

**A RESOLUTION OF THE MATHIS INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES REQUIRING THE USE OF FACE MASKS IN
DISTRICT FACILITIES AND BUSES.**

WHEREAS, the Mathis Independent School District (“District”) is a public school district located in Mathis, Texas;

WHEREAS, since the first case of COVID-19 was identified in Washington State on January 21, 2020, more than 35,665,877 individuals across the United States have contracted the disease, resulting in more than 614,291 fatalities; and

WHEREAS, health officials have confirmed that in Texas more than 2,728,670 persons have tested positive for COVID-19, which has led to 52,463 fatalities; and

WHEREAS, Texas public health officials have confirmed that in Texas 27,079,121 doses of COVID-19 vaccine have been administered and 12,871,377 persons have been fully vaccinated, amounting to 64% of Texas’ total population; and

WHEREAS, the Federal Drug Administration (FDA) has not authorized COVID-19 vaccines for children under the age of 12; and

WHEREAS, the Center for Disease Control and Prevention (“CDC”) and the Texas Department of State Health Services (“DSHS”) have identified at least four variants of the COVID-19 virus, of which the Delta variant has been determined to be two times more contagious, and causes a greater percentage of hospitalizations, when compared to the original virus; and

WHEREAS, on August 5, 2021, given the new evidence on the Delta variant currently circulating in Texas and in the United States, the CDC updated their guidance for “COVID-19 Prevention in K-12 Schools” to recommend universal indoor masking for all students, staff, teachers, and visitors to K-12 schools, regardless of vaccination status; and

WHEREAS, on January 29, 2021, the CDC issued an Order under Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 Code of Federal Regulations 70.2, 71.31(b), 71.32(b) entitled “*Requirement for Persons to Wear Masks While on Public Conveyances and At Transportation Hubs*”, published in the federal register and effective February 1, 2021; and

WHEREAS, on August 4, 2021, the Texas Department of Health and Human Services issued public health guidance requiring that vaccinated and unvaccinated persons are required to wear masks while traveling on public transportation, including buses; and

WHEREAS, based on the Board’s substantial interest in protecting the health and safety of the District’s students, staff, and community, as well as its interest in accomplishing the District’s educational purpose, the Board seeks to adopt this Resolution in an effort to control and mitigate the spreading of COVID-19 and its variants.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF TRUSTEES OF THE MATHIS INDEPENDENT SCHOOL DISTRICT THAT:

Section 1. All the above recitals are adopted as findings of fact and are incorporated into and made a part of this resolution for all purposes, and that the Board hereby determines that the public purposes served by this Resolution and any expenditures made pursuant to this Resolution include: (i) keeping the District's students, staff, and community as safe as possible during the COVID-19 pandemic; and (ii) maintaining instructional continuity to the greatest extent possible during the COVID-19 pandemic.

Section 2. Face Mask Required in District Facilities.

Unless otherwise exempted as provided in Section 4, all students, staff, teachers, and visitors shall be required to wear a face mask when inside a District facility.

Section 3. Face Masks Required on District School Buses.

All passengers on public conveyances (e.g. school buses) traveling into, within, or out of the United States, all conveyance operators, including crew, drivers, conductors, and other workers involved in the operation of conveyances, all operators of transportation hubs, including the Mathis Independent School District, shall comply with the CDC's Order on Requirement for Persons to Wear Masks While on Public Conveyances and At Transportation Hubs, published in the federal register and effective February 1, 2021.

Unless otherwise exempted in Section 4, effective immediately, all persons shall be required to wear a face mask, covering their mouth and nose, while present at the District's designated school bus passenger pick-up and drop-off locations, including the District's bus terminals. All persons traveling on a District school bus shall wear a mask for the duration of their travel.

District bus drivers shall use their best efforts to ensure that all persons on the bus wear a mask when boarding, disembarking, and for the duration of the travel. Best efforts include:

- (a) Boarding only those student and persons who wear masks;
- (b) Instructing persons that Federal law requires wearing a mask on the bus and failure to comply constitutes a violation of Federal law;
- (c) Monitoring students and persons onboard the bus for anyone who is not wearing a mask and seeking compliance from such person; and
- (d) At the earliest opportunity, disembarking any person who refuses to comply.

Section 4. This Resolution exempts the following categories of persons:

- (a) A child under the age of 2 years;

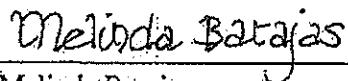
- (b) A person with a disability who cannot wear a mask, or cannot safely wear a mask, because of the disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) or any other disability law;
- (c) A person with a qualifying religious exemption as approved by the District; and
- (d) A person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by solely by the District.

Section 5 The Superintendent of Schools is authorized by the Board to take such further actions necessary and appropriate to implement the intent of this Resolution without further Board action.

FURTHER, it is the will of the Board that the requirements set forth in this Resolution shall remain in effect for 276 calendar days beginning at 12:01 a.m. on August 25, 2021 and ending at 11:59 p.m. on May 27, 2022 unless the Board takes additional action to extend this Resolution. The Board also reserves the right to take additional action regarding this Resolution prior to the expiration of this 276-day period.

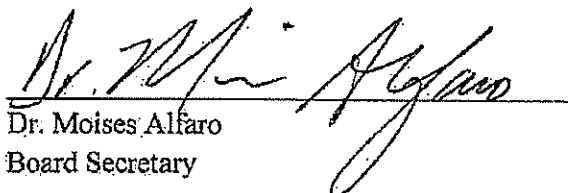
APPROVED, PASSED, AND ADOPTED this 23rd day of August, 2021, by the Mathis Independent School District Board of Trustees.

APPROVED:



Melinda Barajas
Board President

ATTEST:


Dr. Moises Alfaro
Board Secretary