



In Virginia, Youngkin's Executive Order on Masks in Schools Sparks Confusion, Contention & Lawsuits

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When it comes to education advocacy, there's an ocean of difference between Virginia's largest teacher's union and the Cato Institute, a libertarian think tank that's decried "union-induced school closures."

Right now, though, representatives from groups are united on one front: opposition to Gov. Glenn Youngkin's executive order on masks in school. On Monday, teachers from the Richmond, Chesterfield and Henrico chapters of the Virginia Education Association gathered to oppose the directive, which gives parents the right to opt out of universal masking requirements in local school districts. The same day, the director of Cato's Center for Educational Freedom wrote a second column criticizing the executive order after confirming with the state Department of Education that it also applies to Virginia private schools.

"The governor is basically saying that parents should not be able to choose a school with a universal mask mandate," director Neal McCluskey said in a phone call on Monday. "That's a huge thing to do, especially during a pandemic." And while his chief concern was how the directive affected private schools, McCluskey also pointed out that it presented serious challenges for public divisions.

"Schools across the state have kind of been whipsawed," he said. "You go back one week and the state is saying you must have mask mandates in place. Then you get to Monday and the state is saying, no, you actually may not have mask mandates. And it's generally not good policy to impose drastic policies on schools in the middle of the year."

It's a view that's shared by many parents and school divisions amid ongoing confusion over the executive order, which went into effect Monday despite legal challenges and sometimes open defiance. Seven local school boards and a group of parents in Chesapeake have now filed two separate lawsuits against the administration, claiming Youngkin lacks the authority to override local masking policies. And while some divisions have already made masks optional, more than a dozen others are keeping their mandates as the order is challenged in court. The Virginia Supreme Court is expected to take up the case this week, according to NBC12.

There is legitimate uncertainty about whether Youngkin, as governor, has the ability to overturn local policies. In 2021, the General Assembly passed a law requiring public schools to stay open for in-person instruction. Signed by Gov. Ralph Northam, the language of the law directs divisions to follow mitigation guidance from the Centers of Disease Control and Prevention “to the maximum extent practicable. Currently, that guidance explicitly recommends universal masking for all students, staff and visitors regardless of vaccination status.

It’s still unclear if the governor can override state law with an executive order. And under the Virginia Constitution, school policy largely falls to the state Board of Education, with day-to-day supervision largely left to local school boards. While Youngkin has declined to specify how he plans to enforce the executive order, it’s not certain that he has any authority to take action against noncompliant districts.

For many educators and administrators, though — as well as students and their families — frustration with the order is more about the practical impacts. In divisions keeping their universal masking policies, teachers are now largely tasked with enforcement if children show up to school without face coverings.

“For Richmond, we have communication to encourage students to put their masks back on,” said Katina Harris, president of the Richmond Education Association. “Some educators are creating rewards programs, as well, for students who come in with their masks on.”

Confrontation, though, is still a concern. In Fairfax County, students who refuse to comply with the district’s masking mandate won’t be allowed to attend in-person instruction, according to a staff-wide webinar held on Monday. As other districts mull similar policies, parents worry that students may get caught in the crosshairs.

Last week, a Page County mother made national headlines when she threatened to bring loaded guns to school if the division kept its mask mandate. With similarly contentious debates playing out all over the state, it’s hard to keep students from worrying that their district won’t experience something similar, said Alsúin Creighton-Preis, a parent in Henrico County.

“These kids have already had to walk the gauntlet of these seemingly normal parents shouting nonsense during school board meetings,” she said. “And they’re all super-connected, so the rumor mill is flying.” Her own daughter, a senior in high school, was nervous that an armed parent might come to school on Monday to protest the district’s masking policy.

Not every family, though, opposes the order. Alexis Gearhart and John Cantello, parents in Prince William County, sent their three oldest children to school without face coverings on Monday despite the district’s universal masking policy. Cantello said he’s worried that continued masking is hurting his children’s social-emotional development, especially in the case of his six-year-old daughter, who’s never experienced a typical pre-pandemic school year.

“You’re talking about a whole generation where masks are becoming the new normal,” Cantello said. “But for me, they’re not normal, and I don’t want a new normal.”

Ultimately, both parents said their children did put masks back on when their teachers asked them to do so, though Gearhart said her 10-year-old daughter was initially instructed to sit in the back of the classroom. With the masking order still tied up in court, though, some parents and students are worried the debate will only grow more contentious. The divide is especially visible in counties where masks were made optional.

“I’d say probably 80 percent of students in Powhatan County were not wearing masks,” said Alexander Campbell, a junior who still opted to return to school in a KN95. Some teachers in the district also left their faces uncovered, which he said spurred both gossip and debate among students.

“COVID has been really difficult in terms of school feeling more awkward, more tense,” he said. “And so I’m wondering, are we going to spiral back to normalcy, or is this tension going to continue to build up to the point where we’re seeing altercations and social media debate over masks?”

He’s equally worried that the sudden transition away from face coverings will increase the spread of COVID-19, especially if maskless students don’t quarantine after close exposures. But on a statewide level, Campbell said he’s frustrated to see autonomy taken away from local school boards.

“I found the order ironic because for decades conservatives have been advocating for local control,” he said. “And now local officials can’t make decisions about health when they were elected to make those decisions.”