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T. "Teddy" Stewart

August 27, 2021

Via Email

Jason Black, Superintendent
Smackover-Norphlet School District
112 East 8th Street
Smackover, AR 71762
Email: jason.black@smackover.net

Re: Smackover-Norphlet School District's ("District") Legal Obligation
Regarding Quarantines

Dear Jason:

You asked for a legal opinion regarding the District's obligation, if at all, to require students and staff to quarantine after COVID-19 exposure, pursuant to the Arkansas Ready for Learning guidance ("Guidance") issued by the Arkansas Department of Health and the Arkansas Department of Education. In my legal opinion, the District is legally obligated to follow Arkansas Departments of Health and Education guidance on COVID-19 exposure and subsequent to the Guidance, thus legally obligated to enforce the quarantine of affected students and staff.

The Secretary of Health, in consultation with the Governor, has authority over all instances of quarantine and isolation throughout Arkansas, as necessary and appropriate to control disease in the State of Arkansas, as authorized by Ark. Code Ann. §§ 20-7-109 and 20-7-110. *See also* ADH Rules Pertaining to the Control of Reportable Diseases ("ADH Rules"), effective January 1, 2019. The ADH Rules provide for the prevention and control of communicable diseases to protect the public health, welfare, and safety of the citizens of Arkansas. Per the ADH Rules, school districts are required to exclude from school attendance any student or staff member affected with a communicable disease. The ADH has delegated this quarantine responsibility to the local school district.

Accordingly, under the ADH Rules, properly promulgated under applicable statutes, the District is obligated to follow the Guidance.

Sincerely,

A handwritten signature in green ink that reads 'Cody Kees'. The signature is fluid and cursive, with the first name 'Cody' and last name 'Kees' clearly legible.

Cody Kees

WCK/mds

Fwd: Mask/ Face covering

Amy Jeffress <amy.jeffress@smackover.net>

Mon, Aug 30, 2021 at 2:19 PM

To: Jason Black <jason.black@smackover.net>, Michelle Martisek <michelle.martisek@smackover.net>

----- Forwarded message -----

From: **Rhonda McDonald** <Rhonda.McDonald@arkansas.gov>

Date: Mon, Aug 30, 2021 at 2:18 PM

Subject: Mask/ Face covering

To: Amy Jeffress <amy.jeffress@smackover.net>

CC: Rhonda McDonald <Rhonda.McDonald@arkansas.gov>

Below are parts of the Ready for Learning plan that was updated on August 10th. Nowhere in the guidance is face shields referred, only mask. Face shields are an added tool one may choose to wear with a mask for added protection but not in the place of a mask.

Masks/Face Coverings As updated on August 4, 2021, CDC guidance states, "When teachers, staff, and students consistently and correctly wear a mask, they protect others as well as themselves. Consistent and correct **mask** use is especially important indoors and in crowded settings, when physical distancing cannot be maintained." The CDC currently recommends the following regarding the wearing of **masks** in school settings: ● **Indoors.** CDC recommends indoor **masking** for all individuals age 2 years and older, including students, teachers, staff, and visitors, regardless of vaccination status. ● **Outdoors.** In general, people do not need to wear **masks** when outdoors. CDC recommends that people who are not fully vaccinated wear a **mask** in crowded outdoor settings or during activities that involve sustained close contact with other people. Fully vaccinated people might choose to wear a **mask** in crowded outdoor settings if they or someone in their household is immunocompromised. 2 Individuals exposed to a confirmed case of COVID-19 will not need to quarantine if the individual exposed has no symptoms and both the infected and exposed individual consistently and correctly were wearing a **mask**.

Individuals exposed to a confirmed case of COVID-19 will not need to be quarantined if they have no symptoms and both the infected and exposed individual consistently and correctly were wearing a **mask**.

I hope this helps,
Thanks

Rhonda McDonald, BSN, RN, CHNS

Community Health Nurse Specialist (ADH)

2235 California SW

Camden, AR 71701

Cell: 870.866.0713

Rule of the Week

1 message

Arkansas Activities Association <derek@ahsaa.org>

Mon, Aug 30, 2021 at 3:49 PM

Reply-To: derek@ahsaa.org

To: jason.black@smackover.net



ARKANSAS ACTIVITIES ASSOCIATION

RULE OF THE WEEK

If the student withdraws from an Arkansas Activities Association member school to be home-schooled, the student shall not participate in an interscholastic activity for a minimum of (365) days after the student withdraws from the member school.



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