

RESOLUTION 21-2

RESOLUTION TO MOVE TO THE VOLUNTARY WEARING OF MASKS ON DISTRICT SITES COMMENCING WITH THE OPENING OF SUMMER SCHOOL ON JUNE 21, 2021

WHEREAS, on March 9, 2020, Governor DeSantis (hereinafter "Governor") issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida because of the COVID-19 health crisis;

WHEREAS, the Governor has renewed the health emergency in successive Executive Orders, most recently in Executive Order Number 21-94 which he issued on April 27, 2021. The Executive Order would be in place for sixty (60) days unless renewed by the Governor;

WHEREAS, Executive Order Number 21-94 followed upon the renewal of the Florida Department of Health's Declaration of Public Health Emergency which was issued by the State Surgeon General Dr. Rivkees on April 20, 2021;

WHEREAS, in April 29, 2021, Surgeon General Dr. Rivkees, issued a Public Health Advisory in which it was noted that "due to COVID-19 wide-spread vaccine availability, fully vaccinated individuals should no longer be advised to wear face coverings or avoid social and recreational gatherings except in limited circumstances";

WHEREAS, following upon the Surgeon General's Public Health Advisory, the Governor issued Executive Order Numbers 21-101 and 21-102 on May 3, 2021. In them, he stated that his Orders eliminated and superseded county and municipal ordinances that imposed restriction or mandates upon businesses or individuals to the COVID-19 health emergency;

WHEREAS, in Executive Order Number 21-102, the Governor noted that on April 27, 2021, he extended the health emergency set for in Executive Order Number 20-50 "as necessary to ensure Florida schools remain open";

WHEREAS, on July 28, 2020, the District School Board of Collier County approved a plan mandating the wearing of masks for the 2020-2021 school year. The Board's approved plan was, in turn, approved by the Florida Department of Education ("FDOE");

WHEREAS, approximately two weeks prior to the Governor's extension of his emergency health Executive Order, the Commissioner of Education for the FDOE, Mr. Corcoran

("the Commissioner"), issued a memorandum on April 14, 2021, expressing concern about continuing mandatory face covering policies by Florida school districts;

WHEREAS, in his memorandum, the Commissioner noted the following with respect to the return to school for the 2021-2022 school year. "We ask districts which currently are implementing a mandated face covering policy revise the policy to be voluntary for the 2021-2022 school year";

WHEREAS, on or about May 15, 2021, the Centers for Disease Control (CDC) issued guidance that fully vaccinated people would be able to resume regular activities without the wearing of masks and social distancing except as required by federal, state and local rules, and deferred to the guidance of the localities as would be warranted;

WHEREAS, the CDC recognized the uniqueness of the school environment and noted that schools should be allowed to finish the 2020-2021 school year with their policies in place; and

WHEREAS, the Governor, in Executive Order Number 21-101 provided that a political subdivision, such as a county or municipality, may issue an emergency health order after July 1, 2021 but it "must be narrowly tailored to serve a compelling public health or safety purpose, must be limited in duration, applicability, and scope in order to reduce any infringements on individual rights or liberties to the greatest extent possible" in accordance with Senate Bill 2006.

NOW THEREFORE, with the foregoing recitals in mind, the District School Board of Collier County Florida, hereby resolves that;

1) With the commencement of summer school, on June 21, 2021, the District shall move to (a) the wearing of face masks on a voluntary basis; and (b) the resumption of regular District activities.

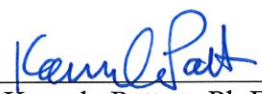
2) In accordance with the Commissioner's April 14, 2021 Memorandum, the voluntary wearing of face masks shall continue with the return to school for the 2021-2022 school year.

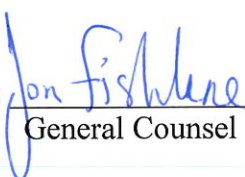
3) In the event of a resurgence of COVID-19, or other health emergencies, the District will act in conformity with the provisions set forth in Senate Bill 2006, as referenced in the Governor's Executive Order Number 21-101, and Board Policy 8450.01.

APPROVED at a meeting of the District School Board of Collier County, Florida on June 8, 2021.

The District School Board of Collier County

By: 
Erick Carter, Chair

Attest: 
Kamela Patton, Ph.D., Superintendent

Legal Approval: 
General Counsel