

September 20, 2022

Dear Outside Organization of Banks School District Facilities:

This letter is to inform you that in order to approve the facility use request for your organization, you will have to do the following based on the vaccination mandate issued by Governor Brown. According to OAR 333-019-1030, enacted on August 25, 2021, all school-based program staff and volunteers must provide proof demonstrating they are fully vaccinated by October 18, 2021. In the alternative, staff and volunteers of school-based programs must demonstrate they have received an approved medical or religious exception. If exceptions are granted, additional protocols will need to be implemented to assure student safety.

The Administrative Rule defines a "school-based program" as a program serving children or students that takes place at or in school facilities. This includes all organizations that use our indoor or outdoor facilities. The rule covers all staff members, volunteers, and contractors over the age of 16. The rule further obligates organizations such as yours to collect documentation that covered individuals have been fully vaccinated.

In order to be approved for facility use, your organization will have to sign a statement of assurance and return to the Banks School District attesting that the organization is following ORS 333-019-1030. I would not take this lightly. By attesting to this for your organization, your organization is liable to the fines that come with ORS 333-109-1030.

Our goal is to keep our students safe and be able to complete our school year in-person. When outside organizations are working with our students, it is important that they follow mask mandates and vaccination mandates. Failure to do so will result in a potential spread and outbreaks in our schools that could result in cancelling of sports and activities and the potential to disrupt in-person learning for our students. Failure to follow these mandates will also result in cancellation of your Banks SD facility use.

Thank you for your attention to this matter and let me know if you have any questions.

Brian Sica  
Superintendent  
Banks SD

## BANKS SCHOOL DISTRICT

### Facility Use Liability Release and Hold Harmless Addendum (Communicable Diseases including COVID-19)

Name of User (User): \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_

Facility being Requested: \_\_\_\_\_

Date of Use: \_\_\_\_\_

**Communicable Diseases Including COVID-19:** The novel coronavirus (COVID-19), has been declared a worldwide pandemic by the World Health Organization. COVID-19 is extremely contagious and is believed to spread mainly from person-to-person contact. While rules, guidance, and personal discipline may reduce this risk, the risk of serious illness and death does exist. **Banks School District (District) cannot completely mitigate the transfer of communicable diseases like COVID-19. The User understands there is some risk associated with using District facilities and assumes said risk. Use of District facilities includes possible exposure to and illness, injury, or death from infectious diseases including COVID-19.** The User understands the hazards of COVID-19 and is familiar with the Centers for Disease Control Prevention (CDC) guidelines; and federal, state, and local orders regarding COVID-19. The User acknowledges that it understands the circumstances regarding COVID-19 and will take all necessary precautions as provided by the CDC and federal, state, and local governments, this includes but is not limited to, following all masking and vaccination requirements.

**Proof of Vaccination:** As of October 18, 2021, User staff and volunteers, who are age 16 and older, and have direct contact with children or students, must submit proof of vaccination or documentation of a medical or religious exception 5 business days prior to entry on to school property. At the District's discretion, the organization may provide a "Statement of Assurance" that the organization is following OHA Rule PH.39-2021. "Proof of vaccination" means documentation provided by a tribal, federal, state, or local government, or a health care provider, that includes an individual's name, date of birth, type of COVID-19 vaccination given, date or dates given, depending on whether it is a one-dose or two-dose vaccine, and the name/location of the health care provider or site where the vaccine was administered. Documentation may include but is not limited to a COVID-19 vaccination record card or a copy or digital picture of the vaccination record card, or a print-out from the Oregon Health Authority's immunization registry. Medical and religious exceptions may be denied by the District if (1) the exception would constitute an undue hardship on the operation of the District;

(2) pose a direct threat to health or safety; or (3) the District determines, at its sole discretion, that the request does not meet the criteria for a medical or religious exception.

**Indemnification:** In consideration for use of the Banks School District's (District) property, the **User agrees to waive and discharge any and all claims against the District and release it from liability for any loss regardless of cause**, including claims for any negligent actions of the District or its employees or agents and any and all claims, demands, lawsuits, judgments, losses, or expenses of any nature arising out of User's failure to follow the CDC, federal, state, or local orders or guidance regarding COVID-19 and that leads to, directly or indirectly, the infection of COVID-19 or any other illness or injury related to COVID-19, to the fullest extent allowed by law, for User, its members, employees, agents, contractors, suppliers, or guests. The User also agrees to release, exonerate, discharge and Hold Harmless the District, its Board of Directors, the individual members thereof, and all officers, agents, employees, volunteers, and representatives from all liability, claims, causes of action, or demands, including attorney fees, arising out of injuries of any kind to User, or to its property, or losses of any kind which may result from or in connection with the use of the District's facility, up to and including injuries stemming from the negligent actions of the District or its employees or agents. **The User certifies and represents that it has the legal authority to waive, discharge, release, and hold harmless the released parties on behalf of itself and its members, employees, agents, contractors, suppliers, or guests.**

**Insurance:** The User understands that the District does not carry insurance for communicable diseases including COVID-19 and the User is financially responsible for any injuries arising from the User's activities and use of District facilities that are sustained by any communicable disease, including but not limited to, COVID-19.

**COVID-19 Termination:** Banks School District may terminate this Agreement immediately and without notice if it is found that the User has failed to follow any regulations, orders, or guidance as provided by the CDC and federal, state, and local governments. Either the District or User may cancel this Agreement in the event of a COVID-19 related reason. In the event the User terminates this Agreement, the User remains responsible for the full amount of the facility use fee and this money will not be refunded to the User.

**User certifies to have read this document and fully understands its contents.**

Signature of Facility User or Authorized Representative:

\_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_



**BANKS SCHOOL DISTRICT**  
**12950 NW Main St.**  
**Banks, OR 97106**  
**503-324-8591**

Brian Sica, Superintendent

## **Contractor/Facility Use Statement of Assurance**

### **COVID-19 Staff Vaccinations**

On August 19, 2021, the governor of Oregon directed the Oregon Health Authority (OHA) to issue a rule (created under statutory authority: ORS 413.042, ORS 431A.010, ORS 431.110 & ORS 433.004) requiring all teachers, educators, support staff, volunteers and contractors in K-12 schools to be fully vaccinated against COVID-19 by October 18, 2021. OHA has subsequently issued temporary administrative order PH 39-2021, effective August 25, 2021, to enact the governor's directive.

Employees / Volunteers need to be fully vaccinated to mitigate the spread of COVID-19 or submit forms to complete a medical or religious exemption. Volunteer / Contractor / Vendors that grant medical or religious exceptions must take "reasonable steps to ensure that unvaccinated individuals are protected from contracting and spreading COVID-19." Reasonable steps may include weekly testing, a KN95 or N95 mask, additional distancing, face shield in addition to the face mask, a remote workspace, or other steps.

You are receiving this memo because you have been identified as a contractor/vendor/facility user who provides service at or for a school-based program per PH 39-2021. As such, the district needs assurance that you are following the order and obtaining and retaining documented required proof of vaccination for any staff that provide service at school sites or in the presence of students. OHA requires such records to be available for their inspection and retained not less than two (2) years.

We appreciate your service to the district and cooperation with this rule.

I attest that \_\_\_\_\_ is in  
Organization Name

compliance with OHA rule PH 39-2021 as it relates to any staff engaged to provide service at Banks School District sites or in the presence of its students.

\_\_\_\_\_  
Organization Representative Name – Position

\_\_\_\_\_  
Representative Signature

\_\_\_\_\_  
Date