



September 17, 2021

Bellevue School District
12111 NE 1st Street
Bellevue, WA 98005

c/o

Mr. Bret S. Simmons
Simmons Sweeny Smith, P.S.
To email only to: 'bret@ssslawgroup.com'

Bellevue School District:

Based on my present information you are in violation of your own Covid policy. If this is not immediately corrected I shall be regretfully compelled to commence legal action against you on Monday, September 20, to enjoin your action.

Mason Bridges is a fourth grader at Enatai elementary. He attends the Boys and Girls Club after school. The Boys and Girls Club is not a BSD entity. It is an entirely separate, *private*, corporation.

Without addressing the appropriateness or need of either the Bellevue School District Covid policy or the Department of Health school Covid policy that Bellevue school district's policy is modeled under (or whether they comply with the Administrative Procedures Act in their issuance), both policies require quarantine when a student comes within "close contact" with another student at school.

At page 9 of the Department of Health policy where the quarantine provisions are found, the caption indicates: "What to do if Someone Develops Symptoms of Covid 19 while at school." (underline added) *Thereafter*, the quarantine policy is laid out. Quarantining is triggered by contact at school. The policy does not say, what to do if a student comes into contact with an infected person. It says: what to do with contact "*while at school*."

If that type of contact happens "while at school," quarantine is required under the policy for students who come in "close contact (defined as being "within six feet of a person")... for at least 15 cumulative minutes over a 24-hour period of time when the person was infectious." DOH Policy, p. 10-11.

However, the policy expressly says "the close contact definition *excludes* students who are at least three feet away from an infected student when (a) both students were wearing face coverings/masks and (b) other prevention strategies were in place." *Id.* at 11. (italics added)

The Bellevue School District policy expressly indicates it is adopted “in accordance with guidelines from the Washington State Department of Health.” That policy is set forth immediately above. As I read the BSD policy on its website, it appears clear that at least that much is true: what is on the BSD website tracks the state Department of Health policy.

In that procedural backdrop, BSD announced that every single Enatai elementary student who goes to the Bellevue Boys and Girls Club after school, is being ordered to quarantine for 14 days because an Enatai student who also goes to the Boys and Girls Club tested positive for Covid 19.

That was confirmed by the principal by an email at 4:16 PM today. Previously she sent an email regarding Mason Bridges indicating he was *not* a close contact at Enatai. Subsequently, her 4:16 PM email indicated Mason was being ordered quarantined *because of his contact at the Boys and Girls Club*.

This violates BSD’s own policy.

First, it is simply the fact that the Boys and Girls Club is not BSD and coming into contact with somebody outside of the school is not within the quarantining policy of BSD. By its plain terms the policy only applies to contact at school. As an aside, it is indeed troubling that BSD would order a quarantine simply because an outside entity told it something. By that measure, any private person could call BSD and trigger the quarantine policy. There are no safeguards in this regard.

Second, even assuming contact anywhere in the world triggers the BSD policy and even assuming those students came within “close contact” as defined by that policy, there has been no accounting for whether the students came within the *exclusion* of close contact identified above. Indeed, all the communications received today indicate that has been ignored.

From an email from the principal at 3:59 PM she asserts the students were all on the same bus together and therefore, ostensibly, they are assuming close contact. It is completely inappropriate to make that assumption. But even if properly made, it does nothing to address the exception and admits it is being ignored. Clearly the greatest percentage of the children on that bus to fall within the exception. Buses are 45 feet long. The exception does not apply only if a child is within three feet for longer than 15 minutes in a 24 hour period - even assuming they are on the bus for 15 minutes. It is a very short drive indeed.

I could go further but I rely the foregoing is sufficient. It is clear BSD has ordered a broad-based quarantine in violation of its own policy. The fact the schoolchildren, and specifically Mason Bridges, was in contact with somebody outside of school does not bring him within BSD’s policy. Second, even if it did, the fact he was on the same bus as an allegedly infected student does not take him outside of the close contract exception. ***Children, students, and school employees are on planes for much longer than that. Are you now going to quarantine everybody who is on a plane.***

The kids are together on the bus for a very short time once a day and there is no showing Mason, or any other student, was ever within 3 feet of the infected student for 15 minutes while on that very short

bus ride that itself does not even last 15 minutes. There is no showing they were (a) not wearing masks and (b) that other hygiene precautions were not being taken. Clearly, both those conditions have been met.

The right to public education is protected by the State's Constitution. Indeed, it has been articulated by the Supreme Court to be the paramount and highest duty of the State to provide that education. Even allowing for the appropriateness of your Covid policy, and ignoring any flaws in rulemaking regarding public notice and the like, you cannot violate your own policy and deprive children of their Constitutionally protected right to a public education.

If you can make a sufficient factual showing by Monday at 8 AM that Mason Bridges (1) comes within your Covid policy and (2) does not qualify under the close-contact exception, I will keep him home. **To do that, I rely you will be able to present the facts you relied on to demonstrate Mason was closer than 3 feet of the infected child for more than 15 minutes in a 24 hour period of time.**

Failing that, I intend on walking him to school Monday for his public education as is his Constitutional right. If he is turned away that will regretfully require immediate litigation against the Bellevue School District to enjoin that illegal act.

While we all have great sympathy for those who have contracted Covid and suffered under it, if we are to follow science, the science is clear: if the child does not meet your own Covid policy for quarantining there is no scientific basis to quarantine them. The Bellevue School District may not pick what science it is going to follow on a given day nor may it apply its own policy in an arbitrary fashion without a factual basis to the determinant of students' Constitutionally protect rights.

It is my sincere hope further action is not required.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dan'L W. Bridges', with a stylized, cursive script.

Dan'L W. Bridges

cc: By Email To:

Edlund, Heather B <edlundh@bsd405.org

Sanchez, Heather J sanchezh@bsd405.org

MacDonald, Amy G <MacDonaldA@bsd405.org>