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Dear Board Member [Name],

I am aware that the board is likely to call an emergency meeting to vote on passing a one-size-fits-all, no exceptions mask mandate for all public school students in Duval County.

Words cannot express my bewilderment and disappointment that you are even considering taking a position which would be in violation of:

* State Law
* Appellate Law – Green v Alachua County, June 11, 2021
* Florida’s Parents Bill of Rights
* Scientific evidence

You have repeatedly made public statements in an effort to indicate that your biggest concern is the health and well-being of students. While it’s honorable to prioritize the health of students and staff, when pressed for evidence to support the position of a once-size-fits-all mask mandate, you provide none. The only statements publicly made refer to COVID case numbers. Absolutely no context is given or considered. No understanding is conveyed of the true danger this virus presents to our students.

Case numbers & hospitalization numbers alone do not support the idea that requiring masks *ensures lower rates* of these stated numbers. That’s a giant leap that anyone exercising critical thinking should not be willing to make. (By this logic, you would also be discussing prohibiting students from driving automobiles to schools since more than 2,500 teenagers die per year in motor vehicle crashes.)

I’m enclosing an article from New York Magazine. (<https://nymag.com/intelligencer/2021/08/the-science-of-masking-kids-at-school-remains-uncertain.html>) I urge you to read it with an open mind. (In no way is it political.) If you have not heard this evidence before, then it’s time to consider it. If you continue to push for a mask mandate in spite of all the evidence (benefits, risks, legal arguments, etc.), then it will be clear to many that you are basing this far-reaching decision on something other than evidence.

If you’re not already aware, you may be interested in knowing that Michael Osterholm, an epidemiologist and former COVID-19 advisor to Joe Biden, and Scott Gottlieb, a former commissioner of the FDA, have publicly noted the limited effectiveness of cloth masks.

In addition to the research provided in the article related to the pros and cons of mask mandates, you must contend with the law. As you are already aware, the first district court of appeals’ ruling in Green v Alachua County will have a direct impact on you all as you weigh this decision.

In her decision, Judge Keim stated, “*A person can reasonably expect not to be forced by the government to put something on his own face against his will.”* While stopping short of stating that a mask mandate is unconstitutional, the decision explains that the burden shifts to the government *“to prove that the law furthers a compelling state interest in* ***the least restrictive way****.”*

On August 3rd, I listened with great interest as your school board attorney, Mr. Philips, addressed the board during a regular board meeting. As a reminder, he made the following remarks:

*“This is not just a question of dealing with the governor’s order or [the State Board of Education’s] rules. There is also the first district court of appeals decision in Green v. Alachua County case. The first DCA declared that the right to privacy is a fundamental right and that the mask mandate implicated that privacy right, and therefore, is presumptively unconstitutional and subject to strict scrutiny.*

*That being the case, we, being in the first DCA, would have a really hard row to hoe because right now that is the rule in the first DCA. We would be up against a first DCA decision that a circuit court judge here would be forced by law to obey.*

*It is fraught with a high likelihood that we wouldn’t like the result if we got into litigation. So, you have to take that into consideration when you’re deciding what to do.”*

***If you intend to re-implement a mask mandate, it is incumbent upon Duval County School Board to explain to all of its stakeholders why masks are absolutely necessary. Prove to us that COVID infections will be lower because of a mask mandate.***

As David Zweig states in the enclosed article, *“[You, our elected leaders,] owe it to [your constituents] to have a clear-sighted, scientifically rigorous discussion about which anti-COVID measures actually work and which might put an extra burden on vulnerable young people without meaningfully or demonstrably slowing the spread of the virus.”*

Pediatric immunologist and director of Emergency Medicine Infectious Disease Management at Boston Medical Center states, “***The onus is on those who recommend masking kids to robustly demonstrate a meaningful benefit,*** *especially when the pre-Delta study of the Georgia schools did not find one, and when there are obvious socio-emotional and educational harms from masking children for this unprecedented duration of time.”*

Please consider all of the ramifications before voting to implement a one-size-fits-all, no exceptions mask mandate. Please do not be motivated by fear alone or persuaded by politics when our students are at stake.

Sincerely,

[Insert name]