

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE
ADOPTING AN EDUCATIONAL INSTITUTIONS COVID-19 HEALTH ORDER FOR
REOPENING SCHOOLS.

WHEREAS, the Oglala Sioux Tribe adopted its Constitution and By-Laws by referendum vote on December 14, 1935, in accordance with Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 5123), and under Article III of the Constitution, the Oglala Sioux Tribal Council is the governing body of the Oglala Sioux Tribe, and

WHEREAS, pursuant to the Constitution and By-laws of the Oglala Sioux Tribe, the Oglala Sioux Tribal Council exercises legislative powers to enact and promulgate resolutions and ordinances, and

WHEREAS, Article IV, Sections 1(f), 1(k), 1(m), and 1(w) empower the Tribal Council to manage the economic affairs of the Tribe, protect and preserve the property of the Tribe, adopt laws governing the conduct of persons on the Pine Ridge Indian Reservation, and adopt laws protecting and promoting the health and general welfare of the Oglala Sioux Tribe and its membership respectively, and

WHEREAS, the Tribal Council adopted Resolution No. 20-70 affirming President Bear Runner's Declaration of a State of Emergency on the Pine Ridge Indian Reservation due to the novel coronavirus named SARS-CoV-2 and the disease it causes, "coronavirus disease 2019" or "COVID-19", and

WHEREAS, in response to the COVID-19 pandemic and risk posed to the health and general welfare of residents of the Pine Ridge Indian Reservation as well as those who live nearby and work on the Reservation, the Tribe adopted several ordinances, resolutions, and took various actions to address the COVID-19 pandemic, including ordering all schools to switch to distance learning for the last half of the Spring 2020 academic year, and

WHEREAS, there is a need to develop guidelines for educational institutions on the Reservation for the 2020-2021 academic year, including requirements for reopening, and

WHEREAS, by motion and vote, on August 24, 2020, the Education Committee approved this Education Health Ordinance and recommended adoption for the 2020-2021 academic year, and

WHEREAS, the Tribal Council agrees with the foregoing recommendation of the Education Committee and has determined that it is in the best interest of the Oglala Sioux Tribe and its members to adopt an Educational Institution COVID-19 Health Order, to be effective for the 2020-2021 academic year; now

THEREFORE BE IT ORDAINED, that the Tribal Council of the Oglala Sioux Tribe hereby adopts the Educational Institution COVID-19 Health Order for Reopening Schools, as follows:

"EDUCATIONAL INSTITUTION COVID-19 HEALTH ORDER
FOR REOPENING SCHOOLS

1. Intent.

The intent of this Order is to ensure that essential educational services continue while slowing the spread of COVID-19 to the maximum extent possible. This Order includes guidelines for schools in developing their plans for reopening schools.

2. Distance Learning Requirement for the First Quarter of 2020-2021.

All educational institutions shall conduct distance learning for at least the first quarter of the 2020-2021 academic year, including no athletic activities except as permitted by Tribal Council Ordinance. However, one-on-one individual instructional and counseling services during that time shall be permitted as deemed necessary by the school administrator. No educational institution shall be required to reopen for in-person activities during the Fall 2020 semester.

No plan for reopening shall go into effect prior to November 2, 2020.

3. Educational Institutions Order.

All educational institutions on the Pine Ridge Indian Reservation ("Reservation") are considered "essential businesses" for purposes of the Oglala Sioux Tribe's COVID-19 ordinances and resolutions, provided that the requirements set forth herein are met.

4. Plan Required.

All educational institutions on the Reservations shall adopt a reopening plan and submit their plan to the Education Committee at least fourteen (14) days prior to reopening schools. Each plan must meet the minimum requirements set forth in this Health Order. An educational institution may follow more stringent guidelines than set forth herein, but it may not allow for less stringent requirements.

The Education Committee shall review the proposed plans and either approve or deny the plans. A denied plan may be revised and resubmitted for approval. No school shall be permitted to reopen absent an approved plan.

Plans may be amended, and minimum requirements may change as circumstances warrant. Any changes made by the educational institution must be presented to the Education Committee.

5. Plan Development

- a. Teachers, administrators, and administrative staff should encourage everyone in the school to practice preventive behaviors. These are the most important actions that will support schools' safe reopening and help them stay open.
- b. As a team, administrators should implement multiple COVID-19 mitigation strategies (e.g., social distancing, cloth face coverings, hand hygiene, and use of cohorts) for both students and staff.
- c. Administrators should communicate, educate, and reinforce appropriate hygiene and social distancing practices in ways that are developmentally appropriate for students, teachers, and staff.
- d. Integrate COVID-19 mitigation strategies into co-curricular and extracurricular activities (e.g., limiting or cancelling participation in activities where social distancing is not feasible).
- e. Oversee and supervise the maintenance of healthy environments (e.g., cleaning and disinfecting frequently touched surfaces).
- f. Administrators should make decisions that take into account the level of community transmission.
- g. Repurpose unused or underutilized school (or community) spaces to increase classroom space and facilitate social distancing, including outside spaces, where feasible.
- h. Develop a proactive plan for when a student or staff member tests positive for COVID-19.
- i. Develop a plan with CHR to conduct case tracing in the event of a positive case.

- j. Educate parents and caregivers on the importance of monitoring for and responding to the symptoms of COVID-19 at home.
- k. Develop ongoing communication with CHR to stay updated on COVID-19 transmission and response.

6. Required Plan Categories

Each educational institution plan must include a detailed plan for each of the following categories:

- a. Remote learning;
- b. Hybrid learning;
- c. In-person learning;
- d. Positive Test Results;
- e. Implementation of Safety Measures;
- f. Staff Travel; and
- g. Extracurricular Activities (athletic and non-athletic).

7. Minimum Requirements for Plans: Remote Learning.

All schools must have a plan for remote learning. This plan should be offered to students who cannot, due to medical reasons, return to in-class instruction.

8. Minimum Requirements for Plans: Hybrid Learning.

All schools must develop a plan for potential hybrid learning (e.g., staggered schedules, alternating in-class instruction and online learning, etc.)

9. Minimum Requirements for Plans: In-Person Learning.

- a. Screening protocols. Educational institutions must develop a policy and screening protocols for all individuals entering the building.
- b. Masks/face coverings:
 - i. Every student shall wear a mask/face covering that meets the Centers for Disease Control (CDC) guidelines.

- ii. If a student is not able to wear one, a doctor's note will be required. Should the student be unable to wear a mask, they may be deemed to be at high risk for becoming infected and instructed to participate in distance learning until such time as he/she will be deemed able to wear the appropriate protective equipment by a medical professional such as a doctor or nurse.
 - iii. Adults and staff must wear a mask/face covering while on school property.
 - iv. Students' masks/face coverings shall be provided by the school if the students/their family cannot afford to provide them.
 - v. Students must wear masks/face coverings on the bus or any mode of school-related transportation vehicle.
- c. Physical distancing:
- i. Students must be a minimum of six (6) feet apart from each other at all times.
 - ii. Desks must be spaced a minimum of six (6) feet apart.
 - iii. When possible, desks and tables must all face the same direction.
 - iv. When possible, individuals should not face one another.
 - v. Cafeteria tables must be spaced a minimum of six (6) feet apart and chairs at the cafeteria tables should be placed six (6) feet apart.
- d. Hand hygiene (hand washing and hand sanitizer):
- i. Students and staff are required to exercise hand hygiene upon arrival to school, before eating, before putting on and taking off masks, after using the restroom, and before dismissal.
 - ii. When washing their hands, students and staff must use soap and water to wash all surfaces of their hands for at least twenty (20) seconds.

- iii. Hand sanitizer must be used when washing hands with soap and water is not possible. An appropriate amount of hand sanitizer must be applied to all surfaces of the hands before rubbing hands together for at least twenty (20) seconds. Hand sanitizer must meet the CDC recommended guidelines.
 - iv. Hand sanitizer must be made available in all areas of the school, including but not limited to the cafeteria, teachers' desks, building entrances, classrooms, offices, and school buses.
 - e. Shared Objects. Restrict or discourage the borrowing or sharing of items. This includes toys, electronics, pencils, books, etc.
 - f. Isolation Space.
 - i. A space must be made available that is separate from the nurse's office for students and staff who present with the symptoms of COVID-19.
 - ii. A transportation plan must be developed for students and staff who present with the symptoms of COVID-19 while in the school.
 - g. Personal Protective Equipment Training. All schools must train their staff on the proper technique to apply and dispose of personal protective equipment.
 - h. Schoolwide Cleaning and Disinfection. After students leave for the day the school must be cleaned and sanitized. All surfaces wiped and if needed carpets and rugs washed.
 - i. Transportation. All schools must develop a plan to address transportation concerns.
10. Minimum Requirements for Plans: Positive test results.

All schools must have a plan for positive test results. This plan should include staff, students, and visitors. This should include a way to report the test result(s) to the Community Health Representative (CHR) to initiate contact tracing at a minimum.

11. Other Safety Measures for Educational Institutions for In-person Operations.

- a. An educational institution shall implement, as applicable, the following social distancing, mitigation, and cleaning protocols:
 - i. In addition to maintaining any pre-existing cleaning protocols, clean and disinfect high-touch areas routinely in accordance with guidelines issued by the CDC, in spaces that are accessible to students and members of the public;
 - ii. Maintain pre-existing cleaning protocols for all other areas of the building;
 - iii. Establish protocols for execution upon discovery that the educational institution has been exposed to a person who is a probable or confirmed case of COVID-19 as recommended by the CDC;
 - iv. Provide sufficient amount of space for staff to have breaks and meals while maintaining a social distance of 6 feet, while arranging seating to have employees facing forward and not across from each other in eating and break settings;
 - v. Limit persons in employee common areas (such as locker or break rooms, dining facilities, training, or conference rooms) at any one time to the number of employees that can maintain a social distance of six feet;
 - vi. Conduct meetings and trainings virtually (*i.e.*, by phone or through the internet). If a meeting must be held in person, limit the meeting to the fewest number of employees possible, not to exceed ten employees at one time, and maintain a social distance of six (6) feet;
 - vii. Provide employees access to regular handwashing with soap, hand sanitizer, and disinfectant wipes and ensure that common areas (including but not limited to break rooms, locker rooms, dining facilities, rest rooms, conference or training rooms) are cleaned on a regular basis, including between any shifts;

- viii. Provide masks for employees to wear during their time at the business, and make it a mandatory requirement to wear masks while on the work site, except to the extent an employee is using break time to eat or drink, in accordance with the guidance from the OST Task Force and the CDC. Employers may approve masks obtained or made by employees in accordance with CDC or OST Task Force guidance;
 - ix. Ensure that the facility has a sufficient number of employees to perform all measures listed effectively and in a manner that ensures the safety of the public and employees;
 - x. Ensure that the facility has a sufficient number of personnel to control access, maintain order, and enforce social distancing of at least six feet;
 - xi. Ensure that notice is provided that non-essential visitors should not enter the premises; and
 - xii. Ensure that all employees are made aware of these required procedures.
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- b. School buildings shall be closed to the public, except for parents or guardians. Non-parent or guardian members of the public shall not be permitted in the building, except by appointment only.
 - c. Schools shall limit occupancy to no greater than 50% of the number stated on the applicable certificate of occupancy at any given time, and mandate social distancing for both students and staff.
 - d. Require all individuals to wear masks while on premises, and deny entry to individuals not wearing masks, unless the school is providing medication, medical supplies, or food, in which case the school must provide alternative methods of pick-up or delivery of such goods; however, individuals who cannot wear a mask due to a medical condition (including children under the age of 2 years per CDC guidance) may enter the premises and are not required to provide documentation of such medical condition.
 - e. Schedule handwashing breaks for staff and students at least every hour.

12. Minimum Requirement for Plans: Staff Travel

Each school shall include a safety plan for any staff traveling more than one hundred and fifty (150) miles to the Reservation from a known hotspot or other area with high community spread self-quarantines for the CDC-recommended amount of time upon arrival.

Each school shall also include any other directives or requirements it has on staff travel to and from the Reservation.

13. No Extracurricular Athletic Activities for the Fall 2020 Semester, Except for Golf, Cross-Country, Practices and Workouts.

No extracurricular athletic activities of any kind except for golf and cross-country - which are deemed low risk sports - and practices and workouts shall be permitted for the Fall 2020 Semester. Other sports not included in this Ordinance may be permitted by separate Tribal Council Ordinance.

a. Plans for Golf, Cross-Country, Practices and Workouts Must Contain Provisions for all the Following:

- Pre-participation exams
- Facilities cleaning
- Entrance/Exit Strategies
- Pre-Workout Screening
- Hygiene Practices
- Hydration/Food
- Travel
- Face Coverings
- Limitation on Gatherings
- Physical Activity and Athletic Equipment
- Weight Rooms
- Locker Rooms and Athletic Training Areas
- Shower areas and towel cleaning.
- Time Frame to Prepare Athletes to Return to Physical Activity

b. Minimum Standards. The following minimum standards are required in each plan:

- Social Distancing Requirements shall always apply.
- No person-to-person contact.
- Groups of more than ten (10) individuals are not permitted.

- Cleaning schedules must require wiping down and sanitization of hard surfaces.
- Hand washing requirements for individuals before touching any surfaces.
- Limit groups from gathering at entrances and exits.
- All coaches and students should be screened daily for signs or symptoms of COVID-19 and responses recorded.
- Water bottles and food must not be shared.
- Avoid statewide travel when possible.
- Facial covering guidelines should be followed.
- No shared athletic equipment.
- All athletic equipment, including balls, should be cleaned after each individual use and prior to the next workout.

14. Extracurricular Non-Athletic Activities for the Fall 2020 Semester Permitted on a limited basis.

Extracurricular non-athletic activities shall be permitted for the Fall 2020 Semester on a limited basis if all of the following apply:

- a. All social distancing requirements for regular classroom activities apply.
- b. No student travel outside of the campus for such extracurricular activities shall be permitted.
- c. Not gatherings of more than ten (10) individuals in an area shall be permitted.
- d. If a student involved in such activity tests positive for COVID-19, that extracurricular activity shall be suspended pending resolution of the COVID-19 positive test.

15. Resumption of Athletic and Non-Athletic Extracurricular Activities

The Tribal Council shall adopt an Ordinance governing extracurricular activities for the Spring 2021 semester.

16. Graduations and Awards Banquets

The safest option for graduations and awards banquets is for everyone to stay at home. However, given the importance of this milestone, graduation ceremonies are permitted to the extent that follow the requirements set forth herein.

a. Minimum Requirements.

- Social Distancing Requirements shall always apply.
- No person-to-person contact during any ceremony. Individuals may not hand students their diplomas, or any other items, or shake graduates' hands.
- Schools shall provide personal protective equipment to employees for the activity being performed.
- Persons having high-risk factors to contract the virus should stay at home.
- There shall be no refreshments to prevent areas of congregation and additional areas to monitor.
- Ensure facilities are accessible for persons with disabilities and provide all necessary accommodations for students with special needs.
- Groups of more than ten (10) individuals are not permitted.
- Individuals shall wear facial coverings in public places when interacting in-person with others who are not members of their household. (Except for those exempted due to age or health conditions.)

b. Permitted options. The following graduation models are permitted, provided other requirements are met:

- Virtual Ceremonies.
- Prerecorded Videos.
- Gallery Drive.
- Drive-through.
- Drive-In.
- Recorded or Livestreamed Individualized Ceremony at School.

- c. Submission of plans. Each school shall submit their proposed graduation plans to the Education Committee at least fourteen (14) days prior to the planned graduation event(s). The Education Committee shall review the proposed plans and either approve or deny the plans. A denied plan may be revised and resubmitted for approval. No graduation events shall occur absent an approved plan."


and,

BE IT FURTHER ORDAINED, that the Oglala Sioux Tribe Educational Institutions COVID-19 Health Order shall remain in effect until it is specifically rescinded and shall not be automatically rescinded if the Shelter-In-Place Ordinance is rescinded or amended, and

BE IT FURTHER ORDAINED, that this Ordinance shall go into effect immediately and shall supersede, repeal, and replace all prior, inconsistent laws of the Oglala Sioux Tribe.

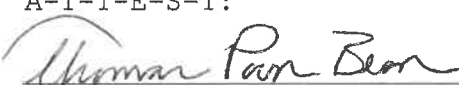
C-E-R-T-I-F-I-C-A-T-I-O-N

I, as the undersigned Secretary of the Oglala Sioux Tribal Council of the Oglala Sioux Tribe, hereby certify that this Ordinance was adopted by a vote of: 17 For; 1 Against; 0 Abstain; and 2 Not Voting; during a REGULAR SESSION held on the 1ST day of SEPTEMBER, 2020.



JENNIFER SPOTTED BEAR
Secretary
Oglala Sioux Tribe

A-T-T-E-S-T:



THOMAS POOR BEAR
Vice-President
Oglala Sioux Tribe