



July 30, 2021

Hon. Jimmy Hickey, Jr.
President Pro Tempore
Arkansas Senate
3216 East 35th Street
Texarkana, AR 71854

Hon. Matthew Shepherd
Speaker
Arkansas House of Representatives
200 N. Jefferson Ave.
El Dorado, AR 71730

Dear President Hickey and Speaker Shepherd,

On behalf of the 300 people in Arkansas living with cystic fibrosis (CF), we write to urge the legislature to amend Act 1002 to exempt all K-12 schools from policies prohibiting mask requirements to ensure the necessary flexibility to protect students and staff during the ongoing COVID-19 pandemic. Additionally, we urge you to direct school districts to offer remote learning during the 2021-2022 academic year as an accommodation for students at higher risk for severe illness from the virus, including those with CF.

About cystic fibrosis and COVID-19

Cystic fibrosis is a life-threatening genetic disease that affects more than 30,000 people in the United States, including 130 children in Arkansas. CF is a complex, multi-system disease that causes the body to produce thick, sticky mucus that clogs the lungs and digestive system, which can lead to life-threatening infections. Cystic fibrosis is both serious and progressive; while great strides have been made in the treatment of the disease, lung damage caused by infection is irreversible and can have a lasting impact on length and quality of life.

As COVID-19 continues to present a serious and ongoing risk to Arkansas residents, both children and adults living with CF remain at increased risk for severe illness from COVID-19, as compared to those without underlying conditions.¹ Community transmission of the virus remains high in Arkansas and, as of July 30, over 1700 new cases in Arkansas have been reported in the past week, the third highest rate of any state in the country.² In light of the recent emergence of the Delta and other new variants, the Centers for Disease Control and Prevention (CDC) has recommended that Americans continue to reduce the risk of transmission of COVID-19 and protect those who are most vulnerable to infection.³

Amend Act 1002 to extend flexibility for all K-12 schools

As communities plan for a return to in-person learning this fall, Arkansas schools must have the flexibility to implement necessary safety measures to protect their students and staff. However, Act 1002 bars local school districts from implementing mask mandates, limiting their ability to implement safety measures for all students,

¹ <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/children/symptoms.html#higher-risk>

² https://covid.cdc.gov/covid-data-tracker/#cases_casesper100klast7days

³ <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>

including those with underlying conditions like CF who may be at greater risk of severe illness from COVID-19. In the absence of approved vaccinations for children under age 12, precautions like masking remain a vital tool in preventing infection and spread of the virus; both the CDC and American Academy of Pediatrics recommend universal masking in schools at this time, with the goal of keeping students safe and physically present in school.^{4,5} We urge Arkansas to amend Act 1002 to add all schools as an exempt category under Section 20-7-142 (e) of the law.

Extend remote learning accommodations for the 2021-2022 academic year

In addition to allowing school districts the flexibility to implement safety measures for their staff and students, we urge you to direct school districts in Arkansas to extend remote learning as an accommodation for high-risk students and their families, including children with CF and their siblings. This request echoes the recommendations of the American Academy of Pediatrics (AAP) that “special considerations and accommodations to account for the diversity of youth should be made, especially for populations facing inequities, including those who are medically fragile or complex.”⁶ The Cystic Fibrosis Foundation believes that the decision to return to in-person learning should be made on a case-by-case basis and is best left to a child’s family and their care team.

The Cystic Fibrosis Foundation urges you to swiftly amend Act 1002 to provide an exemption for all K-12 schools and to advise local school districts to adopt remote learning as an option for people with CF and their families during the 2021-2022 academic year. We stand ready to serve as a resource to the legislature and to the state as they plan for the reopening of K-12 schools this fall. Please contact Sage Rosenthal at srosenthal@cff.org or (301) 841-2632 (301) if you would like to discuss this issue further.

Sincerely,



Mary B. Dwight
Senior Vice President of Policy & Advocacy

- cc: Gov. Asa Hutchinson
Com. Johnny Key
Hon. Scott Flippo
Hon. Keith Ingram
Hon. Austin McCollum
Hon. Tippie McCullough

⁴ <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html>

⁵ <https://services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/covid-19-planning-considerations-return-to-in-person-education-in-schools/>

⁶ <https://services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/covid-19-planning-considerations-return-to-in-person-education-in-schools/>