

Judge Dismisses Appeal Of Pritzker's School Mask Mandate

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SPRINGFIELD - Gov. J.B. Pritzker's appeal of a downstate judge's order that invalidated his statewide school mask mandate has been dismissed. The judge's ruling late Thursday was a huge blow to the governor's COVID-19 mitigation strategy in schools.

Pritzker's appeal of the order that stopped his school mask mandate was rendered "moot" because of a bipartisan panel of state lawmakers earlier this week. There was an attempt by the Illinois Department of Public Health to reinstitute mask rules for classrooms.

The Fourth District Appellate Court ruled that Illinois' indoor mask requirement in schools has expired and the appeal made by the Illinois attorney general of a temporary restraining order issued Feb. 4 barring schools from enforcing it was dismissed.

The appellate court's decision noted that the Temporary Restraining Order (TRO) "in no way restrains school districts from acting independently from the executive orders or the IDPH in creating provisions addressing COVID-19. Thus, it does not appear the school districts are temporarily restrained from acting by the court's TRO."

The bipartisan Joint Committee on Administrative Rules (JCAR) voted last week to block the re-implementation of Governor JB Pritzker's mask mandate for K-12 schools in Illinois. On Feb. 4, 2022, a Sangamon County Judge issued a temporary mask mandate restraining order. Several area schools over the past week have decided to go mask option, with masks still recommended.

Regan Deering, a plaintiff named in the suit against Governor Pritzker's mask mandate in schools released the following statement:

"There is power in numbers, and I am proud to have joined parents from across the great state of Illinois to defeat Governor Pritzker's mask mandate and stand up for parental choice. Parents know what's best for their children, not woke bureaucrats who want to control the lives of everyday Illinoisans. There are still school districts across the state who are denying due process to parents, so I encourage people to stay informed and keep showing up to their school board meetings. Our children need to be in school receiving the best education possible. I stand for the rule of law and upholding individual freedoms in our country, which is why I've taken action."

House Rep. Amy Elik of Fosterburg had said this previously: "Governor Pritzker's go it alone approach has caused chaos across our state. When a legislative body had the opportunity to decide, they voted to suspend the governor's school mask mandate."

A spokeswoman for the governor's office said the state planned to appeal.

"The governor is disappointed in the appellate court's decision and concerned for the health of those in schools—particularly vulnerable children and adults—and the ability to continue in-person learning," Jordan Abudayyeh said in a statement provided Friday. "The administration is working with (Attorney General Kwame Raoul) to request an

expedited review of this decision from the (Illinois) Supreme Court."

Abudayyeh said the governor "was encouraged that the court made it clear that school districts can continue to keep their own mitigations in place."

Attorney General Kwame Raoul today issued the following statement regarding the late-night decision issued by the Illinois Appellate Court of the 4th District.

"Late last night the Appellate Court declined to issue a substantive decision in the appeal, and we are disappointed by the court's ruling. The Appellate Court's failure to address the important legal issues in question has added to the confusion resulting from the circuit court's decision prioritizing a relatively small group of plaintiffs who refuse to acknowledge science or the need for public health measures to protect vulnerable Illinois residents.

"The Appellate Court's ruling focuses exclusively on the emergency rulemaking process used by the Illinois Department of Public Health with respect to a single technical rule. That rule does not affect the executive orders issued by the governor under the Illinois Emergency Management Agency Act, including the governor's executive order requiring the use of masks in school, the exclusion from school of persons exposed to COVID-19, and testing of unvaccinated school employees working on school premises. That order continues to apply to all persons not specifically named as plaintiffs in the Allen, Austin, Graves, and Hughes matters.

"While the Appellate Court's ruling does not affect the enforceability of the governor's executive orders, the decision does fundamentally misapply important principles of Illinois law related to the issuance of temporary restraining orders, such as the order issued by the trial court. Attorney General Raoul intends to immediately ask the Illinois Supreme Court to address these significant legal errors and preserve the integrity of the rule of law in Illinois. The COVID-19 pandemic is not over, and the Attorney General is committed to defending the governor's actions to mitigate the spread of a virus that has resulted in more than 32,000 deaths in Illinois alone, and to protecting the health and safety of all Illinois residents."