

# Texas Supreme Court blocks mask mandates

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The Texas Supreme Court on Sunday handed down a ruling aimed at enforcing Governor Greg Abbott's ban on mask mandates at workplaces and schools, which has been defied by several large school districts in the state. All of the members of the state's highest court are Republicans, as is the governor.

The court issued an emergency stay on a temporary restraining order by a Dallas County district judge against Abbott's anti-masking executive order. The Supreme Court ruling reversed a number of lower court rulings that had upheld localities requiring the wearing of masks at schools and businesses.

Sunday's ruling targets Dallas and Bexar counties, both of which implemented some form of mask mandate last week. In addition to the Dallas County court ruling upholding that county's mask mandate, a lower court in Bexar County, which includes San Antonio, had ruled that local authorities had the authority to mandate masks in schools due to the rapid spread of COVID-19.

Abbott and Texas Attorney General Ken Paxton filed to block the restraining orders, arguing that the Texas Disaster Act of 1975 gives Abbott broad authority to direct the state's pandemic disaster response. A state appeals court upheld the local mask mandates, but Abbott and Paxton then appealed to the state Supreme Court, which sided with the governor.

Despite the high court ruling issued Sunday, hearings on local mask mandates in lower courts in Bexar and Dallas counties will proceed as scheduled in the coming days.

Paxton tweeted after the court decision Sunday: "Let this ruling serve as a reminder to all ISDs [independent school districts] and Local officials that the Governor's order stands."

Parents and teachers responded to the Supreme Court decision and Abbott's executive order with anger and disgust.

One popular comment read, "Every child who gets COVID, every teacher or staff member, every first responder, every person that can't be treated or taken to the hospital because ambulances can't respond or hospitals are at capacity, you own it."

"You are killing children. Resign," read another comment.

The city of San Antonio released a statement Sunday saying Bexar County's mask mandate at all public schools would remain in effect, despite Abbott's intervention. "City facilities will also continue to require the use of masks for both staff and visitors," the statement added.

The statement argued that the Texas Supreme Court's ruling had "little practical effect" because the mandates were set to expire Monday, when a court hearing on the mandates was scheduled. City officials also pointed out that the high court ruling did not support Abbott's claims related to the disaster act.

City Attorney Andy Segovia said in a statement, "The City of San Antonio and Bexar County's response to the Texas Supreme Court continues to emphasize that the Governor cannot use his emergency powers to suspend laws that provide local entities the needed flexibility to act in an emergency. His suspension authority is meant to facilitate action, not prohibit it."

Dallas ISD Superintendent Michael Hinojosa also announced Sunday evening that masks would still be required at schools and on district property. Hinojosa also said visitors would not be allowed inside schools. He added that the district would maintain its mandate until a court specifically ordered it to stop. "Stay tuned. This is not over," Hinojosa said.

Hinojosa told CNN that the Supreme Court ruling did not apply to his district because it gave instructions only to county governments.

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“We’re going to keep the mask mandate in place,” he said. “As that order was issued, it applied to Dallas County only. School districts were not mentioned in the order. My name was not mentioned in the order, and contrary to what the AG tweeted out, a tweet is not an order. He said that it applied to us, but it does not.”

Hinojosa stated that his concern was for students, teachers and parents, adding that he was pushing a \$100 million virtual learning option. He said that he had received overwhelmingly positive feedback from teachers and parents, with some offering to pay any fine he incurred for defying Abbott’s order.

Other school districts in Dallas County, however, announced they would end their mask mandates in response to the Supreme Court ruling.

The Mesquite ISD issued a statement that said: “Now, Mesquite ISD’s obligation under the law is to fall back to the Governor’s order. Effective Monday, Aug. 16, masks will not be required in our buildings. However, in the strongest terms possible, MISD urges all students and staff members to wear masks as a precaution to protect others from the spread of COVID-19.”

The court’s decision supporting the banning of mask mandates comes as coronavirus cases surge and schools prepare to reopen, despite children under 12 being ineligible for vaccination. According to the *Texas Tribune*, the spread of the Delta variant has increased COVID-19 hospitalizations in the state by 400 percent in the last month.

On Saturday, the Texas Department of State Health Services reported 21,896 new COVID-19 cases across the state. Just under 55 percent of all eligible Texas residents are fully vaccinated, according to the state Department of Health and Human Services.

White House pandemic coordinator Jeff Zients reports that Texas and Florida accounted for nearly 40 percent of all new COVID-related hospitalizations in the US last week. On Sunday, state officials reported that 11,500 Texans were hospitalized with COVID-19, the highest number since last January.



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