

TOMS RIVER REGIONAL SCHOOLS

JOSEPH NARDINI

BOARD PRESIDENT

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August 18, 2021

Governor Phil Murphy
Officer of Governor Phil Murphy
The State House
P.O. Box 001, Trenton, NJ 08625

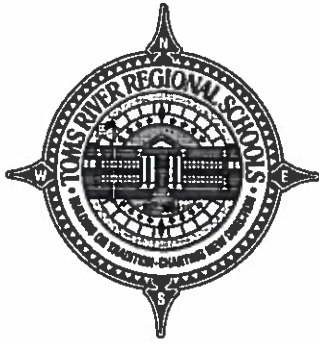
The Honorable Phil Murphy, Governor of New Jersey. I am writing this correspondence in my capacity as President of the Toms River Regional Schools Board of Education ("Board or "Board of Education") on behalf of the Board of Education. The Board, at its regular meeting on August 18, 2021, after again discussing Executive Order 251 relating to the mandatory use of masks in schools, decided that it is altogether fitting and proper that the Board petition Your Honor and your administration to reconsider the mask mandate in schools. Local school districts should be allowed to decide what is in the best interests of their students and parents and guardians must be able to raise their children in a manner they deem appropriate.

As you well know, boards of education in New Jersey are responsible for and to all the students in their respective districts. Board of education members have a responsibility to listen to all citizens and act in the best interests of the students in their districts and base policies and action on what is best for the education of students. The New Jersey Code of Ethics for School Board members states that Board members, ". . . will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, creed, sex or social standing." N.J.S.A. 18A:12-24.1. Executive Order 251 eviscerate boards' ability to govern and manage their respective districts and shifts the responsibility for student safety, health and education to the Executive Branch of state government in New Jersey.

By way of background, Toms River Regional Schools District ("TRRSB") is a regional school district located in Ocean County New Jersey that encompasses four towns, Toms River, South Toms River, Pine Beach and Beachwood. TRRSB has three high schools, three middle schools and twelve elementary schools. TRRSB is the sixth largest school district in New Jersey and the second largest suburban school district. The Board is tasked with providing a thorough and efficient education in a safe environment to over 14,400 students.

Notwithstanding the duty of the boards of education in New Jersey to act in the best interest of its students, parents and guardians enjoy a fundamental right to child-rearing autonomy. Simply, parents and guardians have the liberty to direct the upbringing and education of children under their control. Executive Order 251 interferes with parental autonomy, placing long standing parental rights at issue.

Since the beginning of the pandemic in March of 2020 the Board has held many meetings focused on responding to the public health crisis and declared state of emergency, most of which included public comment and participation. Moreover, TRRSB has established a pandemic response team which includes administration, teachers, public health professionals, parents and other stakeholders. The overall goal of



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the Board, TRRS, parents and guardians, and the pandemic response team, was and remains, ensuring the provision of a quality public education in a safe environment during the pandemic. Though many opinions were expressed during these meetings two concise and resounding themes emerged: the ability of the Board of Education to govern and manage the affairs of the district in a manner that is in the best interest of the students of TRRS and the ability of parents and guardians to raise their children as they deem appropriate. Based on the aforementioned, it is the position of the Board that Executive Order 251 must be rescinded or otherwise amended to reflect the fundamental rights, laws, and responsibilities vested with local school districts and parents and guardians.

Parents have expressed that the use of masks in school can negatively affect children's psychological and emotional well-being, along with making it difficult to concentrate. Parents have also opined that extended mask wearing can cause harm to the physical health of children, while other parents have stated that masks are necessary and appropriate to safeguard their children's health and wellbeing. Clearly, compulsory mask use impacts the educational environment in a local school district and may impact a child's ability to learn. Based on the totality of the circumstances, the Board and parents and guardians are in the best position to make decisions in the interests and well-being of the students. As has been repeated *ad nauseum* herein, Board members are legally responsible for the well-being of the student body, and parents and guardians have a fundamental right to raise their children. Thus, it is respectfully submitted that Executive Order 251 be rescinded or otherwise amended to allow local school districts to develop mask use policies which afford parents and guardians the ability to make decisions based on their children's wellbeing.

In closing, please know that I and every member of the Toms River Regional Schools Board of Education, our administration, our teachers and the parents and guardians of students in our district are committed to acting in the best interest of our students. On behalf of the Board, thank you for your time and consideration. Should you or any member of your staff have any questions or would like to discuss our request further or to visit our schools please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Joseph Nardini".

Joseph Nardini

President, Toms River Regional Schools, Board of Education

cc: Acting Commissioner of Education, Angelica Allen-McMillan, Ed. D.
Senator Holzapfel
Assemblyman Catalano
Assemblyman McGuckin