

Williamson County Schools Student Face Covering Exemption Request – Detailed Explanation re. _____ (Student's name)

This serves as Notice of Legal Right for _____ (Student's name, referred to herein as "My Student") - Mask Refusal Directive.

_____ (Student's name) does not consent to mandatory mask wearing and has the right to withhold or don a face covering at My Student's own discretion.

This advance notice is Legal Directive and informs the public,

_____ (school name), and the Williamson County School Board of Education of _____ (Student's name) right to avoid wearing masks due to My Student's medical condition and legal rights.

Because there is no clear medical reason supporting the need for face coverings, and because going without a mask does not represent a danger to others' health, the requirement to wear them is a violation of my student's constitutional and medical rights. These include: the right to privacy (Fourth Amendment), freedom of movement (Fourth Amendment), the right of self-expression (First Amendment), and the right to make personal medical decisions. On April 27, 2020, the U.S. Department of Justice issued a memorandum to serve as a reminder of the law. It is entitled "Balancing Public Safety with the Preservation of Civil Rights." The memo states, in part: 'If a state or local ordinance crosses the line from an appropriate exercise of authority to stop the spread of COVID 19 into an overbearing infringement of constitutional and statutory protections, the Department of Justice may have an obligation to address that overreach in federal court.' **The mask deprives my student of proper breathing and oxygen, resulting in a condition which prevents my student from freely performing all usual physical or mental functions without impediment.**

There is currently no mask mandate in Williamson County or the City of Franklin, nor is there currently a mask mandate from the state. **My Student has the right to breathe freely without impediment at My Student's own discretion, without discrimination or harassment.**

"Absent a specific grant of authority to local school boards, 'the system of public education in [Tennessee] shall be governed in accordance with laws enacted by the general assembly and under policies, standards, and guidelines adopted by the state board of education that are necessary for the proper operation of public education in kindergarten through grade twelve (K-12). The policies, standards and guidelines shall be formulated by the state board of education, with such assistance from the commissioner of education as the state board may request.'" See T.C.A. §49-1-102; see also Tennessee Constitution, Art. XI, §12.

Neither, the Tennessee General Assembly, nor the State Board of Education have promulgated any mandate that students within the state wear a face mask as a condition precedent to entry into a public school.

Moreover, the Tennessee State Legislature, in its limited grant of authority, has not authorized local boards of education to promulgate compulsory health mandates before allowing a student to attend public school within a school building. *See* T.C.A. §49-2-203.

In fact, the only authority granted to local boards of education with respect to health care regulations of their students and employees is limited to such board's ability to demand a physical examination by a competent physician where there is reason to believe a student/employee has tuberculosis or other communicable disease and exclude them from school until such time as it is certified that their disease is cured. *See* §49-2-203(b)(2). At no time during this school year did My Student have or otherwise exhibit symptoms of tuberculosis or any other communicable disease.

The Tennessee Constitution guarantees school children the right to a free and public education. *See* Tenn. Small School Systems v. McWherter, 851 SW.2nd 139, 151 (Tenn. 1993).

Further, the Tennessee Constitution imposes upon the General Assembly the obligation to maintain and support a system of free public schools that affords substantially equal education opportunities to all students. *Id* at 140-141.

However, a number of school systems within the State of Tennessee do not presently have a mask mandate in effect for their students, employees and staff.”

Thus, by denying my student entry into _____ (*school's name*) and/or participation in classroom activities based solely upon My Student's failure to abide by its unlawful mask mandate, the Board, and administration at the school, has denied my student substantially equal education opportunities available to other students within the state.