

# WHEATLAND SCHOOL DISTRICT BOARD AGENDA ITEM

CONSENT  
 ACTION  
 REPORT/INFORMATION

**BOARD MEETING DATE:** August 30, 2021  
**BOARD AGENDA NUMBER:** 2.1  
**BOARD AGENDA ITEM:** COVID Guidelines and Masking Requirements  
**DEPARTMENT:** Superintendent's Office  
**CONTACT PERSON:** Craig M. Guensler

## REPORT/PROPOSAL

**On Monday August 23<sup>rd</sup>, a letter was issued to the District by Dr. Tomás Aragón, California's State Public Health Officer and Director of the California Department of Public Health.**

- The letter outlines Legal Requirements for Schools to Implement Universal Masking, noting that the legislature has expressly authorized the California Department of Public Health (CDPH) to issue mandatory public health directives carrying the force of law to prevent the spread of communicable disease, including COVID-19, and the CDPH Guidance for K-12 Schools was issued pursuant to that authority.
- The letter goes on to summarize:
  - Scientific evidence Strongly Supports Universal Masking in K-12 Schools as Necessary to Protect the Health and Safety of Students, Staff, and Families, Particularly in the Face of the Delta Variant
  - Schools Face Substantial Legal, Financial and other Risks of They Do Not Follow Mandatory Universal Masking Directive, citing:
    - California Constitution, court rulings, the potential for civil lawsuits against schools and school officials by families and staff and that certificated employees including school administrators may be subject to referral to the CTC for disciplinary action for violating a mandatory legal duty to implement the masking requirement and exposing student to preventable harm.
    - Under this provision, schools retain flexibility to tailor the protocols for enforcing the mask requirement to their local circumstances. They do not have discretion or authority to opt out from enforcing the requirement.

**SUPERINTENDENT'S RECOMMENDATION:**