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August 25, 2021

There remains substantial debate about the issue of face masks and whether they should be worn by students while on buses and in school buildings. People have differing opinions on the topic based upon several different considerations. The Richland Parish School Board (“Board”) and its members are often the target of misinformation. The Board wishes to share the mandates under which it is operating relative to masks. The decision as to whether students are required to wear masks on school buses or at school does not fall within the discretion of the Board to decide. Rather, the following authorities control those decisions:

1. A federal mandate requires students to wear face masks on all school buses, regardless of social distancing or the number of occupants.
2. Governor John Bel Edwards’ Proclamation of August 2, 2021, requires masks to be worn by all students ages 5 and above while inside school buildings and other public buildings until Wednesday, September 1, 2021.
3. The Governor’s proclamations have the force and effect of law.

La. R.S. 29:724. Powers of the governor

A. The governor is responsible for meeting the dangers to the state and people presented by emergencies or disasters, and in order to effectuate the provisions of this Chapter, the governor may issue executive orders, proclamations, and regulations and amend or rescind them. Executive orders, proclamations, and regulations so issued shall have the force and effect of law.

4. The Louisiana Board of Elementary and Secondary Education cannot supersede the Governor’s Proclamation, and it concedes this point. For instance, one of its recent news releases provides:

“...The revisions clarify that *BESE’s minimum standards pertaining to face coverings, are superseded by any statewide or district-specific mandate issued by the governor*, and that *face covering requirements are to be determined by local school systems when no mask mandate from the governor is in place.*” BESE News Release, May 12, 2021

The Louisiana Department of Education’s “Ready to Achieve! 2021-2022 School Operational Guidelines” last updated August 11, 2021, continue to provide for masks in compliance with the Governor’s Mask Proclamation.

5. The Richland Parish School Board cannot override or supersede law by its own rules and regulations.

La. R.S. 17:81 (C.) “Each city or parish school board is authorized to make such rules and regulations for its own government, not inconsistent with law or with the regulations of the State Board of Elementary and Secondary Education, as it may deem proper.”

6. If the Board does not follow the Governor’s Proclamation, it runs the risk of losing its immunity (and insurance coverage) from lawsuits and damages should a student die or become seriously ill. La. R.S. 17:439.1 (E.)(1) provides:

Public and nonpublic schools, public and nonpublic school systems, public or nonpublic school governing authorities, charter school governing authorities, and the officers, employees, and agents thereof may not avail themselves of the immunity provided by this Section if the action or failure to act was in violation of a policy, rule, or regulation adopted by the public or nonpublic school, public or nonpublic school system, public or nonpublic school governing authority, or charter school governing authority or was in violation of any procedure mandated by law or by rule or regulation adopted by a federal or state agency in accordance with the Administrative Procedure Act, and such action or inaction is determined to be grossly negligent or wanton or reckless misconduct.

7. Finally, the use of masks will allow our district a greater chance at achieving its goals of safety and student achievement. The latest quarantine rules under which we will operate this school year provide:

“If both the [positive] case and the contact are engaged in consistent and correct use of a well-fitting face mask AND were within 3 to 6 feet of each other, then those close contacts do not need to quarantine.”