

Press Clippings 2/19/2022 to 2/22/2022

Kane County Connects

4th District Appellate Court ruling affects masks in schools -- - 2/22/2022

Kane County Connects report

The 4th District Appellate Court has turned away an appeal of the Feb. 4 Circuit Court temporary restraining order that blocks Gov. JB Pritzker's mask, vaccine and COVID-19 testing mandates for certain schools.



In response, at least two Kane County public school districts on Friday (Feb. 18, 2022) announced updates of their COVID-19 mitigation policies.

Geneva School District 304 announced that it would continue to follow a mask-optional policy, and **School District U-46** announced it will end its mask requirement in schools after all of the three counties in its footprint demonstrate a level of infection below “substantial,” which would be below 8% positivity rates.

The majority of Kane County public school districts have gone to mask-optional policies in schools while other districts are considering a change in the coming days.

According to a news release from state Sen. Don DeWitte's Office as well as multiple media reports, Attorney General Kwame Raoul had appealed a temporary restraining order that a Sangamon County judge issued Feb. 4, blocking the state from enforcing emergency rules requiring face masks, tests of unvaccinated individuals and brief exclusion from school buildings.

The appellate court decision was made during the overnight hours of Feb. 17-18.



State Sen. Don DeWitte of St. Charles

“None of the rules found by the circuit court to be null and void are currently in effect,” the ruling reads. “Accordingly, for the following reasons, we dismiss defendant’s appeal because the expiration of the emergency rules renders this appeal moot.”

DeWitte said the Appellate Court decision is “a clear indication that Gov. Pritzker’s unilateral decision-making relative to COVID-19 must end.”

“The court ruling is not about whether people support or oppose masks,” he said. “It is about constitutional rights to due process that must be afforded to all Illinoisans, including school children and teachers.

“Based on the Circuit Court’s initial temporary restraining order, nearly two-thirds of Illinois schools have gone to ‘mask optional.’ Any attempt to reverse or stymie those local decisions will only exacerbate the chaos our schools are experiencing.”

Kane County Connects

Kane school mask update: Kane County public schools adjust COVI mitigation policies following court rulings --- 2/21/2022

Kane County Connects report

Public school districts in Kane County are adjusting their mask policies in schools in the wake of an appellate court ruling and a state committee vote.

On Feb. 4, a Sangamon County Circuit Court judge [granted a request filed in a parents’ lawsuit seeking a temporary restraining order](#) on Gov. JB Pritzker’s executive orders on masking and quarantining for schools.

On Thursday, Feb. 17, the 4th District Appellate Court in Springfield [turned away an appeal](#) of the Sangamon County ruling, essentially dismissing [Pritzker’s efforts](#) to keep statewide masking and other COVID-19 mitigation measures at schools in place.

Meanwhile, the state of Illinois’ Joint Committee on Administrative Rules, a bipartisan legislative oversight committee, voted 9-0-2 last week to [block the updating of the Illinois Department of Public Health rule](#) that might have kept the mask mandate in place.

As a result of those actions, Kane County public school districts are adjusting their policies.

Geneva School District 304 will continue a policy of recommending but not requiring masks in school, which it had adopted following the Sangamon County judge's ruling.

School District U-46, which is the second-largest school district in the state, will continue to require mask wearing in schools only as long as "all of our three counties demonstrate a 'Substantial' (8% or higher positivity rates) spread of COVID-19 as defined by the Illinois Department of Public Health."

Depending on the outcome of Sunday's virtual Board Meeting, District 300 could adopt and implement revised COVID-19 mitigation measures, including a possible shift to a mask-recommended environment, as soon as Tuesday, Feb. 22, 2022.

Batavia School District 101, St. Charles School District 303, West Aurora School District 129 and Central School District 301 are operating with masks optional.

Kaneland School District 302 will become mask optional beginning Feb. 22 if its COVID-19 metrics remain at current levels, which are well below the peak in mid-January, [Shaw Local reports](#).

Recent statements by the districts are below:

Geneva Announcement

Based on the decision of the appellate court, Geneva CUSD 304 will continue to follow our current practice of recommending masking for students, staff, and visitors in our buildings. Please note that masks will still be required when riding a District 304 school bus, due to a Federal Order.

— Dr. Kent Mutchler, Superintendent of Schools and District Administration

- **FULL ANNOUNCEMENT**

An update from **Superintendent Sanders** on COVID-19 Mitigation Strategies in **U-46**

Este mensaje se repetirá en español

Feb. 18, 2022

Dear U-46 Parents and Guardians:

Late last night, the Appellate Court of Illinois for the 4th Circuit ruled in regards to the state's appeal of a temporary restraining order that had been issued in litigation to which U-46 is a

defendant. The court affirmed the ability of local school districts to make decisions in regards to COVID-19 mitigation strategies.

We had already begun preparing for a shift in our mitigation strategies in U-46, and planned to announce them today, because our local COVID-19 metrics continue to trend in a favorable direction.

The following updated mitigation strategies outlined will take effect in U-46 on Wednesday, Feb. 23, allowing us time to attempt to address any concerns of teachers or families. This update will be presented to the U-46 Board of Education on Monday, Feb. 28.

The new U-46 mitigation plan will use the following factors to guide decision-making on when to increase or decrease mitigation strategies. Reviewing both county and school-based metrics will be the primary factor. It is important to note that U-46 has schools in three counties – Kane, DuPage and Cook, and that the following updated guidelines give the District the ability to increase mitigations, including masking, in the case of a significant rise in cases.

Masks Required – Across District

- At the District level, we will require masks if all of our three counties demonstrate a “Substantial” (eight percent or higher positivity rates) spread of COVID-19 as defined by the Illinois Department of Public Health.

Masks Required – At Individual Schools

- We will review confirmed positive cases at individual school buildings, as well student absences for reported COVID-like symptoms and SHIELD test data for those sites.
- If the positivity rate at any school is considered “Substantial” based on confirmed positive cases, student absences due to reported symptoms, or through identification through SHIELD testing, masks would be required in that school building.

Masks Strongly Recommended

- When masks are not required across the District, or at individual school sites, U-46 will still strongly recommend that all students and staff continue to wear appropriate masks that have been identified as effective against the spread (any of our District-provided masks meet those requirements).
- At the District level, this will be followed when spread is “Low” or “Moderate” as defined by IDPH.

Masks Required On Buses

- Masks must be worn on school buses at all times pursuant to federal [regulations](#). That requirement will remain in effect.

Using these updated metrics, and if there is no worsening of the metrics, all U-46 schools will move to strongly recommended by Wednesday, Feb. 23.

For those who may have concerns about this shift, please know that we will closely monitor the data and we will return to masks required if case counts suggest the need to do so. We have masks and other PPE available for the use of students and staff. In addition, we continue to encourage the COVID-19 vaccine if you are eligible. Research demonstrates the vaccine to be the most effective mitigation strategy.

For those who have been awaiting the option to remove your mask, please take into consideration the personal challenges and feelings of those who continue to be worried about catching COVID-19. If a teacher or other staff member asks students to use a mask, we ask that families honor that request, knowing there is likely an underlying health concern that prompts that request.

I continue to ask for patience as we work with our local health departments and ensure that our mitigations are appropriate. I thank you for all that you are doing to continue to mask and follow our other mitigation efforts.

— Tony Sanders, Superintendent of School District U-46

FULL ANNOUNCEMENT

An Update from District 300 Superintendent Harkin: Appellate Court Ruling on the TRO

Dear Parents and Guardians,

Late last night, the Fourth District Appellate Court issued a ruling regarding a previously issued temporary restraining order involving state-mandated COVID-19 mitigations.

The District 300 Board of Education will host a virtual Special Board Meeting on Sunday, Feb. 20 at 6 p.m. to discuss the Appellate Court's ruling, review the district's current COVID-19 metrics, and review the COVID-19 mitigation strategies the Board previously adopted on Janr. 28, 2022.

Depending on the outcome of Sunday's virtual Board Meeting, District 300 could adopt and implement revised COVID-19 mitigation measures, including a possible shift to a mask-recommended environment, effective Tuesday, February 22, 2022 (as a reminder, District 300 schools are closed on Monday, February 21, 2022 in observance of Presidents Day).

The virtual Special Board Meeting will be livestreamed on the [District 300 YouTube channel](#) and will be available on the District 300 website after the meeting.

In advance of this meeting, families are invited to review the [Appellate Court's ruling](#) and a [data dashboard](#) containing the COVID-19 positivity rates for each District 300 building.

After the virtual Special Board Meeting, I will send a detailed message to all families to explain how the Appellate Court ruling and any potential Board action will impact District 300's COVID-19 mitigation measures going forward.

I would like to thank all District 300 families for your continued patience in this matter.

Susan Harkin, Superintendent

Daily Herald

The Soapbox: Daily Herald editors offer brief thoughts on suburban topics in the news --- 2/19/2022

By the Daily Herald Editorial Board

Keeping kids safe

The Elgin City Council has taken steps to build a pedestrian crossing north of [Larkin High School](#) to ensure the safety of some 750 students who bolt across Larkin Avenue traffic to get to fast-food places. The area sees more than 17,000 vehicles each day. Kudos to the city, police, public works and [School District U-46](#) for working together to find a solution.

The plan is good, too

Under the plan at Larkin, fencing will funnel students to the new crosswalk on Larkin Avenue, which has a flashing beacon similar to the one already at McLean Boulevard and Van Street. It's a good, overdue idea.

CBS-2 Chicago

Court dismisses Pritzker's appeal of school mask mandate ruling; governor will take case to Illinois supreme court --- 2/18/2022

By Tara Molina and Marissa Parra

CHICAGO (CBS)— Gov. JB Pritzker’s office will ask the Illinois Supreme Court to reinstate his statewide school mask mandate, after an Illinois Appellate Court panel dismissed his bid to overturn a temporary restraining order issued by a lower court.

The 4th District of the Illinois Appellate Court late Thursday night ruled the Pritzker’s request to stop the restraining order was moot after a legislative committee this week rejected the Illinois Department of Public Health’s attempt to renew the governor’s emergency rules that require masks in schools.

“An issue is moot where an actual controversy no longer exists between the parties or where events have occurred that make it impossible for the court to grant effective relief,” court documents said.

Pritzker’s office said he plans to take his appeal to the Illinois Supreme Court.

“The Governor is disappointed in the appellate court’s decision and concerned for the health of those in schools – particularly vulnerable children and adults – and the ability to continue in-person learning. The administration is working with the Attorney General to request an expedited review of this decision from the Supreme Court. In the meantime, the Governor urges everyone to continue following the doctors’ advice to wear masks so students can remain safely learning in classrooms, and is encouraged that the court made it clear that school districts can continue to keep their own mitigations in place,” spokeswoman Jordan Abudayyeh said in an email.

The Illinois Attorney General’s office also issued a statement, criticizing the ruling for focusing on a “single technical rule” when it comes to the public health rulemaking process and arguing that the rule does not actually affect the governor’s authority to order a mask mandate for schools or other COVID-19 mitigations.

“While the Appellate Court’s ruling does not affect the enforceability of the governor’s executive orders, the decision does fundamentally misapply important principles of Illinois law related to the issuance of temporary restraining orders, such as the order issued by the trial court. Attorney General (Kwame) Raoul intends to immediately ask the Illinois Supreme Court to address these significant legal errors and preserve the integrity of the rule of law in Illinois,” the statement said in part. “The COVID-19 pandemic is not over, and the Attorney General is committed to defending the governor’s actions to mitigate the spread of a virus that has resulted in more than 32,000 deaths in Illinois alone, and to protecting the health and safety of all Illinois residents.”

CBS 2 Legal Analyst Irv Miller said Pritzker also could have sought to issue a new school mask mandate, and tried to get it through the legislative rules committee that blocked his renewal of the previous mandate, but taking the case to the state’s highest court is “by far the quickest way to do it.”

“It’s filing paperwork with the Illinois Supreme Court, which I guarantee you the Illinois Attorney General’s Office has already prepared in anticipation of this ruling. I think it’ll be filed today,” Miller said. “The Illinois Supreme Court, being the final highest court in the state of Illinois, they can do whatever they want to do. If they want to have the governor’s order for masks take place, they can issue a quick order. If they want to consider the issue, they can do that. But the bottom line is parents are in limbo right now. Some school districts are saying masks are required, some are saying it’s up to parents. Everyone in the state is in limbo.”

Miller said the appeals did not rule on whether Pritzker had the authority to issue his statewide school mask mandate, instead finding that because a bipartisan oversight panel in charge of reviewing rules created by state agencies “objected to and suspended” the Illinois Department of Public Health’s renewal of the mandate, those rules are already “null and void” and no longer in effect, making the governor’s appeal of the restraining order moot. “We’re back to square one. This appellate court did not address the issue of does the governor have the authority to order schools to require masks to schools,” Miller said. “They didn’t address it, they just said, ‘Hey, listen, we don’t think this is a controversy anymore,’ because of what’s happened in the last couple weeks, so we’re just going to say this judge’s order is going to stand, and it’s up to each individual school district to come up with their own rules, own decisions. There’s nothing statewide. District by district will make the rules.”

The has parents divided in districts across the state, as many have demanded schools go mask-optional. It has flared up in particular since Sangamon County Judge Raylene Grischow issued a temporary restraining order that questioned the governor’s legal authority to require masks in schools and halted the mask mandate – which in turn prompted Pritzker’s appeal. Some districts have continued to require masks for all students and staff, while others have done away with masking rules.

As CBS 2’s Tara Molina reported Friday afternoon, the superintendent of Glenbard Township High School District 87 in the western suburbs announced starting Tuesday, masks will be optional for students and staff at its four high schools.

“Given the ongoing inconsistencies, confusion, and delays regarding clear direction, we are moving forward with a mask optional approach for all students and staff, effective Tuesday, Feb. 22,” Glenbard District 87 Supt. David Larson wrote.

Larson also issued the following statement to CBS 2 :

“Our attorney advised us that the current legal environment supports making a change in the enforcement of the Illinois Department of Public Health emergency rules regarding masks.

“We respect and understand the varied opinions regarding masks. We will honor individuals’ personal decisions about whether to wear a mask at school. The majority of the limited response we have received has been positive.

We will move to mask optional on Feb. 22. We will await any further court rulings and review them as they are released.”

Chicago Public Schools announced Friday, COVID safety measures will stay in effect. CPS released the following statement:

“Chicago Public Schools (CPS) stands by our proven COVID-19 safety mitigation measures and is pleased the Appellate Court has confirmed that the Temporary Restraining Order does not prohibit school districts from independently requiring masks, vaccinations for staff, and requiring individuals who have tested positive or have been exposed to COVID-19 to learn/work from home. Our schools will continue to enforce these policies, including mandated universal masking. These safety measures are what have allowed us to provide our students with the in-person learning environment they need throughout this school year. We will continue to follow these protocols until such time as our public health partners advise us that restrictions can be safely lifted.

We are encouraged to see COVID-19 cases dropping, and we remain optimistic about what this will mean for our school communities in the future. Our top priority remains the safety and stability of CPS students, staff, and families.”

Others are making decisions for next week – or have already gone mask-optional, like Park Ridge-Niles District 64. We reached more than a dozen districts in reporting this story Friday. Many of those districts have already been platforms for protests over the issue in the months leading up to all this.

Hinsdale Township High School District 86 announced late Friday that it is also going mask-optional effective Monday.

In **Elgin School District U-46** – which includes more than 55 schools in Kane, DuPage, and Cook counties – masks will be strongly recommended starting Wednesday, but will only be mandated if the positivity rate is 8 percent or higher. That is not currently the case. Masks will also be required at individual U-46 schools where the positivity rate is considered substantial.

Warren Township High School in Gurnee said it is getting guidance from its legal counsel and will post it online.

CBS 2 also contacted Fremont School District 79 in Mundelein, Wilmette Public Schools District 39, Mundelein High School, Maercker School District 60 in the western suburbs, Lyle Elementary School in Bridgeview, Stevenson High School in Lincolnshire, Algonquin School District 300, Deerfield Public Schools District 109, Township High School District 113 in the north suburbs, and Kaneland Community Unit School District 302 based in Maple Park. We had not heard back from these districts as of late Friday.

“You may have districts within a couple miles of each other all coming up with different answers,” Miller said.

So how could the Supreme Court ask by Gov. Pritzker and Attorney General Raoul change any of those policies and plans?

“Until we hear from the Illinois Supreme Court, the school districts don’t know what’s going to go on with the law – so they have to make their own decisions,” Miller said. “Do we still insist on masks or say, ‘Hey it’s up to the kids and the parents?’”

But Miller said we could hear from the Supreme Court soon.

“They could make a decision without hearing any arguments. They could say: ‘This is an emergency situation. We’re going put everything on hold, and we are going to put the governor’s order back in effect until we can decide the merits of the case.’”

Miller said if we see that happen with the Supreme Court, all of the districts making masking optional will be forced to revisit that decision.

Meanwhile, the Illinois Education Association issued a statement noting that it appreciated the “clarity” of the appellate ruling – given that the earlier order by Judge Grischow was unclear as to what it even meant, that is, whether it applied to all Illinois school districts, or only those who were parties to the lawsuit that led to the ruling.

The IEA said Judge Grischow’s Feb. 4 ruling sent schools into “chaos.”

“These past few weeks have been tumultuous in schools around the state. They have been described by some as the worst time in our teachers’ and education employees’ careers. They’re getting angry emails, having to comfort scared students and are working to help calm other students who are dealing with the trauma that this pandemic has caused,” the IEA said. “Schools are supposed to be students’ safe haven. That’s not what we’ve been seeing at many of our schools recently. We know school board meetings have been canceled and schools have shut down because of threats and protests. This has to stop.”

The IEA also said COVID-19 mitigations are there for the purpose of public health, not politics.

“As the weather gets warmer and as hospitalizations continue to decline, we are hopeful that school districts will adhere to their duty to bargain in good faith with local associations over health and safety issues, including mitigation efforts, and remind all that any existing collective bargaining agreements or memoranda of understanding around these issues remain intact,” the union said.