Idaho State Board of Education
650 W. State Street • Suite 307 • Boise, ID • 83702
P.O. Box 83720 • Boise, ID • 83720-0037

A RESOLUTION DIRECTING SCHOOL DISTRICT AND CHARTER SCHOOL COMPLIANCE WITH STAGE 2 STAY HEALTHY ORDER

WHEREAS, the general supervision of the public school system of the state of Idaho is vested in the State Board of Education pursuant to Article IX, §2 of the Idaho Constitution and Idaho Code § 33-101; and

WHEREAS, "all school districts in Idaho, including specially chartered school districts, shall be under the supervision and control of the State Board" pursuant to Idaho Code § 33-116; and

WHEREAS, the Governor of Idaho and Director of the Idaho Department of Health and Welfare have made findings in order to slow the spread of the COVID-19 virus and to protect public health and safety resulting in the Governor of Idaho and the Idaho Department of Health and Welfare issuing a modified Stage 2 Stay Healthy Order dated November 14, 2020; and

WHEREAS, healthcare access for all Idahoans is threatened by the alarming influx of COVID-19 patients in Idaho hospitals and the limitations of healthy nurses, doctors, and technicians to provide skilled care. While the State of Idaho and medical providers are doing everything possible to ensure there are enough staff and resources

to avoid a healthcare capacity crisis, the responsibility to slow the spread of COVID-19 in our communities and preserve healthcare access for all of us rests with the people of Idaho and the choices they make to protect themselves and their loved ones from this dangerous disease; and

WHEREAS, the Governor's stated priority is protecting opportunities for in-person instruction, and student participation in athletics and extracurricular activities; and

WHEREAS, the State Board of Education supports Governor Little and the numerous actions that prioritize Idaho's students and educators, and the steps he has taken to increase hospital capacity and flatten the curve; and

WHEREAS, the Stage 2 Stay Healthy Order *prohibits gatherings of more than 10 people, both public and private*, whether indoors or outdoors, and mandates that physical distancing be followed at those gatherings which are permissible; and

WHEREAS, although "gatherings" do not include "educational activities" involving students taught by an educator in a school or equivalent setting, *spectators at school events remain subject to the prohibition on gatherings of more than 10 people*; and

WHEREAS, there have been reports in the media that some schools and school districts are not adhering to the requirements and recommendations of the Stage 2 Stay Healthy Order, including maintaining six foot distancing, use of face coverings, and holding events which violate the prohibition on gatherings of more than 10 people; and

WHEREAS, the Stage 2 Stay Healthy Order has the full force and effect of law; and

WHEREAS, the Stage 2 Stay Healthy Order provides that "violation of any mandatory provision of this Order constitutes an imminent threat to public health. Violation of or failure to comply with a mandatory provision of this Order may constitute a misdemeanor punishable by fine, imprisonment, or both pursuant to Idaho Code § 56-1003(7)(c);" and

WHEREAS, actions taken by a school district, school or charter school in violation of the Stage 2 Stay Healthy Order may result in loss of immunity protection provided by the Coronavirus Limited Immunity Act (Idaho Code § 6-3401 *et seq.*); and

WHEREAS, violation of the Stage 2 Stay Healthy Order by an educator may result in the filing of a Code of Ethics complaint with the Professional Standards Commission pursuant to Idaho Code § 33-1209.

NOW, THEREFORE, BE IT RESOLVED, that the State Board of Education hereby directs school districts and charter schools to comply with the letter and spirit of the modified Stage 2 Stay Healthy Order, or any subsequent health order issued by the Governor, to slow the spread of the virus, protect public health and safety, and protect opportunities for in-person instruction and extracurricular activities for Idaho students.

ADOPTED and APPROVED by the Idaho State Board of Education, December 10, 2020.

Debbie Critchfield
President