

**GOSHEN HEALTH OFFICER PUBLIC HEALTH ORDER**

**BEING A COUNTYWIDE VARIANCE TO THE RESTRICTIONS MANDATED  
IN**

**THAT GOSHEN COUNTY SCHOOL DISTRICT “GUIDANCE” DOCUMENT  
DATED 9/2/21: REQUIRING MASKING OF PUBLIC SCHOOL STUDENTS**

**WHEREAS**, Dr. Ted Church, MD serves as the Goshen County Health Officer pursuant to Wyoming Statute § 35-1-306(a); and

**WHEREAS**, Wyoming Statute § 35-1-240(a)(i) through (v) gives the power to the Wyoming Department of Health, through the State Health Officer, or under her direction and supervision, or through the other employees of the Wyoming Department of Health to, among other things, control the causes of communicable disease; to control access to theaters, schools, and other public places; to control gatherings of people when necessary to protect public health; and to abate nuisances, and

**WHEREAS**, on March 13, 2020, Wyoming Governor Mark Gordon declared a State of Emergency and Public Health Emergency in the State of Wyoming, and according to the State of Wyoming, the State is allegedly still experiencing a public health emergency in response to the evolving COVID-19 outbreak; and

**WHEREAS**, Governor Gordon's Declaration of a State of Emergency and Public Health Emergency direct the Wyoming Department of Health to take all appropriate and necessary actions, and that in the judgment of the Director of the Wyoming Department of Health, any actions necessary should be taken to provide aid to those locations where there is a threat or danger to public health, safety and welfare; and

**WHEREAS**, the State of Wyoming, by and through the Governor and State Health Officer have deemed it appropriate to announce at a press conference held August 13, 2021, as reported by the Associated Press: ““The issue is not masks, the issue is COVID,” Gordon said in a news conference. “Here’s the thing: We already know what to do. We’ve

been through this before.”

Gordon imposed a statewide mask mandate in December 2020 and lifted it in March 2021. Even so, mandates can cause some people to resist wearing masks, he said.

“We know that there's value to masks and we recommend those masks. We also know people have very strong concerns about masks,” Gordon said;

(Wyoming Governor: No Mask Mandate, COVID Vaccine Requirement | Wyoming News | US News ), and

**WHEREAS**, According to: data sources tracking publicly-available school data, for the 2021 school year, there are 11 public schools serving 1,696 students in Goshen County School District #1 School District. This district's average testing ranking is 4/10, which is in the bottom 50% of public schools in Wyoming.

Goshen County School District #1 School District (2021) | Yoder, WY (publicschoolreview.com); and

**WHEREAS**, The Goshen County School Board, on behalf of the Goshen County School District, mandated via written decree following the Board meeting, held 9/2/21, that all children were required to wear masks in described situations, while on school property, and that not so doing could lead to disciplinary consequences. Exhibit A, attached hereto.

**WHEREAS**, Goshen County Health Officer Dr. Ted Church, given the aforementioned issues and his medical opinion that mandatory masking of youth in school is neither helpful nor appropriate for the physical, emotional or mental wellbeing of school-age children in Goshen County, thus finds the following proposed order necessary for the protection of the public health and to further prevent a threat or danger to public health, safety and welfare from masking healthy children while at school:

**NOW THEREFORE, IT IS HEREBY ORDERED that the Goshen County School District shall comply as follows:**

1. In Spite of any School District or School Board policy to the contrary, Students may wear face coverings, but shall not be required to do so, in the sole discretion of their parents and/or guardians.

**WHEREAS**, as evidenced by her signature below, Alexia Harrist, MD, Ph.D., the

Wyoming State Health Officer, has reviewed and does hereby authorize the issuance of this PUBLIC HEALTH ORDER requested and issued by Dr. Ted Church, the Goshen County Health Officer, and the State Health Officer, Dr. Alexia Harrist, also specifically makes the finding that this Order is necessary for the protection of the public health; and

**NOW THEREFORE, IT IS HEREBY ORDERED** that the Goshen County School District shall comply as follows:

1. In Spite of any School District or School Board policy to the contrary, Students may wear face coverings, but shall not be required to do so, in the sole discretion of their parents and/or guardians.

**IT IS FURTHER ORDERED** that the Goshen County Health Officer may grant exceptions to this Order on a case by case basis after evaluating the request and evaluating written approval from the State Health Officer; and

**IT IS FURTHER ORDERED** that any person or legal entity that violates this Order may be subject to criminal prosecution under Wyo. Stat. Ann. §§35-1-105 and/or 106.

**DATED THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2021.**



Dr. Ted Church, M.D.

Goshen County Health Officer

**Direction To Issue Order**

I, Dr. Alexia Harrist, the Wyoming State Health Officer, hereby state that I have reviewed the above COUNTY HEALTH ORDER and hereby direct, pursuant to Wyoming Statutes §§ 35-1-227 and -240(a)(i) through (v), the Goshen Health Officer to issue the above order

requiring all PUBLIC SCHOOLS in Goshen County, Wyoming to open without mask restrictions for students, as above-described.

As the State Health Officer, I specifically deem this variance from expressed school district policy appropriate for Goshen County, WY. I will reassess the necessity of this order as appropriate to do so, and according to accepted epidemiological and medical standards.

\_\_\_\_\_

Dr. Alexia Harrist, M.D.

Wyoming State Health Officer

\_\_\_\_\_

Date



## GOSHEN COUNTY SCHOOL DISTRICT K-12 GUIDANCE

All students in grades K-12, visitors to a K-12 Goshen County School District facility, and all K-12 students being transported in any GCSD#1 vehicle will be required to wear face coverings/masks when Wyoming Department of Health "COVID-19 14-Day Transmission Indicators by County" data shows Goshen County is in the orange, red, or dark red category.

The following rules will be in place when the Wyoming Department of Health "COVID-19 14-Day Transmission Indicators by County" data shows Goshen County is in the orange, red, or dark red category. If the Goshen County indicators drop to yellow, green, or light green, the district will highly recommend but not require the use of face-coverings/masks. Communication of what day this will be implemented will follow the next full school day after the release of the report. If the Goshen County data increases after being in the yellow, green, or light green indicators to the orange, red, or dark red indicators, the face-covering/mask rules will be put in place the first school day of the following week.

### **Face-coverings/masks are required for students in grades K-12 and visitors to a K-12 Goshen County School District facility when they are:**

- Entering and exiting the building.
- In hallways during transition periods to class, lunch, restrooms, recess, and when 6 feet of physical distance can't be maintained.
- In the classroom. When 6 feet of physical distance can't be maintained or when moving around the classroom.
- During extra-curricular indoor activities, games, or practices when they are not involved in strenuous physical activity.
- When in a Goshen County school building, 6 feet of physical distance can't be maintained.

### **Face coverings/masks are required for staff and students in grades K-12 when they are being transported in any GCSD#1 vehicle.**

**Students are not required to wear a mask/face covering during the following times:**

- Regularly Scheduled Mealtimes: A face covering shall not be required for any person while such person is eating during a planned mealtime.
- During Receipt of Health Care: A face covering shall not be required for any student inside or outside any GCSD owned or operated building or vehicle when removal of the face-covering is necessary for the student to receive health care or to undergo a health care examination from authorized health care personnel.
- Brief Mask Break: A face covering shall not be required for any students inside a GCSD facility if the student requires a brief face-covering break and is able to maintain a 6-foot physical distance from other persons.
- Strenuous Physical Activity during (Physical Education Class, extra-curricular activities where physical activity is taking place, or instrumental music activities while playing an instrument that requires the mouth to be free of a mask, outdoor recess) A face covering shall not be required for any student inside or outside of any school district facility or building while such person is engaged in strenuous physical activity. When possible and when the activity allows, the student is required to maintain physical distancing (six (6) feet minimum) from other persons when not wearing a face covering;
- Medical Certification: A face covering/mask shall not be required for students who have a bona fide medical or physical condition that prevents the student from being able to safely wear a face covering. In these circumstances, the parent/guardian of the student is required to submit to the school office the Goshen County face mask exemption form indicating the need for the exemption signed by a health care provider to the school office and complete the individual social distancing plan with the building principal.
- Religious waiver: A face covering/mask shall not be required for students who have a bona fide religious reason for not being able to wear a face covering. In these circumstances, the parent/guardian of the student is required to submit to the school office a Religious waiver form indicating the need for the exemption signed by the student's religious leader and state health official and complete the individual social distancing plan with the building principal.

**Employees are not required to wear a mask during the following times:**

- Alone in Private Workspace: A face covering shall not be required when an employee is alone in a private workspace, such as an office, county-owned vehicle, cubicle, or classroom. If another employee or student is present, the employee must immediately don a face covering.

- Regularly Scheduled Mealtimes: A face covering shall not be required for any employee inside or outside a GCSD owned building or vehicle while the employee is eating during a planned break or mealtime provided that the employee maintains physical distancing (six (6) feet minimum) from other persons when not wearing a face covering
- Strenuous Physical Activity: A face covering shall not be required for any employee inside or outside of any school district facility or building while such person is engaged in strenuous physical activity provided that the employee maintains physical distancing (six (6) feet minimum) from other persons when not wearing a face covering;

### **Student Behavior Expectations**

- All students are expected to follow face-covering/mask requirements while in school or when participating in school-sponsored activities/events for the health and safety of themselves, school staff, and others.
- All staff members are expected to reinforce the expectations following the discipline protocol written below. Staff should also refer to proper face-covering/mask types and appropriate ways of wearing a face-covering/mask when reinforcing expectations.
- Students who do not comply should be reminded of these guidelines and provided with a face-covering/mask if needed. In addition, the following steps will be implemented when students violate safety guidelines:

#### Level I Response I - Initial Intervention

- Discuss the rationale for non-compliance with the student.
- Re-direct student to wear face-covering and/or wear it appropriately.
- Review face-covering protocol with the student.

#### Level II Response - Repeated or Persistent Violation

- Provide written warning to the student as appropriate.
- Re-direct the student to wear face-covering appropriately.
- Refer to office
- Contact parent/guardian.

#### Level III Response III - Repeated Violation

- Provide enrollment opportunities for the student in the virtual education program available through GCSD.
- Required parent conference (in-person or virtual) to discuss safety and discipline concern of student.

- Review face-covering protocols with the student.
- If a written agreement can be agreed upon, the student may return to their regular schedule. If an agreement cannot be reached, the student would be provided with the virtual education program available through GCSD.
- Students may be subject to short-term suspension for direct and deliberate disruption and refusal to wear a mask based on the given school protocol after repeatedly disregarding Level I-III. Administrators may immediately proceed to Level III if it is deemed the student does not plan to remediate the behavior after an initial warning.

### **Mask information**

**The following are attributes of face-covering/masks needed to fulfill the requirements of the rules in the Goshen County School District.:**

- A properly worn mask completely covers the nose and mouth.
- Cloth face-coverings/masks should be made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source).
- Face covering/mask should be secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they should have two layers of fabric or be folded to make two layers.
- Face-covering/mask should fit snugly but comfortably against the side of the face.
- Face-covering/mask should be a solid piece of material without slits, exhalation valves, or punctures.










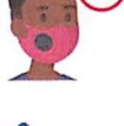


**The following attributes are additionally acceptable as long as face-covering/masks meet the requirements above:**

- Face-covering/masks can be either manufactured or homemade.
- Face-covering/masks can be reusable or disposable.
- Face-covering/masks can have inner filter pockets.
- Clear masks or cloth masks with a clear plastic panel may be used to facilitate communication with people who are hearing impaired or others who need to see a speaker's mouth to understand speech.
- Medical masks and N-95 respirators fulfill the requirements.



**The following do not fulfill the requirements of the rules:**

- Face-coverings/masks worn in a way that does not cover both the mouth and nose
- Face shields or goggles (face shields or goggles may be worn to supplement a mask that meets above required attributes)
- Scarves, ski masks, balaclavas, or bandannas
- Shirt or sweater collars (e.g., turtleneck collars) pulled up over the mouth and nose.
- Face-coverings/Masks made from loosely woven fabric or that are knitted, i.e., fabrics that let light pass through
- Face-coverings/Masks made from materials that are hard to breathe through (such as vinyl, plastic or leather)
- Face-coverings/Masks containing slits, exhalation valves, or punctures
- Face-coverings/Masks that do not fit properly (large gaps, too loose or too tight)

Recommended	Not Recommended
 <p>Medical procedure masks (sometimes referred to as surgical masks or disposable face masks)</p>	 <p>Masks that do not fit properly (large gaps, too loose or too tight)</p>
 <p>Masks that fit properly (snugly around the nose and chin with no large gaps around the sides of the face)</p>	 <p>Masks made from materials that are hard to breathe through (such as plastic or leather)</p>
 <p>Masks made with breathable fabric (such as cotton)</p>	 <p>Masks made from fabric that is loosely woven or knitted, such as fabrics that let light pass through</p>
 <p>Masks made with tightly woven fabric (i.e., fabrics that do not let light pass through when held up to a light source)</p>	 <p>Masks with one layer</p>
 <p>Masks with two or three layers</p>	 <p>Masks with exhalation valves or vents</p>
 <p>Masks with inner filter pockets</p>	 <p>Wearing a scarf/ski mask</p>