

Dear Members of the Board of the Floyd Municipal School District:

It has come to the attention of the Public Education Department that on Monday, July 26, 2021, the Floyd School board held a special meeting and approved the actions listed below:

- 1. Masks are optional**
- 2. Social Distancing is optional, a teacher's choice**
- 3. No MERV 13 filtering**
- 4. Transportation will return to normal**
- 5. No temperature checks**
- 6. Surveillance testing is optional for staff, if a staff member wants to be tested, ok, not mandated.**
- 7. Athletic Teams follow the rules of the teams they visit**
- 8. Allow parents to pick up and drop off students to the classroom**
- 9. Resume all classroom activities/parent involvement**

As you are aware, the actions above are inconsistent with the requirements put forward by the Public Education Department, in line with guidance from the Centers for Disease Control and Prevention (CDC) and/or guidance from the American Academy of Pediatrics, to protect the health and safety of staff and students, and to ensure continued access to in-person learning that is not disrupted by the spread of the COVID-19 virus.

Heightened precautionary measures are absolutely necessary in school settings to account for the ever changing landscape of the COVID-19 pandemic, including the Delta variant and the increase in COVID-19 cases in the past few weeks, with continuing increases projected by scientists. In addition, a large population of the school community, most notably children under the age of 12, are unvaccinated. In the absence of total community vaccinations, mask-wearing, social distancing and other COVID-Safe Practices are absolutely necessary to keep individuals from getting and spreading COVID-19. Contagion in one school can easily and quickly spread throughout and beyond the school community.

The Public Education Department takes adherence to the COVID-Safe Practices during the pandemic very seriously. It is extremely troubling that this board has taken official action in direct violation of the requirements to maintain the health and safety of the community.

By noon on Tuesday, August 3, 2021, the board must take official action at a public meeting to rescind the actions listed above and/or to adopt a course of action that conforms to the published health and safety requirements. Upon rescinding the actions above and/or adopting policies that conform to the published health and safety requirements, the board must provide written confirmation to that effect along with board meeting minutes to the PED Office of General Counsel at Clarinda.Wetzsteon3@state.nm.us.

A failure by the board to provide written confirmation of a vote rescinding the offending course of action and/or adopting a course of action that conforms to the published health and safety requirements by noon on Tuesday, August 3, 2021, or any further violations of COVID-Safe Practices, could result in adverse licensure actions against licensed individuals, suspension of school board governance, and other applicable enforcement actions. Any punitive actions by the board against the Superintendent, other administrators, or school or district staff for following COVID-Safe Practices may result in immediate suspension of school board governance. Furthermore, the District will be subject to ongoing monitoring and site visits to ensure compliance with health protocols.

Sincerely,

Ryan Stewart, Ed.L.D.
Secretary of Education
State of New Mexico