



Written by [Luis Miguel](#) on August 31, 2021

Biden Education Department Opens Civil Rights Probe into States Banning Mask Mandates

The Department of Education under Biden is opening an investigation into the question of whether certain states' prohibitions on indoor mask mandates are a form of discrimination against children who have disabilities.

The inquiry by the Department's Office of Civil Rights (OCR) was announced on Monday and will look at five states: Iowa, Oklahoma, South Carolina, Tennessee, and Utah.

"The Department has heard from parents from across the country — particularly parents of students with disabilities and with underlying medical conditions — about how state bans on universal indoor masking are putting their children at risk and preventing them from accessing in-person learning equally," said U.S. Secretary of Education Miguel Cardona said in a press release.

He added:

It's simply unacceptable that state leaders are putting politics over the health and education of the students they took an oath to serve. The Department will fight to protect every student's right to access in-person learning safely and the rights of local educators to put in place policies that allow all students to return to the classroom full-time in-person safely this fall.

The Office of Civil Rights will investigate whether the states comply with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. Both these pieces of legislation address discrimination based on disabilities.

The office of Oklahoma Governor Kevin Stitt, a Republican, took aim at the Biden government over the investigation.

"Until every American citizen is safely out of Afghanistan, President Biden shouldn't spend a single second harassing states like Oklahoma for protecting parents' rights to make health decisions for their kids," said Carly Atchison, Stitt's communications director.

Missouri Attorney General Eric Schmitt last week filed a class-action lawsuit against school districts that have imposed "arbitrary and capricious" mandates in the wake of COVID-19.

"Forcing schoolchildren to mask all day in school flies in the face of science, especially given children's



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low risk of severe illness and death and their low risk of transmission,” Schmitt stated.

The Biden administration is also taking on Republican Governor Ron DeSantis of Florida, who signed an executive order recently that prohibits mask mandates in schools, threatening the districts that defy the order with loss of salaries for their school-board members.

The Biden White House offered to pay the salaries of school-board members who lose state funds in consequence of their violation of DeSantis’ executive order.

A DeSantis spokeswoman [pushed back](#) at Washington, criticizing it wanting to spend taxpayer dollars “on the salaries of superintendents and elected politicians, who don’t believe that parents have a right to choose what’s best for their children, [rather] than on Florida’s students, which is what these funds should be used for.”

DeSantis has also been at war with the courts in Florida. Leon County Circuit Judge John C. Cooper ruled last week that the governor’s order doesn’t “pass constitutional muster.”

Despite this, the governor pushed forward with the vow to punish school boards that impose masks. This week, the state [withheld](#) the funding from the noncompliant districts.

“We’re going to fight to protect parent’s rights to make healthcare decisions for their children. They know what is best for their children,” Florida Education Commissioner Richard Corcoran said in a statement Monday.

“What’s unacceptable is the politicians who have raised their right hands and pledged, under oath, to uphold the Constitution but are not doing so. Simply said, elected officials cannot pick and choose what laws they want to follow,” he added.

“Our School Board members made a courageous decision to protect the health and lives of students, staff and the people of this community, and a court has already ruled they had the legal right to do so. They deserve praise, not penalties,” responded Alachua County Public Schools Superintendent Carlee Simon on Tuesday.

This comes at a time when many governments and institutions are reimposing mask mandates and even requiring vaccination to combat the alleged wave of the COVID-19 Delta variant. Employers, hospitals, universities, the military and other entities are making the COVID shot mandatory.



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