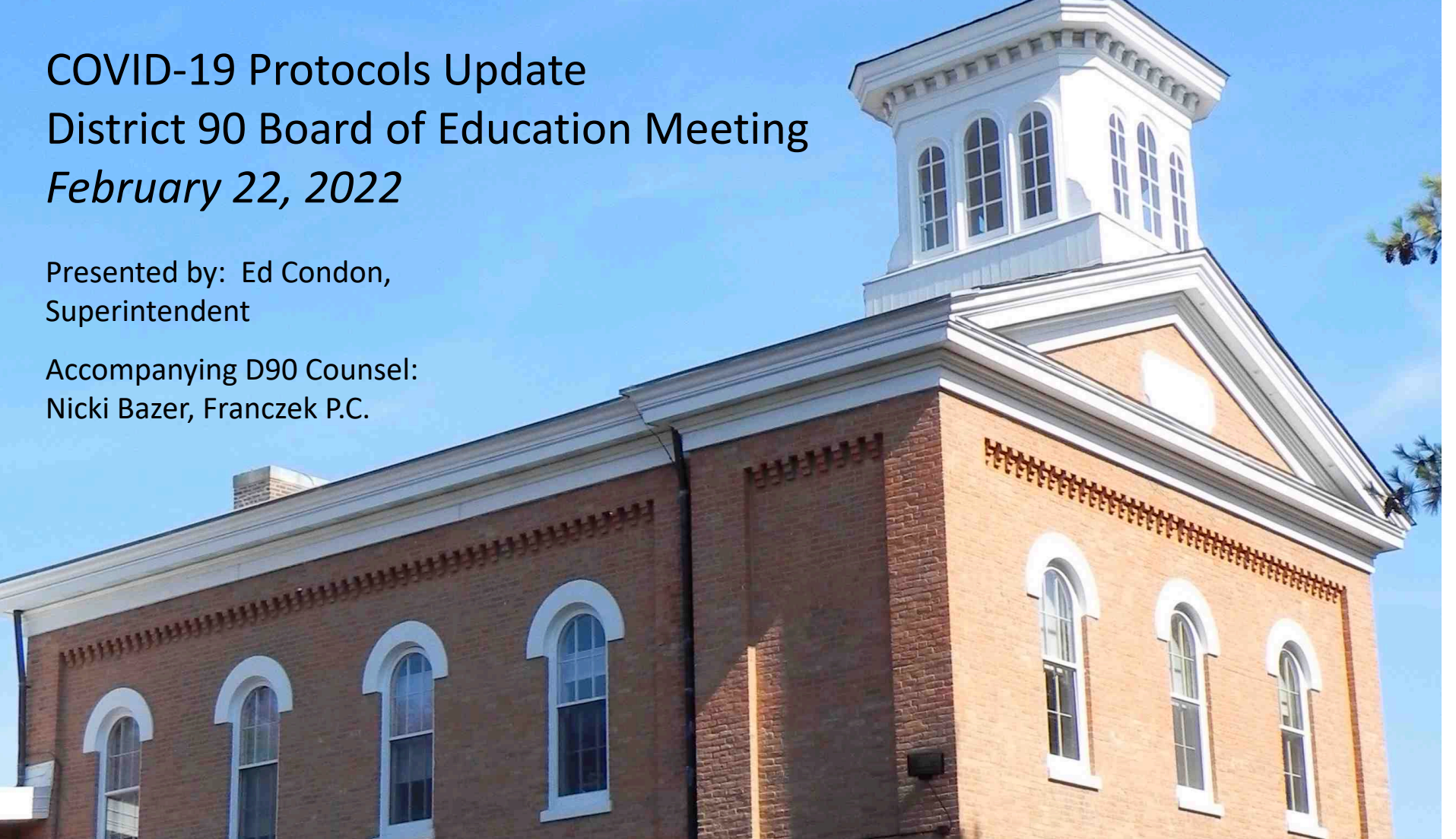


COVID-19 Protocols Update  
District 90 Board of Education Meeting  
*February 22, 2022*

Presented by: Ed Condon,  
Superintendent

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# River Forest Public Schools

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## Order of Presentation:

- Implications of Temporary Restraining Order (TRO) in *Austin v. Pritzker, et al* and *Allen v. Pritzker, et al*
- 4<sup>th</sup> District Illinois Appellate Court Determination/Impact
- Executive Orders, Emergency Rules, Local Health Department (LHD) Guidance
- Implications for River Forest District 90 Safety Mitigation Protocols
- Current State: Recent Adjustments in D90 Safety Protocols
- Moving Forward: Administrative Team Masking Recommendation
- Board Questions and Deliberation

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# Implications of Decision - TRO

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The Temporary Restraining Order (TRO) issued by Judge Grischow on February 4 was applicable to the *Austin* and *Allen* cases, and enjoined the state defendants from enforcing the executive orders and the following against the named defendant districts:

- Requiring masks for students and teachers in their buildings, if they object, except during a lawful order of quarantine
- Requiring school personnel to provide weekly negative COVID-19 test results or be vaccinated without providing due process
- Refusing admittance to school buildings a teacher or student who is deemed a close contact (asymptomatic) without providing due process

\* District 90 is not a party in either the *Austin* or *Allen* lawsuits

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# 4<sup>th</sup> District Appellate Court Determination/Impact

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The task before the Appellate Court was to review the TRO (i.e., whether the judge exceeded her authority in the decision). The role of the Appellate Court is not to “re-write” orders; they are typically sent back to the Circuit Court for revision. The Circuit Court is then required to hold further hearing on the merits.

However, on February 17, the Appellate Court decision stated that the issues under appeal are moot because the Joint Commission on Administrative Rules (JCAR) declined to extend the IDPH/ISBE emergency rules and enforcement of the executive orders was dependent on the rules.

The Appellate Court also stated that school districts are not restrained from acting independently from the executive orders or the IDPH in creating provisions addressing COVID-19.

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# Executive Orders, Emergency Rules, LHD Guidance

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- Executive Order 2021-18 was originally issued on August 4, 2021. The order was most recently recently re-issued on February 4, 2022 and is currently in force until March 5, 2022. The Governor has indicated that he is lifting the statewide mask mandate on indoor spaces (not including schools) on February 28.
- Due to the Joint Commission on Administrative Rules (JCAR) decision not to renew the IDPH emergency rules related to COVID-19 and the subsequent Appellate Court decision, the Executive Order 2021-18 appears to be no longer enforceable.
- Cook County Department of Public Health (CCDPH) has issued a statement “strongly endorsing universal masking in all schools. . .” This is their current recommendation but is neither a directive or mandate.

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# Implications for RF District 90 Safety Protocols

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- In Illinois, school boards can act independently through their authority under the School Code to provide safe conditions, as affirmed by the Appellate Court.
- During the pandemic, District 90 has consistently followed the practice of implementing safety mitigation protocols and procedures because of either executive mandate or directives from state agencies and the local health department.
- With the mandates no longer in effect, District 90 now has to make the determination as to what mitigation strategies to keep in effect.

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# Current State: Recent Adjustments in D90 Safety Protocols

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- Based on recommendations from the Rush Infection Prevention Team, the D90 Nursing Team and D90 administration, mask-wearing has become optional for individuals during outdoor activities (recess, outdoor PE, outdoor athletic practices/competitions).
- District 90 no longer requires exclusion for asymptomatic individuals previously identified as “close contacts.” Staying home and testing is still recommended, however.
- Students and staff may resume wearing their own choice of medical or multi-layer mask. However, gaiters, bandanas, masks with vents, and face shields are not permissible. D90 will continue to provide medical style masks for any individual who wishes to use them, as desired.

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# Moving Forward: Administrative Team Masking Recommendation

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## RECOMMENDATION:

District 90 schools should implement a “*mask recommended, but not required*” COVID-19 safety mitigation protocol in all D90 buildings, beginning on February 28 (assuming stable community transmission rates).



# Moving Forward: Administrative Team Masking Recommendation

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## **Rationale for Recommendation:**

- Clear masking mandates from state agencies/LHD no longer exist.
- Current community and District 90 COVID-19 transmission rates are stable.
- The District intends to continue other established safety mitigation protocols, including physical distancing, screening and outbreak testing, ventilation and air circulation, adherence to handwash regimens, school cleaning and disinfection, confirmed case monitoring, and vaccination/booster promotion.
- Staff and student vaccination rates are strong for individuals above the age 5.
- Social-emotional needs continue to manifest for many D90 students.
- Governor Pritzker's statewide indoor mask mandate concludes on February 28, and this implementation date provides an adequate opportunity to prepare students/staff for the change.

# Moving Forward: Administrative Team Masking Recommendation

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## Recommendation Details:

- *The District retains the right to review, modify, or reinstate mask-wearing or other COVID-19 safety mitigation requirements as necessary due to health conditions, new state agency/LHD mandates, or disease transmission rates. District 90 will monitor local (60305) and regional (Cook County) rates of COVID-19 transmission and consult with the Rush Infection Prevention Team for direction if health conditions destabilize.*
- Masking remains required on school buses or other transportation (Federal mandate).
- Depending on transmission rates, students and staff may be required to mask at school and during school events during the week after Spring Break to avoid potential outbreaks and ensure ongoing in-person instruction.
- Mask requirements will continue as currently enacted for all individuals in early childhood classrooms/settings, as these students do not yet qualify for vaccination.

# Moving Forward: Administrative Team Masking Recommendation

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## **Recommendation Details:**

- Certain staff members may be required to mask, depending on role/circumstances.
- Mask requirements will continue as currently enacted for individuals returning from COVID-19 illness.
- Whenever possible, needs of immunocompromised students and employees should be accommodated through advance planning among families, school nurses, IEP teams, and building administrators.
- School administrators, social workers, faculty and staff will be asked to collaborate to provide social emotional supports for students and colleagues when navigating mask transitions and assist with managing possible inter-personal issues that may occur.

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# Questions?

*Thank you!*

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