

# SENATE OF VIRGINIA



## J. CHAPMAN PETERSEN

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GENERAL LAWS AND TECHNOLOGY  
REHABILITATION AND SOCIAL SERVICES

February 7, 2022

Mr. Scott Brabrand  
Superintendent, Fairfax County Public Schools  
8115 Gatehouse Road  
Falls Church, VA 22042

Dear Scott:

On Friday evening, February 4<sup>th</sup>, in my capacity as a parent, I received the attached press release from Fairfax County Public Schools which announced the ruling of the Arlington County Circuit Court on the Governor's Executive Order No. 2 regarding "parental option" for any child masking policies.

The press release begins by lauding the Court's ruling as an *"immediate action to protect the health of the community and also reaffirms the constitutional rights of the school boards."* It then states that FCPS will indefinitely continue its policy of Forced Masking for *"all students, staff and visitors, a regulation which is overwhelmingly supported by our staff and families"* which *"has been a critical safety measure during the pandemic, especially during the most recent surge."*

No evidence is cited for any of these statements, which are clearly opinions – not facts. Since FCPS has circulated its opinions via a public forum, I will respond in kind on the two key presumptions:

### I. "Forced Masking of Children Saves Lives"

Ever since the General Assembly required FCPS to re-open in the spring of 2021, the students and staff of FCPS have been forced to wear masks, regardless of their health, vaccination status or whether the community was experiencing a "surge." To the best of my knowledge, no scientific basis has ever been offered for Forced Masking; rather parents are asked to assume that this policy "saves lives."

After a year, the data on student masking is easily found and it is overwhelming: the forced masking of school children has no correlation with community health.

Let us examine the data points. First of all, there are major states around the United States (e.g. Ohio, Florida and Texas) which have had no mask mandate for at least the past year, when vaccinations became widely available. There is no meaningful discrepancy between the health outcomes of their children and those living in states like New York and California -- or jurisdictions like Fairfax County --

which have strictly masked children. According to CDC data, numbers regarding child health in these states are functionally equal; an outcome which reflects the fact that the COVID19 pandemic, over two years, has had no statistical impact on child mortality rates.<sup>1</sup>

The residual question is whether the Forced Masking of Children is beneficial to others, i.e. family members who may have compromised immune systems. Again, the data shows the opposite: that masking has no meaningful impact on community transmission. In a comprehensively researched article published January 26<sup>th</sup> in *The Atlantic* magazine, the authors who are infectious disease specialists concluded that “no real-world data indicate that these masks decrease transmissions in school settings.”<sup>2</sup>

Numerous other studies by impartial media sources confirm these same findings, including publications from left-leaning sources as Bloomberg News, The Washington Post and The New York Times.<sup>3</sup> Indeed, it has become hard, if not impossible, to find a respected medical researcher who still defends Forced Masking of Children as a public safety measure.

## II. “Forced Masking of Children is Popular”

In the absence of compelling scientific evidence, the fall-back argument from FCPS and other pro-mask advocates has been that Forced Masking of Children is “popular” with staff and parents and, therefore, it should be kept in place for as long as possible, regardless of whether anyone objects.

In my years as a parent, I have been asked to take multiple surveys by FCPS over issues such as “community racism” or “bullying.” To date, I have not been asked to take a survey on Forced Masking (or “universal masking” as it’s more euphemistically called). Therefore, I am skeptical of this statement, especially since I’ve been contacted by so many FCPS parents and staff in the past few weeks who want to speak out against Forced Child Masking but are afraid of the consequences.

More critically, the decision to wear a mask in public – when there is so little correlation with public health – makes it *de facto* a political decision. In other words, by wearing a mask in a public setting, the wearer is able to communicate a political message, e.g. “I Care About Others” or “I Voted for Biden” or even “I’m Vaccinated.” The ability to communicate a political message is the essence of our First Amendment, but coercing others into adopting that statement, especially a student in a public school, is the exact opposite.

For this reason, your argument that “Forced Masking is Popular” is the very reason why this policy must end. You are forcing children to make a political statement that they (and their parents) may not believe. That violates the First Amendment.

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<sup>1</sup> “School Mask Mandates are Unnecessary,” City Journal, February 3, 2022, Dr. Jeffery H. Anderson, former Director, Bureau of Justice Statistics.

<sup>2</sup> “The Case Against Masks at School,” January 26, 2022, The Atlantic Magazine, authored by Margery Smelkinson, M.D., et al.

<sup>3</sup> See e.g. <https://www.bloomberg.com/news/articles/2022-01-07/masks-in-schools-provide-weak-shield-against-covid-study-shows> and <https://www.washingtonpost.com/opinions/2022/01/25/schools-safely-make-masks-optional-new-cdc-guidelines/> and <https://www.nytimes.com/2022/01/28/opinion/masks-covid-children.html>

III. Where Do We Go From Here?

For the past two years, we have seen the lives of our children disrupted and destroyed by a pandemic that posed little, or no, threat to them physically. Too many decisions involving children have been dictated by political expediency. As a parent, I've had enough.

In 2021, the General Assembly solved the issue of school closures by ordering schools to reopen for in-person learning five days a week via the passage of SB 1303. We stepped in because school districts were failing to do the right thing for children. This is not just my opinion – it is reflected in the fact that Virginia public schools, such as FCPS, had a record loss of enrollment in 2021, which has continued into the current year. Something is not right.

In the coming days, I will ask the Governor to either send down special legislation or amend existing legislation so as to end the Forced Masking of Children.

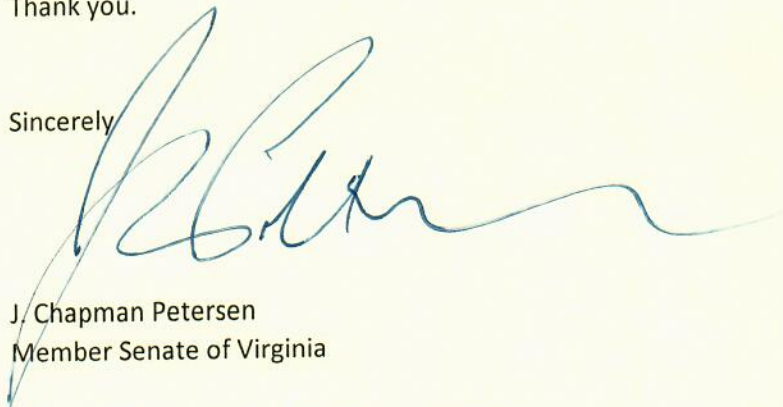
We will pass that with a bipartisan majority and this sad episode will finally end.

Of course, FCPS is free to end the Forced Masking policy on its own accord. If it does so, I am confident there will be the same public health impact as when we (i) re-opened schools, (ii) permitted school sports, and (iii) did away with the "six foot" rule inside school buildings.

In other words, there will be **no negative health effect** and, again, Virginians will be wondering (like we did after the reopening of schools) how we ever allowed an unscientific and inhumane policy to last as long as this one did.

Thank you.

Sincerely,



J. Chapman Petersen  
Member Senate of Virginia

CC: Chair, Fairfax County School Board  
Chair, Prince William County School Board  
Chair, Fairfax City School Board  
Secretary of Education, Commonwealth of Virginia



# Fairfax County PUBLIC SCHOOLS

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February 4, 2022

Dear FCPS Staff and Families,

Just a short time ago, a judge in Arlington Circuit Court agreed to a temporary injunction requested by FCPS and six other Northern Virginia school districts, that takes immediate action to protect the health of our community and also reaffirms the constitutional right in the Commonwealth of Virginia of school boards to make policy decisions for their districts.

A final hearing will be held at a future date. In the meantime, Fairfax County Public Schools will continue our mask requirement for all students, staff, and visitors, a regulation that is overwhelmingly supported by our staff and families. [Read our statement](#) on today's decision.

Universal mask wearing has been a critical safety measure throughout the pandemic, especially during this most recent surge. We are committed to providing all students safe and in-person instruction. We believe that in order to do so, masks and our other layered prevention strategies must remain in place for now. As a reminder, all students are required to wear a face covering while indoors on school property or during FCPS-provided transportation, unless they have an exemption.

We are working with health experts to determine a safe and effective plan to scale back when it is appropriate to do so. FCPS will continue, as it has since this pandemic began, to prioritize the health and safety of all students and staff.

Some of you will be relieved by today's decision and others will be frustrated. We understand. We ask everyone to treat each other with kindness, respect school procedures, and work together to safely move forward.

Fairfax County Public Schools