

Rim of the World Unified School District
FAQ # 2 Mask Mandates
July 23, 2021

The District is excited to celebrate the reopening of school five days a week. As students return, safety is a critical area for Rim of the World Unified School District. We understand there are concerns regarding California's mandate that requires students to wear masks while attending school. This FAQ addresses additional questions the District has received since the last FAQ provided to parents/guardians and staff members.

Is there any information from the San Bernardino County Department of Public Health?

The County of San Bernardino County Department of Public Health is conducting a Safe School for All for a virtual school health panel on August 13, 2021, from 6:00 - 7:30 p.m. Below is additional information.

The multicultural school health panel town halls feature local public health officials, medical experts, and education representatives in the Inland Empire area. The panels provide an additional layer of transparency and open communication with parents and community stakeholders regarding the Safe Schools for All plan roll-out and progress.

For more information on the event and registration:

https://us06web.zoom.us/webinar/register/WN_JFQJ2DqsQLOI-TtOChfmuQ.

Can ROWUSD determine not to follow the mask mandate?

No. On July 12, 2021, the CDPH released guidance for the 2021-2022 school year, requiring all K-12 staff and students, regardless of vaccination status, to wear masks when sharing indoor spaces with each other. Unlike the CDC guidance, the CDPH mask guidance is a legal mandate. The District has also implemented additional safety measures such as air recyclers and fans in every classroom.

On Thursday, July 15, members of our district administrative team participated in a meeting with officials of the San Bernardino County Department of Public Health (SBDPH). It was made clear to us that the **face-covering mandate stated above is indeed a requirement and school districts and/or Boards of Education do not have the authority to relax this.**

Further information can be found at:

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/K-12-Guidance-2021-22-School-Year.aspx>.

What happens if a district chooses not to follow CDPH guidelines?

School districts that make masking optional for vaccinated students and staff would be in violation of the mandatory CDPH mask guidance. There are penalties for refusing to follow the legal guidelines. Per California Government Code 8665:

Any person who violates any of the provisions of this chapter or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed one thousand dollars (\$1,000) or by imprisonment for not to exceed six months or by both such fine and imprisonment.

The districts mentioned that are not following the law risk the superintendent, board members, and other district leaders to be fined and/or imprisoned.

In addition to the potential consequences of noncompliance discussed above, the District's failure to follow the standard of care (i.e., enforcing the mask mandate) would increase its liability in the event students or staff are infected with COVID-19 on school grounds and suffer injury and damages.

Does the CDC recommend students wear masks in schools?

YES. As of July 27, 2021, the CDC announced it now recommends that students and staff in all K-12 schools wear a mask, even if vaccinated. According to the CDC, the recommendation is in response to the spread of the delta variant and that "kids remain unprotected against the virus."

What happens if a student doesn't wear a mask to school?

For the unforeseeable future, masks will be required as a prudent safety precaution. For the safety of your child, other students, and staff all districts are required to mandate students and adults to wear a mask on campus as a means of protection against COVID-19 and its variant strains. The guidelines from the California Department of Public Health allow for schools and districts to determine the rules for students who do not wear a mask. In the Rim of the World Unified School District students will be asked in each class to follow the mask mandate. We will provide disposal masks, educate students and parents about the reason for mask-wearing for the protection of themselves, other students, and their teacher. ROWUSD does provide parents with an option for their students to attend an independent study program. Additional measures will include working to move students distanced 3-feet apart, and students will be equipped with student desk shield dividers for an additional layer of protection.

Have guidelines from the California Department of Public Health been challenged in court and what were the outcomes?

Various legal cases have attempted to challenge the authority of such orders with little success thus far in regard to educational institutions. (See, e.g., Six et al. v. Newsom (C.D. Cal. 2020) 462 F.Supp.3d 1060 [San Diego-based high school senior sued unsuccessfully to challenge health orders prohibiting her from going to prom, school banquets, high school graduation, and hindering her ability to study in-person with friends and teachers]; see also Matthew Brach et al. v. Gavin Newsom, 2020 WL 7222103 (Dec. 1, 2020) [governing board member from Palos Verdes Unified School District and others brought a legal challenge to state orders prohibiting school reopenings and lost in federal district court, appeal pending].)

If you have questions or concerns related to the mask mandate, we encourage you to contact your local state representatives.

California Governor Gavin Newsom: (916) 445-2841; <https://www.gov.ca.gov/>

California Assembly Member Thurston "Smitty" Smith: (760) 244-5277; <https://ad33.asmr.org/>

California State Senator Rosilicie Ochoa Bogh: (909) 919-7731; <https://ochoa-bogh.cssrc.us/>

California Department of Public Health: (916) 558-1784

Again, we look forward to reopening and having students back on campus five days a week for in-person instruction. We will continue to communicate with staff and our families when the guidelines for student and staff safety are changed by the state.