



Jenni Benson, President

Middie Fennell, NBCT, Executive Director

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## **NSEA to School Districts: State Rule Means Educators, Students Compelled to Wear Face Masks**

Lincoln, NE – The Nebraska State Education Association (NSEA) has issued a strongly worded message to Nebraska school districts calling on them to “require the use of face coverings by all staff and students” and putting districts on notice that ignoring that advice could lead to “significant legal liability.”

NSEA sent a letter to all Nebraska school district superintendents noting that the state’s Sept. 1 Directed Health Measure (DHM) added educators to the list of “essential employees” and mandated that teachers and other school employees are now “exempted from certain quarantine requirements if they, among other things, wear face coverings.”

Students are also no longer required to quarantine if face coverings were used at the time of a close contact with someone who is symptomatic or positive with COVID-19.

“Both exceptions,” said NSEA President Jenni Benson, “clearly focus on the presence of face coverings.

“The science and data are clear: The spread of COVID-19 is minimized when everyone wears face coverings. School districts that do not require students to wear face coverings are unreasonably and needlessly exposing students and staff to COVID-19,” said Benson. “Lack of action in that regard also exposes the district to legal liability.”

Benson noted that in September, the president of the insurance pool that provides liability coverage for many Nebraska school districts advised that school districts “should make sure they have a good COVID-19 plan and pay attention to health department directives.”

Benson said “The NSEA considers notice of a quarantine exception and mandatory face coverings as a minimum standard of care necessary to satisfy every school district’s legal duty to protect employee health and safety.

“School districts that do not require the use of face coverings for all students and staff, or that fail to notify employees when others in their work environment remain in the school building pursuant to DHM quarantine expectations, subject the district and those responsible, including administration and board members, to potentially significant legal liability.”

*(NSEA letter to Superintendents is attached)*

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Maddie Fennell, NBCT, Executive Director

**DATE:** October 5, 2020  
**TO:** Nebraska Public School Superintendents  
**FROM:** Jenni Benson, NSEA President; Maddie Fennell, NSEA Executive Director  
**RE:** Directed Health Measures, Children's Fund

It has come to our attention that several school districts do not require the use of face coverings despite medical recommendations and current Directed Health Measures (DHM). The science and data are clear: The spread of COVID-19 is minimized when *everyone* wears face coverings. Educational workers are now exempted from certain quarantine requirements if they, among other things, wear face coverings. Students are also no longer required to quarantine if face coverings were used at the time of a close contact with someone who is symptomatic or positive with COVID-19. Both exceptions focus on the presence of face coverings.

School districts that do not require students to wear face coverings are unreasonably and needlessly exposing students and staff to COVID-19. It is the expectation of the NSEA that school districts require the use of face coverings by all staff and students.

The NSEA also expects school districts to inform employees when others in their work environment remain in the school building pursuant to the DHM quarantine exceptions. The NSEA considers notice of a quarantine exception and mandatory face coverings as a minimum standard of care necessary to satisfy every school district's legal duty to protect employee health and safety.

Navigating our school communities through these unprecedented times requires science-based decision making and respect for personal health decisions. Employee confidence in the measures used to protect their health and safety will promote and secure the educational mission of our schools. School districts that do not require the use of face coverings for all students and staff or that fail to notify employees when others in their work environment remain in the school building pursuant to DHM quarantine expectations subject the district and those responsible, including administration and board members, to potentially significant legal liability.

As always, NSEA stands ready to assist and advocate for our public schools, students and staff. As we move into the winter months, I want to remind you that the NSEA Children's Fund is available to help students in need. From providing funds for a warm coat, mittens or shoes to helping to meet more complex needs, NSEA's Children's Fund will work to ensure that the physical, social and emotional needs of students do not stand in the way of their success in school. There is never red tape or lengthy delay for NSEA members who want to use the fund to help a student. A simple toll-free call to the NSEA (800-742-0047) is usually all that is needed. All requests are handled discreetly and confidentially. More information can be found at <https://www.nsea.org/childrensfund>.

Thank you for the work you do in support of our public schools, students and staff. Working together and vigilantly following health and safety protocols will provide all Nebraskans with the best chance at beating this pandemic.

cc: Dr. Matt Blomstedt, Commissioner of Education  
Dr. Mike Dulaney, Nebraska Council of School Administrators  
John Spatz, J.D., Nebraska Association of School Boards