



**FAQs Regarding
Illinois' Mask
Mandate for
Seneca High School
District 160**

FAQs REGARDING ILLINOIS' MASK MANDATE FOR SENECA HIGH SCHOOL DISTRICT 160, re: Aug 12, 2021

We appreciate and understand the concerns and questions many have regarding the recent mask executive order mandate set forth by Governor Pritzker. It is our responsibility to make the safety of our students a top priority. Seneca High School District #160 follows numerous requirements and guidelines from various state agencies. We regularly consult with our legal counsel and insurers regarding our rights and obligations on these issues.

Although everyone is not always in agreement with those policies, the district's obligation is to operate in compliance with all legal and safety requirements. Our goal remains to provide a quality education for the students of District #160 and to provide a safe learning environment for our students and staff. With these principles in mind, below are some FAQs and examples of Superintendent gathered evidence to support the district's obligation to protect the district and to address the concerns we have heard regarding the recent mask mandate.

What is the current rule for masks in Illinois Schools?

On August 4, 2021, Governor Pritzker issued an Executive Order (EO 2021-18) mandating universal masking in all pre-kindergarten through grade 12 public and nonpublic schools effective immediately. The Executive Order requires the indoor use of face coverings by students, staff, and visitors who are over the age of two and able to medically tolerate a face covering, regardless of vaccination status.

Is the Executive Order for masks in Schools a requirement or recommendation?

The Executive Order is a requirement. All individuals must wear a mask in schools in accordance with the Order.

Can the School District still decide to adopt a mask optional policy?

No. The District must follow the Executive Order and require all staff, students and visitors to wear masks while indoors at school. Unlike the CDC recommendations announced in July, of which the district created a local control Board of Education resolution, the Executive Order does not allow for individual districts to make decisions about masks that deviate from the requirements of the Executive Order.

Does the Governor have authority to impose this mask mandate?

Yes. In 2020, lawsuits were brought against the Governor challenging his authority to issue disaster proclamations and Executive Orders with public health mandates. The Illinois Appellate Court (2nd District) and the Sangamon County Circuit Court upheld the Governor's orders and ruled that he has the authority to issue such proclamations and Executive Orders under the Illinois Emergency Management Agency Act and the Illinois Constitution.

What if my student refuses to wear a mask?

The District main office will be supplied with masks to give to students and others who do not have masks. If a student refuses to wear a mask they will be isolated from other students and extended the opportunity to mask up. If the student still refuses to wear a mask the parents will be contacted and the student will be sent home. Students who refuse to follow the mask mandate will be subject to progressive discipline in accordance with the student handbook. We are hopeful that we will not have to do this for any student or employee in the district and ask for your cooperation

What if my student refuses to wear a mask properly?

If a student does not wear the mask properly, they will be asked to make sure they are covering their mouth and nose with the mask. If the student continues to not wear the mask properly, the student would be in violation of the proper attire/dress code policy in the student handbook and the student will be subject to progressive disciplinary action in accordance with the handbook.

Is the mask mandate permanent?

We hope not. In his speech, the Governor cited current circumstances such as substantial to high community transmission of Covid-19, the Delta variant and its high transmission rate, relatively low vaccination rates for school students, and the fact that school students under age 12 are not yet eligible for the vaccine. As circumstances change, it is possible that the mask requirement will change. The district has modified its "Return to learn plan" to allow the opportunity to remove a layer of mitigation in consultation with the health department, if appropriate and applicable.

Why doesn't the School District just ignore the mask mandate or not enforce it?

The Governor noted that he will enforce the mandate as needed and the Illinois State Board of Education (ISBE) has the authority to change the District's recognition status (meaning diplomas would not be valid and IHSA athletic participation would not be allowed) and which could result in a loss of state funding. ISBE has previously initiated such actions against a district for relaxing mask requirements lower than what the state required. In addition, failure to follow a required safety measure such as this mask

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mandate exposes the District to liability, loss of tort immunity protections, and loss of insurance coverages. School insurance carriers consider the safety requirements to be minimum standards that must be met and the only reasonable alternative for districts.

Can my student choose to be educated at home until the mask mandate is over?

Like most school districts, Seneca High School was mandated to offer remote learning in the 2020-21 school year and like most schools, it was an abject failure. Synchronous remote learning instruction will not be offered. As per the CDC and ISBE guidelines, all students over the age of 12 are eligible for the vaccine and thus not eligible for remote learning.

What are my options if I refuse to send my student to school with a mask?

At this point, your only option is Homeschooling your student(s). Information about Homeschooling can be obtained from the Regional Office of Education (815) 434-0780.

Are there any benefits to following the mask mandate?

In addition to minimizing liability exposure, preserving tort immunities, and protecting available insurance coverages, the use of masks by everyone helps the District to maintain full in-person instruction. We can have less social distancing and can take advantage of exceptions to quarantine requirements that only apply if everyone is wearing a mask. This will result in less disruptions to our students and more continuity in their education. Please remember, on July 21st the Board of Education passed BOE resolution 07212021 which called for a masked recommended, but not mandated policy. However, the ever-evolving CDC guidance and eventually Governor Pritzker executive order mandate supersedes the local control, that was promised.

Appendix A: "Move Forward" article from *News Gazette* 8.10.2021
Appendix B: Email/Certified Letter from State Superintendent Carmen Ayala to Timothy Christian School on Nonpublic Recognition Status 8.11.2021
Appendix C: Prairie State Insurance Co-Op Email on Gov. Mask Executive Order 8.4.2021
Appendix D: Illinois Association of School Boards Update 8.9.2021
Appendix E: Updated Fall 2021 Seneca High School Plan 8.12.2021
Appendix F: Fall 2020 Seneca High School Plan 7.31.2020
Appendix G: CDC Updated Guidance 8.5.2021
Appendix H: IDPH Guidance 8.9.2021
Appendix I: Conversation with Klein Thorpe & Jenkins Attorney Tom Melody 8.11.2021
Appendix J: ISBE Universal Indoor Masking Mandate 8.4.2021
Appendix K: Letter to the Community from Superintendent Dan Stecken 8.5.2021
Appendix L: Letter from Robbins Schwartz Attorneys 8.5.2021