to choose to opt-out of mandated mask wear in school.

4. The scientific literature is not conclusive on the extent of the impact of masking on reducing the spread of viral infections. The department understands that randomized control trials have not clearly demonstrated mask efficacy against respiratory viruses, and observational studies are inconclusive on whether mask use predicts lower infection rates, especially with respect to children.¹ The department understands, however, that there is a body of literature, scientific as well as survey/anecdotal, on the negative health consequences that some individuals, especially some children, experience as a result of prolonged mask wearing.²

¹ See, e.g., Guerra, D. and Guerra, D., *Mask mandate and use efficacy for COVID-19 containment in US States*, MedRx, Aug. 7, 2021, <https://www.medrxiv.org/content/10.1101/2021.05.18.21257385v2> (“Randomized control trials have not clearly demonstrated mask efficacy against respiratory viruses, and observational studies conflict on whether mask use predicts lower infection rates.”). Compare CDC, *Science Brief: Community Use of Cloth Masks to Control the Spread of SARS-CoV-2*, last updated May 7, 2021, <https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/masking-science-sars-cov2.html>, last visited Aug. 30, 2021 (mask wearing reduces new infections, citing studies) with David Zweig, *The Science of Masking Kids at School Remains Uncertain*, New York Magazine, Aug. 20, 2021, <https://nymag.com/intelligencer/2021/08/the-science-of-masking-kids-at-school-remains-uncertain.html> (author reviewed the 17 studies cited in CDC’s K-12 guidance of evidence that masks on students are effective, noting that none looked at student mask use in isolation from other mitigation measures or against a control, with some studies demonstrating that lack of masking correlated with low transmission and noting issue with presentation of one study published in CDC’s MMWR). See also Xiao, J., Shiu, E., Gao, H., Wong, J. Y., Fong, M. W., Ryu, S., Cowling, B. J. (2020). *Nonpharmaceutical Measures for Pandemic Influenza in Nonhealthcare Settings—Personal Protective and Environmental Measures*. CDC, Emerging Infectious Diseases, 26(5), 967-975, <https://doi.org/10.3201/eid2605.190994> (meta-analysis found that although mechanistic studies support potential effect of hand hygiene or face masks, evidence from 14 randomized controlled trials of such measures did not support a substantial effect on transmission of laboratory-confirmed influenza); Guerra, D. and Guerra, D. (not observing “association between mask mandates or use and reduced COVID-19 spread in US states”).

² See, e.g., Kisielinski, K. et al., *Is a Mask That Covers the Mouth and Nose Free From Undesirable Side Effects in Everyday Use and Free of Potential Hazards?*, Int. J. Environ. Res. Public Health 2021, 18, 4344, <https://doi.org/10.3390/ijerph18084344> (scientific review of multiple studies revealed relevant adverse events over more than ten medical disciplines, including internal medicine, psychology, psychiatry, and pediatrics, finding statistically significant correlation in the quantitative

5. Similarly, there is also substantial literature that persons who are forced to act contrary to their religious beliefs or moral convictions may experience moral distress, and psychological and emotional harm.³ This moral distress and the associated impact on an individual's psychological and emotional health could also arise when a person is forced to act contrary to his or her views of his or her fundamental rights.⁴

6. Mask wearing has been shown to cause some children to suffer mental and emotional distress and issues.⁵ Mask wearing can also cause or aggravate physical conditions in some children, including interference with breathing related to asthma or other respiratory conditions or infections, or interference with the ability to see classroom boards, screens, papers and desk surfaces, and surrounding safety conditions, especially for students wearing glasses. The scientific literature has identified, with respect to pediatrics, diseases, or predispositions where masking may present significant risks, including respiratory diseases, cardiopulmonary diseases (asthma, bronchitis, cystic fibrosis, congenital heart disease, emphysema), neuromuscular diseases, and epilepsy.⁶ In addition, mask wearing can cause

analysis between the negative effects of blood-oxygen depletion and fatigue in mask wearers, and identifying what the authors called Mask-Induced Exhaustion Syndrome with symptoms including feeling of fatigue or exhaustion, decreased ability to concentrate, and decreased ability to think). *But see* CDC, Science Brief (“[r]esearch supports that mask wearing has no significant adverse health effects for wearers,” citing studies mainly conducted with healthy research subjects).

³ See, e.g., Christy A. Rentmeester, *Moral Damage to Health Care Professionals and Trainees: Legalism and Other Consequences for Patients and Colleagues*, *Journal of Medicine and Philosophy*, 33: 27-43, 2008, p.37 (“moral distress is a sense of complicity in doing wrong. This sense of complicity does not come from uncertainty about what is right but from the experience that one’s power to resist participation in doing wrong is severely restricted by one’s work environment and from the experience that resisting participation in doing wrong is severely restricted by one’s work environment and from the experience that resisting participation in doing wrong exposes one to harm.”); Borhani et al., *The relationship between moral distress, professional stress, and intent to stay in the nursing profession*, *J. Med. Ethics Hist. Med.* 2014; 7:3.

⁴ Cf. Kisielinski, K. et al. (masks impair the wearer’s field of vision and inhibit other habitual actions, which can be perceived “as a permanent disturbance, obstruction, and restriction”; “[w]earing masks, thus, entails a feeling of deprivation of freedom and loss of autonomy and self-determination, which can lead to suppressed anger and subconscious constant distraction, especially as the wearing of masks is mostly dictated and ordered by others”).

⁵ *Id.* (noting a survey which showed masks can cause anxiety and stress reactions in children, an increase in psychosomatic and stress-related illnesses and depressive self-experience, reduced participation, social withdrawal, and lowered health-related selfcare); see also Carla Peeters, September 9, 2020, *Rapid response: Psychological, biological, and immunological risks for children and pupils makes long-term wearing of mouth masks difficult to maintain*, *BMJ*, <https://www.bmj.com/content/370/bmj.m3021/rr-6>.

⁶ Kisielinski, K. et al. These conditions tend to be ones with respect to which individuals would be excluded from research studies. See, e.g., Lubrano, R., Bloise, S., Testa, A., et al. *Assessment of Respiratory Function in Infants and Young Children Wearing Face Masks During the COVID-19 Pandemic*. *JAMA Netw Open*. Mar 2 2021;4(3):e210414. doi:10.1001/jamanetworkopen.2021.0414, (cited in CDC, Science Brief at note 64) (noting the exclusion from study of infants and young children with lung or cardiac disease, neuromuscular disorders and those with medications that could be associated with changes in the parameters examined).

decreased ability to think and to concentrate in some children, with potential implications for their cognitive development.⁷

7. Accordingly, personal choice in the form of an exemption from or exception to a mask mandate policy can serve to protect and further the physical, mental, and emotional health of students who may be negatively impacted by a masking requirement. Safety recommendations and choices in response to the COVID-19 global pandemic are invaluable, but mandates can place more detrimental stress or have other adverse health impacts on some students and families, unless they have the ability to opt-out as necessary. This is especially the case where the scientific evidence supporting the original public health intervention is inconclusive. With respect to the documentation necessary to support such exception or exemption from a mandatory health measure such as mandatory mask wearing, the department suggests that the type and quantum of documentation outlined in House Bill 334, with respect to exemptions from school vaccination requirements, may serve as an appropriate model.

8. For the foregoing reasons, the department adopts this emergency rule. Certain Montana schools and school districts have adopted and, with the beginning of the school year, will be enforcing mask mandates on the basis of public health, without considering the negative implications that such measures could have on the physical, mental, emotional, or psychosocial health of some students. Promulgation of this emergency rule is necessary because no other administrative act can be taken to avert this imminent peril to the public health, safety, and well-being of Montana youth, who are now returning or beginning to return to the classroom for the new school year. This rule will remain in effect no longer than 120 days after the date of adoption.

9. EMERGENCY RULE I is necessary to provide essential health, well-being, fundamental rights, and a safe and effective learning environment for Montana youth. Emergency Rule I protects Montana students returning to school who may experience adverse effects from mandatory mask wear by directing schools and school districts that they should consider, and be able to demonstrate consideration of, parental concerns when adopting a mask mandate, and should provide those students, or their parents or guardians, on their behalf, with the ability to opt-out of wearing a mask, as necessary.

10. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who need an alternative accessible format of this notice. If you require an accommodation, contact Heidi Clark at the Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

⁷ See, e.g., Kisielinski, K. et al.; see also Guerra, D. and Guerra, D. (noting some risks of mask wearing, including that by obscuring nonverbal communication, masks interfere with social learning in children, and research that masks decrease cognitive precision).

11. The emergency rule is effective immediately, August 31, 2021.

12. The text of the emergency rule provides as follows:

EMERGENCY RULE I ABILITY TO OPT-OUT OF SCHOOL HEALTH-RELATED MANDATES (1) In order to provide for the health, well-being, rights, and educational needs of students, schools and school districts should consider, and be able to demonstrate consideration of, parental concerns when adopting a mask mandate, and should provide students and/or their parents or guardians, on their behalf, with the ability to opt-out of health-related mandates, to include wearing a mask or face covering, for reasons including:

- (a) physical health;
- (b) mental health;
- (c) emotional health;
- (d) psychosocial health;
- (e) developmental needs; or
- (f) religious belief, moral conviction, or other fundamental right the

impairment of which could negatively impact the physical, mental, emotional, or psychosocial health of students.

AUTH: 2-4-303, 50-1-202, 50-1-206, MCA

IMP: 50-1-202, 50-1-206, MCA

13. The rationale for the temporary emergency rule is set forth in paragraphs 1 through 9.

14. It is presently unknown whether a standard rulemaking procedure will be undertaken prior to the expiration of this temporary emergency rule. The necessity and efficacy of this emergency rule will be continuously evaluated as the effort to combat the COVID-19 global pandemic in Montana continues and develops.

15. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices, and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in paragraph 10 or may be made by completing a request form at any rules hearing held by the department.

16. The bill sponsor contact requirements of 2-4-302, MCA, do not apply to this rulemaking. Special notice, pursuant to 2-4-303, MCA, was made to each member of the Children, Families, Health, and Human Services; and Education Interim Committees and to each member of the committees' staff, using electronic mail on August 31, 2021.

/s/ Robert Lishman
Robert Lishman
Rule Reviewer

/s/ Adam Meier
Adam Meier, Director
Public Health and Human Services

Certified to the Secretary of State August 31, 2021.

1 _____ **School District**

2
3 **COVID-19 Emergency Measures**

1905

4
5 Student, Staff, and Community Health and Safety

6
7 The School District has adopted the protocols outlined in this policy during the term of the
8 declared public health emergency to ensure the safe and healthy delivery of education services
9 provided to students on school property in accordance with Policy 1906, and a safe workplace
10 when staff are present on school property in accordance with Policy 1909, and the safety, health
11 and well-being of parents and community members. The supervising teacher, principal,
12 superintendent or designated personnel are authorized to implement the protocols in coordination
13 with state and local health officials.

14
15 Symptoms of Illness

16
17 Students and staff who are ill, feeling ill, diagnosed as ill, or otherwise demonstrating symptoms
18 of illness must not come to school or work. Students who have a fever or are exhibiting other
19 signs of illness must be isolated in a designated area until such time as parents or caregiver may
20 arrive at the school to retrieve the ill student. All surfaces and areas should be thoroughly
21 cleaned and disinfected once the student has vacated the area by staff utilizing safety measures in
22 accordance with state and/or local health standards as applicable. Students may engage in
23 alternative delivery of education services during the period of illness or be permitted to make up
24 work in accordance with District Policy 1906. Staff members will be provided access to leave in
25 accordance with District Policy 1911 or the applicable Master Contract or Memorandum of
26 Understanding.

27
28 Parents, guardians, or caregivers of students who are ill, feeling ill, diagnosed as ill, or otherwise
29 demonstrating symptoms of illness must not be present at the school for any reason including but
30 not limited events or gatherings or to drop off or pick up students excepted as provided by this
31 policy. To avoid exposing others to illness, parents or caregivers who are ill must make
32 arrangements with others to transport students to school or events, if at all practicable. If not
33 practicable, parents, guardians or caregivers must not leave their vehicle during pickup or drop
34 off and must arrange with District staff to supervise students in accordance with physical
35 distancing guidelines in this Policy.

36
37
38 Physical Distancing (Boards must select option 1 or option 2)

39
40 Option 1

41 Students, staff, volunteers, and visitors will maintain a six-foot distance between themselves and
42 their colleagues and peers throughout the school day inside any school building, on school
43 provided transportation, and on school property before and after school. Staff members will
44 arrange classrooms and restructure courses, transportation services, and food service to meet this
45 standard.

1 Recess will continue as scheduled in accordance with physical distancing guidance without the
2 use of playground equipment. Any other use of school playgrounds is strictly prohibited.

3
4 Drop off and pick up of students will be completed in a manner that limits direct contact between
5 parents and staff members and adheres to social distancing expectations around the exterior of
6 the school building while on school property.

7
8 Option 2

9 To the extent possible, elementary school courses will be delivered to the same group of students
10 each day, and the same teachers will remain with the same group in the same separate and
11 designated room each day. If physical distancing is not possible during meal service and courses
12 delivered in a separate area such as the library, gymnasium, and music room, the service or
13 course will be delivered in the designated classroom for each group of students. Recess and use
14 of playgrounds during recess are permitted on an adjusted schedule to maintain appropriate
15 student groupings. Transportation services will be provided in accordance with cleaning and
16 disinfection procedures outlined in this policy.

17
18 Secondary school courses will be delivered using a restructured bell system to minimize student
19 interaction in common areas. Upon arriving in a classroom, secondary school students will be
20 provided disinfecting wipes or disinfecting spray and disposable paper towel and time to clean
21 their learning area or desk. Meal service for secondary students will be provided through a grab
22 and go lunch that will be eaten in designated areas.

23
24 Parent arrival times to drop-off and pick up students riding with parents and caregivers will be
25 staggered in designated intervals by grade level through a schedule set by the supervising teacher
26 or building administrator.

27
28 Drop off and pick up of students will be completed in a manner that limits direct contact between
29 parents and staff members and adhere to social distancing recommendations in the exterior of the
30 building.

31
32 Visitors to the school authorized by District Policy 1903 will maintain a six-foot distance
33 between themselves and others. This distancing requirement does not apply to individuals who
34 are a part of the visitor's regular household isolation group when the group is authorized to
35 present at the school facility.

36
37
38 Face Coverings as Personal Protective Equipment (Boards must select option 1, option 2, or
39 option 3)

40
41 Option 1- Required Face Coverings

42
43 This provision is required due to the COVID-19 state of emergency declared by the Board of
44 Trustees or other local, state or federal agency, official, or legislative body. This policy is
45 adopted, implemented, and enforced in accordance with the supervisory authority vested with the
46 Board of Trustees in accordance with Article 10, section 8 of the Montana Constitution and

1 related statutes and regulations. The Board of Trustees authorizes the Superintendent to develop
2 and implement procedures to enforce this policy.

3
4 The School District requires all staff, volunteers, visitors, and school-aged students to wear
5 a face covering, mask, or face shield while present in any school building, regardless of COVID-
6 19 vaccination status. The implementation of a face covering requirement is not based on the
7 COVID-19 vaccination status of any person in accordance with state law. The District does not
8 make decisions regarding access to or delivery of school services based on COVID-19
9 vaccination status in accordance with Policy 3413. The School District also requires all
10 staff, volunteers, visitors, and school-aged students to wear a face covering, mask, or face shield
11 while present at any outdoor school activity with fifty (50) or more people where physical
12 distancing is not possible or is not observed. Face covering, mask, or face shield means
13 disposable or reusable covering that covers the nose and mouth. The School District will
14 provide masks to students, volunteers, and staff, if needed. If a student or staff member wears a
15 reusable mask, the School District expects that the masks be washed on a regular basis to ensure
16 maximum protection.

17
18 Students, staff, volunteers, and visitors are not required to wear a face covering, mask, or face
19 shield under this provision when:

- 20 1. consuming food or drink;
- 21 2. engaging in strenuous physical activity;
- 22 3. giving a speech, lecture, class presentation, course lesson, or performance when separated
23 by at least six feet of distance from the gathering, class, or audience;
- 24 4. communicating with someone who is hearing impaired;
- 25 5. identifying themselves;
- 26 6. receiving medical attention; or
- 27 7. precluded from safely using a face covering, mask, or face shield due to a medical or
28 developmental condition. The superintendent, building principal, or their designee shall
29 request documentation from a health care provider when considering an exception to this
30 provision for medical or developmental reasons. The School District will comply with all
31 applicable disability and discrimination laws when implementing this provision.

32
33 When students and members of the public are not present, staff may remove their face covering,
34 mask, or face shield if they are at their individual workstation and six feet of distance is strictly
35 maintained between individuals. If students are working in small groups, the students must be
36 wearing face covering, mask, or face shield

37
38 All points of entry to any school building or facility open to the public shall have a clearly visible
39 sign posted stating the face covering, mask, or face shield requirement.

40
41 Allegations of harassment of any person wearing or not wearing a face covering, mask, or face
42 shield requirement will be promptly investigated in accordance with District policy. Failure or
43 refusal to wear a face covering, mask, or face shield by a staff member or student not subject to
44 an exception noted above may result in redirection or discipline in accordance with District
45 policy and codes of conduct, as applicable.

1
2 Option 2 – Optional Face Coverings
3

4 Staff, students, and visitors may wear a face covering, mask, or face shield while present in any
5 school building. The School District does not require the use of masks and will not provide
6 masks except in cases required by this policy or at the discretion of the administration.
7

8 Allegations of harassment of any person wearing or not wearing a face covering, mask or face
9 shield shall be promptly investigated in accordance with District policy. A student, staff member,
10 or visitor who, after an investigation, is found to have engaged in behavior that violates District
11 policy is subject to redirection or discipline.
12

13 **OPTIONAL:** If, after this section is adopted, the number of active COVID-19 cases in the county
14 where the school district is located increases to the point of being considered a "substantial" or
15 "high" rate of transmission as defined by the Centers for Disease Control (CDC), the Board of
16 Trustees authorizes the superintendent to implement a requirement for face coverings to be worn
17 in identified District buildings until such time as the Board of Trustees can adopt an applicable
18 District policy. The superintendent shall coordinate with the county health department and Board
19 Chair to determine whether face coverings are a necessary response to a potential or actual
20 COVID-19 outbreak. The implementation of a face covering requirement in the identified
21 buildings shall not be based on the COVID-19 vaccination status of any person in accordance
22 with state law. The District does not make decisions regarding access to or delivery of school
23 services based on COVID-19 vaccination status in accordance with Policy 3413. In the event
24 face coverings are required, the superintendent shall announce the face covering requirement to
25 students, parents, staff, and visitors for the immediate successive school day each day by 3:00
26 p.m. If the superintendent determines masks are required, signs will be installed to inform
27 students, parents, staff, and visitors of mask requirements while present in the identified District
28 buildings. In the event of a mask requirement, the following exceptions shall apply:
29

30 Students, staff, volunteers, and visitors are not required to wear a face covering, mask, or face
31 shield under this provision when:

- 32 1. consuming food or drink;
- 33 2. engaging in strenuous physical activity;
- 34 3. giving a speech, lecture, class presentation, course lesson, or performance when separated
35 by at least six feet of distance from the gathering, class, or audience;
- 36 4. communicating with someone who is hearing impaired;
- 37 5. identifying themselves;
- 38 6. receiving medical attention; or
- 39 7. precluded from safely using a face covering, mask, or face shield due to a medical or
40 developmental condition. The superintendent, building principal, or their designee shall
41 request documentation from a health care provider when considering an exception to this
42 provision for medical or developmental reasons. The School District will comply with all
43 applicable disability and discrimination laws when implementing this provision.
44
45
46

1 Option 3 – Required Face Coverings for Specific Schools and Groups | Optional Face Coverings
2 in Other Buildings

3
4 This provision is required due to the COVID-19 state of emergency declared by the Board of
5 Trustees or other local, state, or federal agency, official, or legislative body. This policy is
6 adopted, implemented, and enforced in accordance with the supervisory authority vested with the
7 Board of Trustees in accordance with Article 10, section 8 of the Montana Constitution and
8 related statutes and regulations. The Board of Trustees authorizes the Superintendent to develop
9 and implement procedures to enforce this policy.

10
11 The School District requires all staff, volunteers, visitors, and students in buildings serving
12 students **Option: Grades ____ | Option: Ages ____** to wear a face covering, mask, or face shield
13 while present in the **following buildings: _____**, regardless of COVID-19 vaccination
14 status. The School District also requires all staff, volunteers, visitors, and students in the
15 identified buildings to wear a face covering, mask, or face shield while present at any outdoor
16 school activity with fifty (50) or more people where physical distancing is not possible or is not
17 observed. Face covering, mask, or face shield means disposable or reusable covering that covers
18 the nose and mouth. The School District will provide masks to students, volunteers, and staff, if
19 needed. If a student or staff member wears a reusable mask, the School District expects that
20 the masks be washed on a regular basis to ensure maximum protection.

21
22 Students, staff, volunteers, and visitors are not required to wear a face covering, mask, or face
23 shield under this provision when:

- 24 1. consuming food or drink;
- 25 2. engaging in strenuous physical activity;
- 26 3. giving a speech, lecture, class presentation, course lesson, or performance when separated
27 by at least six feet of distance from the gathering, class, or audience;
- 28 4. communicating with someone who is hearing impaired;
- 29 5. identifying themselves;
- 30 6. receiving medical attention; or
- 31 7. precluded from safely using a face covering, mask, or face shield due to a medical or
32 developmental condition. The superintendent, building principal, or their designee shall
33 request documentation from a care provider when considering an exception to this
34 provision for medical or developmental reasons. The School District will comply with all
35 applicable disability and discrimination laws when implementing this provision.

36
37 When students and members of the public are not present, staff may remove their face covering,
38 mask, or face shield if they are at their individual workstation and six feet of distance is strictly
39 maintained between individuals. If students are working in small groups, the students must be
40 wearing a face covering, mask, or face shield.

41
42 All points of entry to any school building or facility open to the public shall have a clearly visible
43 sign posted stating the face covering, mask, or face shield requirement.

44
45 Staff, visitors, and students in buildings that do not serve students K-6 have the option of
46 wearing a face covering, mask, or face shield while present in a school building other than those

1 identified in this section. In the event staff or students visit a building where a face covering,
2 mask, or face shield is required, the student or staff member will comply with that building's
3 requirements under this policy
4

5 The implementation of a face covering requirement in the identified buildings is not based on the
6 COVID-19 vaccination status of any person in accordance with state law. The District does not
7 make decisions regarding access to or delivery of school services based on COVID-19
8 vaccination status in accordance with Policy 3413.
9

10 Allegations of harassment of any person wearing or not wearing a face covering, mask, or face
11 shield requirement will be promptly investigated in accordance with District policy. Failure or
12 refusal to wear a face covering, mask, or face shield by a staff member or student not subject to
13 an exception noted above may result in redirection or discipline in accordance with District
14 policy and codes of conduct, as applicable.
15

16 **OPTIONAL:** If, after this section is adopted, the number of active COVID-19 cases in the county
17 where the school district is located increases to the point of being considered a "substantial" or
18 "high" rate of transmission as defined by the Centers for Disease Control (CDC), the Board of
19 Trustees authorizes the superintendent to implement a requirement for face coverings to be worn
20 in District buildings until such time as the Board of Trustees can adopt an applicable District
21 policy. The superintendent shall coordinate with the county health department and Board Chair
22 to determine whether face coverings are a necessary response to a potential or actual COVID-19
23 outbreak. In the event face coverings are required for other buildings, the superintendent shall
24 announce the face covering requirement to students, parents, staff, and visitors for the immediate
25 successive school day each day by 3:00 p.m. If the superintendent determines masks are
26 required, signs will be installed to inform students, parents, staff, and visitors of mask
27 requirements while present in the identified District buildings. In the event of a mask
28 requirement, the exceptions noted in this section shall apply.
29
30

31 Cleaning and Disinfecting 32

33 School district personnel will routinely both clean by removing germs, dirt and impurities and
34 disinfect by using chemicals to kill germs on all surfaces and objects in any school building and
35 on school property that are frequently touched. This process shall include cleaning
36 objects/surfaces not ordinarily cleaned daily.
37

38 Personnel will clean with the cleaners typically used and will use all cleaning products according
39 to the directions on the label. Personnel will disinfect with common EPA-registered household
40 disinfectants. A list of products that are EPA-approved for use against the virus that causes
41 COVID-19 is available from the supervising teacher or administrator. Personnel will follow the
42 manufacturer's instructions for all cleaning and disinfection products.
43

44 The District will provide EPA-registered disposable wipes to teachers, staff, and secondary
45 students so that commonly used surfaces (e.g., keyboards, desks, remote controls) can be wiped
46 down before use. Supervising teacher or administrators are required to ensure adequate supplies
47 to support cleaning and disinfection practices.

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Student Arrival

Hand hygiene stations will be available at the entrance of any school building, so that children can clean their hands before they enter. If a sink with soap and water is not available, the School District will provide hand sanitizer with at least 60% alcohol. Hand sanitizer will be kept out of elementary students’ reach and student use will be supervised by staff.

A District employee will greet children outside the school as they arrive to ensure orderly compliance with the provisions of this policy.

Temperature Screening

Designated School District staff are authorized to test the temperature of students with an approved non-contact or touchless temperature reader. Students who have a fever or are exhibiting other signs of illness must be isolated in a designated area until such time as parents or caregiver may arrive at the school to retrieve the ill student. All surfaces and areas should be thoroughly cleaned and disinfected once the student has vacated the area by staff utilizing safety measures in accordance with state and/or local health standards as applicable.

When administering a temperature check on a possibly ill student, designated staff members will utilize available physical barriers and personal protective equipment to eliminate or minimize exposures due to close contact to a child who has symptoms during screening.

Healthy Hand Hygiene Behavior

All students, staff, and others present in the any school building will engage in hand hygiene at the following times, which include but are not limited to:

- Arrival to the facility and after breaks
- Before and after preparing, eating, or handling food or drinks
- Before and after administering medication or screening temperature
- After coming in contact with bodily fluid
- After recess
- After handling garbage
- After assisting students with handwashing
- After use of the restroom

Hand hygiene includes but is not limited to washing hands with soap and water for at least 20 seconds. If hands are not visibly dirty, alcohol-based hand sanitizers with at least 60% alcohol can be used if soap and water are not readily available.

Staff members will supervise children when they use hand sanitizer and soap to prevent ingestion. Staff members will place grade level appropriate posters describing handwashing steps near sinks.

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2
3 Vulnerable Individuals
4

5 Vulnerable individuals (defined by the Centers for Disease Control at the time of this policy’s
6 adoption as those age 65 or older or those with serious underlying health conditions, including
7 high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune
8 system is compromised such as by chemotherapy for cancer and other conditions requiring such
9 therapy) are authorized to talk to their healthcare provider to assess their risk and to determine if
10 they should telework during the period of declared public health emergency.

11
12 Employees who have documented high risk designation from a medical provider are entitled to
13 reasonable accommodation within the meaning of that term in accordance with the Americans
14 with Disabilities Act and Section 504 as outlined in District Policy 5002. These accommodations
15 may include but are not limited to teleworking in accordance with a work plan developed in
16 coordination with and authorized by the supervising teacher, administrator or other designated
17 supervisor. Such employees may also be eligible for available leave in accordance with the
18 applicable policy or master agreement provision.
19
20

21 Food Preparation and Meal Service
22

23 Facilities must comply with all applicable federal, state, and local regulations and guidance
24 related to safe preparation of food.
25

26 Sinks used for food preparation must not be used for any other purposes.
27

28 Staff and students will wash their hands in accordance with this policy.
29
30

31 Transportation Services
32

33 The Board of Trustees authorizes the transportation of eligible transportees to and from the
34 school facility in a manner consistent with the protocols established in this policy. The
35 transportation director and school bus drivers will clean and disinfect each seat on each bus after
36 each use.
37
38

39 Public Awareness
40

41 The School District will communicate with parents, citizens, and other necessary stakeholders
42 about the protocols established in this policy and the steps taken to implement the protocols
43 through all available and reasonable means.
44
45

46 Confidentiality

1
2 This policy in no way limits or adjusts the School District’s obligations to honor staff and student
3 privacy rights. All applicable district policies and handbook provision governing confidentiality
4 of student and staff medical information remain in full effect.

5
6 Transfer of Funds for Safety Purposes
7

8 The Board of Trustees may transfer state or local revenue from any budgeted or non-budgeted
9 fund, other than the debt service fund or retirement fund, to its building reserve fund in an
10 amount not to exceed the school district's estimated costs of improvements to school and student
11 safety and security to implement this policy in accordance with District Policy 1006FE.
12

13 Legal Reference Governor’s Directive Implementing Executive Order 2-2021 – February
14 12, 2021
15 Correspondence clarifying Governor’s Directive – February 11, 2021
16 Article X, section 8 Montana Constitution
17 Section 20-3-324, MCA Powers and Duties
18 Section 20-9-806, MCA School Closure by Declaration of
19 Emergency
20 10.55.701(2)(d)(s) Board of Trustees
21 *State, ex rel., Bartmess v. Helena Board of Trustees, 726 P.2d 801*
22

23 Cross Reference: Policy 1901 – School District Policy and Procedures
24 Policy 1903 – School District Events and Meetings
25 Policy 1903F – School Events Notice
26 Policy 1906 - Student Services and Instructional Delivery
27 Policy 1907 – Transportation Services
28 Policy 1006FE – Transfer of Funds for Safety Purposes
29 Policy 3410 – Student examination and screenings
30 Policy 3226 – Bullying and Harassment
31 Policy 3417 – Communicable Diseases
32 Policy 3431 – Emergency Treatment
33 Policy 5015 – Bullying and Harassment
34 Policy 1911 - Personnel Use of Leave
35 Policy 1910 – Human Resources and Personnel
36 Policy 4120 - Public Relations
37 Policy 5002 – Accommodating Individuals with Disabilities
38 Policy 5130 – Staff Health
39 Policy 5230 - Prevention of Disease Transmission
40 Policy 6110 – Superintendent Authority
41 Policy 6122 - Delegation of Authority

42 Policy History:

43 Adopted on:

44 Reviewed on:

45 Revised on:

46 Terminated on: