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## PRINCE WILLIAM



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# Masks still on ... for now

## Youngkin triggers renewed debate about use in schools

» BY JARED FORETEK  
jforetek@insidenova.com

Prince William County and most other Northern Virginia school districts say they will stick with requirements that students and teachers wear masks in classrooms, despite an executive order issued by Gov. Glenn Youngkin on his first day in office.

Youngkin's order, which goes into effect Jan. 24, said

parents could opt out of having their children wear masks in schools without needing to provide any explanation.

However, a state law passed last year requires public schools to follow COVID-19 mitigation guidelines "to the maximum extent practicable" as propagated by the Centers for Disease Control and Prevention, and those guidelines currently include wearing masks in schools.

The dispute is already headed to the courts, as a group

of parents from the city of Chesapeake in southeastern Virginia filed suit against Youngkin on Tuesday.

Officials from Prince William Public Schools and Manassas City Public Schools announced Monday that their universal masking policies will remain in place. The Arlington, Alexandria, Fairfax, Fauquier and Loudoun school divisions have done the same.

"COVID-19 mitigation measures remain unchanged

MASKS » PAGE 9



AS COVID-19 cases hit a record of over 7,900 in Prince William last week, the county health district opened a testing center at the Pfitzner Stadium Complex in Woodbridge. The center is open every day except Fridays. Tests are free, but appointments are required. The center has the capacity to conduct 500 tests a day and had administered more than 1,500 tests in its first four days, according to a health district spokesman.  
PAUL LARA | INSIDENOVA

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- » BY PHONE: (877) 829-4682
- » Appointments are available two days in advance

# Ferry to D.C.? New analysis underway

## Boats would travel from Woodbridge to Washington

» BY JARED FORETEK  
jforetek@insidenova.com

The plans for a commuter ferry taking riders from Woodbridge to Washington are moving forward again after being put

on hold due to the COVID-19 pandemic, with a new study on the way that should detail a full understanding of how the proposed system would operate.

The ferry has been under consideration

in some form or another for more than 12 years, with a number of crucial details still to be worked out. But the general idea is for a commuter boat to travel on the Potomac River from Woodbridge (possibly from Occoquan or Belmont Bay) to Washington, with stops at the National Harbor

in Maryland, Joint Base Anacostia-Bolling and other spots along the riverfront.

Last month, the Northern Virginia Regional Commission reached an agreement with Nelson/Nygaard Consulting

FERRY » PAGE 17

**Meet this month's Amazing Kids from around Prince William**

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at this time, including mask requirements for students, staff, and visitors,” Superintendent LaTanya McDade said in a message to families Monday. She noted that the school system is expecting the Virginia Department of Education to release revised guidance and is evaluating the order, “along with local, state and national legal requirements.”

Youngkin’s order, one of 11 he signed Saturday, just a few hours after taking office, reads: “The parents of any child enrolled in an elementary or secondary school or a early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child’s school or educational program.”

However, state law approved by the General Assembly and signed by then-Gov. Ralph Northam last year requires school divisions to make in-person instruction available and to do so “in a manner in which it adheres, to the maximum extent practicable, to any currently applicable mitigation strategies ... to reduce the transmission of COVID-19 that have been provided by the federal Centers for Disease Control and Prevention.”

The Manassas school system cited that law in its message to parents Monday noting that universal masking would continue. “To continue in-person instruction, as outlined in Senate Bill 1303, adhering to our mitigation strategies, especially universal masking, keeps our schools open and safe places for students to learn.”

At the same time, local school divisions are dealing with their highest COVID case counts since the pandemic began. On Wednesday morning, the Prince William school system’s dashboard showed 1,335 students and 345 staff members isolating due to COVID-19 symptoms or positive tests and another 3,145 students and 22 staff members in quarantine due to close contacts. The system has about 90,000 total students and 10,000 staff members.

Prince William County as a whole reported a record 7,909 new COVID-19 cases in the week ending Jan. 14, and test positivity rates are over 40%, their highest levels of the pandemic.

In an interview with Fox News on Sunday, Youngkin said his administration was “going to stand up for parents,” and that under Virginia law, parents had a “funda-

mental right to make decisions for their children’s upbringing, their education and their care.”

“We are going to use all the authority that I have to consider all options to protect that right,” Youngkin said.

A complicating factor for school divisions is that removing mask mandates could force more students to quarantine. Current quarantine policy for Prince William schools, for example, mandates that students within 6 feet of an unmasked, COVID-positive student will have to go into the division’s quarantine procedure. But if students are masked, they can be closer and not have to quarantine.

Divisions can adjust quarantine policy, and Prince William is considering shortening the time away from school to better align with new CDC guidance.

School Board Chair Babur Lateef has long said he’d like the division and state education officials to think about COVID mitigation “off-ramps” and would soon like to go to a mask-optional system in Prince William. Last week, he and State Sen. Chap Petersen (D-34th) wrote an opinion piece for the Richmond Times-Dispatch saying that the state should focus on statistics such as hospitalizations and deaths instead of raw case counts.

“For masks, it will require a set of metrics that will allow school boards to act based on empirical health outcomes, not political pressure from pro-mask or anti-mask forces,” they wrote. “And the default option should be normalcy unless there is a specific showing of harm to the students at issue.”

On Tuesday, though, Lateef drew blowback from Occoquan School Board member Lillie Jessie for tweets suggesting everyone on the board wanted to see such “off-ramps” put in place. Last winter, Jessie and Lateef frequently sparred over the reopening of schools, with Lateef ultimately winning and securing an earlier reopening than Jessie and some others supported.

In a Facebook post, Jessie said that even though Lateef is chair, his vote on the board counts the same as those of other board members, and that he could not speak for the whole board.

“Please know that Dr. Lateef and I have not had a conversation about this,” she wrote. “Any position I take will be showcased in the boardroom, the proper arena.”



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*“There’s a lot of opportunities there for parks, housing, for a waterfront village, for water access.”*

— STATE SEN. SCOTT SUROVELL, D-36TH, ON THE POSSUM POINT SITE



The current coal ash pond at Dominion Energy’s Possum Point Power Plant site is seen in this aerial photo taken in September. Dominion’s proposed landfill would be just west of the pond site. The power plant itself is along the Potomac River, just outside the photographed area. (See additional photos, Page 6).

ROGER SNYDER | FOR INSIDENOVA

# Opposition or Opportunity?

## Dominion planning landfill to bury ash at Possum Point

» BY JARED FORETEK  
jforetek@insidenova.com

Dominion Energy’s plan to build a landfill to bury coal ash at its Possum Point Power Station on Quantico Creek is already running into opposition, although one local official says the plan could lead to one of the most valuable redevelopment opportunities in the region.

Prince William Board of County Supervisors member Andrea Bailey, whose Potomac District includes the site, told InsideNoVa this week she opposes the landfill, even though she helped to organize the Jan. 20 community meeting at which Dominion officials announced their plan.

Bailey said she “wasn’t expecting what they presented” and she was not in favor of the landfill. She said Dominion needs to create a different vision for the property.

“I think Dominion is recommending this because it is

the most inexpensive way to solve the problem,” she said. “Inexpensive is not always the best when you’re talking about human lives.”

Bailey said the county is forming a task force for residents in the area to work with Dominion. Ultimately, the company will need signoff from the state on a slew of environmental regulations and inspections, as well as approval from the county.

State Sen. Scott Surovell, whose current 36th District includes the plant site, said the plant is likely to close eventually, so the county should work with Dominion to redevelop the land, which he called “one of the most valuable redevelopment opportunities in all of Northern Virginia.”

Dominion said it was essentially given three options by the state after former Gov. Ralph Northam backed and signed a state law requiring disposal of coal ash to protect groundwater: Dominion could have the ash recycled, could deposit it into an onsite landfill, or could ship it to a different landfill. For the roughly 4 million cubic yards

COAL ASH » PAGE 6

# Showdown continues on masking in schools

## Few students opt out; county joins lawsuit

» BY JARED FORETEK  
jforetek@insidenova.com

Small showdowns between Gov. Glenn Youngkin’s executive order granting parental choice over masks and the Prince William County Schools universal mask mandate played out in county schools this week, with some parents pledging to keep sending their children to school maskless.

At the same time, the showdown between the policies is just beginning in Arlington County Circuit Court, with a hearing scheduled Feb. 2 in a request by seven school districts, including Prince William’s, for an injunction to prevent Youngkin’s executive order from being enforced.

By all accounts, the number of parents and students insisting on remaining maskless despite the divisionwide mandate has been relatively low, with the vast majority of students remaining masked during the school day as usual.

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- » Quarantine rules relaxed, Page 5

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## Data center hearings draw crowds, controversy

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## Local businesses celebrate anniversaries

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# Hearing set Wednesday on mask lawsuit

» BY INSIDENOVA STAFF  
info@insidenova.com

A hearing is scheduled next Wednesday in Arlington County Circuit Court over a lawsuit filed this week by Prince William County and four other Northern Virginia school boards to block Gov. Glenn Youngkin's executive order promising parental choice on whether their children should be masked during school.

In addition to Prince William, Northern Virginia plaintiffs in the suit are Arlington and Fairfax counties and the cities of Alexandria and Falls Church. The other plaintiffs are the cities of Richmond and Hampton.

"The legal action, representing over 350,000 students across the state, defends the right of school boards to enact policy at the local level, including policies that protect the health and wellbeing of all students and staff," the plaintiffs said in a statement.

All the school boards joining in the lawsuits represent divisions that have announced that they will maintain their universal mask mandates despite the order, citing

state law that instructs divisions to use Centers for Disease Control-recommended mitigation strategies. Youngkin's order went into effect Monday.

Prince William School Board Chair Babur Lateef said that due to the confusion caused by Youngkin's order, the plaintiffs are seeking answers from the court as soon as possible.

"It is our highest priority to have students learning in-person, and to do so in a manner that protects the well-being of all students and staff," Lateef said. "It is also important that School Boards retain their local decisional authority to take actions deemed necessary for the safety of their school community. With this legal filing, we do not seek to make a political statement. We simply seek clarification on the conflict between the governor's recent executive order and existing state and federal law."

The plaintiffs cite legislation passed by the General Assembly in 2021 with the goal of returning students to safe in-person instruction five days a week. The bill requires

local school boards to Centers for Disease Control and Prevention health and safety requirements.

"With COVID-19 transmission rates high, our hospitals at crisis level, and the continued recommendation of health experts to retain universal mask-wearing for the time being, this is simply not the time to remove this critical component of layered health and safety mitigation strategies," the plaintiffs said in their statement.

In the statement, the plaintiffs indicated a willingness to negotiate a resolution to the situation.

"These seven school divisions would welcome the opportunity to collaborate with the governor to ensure the safety and welfare of all students."

On Jan. 21, Youngkin's administration released "updated guidelines" for its executive order, urging parents to "listen to their principals" and "trust the legal process," without specifying exactly what that means. On the day he was inaugurated, Youngkin issued the original executive order, promising parents that they could opt out of mandates for their children starting Jan. 24.

## SCHOOL MASKS » FROM PAGE 1

But a small, yet committed group of parents shared reports Monday and Tuesday of asking that their students be exempted from mask rules and then being met with differing responses.

On Tuesday, two teachers contacted by InsideNoVa over text reported that their classrooms ran mostly as normal – or as close to normal as possible since the beginning of the Omicron surge in COVID-19 cases. They told InsideNoVa none of their students rejected the mask mandate, although one teacher said she heard of a student in the school who had been receiving asynchronous instruction because he declined to wear a mask.

"So far it hasn't been a big problem for us," a Woodbridge teacher who asked to remain anonymous said over text.

Brittany Robinson, the mother of three students at Montclair Elementary School, told InsideNoVa that her kids have had trouble with masks since returning to school in the fall, reporting anxiety and difficulty hearing teachers.

"Once we saw the governor giving us the go-ahead ... they've handed the reins back to the parents; we don't want the masks for our kids," Robinson said.

Robinson had filed a request for exemption from the mask rule, and on Monday morning was told by the school that it hadn't been approved. Until it was, they said, Robinson's children could do asynchronous virtual learning from a room with other unmasked students or go to class with their masks on.

Two of Robinson's children chose to keep the mask on, but her son went to what Robinson called the "isolation room," where a few friends were as well.

"We all checked on our kids this afternoon and all of our kids are actually having a great time in there, surprisingly," Robinson said Monday. "So they're segregating, and I know I've heard talk of lawsuits now – because segregation is illegal – not from me. But I guess we'll just wait and see what happens and see what the courts decide. But they're segregating the kids because they're not in masks."

“*They're segregating the kids because they're not in masks.*”

— BRITTANY ROBINSON,  
MOTHER OF THREE STUDENTS AT  
MONTCLAIR ELEMENTARY SCHOOL

The division maintains the same list of possible masking exemptions as it has since 2020, although there were reports online of some schools allowing unmasked students to remain in classrooms while exemption requests were being reviewed. Students claiming medical exemption from the rule are supposed to provide proper medical documentation from a health-care professional, with further allowances for special education students. Students or staff with "sincerely held religious objections" may also receive a waiver.

Robinson said she would keep sending her child to school without a mask as long as he wanted to remain separate. "I mean, everyone says don't put the kids in the middle, but this is their education and this is their experience, so I feel like we're going to have to leave it up to them to decide."

On Monday, a number of members of the new Facebook group, PWC For Mask Choice, were sharing tips on requesting religious exemptions or asking what to tell the school to get one. The group has grown to over 1,000 members since it began earlier this month, and was filled with parents sharing anecdotes of their students attempting to attend school maskless on Monday and Tuesday.

One parent wrote, "I'm sad to say only 3 kids showed up to Ronald Reagan Middle School with no mask. ... My daughter is

the last one left. She's not allowed to leave the room without a mask."

That same morning, it was announced that Prince William had joined six other Virginia school divisions in a lawsuit to block Youngkin's executive order. On Jan. 21, Superintendent LaTanya McDade thanked families for cooperating in a message to families.

"In compliance with the current law, the PWCS masking requirements ... in place since the first day of school re-

main in effect until such time as PWCS receives clarification on the conflict between the Governor's recent Executive Order and existing state and federal law," McDade wrote. "We appreciate your continued cooperation by having your student wear a mask, as they have done very well all year. We also thank you for your support and respect for our school administrators and staff, who are obligated to enforce these legal requirements."

# Quick ruling promised in school mask suit

## School systems seek to suspend Youngkin's order

» BY JARED FORETEK  
jforetek@insidenova.com

An Arlington County Circuit Court judge is promising to rule quickly after hearing arguments Wednesday afternoon in the lawsuit filed by seven Virginia school boards against Gov. Glenn Youngkin's executive order allowing parents to opt out of mask mandates in schools.

Lawyers representing the seven school division plaintiffs and Youngkin made their initial arguments before Judge Louise DiMatteo, with both sides asking for immediate action to either uphold Youngkin's order or allow school divisions to continue enforcing mask mandates as they've done all school year.

The seven school boards – Alexandria, Arlington, Fairfax, Falls Church, Hampton, Prince William and Richmond – are seeking an injunction to immediately suspend Youngkin's order.

All seven have continued to enforce their mandatory masking policies, with work-arounds such as social distancing or isolated learning rooms for students who have applied for exemptions. In

many other Virginia localities, Youngkin's executive order, issued just hours after he was inaugurated Jan. 15, has allowed students free to go maskless in school buildings.

Representing the school boards Wednesday, Fairfax attorney John Cafferky argued that Youngkin's order didn't fall under the emergency powers granted by the General Assembly to address the public health crisis because it wasn't meant to suppress the spread of COVID-19.

He also argued that the order runs afoul of Senate Bill 1303, which was passed by the assembly and signed into law last year. That law, which sunsets in August, requires school divisions to offer in-person learning and to adhere to Centers for Disease Control guidance on mitigating the spread of COVID to the maximum extent "practicable."

"There are many students and there are many staff who have significant medical conditions," Cafferky told DiMatteo, saying that the decision on which mitigation strategies are practical should be left to local governing bodies, based on their individual circumstances. Youngkin's order, he said, was an unprecedented attempt to force the governor's interpretation of individual parental rights on school divisions under emergency powers granted to stem the spread of a deadly pandemic.

"When it comes to educating kids in person, SB1303 says how to do it," said Cafferky, arguing that the boards are governed by the General Assembly and the state's constitution, which vests in them control over local schools.

Ultimately, Cafferky said, the case would address whether local officials had a say in "how they're going to be able to run their schools in Virginia."

But Steven Popps – a deputy attorney general for Virginia arguing on behalf of Youngkin – said the governor was well within his "exceptionally broad" emergency rights to issue executive orders that served as law, and that SB1303 doesn't "displace" the governor's authority.

Both laws, he argued, could coexist, and that it couldn't be "practicable" for divisions to adhere to a mitigation strategy that violated state law. The same goes for vaccines, he said. No school division has decided to adopt a vaccine mandate for students and staff, despite the CDC recommending vaccines for all who are eligible.

"The school boards are not independent sovereigns that are answerable to no higher power," Popps said. "SB1303 does not require rigid, compulsory adherence to every mitigation strategy .... No school board is even remotely following all the applicable guidance."

DiMatteo's ruling seems likely to affect

mask policy for the seven school divisions only temporarily, because both sides have signaled a willingness to take their case to the Supreme Court of Virginia if the circuit court rules against them.

DiMatteo said she was aware of the urgency of the matter and promised a swift ruling after reviewing all the filings and oral arguments.

"I don't intend to take very long to decide this," she said following Wednesday's hearing. "People are waiting to have an answer."

### NEW SUIT FILED IN LOUDOUN

Meanwhile, three Loudoun County families have filed suit against their county's school board for voting to uphold the mask mandate, although the Loudoun board did not join the lawsuit against Youngkin.

The plaintiffs in the civil suit, filed in Loudoun County Circuit Court, are Kristen Barnett, Heather Yescavage and Colin Doniger. All have children in the county's elementary schools. The suit alleges the school board overstepped its authority in voting to continue the mask mandate.

By maintaining the mandate, the suit's introductory statement says, the board "is further ignoring the rights of Virginia parents to make basic decisions about the health and well-being of their children."

# Employees challenge vaccine-or-test mandate

## School system rule was effective Jan. 24

» BY JARED FORETEK  
jforetek@insidenova.com

A group of school system employees are calling on the Prince William County School Board to end its vaccine-or-test requirements for staffers, and at least one board member is hoping the division will reverse course.

At the Feb. 2 School Board meeting, a number of employees came to speak about the requirements for all unvaccinated division staffers to be subject to weekly COVID-19 testing, which they called coercive.

County school system leaders have said that over 90% of the division's roughly 11,400 employees have been fully vaccinated and submitted their vaccination information to headquarters. But employees speaking at the meeting said it isn't fair that they be required to endure additional testing because they've refused to be vaccinated. The policy was approved by the School Board in the fall and went into effect Jan. 24.

"We ask you: If the students are the top priority, why would you threaten to remove their teachers amidst a critical year of recovery?" said Cyndi Kilmer, a Gainesville High School social studies teacher, at Wednesday night's School Board meeting. "If you value your staff and their roles, why would you attempt to enforce a policy that discriminates against and violates the privacy of those who have given so much to make in-person school possible?"

Kilmer and others also said that if both vaccinated and unvaccinated individuals can both contract and spread



*"If the students are the top priority, why would you threaten to remove their teachers amidst a critical year of recovery?"*

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GAINESVILLE HIGH SCHOOL TEACHER

COVID, it doesn't make sense to subject the unvaccinated to extra testing.

Data from the Virginia Health Department and other health agencies show clearly that while both vaccinated and unvaccinated can contract and spread COVID, unvaccinated people are far more likely to do both. During the recent record-breaking Omicron surge, unvaccinated people made up the bulk of COVID cases in Virginia. They were also far more likely to land in the hospital with a severe case of COVID or die from it.

Caly Bruton, another Gainesville High teacher, said that division staff had been "rude" and "evasive" in enforcing the mandatory testing, although she did mention the possibility of exemptions for some. She also said that staff members don't trust the contractor that runs testing.

"The [division's] frequently asked questions also state that we'll be tested by professionals; however, job postings on Facebook and other sites say, 'Job opportunity in Prince William County; we need to hire staff to conduct COVID testing,'" Bruton said. "Now we're hiring anyone off the street?"

A special education teacher wrote on a popular anti-mask parents Facebook group that she would refuse testing.

"I will not take another PWCS COVID-19 test again," she wrote on PWC For Mask Choice. "I complied this week because I thought that was what was best for my students. Just like them I am an American citizen and have freedoms that cannot be taken away."

School Board member Jennifer Wall, who represents the Gainesville District, said she's working on a resolution that would reverse the testing mandate, something two county supervisors who are also running for Congress – Republicans Jeanine Lawson and Yesi Vega – came to last week's meeting to support.

It's unclear whether Wall's resolution would win approval from the board, but Chair Babur Lateef signaled that he would likely support the reversal in policy just weeks after the division saw a record number of students and staff have to isolate or quarantine due to COVID-19 cases or exposures during the Omicron surge.

Wall did not respond to request for comment from InsideNoVa.

"As I have said all along throughout the pandemic, every policy has a cost. There is always a balance of benefits and harms; I've talked about this numerous times," she said at last week's meeting. "We have got to do a better job of balancing the benefits and the harms."

## Judge rules against Youngkin in school masking lawsuit

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An Arlington County Circuit Court judge has issued a temporary injunction blocking Gov. Glenn Youngkin's executive order promising parental choice on school masking from being enforced.

The ruling Feb. 4 by Judge Louise DiMatteo was in favor of seven school boards, including Prince William County's, that had sued to stop the order.

In her ruling DiMatteo said Youngkin couldn't singlehandedly override the school divisions and Senate Bill 1303, which instructs divisions to offer in-person learning while adhering to the maximum Centers for Disease Control guidance as "practicable." That bill was passed into law last year by the General Assembly and sunsets in August.

"The single issue before the Court is whether the Governor, via his emergency powers, can override the decision of local school boards delegated to them under SB1303. On this pivotal point, the Court concludes that the Governor cannot," DiMatteo wrote.

Youngkin promised to appeal the ruling and attempt to have the injunction lifted.

The school boards – from Alexandria, Arlington County, Fairfax County, Falls Church, Hampton and Richmond as well as Prince William – issued a joint statement after the decision saying the court had reaffirmed the state constitution by granting locally elected school boards the responsibility of supervising local education.

DiMatteo wrote that while Youngkin has broad power authority under emergency powers granted to him by the General Assembly, the school boards were still right to follow SB1303.

"It does not follow that the Governor, even in an emergency, can direct the School Boards to ignore the General Assembly's deference to CDC guidance and to abandon their considered determination about what is practicable regarding those mitigation strategies," the judge wrote.

Victoria LaCivita, a spokesperson for Virginia Attorney General Jason Miyares, said in a statement that Miyares and Youngkin will appeal the ruling. "By empowering parents with an opt-out option for face masks, Governor Youngkin is simply using the same executive powers used by Governor Northam to alter our response to the same pandemic."

### OTHER COURT CASES

Meanwhile, the governor's office has been allowed to join a lawsuit filed by a group of parents in Loudoun County Circuit Court against the Loudoun School Board for continuing to enforce its mask mandate despite Youngkin's order. A hearing in that case has been scheduled for next week.

And on Monday the Virginia Supreme Court dismissed a challenge to Youngkin's order by a group of parents from the city of Chesapeake in southeastern Virginia. However, the dismissal was on technical grounds, and the court emphasized it was not ruling on the legality of the order.

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Victoria LaCivita, a spokesperson for Virginia Attorney General Jason Miyares, said in a statement that Miyares and Youngkin will appeal the ruling. "By empowering parents with an opt-out option for face masks, Governor Youngkin is simply using the same executive powers used by Governor Northam to alter our response to the same pandemic."

### OTHER COURT CASES

Meanwhile, the governor's office has been allowed to join a lawsuit filed by a group of parents in Loudoun County Circuit Court against the Loudoun School Board for continuing to enforce its mask mandate despite Youngkin's order. A hearing in that case has been scheduled for next week.

And on Monday the Virginia Supreme Court dismissed a challenge to Youngkin's order by a group of parents from the city of Chesapeake in southeastern Virginia. However, the dismissal was on technical grounds, and the court emphasized it was not ruling on the legality of the order.



# INSIDENOVA

## PRINCE WILLIAM



\$1 FEBRUARY 17 - 23, 2022

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# Taxes likely to increase again

## County's spending plan would grow 9.4%

» BY NOLAN STOUT  
nstout@insidenova.com

Prince William County is proposing to tax meals in restaurants and increase the levy on data centers, while rising property values will drive residential tax bills up nearly 5%.

On Tuesday, interim County Executive Elijah Johnson presented a \$1.48 billion

budget for fiscal year 2023, which starts July 1. That represents an increase of \$127 million, or 9.4%, over the budget for the current fiscal year.

The top item for most county residents is how the budget will affect their personal finances. The county is proposing a decrease in the residential real estate tax rate from \$1.115 per \$100 of assessed value to

\$1.05. Although the rate is dropping, rising property values will result in an effective tax increase. The average residential tax bill would increase \$233, or 4.9%, on a home valued at \$466,739.

Budget Director David Sinclair said the rate would need to be lowered to \$1 per \$100 of assessed value to avoid an effective tax increase. Supervisors reduced the

COUNTY BUDGET » PAGE 4

### PAYING MORE

The proposed county budget includes three major new or higher taxes:

- » **Residential real estate:** Tax on the average home would increase 4.9%, or \$264.
- » **Eating out:** A new 4% tax on prepared meals would go into effect.
- » **Data centers:** The tax on business computer equipment would go up 10%.

## VOWS ON VALENTINE'S



Stephanie and Orlando Sorto of Manassas were among 32 couples who were married during a special Valentine's Day event Monday at Three Monkeys Pub in Old Town Manassas. The weddings were officiated at no charge by Prince William County Circuit Court Clerk Jacqueline Smith (right). This was the fourth year Smith has held the Wedding Bash (the 2021 version was canceled due to the pandemic), and each couple received a cake, a champagne toast and a number of gifts from local merchants.

PAUL LARA | INSIDENOVA

# School masks to be optional by March 1

## Vaccine-or-test rule dropped for teachers

» BY JARED FORETEK  
jforetek@insidenova.com

Mask and vaccine mandates in Prince William County Public Schools could both be a thing of the past by March 1.

Gov. Glenn Youngkin quickly signed a bill Wednesday allowing parents to opt out of mask mandates for students of Virginia public schools, after both the House of Delegates and state Senate approved an emergency amendment requiring local school systems to comply by March 1. Parents do not need to provide a reason for opting out, and students may not be disciplined for not wearing a mask.

Mandatory masking for students and staff has been in place in Prince William schools since they reopened for in-person learning to most students last February.

Youngkin had tried to achieve the same goal through an executive order issued on his first day in office, but Prince William and six other Virginia school divisions won a temporary injunction from a circuit court judge in Arlington prevent-

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# County health district closes COVID-19 testing center

» BY JARED FORETEK  
jforetek@insidenova.com

As COVID-19 case rates plummet across Northern Virginia, the Prince William Health District has closed its permanent testing center, hopefully for the last time.

On Feb. 10, the health district closed the Community Testing Center at Pfitzner Stadium in Woodbridge. Its testing operations will be limited to a shared mobile van the district plans to bring to a different site in the county every Tuesday.

The move to close the location at the stadium comes as COVID case numbers drop precipitously from their January Omicron highs. The county's seven-day average for new daily cases has fallen to about 100. In mid-January, the seven-day average was over 1,000. At the same time, demand for testing has fallen as well.

"We were only seeing anywhere from 20 to 30 people a day for testing. And so the testing demand quickly dropped after the initial rush during the holiday season," Amanda Davis, a epidemiologist for the health district, told InsideNoVa. "In order

to better hit targeted neighborhoods and populations, instead of one constant site, let's take it out on the road."

During the January peak, the testing center had between 300 and 400 visitors daily, Davis said. All told, it conducted 3,272 tests between its opening on Jan. 13 and closure Feb. 10.

The new mobile van will be shared around all of Northern Virginia but will be in Prince William at least every Tuesday. Davis said that the health district is working to add some Saturday dates as well.

The health department will promote the location of the van on its social media accounts and news releases. Appointments are encouraged, but walk-up testing will be available.

Meanwhile, the health district's vaccination clinics at the former Gander Mountain store in Woodbridge and Manassas Mall remain open. The Gander Mountain clinic is open every day except Sundays from 8 a.m. until 6 p.m. The Manassas Mall clinic is open Mondays, Wednesdays and Fridays from 10 a.m. to 6 p.m. and Saturdays from 9 a.m. until 5 p.m.

## SCHOOL MASKS » FROM PAGE 1

ing the order from being enforced. Youngkin's office had said he planned to appeal that decision to the Virginia Supreme Court, but passage of the emergency legislation this week makes any appeal unnecessary.

Meanwhile, on a divided vote Wednesday night, the Prince William County School Board suspended the division's weekly COVID testing mandate for unvaccinated staff. The testing began Jan. 24 for the minority of school staffers after a short delay because of test availability. According to the school system's communications staff, over 92% of the division's roughly 11,000 employees are vaccinated.

The moves to ease mitigation measures in schools come as the Omicron surge wanes across the region, with new cases down about 90% from their January peak and hospitalizations also falling dramatically.

"Today we are re-establishing and restoring power back to parents," Youngkin said at a signing ceremony Wednesday afternoon for the mask legislation. "But we are also re-establishing our expectations that we will get back to normal and this is the path."

Shortly after the Arlington judge's ruling, the General Assembly took matters into its own hands by first passing the bill allowing parents to opt out of mask mandates and then agreeing to Youngkin's amendment to make it effective March 1.

In the state Senate on Tuesday, three Democrats joined 18 of the chamber's 19 Republicans to adopt the amendment on a 21-19 vote. On Wednesday, the House of Delegates followed suit on a 52-48 party-line vote, stripping the school divisions of their claim that a law the General As-

sembly passed in 2021 created an avenue to mandate masking in school buildings.

On Tuesday evening, as the emergency amendment's passage looked imminent, Prince William School Superintendent LaTanya McDade said she would send an update to division families Friday.

"PWCS will be reviewing and revising our mitigation strategies as necessary to be consistent with the final version of the new legislation," McDade said. "As always, any changes to our mitigation strategies will be made thoughtfully with the safety, health, and instructional needs of our students and staff at the forefront."

Meanwhile, the Prince William School Board's decision on a 5-3 vote to suspend the vaccine-or-test mandate followed its meeting Feb. 3, when a group of employees spoke out against the mandate, saying it was unfair to single out those who hadn't been vaccinated because everyone can contract COVID-19, and called the policy a violation of privacy. The rule was approved in September but not implemented until January.

Board Chair Babur Lateef, Gainesville District member Jennifer Wall, Brentsville District member Adele Jackson, Potomac District member Justin Wilk, and Coles District member Lisa Zargapur voted to remove the weekly testing requirement.

Wall said before the vote that the vaccine-or-test mandate is a "heavy burden" and "time-consuming" with no obvious benefit. "In the beginning of the school year when [the original] resolution was passed, our focus was getting schools open and wanting to keep them open and we have shown that we've succeeded in that over these last five months. We've met that goal without this program being in place."



# INSIDENOVA

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### TAKING THE PLUNGE



About 200 participants gathered at Leesylvania State Park on Saturday for Polar Plunge 2022, which raised about \$85,000 for the Virginia Special Olympics. With the water temperature in the Potomac River reported at a chilly 37 degrees, the participants waded out to a police boat offshore and then returned. The event also included a costume contest, with entrants such as Maggie Horoho of the Fairfax County Probation Office, who sported a Lego-themed outfit.

PHOTOS BY PAUL LARA|INSIDENOVA

>> **INSIDE: More details and photos in Lifestyles, Page 23**

## Schools adjusting to changes on masking

### Opt-out policy effective this week

>> BY JARED FORETEK  
jforetek@insidenova.com

Teachers and students in Prince William County are adjusting to another new normal this week, with students having the option to attend classes without wearing a mask for the first time since the COVID-19 pandemic began in March 2020.

“Most of my students have still been wearing masks, but a few are choosing not to,” one Freedom High School teacher told InsideNoVa.

The teacher, who asked not to be identified, said that on Feb. 17, when principals were first instructed to let masked and unmasked students into school buildings without any additional mitigation or consequences, he briefly mentioned the new rules to each of his classes.

“I told them that we should be respectful of everyone’s choice. Personally, I’m mostly concerned about more kids missing school with positives than would have [otherwise], but so far it hasn’t been an issue.”

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**‘We’ve replaced Marilyn Monroe with a game console’**

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**Loudoun officials not keen on data centers near Pageland**

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**Potomac’s Samantha Beadu shines on the mat**

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Manassas City Public Schools will keep staff masked for now, despite the new state law and division policy granting students choice in whether they will wear masks.

On Tuesday night, the city's School Board voted unanimously to maintain the staff mask mandate, citing the Virginia Department of Labor and Industry's infectious disease standard, which says public employers should continue to require masks for staff during what's considered a "high risk" environment.

Last week, the department and the Virginia Safety and Health Codes Board backed a proposal to withdraw that regulation, but the potential policy change must first go through a 30-day public notice and comment period.

After Gov. Glenn Youngkin signed the new law mandating student choice

on masking last week, Manassas schools quickly sent notice that all students would be welcomed into classrooms whether they were masked or not.

Like schools in Prince William County, Manassas City Public Schools will also stop contact tracing unless a school reaches 10% transmission, according to Gina Bellamy, student health services supervisor for the division. That means that although students who are sick or test positive for COVID-19 must stay home and isolate, classmates or teachers who come into contact with that student will not necessarily need to quarantine out of precaution.

Those positive cases will still be logged with the Virginia Department of Health and the Prince William Health District. If the health district informs the school system that a specific classroom or school has reached that 10% threshold, contact trac-

ing and close contact quarantining will resume.

"If it's 10% of a classroom, 10% of a grade level, 10% of a school... the Prince William Health District will let us know, 'Hey, we're concerned this may be an outbreak. We need you to initiate contact tracing or contact investigations,'" Bellamy said. She added that the school system will continue to ask families to monitor their students for COVID symptoms and keep them home if they're not feeling well.

COVID cases in Manassas and the city's schools have been falling dramatically, according to division data presented by Bellamy on Tuesday night. The second week of January was the division's peak for students isolating and quarantining with COVID or because of close contacts, but transmission has fallen as the Omicron variant has waned.

Two division employees spoke at the

School Board meeting Tuesday night to express their desire to have a say in whether they continue wearing a mask in their school buildings.

"It's time to let employees decide for themselves whether they want to wear a mask or not and let the mandates be done with," one of the speakers, a bus driver, said during the public comment period.

Osborn High School teacher Alexandria Forkell agreed. "It's very important that we give our kids and our families this choice, as we should, and we should give that to our staff as well," she told the board. "There should be choices for all the employees in the building, not just one group."

Before voting to maintain staff masking, several board members said they would be open to eliminating the requirement once the state formally issues updated regulations.

## EDUCATION BRIEFS

### COLGAN'S PAWLIK RECEIVES RISE AWARD FOR EXCELLENCE IN PHYSICS TEACHING

LoriAnn Pawlik, a physics instructor at Charles J. Colgan Sr. High School, turned a pandemic into an opportunity for students to learn and explore the world of science a little differently.

The Virginia Association of Science Teachers recently recognized Pawlik's work by presenting her with the Recognition in Science Education (RISE) award for Outstanding Physics Teacher. The association cited Pawlik's ability to devise cutting-edge and relevant ways to engage students while adapting to a virtual environment.

Pawlik, who began teaching physics at Colgan High in August 2020 after several years as an elementary classroom teacher and K-5 science, technology, engineering and math (STEM) teacher, is also a certified educator and facilitator with National Geographic.



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Pawlik partnered with Marissa Cuevas Floras, a National Geographic Explorer based in Mexico, to tie physics into a global perspective for her students. Students used digital learning platforms and teleconferencing to connect with each other and Cuevas Flores. They identified concerns in their own community, discussed those issues and communicated with each other to take action.

"Applying our physics principles through actual real-world learning helped our students learn to care for others and the environment," Pawlik said.

Pawlik joined Debra Peterman, an eighth-grade physical science teacher at Benton Middle School, who also received a RISE award. They were two of only seven recipients of this award in Virginia for 2021.

### HYLTON TEACHER RECOGNIZED AS MODEL OF EXCELLENCE

The Foundation for Korean Language and Culture in the United States has awarded Kay Choi with the Ailee Moon Award for championing Korean culture and language and being a model of excellence in her profession.

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Choi has taught French for 16 years, teaching through the Advanced Placement level. In 2015, she helped create the school division's first Korean course and subsequent levels of Korean studies through level four. Since then, she has had 90 non-heritage students study Korean at Hylton with her.

She also sponsors a Korean Cultural Club at Hylton, with 37 student members, and has sponsored her students for study-abroad scholarships.

## SCHOOL MASKS » FROM PAGE 1

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According to data posted by the county school division, cases among students and staff have continued to fall dramatically as transmission in the region has plummeted. School Board Chair Babur Lateef said geography probably would dictate the number of students still wearing masks.

"My guess is that what you'll see is in the eastern part of the county, places like Woodbridge, you'll have around 85%, 90% of kids still masking, and then as you get farther west that number will fall," Lateef told InsideNoVa.

Meanwhile, the group of parents who had been fighting to get Prince William schools to drop its mask mandate celebrated online with pictures of their students proudly maskless in classrooms and hallways.

"My son was scared to take mask off today but with encouragement, he actually helped others do so. I'm so proud of him," one parent wrote on Facebook.

The school system made its mask-optional policy official in a Friday afternoon announcement from Superintendent LaTanya McDade. The announcement that masks will no longer be mandatory for students in school buildings starting Tuesday (after the President's Day holiday) brought the school system into compliance with the state law signed by Gov. Glenn Youngkin last week.

Schools had effectively been operating under a new policy since Feb. 17, when central office administrators directed principals to welcome all students into classrooms without additional mitigation layers, whether those students were masked or not.

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"As parents, guardians and educators, we want nothing more than to protect the health and safety of our children, and ourselves, in this time of unprecedented disruption," McDade wrote in her message to the families and staff Friday. "Despite our individual personal beliefs, be it for or against masking, as state and federal laws and guidance evolve, we must evolve with them, and we are obligated to adhere to them."

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McDade also closed the door on the hopes of some families who might want to remove their students from in-person learning and place them in the division's virtual learning program. She said staffing and logistical considerations wouldn't allow for such moves.

The division's quarantine policy also changed slightly this week. A student or staff member who has a confirmed COVID-19 case must follow the division's isolation procedure and stay home. But as long as cases remain below 10% of a school's population, the division won't conduct any contact tracing or quarantine anyone else. If a building cracks that 10% threshold, contact tracing and quarantine for exposures will be implemented.

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# Manassas mom sues to stop masking change

» BY JARED FORETEK  
jforetek@insidenova.com

A Manassas mother has joined 11 other Virginia parents in a lawsuit to stop the implementation of a new state law making masks optional in Virginia public schools and to roll back mask-optional policies in area public schools.

Represented by the American Civil Liberties Union of Virginia, the 12 parents originally sued Gov. Glenn Youngkin, Attorney Gen. Jason Miyares, Virginia Superintendent of Public Instruction Jillian Ballou and Virginia Health Commissioner Colin Greene over Youngkin's executive order making masks optional in Virginia public schools.

After that order was temporarily blocked by a state judge in Arlington, the General Assembly passed legislation essentially codifying Youngkin's order. In response, school divisions across the state lifted mask mandates last week.

Now, the 12 parents and the ACLU have amended their suit in U.S. District Court for the Western District of Virginia, seeking an injunction against the legislation, claiming that it strips school divisions of their ability to meet obligations to students with disabilities under the Americans with Disabilities Act. A virtual hearing on the injunction request is set for March 7.

"Plaintiffs are likely to suffer irreparable harm in the absence of preliminary relief," the new motion, filed last week, reads.



Jack Nelson is a 10-year-old student at Jennie Dean Elementary School who suffers from cystic fibrosis. PROVIDED

One of the 12 plaintiffs is Tasha Nelson, the mother of a 10-year-old student at Jennie Dean Elementary School in Manassas. Nelson's son, Jack, suffers from cystic fibrosis, a condition that can hinder breathing and make patients particularly susceptible to lung infections.

Nelson says that because of his condition, her son – referred to in the suit as J.N. – is at high risk of severe illness from COVID-19. "If there is no longer a mask mandate in Manassas City Public Schools, J.N.'s parents will have to choose between sending J.N. to school, which puts J.N.'s health and safety at heightened risk, or withdrawing him from school and risking his educational progress," the motion states.

On Feb. 16, hours after Youngkin signed the legislation, Manassas city schools an-

nounced that maskless students would be welcomed into classrooms without any additional mitigation efforts.

Nelson said she and Jack were in the car when they heard about the new law.

"He turns to me, and he had these big tears in his eyes, and he said 'Mom, does that mean I can't go to school?'" Nelson told InsideNoVa. "He asked me if there was a way to let the governor know about kids like him."

Nelson said she has tried to work with Dean Elementary and the school system to find a workaround for Jack, either by distancing him from unmasked students or by having everyone in his class wear masks. But school divisions are now bound by state law to welcome maskless students.

Nelson says Jack's doctors have said he should only be in school while there's high community transmission if everyone is masked. Cases have fallen significantly in Manassas and across the region, but the city still reported over 200 new cases per 100,000 people in the past week.

Cystic fibrosis patients have been particularly susceptible to severe COVID cases, with a recent National Institutes of Health study finding that over 10% of cystic fibrosis patients require critical care within a month of a COVID diagnosis, although the study was conducted prior to the rollout of vaccines.

"I go solely on the advice of his specialists," Nelson said. "His disease is rare

and complex and requires a great deal of knowledge and care, and so his whole life everything we've done regarding his health has been at the advice and recommendation of a doctor who specializes in cystic fibrosis and pulmonary."

For now, Jack is staying home, with his mother getting assignments from the school for him to complete. But that's forced Tasha to miss work, and Jack misses the specialized instructional help he received in school for his learning disability.

"This situation is devastating [Jack], who cries daily when his siblings are dropped off at school and he cannot go. [He] feels isolated, ostracized and discriminated against, and is having feelings of regret, and even shame, about his disease," the motion reads.

When he signed the legislation last month, Youngkin said he was giving parents a say in their child's education again and that the mask-optional policy would be a step in Virginia's return to normalcy after the COVID-19 pandemic.

Nelson insists that the lawsuit isn't intended to restore blanket mask mandates across public schools. She said she simply wants divisions to have more flexibility to create strategies to fully protect students like Jack while they're in school.

"The risk of a child with high-risk medical conditions contracting COVID-19 constitutes irreparable harm," the motion reads.

# Injunction granted against Youngkin's mask order

## Ruling deals only with 12 plaintiffs and their schools

» BY JARED FORETEK  
jforetek@insidenova.com

Twelve Virginia public school students with disabilities and other high COVID-19 risks won an injunction against the enforcement of Senate Bill 739 and Gov. Glenn Youngkin's Executive Order 2, opening the door for targeted masking requirements in schools, but only for the dozen plaintiff students.

U.S. District Court Judge Norman Moon ruled March 23 that some mandatory masking could be considered a reasonable accommodation under the Americans with Disabilities Act to protect the 12 vulnerable students listed as plaintiffs in the case, including a student at Jennie Dean Elementary in Manassas. But his ruling stopped short of upending what's been state law since March and allowing for blanket mask mandates in schools.

"This case concerns these twelve Plaintiffs and their ability to seek relief from their schools for some limited masking requirement, as a reasonable modification of otherwise governing state law," wrote Moon. "This is not a class action, and Plaintiffs lack any legal right to assert the rights of others not before the Court ... E.O. 2 and S.B. 739 are the law in Virginia and they remain in force, affording parents the choice whether their children should wear masks to school, notwithstanding any school rule that would require students to wear masks."

Both sides of the case declared victory after Moon's opinion was published Wednesday.

Virginia Attorney General Jason Miyares – a defendant in the case alongside Youngkin, State Superintendent of Public Instruction Jillian Balow and other officials – said in a statement that the statewide ban on public school mask mandates remained in place.

"Today's ruling affirms that Governor Youngkin's Executive Order 2 and Senate Bill 739 is the law of Virginia and parents have the right to make choices for their children," he said.

Christopher Seaman, the lead plaintiff whose 8-year-old son in Albemarle County was diagnosed with leukemia in 2018, took to Twitter after the ruling.

"Victory! Preliminary injunction granted by the federal court preventing defendants from enforcing EO 2 and SB 739 (the mask-optional law) in schools where the plaintiffs & their children are enrolled," he wrote.

Lawyers from the American Civil Liberties Union of Virginia, who've taken on representation of the 12 students and their parents, told Moon during oral arguments earlier this month that they were not seeking the return of blanket mask mandates in Virginia's public schools. Instead, they

said, they wanted individual schools and school boards to have the freedom to require masks in targeted settings to protect particularly vulnerable students.

Tasha Nelson, the Manassas mother, said she'd asked her school to help implement an individualized plan for protecting her son Jack, a 10-year-old student at Jennie Dean Elementary with cystic fibrosis. But she told InsideNoVa earlier this month that the school effectively told her their hands were tied by SB 739, which passed the General Assembly in February and took effect March 1. Because the school couldn't require students directly around Jack to be masked, doctors have recommended that Jack stay home from school until community transmission reaches lower levels.

Studies have shown that people with cystic fibrosis, a congenital disease that can hinder breathing and make patients particularly susceptible to lung infections, are at a much higher risk than most for severe COVID symptoms.

"Simply put: WE CAN ASK FOR PEER MASKING AS A REASONABLE ACCOMMODATION," Nelson wrote on Twitter Wednesday night after Moon's decision was released.

Moon's opinion and injunction does not itself deem mask requirements a reasonable accommodation under the ADA, though as Nelson wrote, it does grant the plaintiffs the ability to ask their schools to require masks around their students.

Nelson couldn't be reached for comment this week.

Following the ruling, a spokesperson for Manassas City Public Schools said the division was aware of the ruling but couldn't comment on the circumstances of individual students.

In his 56-page opinion, Moon wrote that he's mindful of defendants' claims that a blanket injunction would not serve the public interest given that "student mask mandates are no longer generally recommended by the CDC, and are detrimental to many children's academic, social, and emotional development, and to their mental health."

"Shared experience and common sense reflect that, at a minimum, having to wear a mask can be uncomfortable, especially for extended periods. It is no small thing for schools or health officials to ask (or require) persons to wear masks for substantial periods in order to reduce risk of spread of COVID-19," Moon wrote.

But, he concluded, that did not preclude the plaintiffs from asking – though not necessarily receiving – limited mask requirements for those around their students.

"Simply put, federal law demands just such a fact-specific inquiry into reasonableness, and E.O. 2 and S.B. 739 – just like any other state law – cannot preclude Plaintiffs from asking for some required masking as a reasonable accommodation," Moon wrote, "nor can they bar Plaintiff's schools from implementing some required masking, if in fact, it would constitute a reasonable modification under federal law."