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NEVADA COUNTY PUBLIC SCHOOLS ADVISORY #12

Coronavirus / COVID-19 Pandemic

August 3, 2021

Dear students, parents / guardians, and community members:

The California Department of Public Health (CDPH) has mandated that all schools in California require face coverings for all indoor classrooms. This applies to both students and staff.

While we can respectfully understand the frustrations being expressed, we believe it is important for the following to be factored into the processing of this state-directed mandate and the impact on all of our Nevada County schools.

This requirement to mandate face coverings for all staff and students was a decision made by the California Department of Public Health (CDPH), not by our local schools or our local public health department. Any messages of advocacy or acts of protest need to be directed at the source of the decision, not the schools that are charged with implementing and enforcing the statewide mandate.

As part of our obligation to be compliant, to follow-through on the CDPH mandate, and to maximize our ability to keep all students and staff safe (our top priority), we also have to acknowledge the following:

- Under operative executive orders and provisions of the California Health and Safety Code, schools must comply with orders and guidance issued by the California Department of Public Health and relevant local health departments (LHDs) to limit the spread of COVID-19 and protect public health.
- Failure to follow CDPH guidance/public health directives can be enforced as a criminal offense. While a school district, through the school board, has broad permissive authority under Section 35160 of the Education Code, the district and board must act in a manner which is not in conflict or inconsistent with any law. If a school district acts to forgo CDPH requirements it may present liability issues for individual board members, as well as any applicable district staff, for willfully neglecting to obey a lawful order issued under the California Emergency Services Act. Additionally, there could also be insurance issues with likely exclusions from insurance coverage, which puts the district in a very risky and vulnerable position that could significantly impact its budget.

Everyone has a right to their beliefs and perspectives, as well as the right to advocate as they deem necessary and we celebrate that. Nevada County schools are not dismissing, judging or denying the right to any aspect of this.

The intent here is to make sure that any communication or messaging regarding this issue be directed to the proper authorities and be as well-informed as possible as to the realities involved. Please direct your concerns to these policy makers –

◆ Governor Newsom: <https://govapps.gov.ca.gov/gov40mail/>

◆ CDPH: https://www.cdph.ca.gov/Pages/contact_us.aspx

As public-school entities, Nevada County schools are not taking a position of any kind in this area. We are simply following the CDPH directive, as we would with any law/regulation/policy, as we are required and compelled to do.

Our primary objective is to serve, support and protect our students and staff.

Respectfully,

Scott W. Lay, Nevada County Superintendent of Schools
Jonathan Molnar, Bitney Prep High School
Katie Kohler, Chicago Park Elementary School
Carolyn Cramer, Clear Creek Elementary School
Peter Sagebiel, Forest Charter School
Andrew Withers, Grass Valley School District
Monica Daugherty, Nevada City School District
Holly Pettitt, Nevada City School of the Arts
Brett W. McFadden, Nevada Joint Union High School District
Melissa Conley, Penn Valley Union Elementary School District
Rusty Clark, Pleasant Ridge Union School District
Erica Crane, Sierra Academy of Expeditionary Learning
Melissa Madigan, Twin Ridges Elementary School District
Jennifer Dearduff, Twin Ridges Home Study Charter
Andy Parsons, Union Hill School District
Michael Martin, Yuba River Charter