



Does New Legislation Impact Our District's COVID-19 Plans?

Perhaps. [House Bill 271](#) (2021) includes a provision that puts an expiration date on “health orders” issued by “political subdivisions” in response to a contagious disease such as COVID-19. While it is MSBA’s interpretation that this new legislation does not apply to school districts, not all attorneys agree. And there are many politicians looking for headlines that believe that these limitations apply to school district opening plans as well as health departments, cities and county commissions. For that reason, MSBA encourages districts to consider following the legislation or to discuss this new law with the district’s attorney.

The new law does not prohibit your district from enacting an opening plan, nor does it in any way limit the content of the plan, such as requiring masks. What the law does is require governmental bodies to readopt the “health orders” more frequently. The frequency depends on whether the state is under an emergency declared by the governor. If so, any local “health order”/plan will expire within 30 days and can only be reimplemented with a majority vote of the governing body of the political subdivision (four affirmative votes for school boards). Missouri is currently under a declared “emergency” until August 31, and that emergency order may be extended soon.

What should your district do? Once again, MSBA does not interpret the statute to apply to school districts. But given the political landscape, the conservative approach would be to simply readopt any opening plan once a month (or every 21 days if the emergency declaration expires). Alternatively, MSBA encourages discussion with the district’s private attorney. A patron or politician that believes the law applies could sue to invalidate the district’s opening plan. But the real consequence would be the political turmoil generated by such a lawsuit.