



September 3, 2021

Dear Persons of Parental Consent:

On Tuesday, August 31, 2021, Governor Tom Wolf announced an [Order signed by Pennsylvania's Acting Secretary of Health requiring face coverings to be worn in all school entities](#), including school districts, brick and mortar and cyber charter schools, private and parochial schools, career and technical centers, intermediate units, and early learning and other child care settings, **effective Tuesday, September 7, 2021.**

Here at Fannett-metal School District (FMSD), we began the school year respecting parental choice to choose whether to send their child to school with a face covering or not. Some chose to send their children to school with a face covering while others did not. Many people in our community share diverse opinions not only on the face covering mandate, but numerous other laws, mandates, orders, and everything else associated with the COVID pandemic since March of 2020. With this most recent face covering mandate, the school district questioned the enforceability of the face covering mandate with our school solicitor. Please understand, it is the school solicitor's responsibility to provide interpretation of legal authority affecting our school district. This face covering Order is one such authority. This Order is not a policy set by the district, nor is it a policy of the Board which can be changed or revoked. Rather, it is binding authority issued by the Acting Secretary for the Pennsylvania Department of Health (PA DOH), Dr. Alison Beam. Because this is a legal Order governing the school district, our solicitor advised that we are required to enforce the Order. In addition, the district has received communications from various other reliable sources explaining the school district's duty to enforce the face covering mandate. Consequently, the Fannett-Metal School District has no choice but to obey the new face covering mandate.

FMSD recognizes some parents wish the district would just ignore this mandate and take a strong position against face coverings. It is abundantly clear that the district would be engaged in unlawful conduct if it failed to comply with the new order and with potential criminal and liability penalties for all involved. Unfortunately, as a district, we cannot arbitrarily choose what laws (or mandates) to follow and enforce. The School Board of Directors, Administration, Teachers, and Staff care greatly for our students, district, and community. When decisions like this arise, we lose countless hours of sleep and expend immense amounts of energy to serve our students, district, and community with complete commitment. The district would like the community to please remember that the mandate was not a local decision as you assess this situation.

Given the district's duty to enforce the mandate, the Fannett-Metal School District help parents and families with the Order prior to when the mandate goes into effect on Tuesdays, September 7th, 2021. Again, to remove students from conflict, we ask parents to select an option and/or resolve their potential conflicts prior to Tuesday. The options are as follows:

1. Parents and students can elect to comply with the mandate by wearing face coverings to school.
2. Parents can seek an exemption:
 - a. For parents of students with existing IEPs or 504s with a documented medical condition(s), please contact your building administration to state your exemption.
 - b. For parents of students without a documented condition(s), parents can assert an exemption per the Pennsylvania Department of Health's order, Section 3. This assertion can be complex and could result in some unintended consequences. For example, if a parent of a student athlete asserts a respiratory condition without any explanation about how the condition affects the student, the district will request additional medical documentation before the student can return to participate in the sport. For your convenience, the district has attached a model affidavit to facilitate this process and limit unintended consequences.
 - [Please note this affidavit must be notarized.](#)
3. Parents can elect the district's cyber option to education while the mask mandate is in effect.
 - a. The district has a cyber option, Fannett-Metal Cyber Academy (for) Tiger Students (FM CATS) is available students. If you wish to elect such an option for your child, please schedule an appointment with your building administration.

As we have been doing since the start of school this year, students and bus drivers are still required to wear face coverings while on school buses and school vans. While we know this is may be inconvenient, the PA DOH new Order now requires

face coverings in school buildings to assist in reducing the spread of COVID-19. Therefore, moving forward, students who do not have a face covering (or an exemption) when entering a bus or school building will be provided one to wear. Students who refuse to wear a face covering will first be sent to the school office.

As presented by Acting Secretary of Health (PA DOH), Dr. Alison Beam, and the Secretary of Pennsylvania Department of Education (PDE), Dr. Noe Ortega, at the press conference, the use of face coverings allows school districts to minimize the number of individuals who may need to quarantine due to exposure to a positive case. If a student is in close contact at school with another person who tests positive for COVID-19 and both were wearing face coverings at the time, the student exposed will **not** need to quarantine. To that end, wearing face coverings will help us continue to provide in-person learning throughout the school year.

Please note that ten (10) minute face covering breaks will be provided during each class period, in addition to other opportunities throughout the day (recess, Phys. Ed. class, bathroom, lunch, etc.).

First and foremost, I do not want to be in a situation in which face coverings are necessary. Unfortunately, according to the PA DOH and PDE we need them for now. It is my hope that conditions surrounding COVID-19 rapidly improve and that we can lift our face covering requirement soon.

As we move further into the school year, I am asking for your cooperation, understanding, and support, as we traverse these troubled times with the COVID-19 pandemic.

Sincerely,

David A. Burkett

Superintendent

