

**KYRENE ELEMENTARY SCHOOL  
DISTRICT NO. 28  
OF MARICOPA COUNTY, ARIZONA**

**RESOLUTION RE: COVID-19**

WHEREAS, the Kyrene Elementary School District No. 28 (“the District”) enacted a Board Resolution regarding COVID-19 on August 4, 2020 to enable compliance with various Executive Orders issued by the Governor of Arizona (the “Governor”) and the Arizona Superintendent of Public Instruction; and

WHEREAS, the Governor’s Executive Orders 2021-10 and 2021-16 rescinded certain previous Executive Orders governed by the District’s previous Resolution; and

WHEREAS, the Kyrene Elementary School District No. 28 Governing Board (the “Board”) supports safe in-person learning environments; and

WHEREAS, COVID-19 exposure and outbreaks have impeded the safety and health of our staff and students, which has created significant learning disruptions in our school community; and

WHEREAS, the Board expects the implementation of a robust school and district health and safety mitigation strategies as recommended by local, state, and federal health agencies; and

WHEREAS, given new evidence on the B.1.617.2 (Delta) variant, the Centers for Disease Control (“CDC”) has updated its guidance for fully vaccinated people; and

WHEREAS, pursuant to this updated guidance, the CDC, Arizona Department of Public Health, and Maricopa County Public Health Department, recommend a layered approach to prevent COVID-19 spread in school communities, this includes, but is not limited to:

- Universal indoor masking for all teachers, staff, students, and visitors in K-12 schools, regardless of vaccination status;
- Practicing physical distancing to the extent possible;
- Self-monitoring for signs of illness and staying home if you aren’t feeling well; and
- Practicing proper hygiene and being mindful of your own personal space.

WHEREAS, the CDC guidance is meant to supplement, and not replace, any Federal, State, or local health and safety laws, rules, and regulations with which schools must comply; and

WHEREAS, the Board wishes to maintain educational activities and business operations for the 2021-2022 school year in a manner that is consistent with existing Federal and State law, and Executive Orders but with recognition that there are many unknowns about future conditions that affect the District’s ability to conduct its educational mission and other activities and that current Executive Orders may be superseded or modified by future Executive Orders or Federal or state laws;

NOW, THEREFORE be it resolved by the Governing Board of Kyrene Elementary School District No. 28 of Maricopa County, Arizona that:

The Board hereby directs and/or authorizes the District's Superintendent or her delegees, to take the following actions:

1. The Board authorizes the Superintendent to work with relevant governmental authorities to comply with all laws, regulations, Orders and guidelines designed to prevent the spread of COVID-19. The Superintendent may implement regulations or protocols to support such compliance.
2. The Board urges the State of Arizona, Governor Doug Ducey, and all members of the Arizona State Senate and House of Representatives, to reconvene the legislature in order to suspend, amend, or repeal Section 12 of HB2898 (to be codified as A.R.S. § 15-342.05) and allow public school districts in Arizona the local control and flexibility to implement mask requirements as each locally elected school board deems necessary. The Board directs the Superintendent to deliver a copy of this Resolution to the Governor, the President of the Arizona Senate, and the Speaker of the Arizona House of Representatives.
3. The Board supports in-person learning, local control and expects all members of its community to further the efforts to slow the spread of COVID-19 through adherence to all of the Arizona Department of Public Health, Maricopa County Public Health Department, and CDC's layered prevention strategies, including universal indoor masking for all teachers, staff, students, and visitors to K-12 schools while COVID-19 transmission remains high or substantial in our district community.
4. The District's regular practices, protocols and procedures, as set forth in Governing Board Policies, Administrative Regulations, Board adopted Employee Agreements or otherwise, may not be reasonable, feasible or advisable to implement during the COVID-19 outbreak. Therefore, the Board authorizes the Superintendent to temporarily suspend compliance with or implementation of the same as needed to comply with applicable laws, regulations, Orders and guidelines, and/or to promote the health, safety and welfare of the school community and/or to efficiently and effectively operate District programs and services during the COVID-19 pandemic. Should the Superintendent exercise the discretion authorized by this Section, the Superintendent shall provide the Board with prompt notice of the actions taken.
5. The Board authorizes the Superintendent to execute any further documentation to effectuate this Resolution, including but not limited to any requisite documentation required by the Arizona Department of Education or legal authorities with jurisdiction over the District.
6. To the extent that any provision in this Resolution conflicts with or is superseded by enacted federal or state legislation or local ordinances, the District shall comply with those laws or ordinances.

This Resolution was adopted at a properly noticed meeting of the Governing Board on August 10, 2021. The Governing Board hereby authorizes the Governing Board President to sign this Resolution on behalf of the Governing Board.

**KYRENE ELEMENTARY SCHOOL DISTRICT No. 28**

By: \_\_\_\_\_, 2021

Governing Board President