



TRINITY AREA SCHOOL DISTRICT
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Updated Mask Mandate FAQs

September 9, 2021

Dear Trinity Area Parents and Guardians:

As you know, people have reacted to the PA Department of Health's Order by posting their comments and questions online. These online discussions, often conducted through social media websites and read by many, can result in the spreading of misinformation. This week, the Trinity Area School District has received numerous emails and telephone calls from concerned community members, who, by reading online, seem to have learned inaccurate information about the District's response to the Order. Thankfully, these community members contacted the District with their questions and concerns, thus affording the administrators an opportunity to clarify any misconceptions.

As we move forward together to ensure the health and safety of our students and staff, we highly recommend that everyone references the following information instead of the information published on social media websites. If you continue to have questions or concerns after reading the responses to the Frequently Asked Questions listed below, feel free to contact your child(ren)'s building principal. We may add additional questions and answers throughout this time.

Frequently Asked Questions about the Mask Mandate:

1. I do not believe that masks or face shields protect my child from contracting and/or spreading COVID-19. Are there any benefits to my child wearing a mask in school?

Yes, there are benefits to students wearing a mask in school. While some people argue that masks slow or stop the spread of the virus, others argue that masks provide no protection. Anyone researching online can find data to support either assertion. Regardless of your personal opinion about whether masks are beneficial in slowing or stopping the spread of COVID-19, **there is a primary benefit to your child wearing a mask while in school: Masking greatly minimizes the chance that your child will need to quarantine at home if exposed to someone who tests positive.** For example, during the week of August 30 (before the Order took effect), 145 students and staff members were required to quarantine. If the Order was made effective the week of August 30, only 16 students and staff members would have been required to quarantine. Because the Department of Health regards masks as protective, lawmakers and policymakers have determined that students and staff members who wear masks in school do not need to quarantine if they come into contact with someone who tests positive, and they, themselves, are symptom free. In summary, wearing a mask significantly decreases the need to quarantine in most instances.

Moreover, the wearing of masks significantly decreases the chances that students' learning environment will move to online. Collectively, we agree that the overwhelming majority of students learn best when they attend school in person. Thus, we agree that keeping our schools open is favorable. Masking will help us support our students' learning in the most optimal environment.

2. Are Trinity staff members, visitors, and guests required to wear a mask indoors like the students?

Yes, anyone over two years of age and inside a school building for any reason – and for any length of time – is required to mask.

3. Did Trinity Area's Board of Directors and Administrators approve a health and safety plan that mandates students and staff to wear masks?

No, Trinity Area's Board of Directors voted in June, 2021 to approve the *Health and Safety Plan*, which is published on the District's webpage. Trinity's Plan provides for a "mask optional" learning environment, thus affording parents the opportunity to make decisions about whether their child(ren) will wear masks in school. However, the Department of Health's Order, issued on August 31, 2021 and made effective on September 7, 2021, requires all students and staff members to wear masks in spite of the terms of the District's Plan.

4. Did Trinity Area change or adjust its *Health and Safety Plan* based on the Health Department's Mask Mandate?

No, Trinity Area's *Health and Safety Plan* did not change upon the Order taking effect for the following reasons:

1. The Board of Directors' approved Plan states the following: "The wearing of masks or face coverings will be optional for all Trinity Area students and staff unless mandated by the PA Secretary of Health, Governor, or other governing authority." Since the Department of Health has mandated wearing masks, Trinity Area students and staff must wear masks.
2. The PA Department of Education recognizes that an Order as such overrides the information presented in any local school district's health and safety plan. Even if Trinity Area's Plan did not include the aforementioned point ("...unless mandated by the PA Secretary of Health..."), the State demands that Trinity Area enforces the wearing of masks. As the PA Department of Education explained in its FAQ document:

Although PDE recommends public school entities update their local American Rescue Plan (ARP) Elementary and Secondary School Emergency Relief (ESSER) Health and Safety Plans to reflect the Acting Secretary of Health's August 31, 2021 Order, they are not required to do so. Regardless of whether the Acting Secretary's August 31, 2021 Order is reflected in a school entity's Health and Safety Plan, all school entities must comply with and enforce the Order. For awareness in their school communities, school entities may find it useful to post a link to the Order on their websites.

5. Does Trinity Area consult with medical doctors about COVID-19 issues and concerns?

Yes, Trinity does consult with trained medical professionals about issues related to the health and safety of students and staff. First, as required by the *PA School Code*, Trinity Area maintains and consults with a District Physician. Currently, three local, certified, licensed pediatricians also consult with administrators on ways to prevent the spreading of COVID-19. Additionally, Trinity Area works with the Health Department daily to ensure that protocol is followed.

6. Does Trinity Area receive additional funding or lose funding based on whether or not the Order is followed?

No. We are unaware of any funding sources tied to the Health Department's mask mandate or Trinity Area's enforcement of the mandate.

7. Can my child be exempt from wearing a mask if I sign and submit an "official" form I find online (on Facebook, for example)?

No. Since the Order took effect on September 7, 2021, parents have submitted a number of "official" forms to request or demand that their children are exempted from wearing a mask in school. Most parents' reasons for requesting an exemption stem from their personal beliefs and/or concerns about their children's health and well-being. Upon receipt of these forms, we consulted our District Solicitor, District Physician, and local pediatricians to determine their validity (All names of parents and students were redacted from the forms prior to reviews.). We have learned that these online forms are not valid because the "doctors" issuing them neither examine nor diagnose the students whose parents are requesting exemption. Therefore, such online forms will not be accepted as proof of the need for a medical mask exemption. Local pediatricians have reported these "official" forms and "doctors" to the American Academy of Pediatrics, State Board of Medicine, and State Department of Health for a thorough review.

8. Are school board directors paid for their work as board directors?

No, Trinity's board directors are not paid. Pennsylvania board directors are elected officials who volunteer their time without compensation.

9. Are there any rules to participating in a board meeting?

Yes, Trinity Area's *Policy 903* provides the guidelines for the public's participation in board meetings. In sum, *Policy 903* requires board members, including Trinity's Board of Directors, to set and publish an agenda for each meeting open to the public. *Policy 903* specifies that, at each public meeting, community members may speak about only those items listed on the agenda. However, *Policy 903* gives board members the right to make an exception and hear comments unrelated to agenda items if they deem the exception appropriate. Board Policies are located on the District website:

<https://go.boarddocs.com/pa/tasdpa/Board.nsf/Public>

10. How has the *Sunshine Act* changed the manner in which board meetings are conducted in PA?

The new terms of the *Sunshine Act*, amended effective August 29, 2021, have impacted the way information is shared at board meetings. As stated at the public board meeting, held on September 2, 2021, the new *Sunshine* regulations prohibit board directors from making changes to their agendas

within 24 hours of publication. Unless there is an emergency, a meeting agenda cannot change within 24 hours of being posted online, for example. This means that board members adhere to their agendas as published, without exception.

11. Were residents able to comment on Trinity's *Health and Safety Plan*?

Yes, residents of Trinity Area were given opportunities to comment on the *Health and Safety Plan* prior to and after its approval. The Plan was listed as an agenda item for the board meetings held on **June 3, 2021** and **June 17, 2021**. During both meetings, residents of the community publicly shared their thoughts about the Plan. Their comments were invited and heard since the Plan was listed as an item on the agendas for both meetings.

During the meetings on **August 5, 2021** and **August 19, 2021**, Trinity's Board of Directors made a special exception to hear public comments about the Plan even though the Plan was not listed as an item on the agendas for the meetings. Per the terms of *Policy 903* (referenced above), the Board exercised their right to adjust the agendas and accept comments about the Plan even though it was already approved.

The Plan was not listed as an agenda item for the board meeting on **September 2, 2021**. Since the amended *Sunshine Act* (effective August 29) precludes board directors from adjusting an agenda within 24 hours of its publication (unless there is an emergency), public comments about mask-wearing were neither invited nor heard. On September 2, seven residents communicated that they wished to discuss mask-wearing. Per the terms of the amended *Sunshine Act*, the Board did not hear their comments about mask-wearing for two reasons:

1. The Plan was not listed as an item on the agenda for the board meeting; and
2. The Board no longer maintains the authority to adjust agendas during meetings unless there is an emergency. Since the Plan was already approved, discussing it further was not deemed an "emergency."

12. What are the potential consequences if a school entity fails to comply with the Order? There are a number of potential consequences as explained below by the PA Department of Education and Regional Intermediate Unit 1:

- A. School officials who fail to adhere to the Order could lose the protection of sovereign immunity and may personally face lawsuits from those who may be affected by any official's attempt to ignore the Order. Failing to implement or follow the control measures may expose individuals to personal liability under 42 Pa.C.S § 8550 (relating to willful misconduct), as well as other remedies as provided by law. Failure to implement and follow the control measures under the Order also subjects a person to the penalty provisions of the Disease Prevention and Control Law of 1955.
- B. Non-compliance with the Order for child care providers licensed by the Department of Human Services will be cited under 55 Pa. Code §3270.14, §3280.14 (relating to compliance with pertinent laws and regulations) as well as 55 Pa. Code §3270.21, §3280.20, and §3290.18 (relating to general health and safety).

- C. Failure to implement and follow the control measures under the Order subjects each board member to the penalty provisions of the Disease Prevention and Control Law of 1955. A violation occurs each day that the Order is not enforced and each board member may be charged a financial penalty for each student or staff member attending the school.
- D. Failure to implement and follow the control measures under the Order exposes each board member to personal liability under 42 Pa.C.S. §8550 (relating to willful misconduct), as well as other remedies and actions as provided by law. PDE is serving notice to each board member that failure to comply with the mask mandate is a violation of law. A knowing violation may be used by a plaintiff to establish personal liability in a negligence action per 42 Pa.C.S. § 8550.
- E. Each board member may face lawsuits from those who may be affected by non-compliance with the Order, including children who may become ill as a result of the district's violation, or disabled children who are unable to attend school because of the district's failure to follow the Order.
- F. Each board member may bear potential liability with no indemnification or protection.
- G. School districts' liability insurers are exploring canceling coverage as a result of those districts' possible illegal conduct and potential purposeful violations of law.
- H. School districts' violations of law may negatively affect workers' compensation claims coverage and premium calculations.
- I. Districts that do not comply with or elect to violate the law may be referred to the United States Department of Education's Office for Civil Rights for investigation. In particular, failure to comply with the Order may prevent immunocompromised and other susceptible students from attending class in violation of the IDEA, ADA, and Rehabilitation Act.

13. Other local school districts are responding to the mask mandate differently than Trinity Area. Will Trinity Area consider adjusting their enforcement of the Health Department's mask mandate based on other school districts' decisions?

No. Trinity Area's Administrators, Board Directors, and School Solicitors remain concerned only with the health and safety of students and staff at Trinity Area School District, and do not look to other school districts for guidance when making decisions for the Trinity Area School District.

14. Will students' attendance be monitored during the time when wearing a mask is mandated? What are my options if I do not want my child to wear a mask in school?

Yes, students' attendance will be monitored as it always has been; attendance requirements for students have not changed. PA's truancy and attendance regulations have not changed in response to the mask mandate. In PA, students are expected to attend school. There is no "grace period" or voluntary opt-out option for children whose parents prefer they not attend school for any reason. Simply, if a Trinity Area student is registered to attend school at Trinity Area and is not present in school, he/she will be marked absent. There are three options for parents who prefer that their children not attend school in person on Trinity's campus:

- A. Enroll your child in Trinity Area Cyber School by calling the child's building principal.
- B. Enroll your child in another school system.
- C. Homeschool your child by completing and submitting the required paperwork.

15. Can the Health Department's mask mandate change?

Yes. Current and future litigation is ongoing, and may result in adjustments to the Order made effective on September 7, 2021. Legislatures, the PA Health Department, and the PA Department of Education modify and adjust school mandates and regulations in accordance with changes to policy. The Trinity Area School District will respond to changes by considering the health and safety of students and staff, and making changes to the Plan accordingly.