

August 25, 2021

**AMEND BOARD RULE 6-4 ON AN INTERIM BASIS
IN ACCORDANCE WITH BOARD RULE 2-6**

THE INTERIM CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board amend Board Rule 6-4 as set forth below on an interim basis and determine any permanent changes after the period for public comment expires. The rule will be posted for public comment from August 26, 2021 to September 25, 2021.

Sec. 6-4. Health-Related Requirements and Exclusions

a. Exclusion During Epidemics. The Chief Executive Officer in consultation with a city, state or federal public health departments or agencies shall have the power and duty upon reasonable evidence that an epidemic of any contagious or infectious disease is prevalent or that an epidemic of such is impending, to exclude temporarily all persons pupils and employees from the public schools serving the community where the disease has appeared. Such evidence, in order to be considered reasonable, shall be brought to the attention of the Chief Executive Officer or a city, state or federal public health departments/ or agencies. In reaching the decision to close a school or schools or to exclude any significant number of persons pupils, the Chief Executive Officer, in consultation with a city, state or federal public health departments or agencies, shall consider the nature of the communicable disease, the nature of the preventive vaccine or toxoid, and the results of a survey showing the percentage of students and employees who have been inoculated.

b. Exclusion For Communicable Disease or Health Condition. The Chief Executive Officer or designee shall have the power to temporarily exclude from school any individual pupil or employee with a known or suspected communicable disease or health condition. The duration of exclusion shall be based on factors that include the medically-accepted period of communicability, evidence of treatment and return to school authorization from a licensed medical provider. The Chief Executive Officer or designee, in consultation with a city, state or federal public health departments or agencies, shall consider the nature of the communicable disease or health condition and take all reasonable measures necessary for its control or prevention at school and to reduce further pupil or employee infection.

c. Employee accommodations and In-person Work. All employees shall be required to perform all of the essential functions of their job with or without reasonable accommodations consistent with the Board's Americans With Disability Act Policy. An essential function of most jobs includes the requirement that the employee work on-site in the workplace. The Chief Executive Officer is authorized to require employees to report-in-person.

d. COVID-19 immunizations. The Chief Executive Officer, or designee, is authorized to require employees to show proof of receipt of COVID-19 vaccine which follows the Federal Drug Administration's current authorized dosing schedules for COVID-19 vaccines. ~~At such time that the Food and Drug Administration has fully approved or authorized a COVID-19 vaccine and,~~ Consistent with all relevant laws, the Chief Executive Officer may require ~~such a COVID-19 immunization~~ as a condition of hire or continued employment that new hires and/or employees obtain a COVID-19 immunization that has been approved or authorized by the Food and Drug Administration. Employees unable or unwilling to receive a COVID-19 immunization due to a medical reason or sincerely held religious belief, practice, or observance, may request reasonable accommodations ~~and may be exempted from an immunization requirement.~~ Employees who receive a reasonable accommodation exempting them from a COVID-19 immunization may be required to perform additional safety measures.

Consistent with all relevant laws, the Chief Executive Officer may require as a condition of working in a Board facility that employees of any vendor, contractor, or consultant obtain full COVID-19 immunization that has been approved or authorized by the Food and Drug Administration. Employees of any vendor, contractor, or consultant unable or unwilling to receive a COVID-19 immunization due to a medical reason or sincerely held religious belief, practice, or observance, may request reasonable accommodations from their employer.

The Chief Executive Officer may also require as a condition of volunteering on a Board property that Level 1 volunteers, as defined in the Volunteer Policy, 18-0822-PO4, obtain full COVID-19 immunization that has been approved or authorized by the Food and Drug Administration. A Level 1 volunteer unable or unwilling to receive a COVID-19 immunization may not be a Level 1 volunteer.

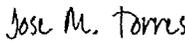
e. Exclusion For Failure to Satisfy Immunization and Health Examination Requirements. The Chief Executive Officer or designee shall have the power to temporarily exclude from school any individual pupil or employee who does not present proof of health examination and immunizations as required by state law or and Board policy promulgated in accordance with this Rule. The Chief Executive Officer or designee may discipline, up to dismissal from employment, any employee who refuses to present proof of health examination and immunizations as authorized by state law, Board policy, or Board rule. The Chief Executive Officer or designee shall also have the power to temporarily exclude any employee of a vendor, contractor, or consultant from school if the vendor, contractor, or consultant does not attest that its employees meet the minimum requirements to be present in a school, including any required proof of health examination or immunization.

Approved for Consideration:

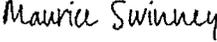
DocuSigned by:

E704042797A14CZ
Matthew A. Lyons
Chief Talent Officer

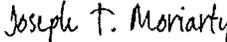
Approved:

DocuSigned by:

0D002701F558427
Jose M. Torres, PhD
Interim Chief Executive Officer

Approved for Consideration:

DocuSigned by:

D5FEDE73C7064EF
Maurice Swinney, EdD
Interim Chief Education Officer

Approved as to Legal Form:

^{DS}
DocuSigned by:

98C9944807154D5
Joseph T. Moriarty
General Counsel