

FOR IMMEDIATE RELEASE

FROM THE DESK OF THE SUPERINTENDENT.

Good afternoon,

Yesterday at 5:02 p.m., Judge Grischow in a Sangamon County court Case #500002 decided on a Temporary Restraining Order for this case. The Carthage ESD # 317 was involved in this case and therefore, must abide by this ruling moving forward. What does that mean for the district? To simplify, beginning Monday, February 7<sup>th</sup>, 2022, the Carthage ESD # 317 will be mask optional. I will attach the court case decision, along with this communication for our public to see these references and orders.

On page 28 of the TRO (temporary restraining order) it states:

Defendants are temporarily restrained from:

- Enforcement of EO18, EO24, EO25 (EO means Executive Orders) as they pertain to the issue before the Court and the Emergency Rules issued by the IDPH and ISBE;
- Ordering school districts require the use of masks for student and teachers who occupy their buildings, if they object, except during the terms of lawful order of quarantine issued from their respective health department in accordance with the IDPH Act.
- Ordering school districts to require persons who are both unvaccinated and work in Illinois schools to provide weekly negative results of an approved COVID-19 test or be vaccinated if they object in order to occupy the school building without first providing them due process of law; and
- Ordering school districts to refuse admittance to their buildings for teachers and students for specified periods of time if the teacher or student is deemed “close contact” of a confirmed probable COVID -19 case without providing due process to that individual if they object, unless the local health department has deemed the individual a close contact after following the procedures outlined in 20ILCS 2305 and 77 Ill Adm. Code 690.1330.

This order also states, “this temporary restraining order shall remain in full force and effect pending trial on the merits unless sooner modified or dissolved.” This court decision would overrule any local school board action.

The question now becomes, “What does all this mean for my child or a person working in the school?” This means that as a parent you can choose whether your child wears a mask and an employee that works in the building can decide whether to wear a mask. This order also states on page 17, “COVID related policies of each school district will have to be addressed on a case by case basis, be subject to school district’s policies that were presented to the school board at a public meeting, and subject to public comment, as well as the Open Meetings Act. The Carthage Elementary School district already had a return to learn plan with masks optional and it was adopted at the August 18, 2021 board meeting. Therefore, our district is compliant with this part of the order.

I also want to be fair and objective when detailing these decisions. This ruling has already been appealed. The Carthage ESD # 317 is NOT part of this appeal process. What does an appeal mean? Where does the case go from here? What could happen? This means the court case will go to the Appellate Court. The plaintiff has two days to submit their arguments. The defendants have two days to submit their arguments and the Appellate court then has five business days to make a ruling. If one side disagrees and appeals again, this could very well move to the Supreme Court, which could take potentially weeks, months, etc.

Our school board will have an emergency meeting Sunday, February 6, 2022 at 6:00 p.m. at the unit office. There will be discussion regarding this case, but no action items are listed on the agenda. Let me reiterate, the district will follow this Temporary Restraining Order, which will make masks optional starting Monday, February 7, 2022.

In closing, I want to reassure our community, our parents, and especially our students that one thing will never change, while I am here. That is putting our students first and above everything else. What we can control is providing an environment conducive to learning, providing the best possible education for our students with the resources we have, and finally, knowing that every staff member cares about each and every one of our students. Regardless of court cases, mandates, or executive orders, I want everyone to know that we as a staff, will continue to do our very best, every day, for every child.

Sincerely yours,

Dustin W. Day, Ed. S

Superintendent of Schools

Carthage ESD # 317