

Dear Members of the Northern Community,

With no advance notice, the Governor and the Department of Health unilaterally issued a new masking order (the “Order”). The Governor’s Order—issued after the school year started—has been disruptive to families and to school district administrators who should be more properly focused on getting school operations running smoothly. For those that have not read the Governor’s Order, it can be found [here](#).

The Governor’s Order mandates that all school districts “enforce the requirement that all teachers, children/students, staff, and visitors (subject to the exceptions in Section 3) wear a face covering indoors, regardless of whether this Order is reflected in a school entity’s Health and Safety Plan.” Section 4(a) (1). While the Governor’s Order requires masking on busses and inside school buildings, it does not apply to outside settings, athletic practices or competitions. Teachers will continue to look for opportunities to utilize outside spaces whenever feasible or possible.

The Governor’s Order strips local school boards of any latitude to consider amendments to their Health and Safety Plans to adapt the Governor’s Order to particular conditions in the District. The Governor’s Order also potentially imposes personal liability on school board members and administrators if they do not comply.

It is abundantly clear that the Governor’s Order is against the wishes of the many within the Northern community. However, because the Governor’s Order would directly penalize NYCSD and its employees, NYCSD must implement the Governor’s Order as of September 7th until there is a legal challenge to the Governor’s Order sustained by a court. Please know that, because the Board believes the Governor has exceeded the authority granted him by the laws on which he relies, the Board will be actively considering opportunities to participate in any litigation filed by school districts seeking to challenge the Governor’s unilateral imposition of these requirements without any regard for local control of schools.

Importantly, the Governor’s Order specifically provides that a school should not “enforce face covering requirements when there is an exception under Section 3 or if it is unsafe to do so.” Section 4(5)(a). The Governor’s Order also provides that one may not be required to wear a mask if “wearing a face covering would either cause a medical condition, or exacerbate an existing one, including respiratory issues that impede breathing, a mental health condition or a disability.”

Why is this important? The Board believes that school districts should be locally controlled and that parents are the best judge of their childrens’ medical and mental well-being. The Governor chose to impose this language and he should be held to it—and that includes the exemptions under Section 3.

As such, if you would like to claim an exemption to the Governor's Order under the provisions of Section 3, you will need to complete the exemption form found [HERE](#) (and also linked at the bottom of this letter) claiming your exemption from the order. You are not required to provide a note from a physician or a psychologist along with this exemption request.

The attached exemption form is the only accepted form of communication. It can be submitted electronically to the school principal or a paper copy may be delivered to the school office. Parent emails or hand-written notes cannot be honored.

In order to have an orderly process and to make sure all parents' wishes are honored where possible we are asking families not to wait until Wednesday morning to complete and submit any exemption requests.

We ask that parents fill out and submit these forms because, in order to be in compliance with the Governor's Order, students cannot be allowed to be without a mask on a bus or inside a Northern building without having an exemption form completed. In those instances, students will be asked to put on a mask. If they do not, they will be sent to the office where the administration, student, and parent will discuss the situation.

No school discipline will be enforced on respectful individuals, but without an exemption form, students will be expected to be taken home or will be asked to complete their school work in a designated area. Teachers and other classroom staff do not play a role in granting an exemption, so we appreciate your cooperation as we look to minimize any distraction to the classroom over this matter.

The Board will continue to advocate for Northern families, students and staff on this and all other issues in which local voices should be heard. We join all families and all employees in our desire to return to normal operations as soon as possible.

Signed,
Ken Sechrist
School Board President

Ann Hoverter
School Board Vice President

FORM:<https://www.northernpolarbears.com/cms/lib/PA09000074/Centricity/Domain/1724/Exemption%20Form%20NYCSD.pdf>