



Are We All Ready to Open the School House Doors?

Thirty (30) Common Questions and Answers for Wisconsin K-12 Administrators

The 2021-2022 school year is upon us, and school districts are once again inundated with challenges related to the COVID-19 pandemic. Front and center remain issues related to masking, contact-tracing, close-contact quarantines, local policy making and health officer orders, testing, and vaccination. Constantly evolving guidance from multiple sources, whether it be from the Centers for Disease Control and Prevention (“CDC”), the American Academy of Pediatrics (“AAP”), the Wisconsin Department of Health Services (“DHS”), or local health officers (“LHOs”), can lead to new questions or revive previously-settled issues. A road-map to guide school district decision-making can be developed through application of a school board’s inherent statutory authority, thoughtful board and district policies, and adherence to precedent.

WASBO has received numerous questions surrounding these topics and engaged in extensive discussions with many district stakeholders. We have relayed questions and challenges our members are facing with the School Law team at von Briesen & Roper, who agreed to team up with us to produce this piece. This Q & A overview seeks to provide further clarification and guidance to school districts related to the hot button health and safety (and let’s be clear—political) issues that continue to rule the day, to allow school districts to safely and effectively return to school.

This overview is not intended to be legal advice nor should it replace conversations you have already had with your own lawyers. Please engage with your lawyers to make sure you are aware of the sometimes tricky legal questions our present circumstance reveals. If you have additional questions, please don’t hesitate to contact us or von Briesen.¹ And, as always, we love hearing from all of you regarding strategies for success – please feel free to share.

AUTHORITY FOR IMPLEMENTING MITIGATION STRATEGIES

Q1: Is a school district required to comply with guidance issued by the CDC, AAP, DHS, DPI, or any other federal or state authority?

A1: Generally speaking, no (from a purely legal standpoint.) The guidance issued by the CDC, AAP, DHS, DPI, or any other federal or state authority is just that...guidance. While a school district is not legally obligated to comply, as with all guidance, school districts should evaluate all information with an eye toward what is best for their school district based upon the information

¹ Contact information for the von Briesen School Law team can be found at <https://www.vonbriesen.com/our-services/practice-areas/544/school-law>.



and data available to that specific district, and in consultation with the district's local health officer and legal counsel.

Q2: What authority exists to allow a school district to make rules relative to masking?

A2: Under Sections 118.001, 120.12(1), 120.13, 120.13(1), and 120.13(35)(a), Wis. Stats., among other statutory provisions, public school districts have broad authority with regard to establishing policies and rules to manage the school district. Through these statutes, school boards have wide discretion to implement policies and rules applicable to students, employees, and others who enter school district buildings. A school district may conclude that masking is required to protect the health, safety, and welfare of all who enter district buildings and premises. Not only can a school district implement a policy requiring masks (provided an exception exists for legitimate medical or religious exemptions), but a school district can also enforce the policy.

Q3: May a school board delegate authority to the school district's superintendent for mitigation strategy decision making?

A3: Yes, pursuant to a school board's broad statutory authority, as set forth above, a school board has the ability to establish policies and rules, such as a rule delegating mitigation strategy decision making to the district's superintendent. As well, Wis. Stat. § 118.24(2)(a), provides that a superintendent, under the direction of the employing school board, has general supervision and management responsibility. In the event a school board wishes to delegate COVID-19 mitigation strategy decision making to the superintendent, best practices dictate the school board establish policy codifying such delegation of authority. School boards (and superintendents for that matter) should exercise caution in making delegation decisions, as the political and public relations considerations relating to such delegation may impact the District as well.

Q4: Can a school board reverse a previous decision regarding masking?

A4: In the absence of a rule prohibiting it, this situation is really no different than a board revising, supplementing, or updating any other district policy. Pursuant to the school board's broad statutory authority, the school board may reverse a prior decision regarding masking. If a school board wants to revisit the masking policy, it is important to remember a school board must ensure compliance in all respects with the Open Meetings Law with respect to providing notice of the meeting at which such masking decision will be made. The notice must reasonably notify the public of the subject of the meeting—that is, the notice must provide reasonable notice of the school board's intention to discuss and possibly take action with respect to a board rule relative to masking.

MASKING



Q5: Is a school district required to grant an exemption from a mask mandate for a pupil for medical reasons?

A5: Under Title II of the ADA and under Section 504 of the Rehabilitation Act of 1973, school districts are required to make reasonable modifications to their policies, practices, and procedures to ensure that students with disabilities have an equal opportunity to participate in educational opportunities and school activities. A school district would be required to modify its masking policy if: (1) the policy would prevent the student with the medical condition from participating in academic or non-academic school events and (2) if the modification to the masking policy was a reasonable accommodation. This determination must be made on a case-by-case basis.

Q6: Are school officials able to verify a claim that a student has a medical condition that prevents the student from wearing a mask?

A6: Yes. School officials should verify the existence of a medical condition that prevents a student from wearing a mask using the same procedures for addressing other medical conditions. To verify the need for a medical exemption from a mask mandate, the school nurse or other school official may contact the student's physician or therapist who recommended the exemption. FERPA permits a school nurse or other school official to disclose personal identifying information ("PII") from a student's education record without parental consent (when the student is under age 18) to a third party to verify information that is contained in the record created by that third party, as long as other PII from the student's education records is not disclosed without written consent. This disclosure is allowed, because the definition of "disclosure" in FERPA permits the targeted release of information back to the source for verification purposes.

Likewise, HIPAA permits a health care provider to disclose personal health information ("PHI") about a student without parental consent (when the student is under age 18) to a school nurse, physician, or other health care providers for several purposes, one of which is treatment purposes. Under this exception, the student's health care provider may discuss the student's medications and other health care needs with the school nurse who will administer medications or provide care to the student while the student is at school. Therefore, when the school nurse contacts the physician to verify the recommendation or health care instruction that the student be exempted from a mask mandate, the physician or therapist will be able to confirm and discuss the recommendation/instruction to the extent necessary to ensure the student receives appropriate care at school.

Q7: Must school officials verify a claim that a student needs a medical exemption from a mask mandate?

A7: It is important to verify the need for a medical exemption, because other individualized plans involving this student may need to be revised to reflect the modification to the mask mandate. For



example, if a student has a medical diagnosis affecting breathing, the student may already have a medical management plan (“MMP”) from their physician and an individual health care plan (“IHCP”) or 504 Plan on file with the district, which would have been developed based on the physician’s MMP. If the student has an IHCP or 504 Plan at school, the nurse should request that the physician update the MMP to reflect the mask recommendation. Then the student’s IHCP or 504 Plan at school can be updated, as well. As a cautionary reminder, a 504 Plan (and an IHCP when it serves as the 504 Plan) cannot be developed or revised solely by the school nurse, so the statutory procedures for revising 504 Plans must be followed.

Further, verifying the medical exemption ensures accurate and appropriate revisions will be made and that exemptions will be granted only to the extent necessary. The nurse’s verification with the physician or therapist may lead to the nurse obtaining an MMP with a narrower and more specific (and more appropriate) exemption. Perhaps, for example, a student with asthma might have days or circumstances when they are able to wear a mask and limited circumstances when they cannot. The student’s plans and exemptions should be tailored to those specific situations.

Q8: What if the school is able to verify the physician’s or therapist’s recommendation for an exemption to a mask mandate, but the need for an exemption is not related to a medical issue?

A8: If the school receives a physician’s recommendation that a student not wear a mask, but the relationship to a medical issue is not readily apparent, having a school nurse or school official contact the physician to verify the recommendation could also help clarify the underlying need for the exemption-- that, is whether a mask is actually medically unsafe for the student. The recommendation could have been made so that a student with ADHD, autism, or a sensory processing disorder, for example, would not be disciplined for failing to comply with the mask mandate. Under those circumstances, any necessary exemption, services, and/or supports will be determined on a case-by-case basis by the IEP team. The IEP team must consider the physician’s opinion and recommendation when reviewing and revising the student’s IEP, but the team is not bound by the physician’s opinion/recommendation on how to educate the student (provided a member of the IEP team includes someone with the requisite level of expertise on that particular issue (e.g., autism, sensory processing disorder, or trauma). When appropriate, IEPs should include services and supports that will enable a student to wear a mask or help the student tolerate a mask.

As school districts verify mask exemptions and revise 504 plans and IEPs accordingly, districts should also consider how to protect others who will be working with or having contact with a student without a mask. Districts should consider the extent of the contact that will occur between that student and others and implement other measures as necessary to ensure a safe work and learning environment.



Q9: Is a school district required to grant an exemption from a mask mandate to a pupil for religious reasons?

A9: Not necessarily. Generally speaking, school districts are required to accommodate requests for exemption from mask mandates on the basis of sincerely held religious beliefs. That said, a school district may be able to wholly deny requests for religious accommodation based on longstanding precedent recognizing that religious activities may be regulated where a government, such as a school district, has a substantial interest in limiting activities that endanger public health and safety, and where a rule, such as a mask mandate, is neutral and generally applicable and supported by a rational government interest. A school district should consult with legal counsel to determine which approach best serves the needs of the district.

Q10: May a student be disciplined for failure to comply with a school district's rules regarding masking?

A10: A school board needs to ensure a safe and healthy environment for learning. If a student does not wear a mask in accordance with school district rules, then a school board has authority under Wis. Stat. § 120.13(1) to discipline and, if necessary, expel students for repeated violations of school rules and for engaging in conduct while on school property or under school supervision that endangers the health, safety, or property of others. A board also has the authority to remove a student from a classroom or other school environment if the student refuses to wear a mask (in such situations, the district could unilaterally assign the student to virtual instruction). If a student presents a legitimate exception, such as a medical or religious need, then those should be dealt with on a case-by-case basis (oftentimes in conjunction with an IEP or 504 Team); however, for those simply refusing to wear a mask, a board has the ability to institute a policy and then enforce that policy to the degree necessary to ensure the health and safety of the school community.

Q11: Is a school district required to grant an exemption from a mask mandate for a staff member for medical reasons and what is the process to do so?

A11: A school district may be required to grant an exemption from a mask mandate. The ADA requires employers, such as school districts, in certain circumstances, to provide reasonable accommodations to employees due to an employee's disability. A school district will be required to determine whether it is a reasonable accommodation to make an exception to its workplace rule mandating masking, for an employee's disability. Such a determination will require a school district to engage in the interactive process.

A school district should request information from the employee's health care provider as to possible accommodations and exemption from the masking requirement. A medical certification of both the underlying health condition and the necessity of an accommodation is needed to support a request to be excused from a masking requirement.



A school district may also ask questions of the employee to determine the employee's need for a reasonable accommodation. Such questions may include: (1) how the disability creates a limitation, (2) how the requested accommodation will effectively address the limitation, (3) whether another form of accommodation could effectively address the issue, and (4) how a proposed accommodation will enable the employee to continue performing the "essential functions" of the job.

If a reasonable accommodation is required, the school district must provide it unless it would pose an undue hardship, meaning significant difficulty or expense. Note, however, that the school district has the discretion to choose among effective accommodations. Where a requested accommodation would result in undue hardship, the school district must offer an alternative accommodation if one is available absent undue hardship.

Q12: Is a school district required to grant an exemption from a mask mandate for a staff member for religious reasons and what is the process to do so?

A12: Generally speaking, school districts must offer reasonable accommodations to employees who are unable to wear a mask due to a sincerely held religious belief, practice or observance if such accommodation will not result in undue hardship. School districts should assume requests for religious accommodations are sincere; if an objective basis exists to doubt the sincerity of the request, a school district may request supporting information.

If an employee informs the employer that a religious belief, practice or observance prevents the employee from wearing a mask, a school district must engage in the interactive process with the employee to evaluate the employee's claim for religious exemption and to evaluate whether a reasonable accommodation is possible, absent undue hardship. "Undue hardship" must involve more than a minimal cost or burden on the school district.

It is important to note, however, that a school district's duty to accommodate religious beliefs is not nearly as extensive as the similar requirement under the ADA. A school district may determine that not wearing a mask is not an option and that a face shield is not a reasonable accommodation for a staff member who is standing over/around students all day. What a school district may implement as a reasonable accommodation for religious beliefs is to allow an employee to use unpaid leave.

CONTACT TRACING

Q13: What are the current recommendations regarding a school district's obligation to engage in contact tracing?



A13: School districts should consult with the LHO regarding contact tracing. COVID-19 is a Category I communicable disease (as are measles and whooping cough, for example). For Category I communicable diseases, Wisconsin law provides that a “Source investigation by local or state health department is needed.” Contact tracing satisfies a local health officer’s requirement for investigation. Wisconsin law also prohibits anyone from interfering with a local health department’s investigation. Thus, in order to comply with the statutory requirements related to communicable disease mitigation, school districts should cooperate with and follow the recommendations of their LHO with respect to contact tracing.

It is important to note the role of DHS and LHOs has been the subject of litigation in the past 18 months. One of the concepts emanating from those cases relates to an LHO’s legal ability to enforce his or her order. While there is a mechanism for an LHO to seek a judicial order regarding contact tracing according to the process in Wis. Admin. Code Chap. DHS 145, an LHO has no independent authority to levy a fine/forfeiture against a school district.

CLOSE CONTACT QUARANTINES

Q14: What are the current recommendations regarding which individuals are subject to close contact quarantine?

A14: School districts should communicate with the LHO regarding quarantine recommendations. Currently, CDC and DHS quarantine guidelines are based in part on vaccination status. Because COVID-19 vaccination status reporting is voluntary, DPI encourages districts to seek parent/guardian permission to access student COVID-19 vaccination status via the state’s immunization registry (WIR.)

According to DHS, close contact has occurred if any of the following situations occurred while an individual (student, teacher, or staff person) spent time with the person with a confirmed or probable case of COVID-19, even if they did not have symptoms during their infectious period:

- Had direct physical contact with the person (e.g., a hug, kiss, or handshake).
- Had contact with the person's respiratory secretions (e.g., coughed or sneezed on; contact with a dirty tissue; shared a drinking glass, food, towels, or other personal items).
- Lives with or stayed overnight for at least one night in a household with the person, unless strict separation was maintained. This includes no shared bathroom, bedrooms, or spaces.
- Were within 6 feet of the person for more than 15 minutes. This includes single encounters of more than 15 minutes OR multiple encounters within a single day adding up to more than 15 minutes.

DHS provides as an exception in the K–12 indoor classroom setting that the close contact definition excludes students who were within 3 to 6 feet of an infected student if both students were engaged in consistent and correct use of well-fitting masks. However, the exception does



not apply to teachers, staff or other adults in classroom setting. Other exceptions may apply to school-based health care professionals. <https://www.dhs.wisconsin.gov/publications/p02757.pdf>

Q15: Is a school district required to comply with recommendations for close contact quarantine?

A15: School districts should remain in communication with their LHO and the LHO's recommendations for close contact quarantine. As set forth above, an LHO has no independent authority to levy a fine/forfeiture against a school district for refusing to comply with the LHO's orders. Instead, the enforcement process associated with LHO orders is contained in Wis. Admin. Code Chap. DHS 145 and could include a court process whereby the LHO requests a judge to order compliance. However, any time a district refuses to follow advice from an LHO, there may be liability and insurability concerns. A district should contact its legal counsel and liability carrier any time it considers departing from the recommendations of the LHO.

Q16: If our local municipal board adopts an ordinance/resolution mandating masking in the municipality, is the school district required to comply with such ordinance/resolution?

A16: If the rule is codified in an "ordinance" (a local law), then yes. Just as is the case with any local ordinance, under Wis. Admin. Code § PI 8.01(2)(i), school districts are required to comply. But unlike ordinances, resolutions do not carry the force of law. If there are questions regarding application or enforcement of a local ordinance or resolution, school districts should contact local law enforcement.

COVID-19 TESTING

Q17: May a school district mandate random or scheduled testing of students?

A17: Perhaps. A school district may mandate random COVID-19 testing of students, but must receive prior written consent of a parent/guardian authorizing such testing. Given the current contentious environment surrounding the COVID-19 pandemic, rather than attempt to obtain written consent and mandate testing of students, a school district may wish to consider providing voluntary testing options through the DHS/DPI COVID-19 K-12 School Testing Program as one mitigation strategy that is part and parcel of a school district's larger COVID-19 safety plan. Such testing options can be accessed [here](#).

Q18: May a school district mandate random or scheduled testing of staff?

A18: COVID-19 tests are "medical" under the ADA and are prohibited, absent a qualifying exception. One such exception provided by the EEOC is that employers, such as a school district, may require medical testing where it is "job-related and consistent with business necessity."



Therefore, school districts may screen employees entering the workplace for COVID-19 because someone with the virus poses a direct threat to others' health.

A school district should consider whether implementation of random or scheduled testing is feasible and in keeping with the culture of the district. Rather than impose random or scheduled testing of staff, a school district may be better served to implement a self-screening protocol requiring staff to self-monitor for COVID-19 symptoms.

Q19: May a school district mandate random or scheduled testing for all unvaccinated staff without requiring random testing for vaccinated staff?

A19: School districts should exercise caution in drawing a line between vaccinated and non-vaccinated employees. That said, a school district may require that employees either provide proof of vaccination or periodic proof of a negative COVID test—that is, submit to testing. However, as stated above, a school district should consider whether a policy requiring proof of vaccination or periodic testing is feasible and consistent with the culture of the district. If not, self-screening protocols may be an alternative.

Further, a school district may ask all employees who will be entering the workplace if they have COVID-19 or any of the symptoms associated with COVID-19 and may lawfully choose to test employees for COVID-19 and require a negative COVID-19 test before permitting employees to enter the workplace. A word of caution: since a COVID-19 test is considered a medical examination, if an employer, such as a school district, wishes to require only a particular employee to undergo screening or testing, the ADA requires that the school district have a reasonable belief based on objective evidence that the employee might have the virus before requiring the test.

COVID-19 VACCINATION

Q20: May a school district mandate that all eligible staff be vaccinated?

A20: The EEOC has advised that employers may mandate COVID-19 vaccination, as long as employers comply with the reasonable accommodation provisions of the ADA and Title VII of the Civil Rights Act of 1964 and other EEO considerations. Thus, school districts may mandate the COVID-19 vaccination for all staff, but must allow for exemptions for disabilities, sincerely-held religious beliefs, and pregnant women. Employers, such as school districts are not, however, required to provide exemptions for political beliefs or personal convictions. School districts may not exclude disability-related unvaccinated employees from the workplace unless no reasonable accommodations are available and the employee's presence in the workplace poses a direct threat to health and safety.

School districts must remain mindful that some individuals or demographic groups may face greater barriers to receiving a COVID-19 vaccination than others and therefore, some employees



may be more likely to be negatively impacted by a vaccination requirement. Because of these disparate impact concerns, employers may be required to respond to allegations that a facially-neutral, non-discriminatory COVID-19 vaccination requirement constitutes a disparate impact on a protected group, such as minorities. It is also unlawful for an employer, such as a school district, to apply a mandatory COVID-19 vaccination policy to employees in a manner that treats employees differently based on disability, race, color, religion, sex (including pregnancy, sexual orientation and gender identity), national origin, age, or genetic information, unless there is a legitimate non-discriminatory reason.

Q21: May a school district incentivize staff into receiving the COVID-19 vaccine?

A21: Yes. School districts may offer bonuses and other incentives to employees to encourage them to voluntarily receive the COVID-19 vaccination from a third party not acting on the school district's behalf. Federal EEO laws do not prevent or limit employers from offering such incentives. Employers or their on-site agents who administer vaccines to their employees may offer incentives for employees to get vaccinated, as long as the incentives are not coercive. Incentives that have been found to be non-coercive include water bottles, modest value gift cards, and the like.

School districts must also remember that accommodations must be provided for employees who are unable to be vaccinated due to disability, sincerely held religious belief, or pregnancy.

Q22: May a school district require employees to provide proof of the COVID-19 vaccination?

A22: Yes. School districts may require employees to provide proof of a COVID-19 vaccine. The EEOC has stated that simply asking whether an employee has received a COVID-19 vaccine is not a disability-related inquiry. Subsequent questions could constitute disability-related inquiries such that a school district must exercise caution in the nature of the questions asked. Asking why the employee did not receive the vaccine, for example, may elicit information about a disability. In order to avoid ADA implications, the EEOC advises that if an employer, such as a school district, requires proof of vaccination, the school district should warn the employee not to provide any medical information as part of the proof of vaccination. Moreover, the school district should similarly warn the employee not to provide genetic information as part of the proof, as such warning will render any receipt of genetic information inadvertent under GINA.

Q23: May a school district mandate that students receive the COVID-19 vaccination in order to attend school?

A23: No. A school district may not mandate that students receive the COVID-19. Currently, state statute and administrative rules include immunizations against a dozen illnesses for kids going to school, including immunization against whooping cough and measles to tetanus and Hepatitis B.



In order for the COVID-19 vaccine to be required for students, only the Legislature through state statute or DHS through administrative rule may issue such mandate.

Q24: What information may a school district request as proof of COVID-19 vaccination status?

A24: Generally speaking, requesting employees to show their COVID-19 vaccination card, pharmacy records, or entry of the COVID-19 vaccine into the WIR are permissible forms of proof of vaccination. School districts must exercise caution in proceeding with inquiries beyond merely proof of vaccination status, as such inquiries may be deemed disability-related inquiries in violation of the ADA.

Q25: How must a school district maintain vaccination records?

A25: If a school district chooses to obtain vaccination information from their employees, such as vaccination cards or other vaccination documentation, such information should be considered confidential pursuant to the ADA and should be kept separate and apart from employee personnel files.

Q26: May a school district provide educational information to staff, students, families, and community members regarding the COVID-19 vaccine?

A26: Yes. School districts may provide employees, students, families, and community members with information that educates them about COVID-19 vaccines and raises awareness about the benefits of the COVID-19 vaccination. Updated CDC guidance also highlights federal government resources available to those individuals seeking more information about how to get the COVID-19 vaccination.

Q27: May a school district share vaccination status or rates with staff, students, parents, or the community?

A27: Vaccination status and documentation related to vaccination status is confidential and state and local privacy laws may be implicated. Generally speaking, school districts may not disclose vaccination status to staff, students, parents, or the community.

As to vaccination rates—that is, for example, what percentage of school staff have been vaccinated—school districts must exercise caution in releasing such information. While the statistics themselves may not be a disclosure of confidential information, if the rates allow for the personal identification of the status of an individual or group of individuals, vaccination rates should not be disclosed.



While Districts track student vaccination rates for vaccines required under Wisconsin law, it is unlikely a district will have accurate data regarding COVID-19 vaccination rates for vaccine eligible students. Because the COVID-19 vaccine is not required under Wisconsin law, students are not required to report their COVID-19 vaccination status, so any data on student COVID-19 vaccination rates that a district does have will likely be inaccurate.

Also, as a reminder, when responding to a public records request, a school district is not obligated to create a record that does not exist or conduct research or analysis to prepare a record for a requester. Therefore, if a public records request is made for COVID-19 vaccination rates, but the school district does not have that record or data compiled, then the school district does not need to perform this research and analysis or compile this data for the requester.

VISITORS

Q28: May a school district mandate that all visitors to school be vaccinated or mandate masking if unvaccinated?

A28: A school district may mandate that all eligible individuals be vaccinated in order to gain entry to District property. A school district may further require that those who are ineligible to be vaccinated (such as those under the age of 12) or those who simply have not received the COVID-19 vaccination must wear a mask to gain entry to District property. While the law may allow for the imposition of a vaccination mandate for all visitors, there are legal and practical issues surrounding this strategy, including, but not limited to, the logistics of verifying compliance and the potential push-back from staff and the community. Therefore, it would be simpler and far less intrusive (and risky) to implement a mask mandate for all visitors without regard to vaccination status.

Q29: May a school district require proof of vaccination for all visitors upon entry to school premises?

A29: Yes, a school district may require proof of vaccination status upon entry to school premises for all visitors who are eligible for COVID-19 vaccine. However, again, there are legal and practical issues surrounding this approach, and it would be simpler and far less intrusive to implement a mask mandate for all visitors without regard to vaccination status. Per the most up-to-date CDC guidance, schools should limit nonessential visitors, volunteers, and activities involving external groups or organizations with people who are not fully vaccinated, particularly in areas where there is moderate-to-high COVID-19 community transmission.

Q30: May a school board that has implemented a masking or vaccination requirement prohibit visitors from entry upon school premises if an individual refuses to wear a mask or comply with a vaccination requirement?



A30: As to all individuals, a school may prohibit access to District property under the authority granted by Wis. Stat. § 120.13(35), which provides authority for a school board to adopt rules applicable to all individuals who enter into district buildings. Thus, a school board may implement a masking policy or vaccination requirement for all individuals entering district buildings. In conjunction with such policy, a school district may prohibit entry to individuals who refuse to wear a mask or comply with a vaccination requirement. If an individual requires a legitimate medical or religious exemption, the Board may provide alternative arrangements to allow the individual to conduct school district business. For individuals who need to conduct business, an alternative arrangement may be for such business to be conducted online or via telephone. For individuals wishing to attend school district events, athletics, or activities, an alternative arrangement could consist of live-streaming the particular event or activity.