



BONITA UNIFIED SCHOOL DISTRICT

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February 3, 2022

A Message from the Superintendent Regarding Mask Protocols

Dear Bonita Unified Community,

I want to thank all of you for your continued support of the District, which has helped keep our schools open for in-person learning while continuing to navigate the COVID-19 pandemic.

Nationally, statewide, and locally the mask mandate continues to be a topic of much discussion. Recently, a photo of Gov. Gavin Newsom without a face covering at an NFL game was widely publicized in the news and on social media, furthering the mask debate.

That said, health orders from the [California Department of Public Health \(CDPH\)](#) and the [Los Angeles County Department of Public Health \(LACDPH\)](#) are still in place. These health orders require all students, staff, and visitors – regardless of vaccination status – to wear approved face coverings indoors in a school building, on District transportation, and outdoors where physical distancing cannot be maintained.

Students and staff may be exempt from wearing a face-covering in the following situations:

- They have a documented medical condition, mental health condition, or disability that prevents wearing masks. Medical instructions exempting staff or students from wearing a mask and/or a face shield must be provided to the District in writing and signed by a medical or mental health professional using the Bonita Unified Mask Exemption Request Form, found [here](#).
- During an assessment or a therapy session as needed at the discretion of the assessor/therapist.
- A student's intellectual or developmental disability, mental health condition, or other sensory sensitivity is documented in an active IEP or 504 plan, hindering the individual from wearing a face-covering consistently.

As a reminder, the mask requirement is not a District policy, nor is it optional for those who do not qualify for these exemptions.

We recognize there are individuals and social media groups expressing their opinion that mandates are not laws and school districts do not have to follow them. That opinion is inaccurate for the following reasons:

- The Legislature has broad police powers to take action to preserve public health. ([Patrick v. Riley](#) (1930) 209 Cal.350)

“Preparing Every Student To Live Their Purpose”

- The Emergency Services Act confers power to the Governor to address emergencies and allows the Governor to “assign functions to state entities to be performed during emergencies.” Upon assignment by the Governor, those powers and duties become the duty of that state entity to carry out on behalf of the state. (Government Code sections 8550 and 8595)
- The State Director of Public Health and California Department of Public Health are authorized to take measures to prevent the spread of communicable diseases. (California Health and Safety Code section 120140)
- Orders issued by the Governor and other State Entities, including the California Department of Public Health, pursuant to the Emergency Service Act have the force of law. (Government Code 8567(a))
- School boards may act or initiate programs in any manner so long as those acts or programs are not, “in conflict with or inconsistent with, or preempted by, any law.” (Education Code section 35160)
- School boards “shall cooperate with the local health officer in measures necessary for the prevention and control of communicable diseases in school age children.” (Education Code section 49403)

As stated in several correspondences, Bonita Unified has no plans to be more restrictive than the state and federal agencies that govern school operations. Still, the District cannot ignore health orders, mandates, or laws. When school districts purposefully violate health orders, mandates, or laws, they are subject to civil and criminal liability (Government Code section 8665).

While I understand the frustration from some, I want to reiterate to our community that our Board of Education, teachers, administrators, and classified staff do not have the legal authority to revise or overturn these health orders (Education Code section 35160).

We have also been made aware of the proposed protest for this Friday, February 4, that is circulating on social media. The protest will involve parents sending their children to school without a mask and have them refuse to comply when asked by staff to put a mask on as required by State and County health orders. This directly violates the health orders over which school districts have no control.

To be clear, any student not exempt from masking who comes to school without a mask on February 4 will be offered one to wear. If the student refuses to wear a mask in protest, they will be removed from their class and placed in an alternative setting on their campus to work independently. Regardless of how we may feel as individuals, the District does not have the option or authority to ignore health orders.

There is a better and more productive way to protest while letting your voices be heard. You can contact the agencies that have the authority to change health orders. For those who wish to share their thoughts and perspectives regarding these health orders – whether positive or negative – we encourage you to reach out directly to the following officials:

- [Los Angeles County Department of Public Health](#)
- [Gov. Gavin Newsom](#)
- [California Department of Public Health](#)
- [Kathryn Barger, L.A. County Board of Supervisors \(5th District\)](#)
- [Hilda Solis, L.A. County Board of Supervisors \(1st District\)](#)

Above all, Bonita Unified remains committed to providing healthy and safe learning environments for our students. We will keep our families, employees, and community informed of any updates regarding these protocols.

Thank you for your continued partnership as we navigate the pandemic and strive toward a solid finish to the school year.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carl Coles', with a long horizontal flourish extending to the right.

Carl J. Coles
Superintendent