



CLOVIS UNIFIED SCHOOL DISTRICT
1450 Herndon Avenue • Clovis, California 93611-0599

SPECIAL GOVERNING BOARD MEETING
July 29, 2021

Professional Development Building, Boardroom
1680 David E. Cook Way, Clovis, California

5:30 P.M. – CLOSED SESSION 6:30 P.M. – PUBLIC SESSION

Members of the public may attend and observe this meeting and address the Board in-person. However, the Board may limit the number of persons in the board meeting room at any time in order to comply with California public health orders and guidance. All persons attending the board meeting shall comply with California public health orders and guidance.

As authorized by Executive Orders N-29-20 and N-08-21, public comments may be made in-person at the board meeting or submitted in writing before the board meeting.

In-Person Public Comments: Members of the public who wish to provide public comments in-person during the board meeting are requested to complete a public presentation form, which is available outside the board meeting room on the day of the meeting. During the meeting, speakers who have requested to address the Board in-person will be called to do so. Comments relating to a public hearing are to be made during the public hearing. Comments on items that are on the agenda are to be made when the item is called by the Board President. Based on Government Code section 54954.3, the Board will only receive comments on agenda items during a special board meeting. Each speaker is generally allowed up to three minutes to address the Board on each item. Pursuant to Board Bylaw No. 9323, the Board President may adjust the time allotted for each speaker and limit the total time for public comment.

Written Public Comments: Instead of addressing the Board in-person during a board meeting, a member of the public may submit written public comments. **Please submit all written comments before 3:00 p.m. on the day of the board meeting using the form that is provided on the District's website.** Written comments will be provided to the Board Members for their review prior to the start of the meeting. The comments will not be read out loud during the meeting.

Special Meeting
AGENDA

Additional information regarding this agenda may be viewed through the District's website at <https://www.cusd.com/BoardMeetingsAgendasArchives.aspx>

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Board meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Superintendent's Office at 327-9100. Notification at least 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting.

Public records relating to an open session agenda item of a regular meeting that are distributed within 72 hours prior to the meeting will be available for public inspection at the District Office, 1450 Herndon Avenue, Clovis, California.

An invocation may be held prior to the start of the Board meeting. Attendance during and participation in the invocation are optional and voluntary. No students, parents, members of the public, Board members, student board member, or employees are required to attend or participate in the invocation.

A. CALL TO ORDER

B. ROLL CALL

C. ADOPTION OF AGENDA

D. CLOSED SESSION

1. APPOINTMENT/EMPLOYMENT OF DEPUTY PRINCIPAL, CLOVIS NORTH EDUCATIONAL CENTER (Gov't Code §54957)
2. APPOINTMENT/EMPLOYMENT LEARNING DIRECTOR, BUCHANAN HIGH SCHOOL (Gov't Code §54957)
3. CONFERENCE WITH LABOR NEGOTIATORS (Education Code §54957.6) Agency Negotiator – Eimear O'Farrell, Ed.D., Supt. Negotiating Parties – Contracted Emps., Cert. Mgmt., Cert. Teachers, Class. Emps., Class. Mgmt. & Ops. Unit (Represented by CSEA Clovis Chapter 250)

E. RECONVENE FOR PUBLIC SESSION

F. CLOSED SESSION MOTIONS

G. PUBLIC HEARINGS

1. Public Hearing to Consider Scope, Purpose and Other Factors Related to Adoption of Independent Study (Education Code § 51747 (a) and (b), 5 CCR 11701)
Hold a public hearing to consider scope, purpose and other factors related to adoption of independent study (Education Code § 51747 (a) and (b), 5 CCR 11701) for the governing board to receive comments on these matters.

H. STAFF REPORTS

1. Amended COVID-19 Safety Plan
Health and safety mitigation requirements and guidelines issued in July by the California Department of Public Health and the Centers for Disease Control have resulted in required updates to the District's existing COVID-19 Safety Plan. A report on the proposed updates will be delivered by staff.

I. ACTION

(Unless otherwise noted, these items were seen for Information and discussion at the prior meeting and will be voted on at this meeting.)

1. Adopt Administrative Regulation No. 6158.1
Adopt Administrative Regulation No. 6158.1 - Independent Study (Education Code § 51747 (a) and (b), 5 CCR 11701).
2. Adopt Resolution No. 3824 in Support of Greater Local Control
Adopt Resolution No. 3824 in Support of Greater Local Control.
3. Mask Exemption Process
Approve the recommended 2021-22 Mask Exemption process for staff and students compliant with current California Department of Public Health guidance requirements.

J. ADJOURNMENT

Title: Public Hearing to Consider Scope, Purpose and Other Factors
Related to Adoption of Independent Study (Education Code §
51747 (a) and (b), 5 CCR 11701)

CONTACT PERSON: Maiya Yang

FOR INFORMATION:

FOR ACTION: July 29, 2021

RECOMMENDATION:

Hold a public hearing to consider scope, purpose and other factors related to adoption of independent study (Education Code § 51747 (a) and (b), 5 CCR 11701) for the governing board to receive comments on these matters.

DISCUSSION:

When setting policy regarding independent study, the governing board must consider, in a public hearing, the scope of its existing or prospective use of independent study as an instructional strategy, its purposes in authorizing independent study, and factors bearing specifically on the maximum realistic lengths of assignments and acceptable number of missed assignments for specific populations of pupils or adult education students. This public hearing is reserved for the governing board to receive comments on these matters.

FISCAL IMPACT/FUNDING SOURCE:

None

REVISIONS:

None

CONTACT PERSON: Norm Anderson

FOR INFORMATION:

FOR ACTION: July 29, 2021

RECOMMENDATION:

Health and safety mitigation requirements and guidelines issued in July by the California Department of Public Health and the Centers for Disease Control have resulted in required updates to the District's existing COVID-19 Safety Plan. A report on the proposed updates will be delivered by staff.

DISCUSSION:

FISCAL IMPACT/FUNDING SOURCE:

None

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	7/29/2021	Backup Material

REVISIONS:

The background of the slide features a dark blue overlay. In the lower half, the silhouettes of several graduates wearing caps and gowns are visible, facing away from the viewer. The upper half of the image is filled with numerous bright, starburst-like patterns resembling fireworks or light trails against a dark sky.

July 29, 2021

COVID-19 Safety Plan Updates Staff Report

Our Goals

Return all students and staff to full-time, in-person instruction

Continue to follow California Department of Public Health (CDPH) Guidance Requirements for Schools

Maintain a COVID-19 Safety Plan that Reflects Layered Health and Safety Strategies



Mask Mandate Will Be In Place

- Masks Required for All Staff and Students in Indoor K-12 School Settings When Students Present Regardless of Vaccination
- CDPH Exemption Process Followed:
 - Medical
 - Disability
 - Hearing Impaired
 - Mental Health



Process Timeline



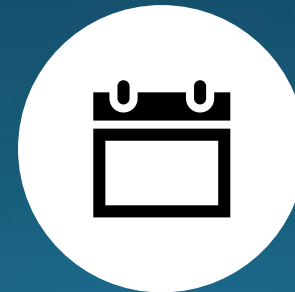
Communication to Families/Staff Friday, July 30 by email, text, and voice message with online link to forms



Recorded in Student Information System for Staff and Teachers Records



Must be Submitted by August 6



When School Starts August 16, students must be masked or have a mask exemption on file

Quarantine and Close Contact



- No Exemption or Opt-Out for Close Contact Quarantine Requirements
- Close Contacts = 6' or Less for Total of 15 Minutes+ Within 24 Hours
- CDPH's Quarantine and Modified Quarantine Requirements Will be Followed
- If Both Unvaccinated Individuals are Masked and Deemed Close Contacts, Modified Quarantine Used
 - Continue Attending In-Person if Asymptomatic, Tested, Masked for 10-day

COVID-19 Safety Plan Updates

- Quarantine Guidance
- Mask Requirements
- Exemption Process
- Changes to Physical Distancing
- Health Checks
 - No More At-School Temperature Checks
 - Daily At-Home Symptom Screening



Discussion



CONTACT PERSON: Maiya Yang

FOR INFORMATION:

FOR ACTION: July 29, 2021

RECOMMENDATION:

Adopt Administrative Regulation No. 6158.1 - Independent Study (Education Code § 51747 (a) and (b), 5 CCR 11701).

DISCUSSION:

The signing of Assembly Bill 130 on July 9, 2021, brought immediate changes to the independent study program. AB 130 added new elements that districts are required to include in their independent study programs as of the 2021-2022 school year. Administrative Regulation 6158.1 includes the changes that AB 130 requires districts to adopt and implement in order to offer independent study for the start of the new school year.

FISCAL IMPACT/FUNDING SOURCE:

None

ATTACHMENTS:

Description	Upload Date	Type
Administrative Regulation 6158.1	7/27/2021	Backup Material

REVISIONS:

None

**CLOVIS UNIFIED
SCHOOL DISTRICT****INSTRUCTION**

Alternative/Specialized Programs

INDEPENDENT STUDY**2021 – 2022 SCHOOL YEAR**

The following provisions implement the requirements of Assembly Bill No. 130 (Ch. 44, Stats. 2021) for the 2021-2022 school year. To the extent that there is any conflict between these provisions and any other provisions of Board Policy No. 6158, the following provisions shall govern. These provisions govern independent study for the 2021 – 2022 school year for the District and for Clovis Online Charter School and shall no longer be in effect after the 2021-22 school year. The Board directs the Superintendent or designee to modify this administrative regulation and related documents as necessary to implement the requirements of AB 130.

A. Educational Opportunities

Educational opportunities offered through independent study may include, but are not limited to, those set forth in Education Code section 51745.

In addition, when requested by a parent/guardian due to an emergency, vacation, or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in his/her regular classes. Short term independent study means that the student is participating for 3 - 15 cumulative school days in a school year.

The District offers long-term independent study (more than 15 cumulative school days in a school year) at Enterprise Independent Study school and through Clovis Online School, a non-classroom based charter school authorized by the Board of the District. Students can satisfy all of their course requirements for graduation and those approved by the University of California or the California State University as creditable under the A-G admission criteria. However, not all courses offered at the comprehensive school sites are available through independent study.

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

B. Equivalency

The District's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the District's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5) This is not inclusive of co-curricular and extra-curricular activities.

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Students participating in independent study shall have access to Internet connectivity and devices adequate to participate in the education program and complete assigned work. (Education Code 51747)

The District shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. (Education Code 46300.6, 51747.3) Providing access to Internet connectivity and local educational agency-owned devices adequate to participate in an independent study program and complete assigned work consistent with Education Code 51747 shall not be considered funds or other things of value. (Education Code 46300.6, 51747.3)

C. Eligibility for Independent Study

The Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. A student will be expected to participate in the interventions provided for success in independent study before returning to a comprehensive site. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose District residency status is based on their parent/guardian's employment within District boundaries pursuant to Education Code section 48204. (Education Code 46300.2, 51747.3) To be considered for participating in independent study through Enterprise, a student must reside within the District's boundary, comply with other residency requirements, or admitted through an inter-district transfer. Initial placement at Enterprise is made by a Consultant at Student Services and School Attendance.

For a student with disabilities, as defined in Education Code section 56026, participation in independent study shall be approved only if his/her individualized education program specifically provides for such participation. (Education Code 51745)

A temporarily disabled student shall not receive individual instruction pursuant to Education Code section 48206.3 by means of independent study. (Education Code 51745)

Students age 21 or older, and students age 19 or older who have not been continuously enrolled in school since their 18th birthday, may participate in independent study only through the adult education program for the purpose of enrolling in courses required for a high school diploma by Education Code 51225.3 or the Board. (Education Code 46300.1, 46300.4)

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No more than 10 percent of the students enrolled in a continuation high school or opportunity school or program, not including pregnant students and parenting students who are primary caregivers for one or more of their children, shall be enrolled in independent study. (Education Code 51745)

D. Master Agreement – General Requirements

A written agreement shall be developed and implemented for each student participating in independent study for five or more consecutive school days. (Education Code 46300, 51747; 5 CCR 11703)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but not be limited to, all of the items set forth in Education Code section 51747, 5 CCR 11700, 11702, and any other applicable laws.

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

E. Monitoring Student Progress – General Requirements

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of his/her written agreement.

When the student has missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether or not independent study is appropriate for the student. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program.

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation. (Education Code 51747)

Independent study students who are late, miss scheduled conferences, or do not submit assigned work on time shall not be reported as tardy or truant. However, they may be identified as requiring reengagement strategies and reevaluation of the impact of independent study.

**CLOVIS UNIFIED
SCHOOL DISTRICT****F. Assignment and Responsibilities of Independent Study Teachers**

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a certificated employee who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the District, unless the District enters into a memorandum of understanding that contains an alternative ratio. (Education Code 51745.6)

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

G. Records

The Superintendent or designee shall ensure that records are maintained for audit purposes. These records shall include, but not be limited to those set forth in Education Code 51748, 5 CCR 11703, and other applicable laws.

The Superintendent or designee also shall maintain a record of grades and other evaluations issued to each student for independent study assignments.

The signed, dated agreement, any supplemental agreement, assignment records, work samples, and attendance records may be maintained on file electronically.

H. Provisions to Implement Assembly Bill 130**1. Monitoring Student Progress – AB 130 Requirements**

In addition to the number of missed assignments permitted before an evaluation is conducted to determine whether it is in the best interests of a student to remain in independent study, or whether the student should return to the regular school program, the student's level of satisfactory progress shall be considered. Satisfactory educational progress shall be determined based on all of the following indicators:

- a. The student's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of student achievement and student engagement set forth in paragraphs (4) and (5) of subdivision (d) of Education Code section 52060.
- b. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments.

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- c. Learning required concepts, as determined by the supervising teacher.
- d. Progressing toward successful completion of the course of study or individual course, as determined by the supervising teacher.

2. Content Standards

The provision of content aligned to grade level standards that is provided to students in the independent study program shall be at a level of quality and intellectual challenge substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the local educational agency for graduation and approved by the University of California or the California State University as creditable under the A–G admissions criteria.

3. Re-engagement Strategies

The District will take measures to re-engage students who are not generating attendance for more than three schooldays or 60 percent of the instructional days in a school week, or who are in violation of their written agreement pursuant to Education Code section 51747(g), Board Policy 6158 and this policy. Procedures for tiered reengagement strategies shall be set forth in the student’s written agreement and shall include all of the following:

- a. Verification of the student’s current contact information.
- b. Notification to parents or guardians of lack of participation within one school day of the absence or lack of participation.
- c. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary.
- d. A clear standard for requiring a student-parent-educator conference to review a student’s written agreement, and reconsider the independent study program’s impact on the student’s achievement and well-being, consistent with the provisions of Board Policy 6158 regarding missed assignments and satisfactory educational progress.

“Student-parent-educator conference” means a meeting involving, at a minimum, all parties who signed the student’s written independent study agreement pursuant to subdivision (g) of Section 51747 or the written learning agreement pursuant to subdivision (b) of Section 51749.6.

The requirement of this section shall not apply to students who participate in an independent study program for 3 - 15 cumulative schooldays in a school year.

**CLOVIS UNIFIED
SCHOOL DISTRICT****4. Instructional Delivery Methods**

Instruction shall be provided to all students in the independent study program in accordance with the student's written agreement, and shall include the following:

- a. For students in transitional kindergarten, kindergarten, and grades 1 to 3, inclusive, there will be a plan for opportunities for daily synchronous instruction to be provided for all students throughout the school year.
- b. Students in grades 4 to 8, inclusive, there will be a plan for opportunities for both daily live interaction and at least weekly synchronous instruction to be provided to all students throughout the school year.
- c. Students in grades 9 to 12, inclusive, there will be a plan for opportunities for at least weekly synchronous instruction to be provided to all students throughout the school year.

"Live interaction" means interaction between the student and local educational agency classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in person, or in the form of internet or telephonic communication.

"Synchronous instruction" means classroom-style instruction or designated small group or one-on-one instruction delivered in person, or in the form of internet or telephonic communications, and involving live two-way communication between the teacher and student. Synchronous instruction shall be provided by the teacher of record for that student pursuant to Education Code Section 51747.5.

The requirement of this section shall not apply to students who participate in an independent study program for fewer 3 - 15 cumulative schooldays in a school year.

5. Returning to In-Person Instruction

Students whose families wish to return to in-person instruction from independent study may notify their designated District contact person, as set forth in the student's written agreement. Upon notice from the student's family that a return to in-person instruction is desired, the District Independent Study Administrator shall provide for the student's return to in-person instruction. The student may be returned to the school of the student's previous in-person attendance, or such other school as is appropriate for the student's grade level and place of residence. A student is not guaranteed to return to the prior school of residence and placement may be contingent on space availability and other factors.

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The requirements of this section shall not apply to students who participate in an independent study program for 3 - 15 cumulative schooldays in a school year.

6. Master Agreement – AB 130 Requirements

Each student's written agreement for independent study shall include, in addition to all other items required by Board Policy 6158 the following:

- a. The manner, time, frequency, and place for reporting the student's academic progress, and for communicating with a student's parent or guardian regarding the student's academic progress.
- b. The specific resources, including materials and personnel, that will be made available to the student. These resources shall include confirming or providing access to all students to the connectivity and devices adequate to participate in the educational program and complete assigned work.
- c. A statement of the level of satisfactory educational progress allowed before an evaluation of whether or not the student should be allowed to continue in independent study.
- d. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, individuals with exceptional needs in order to be consistent with the student's individualized education program or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), students in foster care or experiencing homelessness, and students requiring mental health supports.

Written agreements may be signed using an electronic signature that complies with state and federal standards that may be a marking that is either computer generated or produced by electronic means and is intended by the signatory to have the same effect as a handwritten signature. The use of an electronic signature shall have the same force and effect as the use of a manual signature if the requirements for digital signatures and their acceptable technology, as provided in Section 16.5 of the Government Code and in Chapter 10 (commencing with Section 22000) of Division 7 of Title 2 of the California Code of Regulations, are satisfied.

For the 2021–22 school year only, the District shall obtain a signed written agreement for independent study from the student, or the student's parent or legal guardian if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student no later than 30 days after the first day of instruction.

**CLOVIS UNIFIED
SCHOOL DISTRICT****7. Independent Study Enrollment and Notice**

For the 2021–22 school year only, the District shall notify the parents and guardians of all enrolled students of their options to enroll their child in in-person instruction or independent study during the 2021–22 school year. This notice shall include written information on the District’s internet website, including, but not limited to, the right to request a student-parent-educator conference meeting before enrollment pursuant to this section, student rights regarding procedures for enrolling, disenrolling, and reenrolling in independent study, and the synchronous and asynchronous instructional time that a student will have access to as part of independent study.

Upon the request of the parent or guardian of a student, and before signing a written agreement with the student’s parent or guardian, the District shall conduct a phone, videoconference, or in-person student-parent-educator conference or other school meeting during which the student, parent or guardian, and, if requested by the student or parent, an education advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study, before making the decision about enrollment or disenrollment in the various options for learning.

Adopted: 07/29/2021

Education Code

51745 – 51749.6

(Assembly Bill 130 (Stats. 2021, Ch. 44) – July 9, 2021)

Doc# 52109 (07/2021)

CONTACT PERSON: Eimear O'Farrell

FOR INFORMATION: July 21, 2021

FOR ACTION: July 29, 2021

RECOMMENDATION:

Adopt Resolution No. 3824 in Support of Greater Local Control.

DISCUSSION:

Since the outbreak of COVID-19, the Clovis Unified School District (District) has complied with applicable laws and diligently followed the mandates of the California Department of Public Health (CDPH) and the county health department, while working to get students back in classrooms. The District remains committed to such compliance and to continued implementation of measures to protect the health and safety of students and employees.

Local government is best positioned to address local conditions. Therefore, the Board supports that the State and the CDPH allow local governments in collaboration to decide the appropriate health and safety measures that will be implemented in their jurisdiction.

The proposed resolution is presented for the Board's consideration.

FISCAL IMPACT/FUNDING SOURCE:

None.

ATTACHMENTS:

Description	Upload Date	Type
Resolution No. 3824	7/26/2021	Backup Material

REVISIONS:

None

**RESOLUTION NO. 3824
BEFORE THE GOVERNING BOARD
OF THE CLOVIS UNIFIED SCHOOL DISTRICT
FRESNO COUNTY, CALIFORNIA**

RESOLUTION IN SUPPORT OF GREATER LOCAL CONTROL

WHEREAS, the Clovis Unified School District (Clovis Unified) is committed to providing a safe environment for our students and employees, and has diligently followed the mandates of the California Department of Public Health (CDPH), while working to get students back in classrooms; and

WHEREAS, vaccinations are widely available in Fresno County and have substantially lessened the threat of COVID-19's spread in the area; and

WHEREAS, Clovis Unified has undertaken substantial efforts to lower the risk posed by COVID-19, including overhauling the HVAC systems at district sites, and ensuring effective cleaning and disinfection protocols are implemented; and

WHEREAS, school-aged children are substantially less likely to contract and transmit COVID-19 than the general population; and

WHEREAS, face coverings have adverse impacts on students, especially those with hearing disabilities and students learning language pronunciation; and

WHEREAS, covering the lower half of the face hampers the ability of students to communicate and interpret the expressions of their peers, negatively impacting their socialization and mental health; and

WHEREAS, requiring teachers to cover their face hinders their ability to create and foster a connection with students, detrimentally impacting the learning environment; and

WHEREAS, the State of California has loosened mask requirements across the state for adults in various contexts but has failed to do so for school children; and

WHEREAS, CDPH has recently issued mandates to school districts regulating minute details of public instruction traditionally left to the local control of the district.

NOW, THEREFORE BE IT RESOLVED, that the Governing Board of the Clovis Unified School District calls upon the California Department of Health to allow for local control of issues like mask choice; and

BE IT FURTHER RESOLVED, that the Clerk of the Governing Board shall cause this resolution to be transmitted to the California Department of Public Health, Office of the Governor, Fresno County Department of Public Health, Fresno County Superintendent of Schools, and such other elected officials or government departments as she sees fit.

THE FOREGOING RESOLUTION was adopted by the Governing Board of the Clovis Unified School District of Fresno County, State of California, at a meeting of said Board held on the 29th day of July, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven G. Fogg M.D., President
Governing Board
Clovis Unified School District
Fresno County, California

I, Tiffany Stoker Madsen, Clerk of the Governing Board of the Clovis Unified School District, County of Fresno, State of California, do hereby certify that the foregoing is a true copy of the resolution adopted by said Board at a regular meeting thereof, at the time and by the vote therein stated, which original resolution is on file in the office of said Board.

Tiffany Stoker Madsen, Clerk
Governing Board
Clovis Unified School District
Fresno County, California

CONTACT PERSON: Norm Anderson

FOR INFORMATION:

FOR ACTION: July 29, 2021

RECOMMENDATION:

Approve the recommended 2021-22 Mask Exemption process for staff and students compliant with current California Department of Public Health guidance requirements.

DISCUSSION:

Current California Department of Public Health (CDPH) guidance requirements for school settings require that masks be worn indoors by all non-exempt adults and students in K-12 settings when students are present. CDPH guidance also defines conditions for exemption from this requirement for those unable to wear a mask due to mental health, medical condition, or disability; or those who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.

The District (in consultation with school leaders and employees) has developed a process to implement CDPH's exemption provisions in Clovis Unified School District and developed the attached exemption forms for use in this process. If this process is approved by the Board, mask exemptions would be allowed when an employee or parent/guardian attests that a medical condition, mental health condition, or disability exists that prevents wearing a mask; and for those who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication. Exemptions would be in effect until no longer required in school settings, until CDPH requirements for exemptions change, or the Governing Board takes additional action.

The aforementioned process and attached forms, if approved by the Board, will be reflected in the District's revised COVID-19 Safety Plan and be in effect on all school sites and other District property.

FISCAL IMPACT/FUNDING SOURCE:

ATTACHMENTS:

Description	Upload Date	Type
Student_MaskExemptionForm	7/28/2021	Backup Material
Staff_MaskExemptionForm	7/28/2021	Backup Material

REVISIONS:



STUDENT MASK EXEMPTION
2021 – 2022 SCHOOL YEAR

Approved: July 29, 2021

Since the outbreak of COVID-19, Clovis Unified School District (District) has complied with applicable laws and diligently followed federal, state, and local public health orders and mandated guidance. The District remains committed to such compliance and to continued implementation of measures to protect the health and safety of students and employees. According to the Centers for Diseases Control and Prevention (CDC), COVID-19 is a disease that is caused by a novel coronavirus. The California Department of Public Health (CDPH) also has information regarding COVID-19. Please carefully review the nature and risks regarding COVID-19. You may obtain information regarding COVID-19 on the websites of the CDC, CDPH, and the Fresno County Public Health Department (FCDPH) and by consulting with your physicians.

Pursuant to current requirements by the CDPH, students must wear masks regardless of vaccination status while indoors at K-12 school settings, unless exempted from doing so. (See CDPH's Guidance for the Use of Face Covering at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx> and COVID-19 Public Health Guidance for K-12 Schools in California, 2021-22 School Year (CDPH K-12 Guidance) at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/K-12-Guidance-2021-22-School-Year.aspx>.) The District will continue to monitor the CDPH guidance and change student mask requirements to align with such guidance.

The CDPH Guidance for the Use of Face Coverings exempts from wearing a mask at all times those individuals who: (1) have a medical condition, mental health condition, or disability that prevents wearing mask, and/or (2) are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.

The CDPH K-12 Guidance requires school districts to develop and implement local protocols to enforce mask requirements. In compliance therewith, the Governing Board approves the process set forth below and the Student Mask Exemption Form set forth on the following page for use regarding student mask exemption.

Student Mask Exemption Process

1. Obtaining a mask exemption shall be accomplished solely by attestation of the student's parent or legal guardian, or by the students themselves if they are over 18 years of age, that an exemption applies.
2. The attestation shall be done using the Student Mask Exemption Form that is set forth on the following page.
3. This student mask exemption process applies to all school sites and other property of the District, except the adult school.
4. This student mask exemption process shall remain in effect unless and until one of the following conditions occur: (1) masks are no longer required in K-12 school settings by state or local public health departments, making an exemption from mask wearing unnecessary; (2) state or local laws or regulations, or public health orders require a different process in which case the Superintendent is directed to amend this process to comply with such laws, regulations, or orders; or (3) the Governing Board takes action to amend this student mask exemption process.



STUDENT MASK EXEMPTION FORM
2021 – 2022 SCHOOL YEAR

Name of Student: _____ SID: _____

Name of School: _____ Grade Level: _____

BY SIGNING BELOW, I UNDERSTAND AND AGREE TO THE FOLLOWING:

1. COVID-19 AND MASK REQUIREMENTS: I have reviewed information regarding COVID-19 and understand that CDPH has concluded certain measures, including the wearing of masks, reduce the risks of my child (or me) being infected and becoming ill with COVID-19. I have also reviewed the CDPH guidance and understand that my child, the above-named student, must wear a mask while indoors in any K-12 school setting, unless he/she is exempted from doing so. Pursuant to the CDPH K-12 Guidance, my child must wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, if my child is exempt from wearing a mask due to his/her medical condition and his/her condition permits him/her to do so while indoors at any K-12 school setting.
2. EXEMPTION FROM MASK WEARING AND ATTESTATION: I represent that I am the parent/guardian of the above-listed student and attest that my child is exempt from wearing masks at all times for the reason(s) checked below **(mark each that is applicable)**:
 - ☐ a. My child has a medical condition, mental health condition, or disability that prevents wearing a mask. This includes persons with a medical condition for whom wearing a mask could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a mask without assistance. This condition pertains solely to the wearing of a mask and does not impact any areas of learning for my child.
 - ☐ b. My child is hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.

My child is to be exempt from wearing masks during the 2021 – 2022 school year. Should this change, I agree to notify my school in writing. This completed mask exemption form shall not be in effect if masks are no longer required in schools under applicable laws or CDPH and/or local public health orders or guidance. I understand that applicable laws or regulations or public health orders may change in the future and the District may be required to obtain additional information at that time regarding my child's condition. I also understand that the District may follow up with me to meet its obligations to determine whether my child has a condition that may qualify my child for Section 504 or eligible for special education services under IDEA. I also understand that my child must quarantine as required by CDPH and/or local health department guidance for persons not wearing a mask.

3. WAIVER/HOLD HARMLESS: As the parent/guardian of the above-named student and on behalf of myself and my child, agents, heirs, and successors, I voluntarily agree to: (1) assume all risks of injury, illness, or death to my child arising out of or resulting from my child not wearing masks, such risks to include but are not limited to, injury, illness, or death due to being exposed to or infected by contagious diseases, including COVID-19; (2) waive and release all claims, causes of actions, actions, liabilities, and costs against the District and its governing board and members thereof, officers, employees, agents, and volunteers (collectively District Personnel) and hold harmless the District and District Personnel from any claims, causes of actions, actions, liabilities, and costs that may arise out of or result from my child not wearing a mask; and (3) assume all obligations for any medical, financial, and other costs and/or liabilities that be sustained or incurred by my child, myself, or my agents, heirs, and/or successors arising out of or resulting from my child not wearing a mask. The District assumes no responsibility and shall not be liable for any injury, illness, death, liabilities, damages, or costs that my child, myself, my agents, heirs, and/or successors may sustain or incur arising out of or resulting from my child not wearing a mask.

Signature: _____ Date: _____

Print Name: _____

NOTE: If this form is completed and signed by a student who is over the age of 18, all references to parent/guardian, student, and child shall mean the student.



EMPLOYEE MASK EXEMPTION FORM
2021 – 2022 SCHOOL YEAR

Name of Employee _____ Employee ID: _____

Name of Worksite/Department: _____

Since the outbreak of COVID-19, Clovis Unified School District (District) has complied with applicable laws and diligently followed federal, state, and local public health orders and mandated guidance. The District remains committed to such compliance and to continued implementation of measures to protect the health and safety of students and employees. According to the Centers for Diseases Control and Prevention (CDC), COVID-19 is a disease that is caused by a novel coronavirus. The California Department of Public Health (CDPH) also has information regarding COVID-19. Please carefully review the nature and risks regarding COVID-19. You may obtain information regarding COVID-19 on the websites of the CDC, CDPH, and the Fresno County Public Health Department (FCDPH) and by consulting with your physicians.

Pursuant to current requirements by the CDPH, District employees must wear masks regardless of vaccination status while indoors in K-12 school settings where students are present, unless exempted from doing so. (See CDPH's Guidance for the Use of Face Covering at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>, (insert CalOSHA/CDC documents if applicable), and COVID-19 Public Health Guidance for K-12 Schools in California, 2021-22 School Year (CDPH K-12 Guidance) at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/K-12-Guidance-2021-22-School-Year.aspx>; see also, California Code of Regulations, Title 8, Section 3205 et seq.) The District will continue to monitor California laws, regulations, and public health orders and guidance and change employee mask requirements to align with applicable requirements.

BY SIGNING BELOW, I UNDERSTAND AND AGREE TO THE FOLLOWING:

1. **COVID-19 AND MASK REQUIREMENTS:** I have reviewed information regarding COVID-19 and understand that certain measures, including the wearing of masks, reduce my risks of being infected and becoming ill with COVID-19. I have also reviewed the CDPH guidance listed above and understand that I must wear a mask while indoors in any K-12 school setting where students are present, unless I am exempted from doing so. Pursuant to California regulations, Title 8, Section 3205, I understand that I must wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, if I am exempt from wearing a mask due to my medical condition, mental health condition, or disability and my condition permits me to do so while indoors at any K-12 school setting.
2. **EXEMPTION FROM MASK WEARING AND ATTESTATION:** I attest that I am exempt from wearing masks at all times for the following reason(s) **(mark each that is applicable)**:
 - ☐ a. I have a medical condition, mental health condition, or disability that prevents wearing a mask. This includes persons with a medical condition for whom wearing a mask could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a mask without assistance.
 - ☐ b. I am hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.

I am exempt from wearing masks during the 2021 – 2022 school year. Should this change, I agree to notify my supervisor in writing. This completed mask exemption form shall not be in effect if masks are no longer required in schools under applicable laws or CDPH and/or local public health orders or guidance. I understand that applicable laws or regulations or public health orders may change in the future and the District may be required to obtain additional information at that time regarding my condition. I also understand that I must quarantine as required by California regulations, including but not limited to, Title 8, Section 3205, and CDPH and/or local health department guidance for persons not wearing a mask.

3. **WAIVER/HOLD HARMLESS:** On behalf of myself and my agents, heirs, and successors, I voluntarily agree to: (1) assume all risks of injury, illness, or death to me arising out of or resulting from not wearing masks, such risks to include but are not limited to, injury, illness, or death due to being exposed to or infected by contagious diseases, including COVID-19; (2) waive and release all claims, causes of actions, actions, liabilities, and costs against the District and its governing board and members thereof, officers, employees, agents, and volunteers (collectively District Personnel) and hold harmless the District and District Personnel from any claims, causes of actions, actions, liabilities, and costs that may arise out of or result from me not wearing a mask; and (3) assume all obligations for any medical, financial, and other costs and/or liabilities that be sustained or incurred by me or my agents, heirs, and/or successors arising out of or resulting from me not wearing a mask. The District assumes no responsibility and shall not be liable for any injury, illness, death, liabilities, damages, or costs that I or my agents, heirs, and/or successors may sustain or incur arising out of or resulting from me not wearing a mask.

Signature: _____ Date: _____