

FAQs REGARDING ILLINOIS' MASK MANDATE FOR SCHOOLS

We appreciate and understand the concerns and questions many have regarding the recent mask mandate set forth by Governor Pritzker. It is our responsibility to make the safety of our students a top priority. The District 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 the Herscher School District and to provide a safe learning environment for our students and staff. With these principles in mind, below are some FAQs we've put together to address some of the concerns we have heard regarding the mask mandate.

What is the current rule for masks in Illinois Schools?

On August 4, 2021, Governor J.B. Pritzker issued an Executive Order (EO 2021-18) mandating universal 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, 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 will supply a mask to any student who does not have a mask. If a student refuses to wear a mask, they will be isolated from other students, parents will be contacted and then sent home. We are hopeful that we will not have to do this for any student or employee in the district and ask for your assistance.

Is the mask mandate permanent?

Not necessarily. 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.

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, which could result in a loss of state funding. To put this into perspective, the Herscher School District currently receives more than \$2M in state funding. ISBE has previously initiated such action 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 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?

At this point, Remote Instruction can only be offered to those students who are ineligible for the vaccine (predominantly PreK-6th grade students) AND who are quarantined by the Kankakee County Health Department. There are other health exceptions but those will likely be very rare.

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

At this point, unless your student qualifies for Remote Instruction your only option is Home Schooling your student(s). Information about Home Schooling can be obtained from the Regional Office of Education at 815-937-2950.

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 physical 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.

