

Illinois Governor Pritzker Loses Fight to Keep Kids Masked, Appeals to Supreme Court



Governor J.B. Pritzker asked the Illinois Supreme Court on Tuesday to [take up an appeal](#) over mask and vaccine mandates in schools after losing his case in the Court of Appeals.

It was unclear Tuesday if the state's highest court would [take up the case](#).

On Feb. 17 the Court of Appeals for the Fourth District rejected Pritzker's appeal of a [temporary restraining order](#) on his school mask and vaccine mandates. The vaccine mandate required weekly testing of unvaccinated school employees and quarantining of students and teachers who are close contacts with confirmed or potential COVID cases.

"The [temporary restraining order] entered in this case impairs state defendants' ability to protect the public

health,” said Kawami Raoul, Attorney General for Illinois in a filing. “Some schools have stopped requiring masks and other mitigation measures, driven in part by concerns about legal liability.”

In addition to the TRO, originally entered on Feb. 4, the Joint Committee on Administrative Rules (JCAR) of the Illinois General Assembly on Feb. 15, voted 9-0-2 against extending Pritzker’s emergency authority to enforce the mandates.

The appellate court said JCAR’s action rendered the appeal moot, as the rules at the center of the case are no longer in effect.

If the Supreme Court decides not to hear the case, it will go back to Judge Raylene Grischow in the Sangamon County Circuit Court for a final decision on the merits.

The lawsuit was brought against 140 school districts as well as the governor and heads of the state department of health and board of education. The plaintiffs argued that under Illinois law, students and teachers cannot be required to wear masks or be quarantined without their consent or due process – a full evidentiary hearing and court order under the Illinois Department of Public Health Act.

The defense [argued](#), “the Governor has unlimited authority to do whatever is necessary.”

Since the TRO was granted, more than 550 school districts in the state had gone fully mask optional.