



Planning Department
Telephone: 981-1045

Memorandum

TO: Dr. Bill Cook
FROM: Dr. Tanya Campbell and Dr. Luanne Kokolis
DATE: July 31, 2020
SUBJECT: Title IX Policy Update and First Read for Approval

New Title IX regulations and policy have been issued by the federal government for public schools across the country. The new policy regulation states that school boards need to approve the draft policy by August 14, 2020.

Our attorney, Kathy Mahoney, has reviewed and updated the attached draft policy for board approval.

A new policy GBAB Staff Title IX policy and new policy JBAB Student Title IX policy need to be before the board for approval in August to be in compliance with federal law.

[DRAFT]

Policy

TITLE IX POLICY

Code JBAB Issued _____

The District, as required by Title IX of the Education amendments of 1972 and its corresponding regulations (“Title IX”), does not discriminate on the basis of sex in its education programs or activities. Title IX prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex even if those acts do not involve conduct of a sexual nature. The District prohibits discrimination and harassment on the basis of sex or gender in all of its programs and activities by its employees, students or third parties.

The District will respond promptly to actual knowledge of sexual harassment in an education program or activity of the District against a person in the United States in a manner that is not deliberately indifferent. The response will treat complainants and respondents equitably.

Any allegations of inappropriate conduct of a sexual nature that fall outside of this policy will be handled consistent with other applicable Board policies, including the Code of Conduct.

DEFINITIONS

Sexual Harassment

34 CFR § 106.30(a)

Sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

- An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual’s participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district’s education program or activity; or
- “sexual assault” as defined in 20 USC 1092(f)(6)(A)(v), “dating violence” as defined in 34 USC 12291(a)(10), “domestic violence” as defined in 34 USC 12291(a)(8), or “stalking” as defined in 34 USC 12291(a)(30).

(Note: use of email, internet or other technologies may constitute “sexual harassment” on a similar basis to use of in-person, postal mail, handwritten or other communications)

Education program or activity

34 CFR § 106.44(a)

Includes any locations, events or circumstances over which the district exercised substantial control over both the alleged harasser (respondent) and the context in which the harassment occurred.

Consent

An active agreement to participate in sexual contact or penetration. An active agreement is words and/or conduct that communicates a person's willingness to participate in sexual contact or sexual penetration. Consent may not be given in some circumstances based upon incapacitation, force, coercion or age.

Formal complaint

34 CFR § 106.30(a)

A document filed by a complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment.

The factors that a Title IX coordinator may consider when determining whether to sign a complaint include, but are not limited to:

- Whether there have been other reports of sexual harassment or other relevant misconduct concerning the same Respondent
- Whether or not the incidents occurred while the Respondent was a District student or employee;
- Whether the Respondent threatened further sexual harassment or other misconduct against the Complainant or others;
- Whether the alleged sexual harassment was committed by multiple perpetrators;
- The nature and scope of the alleged sexual harassment including whether the sexual harassment was perpetrated with a weapon;
- The ages and roles of the Complainant and the Respondent;
- Whether the District can pursue the investigation without the participation of the Complainant (e.g., whether there are other available means to obtain relevant evidence of the alleged sexual harassment such as security cameras or physical evidence);
- Whether the report reveals a pattern of perpetration (e.g., perpetration involving illicit use of drugs or alcohol) at a given location or by a particular group.

Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

A parent or legal guardian who has the legal authority to act on behalf of his or her child may act

as the complainant and file a complaint on behalf of his or her child. 34 CFR § 106.6(g).

Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Days

Any reference to days means a day on which the District is open.

Actual Knowledge

34 CFR § 106.30(a)

Actual knowledge of sexual harassment means notice of sexual harassment or allegations of sexual harassment to the District's Title IX coordinator or ***any*** District employee.

Burden of Proof

The District will use the preponderance of evidence standard to determine responsibility.

Role of Title IX Coordinator

34 CFR § 106.8(a)

The District administration will designate a Title IX coordinator. The Board authorizes the Title IX coordinator to coordinate the District's required efforts under the law.

The Title IX coordinator's name or title, email address, office address and telephone number will be posted on the District's website and will be included in any handbook provided to employees, students and parents or legal guardians.

Notice requirement

34 CFR § 106.8

In addition to providing notice of the Title IX coordinator's name and contact information, the administration will also provide notice of the District's nondiscrimination policy and grievance procedures, including how to file or report sexual harassment and how the District will respond to applicants for admission and employment, students, and parents or legal guardians.

Training

34 CFR § 106.45(b)

The District administration will ensure that Title IX coordinators, investigators, decision makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process, appeals, and informal resolution processes, and how to

serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The decision makers must also receive training on issues of relevance of questions and evidence. The investigators must also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. The administration will make training materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process publicly available on the District's website.

Reporting Allegations

34 CFR § 106.8(a)

Any person may report sex discrimination, including sexual harassment, regardless of whether the person is the alleged victim of the reported conduct, in person, by mail, by telephone, or by email.

The report can be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address, listed for the Title IX coordinator.

Supportive Measures

34 CFR § 106.30(a)

The Title IX Coordinator must promptly contact the complainant (alleged victim) to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain the process for filing a formal complaint.

Supportive measures are non-disciplinary, non-punitive, individualized services, offered as appropriate, as reasonably available, and without charge to a complainant or a respondent before or after the filing of a formal complaint, or where no formal complaint has been filed. Confidentiality of supportive measures must be maintained to the extent that maintaining confidentiality would not impair the ability of the District to provide the supportive measures. (Examples may include counseling, course modification, scheduling changes, mutual restrictions on contact between the parties, and increased monitoring or supervision).

The Title IX Coordinator's prompt response (to offer supportive measures) is required regardless of whether a formal complaint is filed.

Supportive measures offered should be documented.

Response to a Formal Complaint

34 CFR § 106.45(b)(1)

The District's grievance process will:

- Treat parties equitably.
- Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence.

- Require that any person designated as a Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal process not have a conflict of interest against complainants or respondents generally or against the particular complainant and respondent. The District will ensure required training is provided to these individuals.
- Include a presumption that the respondent is not responsible for the alleged conduct until a determination has been made at the conclusion of the grievance process.
- Include reasonably prompt time frames for conclusion of the grievance process.
- Describe or list the possible disciplinary outcomes and remedies that may be implemented following a determination of responsibility. **(See Student Code of Conduct JICDA and Staff Code of Conduct GBEB)**
- Include the procedures and permissible reasons for appeal by a respondent or a complainant.
- Describe the range of supportive measures available to complainants and respondents.
- Not require, allow or use evidence or questions that constitute or seek legally privileged information, unless the privilege is waived.

Written Notice

34 CFR § 106.45(b)(2)

Upon receipt of a formal complaint, the District must provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview. Written notice must include:

- Notice of grievance process, including any informal resolution process;
- Notice of the allegations, including sufficient detail (i.e., names of known parties, the conduct alleged to be sexual harassment, and the date and location of the alleged conduct, if known) to allow the respondent to prepare a response;
- Statement that the respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the grievance process;
- Notice of the parties' right to have an advisor (who may be, but is not required to be, an attorney) and to inspect and review evidence; and
- Notice of any provision in the code of conduct that prohibits knowingly making false statements or providing false information in the grievance process.

Dismissal of Complaint

34 CFR § 106.45(b)(3)

The District administration will investigate the allegations in a formal complaint.

The complaint ***must*** be dismissed if the allegations:

- would not constitute sexual harassment as defined in § 106.30, even if proved;
- did not occur in the district's education program or activity; or

- did not occur against a person in the United States.

The complaint *may* be dismissed:

- if the complainant notifies the Title IX coordinator in writing at any time that he or she wishes to withdraw the complaint or any allegations in it;
- if the respondent's enrollment or employment ends, or;
- if specific circumstances prevent the District from gathering evidence sufficient to reach a determination.

The District will promptly send written notice of dismissal and reasons for dismissal simultaneously to parties. Such a dismissal does not preclude action under other provisions of the District's code of conduct.

Investigation Process

34 CFR § 106.45(b)(5)

When investigating a complaint, the investigator will:

- Ensure that the burden of proof and of gathering evidence rests on the District rather than the parties, except that certain treatment records cannot be obtained without voluntary, written consent from the party or parent;
- Provide an equal opportunity for the parties to present witnesses and evidence;
- Not restrict either party's ability to discuss the allegations or gather and present relevant evidence;
- Provide the parties with the same opportunities to have others present during interviews or other related proceedings, including an advisor who may, but is not required to be, an attorney (the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties);
- Provide to a party who is invited or expected to attend, written notice of the date, time, participants, purpose and location of any investigative interview or other meeting with enough time to allow the party to prepare to participate;
- Provide both parties and advisors, if any, an equal opportunity to review all evidence that is directly related to the allegations in the formal complaint, including evidence on which the District does not intend to rely and any inculpatory or exculpatory evidence from any source; such evidence must be provided prior to the completion of the final investigation and in time to give the parties at least 10 days to prepare a written response, which the investigator must consider prior to completing the investigation report; and
- Prepare a written investigation report that fairly summarizes the relevant evidence and provide the report to the parties and their advisors, if any, at least 10 days before the decision maker makes a determination of responsibility.

Determination of responsibility by decision maker

34 CFR § 106.45(b)(7)

After the investigator has sent the investigative report to the parties, and before a determination has been made regarding responsibility, the decision maker will:

- Provide each party 10 days to respond to the investigative report and the opportunity to submit written, relevant questions that the party wants asked of another party or witness;
- Provide each party with the answers to written questions; and
- Provide for limited follow-up questions from each party.

The decision maker, who cannot be the investigator or the Title IX coordinator, will apply the District's preponderance of the evidence standard and issue a written determination of responsibility that:

- Identifies the allegations that potentially constitute sexual harassment;
- Describes the District's procedural steps taken from the receipt of the complaint through the determination;
- Includes findings of fact supporting the determination;
- Includes conclusions regarding the application of the District's code of conduct to the facts;
- Includes a statement of, and a rationale for, the result as to each allegation, including a determination of responsibility, any disciplinary sanctions, and whether remedies to restore or preserve equal access to the District's education program or activity will be provided to the complainant; and
- Includes procedures and permissible bases for the complainant and respondent to appeal. The written determination must be provided to the parties simultaneously.
- Explains to the other party proposing the questions any decision to exclude a question as not relevant.

Appeals Process

34 CFR § 106.45(b)(8)

Within 10 days of receipt of the determination, either party may appeal a determination of responsibility, or the District's dismissal of a formal complaint or any allegations therein, for the following reasons:

- A procedural irregularity that affected the outcome;
- New evidence that was not reasonably available at the time of determination and could affect the outcome; or
- Conflict of interest on the part of the Title IX coordinator, investigator, or decision maker that affected the outcome.

For all appeals, the District will provide written notice to both parties of the appeal and provide both parties an equal opportunity to submit a written statement in support of, or challenging, the determination. The parties will have five days to provide their written response.

The appeal must result in a written decision that must be provided to both parties simultaneously.

The decision maker for the appeal cannot be the same person as the decision maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX coordinator; cannot have a conflict of interest; and must receive training (outlined in 34 CFR § 106.45(b)(1)(iii))

Informal Resolution

34 CFR § 106.45(b)(9)

The District cannot offer to facilitate an informal resolution process unless a formal complaint of sexual harassment is filed.

At any point during the formal complaint process, the District may offer to facilitate an informal process that does not require a full investigation, provided both parties are given the required notice of rights, and they consent. This process cannot be used in the context of a complaint that an employee harassed a student. Additionally, at any point prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process.

Emergency removal/administrative leave

34 CFR § 106.44

In cases in which an employee is a respondent, the District may place that employee on administrative leave during the pendency of an investigation and grievance process.

In cases in which a student is a respondent, the District may remove, on an emergency basis, the respondent from the District's educational program or activity provided the District: (i) undertakes an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal and (ii) provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision does not modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Recordkeeping

34 CFR § 106.45(b)(10)

The District will maintain records related to this policy for seven years. Specifically, the District will maintain records pertaining to: (i) each investigation and determination; (ii) any disciplinary sanctions imposed on respondent; (iii) any remedies provided to the complainant; (iv) any appeal and the result thereof; (v) any informal resolution and result; (vi) any materials used to train Title IX coordinators, investigators, decision makers, and any person who facilitates an informal resolution process.

The District shall also create and maintain records related to any action or supportive measures

taken in response to a report or complaint of sexual harassment. The records shall document the basis for the District's conclusion that its response was not deliberately indifferent and document that it has taken measures designed to restore or preserve equal access to the District's educational programs or activities. If no supportive measures are provided, the District shall document why such a response was not clearly unreasonable.

Retaliation

34 CFR § 106.71

Neither the District nor any other person may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege under Title IX or because the individual made a report, a complaint, testified, assisted, participated in, or refused to participate in any manner in an investigation or proceeding under this policy.

The District shall keep confidential the identity of any individual who made a report or complaint of sexual discrimination or sexual harassment, any complainant, any individual reported as a perpetrator, any respondent and any witness except as permitted under FERPA or as required to carry out the purposes of this policy and its procedures thereunder.

Charging someone with making a materially false statement in bad faith, does not amount to retaliation, provided that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith.

Timeline for process

The grievance process will be completed within one hundred and twenty (120) days. Temporary delays and/or extensions of the time frames within this Policy may occur for good cause. Written notice will be provided to the parties of the delay and/or extension of the time frames with explanation of the reasons for such action. Examples of good cause for delay/extensions include, but are not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Adopted __/__/20

Legal references:

- A. Federal statutes:
 - 1. Title IX of the Education Amendments of 1972, 20 USC § 1681, *et seq.* - Prohibits discrimination on the basis of sex.
 - 2. 34 CFR Section 106 *et seq.*
 - 3. 42 U.S.C. 2000e – Prohibits discrimination in employment on the basis of race, color, national origin, religion, or sex.
 - 4. Title VII of the Civil Rights Act of 1964, as amended.

[DRAFT]

Policy

TITLE IX POLICY

Code GBAB Issued _____

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- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district’s education program or activity; or
- “sexual assault” as defined in 20 USC 1092(f)(6)(A)(v), “dating violence” as defined in 34 USC 12291(a)(10), “domestic violence” as defined in 34 USC 12291(a)(8), or “stalking” as defined in 34 USC 12291(a)(30).

(Note: use of email, internet or other technologies may constitute “sexual harassment” on a similar basis to use of in-person, postal mail, handwritten or other communications)

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34 CFR § 106.44(a)

Includes any locations, events or circumstances over which the district exercised substantial control over both the alleged harasser (respondent) and the context in which the harassment occurred.

Consent

An active agreement to participate in sexual contact or penetration. An active agreement is words and/or conduct that communicates a person's willingness to participate in sexual contact or sexual penetration. Consent may not be given in some circumstances based upon incapacitation, force, coercion or age.

Formal complaint

34 CFR § 106.30(a)

A document filed by a complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment.

The factors that a Title IX coordinator may consider when determining whether to sign a complaint include, but are not limited to:

- Whether there have been other reports of sexual harassment or other relevant misconduct concerning the same Respondent
- Whether or not the incidents occurred while the Respondent was a District student or employee;
- Whether the Respondent threatened further sexual harassment or other misconduct against the Complainant or others;
- Whether the alleged sexual harassment was committed by multiple perpetrators;
- The nature and scope of the alleged sexual harassment including whether the sexual harassment was perpetrated with a weapon;
- The ages and roles of the Complainant and the Respondent;
- Whether the District can pursue the investigation without the participation of the Complainant (e.g., whether there are other available means to obtain relevant evidence of the alleged sexual harassment such as security cameras or physical evidence);
- Whether the report reveals a pattern of perpetration (e.g., perpetration involving illicit use of drugs or alcohol) at a given location or by a particular group.

Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

A parent or legal guardian who has the legal authority to act on behalf of his or her child may act

as the complainant and file a complaint on behalf of his or her child. 34 CFR § 106.6(g).

Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Days

Any reference to days means a day on which the District is open.

Actual Knowledge

34 CFR § 106.30(a)

Actual knowledge of sexual harassment means notice of sexual harassment or allegations of sexual harassment to the District's Title IX coordinator or ***any*** District employee.

Burden of Proof

The District will use the preponderance of evidence standard to determine responsibility.

Role of Title IX Coordinator

34 CFR § 106.8(a)

The District administration will designate a Title IX coordinator. The Board authorizes the Title IX coordinator to coordinate the District's required efforts under the law.

The Title IX coordinator's name or title, email address, office address and telephone number will be posted on the District's website and will be included in any handbook provided to employees, students and parents or legal guardians.

Notice requirement

34 CFR § 106.8

In addition to providing notice of the Title IX coordinator's name and contact information, the administration will also provide notice of the District's nondiscrimination policy and grievance procedures, including how to file or report sexual harassment and how the District will respond to applicants for admission and employment, students, and parents or legal guardians.

Training

34 CFR § 106.45(b)

The District administration will ensure that Title IX coordinators, investigators, decision makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process, appeals, and informal resolution processes, and how to

serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The decision makers must also receive training on issues of relevance of questions and evidence. The investigators must also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. The administration will make training materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process publicly available on the District's website.

Reporting Allegations

34 CFR § 106.8(a)

Any person may report sex discrimination, including sexual harassment, regardless of whether the person is the alleged victim of the reported conduct, in person, by mail, by telephone, or by email.

The report can be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address, listed for the Title IX coordinator.

Supportive Measures

34 CFR § 106.30(a)

The Title IX Coordinator must promptly contact the complainant (alleged victim) to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain the process for filing a formal complaint.

Supportive measures are non-disciplinary, non-punitive, individualized services, offered as appropriate, as reasonably available, and without charge to a complainant or a respondent before or after the filing of a formal complaint, or where no formal complaint has been filed. Confidentiality of supportive measures must be maintained to the extent that maintaining confidentiality would not impair the ability of the District to provide the supportive measures. (Examples may include counseling, course modification, scheduling changes, mutual restrictions on contact between the parties, and increased monitoring or supervision).

The Title IX Coordinator's prompt response (to offer supportive measures) is required regardless of whether a formal complaint is filed.

Supportive measures offered should be documented.

Response to a Formal Complaint

34 CFR § 106.45(b)(1)

The District's grievance process will:

- Treat parties equitably.
- Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence.

- Require that any person designated as a Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal process not have a conflict of interest against complainants or respondents generally or against the particular complainant and respondent. The District will ensure required training is provided to these individuals.
- Include a presumption that the respondent is not responsible for the alleged conduct until a determination has been made at the conclusion of the grievance process.
- Include reasonably prompt time frames for conclusion of the grievance process.
- Describe or list the possible disciplinary outcomes and remedies that may be implemented following a determination of responsibility. **(See Student Code of Conduct JICDA and Staff Code of Conduct GBEB)**
- Include the procedures and permissible reasons for appeal by a respondent or a complainant.
- Describe the range of supportive measures available to complainants and respondents.
- Not require, allow or use evidence or questions that constitute or seek legally privileged information, unless the privilege is waived.

Written Notice

34 CFR § 106.45(b)(2)

Upon receipt of a formal complaint, the District must provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview. Written notice must include:

- Notice of grievance process, including any informal resolution process;
- Notice of the allegations, including sufficient detail (i.e., names of known parties, the conduct alleged to be sexual harassment, and the date and location of the alleged conduct, if known) to allow the respondent to prepare a response;
- Statement that the respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the grievance process;
- Notice of the parties' right to have an advisor (who may be, but is not required to be, an attorney) and to inspect and review evidence; and
- Notice of any provision in the code of conduct that prohibits knowingly making false statements or providing false information in the grievance process.

Dismissal of Complaint

34 CFR § 106.45(b)(3)

The District administration will investigate the allegations in a formal complaint.

The complaint ***must*** be dismissed if the allegations:

- would not constitute sexual harassment as defined in § 106.30, even if proved;
- did not occur in the district's education program or activity; or

- did not occur against a person in the United States.

The complaint *may* be dismissed:

- if the complainant notifies the Title IX coordinator in writing at any time that he or she wishes to withdraw the complaint or any allegations in it;
- if the respondent's enrollment or employment ends, or;
- if specific circumstances prevent the District from gathering evidence sufficient to reach a determination.

The District will promptly send written notice of dismissal and reasons for dismissal simultaneously to parties. Such a dismissal does not preclude action under other provisions of the District's code of conduct.

Investigation Process

34 CFR § 106.45(b)(5)

When investigating a complaint, the investigator will:

- Ensure that the burden of proof and of gathering evidence rests on the District rather than the parties, except that certain treatment records cannot be obtained without voluntary, written consent from the party or parent;
- Provide an equal opportunity for the parties to present witnesses and evidence;
- Not restrict either party's ability to discuss the allegations or gather and present relevant evidence;
- Provide the parties with the same opportunities to have others present during interviews or other related proceedings, including an advisor who may, but is not required to be, an attorney (the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties);
- Provide to a party who is invited or expected to attend, written notice of the date, time, participants, purpose and location of any investigative interview or other meeting with enough time to allow the party to prepare to participate;
- Provide both parties and advisors, if any, an equal opportunity to review all evidence that is directly related to the allegations in the formal complaint, including evidence on which the District does not intend to rely and any inculpatory or exculpatory evidence from any source; such evidence must be provided prior to the completion of the final investigation and in time to give the parties at least 10 days to prepare a written response, which the investigator must consider prior to completing the investigation report; and
- Prepare a written investigation report that fairly summarizes the relevant evidence and provide the report to the parties and their advisors, if any, at least 10 days before the decision maker makes a determination of responsibility.

Determination of responsibility by decision maker

34 CFR § 106.45(b)(7)

After the investigator has sent the investigative report to the parties, and before a determination has been made regarding responsibility, the decision maker will:

- Provide each party 10 days to respond to the investigative report and the opportunity to submit written, relevant questions that the party wants asked of another party or witness;
- Provide each party with the answers to written questions; and
- Provide for limited follow-up questions from each party.

The decision maker, who cannot be the investigator or the Title IX coordinator, will apply the District's preponderance of the evidence standard and issue a written determination of responsibility that:

- Identifies the allegations that potentially constitute sexual harassment;
- Describes the District's procedural steps taken from the receipt of the complaint through the determination;
- Includes findings of fact supporting the determination;
- Includes conclusions regarding the application of the District's code of conduct to the facts;
- Includes a statement of, and a rationale for, the result as to each allegation, including a determination of responsibility, any disciplinary sanctions, and whether remedies to restore or preserve equal access to the District's education program or activity will be provided to the complainant; and
- Includes procedures and permissible bases for the complainant and respondent to appeal. The written determination must be provided to the parties simultaneously.
- Explains to the other party proposing the questions any decision to exclude a question as not relevant.

Appeals Process

34 CFR § 106.45(b)(8)

Within 10 days of receipt of the determination, either party may appeal a determination of responsibility, or the District's dismissal of a formal complaint or any allegations therein, for the following reasons:

- A procedural irregularity that affected the outcome;
- New evidence that was not reasonably available at the time of determination and could affect the outcome; or
- Conflict of interest on the part of the Title IX coordinator, investigator, or decision maker that affected the outcome.

For all appeals, the District will provide written notice to both parties of the appeal and provide both parties an equal opportunity to submit a written statement in support of, or challenging, the determination. The parties will have five days to provide their written response.

The appeal must result in a written decision that must be provided to both parties simultaneously.

The decision maker for the appeal cannot be the same person as the decision maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX coordinator; cannot have a conflict of interest; and must receive training (outlined in 34 CFR § 106.45(b)(1)(iii))

Informal Resolution

34 CFR § 106.45(b)(9)

The District cannot offer to facilitate an informal resolution process unless a formal complaint of sexual harassment is filed.

At any point during the formal complaint process, the District may offer to facilitate an informal process that does not require a full investigation, provided both parties are given the required notice of rights, and they consent. This process cannot be used in the context of a complaint that an employee harassed a student. Additionally, at any point prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process.

Emergency removal/administrative leave

34 CFR § 106.44

In cases in which an employee is a respondent, the District may place that employee on administrative leave during the pendency of an investigation and grievance process.

In cases in which a student is a respondent, the District may remove, on an emergency basis, the respondent from the District's educational program or activity provided the District: (i) undertakes an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal and (ii) provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision does not modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Recordkeeping

34 CFR § 106.45(b)(10)

The District will maintain records related to this policy for seven years. Specifically, the District will maintain records pertaining to: (i) each investigation and determination; (ii) any disciplinary sanctions imposed on respondent; (iii) any remedies provided to the complainant; (iv) any appeal and the result thereof; (v) any informal resolution and result; (vi) any materials used to train Title IX coordinators, investigators, decision makers, and any person who facilitates an informal resolution process.

The District shall also create and maintain records related to any action or supportive measures

taken in response to a report or complaint of sexual harassment. The records shall document the basis for the District's conclusion that its response was not deliberately indifferent and document that it has taken measures designed to restore or preserve equal access to the District's educational programs or activities. If no supportive measures are provided, the District shall document why such a response was not clearly unreasonable.

Retaliation

34 CFR § 106.71

Neither the District nor any other person may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege under Title IX or because the individual made a report, a complaint, testified, assisted, participated in, or refused to participate in any manner in an investigation or proceeding under this policy.

The District shall keep confidential the identity of any individual who made a report or complaint of sexual discrimination or sexual harassment, any complainant, any individual reported as a perpetrator, any respondent and any witness except as permitted under FERPA or as required to carry out the purposes of this policy and its procedures thereunder.

Charging someone with making a materially false statement in bad faith, does not amount to retaliation, provided that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith.

Timeline for process

The grievance process will be completed within one hundred and twenty (120) days. Temporary delays and/or extensions of the time frames within this Policy may occur for good cause. Written notice will be provided to the parties of the delay and/or extension of the time frames with explanation of the reasons for such action. Examples of good cause for delay/extensions include, but are not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Adopted __/__/20

Legal references:

- A. Federal statutes:
 - 1. Title IX of the Education Amendments of 1972, 20 USC § 1681, *et seq.* - Prohibits discrimination on the basis of sex.
 - 2. 34 CFR Section 106 *et seq.*
 - 3. 42 U.S.C. 2000e – Prohibits discrimination in employment on the basis of race, color, national origin, religion, or sex.
 - 4. Title VII of the Civil Rights Act of 1964, as amended.

Memo

TO: Dr. Bill Cook, Superintendent

FROM: Dr. V. Keith Wilks, Executive Director of Student Services

Cc: Dr. Luanne Kokolis, Chief of Strategic Planning, Engagement and Program Support

DATE: August 5, 2020

SUBJECT: Policy ADD—Face Covering/Mask and Administrative Rule JE-(R2)—Student Attendance

Attached, please find the model policy ADD—Face Covering as recommended by the South Carolina School Boards Association. This policy is meant to be temporary and based on guidelines referenced in documentation provided by the Center for Disease Control and Prevention (CDC) to address safety in planning to reopen schools and address behaviors that prevent the spread of COVID-19. As well, the *South Carolina Department of Education Face Covering Guidelines for K-12 Public Schools* provides guidance on face covering and mask. In collaboration with Dr. John Jones, Dr. Missy Brakefield, Mrs. Jennifer Morrison, Mrs. Sadie Kirell, and Mrs. Sally Wilson, we are providing a proposed policy composed of some revisions to the model policy to better address the needs of Rock Hill School District. Please find attached policy ADD—Face Covering/Mask as the proposed policy for consideration.

Included with this memo are two articles from the CDC on *Guidance for K-12 School Administrators on the Use of Cloth Face Coverings in Schools* <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/cloth-face-cover.html> and *Considerations for Wearing Masks* <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>. The *South Carolina Department of Education Face Covering Guidelines for K-12 Public Schools* document is also included as reference material.

Also, please find attached the model for administrative rule JE-R *Student Attendance* as recommended by the South Carolina School Boards Association. This administrative rule is meant to be temporary to provide clarification and explanation for attendance requirements for an onsite, virtual, or hybrid learning environment. In collaboration with Dr. John Jones, Dr. Missy Brakefield, Mrs. Jennifer Morrison, Mrs. Sadie Kirell, and Mrs. Sally Wilson, we are providing a proposed administrative rule composed of some revisions to the model administrative rule to better address the needs of Rock Hill School District. Please find the attached administrative rule JE-(R2) *Student Attendance* as the proposed rule for consideration. As clarification, the current policy JE—*Student Attendance* has an existing administrative rule, so this proposed rule would be a second administrative rule for policy JE.

Also included with this memo is a memorandum from Dr. Sabrina B. Moore, Director, Office of Student Intervention Services at the South Carolina Department of Education (SDE). In this memorandum, the SDE provide guidance for confirming and documenting attendance for an onsite, virtual, or hybrid learning environment.

FACE COVERING/**MASK**

Code **ADD** Issued **Proposed/8-5-20**

To reduce the spread of the pandemic (COVID-19), the Centers for Disease Control (CDC) recommends that a face covering/**mask** be worn in public settings when other social distancing measures are difficult to maintain. The district will consider the circumstances in the community and consult local health officials for the implementation of this policy.

Definitions

A *face covering/**mask*** is a piece of fabric, cloth, or other material that covers the wearer's nose, mouth, and chin simultaneously and is secured to the wearer's face by elastic, ties, or other means. Acceptable face covering/**masks** may be homemade, and they may be reusable or disposable.

~~A *face shield* made of flexible plastic that wraps around the wearer's face and extends below his/her chin may also be used as a face covering.~~

Staff Members

Staff members (~~option: may~~/will) wear a face covering/**mask** while on district property or conducting business on behalf of the district (e.g. driving a bus, conducting a home visit, supervising athletic events, etc.). Staff members include, but are not limited to, salaried and hourly employees, school volunteers, student teachers, and interns. The district (~~option: may~~/will) provide masks to staff members and expects that reusable masks will be washed regularly to ensure maximum protection.

Students

All students (~~option: from Kindergarten~~ **K-4** through 12th grade) (~~option: may~~/will) wear face covering/**masks** while on district property, on district transportation, or attending a school related activity (e.g. athletic events, field trips, etc.). Certain classes or activities may be granted a limited exception to this requirement at the discretion of the superintendent or his/her designee. The district (~~option: may~~/will) provide masks to students **that are not able to provide their own** and expects that reusable masks will be washed regularly to ensure maximum protection.

Exceptions for wearing a face covering/**mask** may include, but are not limited to, the following activities:

- mealtimes
- outdoor recess where students can maintain a physical distance of at least six (6) feet
- administration of medication
- **mask breaks provided only when students are sitting at their desk and socially distance six (6) feet apart in the classroom**
- **Children younger than 2 years old**
- **Anyone who has trouble breathing**
- **Anyone who is unconscious, incapacitated, or otherwise unable to remove the mask without assistance**

Visitors

~~Non-essential visitors~~ **Visitors** to district buildings will be limited in accordance with administrative rule KI-R, *Visitors* **and recommendations provided by the South Carolina Department of Health and Environmental Control (DHEC) and the Center for Disease Control**

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(CDC). Visitors include, but are not limited to, parents/legal guardians, contract service providers, and delivery persons. Visitors (~~option: may~~/will) wear a face covering/~~mask~~ while on district property. (~~option: Visitors will be asked to leave district property if they refuse to wear a face covering/mask~~). All efforts will be made to keep necessary visitors to a minimum, including the use of virtual or telephone meetings with families and guests. Parents meeting on-site with school staff must follow social-distancing guidelines and wear masks when appropriate.

Accommodations

Requests for exceptions under this policy for health or developmental conditions or religious exemption will be considered by the superintendent or his/her designee, who may request documentation justifying the exception.

Students (or parents/legal guardians) who request to be exempted from wearing a face covering/~~mask~~ for other than a health or developmental condition or religious exemption ~~will~~ may be offered ~~virtual learning~~ remote learning for the period that face covering/~~masks~~ are required on district property. Students (or parents/legal guardians) must petition the school's principal in writing for this exemption and provide supporting rationale for this request. Requests will be reviewed on a case-by-case basis.

Remote learning is where the student and the educator, or information source, are not physically present in a traditional classroom environment. Information is relayed through technology or other methods. In remote learning, student attendance will be monitored for daily compliance with all State laws and district policies.

Harassment and Bullying

The district will not tolerate harassment of anyone wearing face coverings/~~masks~~ or those with recognized exemptions to the face covering/~~mask~~ requirement and will appropriately discipline students, staff, or visitors who engage in behavior that interferes with any student or staff member's ability to comply with this policy.

Discipline

Failure or refusal to wear a face covering/~~mask~~ by a staff member or student may result in discipline in accordance with district policy and codes of conduct, as applicable.

This policy is intended to be effective until further notice and to align with district policies, including, but not limited to, student and staff dress codes. To the extent this policy does not align, this policy will supersede others in accordance with applicable law and regulations in effect at the time. For clarification on potential conflicts between policies, the interpretation of the superintendent or his/her designee is final.

The board authorizes the superintendent or his/her designee to amend these requirements as necessary to meet health and safety guidelines.

Adopted ^

FACE COVERING

Code **ADD** Issued **MODEL/20**

To reduce the spread of the pandemic (COVID-19), the Centers for Disease Control (CDC) recommends that a face covering be worn in public settings when other social distancing measures are difficult to maintain. The district will consider the circumstances in the community and consult local health officials for the implementation of this policy.

Definitions

A *face covering* is a piece of fabric, cloth, or other material that covers the wearer's nose, mouth, and chin simultaneously and is secured to the wearer's face by elastic, ties, or other means. Acceptable face coverings may be homemade, and they may be reusable or disposable.

A *face shield* made of flexible plastic that wraps around the wearer's face and extends below his/her chin may also be used as a face covering.

Staff Members

Staff members (*option: may/will*) wear a face covering while on district property or conducting business on behalf of the district (e.g. driving a bus, conducting a home visit, supervising athletic events, etc.). Staff members include, but are not limited to, salaried and hourly employees, school volunteers, student teachers, and interns. The district (*option: may/will*) provide masks to staff members and expects that reusable masks will be washed regularly to ensure maximum protection.

Students

All students (*option: from Kindergarten through 12th grade*) (*option: may/will*) wear face coverings while on district property, on district transportation, or attending a school related activity (e.g. athletic events, field trips, etc.). Certain classes or activities may be granted a limited exception to this requirement at the discretion of the superintendent or his/her designee. The district (*option: may/will*) provide masks to students and expects that reusable masks will be washed regularly to ensure maximum protection.

Exceptions for wearing a face covering may include, but are not limited to, the following activities:

- mealtimes
- outdoor recess where students can maintain a physical distance of at least six (6) feet
- administration of medication
- *insert other district specifics here*

Visitors

Non-essential visitors to district buildings will be limited in accordance with administrative rule KI-R, *Visitors*. Visitors include, but are not limited to, parents/legal guardians, contract service providers, and delivery persons. Visitors (*option: may/will*) wear a face covering while on district property. (*option: Visitors will be asked to leave district property if they refuse to wear a face covering*).

PAGE 2 - ADD - FACE COVERING

Accommodations

Requests for exceptions under this policy for health or developmental conditions or religious exemption will be considered by the superintendent or his/her designee, who may request documentation justifying the exception.

Students (or parents/legal guardians) who request to be exempted from wearing a face covering for other than a health or developmental condition or religious exemption will be offered virtual learning for the period that face coverings are required on district property.

Harassment and Bullying

The district will not tolerate harassment of anyone wearing face coverings or those with recognized exemptions to the face covering requirement and will appropriately discipline students, staff, or visitors who engage in behavior that interferes with any student or staff member's ability to comply with this policy.

Discipline

Failure or refusal to wear a face covering by a staff member or student may result in discipline in accordance with district policy and codes of conduct, as applicable.

This policy is intended to be effective until further notice and to align with district policies, including, but not limited to, student and staff dress codes. To the extent this policy does not align, this policy will supersede others in accordance with applicable law and regulations in effect at the time. For clarification on potential conflicts between policies, the interpretation of the superintendent or his/her designee is final.

The board authorizes the superintendent or his/her designee to amend these requirements as necessary to meet health and safety guidelines.

Adopted ^

Guidance for K-12 School Administrators on the Use of Cloth Face Coverings in Schools

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/cloth-face-cover.html>

Updated July 23, 2020

CDC suggests that all school reopening plans address adherence to behaviors that prevent the spread of COVID-19. When used consistently and correctly, important [mitigation strategies](#), cloth face coverings are important to help slow the spread of COVID-19. Other important mitigation strategies include [social distancing](#), [washing hands](#), and [regular cleaning and disinfecting](#) frequently touched surfaces in schools and buses. CDC provides [considerations](#) for wearing cloth face [coverings](#) and recommends that people wear cloth face coverings in public settings and when around people who live outside of their household. The use of cloth face coverings is especially important when [social distancing](#) is difficult to maintain.

Cloth face coverings are recommended as a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the cloth face covering coughs, sneezes, talks, or raises their voice. Cloth face coverings are an example of source control. Several studies¹⁻¹³ have documented asymptomatic and pre-symptomatic SARS-CoV-2 transmission; meaning that people with COVID-19 who never develop symptoms (asymptomatic) and those who are not yet showing symptoms (pre-symptomatic) can still transmit the virus to other people. [Cloth face coverings](#) are meant to protect other people in case the wearer is unknowingly infected. Cloth face coverings are not personal protective equipment, such as surgical masks or respirators.

The use of [cloth face coverings](#) in educational settings may present challenges, particularly for younger students and students with special healthcare or educational needs. This document provides guidance to help school administrators decide how to best implement the wearing of cloth face coverings — in their school settings and facilities, including but not limited to buses and other shared transportation.

Education and promotion of positive and supportive relationships should remain the primary focus of school administrators, teachers, and staff. This guidance provides K-12 school administrators with strategies to encourage students to wear face coverings, consistent with CDC [guidance](#), while maintaining a positive learning environment.

General Considerations

COVID-19 can be spread to others even if you do not feel sick. A [cloth face covering](#) helps prevent a person who is sick from spreading the virus to others. Appropriate and consistent use [of cloth face coverings](#) is most important when students, teachers, and staff are indoors and when social distancing of at least 6 feet is difficult to implement or maintain.

[Cloth face coverings](#) should **not** be placed on:

- Children younger than 2 years old.
- Anyone who has trouble breathing or is unconscious.
- Anyone who is incapacitated or otherwise unable to remove the cloth face covering without assistance.

[Appropriate and consistent use](#) of cloth face coverings may be challenging for some students, teachers, and staff, including:

- Younger students, such as those in early elementary school.
- Students, teachers, and staff with severe asthma or other breathing difficulties.
- Students, teachers, and staff with special educational or healthcare needs, including intellectual and developmental disabilities, mental health conditions, and sensory concerns or tactile sensitivity.

While [cloth face coverings](#) are strongly encouraged to reduce the spread of COVID-19, CDC recognizes there are specific instances when wearing a cloth face covering may not be feasible. In these instances, parents, guardians, caregivers, teachers, and school administrators should consider [adaptations and alternatives](#) whenever possible. They may need to consult with healthcare providers for advice about wearing cloth face coverings.

Consider use of clear face coverings that cover the nose and wrap securely around the face by some teachers and staff. Clear face coverings should be determined not to cause any breathing difficulties or over heating for the wearer. Teachers and staff who may consider using clear face coverings include;

- Those who interact with students or staff who are deaf or hard of hearing, per the [Individuals with Disabilities Education Act](#)[external icon](#)
- Teachers of young students learning to read

- Teachers of students in English as a second language classes
- Teachers of students with disabilities

Clear face coverings are not face shields. CDC does **not** recommend use of face shields for normal everyday activities or as a substitute for cloth face coverings because of a lack of evidence of their effectiveness for source control.

Unintended Consequences

- [Stigma, discrimination](#), or [bullying](#) may arise due to wearing or not wearing a cloth face covering. Schools should have a plan to prevent and address [harmful or inappropriate](#)
- Not all families will agree with school policies about cloth face coverings. Schools should have a plan to address challenges that may arise and refer parents, caregivers, and guardians to [CDC's guidance on cloth face coverings](#).

Practical Recommendations

- Include cloth face coverings on school supply lists and provide cloth face coverings as needed to students, teachers, staff, or visitors who do not have them available.
- Include clear face coverings on school supply lists for teachers and staff who regularly interact with students who are deaf or hard of hearing, students learning to read, students with disabilities, and those who rely on lip reading as a part of learning, such as students who are English Language Learners.
- Ensure that students and staff are aware of the [correct use of cloth face coverings](#), including wearing cloth face coverings over the nose and mouth and securely around the face.
- Ensure that students, teachers and staff are aware that they should [wash](#) or [sanitize their hands \(using a hand sanitizer that contains at least 60% alcohol\)](#) before putting on a cloth face covering.
- Ensure that students, teachers, and staff are aware that they should not touch their cloth face coverings while wearing them and, if they do, they should [wash their hands](#) before and after with soap and water or [sanitize hands \(using a hand sanitizer that contains at least 60% alcohol\)](#).
- Ensure teachers and staff are aware that they should [wash](#) or [sanitize hands \(using a hand sanitizer that contains at least 60% alcohol\)](#) before and after helping a student put on or adjust a cloth face covering.

- Ensure that all students and staff are aware that cloth face coverings should not be worn if they are wet. A wet cloth face covering may make it difficult to breathe.
- Ensure that all students and staff are aware that they should never share or swap cloth face coverings.
- Students' cloth face coverings should be clearly identified with their names or initials, to avoid confusion or swapping. Students' face coverings may also be labeled to indicate top/bottom and front/back.
- Cloth face coverings should be stored in a space designated for each student that is separate from others when not being worn (e.g., in individually labeled containers or bags, personal lockers, or cubbies).
- Cloth face coverings should be [washed](#) after every day of use and/or before being used again, or if visibly soiled.
- Students and schools should consider having additional cloth face coverings available for students, teachers, and staff in case a back-up cloth face covering is needed during the day and to facilitate every day washing of cloth face coverings.

Additional Considerations for the Use of Cloth Face Coverings among K-12 Students

CDC [recommends](#) that people, including teachers, staff, and students, wear cloth face coverings in public settings as able when around people who live outside of their household, especially when other [social distancing](#) measures are difficult to maintain.

The following table contains examples of some, **but not all**, situations schools might encounter.

[Cloth face coverings in schools](#)pdf icon

Additional Considerations for the Use of Cloth Face Coverings among K-12 Students

Possible Student Scenario	Cloth face coverings recommended	Cloth face coverings may be considered	Additional considerations
Students are seated less than 6 feet apart while riding a bus or carpooling	check solid icon		<ul style="list-style-type: none"> • Cloth face coverings should always be worn by bus and carpool drivers as able*

Additional Considerations for the Use of Cloth Face Coverings among K-12 Students

Possible Student Scenario	Cloth face coverings recommended	Cloth face coverings may be considered	Additional considerations
Students are less than 6 feet apart while entering or exiting school (e.g., carpool drop off/pick up) or while transitioning to/from other activities	check solid icon		<ul style="list-style-type: none"> Consider having staff monitor students during transitions to encourage correct use and distribute cloth face coverings as needed. Teachers and staff should wash or sanitize hands (using a hand sanitizer that contains at least 60% alcohol) before and after helping a student put on or adjust a cloth face covering.
Students are seated <i>at least 6 feet apart</i> in the classroom		check solid icon	<ul style="list-style-type: none"> Adaptations and alternatives should be considered whenever possible to increase the feasibility of wearing a cloth face covering or to reduce the risk of COVID-19 spreading.
Students are seated <i>less than 6 feet apart</i> in the classroom, or are engaging in learning stations or circle time that require close contact	check solid icon		<ul style="list-style-type: none"> Schools may consider keeping students in “cohorts.” Cohorts are groups of students that do not mix with other cohorts/groups of students throughout the school day. Adaptations and alternatives should be considered whenever possible to increase the feasibility of wearing a cloth face covering or to reduce the risk of COVID-19 spreading.
Students are less than 6 feet apart while transitioning between classes or to other activities during the school day	check solid icon		<ul style="list-style-type: none"> Schools may consider staggering classroom transition times and allow only one-way pathways/hallways. Adaptations and alternatives should be considered whenever possible to increase the feasibility of

Additional Considerations for the Use of Cloth Face Coverings among K-12 Students

Possible Student Scenario	Cloth face coverings recommended	Cloth face coverings may be considered	Additional considerations
			wearing a cloth face covering or to reduce the risk of COVID-19 spreading.
Students are at recess or in physical education class.		check solid icon	<ul style="list-style-type: none"> • Vigorous exercise in a confined space (e.g., indoors) may contribute to transmission of COVID-19 and should be limited. • Social distancing helps protect students at recess or in physical education class. • Consider conducting activities in an area with greater ventilation or air exchange (e.g., outdoors). • See CDC's guidance on youth sports for more information. • Adaptations and alternatives should be considered whenever possible to increase the feasibility of wearing a cloth face covering or to reduce the risk of COVID-19 spreading.
Students are in band, choir, or music class.		check solid icon	<ul style="list-style-type: none"> • When students are not singing or playing an instrument that requires the use of their mouth, they should wear a cloth face covering in music class (unless class is outdoors and distance can be maintained). • Social distancing helps protect students in music class. • While students are singing or playing an instrument, use visual cues to keep them at least 6 feet apart. If it's safe and weather permits, consider moving class outdoors where air circulation is better than indoors

Additional Considerations for the Use of Cloth Face Coverings among K-12 Students

Possible Student Scenario	Cloth face coverings recommended	Cloth face coverings may be considered	Additional considerations
			and maintain at least 6 feet distance between students.
Students are at least 6 feet apart during mealtimes in a common area.		check solid icon	<ul style="list-style-type: none"> • Cloth face coverings are recommended when transitioning to and from mealtimes if outside of the classroom. • Schools may be able to stagger mealtimes to ensure 6 feet distance between students in a cafeteria or lunchroom. • Schools can serve meals in classrooms if students are able to maintain 6 feet of distance between one another in the classroom. • Consider allowing students to eat meals outside, if weather permits.
Students participating in an assembly or event that requires close contact.	check solid icon		<ul style="list-style-type: none"> • Large assemblies of students should be discontinued, unless necessary. • When necessary, consider having the assemblies outdoors, plan for social distancing, and encourage use of cloth face coverings according to CDC guidance. • Cloth face coverings should be worn by teachers and staff at all times* and are especially important at times when social distancing is difficult to maintain.
Student has severe asthma or breathing problems.		check solid icon	<ul style="list-style-type: none"> • Cloth face coverings should NOT be worn by children under the age of 2 or anyone who has

Additional Considerations for the Use of Cloth Face Coverings among K-12 Students

Possible Student Scenario	Cloth face coverings recommended	Cloth face coverings may be considered	Additional considerations
			<p>trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the cloth face covering without assistance.</p> <ul style="list-style-type: none"> Administrators and/or teachers should consult with parents, caregivers, or guardians about strategies to protect these students and those around them. Adaptations and alternatives should be considered whenever possible to increase the feasibility of wearing a cloth face covering or to reduce the risk of COVID-19 spreading.
<p>Student is deaf or hard of hearing, or relies on lip reading to communicate.</p>		<p>check solid icon</p>	<ul style="list-style-type: none"> Clear face coverings may be considered for teachers or staff who interact with students who are deaf and hard of hearing. Face shields are not considered clear face coverings. It is not known if face shields provide any benefit as source control to protect others from the spray of respiratory particles. CDC does not recommend use of face shields for normal everyday activities or as a substitute for cloth face coverings. Some people may choose to use a face shield when sustained close contact with other people is expected. If face shields are used without a mask, they should wrap around the sides of the wearer's face and extend to below the chin.

Additional Considerations for the Use of Cloth Face Coverings among K-12 Students

Possible Student Scenario	Cloth face coverings recommended	Cloth face coverings may be considered	Additional considerations
Student has a disability, childhood mental health conditions, sensory concern/tactile sensitivity.	check solid icon		<ul style="list-style-type: none"> Administrators and/or teachers should consult with parents, caregivers, or guardians about strategies to protect these students and those around them. Adaptations and alternatives should be considered whenever possible to increase the feasibility of wearing a cloth face covering or to reduce the risk of COVID-19 spreading.
Student is receiving one-on-one services or instruction.	check solid icon		<ul style="list-style-type: none"> Students and service providers should wear a face covering as much as possible during service delivery.* Administrators and/or teachers should consult with parents, caregivers, or guardians about strategies to protect these students and those around them. Adaptations and alternatives should be considered whenever possible to increase the feasibility of wearing a cloth face covering or to reduce the risk of COVID-19 spreading. Cloth face coverings should be worn by teachers and staff at all times* and are especially important at times when social distancing is difficult to maintain. Students and service providers may need additional protective equipment depending on the individual characteristics of the student. See CDC's Guidance for Direct Service Providers for additional information.

* CDC recognizes that wearing cloth face coverings may not be possible in every situation or for some people. In some situations, wearing a cloth face covering may exacerbate a physical or mental health condition, lead to a medical emergency, or introduce significant safety concerns. Adaptations and alternatives should be considered whenever possible to increase the feasibility of wearing a cloth face covering or to reduce the risk of COVID-19 spreading if it is not possible to wear one. [Learn more](#).

Strategies to Support Students' Wearing Cloth Face Coverings in Schools

All Students

- Encourage parents, caregivers, and guardians to practice wearing cloth face coverings with students at home before the first day of school. If parents, caregivers, and guardians model appropriate use of face coverings and help students get used to wearing them, students may be more comfortable using them.
- Introduce students with sensory concerns/tactile sensitivities to face coverings with a variety of materials, prints, and textures, and allow them to choose which face covering is most comfortable.
- Use behavioral techniques such as positive reinforcement to increase the likelihood that students will comply with face covering guidance and other prevention practices.
- Encourage parents, caregivers, and guardians to include students in the selection of their cloth face covering and/or the material that is used to make it. This might increase a child's acceptance of wearing the cloth face covering.
- Display age appropriate posters and materials with visual cues that show the proper way to wear a face covering in classrooms and hallways. Consider incorporating images of popular influencers promoting or modeling use of cloth face coverings.
- Include reminders about face coverings in daily announcements, school newspapers, and other [All communication should be in an appropriate format, literacy level, and language](#). Consider including how to [properly use, take off, and wash cloth face coverings](#) in back-to-school communications educational materials.

Elementary School Settings

- Ensure that teachers and school staff are available to help students put on and adjust face coverings as needed and that teachers and staff [wash](#) or sanitize their hands with [hand sanitizer that includes at least 60%](#) alcohol before and after doing so.

- Play games or engage in other fun activities that teach students how to wear a face covering.
- Consider using some art materials or other creative outlets to help students understand why face coverings help reduce the spread of COVID-19.
- Share social stories about face coverings with students so they know what to expect at school. A social story is similar to a simple picture book that teaches students what to expect in social settings.
- Use behavioral techniques, such as positive reinforcement, to increase the likelihood that students will comply with face covering guidance.

Middle School Settings

- Show [short videos](#) or incorporate short lessons (less than 10 minutes) that teach students how to wear a face covering. Consider including videos with celebrities, musicians, athletes or other influencers popular among this age group.
- Follow videos with verbal instructions that demonstrate the correct ways to wear a face covering.
- Engage the class in discussions about why face coverings help reduce the spread of COVID-19.
- Incorporate a lesson into the science curriculum on how respiratory droplets spread infectious disease.
- Create a school competition for the best health communication strategy to highlight the importance of wearing a cloth face covering to middle school students.

High School Settings

- Show videos or incorporate lessons that teach students how to wear a face covering, including the correct and incorrect ways to wear a face covering. Consider including videos with celebrities, musicians, athletes, or other influencers popular among this age group.
- Ask students to write a short paper on the science behind the use of cloth face coverings as a form of source control.
- Create a school competition for the best health communication strategy to highlight the importance of wearing cloth face coverings to high school students.

Students with Special Healthcare Needs

- Ask parents, caregivers, and guardians to practice wearing face coverings at home before the student returns to school.

- Share social stories about face coverings with students so they know what to expect at school. A social story is similar to a simple picture book that teaches students about what to expect in social settings.
- Introduce students with sensory concerns or tactile sensitivities to face coverings with a variety of materials, prints, and textures, and allow them to choose which face covering is most comfortable.
- Use behavioral techniques such as positive reinforcement to increase the likelihood that students will comply with face covering guidance and other prevention practices.

References

1. Lu X, Zhang L, Du H, et al. SARS-CoV-2 Infection in Students. *N Engl J Med* 2020;382:1663-5.
2. Chan JF, Yuan S, Kok KH, et al. A familial cluster of pneumonia associated with the 2019 novel coronavirus indicating person-to-person transmission: a study of a family cluster. *Lancet* 2020;395:514-23.
3. Wang Y, Liu Y, Liu L, Wang X, Luo N, Ling L. Clinical outcome of 55 asymptomatic cases at the time of hospital admission infected with SARS-Coronavirus-2 in Shenzhen, China. *J Infect Dis*
4. Pan X, Chen D, Xia Y, et al. Asymptomatic cases in a family cluster with SARS-CoV-2 infection. *Lancet Infect Dis* 2020;20:410-1.
5. Bai Y, Yao L, Wei T, et al. Presumed Asymptomatic Carrier Transmission of COVID-19. *JAMA* 2020; 323(14):1406-1407.
6. Kam KQ, Yung CF, Cui L, et al. A Well Infant with Coronavirus Disease 2019 (COVID-19) with High Viral Load. *Clin Infect Dis*
7. McMichael TM, Clark S, Pogosjans S, et al. COVID-19 in a Long-Term Care Facility – King County, Washington, February 27-March 9, 2020. *MMWR Morb Mortal Wkly Rep* 2020;69:339-42.
8. Kimball A, Hatfield KM, Arons M, et al. Asymptomatic and Presymptomatic SARS-CoV-2 Infections in Residents of a Long-Term Care Skilled Nursing Facility – King County, Washington, March 2020. *MMWR Morb Mortal Wkly Rep* 2020;69:377-81.
9. Roxby AC, Greninger AL, Hatfield KM, et al. Detection of SARS-CoV-2 Among Residents and Staff Members of an Independent and Assisted Living Community for Older Adults – Seattle, Washington, 2020. *MMWR Morb Mortal Wkly Rep* 2020;69:416-8.
10. Mizumoto K, Kagaya K, Zarebski A, Chowell G. Estimating the asymptomatic proportion of coronavirus disease 2019 (COVID-19) cases on board the Diamond Princess cruise ship, Yokohama, Japan, 2020. *Euro Surveill* 2020;25.

11. Hoehl S, Rabenau H, Berger A, et al. Evidence of SARS-CoV-2 Infection in Returning Travelers from Wuhan, China. *N Engl J Med* 2020;382:1278-80.
12. Wei WE, Li Z, Chiew CJ, Yong SE, Toh MP, Lee VJ. Presymptomatic Transmission of SARS-CoV-2 – Singapore, January 23-March 16, 2020. *MMWR Morb Mortal Wkly Rep* 2020;69:411-5.
13. Tong ZD, Tang A, Li KF, et al. Potential Presymptomatic Transmission of SARS-CoV-2, Zhejiang Province, China, 2020. *Emerg Infect Dis* 2020;26:1052-4.

Considerations for Wearing Masks

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>

Help Slow the Spread of COVID-19

Updated July 16, 2020

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-
- CDC recommends that people wear masks in public settings and when around people who don't live in your household, especially when other [social distancing](#) measures are difficult to maintain.
 - Masks may help prevent people who have COVID-19 from spreading the virus to others.
 - Masks are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings.
 - Masks should NOT be worn by children under the age of 2 or anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.

Evidence for Effectiveness of Masks



Masks are recommended as a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the mask coughs, sneezes, talks, or raises their voice. This is called source control. This recommendation is based on what we know about the role respiratory droplets play in the spread of the virus that causes COVID-19, paired with [emerging evidence](#) from clinical and laboratory studies that shows masks reduce the spray of droplets when worn over the nose and mouth. COVID-19 spreads mainly among people who are in close contact with one another (within about 6 feet), so the use of masks is particularly important in settings where people are close to each other or where social distancing is difficult to maintain.

Who Should Wear A Mask?

General public

- CDC recommends all people 2 years of age and older wear a mask in public settings and when around people who don't live in your household, especially when other [social distancing](#) measures are difficult to maintain.
- COVID-19 can be spread by people who do not have symptoms and do not know that they are infected. That's why it's important for everyone to wear masks in public settings and practice [social distancing](#) (staying at least 6 feet away from other people).
- While masks are strongly encouraged to reduce the spread of COVID-19, CDC recognizes there are specific instances when wearing a mask may not be feasible. In these instances, [adaptations and alternatives](#) should be considered whenever possible (see below for examples).

People who know or think they might have COVID-19

- [If you are sick](#) with COVID-19 or think you might have COVID-19, do not visit public areas. Stay home except to get medical care. As much as possible stay in a specific room and away from other people and [pets](#) in your home. If you need to be around other people or animals, wear a mask (including in your home).
- The mask helps prevent a person who is sick from spreading the virus to others. It helps keep respiratory droplets contained and from reaching other people.

Caregivers of people with COVID-19

- [Those caring for someone who is sick with COVID-19 at home or in a non-healthcare setting](#) may also wear a mask. However, the protective effects—how well the mask protects healthy people from breathing in the virus—are unknown. To prevent getting sick, caregivers should also continue to practice [everyday preventive actions](#): avoid close contact as much as possible, clean hands often; avoid touching your eyes, nose, and mouth with unwashed hands; and frequently clean and disinfect surfaces.

Who Should Not Wear a Mask

Masks should **not** be worn by:

- Children younger than 2 years old
- Anyone who has trouble breathing
- Anyone who is unconscious, incapacitated, or otherwise unable to remove the mask without assistance

Feasibility and Adaptations

CDC recognizes that wearing masks may not be possible in every situation or for some people. In some situations, wearing a mask may exacerbate a physical or mental health condition, lead to a medical emergency, or introduce significant safety concerns. Adaptations and alternatives should be considered whenever possible to increase the feasibility of wearing a mask or to reduce the risk of COVID-19 spreading if it is not possible to wear one.

For example,

- People who are deaf or hard of hearing—or those who care for or interact with a person who is hearing impaired—may be unable to wear masks if they rely on lipreading to communicate. In this situation, consider using a clear mask. If a clear mask isn't available, consider whether you can use written communication, use closed captioning, or decrease background noise to make communication possible while wearing a mask that blocks your lips.
- Some people, such as people with intellectual and developmental disabilities, mental health conditions or other sensory sensitivities, may have challenges wearing a mask. They should consult with their healthcare provider for advice about wearing masks.
- Younger children (e.g., preschool or early elementary aged) may be unable to wear a mask properly, particularly for an extended period of time. Wearing of masks may be prioritized at times when it is difficult to maintain a distance of 6 feet from others (e.g., during carpool drop off or pick up, or when standing in line at school). Ensuring proper mask size and fit and providing children with frequent reminders and education on the importance and proper wear of masks may help address these issues.
- People should not wear masks while engaged in activities that may cause the mask to become wet, like when [swimming at the beach or pool](#). A wet mask may make it difficult to breathe. For activities like swimming, it is particularly important to maintain physical distance from others when in the water.
- People who are engaged in high intensity activities, like running, may not be able to wear a mask if it causes difficulty breathing. If unable to wear a mask, consider conducting the activity in a location with greater ventilation and air exchange (for instance, outdoors versus indoors) and where it is possible to maintain physical distance from others.
- People who work in a setting where masks may increase the risk of [heat-related illness](#) or cause safety concerns due to introduction of a hazard (for instance, straps getting caught in machinery) may consult with an occupational safety and health professional to determine the appropriate mask for their setting. Outdoor workers may prioritize use of masks when in close contact with other people, like during group travel or shift meetings, and remove masks when social distancing is possible. [Find more information here](#) and below.

Masks are a critical preventive measure and are **most** essential in times when social distancing is difficult. If masks cannot be used, make sure to take other measures to reduce the risk of COVID-19 spread, including social distancing, frequent hand washing, and cleaning and disinfecting frequently touched surfaces.

Face Shields

It is not known if face shields provide any benefit as source control to protect others from the spray of respiratory particles. CDC does not recommend use of face shields for normal everyday activities or as a substitute for masks. Some people may choose to use a face shield when sustained close contact with other people is expected. If face shields are used without a mask, they should wrap around the sides of the wearer's face and extend to below the chin. Disposable face shields should only be worn for a single use. Reusable face shields should be cleaned and disinfected after each use. **Plastic face shields for newborns and infants are NOT recommended.**

Surgical Masks

Masks are not surgical masks or respirators. Currently, those are critical supplies that should continue to be reserved for healthcare workers and other medical first responders, as recommended by current CDC guidance. Masks also are not appropriate substitutes for them in workplaces where masks or respirators are recommended or required and available.

Recent Studies:

- Rothe C, Schunk M, Sothmann P, et al. Transmission of 2019-nCoV Infection from an Asymptomatic Contact in Germany. The New England journal of medicine. 2020;382(10):970-971. [PMID: 32003551external icon](#)
- Zou L, Ruan F, Huang M, et al. SARS-CoV-2 Viral Load in Upper Respiratory Specimens of Infected Patients. The New England journal of medicine. 2020;382(12):1177-1179. [PMID: 32074444external icon](#)
- Pan X, Chen D, Xia Y, et al. Asymptomatic cases in a family cluster with SARS-CoV-2 infection. The Lancet Infectious diseases. 2020. [PMID: 32087116external icon](#)
- Bai Y, Yao L, Wei T, et al. Presumed Asymptomatic Carrier Transmission of COVID-19. Jama. 2020. [PMID: 32083643external icon](#)
- Kimball A HK, Arons M, et al. Asymptomatic and Presymptomatic SARS-CoV-2 Infections in Residents of a Long-Term Care Skilled Nursing Facility — King County, Washington, March 2020. MMWR Morbidity and mortality weekly report. 2020; ePub: 27 March 2020. [PMID: 32240128external icon](#)

- Wei WE LZ, Chiew CJ, Yong SE, Toh MP, Lee VJ. Presymptomatic Transmission of SARS-CoV-2 — Singapore, January 23–March 16, 2020. *MMWR Morbidity and Mortality Weekly Report*. 2020;ePub: 1 April 2020. [PMID: 32271722external icon](#)
- Li R, Pei S, Chen B, et al. Substantial undocumented infection facilitates the rapid dissemination of novel coronavirus (SARS-CoV2). *Science (New York, NY)*. 2020. [PMID: 32179701external icon](#)
- Furukawa NW, Brooks JT, Sobel J. Evidence Supporting Transmission of Severe Acute Respiratory Syndrome Coronavirus 2 While Presymptomatic or Asymptomatic [published online ahead of print, 2020 May 4]. *Emerg Infect Dis*. 2020;26(7):10.3201/eid2607.201595. [Link](#)
- Oran DP, Topol Prevalence of Asymptomatic SARS-CoV-2 Infection: A Narrative Review [published online ahead of print, 2020 Jun 3]. *Ann Intern Med*. 2020;M20-3012. [PMID: 32491919external icon](#)
- National Academies of Sciences, Engineering, and Medicine. 2020. Rapid Expert Consultation on the Possibility of Bioaerosol Spread of SARS-CoV-2 for the COVID-19 Pandemic (April 1, 2020). Washington, DC: The National Academies Press. <https://doi.org/10.17226/25769external icon>.
- Schwartz KL, Murti M, Finkelstein M, et al. Lack of COVID-19 transmission on an international flight. *CMAJ*. 2020;192(15):E410. [PMID: 32392504external icon](#)
- Anfinrud P, Stadnytskyi V, Bax CE, Bax A. Visualizing Speech-Generated Oral Fluid Droplets with Laser Light Scattering. *N Engl J Med*. 2020 Apr 15. doi:10.1056/NEJMc2007800. [PMID: 32294341external icon](#)
- Davies A, Thompson KA, Giri K, Kafatos G, Walker J, Bennett A. Testing the efficacy of homemade masks: would they protect in an influenza pandemic? *Disaster Med Public Health Prep*. 2013;7(4):413-8. [PMID: 24229526external icon](#)
- Konda A, Prakash A, Moss GA, Schmoldt M, Grant GD, Guha S. Aerosol Filtration Efficiency of Common Fabrics Used in Respiratory Cloth Masks. *ACS Nano*. 2020 Apr 24. [PMID: 32329337external icon](#)
- Aydin O, Emon B, Saif MTA. Performance of fabrics for home-made masks against spread of respiratory infection through droplets: a quantitative mechanistic study. medRxiv preprint doi: <https://doi.org/10.1101/2020.04.19.20071779>, posted April 24, 2020.
- Ma QX, Shan H, Zhang HL, Li GM, Yang RM, Chen JM. Potential utilities of mask-wearing and instant hand hygiene for fighting SARS-CoV-2. *J Med Virol*. 2020. [PMID: 32232986external icon](#)
- Leung, N.H.L., Chu, D.K.W., Shiu, E.Y.C. *et al.* Respiratory virus shedding in exhaled breath and efficacy of face masks. *Nat Med*. 2020. [PMID: 32371934external icon](#)

- Johnson DF, Druce JD, Birch C, Grayson ML. A quantitative assessment of the efficacy of surgical and N95 masks to filter influenza virus in patients with acute influenza infection. Clin Infect Dis. 2009 Jul 15;49(2):275-7. [PMID: 19522650external icon](#)
- Green CF, Davidson CS, Panlilio AL, et al. Effectiveness of selected surgical masks in arresting vegetative cells and endospores when worn by simulated contagious patients. Infect Control Hosp Epidemiol. 2012;33(5):487-494. [PMID: 22476275external icon](#)



South Carolina Department of Education Face Covering Guidelines for K-12 Public Schools

The CDC suggests that all school reopening plans address adherence to behaviors that prevent the spread of COVID-19. Face coverings are recommended by national and state public health experts as a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the covering coughs, sneezes, talks, or raises their voice. This recommendation is based on what we know about the role respiratory droplets play in the spread of the virus that causes COVID-19, paired with [emerging evidence](#) from clinical and laboratory studies that shows coverings reduce the spray of droplets when worn over the nose and mouth. COVID-19 spreads mainly among people who are in close contact with one another (within about 6 feet), so the use of coverings is particularly important in settings where people are close to each other or where social distancing is difficult to maintain.

To support the national and state efforts to slow the spread of COVID-19 and to best protect the health and safety of South Carolina public school students and staff, the South Carolina Department of Education (SCDE) is requiring face coverings to be worn on school buses and within public school facilities. The below information outlines the specifics of the state's face covering policy.

A *face covering* is a piece of fabric, cloth, or other material that covers the wearer's nose, mouth, and chin simultaneously and is secured to the wearer's face by elastic, ties, or other means. Acceptable face coverings may be homemade, and they may be reusable or disposable.

School Buses

Students and staff who ride the state's pupil transportation system to and from school are required to wear face coverings while boarding, riding, and exiting school buses. Staff members, including bus drivers, are required to wear face coverings while boarding, riding, driving, and exiting school buses. Bus drivers and support staff should ask any student who boards a bus without a covering to put one on and offer them a disposable or cloth face covering provided by the SCDE.

Students who should **NOT** be required to wear face coverings:

- Those younger than two years old;
- Those who have trouble breathing;
- Those unable to remove the covering without assistance; and/or
- Those with special healthcare or educational needs as determined by an Individualized Education Program (IEP), 504 Accommodations Plan, or an individual student healthcare plan, or by a medical doctor

Staff members, including bus drivers, who have trouble breathing and/or those with special healthcare needs as noted by a medical doctor should **NOT** be required to wear face coverings.

School Facilities

Students and staff in South Carolina public schools **must** wear a face covering upon entering a school building, moving through hallways, during carpool/bus drop off or pickup, and when social distancing is not possible or optimal. Student face coverings may be removed upon teacher or administrator direction while in the classroom or during special activities outside the classroom.

Students who should **NOT** be required to wear face coverings:

- Those younger than two years old;
- Those who have trouble breathing;
- Those unable to remove the covering without assistance; and/or
- Those with special healthcare or educational needs as determined by an Individualized Education Program (IEP), 504 Accommodations Plan, or an individual student healthcare plan, or by a medical doctor

Staff members who have trouble breathing and/or those with special healthcare needs as noted by a medical doctor should **NOT** be required to wear face covering.

Additional Considerations

The SCDE recognizes that face coverings may be challenging for some students, teachers, and staff, including:

- Younger students, such as those in early elementary school (Pre-Kindergarten-2)
- Students, teachers, and staff with severe asthma or other breathing difficulties.
- Students, teachers, and staff with special educational or healthcare needs, including intellectual and developmental disabilities, mental health conditions, and sensory concerns or tactile sensitivity.

In these instances, parents, guardians, caregivers, teachers, and school administrators should consider [adaptations and alternatives](#) whenever possible.

Consider use of clear face coverings that cover the nose and wrap securely around the face by some teachers and staff. Clear face coverings should be determined not to cause any breathing difficulties or over heating for the wearer. Teachers and staff who may consider using clear face coverings include:

- Those who interact with students or staff who are deaf or hard of hearing, per the [Individuals with Disabilities Education Act](#)
- Teachers of young students learning to read
- Teachers of English learners
- Teachers of students with disabilities, as applicable

Clear face coverings are not face shields. The CDC does **NOT** recommend use of face shields for normal everyday activities or as a substitute for cloth face coverings because of a lack of evidence of their effectiveness for source control.

STUDENT ATTENDANCE

Code **JE-(R2)** Issued **Proposed 8-5-20**

State law requires all children of compulsory attendance age to regularly attend school. Regular attendance is necessary if students are to make the desired and expected academic progress. Therefore, the board authorizes the administration to implement procedures to ensure student attendance is maintained during the pandemic (COVID-19), ensuring that absences are recorded, and truancy is reported in accordance with policy ~~HH JE~~, *Student Absences and Excuses*.

Onsite Attendance

Attendance is determined by whether a student is physically present in a classroom on school grounds or school property. Staff members will take attendance following the normal procedures set forth in district policy.

Students who are not sick, but who are required to quarantine or self-isolate will be provided the opportunity to participate in ~~virtual instruction~~ **remote learning** utilizing various instructional strategies as determined by the district. While under quarantine or self-isolation, such students will be subject to the attendance procedures as set forth below for students regularly receiving virtual instruction.

Students who are sick due to COVID-19 will be considered lawfully absent, in accordance with policy ~~HH JE~~. If the illness is prolonged, such students will be eligible for medical homebound instruction as set forth in policy IHBF, *Medical Homebound Instruction*. **Teachers shall record attendance on a daily base.**

Remote learning is where the student and the educator, or information source, are not physically present in a traditional classroom environment. Information is relayed through technology or other methods. In remote learning, student attendance will be monitored for daily compliance with all State laws and district policies.

Virtual Attendance

Attendance is determined by whether a student submits work and participates in activities assigned by the teacher. Students who submit work on a timely basis and participate as instructed will be considered present. Students who do not turn in assignments and participate in virtual learning activities as set forth ~~in classroom procedures~~ **by the deadline established by classroom procedures, these students will be counted absent.** Such absences will be processed in accordance with policy ~~HH JE~~. **Teachers shall record attendance on a daily base.**

Students who are sick due to COVID-19 will be considered lawfully absent in accordance with policy ~~HH JE~~. If the illness is prolonged, such students will be eligible for medical homebound instruction as set forth in policy IHBF.

Attendance for a Hybrid Schedule

Students participating in a combination of onsite and virtual instruction will be subject to both attendance procedures set forth above. Onsite attendance will be determined by students' physical presence in the classroom and for virtual attendance, students must adhere to the classroom assignment rules established by each teacher to be considered present. **Teachers shall record attendance on a daily base.**

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Truancy

State laws and regulations determining absences and truancy are applicable for both onsite and virtual instruction. Staff members will follow policy ~~JE~~ **JE** regarding continued absences and the following guidelines:

- When excessive absences become a pattern, the principal or his/her designee will oversee the development and implementation of a written intervention plan designed to improve student attendance.
- When truancy continues following implementation of a written intervention plan, students will be referred to the family court and parents/legal guardians to the Department of Social Services to address truancy issues as outlined in administrative rule ~~JE~~ **JE**.

The district will make every effort to ensure that this administrative rule is applied in a fair and consistent manner.

Issued ^

STUDENT ATTENDANCE

Code **JE-R** Issued **MODEL/20**

State law requires all children of compulsory attendance age to regularly attend school. Regular attendance is necessary if students are to make the desired and expected academic progress. Therefore, the board authorizes the administration to implement procedures to ensure student attendance is maintained during the pandemic (COVID-19), ensuring that absences are recorded, and truancy is reported in accordance with policy JH, *Student Absences and Excuses*.

Onsite Attendance

Attendance is determined by whether a student is physically present in a classroom on school grounds or school property. Staff members will take attendance following the normal procedures set forth in district policy.

Students who are not sick, but who are required to quarantine or self-isolate will be provided the opportunity to participate in virtual instruction utilizing various instructional strategies as determined by the district. While under quarantine or self-isolation, such students will be subject to the attendance procedures as set forth below for students regularly receiving virtual instruction.

Students who are sick due to COVID-19 will be considered lawfully absent in accordance with policy JH. If the illness is prolonged, such students will be eligible for medical homebound instruction as set forth in policy IHBF, *Medical Homebound Instruction*.

Virtual Attendance

Attendance is determined by whether a student submits work and participates in activities assigned by the teacher. Students who submit work on a timely basis and participate as instructed will be considered present. Students who do not turn in assignments and participate in virtual learning activities as set forth in classroom procedures will be considered absent. Such absences will be processed in accordance with policy JH.

Students who are sick due to COVID-19 will be considered lawfully absent in accordance with policy JH. If the illness is prolonged, such students will be eligible for medical homebound instruction as set forth in policy IHBF.

Attendance for a Hybrid Schedule

Students participating in a combination of onsite and virtual instruction will be subject to both attendance procedures set forth above. Onsite attendance will be determined by students' physical presence in the classroom and for virtual attendance, students must adhere to the classroom assignment rules established by each teacher to be considered present.

Truancy

State laws and regulations determining absences and truancy are applicable for both onsite and virtual instruction. Staff members will follow policy JH regarding continued absences and the following guidelines:

- When excessive absences become a pattern, the principal or his/her designee will oversee the development and implementation of a written intervention plan designed to improve student attendance.

PAGE 2 - JE-R - STUDENT ATTENDANCE

- When truancy continues following implementation of a written intervention plan, students will be referred to the family court and parents/legal guardians to the Department of Social Services to address truancy issues as outlined in administrative rule JH.

The district will make every effort to ensure that this administrative rule is applied in a fair and consistent manner.

Issued ^



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN
STATE SUPERINTENDENT OF EDUCATION

MEMORANDUM

TO: District Superintendents
Principals
Instructional Leaders
District Technology Coordinators
Attendance Supervisors

FROM: Sabrina B. Moore, PhD
Director, Office of Student Intervention Services

Dan Ralyea
Director, Office of Research and Data Analysis

DATE: August 4, 2020

RE: Guidance for Confirming and Documenting Attendance

In light of school closures related to COVID-19 and the anticipated reopening of schools for the 2020–21 academic year, the South Carolina Department of Education (SCDE) is issuing the following guidance to assist districts in determining and accounting for the attendance status, whether present or absent, of students.

Recognizing that a variety of flexible scheduling options will exist across districts statewide, this guidance is intended to address onsite attendance and attendance in a virtual environment in schools that are, traditionally, brick and mortar facilities. This guidance is not intended to address attendance in authorized charter schools that are currently operating virtually.

Onsite attendance should be determined by whether or not a student is physically present in a classroom on school grounds or school property. Whether the absence is “excused” or “unexcused” should be established by district procedures and policies and be consistent with state law and regulations. NOTE: Absences associated with COVID-19 should be excused, using the SC-FLU code. To distinguish COVID-19 from the flu, districts must use the following descriptor in the comment field: **COVID-19**.

NOTE: The SCDE recommends that districts make appropriate accommodations for students who may be required to quarantine or self-isolate as a result of COVID-19. Such accommodations may include temporarily moving the student to a distance learning environment, which includes virtual, electronic platforms, or offsite environments (including home) utilizing various instructional strategies.

Virtual attendance refers to the delivery of instructional content that does not occur in a physical classroom on school grounds or school property. This includes instruction provided via an online or electronic platform, as well as instruction provided in a physical offsite location separate from school property. Virtual attendance is determined by whether or not a student submits work or participates in assigned activities in accordance with the classroom teacher's written requirements. Students who submit assignments or participate in assigned learning experiences by the deadline established by the classroom teacher should be considered present. Students who fail to submit assignments or participate in assigned learning experience(s) by the deadline established by the classroom teacher should be considered absent. Again, whether the absence is "excused" or "unexcused" should be established by district procedures and policies and be consistent with state law and regulations. NOTE: Absences associated with COVID-19 should be excused, using the SC-FLU code. To distinguish COVID-19 from the flu, districts must use the following descriptor in the comment field: **COVID-19**.

NOTE: For a hybrid schedule (onsite instructional days combined with virtual instructional days), if assignments are to be completed over a number of scheduled virtual days and students submit the assignments by the deadline established by the classroom teacher, students should be considered present for each of the associated virtual instructional days. To reduce the possibility of students being unaccounted for for an extended period of time, educators must reconcile attendance at least weekly. Procedural guidance and training for confirming and documenting virtual attendance in PowerSchool will be provided by the Office of Research and Data Analysis.

As state law requires all public schools to track attendance (beginning with the first day of school) to monitor membership for funding purposes and to monitor truancy, nothing in this guidance is intended to modify current procedures related to membership, the 10-day drop period, or truancy reporting. Furthermore, districts are reminded to update current attendance policies to include hybrid schedules and virtual attendance and to share updated policies with students and families.

Finally, districts are required to track both student and educator attendance during the LEAP period, using the following templates:

- [Student Attendance Template](#) and
- [Educator Attendance Template](#).

The student spreadsheet should be titled "District_code_Student_Leap_Attendance" and the educator spreadsheet should be titled "District_code_Educator_Leap_Attendance" (Examples

4602_Student_Leap_Attendance and 4602_Educator_Leap_Attendance). The completed spreadsheets must be placed in the ADT in the Technology Coordinators folder.

Both attendance spreadsheets are required to receive full funding and are due within five business days of the last scheduled LEAP day and no later than September 15, 2020.

If you have any questions about the above guidance, please contact Aveene Coleman, acoleman@ed.sc.gov or Sabrina Moore, smoore@ed.sc.gov. If you have any questions about PowerSchool coding, please contact Dan Ralyea, dralyea@ed.sc.gov.