



July 20, 2021

Dr. Mark Ghaly
Secretary, State of California Health and Human Services Agency

Dr. Naomi Bardach
Safe Schools for All Team Lead California
Department of Public Health

Dr. Tomás Aragón
Director, California State Public Health Officer
California Department of Public Health

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Sacramento, CA 95899-7377
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RE: Mask Mandates for Children in Schools

Dear Dr. Ghaly, Dr. Bardach and Dr. Aragón:

On behalf of the tens of thousands of families, 20,000 students, and 2,000 plus employees whom the Folsom Cordova Unified School District Board of Education represents in the Cities of Rancho Cordova and Folsom, we are excited to reopen our FCUSD schools for full-time, in-person learning for the 2021-2022 school year, while offering families options for independent study.

Our local School Board has been elected to represent and govern in the best interest of our students, staff, and community. We are advocating for the local control in decisions such as the masking of healthy children and staff. We respectfully request that you immediately lift the statewide mandate and allow us to work with our county public health officials to develop and implement a plan for the safe return to in-person instruction.

In the 2020-2021 school year, Folsom Cordova Unified School District (FCUSD) worked collaboratively with the Sacramento County Public Health Department to develop and implement a plan for the safe return to in-person instruction for our 20,000 plus students and 2,000 plus staff members. FCUSD closely monitored all COVID-19 reported cases during in-person instruction noting that we experienced one case of transmission between students and one case of transmission between staff members.

Additionally, during the 2020-2021 school year, FCUSD provided six vaccination clinics giving all staff, as well as all students above the age of 12, the opportunity to receive vaccinations. At this time, all staff and students above age 12 have had an opportunity to receive a vaccination.

We also recognize that restrictions on capacity, distancing, and use of masks in other sectors have been lifted to allow unmasked groups of all ages at both indoor and outdoor venues.

We do not believe that punitive measures directed towards students who desire to attend school in-person, and do not comply with the mask mandate, should be excluded from in-person instruction. Independent Study is certainly an option that we are offering, but it is a voluntary option, not a forced option.

The California Constitution prescribes that the State has a “fundamental interest” in educating children.(1) This “fundamental interest” includes creating a public school system which ensures each individual child has an opportunity to receive public schooling on an equal basis.(2) Within this system, each school is required to provide a program of equality that meets prevailing statewide standards.(3)

We respectfully request that you immediately lift the statewide mask mandate and allow us to work with our county public health officials to develop and implement a plan for the safe return to in-person instruction.

Sincerely,
Folsom Cordova Unified School District Board of Trustees

Ed Short, President

David Reid, Vice President

Joshua Hoover, Clerk

Tim Hooey, Member

Superintendent

Sarah Koligian, Ed.D.

CC:

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- 1) Cal. Const., art. IX, §§ 1 and 5.
- 2) Butt v. State of California (1992) 4 Cal.4th 668, 685; Serrano v. Priest (1971) 5 Cal.3d 584, 608-609; Jackson v. Pasadena City School Dist. (1963) 59 Cal.2d 876, 880.
- 3) Butt, 4 Cal.4th at 686-89.