

## **Mask Mandate Frequently Asked Questions**

### **How can the state do this?**

In the press conference, the Governor cited the Disease Prevention and Control Law of 1955. The full text can be read here - [School Code](#). The relevant section states: “c) If the secretary finds that the disease control program carried out by any local board or department of health is so inadequate that it constitutes a menace to the health of the people within or without the municipalities served by the local board or department of health, he may appoint agents of the department to supervise or to carry out the disease control program of the particular local board or department of health until he determines that the menace to the health of the people no longer exists and that the local board or department of health is able to carry out an adequate disease control program. The secretary shall require that any reasonable expenses incident to the administration of a local disease control program under this subsection, which are incurred by the department, shall be paid to the State by the local board or department of health or by the municipalities or counties which it serves.”

### **What does The Pennsylvania Department of Education (PDE) say about this?**

In a communication to Superintendents on August 31, 2021, Secretary Ortega wrote “This Order will help maximize the chances for regular school operations and minimize student and staff quarantines as the school year gets underway. The Order also acknowledges that face covering requirements can’t go on forever. The Administration will continue to evaluate community transmission rates, vaccination data, and other indicators, and will provide a comprehensive update to the education community by October 1, 2021, to inform decisions about the Order’s statewide application going ahead.” PDE also provided an FAQ that can be read here - [Answers to FAQs \(pa.gov\)](#)

### **Will the district push back against this mask mandate?**

District officials have already advocated to our local legislators, and we urge you to express your concern to them.

The information received from PDE indicates that failure to implement and follow the control measures under the Order subjects a person to the penalty provisions of the Disease Prevention and Control Law of 1955. Failing to implement or follow the control measures may also expose individuals to personal liability under 42 Pa.C.S § 8550 (relating to willful misconduct), as well as other remedies as provided by law.

### **How can I be exempted?**

Please see the order for a list of possible exemptions. [Order of the Acting Secretary Directing Face Coverings in Schools.pdf \(pa.gov\)](#) The district will ask for a doctor’s note indicating that an exemption is needed. This is our standard process for providing medical accommodations

based on one of the allowable exemptions. The district may determine that the students will need to follow the process of Section 504 of the Rehabilitation Act of 1973 based on the medical disability provided.

**What should a school entity do when an individual, who does not meet the allowable exceptions, refuses to wear a face covering?**

This is a legal Order under the Disease Prevention and Control Law. School entities are expected to enforce the Order as they do other state laws. Reasonable steps may include developing and implementing a policy, training staff on conflict management, and monitoring and taking corrective actions in instances of noncompliance among staff, students, customers, or visitors. School entities should not enforce face covering requirements when there is an exception under Section 3 of the Order or if it is unsafe to do so; and should not restrain, use force, or physically remove teachers, children/students, staff, or visitors who refuse to comply with this Order when it would not otherwise be legal to do so. Schools may not violate any other laws, including state and federal anti-discrimination laws, in implementation of the Order.

We will not treat this any differently than last year. Students who refuse to wear a face covering will not be allowed on school transportation. If a student refused to wear a face covering in the buildings last year, they were redirected by a teacher. If they did not comply, they were sent to the office and dealt with by administration. If the student was given a chance to comply and did not, they were sent home.

**Will my student receive mask breaks?**

Yes. Face coverings are not required indoors if engaging in physical activity (physical education or sports practice), eating, drinking, or playing an instrument that would be obstructed by a face covering. In addition, students will be given mask breaks during the day. Last year, teachers were also permitted to take kids outside for classes to increase time without face coverings.

**Can my child be enrolled in WOL and stay home?**

WOL is open and taking student enrollments. It is important to note that WOL courses are broken into marking period and semester courses. If you decide to enroll your child in that program, we will ask you to commit for the first marking period minimally. Please see our website for information on WOL enrollment.

**Can I homeschool or Private Tutor my own child?**

Please find information on that here - [Home Education and Private Tutoring Guide 2021 \(pa.gov\)](https://www.pa.gov/home-education-and-private-tutoring-guide-2021)