

ARKADELPHIA SCHOOL DISTRICT SCHOOL BOARD RESOLUTION REGARDING MASKS AND LITIGATION CONCERNING ACT 1002 FOR THE 2021-2022 SCHOOL YEAR

The Board of Education of the Arkadelphia School District met in special session on August 10, 2021

Arkansas is experiencing a public-health emergency due to COVID-19 and is the epicenter of the highly contagious new Delta variant; and,

The new Delta variant has caused an increase in the number of children in Arkansas who have been hospitalized, placed on ventilators, and have lost their lives due to COVID-19; and

COVID-19 vaccines are safe and effective, but children younger than twelve years old are not yet eligible to be vaccinated; and,

Both the Centers for Disease Control and the American Academy of Pediatrics recommend that children return to in-person education where it is safe to do so, and the Arkadelphia School Board recognizes the importance of in-person learning; and,

The Centers for Disease Control recommends that masks should be worn indoors by all individuals older than the age of two (2), regardless of vaccination status, in areas experiencing COVID-19 outbreaks, which currently includes the entire State of Arkansas, and the American Academy of Pediatrics recommends that everyone older than the age of two (2) should wear a mask in school regardless of vaccination status; and,

Masks have been proven to reduce the transmission of the COVID-19 virus and are a necessary tool for protecting those not yet eligible for vaccination; and,

Act 1002 of the 93rd General Assembly of the state of Arkansas was enacted for the purpose of prohibiting all Arkansas public school districts and many other public entities, including the Arkadelphia School District, from requiring that students and staff wear masks in school and other public buildings; and,

On Friday, August 6, 2021, the Honorable Timothy Fox, Pulaski County Circuit Judge, entered an Order for Declaratory Relief and Preliminary Injunction finding that Act 1002 “facially violates the equal protection provision of Article 2 of the Arkansas Constitution, in that it discriminates, without a rational basis, between minors in public schools and minors in private schools; and,

Judge Fox’s order declared Act 1002 “unconstitutional under both the separation of powers clause and the equal protection clause of the Arkansas Constitution;” and,

The effect of Judge Fox's order is that Act 1002 is preliminarily enjoined and therefore not currently enforceable as to entities covered by the law, such as and including the Arkadelphia School District; and,

Notwithstanding the entry of Judge Fox's order, the Arkadelphia School Board recognizes that the legal proceedings related to Act 1002 are continuing, that Judge Fox's order may be appealed or stayed, and that circumstances may change as to the constitutionality and enforceability of Act 1002; and,

The Arkadelphia School Board continues to believe that local communities should be empowered to implement public-health precautions, including requiring masks, in order to keep their students and employees safe.

NOW THEREFORE, LET IT BE RESOLVED THAT WE, THE ARKADELPHIA SCHOOL BOARD,

1. Authorize our Superintendent, Dr. Karla Neathery, to implement public-health precautions, including a requirement that all persons present on school campuses while indoors or in school vehicles or buses, including staff, students, visitors, and others, wear masks or other appropriate face coverings, so long as Judge Fox's order preliminarily enjoining Act 1002 is in effect; and
2. Authorize our Superintendent, Dr. Karla Neathery, to continue, modify or rescind any public-health precautions implemented as necessary to comply with any and all future orders of the Pulaski County Circuit Court, the Arkansas Court of Appeals, and the Arkansas Supreme Court regarding Act 1002, and any other applicable state or federal laws, rules, or regulation; and,
3. Continue to strongly recommend that all of our students, their families, and our employees get vaccinated and follow all CDC guidelines regarding wearing a mask in order to protect themselves and others, without regard to the final outcome of all litigation regarding Act 1002; and,
4. This resolution shall remain in effect from the date of the signatures below until the September 21, 2021, board meeting where it will be reevaluated, or the Supreme Court issues a stay of the injunction, or there is a ruling in the Circuit Court upholding Act 1002.

Signed and made effective this 10th day of August, 2021.

Board President

Date

Board Secretary

Date