

## **EAST SAC COUNTY RETURN TO LEARN PLAN – FALL 2021** **Updated – Sept. 14, 2021**

### **Federal Judge Grants TRO Blocking Enforcement of Iowa Code 280.31**

Iowa Code Section 280.31, signed into law on May 20, 2021, prohibits public school districts from requiring masks or face coverings for employees, students, or visitors. A federal lawsuit challenging Iowa Code 280.31 was recently filed on behalf of a local disability rights organization and the parents of eleven students with disabilities enrolled in public schools across the state. Among other things, the lawsuit claims that Iowa Code 280.31 violates the Americans with Disabilities Act ("ADA") and Section 504 of the Rehabilitation Act of 1973 by preventing schools from implementing "universal" mask requirements in school buildings to protect students with disabilities who may be especially at risk from COVID-19.

On September 13, a federal judge in Des Moines granted a temporary restraining order ("TRO") prohibiting the State from enforcing section 280.31 during the pendency of the lawsuit. The order, which can be read in full here <https://www.documentcloud.org/documents/21061751-federal-temporary-restraining-order-iowa-house-file-847>, is effective immediately. Practically speaking, each local school board may now make the decision whether to require masks in school buildings as part of their COVID mitigation plan.

**Following the new information just received, East Sac County will continue to encourage but not require face coverings at this current time. Parents and staff will need to continue to monitor their health conditions before coming to school. Contact tracing and quarantining are not taking place at this time. Proper hygiene is a good way to help prevent the spread of any communicable disease.**

### **Prior to September 13, 2021 TRO**

**Vaccination** – Vaccinations can be an effective way to prevent Covid-19, help deter the spread, and is recommended by the CDC.

**Testing** - Individuals (including students, teachers, and other staff) can seek testing through their normal healthcare channels or through other sites that provide testing services (i.e., local pharmacies).

**School Illness Reporting** - IDPH continues to ask K-12 schools to report when >10% of students are absent due to illness. When >10% absenteeism is reported, IDPH will contact the Local Public Health (LPH) department in the county where the school administrative offices are located. Public health will contact the school to provide best practices and support tailored to the specific types of illnesses being reported.

**Masks and Cloth Face Coverings** - HF 847, signed by Governor Reynolds on May 20, 2021, prohibits a school district from adopting or enforcing a policy that requires employees, students,

or the public to wear a mask while on school property. As such, masks must be optional for students, teachers, and visitors. **A TRO prohibits the state from enforcing Iowa code section 280.31. It is a decision to be made locally by each school district.**

**General Illness** - Students, teachers, or other staff members should stay home in accordance with existing school procedures, generally until 24 hours after their symptoms resolve. COVID positive students, teachers and other staff should stay home 10 days from the start of symptoms.

### **Frequently Asked Questions**

**How will ESC handle positive reports and investigations** - ESC will not be conducting investigations for all positive reports or conducting contact tracing for Covid-19 exposed students and staff.

**Will ESC issue isolation and quarantine orders for COVID-19 positive or COVID-19 exposed students, teachers, or other staff members?** - No. following current IDPH guidelines, ESC is not currently issuing isolation and quarantine orders for COVID-19 positive or COVID-19 exposed individuals.

**Can ESC require that masks be worn by students, teachers, other staff members, and visitors?** - No. HF 847, signed by Governor Reynolds on May 20, 2021, prohibits a school district from adopting or enforcing a policy that requires employees, students, or the public to wear a mask while on school property. **A TRO prohibits the state from enforcing Iowa code section 280.31. It is a decision to be made locally by each school district.**

**Will ESC mandate mask usage on school buses?** – No, after seeking legal advice, masks will not be required, but will be encouraged on school buses.

**Will ESC ask students, teachers, other staff members, or visitors for proof of COVID-19 vaccination?** - No. HF 889, signed by Governor Reynolds on May 20, 2021, prohibits the mandatory disclosure of whether a person has received a COVID-19 vaccination as a condition for entry onto the premises of a governmental entity.

**How long should COVID-19 positive students, teachers, or other staff members stay home?** COVID-19 positive persons can return to normal activities after: 10 days since symptoms first appeared and; 24 hours with no fever without the use of fever-reducing medications and; Other symptoms of COVID-19 are improving\*. \*Loss of taste and smell may persist for weeks or months after recovery and need not delay the end of isolation.

**Will ESC allow students, teachers, staff members, and visitors to voluntarily wear a mask?** – Yes, ESC will allow and encourage students, teachers, other staff members, and visitors who want to voluntarily continue to wear a cloth face covering for reasons that make sense for their family or individual health condition to do so.

**What about cleaning of buildings and vehicles:** - ESC will continue with a plan to clean areas as reasonable to help promote a safe and clean learning environment.