



Good evening!

I want to provide an update to where we stand, as of right now. Over the past 2 days, I have received hundreds of emails with parent concerns about wearing or not wearing masks, with questions about the legality of the mandate, and about the consequences for those who do not wear masks on Tuesday, September 7th when the PA Department of Health Order becomes effective. I truly wish I could answer all of the emails individually, but it's impossible. So, I'd like to try to answer some of the questions that have been raised in this letter, as well. I still struggle to find the words that can bring us together in these very difficult times.

Over the past 2 days, I touched base, emailed, been copied on emails, had zoom meetings or talked personally with other local superintendents, with 4 different attorneys and with our BASD administrative team. Some of the local districts share the same law firms, so we've worked together, too. I'm not a lawyer, so I have to rely mainly on the advice of our lawyers. After all of the discussions and following legal advice, this is our most up-to-date information.

According to the attorneys and the PA Department of Education, we legally must comply with the PA DoH Order, including **all sections** of the Order. Here is a link to the Order, but I'll try to summarize some of the key parts or directly copy each part:

<https://www.health.pa.gov/topics/Documents/Diseases%20and%20Conditions/Order%20of%20the%20Acting%20Secretary%20Directing%20Face%20Coverings%20in%20Schools.pdf>

Specifically, **Section 2 of the Order states:**

"Every teacher, child/student, staff or visitor working, attending or visiting a School Entity shall wear a face covering indoors regardless of vaccination status, except as set forth in Section 3 of the Order."

Section 3 goes on to list the Exceptions to Covering Requirement. These are exceptions listed in the Order in Section 3:

1. If wearing a face covering while working would create an unsafe condition in which to operate equipment or execute a task as determined by local, state, or federal regulators or workplace safety guidelines.
2. If wearing a face covering would either cause a medical condition, or exacerbate an existing one, including respiratory issues that impede breathing, a mental health condition or a disability.
3. When necessary to confirm the individual's identity.

4. When working alone and isolated from interaction with other people with little or no expectation of in-person interaction.
5. If an individual is communicating or seeking to communicate with someone who is hearing-impaired or has another disability, where the ability to see the mouth is essential for communication.
6. When the individual is under two (2) years of age.
7. When an individual is: (1) Engaged in an activity that cannot be performed while wearing a mask, such as eating and drinking, or playing an instrument that would be obstructed by the face covering; or 2) Participating in high intensity aerobic or anaerobic activities, including during a physical education class in a well-ventilated location and able to maintain a physical distance of six feet from all other individuals.
8. When a child/student is participating in a sports practice activity or event, whether indoors or outdoors.

Section 4 of the Order goes on to mandate the "School Entity Obligations."

Section 4 A.1 says:

"A School Entity must require and enforce the requirement that all teachers, children/students, staff, and visitors (subject to the exceptions in Section 3) wear a face covering indoors, regardless of whether this Order is reflected in a school entity's Health and Safety Plan."

Section 4 A. 4 (this is numbered wrong in the Order) says:

"A School Entity must provide reasonable accommodations for individuals who state they have a medical condition, mental health condition, or disability that makes it unreasonable for the person to maintain a face covering."

Section 5 addresses what a School Entity should not do. The first item says, a School Entity should not:

"Enforce face covering requirements when there is an exception under Section 3 or if it is unsafe to do so."

So what does this all mean? Given all of this information and all the conversations I've had in the last 36 hours, I believe we must follow the Order in our district the best we can, that includes *all* parts of the Order. **Briefly, the Order is legally binding and we will require masks of all students and staff as described in the Order beginning on Tuesday, September 7, 2021. However, we legally must also consider those individuals who have a condition or exception outlined in Sections 3 and 4.** Within the Order, the Exceptions that are included in Section 3 must be addressed. Please note that under the Order, philosophical objections, disagreeing with wearing a mask, etc are not considered valid exceptions or excuses. But, there are valid reasons described in Section 3. **Parents who have questions or concerns or need more information about the exceptions should reach out to their child's principal immediately or as soon as possible via email.** Although the buildings are closed for the weekend, the principals are prepared to answer questions, to provide additional information if an exception or medical exemption is needed and to help parents.

Some other points to share:

- Students wearing masks will be given mask breaks throughout the day.
- According to the Order, visitors attending **indoor** school activities, including sporting events, must wear a mask unless they fall under one of the exceptions mentioned previously.
- No masks are required for any event taking place **outdoors**.

- Students who refuse to wear a mask and whose parent or guardian has not sought an exception under the Order with the building principal may be subject to the disciplinary code. (I ask you please do not let it come to that. Please have your child wear a mask or please reach out to your child's principal regarding an exception.)

As mentioned in previous emails and throughout the entire pandemic, staff and student safety, in every way, is our highest priority. We also know that in-person learning is best for most students. We are trying to legally meet the letter of the Order, trying to keep our students in school, trying to meet the students' and parents' needs and still provide the highest quality education in an environment that is safe for both students and staff. We want to work with parents and while we know that the topic of masking is emotionally charged, we are in a very challenging situation. I continue to have the utmost respect for our parents, families, staff and students. I know that we can get through these trying times together.

On a final note, we have had an amazing first three days of school! Thank you for your patience as we work through transportation issues and floods. Fortunately, we haven't had a famine this week, but I am fairly hungry right now (lol). I am planning to send another parent email with any updated information this weekend. Again, I thank you so much for your support and all you do for our students and staff. I hope you and your family have a wonderful Labor Day weekend!

Tammie Burnaford
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