

**BOARD OF COUNTY COMMISSIONERS
CHAUTAUQUA COUNTY, KANSAS**

RESOLUTION NO. 2020-10

A RESOLUTION REGARDING THE RIGHTS OF PARENTS

PREAMBLE

WHEREAS, pursuant to Kan. Stat. Ann. 38-141(b) "it shall be the public policy of this state that parents shall retain the fundamental right to exercise primary control over the care and upbringing of their children in their charge;"

WHEREAS, healthcare decisions are among those care decisions over which parents retain the fundamental right to exercise primary control;

WHEREAS, the Chautauqua Board of County Commissioners ("BOCC") supports the rights of parents to make the best decisions for their own children;

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. The Preamble set forth above is incorporated into this resolution as if here fully set forth.
2. Definitions:
 - a. "Child" or "children" means any person or persons under eighteen (18) years of age;
 - b. "Parent" means and includes a natural parent, an adoptive parent, a stepparent or a guardian or conservator of a child who is liable by law to maintain, care for or support the child."
3. Parents have the right to determine whether their children will wear masks.
4. No child shall be excluded from schools or school activities on the basis that the child is not wearing a mask.
5. No child may be disciplined, punished, or segregated from others during the school day or at school activities on the basis that the child is not wearing a mask.
6. **Miscellaneous.**
 - a. **Effective Date.** This resolution shall become effective on August 10, 2020.
 - b. **Severability.** Should any section, clause, or provision of this resolution be declared invalid by a court of competent jurisdiction, such declaration shall not affect the

validity of this resolution as a whole, or any part thereof, other than the part declared to be invalid.

Commissioners present and voting were:

Rodney Shaw	<u>yes</u>
Parker Massey	<u>yes</u>
Jack Carpenter	<u>yes</u>

Dated this 10th day of August, 2020.


**BOARD OF COUNTY COMMISSIONERS
OF CHAUTAUQUA COUNTY, KANSAS**



Parker Massey
Chairman




Rodney Shaw



Jack Carpenter

ATTEST:



Niki Collier, Chautauqua County Clerk