



**Conestoga Valley School District
2110 Horseshoe Road
Lancaster, PA 17601**



We have over 4000 students in this district and our job is to do the best we can to establish a safe and engaging environment in which they can all learn. To say that COVID has been challenging to that goal is an understatement.

In March of 2020, we were abruptly shut down by the Governor and forced to go to a virtual format. Students did not see the inside of a school building for the rest of 2019/2020 school year. However, in true CV spirit, the Seniors made the best of a difficult situation by enthusiastically participating in a drive-through graduation ceremony. During the 2020/2021 school year, we were State-mandated to implement masking, social distancing and quarantine procedures, in addition to increased hand washing and building cleaning practices. Those mitigation efforts, which were not designed to *stop* COVID, but only help to slow its spread resulted in 400 of our students, faculty and staff testing positive for the virus. Fast forward to this year where we started out as masks optional, and while we don't directly quarantine, we do pass the information to the Department of Health who in turn gives the quarantine recommendation to families. In comparing last year to this year, we had 6 total positive cases at this time last year, and our most recent numbers are 75 total positive cases within the first four weeks of this school year.

The school board adopted a Health and Safety Plan on July 19, 2021, and submitted it to the PA Department of Education. Then came the Secretary of Health's Order on August 31, 2021, that mandated the wearing of masks by all individuals beginning September 7, 2021.

The Order shifted local control of addressing the pandemic to a State mandate. With that mandate came possible consequences as determined by the Pennsylvania Department of Education for not enforcing the Order, namely:

- PDE is serving notice to each board member that failure to comply with the mask order is a violation of law and may be used by a plaintiff to establish personal liability in a negligence action.
- Each board member may face lawsuits from those who may be affected by noncompliance with the Order, and each board member may bear potential liability with no indemnification or protection.
- Each Board member may be charged a financial penalty for each student of staff member attending the school.
- Districts that do not comply may be referred to the US DOE Office for Civil Rights for investigation.
- In addition to facing potential lawsuits with consequences similar to those involving the Board, educators can lose their certificate and commission through the educator misconduct process with PDE.

When masks were mandatory to start the school year last year, we provided online, homeschool or charter/cyber charter options for those who opted not to wear a mask. 80% of our students opted for in-school instruction with the mitigation strategies in place, while 20% opted for a virtual or homeschool environment. Exemptions were also in place last year, although only a very few took advantage of that option.

With the Secretary of Health's Order, per PDE, school entities should follow their established processes for determining student eligibility under those laws, including any medical documentation that they would normally require. There are exceptions to the Order; however, per PDE, a parent's opposition to the Order is not one of them.

So, what can we do collectively to get clarification, consideration, or modification of the Order? As I previously noted, noncompliance can have personal ramifications for every teacher, administrator and school board member in the District. I would ask that we focus our collective energy at the state level. The twenty-two Superintendents in Lancaster and Lebanon Counties have requested a meeting with the acting Secretary of Health, have communicated with Senator Aument, Representative Cutler, the Chief of Staff for the Governor and Assistant Secretary of Education. Here is where we need your help. Twenty-two superintendents contacting these individuals is one thing, but if you truly want answers to the why behind the Order, or want your voice to be heard, no matter which side of the issue you stand, I encourage you to focus your actions to the individuals listed below.

That brings us to today. As of this morning, over 99% of students complied with the mask/face shield/approved exemption requirements. Pending action through the Court system or a change from the acting Secretary of Health, CV will continue to "adhere to any existing, valid and binding orders from the PA DOH/PDE/CDC regarding facial coverings" as approved in its Health and Safety Plan. Principals will continue to work with families to facilitate their choice of in-person learning with a mask, face shield or approved exemption, or the choice of online, cyber, homeschool or private schooling.

Like last week, I will post my Superintendent Comments online so you can access the contact information of the individuals at the State level.

Sincerely,

Dave Zuilkoski, EdD
Superintendent

Allison Beam

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