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'End of the race:' Derby schools to continue mask mandate through May

BY DANIEL CAUDILL
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Derby Public Schools will continue to mandate masks at its facilities through the end of the semester as part of its COVID-19 safety protocols.

The Derby Board of Education voted 4-3 on March 22 to continue enforcing the mask policy through the last two-and-a-half months of the 2020-2021 school year after nearly an hour of discussion.

"We don't want to start jogging at the end of the race," Vice President Robin Folkerts said. "This is the first time we've been in the green all year. I just feel like it's too soon."

Prior to the vote, Superintendent Heather Bohaty said Sedgwick County is "highly encouraging" masks.

Bohaty also advised that if two people are wearing a mask and one tests positive for the coronavirus, the other person is considered low-risk and doesn't necessarily have to quarantine. If either person is not wearing



Students wear masks inside a classroom at Park Hill Elementary School. The Derby school board voted to continue requiring masks at facilities through the end of the school year.

COURTESY/DERBY PUBLIC SCHOOLS

a mask, it could mean the other person has to quarantine for 10 days.

"If one person is not wearing their mask, either

case or close contact, then they are not allowed to do the modified in-school quarantine," said Bohaty, reading a statement from Adrienne Byrne, director of the Sedgwick County Health Department. "Everyone must be wearing their masks for this to be allowed."

Nicki Seeley, director of special services, said the district has had "minimal if [any] close contacts since February because all of the students and teachers are wearing that mask in the classroom."

The district sent out a survey to staff members

and parents in Derby Public Schools to gauge public opinion about continuing to mandate masks. The results indicated over 90% of district leadership support continuing the mask mandate, between 54 to 60% of staff support the mandate, and up to 43.6% of parent respondents support it.

Joel Addis, president of the Derby National Education Association, encouraged the district to continue mandating masks based on the survey results.

"One thing that I'm

always able to say proudly is that teachers have a voice in this district," he said. "I'm here asking that that trend continue this evening."

Citing the survey results, board member Justin Kippenberger said the district should also weigh parent input, while acknowledging staff concerns about being exposed to students without masks during the school day.

"The majority, at least from our survey of parents, are wanting us to at least consider not banning masks, but just

letting them have the option to choose what's best for their kids at this time," he said.

Board member Matthew Joyce said he doesn't want students to miss in-person instruction because they have to quarantine, something he said upset parents when cases were higher in the district.

"I can't tell you how many parents emailed me. They were so upset that their kids were being quarantined because they were inside this bubble," he said. "The easiest way would be to just keep everybody's masks on ... and keep moving forward. Everybody's just splitting hairs."

Kippenberger agreed that he doesn't want more people to have to quarantine; however, he said, cases have declined significantly in the district's recent COVID-19 reports.

"I don't know why taking a mask away – that we would all of the sudden see a whole bunch of cases show up because we were seeing all those cases with masks the whole time [in the fall]," Kippenberger said.

The district's weekly new cases have been on a steady decline since the end of January. The district reported 35 new cases in February, less than a third of the 111 cases reported in January.

The district's most recent weekly COVID-19 update, posted on Friday, March 26, added zero new cases.

Kippenberger said the

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Sedgwick County rescinds emergency health orders

BY KELLY BRECKUNITCH
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Recent action by the Kansas Legislature and Gov. Laura Kelly, who signed Senate Bill 40 into law last week, led the Sedgwick County Commission to reassess its current emergency public health orders at a meeting on March 24.

With the stipulations of the bill presenting a number of obstacles to keeping the county's pandemic-related health orders in place, the commission ultimately moved to rescind them immediately and approve a resolution recommending – but not enforcing – many of the same health and safety guidelines. That includes wearing of masks and social distancing – with business organizations encouraged to keep such requirements in place – as well as individuals becoming vaccinated against COVID-19 once eligible.

Both motions were

approved on a 3-2 vote after a good deal of discussion regarding what the new legislation could do, as well as the lack of enforcement.

Though the county's orders were rescinded immediately, Gov. Laura Kelly's executive orders – including a statewide mask mandate – remain in place through March 31. Additionally, while SB 40 is amending how such orders are authorized at all levels, Gov. Kelly has stated she plans to reissue the mask orders – under the process imposed by SB 40 – on April 1.

Assistant County Counselor Justin Waggoner summarized SB 40 for the commissioners, which applies to different parties under the Kansas Emergency Management Act relating to public health responses to infectious disease (not just COVID-19).

For the county specifically, Waggoner noted there were two main issues of concern – the higher standard the bill set for



FILE

Concerns over litigation led Sedgwick County to get rid of its public health orders – including capacity limits – but an executive order from Gov. Laura Kelly is keeping mask mandates in place at least through March 31.

local health orders (which would have to be approved by the county commission) and the expedited hearing requirements for related lawsuits.

"The practical effect of this is there would be a low bar for someone to be an aggrieved party because

any aggrieved party could file a lawsuit and get a hearing in 72 hours," Waggoner said.

In turn, Waggoner pointed out that the county could be opened up to several lawsuits – simply from those individuals not wanting to wear masks or

socially distance – which could potentially overwhelm the court system. That led county staff to recommend the resolution with guidelines instead of orders.

No action needed to be taken, but the commission saw the writing on the

wall – as the passage of SB 40 essentially nullified the county's public health orders.

Commissioner Jim Howell spoke in favor of the legislation and the need for the governing body to

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