

EMERGENCY POLICY ON PERSONAL PROTECTIVE MEASURES

Findings

As recently as July 17, 2020 the Governor extended the State of Emergency declared in Executive Order 2020-04 due to the COVID-19 pandemic. The extension has declared that: the Center for Disease Control [“CDC”] reports that COVID-19 is spread mainly from person to person, that COVID- 19 is currently spreading very easily and sustainably, that COVID-19 is spreading more efficiently than influenza, and that the best way to prevent illness is to avoid being exposed to COVID-19 by taking the following steps:

- Maintain good social distance (about 6 feet);
- Wash your hands often with soap and water, and if soap and water are not available, use a hand sanitizer that contains at least 60% alcohol;
- Routinely clean and disinfect frequently touched surfaces; and
- Cover your mouth and nose with a cloth face covering when around others.

The District has a duty to provide for the health and sanitation of its schools. See NH RSA 194:3, VIII. This duty includes “the daily administration and provision of educational services to students at the school facility including . . . staff, student and parent safety. . .” See RSA 194-C:4, II(j). These requirements are reiterated in state regulations.

State law mandates that “[w]hensoever any student exhibits symptoms of contagion or is a hazard to himself or others, he shall be excluded from the classroom and his parents or guardians shall be notified as soon as possible.” See NH RSA 200:39 (emphasis added).

Mask and Face Covering Requirements

On the basis of these findings, the Board authorizes the following policy directives to be implemented based on the Superintendent’s determination of risk to the school community:

1. Masks and/or cloth face coverings may be required for students, staff, contracted providers and third parties in order to access school buildings, grounds, and school buses;
2. No person, including a student shall be required to wear a mask if their disability or a medical condition prevents them from doing such;
3. Staff (including contracted service providers) who work with deaf students or hard of hearing students, students learning to read, and students who rely on lip reading shall wear clear masks which enhance service provision;

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4. The District shall endeavor to maintain a supply of masks for students and staff who do not have access to a mask or cloth face covering;
5. The Superintendent shall provide appropriate notification to all school staff, students, parents, and school board members when a requirement regarding the use of masks and/or face coverings is implemented, altered, or eliminated; and,
6. The Superintendent or his/her designee, with input from the building nurse, will establish mask and/or face covering definitions, style guidelines, and efficacy requirements based on CDC and NH DHHS, and other appropriate guidelines.
7. Electronic media and the District web-site are deemed appropriate media forms for notifications under this policy.

Any student who refuses to abide by the established directives shall be deemed a health hazard to themselves and others, shall be removed from the school building and their parent/guardian shall be contacted and required to take their child unless and until such time as they are willing to comply with the face mask or cloth covering requirement. See NH RSA 200:39.

Testing Notification Requirements

Due to the District's desire to notify parents and staff when a member of the school community has been in contact with someone who has tested positive for COVID-19, parents, adult students and staff are required to notify the school via the school nurse when they or a student has been tested for COVID-19 and, in addition, the results of the COVID-19 test within 24 hours of receipt of the test results. To the extent possible, all medical information including a positive test result will be kept confidential by the school district, but will form the basis of a notification to other students or staff who may have come in contact with the person who tested positive for COVID-19. The District shall only release personally identifiable student information or the identity of a positive student when it is required to do such by state law, or it deems such to be necessary under the Health and Safety Emergency exception of the Family Education Rights and Privacy Act ["FERPA"] in order to protect the health or safety of the student or others.

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Other Temporary Policy Changes

- Athletic handbooks/procedures are temporarily amended to allow parents to transport their children to/from athletic events based on the Superintendent's discretion;
- Policy KF is temporarily amended to restrict use of school facilities by outside groups based on the Superintendent's discretion; and,
- Policy KI (where applicable) is temporarily amended to restrict access to the school facilities by visitors based on the Superintendent's discretion.

Duration

This policy is temporary based on a health emergency. This policy shall remain in place until such time as the Governor rescinds his Emergency Order, modifies his order to eliminate the face mask recommendation, or the Board determines that there is no longer a substantial risk that unmasked persons will present a hazard to themselves or others in the school setting, whichever event is the latter. The Board shall review this policy quarterly to determine whether it remains appropriate. The Superintendent shall update the School Board(s) quarterly on the implementation of this policy.

Legal References

NH RSA 194:3, VIII, Powers of Districts, available at:

<http://www.gencourt.state.nh.us/rsa/html/XV/194/194-3.htm>

NH RSA 194-C:4, II(j), Superintendent Services, available at:

<http://www.gencourt.state.nh.us/rsa/html/XV/194-C/194-C-4.htm>

NH RSA 200:39, Exclusion from School, available at:

<http://www.gencourt.state.nh.us/rsa/html/XV/200/200-39.htm>

Emergency Order #2020-04_, available at:

<https://www.governor.nh.gov/sites/g/files/ehbemt336/files/documents/2020-04.pdf>

Emergency Order #2020- 15, available at:

<https://www.governor.nh.gov/sites/g/files/ehbemt336/files/documents/executive-order-2020-5.pdf>

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Other References

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/cloth-face-cover.htm>

Adopted: August 10, 2020 (SAU #39)