



September 21, 2021

Joanne Johnson

VIA EMAIL – joannejohnson73@gmail.com

Re: FOIA request dated 9/10/21

Subject: Please provide any documentation from any and all State of Illinois or Teachers Unions regarding the decision to revoke the right of a student or their parent to choose to wear a mask. Specifically, please specify what funding has been or will be provided if SD 308 followed Gov. J.B. Prizker's mask mandate. If the Oswego 308 board decided to exercise their right to follow the wishes of the majority of parents and continue to provide the right to choose, what would the repercussions be beyond the forfeiture of the Covid funding?

Dear Ms. Johnson:

This letter will serve as Oswego Community Unit School District 308's response to your FOIA request received on September 10, 2021 under the Freedom of Information Act (5 ILCS 140/1 et seq.), in which you asked for the above referenced information.

To promote district transparency and assist others who may have a similar question, this responsive document will be posted online on the district's website. To access it, go to www.sd308.org and select *Our District > Freedom of Information Act Request > FOIA Request Responses > FOIA Requests Responses -2021 > then select FOIA ID #21-63*.

Please be advised that to comply with your FOIA request, the district incurred an expense that comprised of the cost of labor and resources used to search for records responsive to your request. Let me know if you have additional questions. Thank you.

John Petzke

John Petzke, CFO
Freedom of Information Officer



Illinois State Board of Education

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www.isbe.net

Darren Reisberg
Chair of the Board

Dr. Carmen I. Ayala
State Superintendent of Education

August 11, 2021

Dear Superintendents:

I know many of you are in a difficult position. The pandemic has required us to navigate changing circumstances and guidance. I deeply appreciate your leadership and the courage and integrity you have shown in tremendously challenging times. Many of you have requested clarity on the action ISBE will take to enforce the universal indoor masking requirement, and this communication seeks to provide that clarity.

As you know, [Executive Order 2021-18](#), which went into effect last Wednesday, requires that all students, staff, and visitors wear masks indoors in all P-12 schools in Illinois. Governor Pritzker took this action after the Centers for Disease Control and Prevention and the American Academy of Pediatrics recommended it.

The purpose of the universal indoor masking requirement is to ensure all students can safely attend school in-person this fall. We know that consistent and correct mask use is the simplest, most effective way to keep students safely in school, where they can learn and grow to their fullest potential. Masks work best when everyone wears one. Research conducted by the CDC found that schools are safe **when they have prevention strategies in place**, as documented in the updated [guidance](#) from ISBE and IDPH.

The Delta variant is causing a surge in cases and hospitalizations, and masking is a critical strategy to protect students' access to in-person learning and to keep students, staff, and the community around them safe. We don't throw our umbrella away in a rainstorm because we're not getting wet. We have to keep our umbrella up until the storm passes.

The executive order has the force of law. I understand the pressure some school and district leaders may be facing from community members, and I will provide you with every support to understand, communicate, and comply with the order.

However, noncompliance is not an option. I will not compromise the health and safety of students or staff, nor will I risk even one child's life.

Local boards of education, schools, and school districts do not have the authority to deny the Governor's Executive Order requiring universal indoor masking in schools. Doing so not only

puts students' health and safety at risk but also opens the district to extraordinary legal liability – potentially without any insurance to cover damages. I strongly recommend that each district consult with its legal counsel and insurer to fully understand the repercussions.

Further, the Illinois State Board of Education has and will use its regulatory authority, pursuant to 23 Ill Admin. Code 1.20, to ensure school districts protect students and staff; if school districts fail to do so, this risks State recognition.

A district would have multiple opportunities to remedy the deficiencies that present a health hazard or a danger to students or staff before becoming unrecognized. A district would first have its recognition status changed to “On Probation” and would be asked to submit a corrective action plan. Failure to address the deficiencies would lead to nonrecognition, meaning total loss of access to state funding and loss of the school's ability to engage in any Illinois High School Association and Illinois Elementary School Association athletic competitions.


These are not steps anyone at ISBE wishes to take nor should these steps be necessary. School districts have the moral and legal obligation to follow public health requirements and guidance to keep their students and staff safe.

Wearing a mask is simple, safe, and easy. I know it can be uncomfortable sometimes, but so are football helmets and seatbelts. Sometimes we have to bear a little discomfort for the sake of safety and because it's the law.

We have so many important issues to face as we start the school year, and we want to start the year off with positivity for all our students. I ask that you respect that there is a mask requirement, communicate this to your school communities and celebrate the return to in-person learning.

Thank you for your partnership and support.

Sincerely,

A handwritten signature in black ink, reading "Carmen I. Ayala". The signature is fluid and cursive, with the first name "Carmen" and last name "Ayala" clearly distinguishable.

Dr. Carmen I. Ayala
State Superintendent of Education
Illinois State Board of Education