

Statement of the Birmingham Public Schools with Respect to Wearing a Mask in District School Buildings, Including Board Meetings, Study Sessions and Special Meetings Conducted in a District School Building

October 5, 2021

Parents have asked about the status of the Oakland County Health Division Order issued on August 24, 2021. This question arises in light of Governor Whitmer’s recent approval of most of the provisions of the Fiscal Year 2022 budget, which included her signing statement that the provisions in those budget bills that relate to a County Health Department’s authority to issue public health orders are unconstitutional.

The August 24th Order reads in relevant part as follows:

IT IS HEREBY ORDERED that all Educational Institutions and all Persons in Educational Settings must adhere to the following rules:

- a. The Educational Institutions shall ensure that people in pre-kindergarten through grade twelve consistently and properly wear a facial covering while inside any enclosed building or structure of the institution.
- b. The Educational Institutions shall ensure that all persons, regardless of vaccination status, providing service to any persons in pre-kindergarten through grade twelve properly and consistently wear a facial covering while inside any enclosed building or structure of the institution.

IT IS FURTHER ORDERED that the following terms shall have the following definitions for purposes of this ORDER:

- a. “Educational Institutions” or “Educational Settings” includes daycares and schools (elementary, middle, high, and vocational).
- b. “Fully vaccinated persons” means persons for whom at least two weeks has passed after receiving the final dose of an FDA-approved or authorized COVID-19 vaccine.
- c. “Persons in Educational Settings” means students, teachers, administrative staff, attendees, volunteers, and other employees or volunteers of Educational Institutions.

IT IS FURTHER ORDERED that this ORDER shall not apply to the following Persons:

- a. Persons in the act of eating or drinking.
- b. Persons under the age of four years; however, supervised masking is recommended for children who are at least two years of age.
- 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. Vaccinated teachers who are working with children who are hard of hearing or students with developmental conditions who benefit from facial cues.

e. 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.

The Oakland County Health Division has not rescinded its August 24th Order, and it remains in full force in effect. Accordingly, the Birmingham Public Schools continues to enforce this Order within its school buildings as the Order provides.

Parents and community members have also asked whether the August 24th Order applies to Board meetings conducted in the District's Education and Administration Center. Because this building is routinely used as a testing facility for students, together with the fact that it is connected to Groves High School, the August 24th Order by its terms does apply to Board Meetings, Study Sessions and Special Meetings conducted in this building, and therefore all persons attending the District's Board meetings and sessions there must comply with the Order, subject to its stated exceptions.

The District respectfully requests that all persons attending Board meetings in the Education and Administration Center comply with the August 24th Order to keep all attendees safe, particularly the school children who routinely attend Board meetings and sessions and who cannot be vaccinated against the virus.

While it is understood that not everyone agrees with the August 24th Order, the District hopes that all parents and community members will comply with the Order not only in the interest of health and safety, but also to model and demonstrate to our school children that it is important to follow the law, whether or not a person personally agrees with it.

The District reserves the right to take whatever actions are deemed appropriate and lawful in the case of persons who violate the August 24th Order in a District school building subject to the Order, including attendance at Board meetings and sessions conducted in such a school building.

Thank you for your anticipated cooperation in keeping our school children, parents, staff and fellow community members as safe as possible!