

Appendix G

Conversation with Klein, Thorpe, & Jenkins Attorney Tom Melody

Date: 8.11.2021

After hearing of several southern Illinois districts who were refusing to follow Governor Pritzker's Executive Order on universal indoor masking inside P-12 school districts, I reached out to two of those districts to determine how they planned on doing this. I spoke with Superintendent's from two districts and then called our attorney Tom Melody to seek his continued guidance.

When discussing the planned approach, Tom Melody said these schools were "reckless" and could certainly be found in violation of "willful and wanton misconduct." Mr. Melody continued to reiterate that the Board of Education and Superintendent had no choice to make in the matter, that failure to follow an executive order is in violation of the law. He went on to add that punitive damages could be possible against the district, its board of education members, and its employees. His advice to the Board and the Superintendent is that the local controls you once held, had been removed and taken from your control. If parents are upset, they should contact the governor's office, not the Board of Education. He confirmed, "There is no decision to make. It has been done for you. The only decision to make, which would be reckless, would be to violate the law."

While Mr. Melody recognized the hysteric nature of the those against the mask mandate, he continued that the actions of such districts will eventually lead to a loss of classification as a school, forfeiture of diplomas, IHSA participation would be cancelled, and would face immediate and swift action from ISBE. He went on to add that all case law supports the Governor's ability to enforce such a mandate and that he has never lost a case and any case brought against him has been dismissed. "You have no choice to make, failure to follow this executive order, is violation of the law."