



LOSTANT COMMUNITY UNIT SCHOOL DISTRICT 425

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February 6, 2022

Lostant Families:

You are receiving this letter because of the court ruling on Friday, February 4, 2022 regarding the lawsuit filed against Govern Pritzker's Executive Order regarding Covid-19 school mandates and the September I.S.B.E. Emergency Rules. Below is a brief overview of the ruling and answers to questions you may have. I encourage you to send any comment, concern, question, or suggestion to me. I will place your communication in the Board Packet for consideration at the February 16th board meeting. We also invite you to attend the board meeting to voice your opinion in person. Please contact me if you plan to attend the board meeting. Your name will be placed on the agenda.

Q. Is Lostant CUSD 425 a plaintiff in the lawsuit?

A. Lostant CUSD 425 **was not** a plaintiff in the lawsuit. Therefore, the Temporary Restraining Order (TRO) does not apply to Lostant School and has no legal jurisdiction over our school.

Q. Does Lostant School have to abide by the August Executive Order (renewed on Friday, February 4, 2022) and the September I.S.B.E. Emergency Rules?

A. Yes, the TRO only applies in –part or whole to the 146 plaintiffs named in the lawsuit. The judge did not invalidate the Executive Order. Class certification was denied; therefore, non-named plaintiffs cannot benefit from the TRO.

Q. What legal action is in place moving forward?

A. The Attorney General filed a Motion of Stay. A ruling on the Stay is expected in two to three days. If the Stay is granted, the TRO is rejected. There are plans to file an Appeal on Monday to keep the Executive Order in place. A ruling is expected in approximately two weeks. Lostant School will continue to abide by current law as it is rolled out.

Q. What if I as a parent continue to disagree with the Executive Order and the September I.S.B.E. Emergency Rules?

A. Because Friday's ruling is **ONLY** temporary for the plaintiffs, I encourage everyone to continue following the process we have in place and wait for the next level of legal action to roll out over the next two weeks. Therefore, no new procedures are in place at the moment. We will continue to follow all procedures we have in place.

Q. Does my child have to wear a mask on the school bus?

A. Yes, all students and bus drivers must wear a mask on school buses, this is a **federal order**.

Q. Does my child have to wear a mask at school?

A. Yes, there are no changes to current mandates (mask wearing, weekly Covid testing for non-vaccinated personnel, quarantine, etc.). The judge did not have jurisdiction over non-named school districts. The Temporary Restraining Order does not apply to us and we are still under all mandates.

...where all students are given the opportunity to reach their highest potential.

Q. If the Lostant School Board votes to go against the Executive Order and the I.S.B.E. Emergency Rules what will happen?

A. Because Lostant CUSD 425 is an un-named plaintiff in the lawsuit we will be liable for not following current mandates. That means our insurance carrier does not have to cover the district and individual board members will be liable for going against the Executive Order and I.S.B.E. Emergency Rules. It is our hope that Lostant School families will continue to follow current rules for the next couple of weeks until a final decision is legally ruled upon that will give us further guidance.

Q. What if I want to keep my student home because I do not agree with any of the mandates, or I do not want to wait until a final decision is legally ruled upon?

A. Your child may access the five family excused absence days as outlined in the Handbook. Your child may also access the five mental health days approved by the I.S.B.E. Once all excused days are used, unexcused absences will go into effect. Because none of these days are considered as “quarantine days”, your child will not be able to attend school via Google Classroom. All assignments may be posted or given in paper/pencil format. Teachers will inform students when the assignments are due. Please refer to the Handbook.

Q. Can Lostant School take e-Learning Days until there is a final legal ruling?

A. Yes, up to five days. Because Lostant School has an approved e-Learning Plan on file we are allowed to use the five emergency days allowed by the I.S.B.E. We used two days last week for weather. Therefore we may use three more emergency days if we have a large percentage of students and staff that refuse to follow the Executive Order and I.S.B.E. Emergency Rules. After the three days are used, everyone must return to school.

Q. Can Lostant School take Remote Learning Days until there is a final legal ruling?

A. No, Remote Learning Days are allowed if the entire school must close for quarantine purposes or as directed by the I.S.B.E. Students may access Remote Learning Days if he or she is in quarantine.

Q. Can Lostant School take Adaptive Pause Days until there is a final legal ruling?

A. Maybe, as of Saturday, February 5, 2022 pursuant to the state superintendent’s declaration under Section 10-30 of the Illinois School Code, **a school or school district may only enter into an adaptive pause and provide remote learning in consultation with the local health department (LHD) or the Illinois Department of Public Health (IDPH) and consistent with guidance or requirements from the LHD or IDPH.** In general, an adaptive pause may not be necessary if the school follows all appropriate mitigation strategies. When the large number of new cases makes it difficult for schools and LHDs to conduct prompt investigations to identify and to exclude close contacts, or if there is an unsafe environment due to lack of masking and/or testing, adaptive pauses can be useful to ensure the safety of all individuals. Adaptive pauses using remote learning may not be employed due to staffing shortages in schools. Schools taking adaptive pause should pause from all activities, including extracurricular activities.

I hope this document answers the most important questions you may have concerning Friday’s court ruling. It is our hope to maintain a safe and orderly learning/teaching environment with no interruption to instructional days. We very much appreciate your on-going support and recognize that not all families agree with the mandates placed upon us. Let’s continue to work together for the sake of the children.

Educationally yours,
Dr. Malahy
Superintendent
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