

East Lansing Public Schools
Board Resolution – Face Mask Mandate

A regular meeting of the Board of Education (the “Board”) was held in the Board Room at East Lansing Public Schools, 509 Burcham Drive, in the District, on the 28th day of February, 2022, at 7:00 o’clock in the p.m. (the “Meeting”).

The Meeting was called to order by Kate Powers, President at 7:00 pm.

Present: Kate Powers, Monica Fink, Terah Chambers, Elizabeth Lyons

Absent: Chris Martin, Kath Edsall, Debbie Walton

The following preamble and resolution were offered by Member Monica Fink and supported by Member Terah Chambers

Whereas:

1. Revised School Code Section 11a provides general authority for Michigan school districts to take action incidental to operating a public school, including providing for the safety and welfare of pupils while at school, unless otherwise provided by law. MCL 380.11a(3)

2. Michigan courts recognize that this general powers authority grants school districts “very broad powers of self-governance” to adopt policies to protect student safety and welfare. *Michigan Gun Owners, Inc v Ann Arbor Pub Schs*, 318 Mich App 338 (2016), *aff’d* 502 Mich 695 (2018).

3. There is no legal standard which prohibits a Michigan school district from mandating face masks for persons on school property.

4. On September 1, 2021, the District and the East Lansing Educational Association entered a binding Letter of Agreement that, in part, states: “While indoors, masks must be worn by all staff and students, except for those with a medical waiver, at all times. Staff working in a large space or isolation may work without a mask.” This Agreement expires June 3, 2022.

Now, Therefore, Be It Resolved That:

1. The Board of Education of the East Lansing Public Schools supports and ratifies the February 15, 2022 decision of its Superintendent to require the use of face masks while indoors in an East Lansing Public Schools building or structure and on transportation.

2. The Board further clarifies that the following persons, regardless of vaccination status, consistently and properly must wear a face mask while inside any enclosed District building or structure, unless exempted for a reason described in Paragraph 2

A. Students in pre-kindergarten through grade 12, regardless of vaccination status.

B. All persons (including employees, contractors, and volunteers), regardless of vaccination status, providing service to any persons in pre-kindergarten through grade 12.

3. This face mask mandate shall not apply to:

- A. Persons in the act of eating, drinking, or napping.
 - B. Persons under the age of four years.
 - C. Persons with developmental conditions of any age attending school for whom it has been demonstrated that the use of a face covering would inhibit the person's access to education. These are limited to persons with an Individualized Education Plan, Section 504 Plan, Individualized Healthcare Plan or equivalent.
 - D. Students who are hard of hearing or students with developmental conditions who benefit from facial cues.
 - E. Vaccinated employees who are working with students who are hard of hearing or students with developmental conditions who benefit from facial cues.
 - F. Persons who have a medical reason confirmed in writing from a Medical Doctor (MD) or Doctor of Osteopathic Medicine (DO) currently licensed to practice medicine in the State of Michigan.
 - G. Students while participating in indoor sports and performing arts (including practice, competition, or performance) when the wearing of a mask would be unsafe.
4. Administrators are directed and authorized to implement all terms of this resolution and are delegated all necessary authority to do so.
5. All resolutions and parts of resolutions insofar as they conflict with provisions of this resolution are rescinded.

Ayes: Powers, Fink, Chambers, Lyons

Nays:

Absent: Martin, Edsall, Walton

Resolution declared approved.

The undersigned, duly qualified and acting Secretary to the Board of Education of East Lansing Public Schools, certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board at the Meeting, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).

Monica Fink, Board Secretary