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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

July 29, 2021

Good afternoon, School Directors and Superintendents:

This message provides additional details following the Governor's remarks yesterday about the extension of mask requirements in our school facilities. The Department of Health (DOH) has updated more than just the masking sections of their guidance for schools. The link is provided [here](#) once again, and I strongly encourage you to read about all the changes. In some cases, more flexibility is being offered such as physical distancing, symptom monitoring, and other cleaning and disinfecting protocols.

I hope the following messages are very clear and shareable with your communities:

1. The Delta variant is highly transmissible, and a growing number of young people are getting infected with and spreading the virus. Based on a DOH review of the literature:

"From national antibody studies, we know that children do get COVID-19 infection, even if they have had less symptoms. National seroprevalence data show that children (age 0-17) have the highest level of antibodies of any age group (27.8%)."

"Young people have been infected and are spreading this virus, especially Delta, even though they appear less symptomatic. Because they are less symptomatic, they are less likely to be tested and less likely to embrace mitigation strategies in their public interactions."

2. Wearing masks, for now, is an important mitigation strategy when layered with additional strategies, including vaccinating every eligible person.
3. The ongoing mask order continues to apply to public schools, charter schools, private schools, and tribal compact schools.
4. Under the authority of [RCW 43.06.220](#), the Governor has broad emergency powers, and they have the power of law! As state Superintendent, I have a responsibility to carry out

5. the law, and I intend to do so, regardless of how I might personally feel about masks, or any other requirement placed upon this system at this time.
6. By constitutional authority and [RCW 28A.300.040](#), one of the state Superintendent's clear powers is, "supervision over all matters pertaining to the public schools of the state." Apportionment amounts and timing are shaped by additional law, but let me be clear: Boards or districts that intentionally disobey, dismiss, or shun an explicit law, including a Governor's executive order, which has the power of law, will see an immediate halt to their basic education apportionment, and their federal funds that come through OSPI.
7. Any district that does not offer a full-time, in-person learning experience for each and every family and student that seeks it will be considered in violation of basic education rights of families, and will also have their apportionment and federal funds immediately halted.
8. **These critical public health actions, including masking for now, are not at the discretion of local boards or local superintendents.**

Local community members will always have the right to bring their grievances to their elected leaders, but in the case of these public health measures, they are not local decisions. Local boards of directors have broad discretion on the details of instructional delivery. They are not empowered, however, to override the legal authority of public health officers or the Governor in times of a public health emergency.

Community actions that result in board actions that violate the law, including executive orders, will jeopardize school budgets, local school personnel, and ultimately the opening of school to in-person learning this fall and beyond.

Individuals who violate the mask orders, or other layered mitigation strategies, not only carry individual legal risks, but they also risk cases and outbreaks in school that will warrant quarantines, school building closures, and disruptions in high-quality in-person learning.

You are leading education in a time where misinformation is highly pervasive. Leadership that is focused on genuine data and the common good is essential right now! Thank you for facing this directly and leading for student success.

Sincerely,



Chris Reykdal
Superintendent of
Public Instruction