

Future Policies – 3126.01; 8453.02; 9150.01

Title: Emergency Policy Requiring Face Coverings.

Preamble.

The State of Florida has been under a declared state of emergency because of the COVID-19 pandemic since March 9, 2020. Based on the available scientific evidence, the Centers for Disease Control and Prevention (“CDC”), Florida Department of Health and local health department recommend wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain in order to slow the spread of the virus and help prevent people who may have the virus from transmitting it to others.

It is well settled law that the School Board has the authority to impose reasonable restrictions on students, employees and visitors related to their health, safety and welfare. One hundred and fifteen years ago the United States Supreme Court unequivocally held:

[T]he liberty secured by the Constitution of the United States to every person within its jurisdiction does not import an absolute right in each person to be, at all times and in all circumstances, wholly freed from restraint. There are manifold restraints to which every person is necessarily subject for the common good. On any other basis, organized society could not exist with safety to its members. Society based on the rule that each one is a law unto himself would soon be confronted with disorder and anarchy. Real liberty for all could not exist under the operation of a principle which recognizes the right of each individual person to [do what he wishes] ..., regardless of the injury that may be done to others.

This court has more than once recognized it as a fundamental principle that persons and property are subjected to all kinds of restraints and burdens, in order to secure the general comfort, health, and prosperity of the State, The possession and enjoyment of all rights are subject to such reasonable conditions as may be deemed by the governing authority of the country essential to the safety, health, peace, good order and morals of the community. Even liberty itself, the greatest of all rights, is not unrestricted license to act according to one's own will. It is only freedom from restraint under conditions essential to the equal enjoyment of the same right by others. It is then liberty regulated by law.

Jacobson v. Massachusetts, 197 U.S. 11 (1905).

Section 1. Required Face Coverings

Subject to the exceptions set forth below, each student, employee, visitor, vendor or other person is required to wear a face covering at all times, when social distancing cannot be adhered to, while on school district property. This includes, but is not limited to, on any grounds or facility or inside any building or bus owned, leased, or operated by the school district. All students, employees, visitors, and vendors shall have a face covering with them at all times while on school district property even if they are temporarily allowed to not wear a face covering pursuant to one of the exceptions set forth below. An infant younger than two (2) years old and a person with a medical certification are not required to carry a face covering.

Section 2. Exceptions to Required Face Coverings.

While maintaining social distancing (six (6) feet minimum) as much as feasible, a face covering is not required in the following instances:

Infants - A face covering shall not be required for persons younger than two (2) years old.

Pre-K through Grade 2 – While a face covering is strongly recommended for students in Pre-K through Grade 2, it shall not be required.

Medical Certification - A face covering shall not be required for persons who present school district staff with a certification from a licensed health care provider that the person has a medical, physical, or psychological contraindication that prevents the person from being able to safely wear a face covering.

Students with Supervisor's Approval - A face covering shall not be required for a student if the school district staff supervising the student authorizes the student to remove their face covering during that activity provided that the student maintains social distancing (six (6) feet minimum) from other persons when not wearing a face covering.

Employees with Supervisor's Approval - A face covering shall not be required for a school district employee provided that (a) the employee's supervisor authorizes the employee to remove their face covering and (b) the employee maintains social distancing (six (6) feet minimum) from other persons when not wearing a face covering.

Eating and Drinking - A face covering shall not be required for any person inside or outside a school district facility while such person is stationary and eating or drinking during a planned mealtime and/or snack time. A face covering also shall not be required while any person is drinking while inside or outside of a school district facility.

Strenuous Physical Activity - A face covering shall not be required for any person inside or outside of any school district facility while such person is engaged in strenuous physical activity.

During Receipt of Health Care - A face covering may be removed when removal of the face covering is necessary for such person to receive health care or to undergo a health care examination from authorized health care personnel.

Exigent Circumstances - A face covering shall not be required if a person is experiencing acute trouble breathing, is unconscious or incapacitated, is personally unable to remove the face covering without assistance or it is deemed by school district staff to be necessary to remove the face covering.

Section 3. Types of Face Coverings.

All students, employees, visitors and vendors are encouraged to wear their own face covering, however, disposable face coverings will be available at all sites. Acceptable face covering include:

Commercially Produced Face Coverings – Commercially produced surgical masks or respirators are acceptable for compliance with this policy, but are not mandated.

Cloth Face Coverings – Commercially produced or home-made cloth face coverings are acceptable for compliance with this policy provided the face covering covers both the mouth and nose and fits snugly against the sides of the person’s face with little to no gaps.

All student face coverings shall comply with the school’s dress code for shirts.

Section 4. Face Shield Use

Face shields may be used by persons to comply with this policy. Faculty are encouraged to use a face shield, in lieu of a mask, when the instruction requires the students to be able to see a teacher’s face.

Section 5. Student Compliance

Students who do not wear a face covering will first be offered one. If refused, the student will be referred to administration for a Level 1 offense. If the behavior escalates in response to the intervention, a student may be considered for a higher-level offense. Students who persistently violate this policy may be referred to eLearning after a parent conference to discuss the concerns.

Section 6. Staff Compliance

Employees who refuse to wear a face covering may be disciplined according to Board Policy and the applicable Collective Bargaining Agreement.

Section 7. Visitor and Vendor Compliance

Authorized visitors and Vendors who refuse to wear a face covering will not be permitted on District property.

Section 8. This Emergency Policy takes effect on August 11, 2020, and will remain in effect for 90 days unless extended pursuant to Section 120.54(4), Florida Statutes.

Specific Authority: Section 1001.41(1) and (2), Florida Statutes.

Law Implemented: Sections 1001.42(4) and (8); 1003.31; 1012.23, Florida Statutes.

Policy Adopted: