

**STATE OF ILLINOIS
IN THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY**

RONI QUINN, as the parent and guardian)
of J.L.)

Plaintiff,)

Vs.)

Case No. 2020-MR-____

QUINCY PUBLIC SCHOOL BOARD)
OF EDUCATION.)

a body politic.)

Defendants.)

VERIFIED COMPLAINT

Plaintiff, RONI QUINN, (“Quinn”) as the parent and guardian of J.L., by and through her attorney, Thomas G. DeVore, Erik D. Hyam, and the Silver Lake Group, Ltd., for her Complaint for Declaratory and Injunctive Relief against Defendant, QUINCY PUBLIC SCHOOL BOARD OF EDUCATION, (“Board”) hereby states as follows:

FACTS COMMON TO ALL COUNTS

1. Quinn resides in Adams County, Illinois.
2. Quinn is the biological mother and legal guardian of J.L.
3. J.L. attends the 4th grade in the Quincy Public School District #172 (“District”) which District is within Adams County.
4. Quinn brings this cause of action on her own behalf, and on behalf of her minor child J.L.

5. The Board is a body politic and corporate, created to perform governmental functions related to the education of children for the District, and has only such powers and authority as expressly conferred by the Illinois legislature.(See 105 ILCS 5/1-1 et. seq.)

6. Mr. Roy S. Webb (“Superintendent”) is the duly appointed and acting Superintendent of the District.

7. It is a matter of public record that as of the last census, Adams County had a population of 67,103. (See <https://www.census.gov/quickfacts/adamscountyillinois>)

8. It is a matter of public record that as of July 08, 2020, Adams County has tested 9,339 of its citizens for COVID-19. (See <https://www.dph.illinois.gov/covid19/covid19-statistics>)

9. Of those 9,339 tested citizens, 139 tested positive for COVID-19. (See <https://www.dph.illinois.gov/covid19/covid19-statistics>)

10. Resulting in 1.5% of those tested having tested positive for COVID-19.

11. Of its total population, Adams County has had .2% of its citizens test positive for COVID-19.

12. It is a matter of public record that as of July 08, 2020, Adams County has had one death of a citizen who has passed away after having been diagnosed with COVID-19. (See <https://www.dph.illinois.gov/covid19/covid19-statistics>)

13. Resulting in .7% of those testing positive with COVID-19 having passed away.

14. Of its total population, Adams County has had .0015% of citizens pass away after having been diagnosed with COVID-19.

15. As such, there is no evidence of a high incidence of COVID-19 within the District.

16. On July 08, 2020, the Superintendent published the District’s public health mandates for the 2020-2021 school year. (hereinafter referred to as the “Mandates”) (See attached

Exhibit A)

17. The Mandates are an attempt by the Board to issue generalized health regulations and compel the Mandates on their students to allegedly prevent the spread of COVID-19.

18. The Mandates must be followed by Plaintiff's minor child before she will be allowed admission to the public school to exercise her right to an in-person education.

19. The Mandates state Plaintiff's minor child must wear a face covering before being allowed admission to the public school to exercise her right to an in-person education. (See attached Exhibit A)

20. The Mandates state Plaintiff's minor child must submit to a temperature check before being allowed admission to the public school to exercise her right to an in-person education. (See attached Exhibit A)

21. The legislative branch of the State of Illinois has never declared these Mandates to be a condition precedent before a child be admitted into a public school within this state.

22. Said another way, The legislative branch of the State of Illinois has never declared the failure of a parent to subject their minor child to these Mandates can be a basis to exclude a child from admission into a public school within this state.

23. It is well recognized within the field of education that in-person learning is superior to remote learning for children. (See attached Exhibit A)

COUNT I
DECLARATORY JUDGMENT

24. Quinn restates and reallege the facts and allegations contained in paragraphs 1 through 23, inclusive, as if fully restated herein.

25. Quinn has a right to seek a declaration finding the Board's Mandates are beyond their authority to promulgate and are otherwise in violation of Illinois law.

26. The Mandates are being thrust upon Quinn's minor child for no other reason than the general purpose of trying to prevent the spread of an infectious disease.

27. In the state of Illinois, health regulations which merely tend to prevent the spread of an infectious disease are unlawful.

28. Furthermore, The Board has no authority to enact these Mandates.

29. The Board is exceeding its authority because only upon grounds deemed sufficient by the legislature as necessary to protect the public health can a condition precedent for admission to or attendance within our schools be promulgated.

30. A justiciable controversy exists between the Plaintiff and the Defendant concerning the Mandates being thrust upon the Plaintiff's minor child as a condition precedent to being admitted access within a public school of this state.

31. This Court is vested with the power to declare the rights of the parties and to provide such other and further relief as may be necessary to enforce the same.

WHEREFORE, Plaintiff Roni Quinn, on behalf her minor child, respectfully prays this Honorable Court enter an order:

(a) Declare the Mandate issued in by the Board requiring Plaintiff's minor child wear a face-covering as a condition precedent to being admitted within the public school is beyond Defendant's authority and hence ultra vires;

(b) Declare the Mandate issued in by the Board requiring Plaintiff's minor child wear a face-covering as a condition precedent to being admitted within the public school for the general purpose to prevent the spread of an infectious disease is unlawful;

(c) Declare the Mandate issued in by the Board requiring Plaintiff's minor child submit to a temperature check as a condition precedent to being admitted within the public school is

beyond Defendant's authority and hence ultra vires;

(d) Declare the Mandate issued in by the Board requiring Plaintiff's minor child submit to a temperature check as a condition precedent to being admitted within the public school for the general purpose to prevent the spread of an infectious disease is unlawful;

(e) An award of costs; and

(f) Such other relief as this Court deems to be equitable and just.

COUNT II
COMPLAINT FOR PERMANENT INJUNCTION

32. Quinn restates and reallege the facts and allegations contained in paragraphs 1 through 31, inclusive, as if more fully restated herein.

33. The implementation of the Mandates will cause irreparable damage to Quinn, and her minor child, as among other things, their minor children's right to equal access within the public school building for in-person learning is being infringed upon by these Mandates which are beyond the Defendant's authority to promulgate as well as otherwise in violation of Illinois law.

34. Quinn, and her minor child, will suffer irreparable injuries based on the implementation of the Mandates because the Mandates infringe on the minor child's right to an in-person education within the public school free from these unlawful general mandates which are tantamount to law and which were not promulgated by the legislature.

35. Quinn, and her minor child, have no adequate remedy at law because the minor child's only option is to be deprived of her equal right to access within the public school building to receive her in-person education, or subject the minor child to these ultra vires and unlawful mandates.

36. Quinn has shown the Mandate requiring her minor child being required to wear a face-covering as a condition precedent to being admitted within the public school building for the

general purpose of trying to prevent the spread of COVID-19 or any other infectious disease is beyond the Board's authority or otherwise in violation of Illinois unlawful.

37. Quinn has shown the Mandate requiring her minor child being required to submit to a temperature check as a condition precedent to being admitted within the public school building for the general purpose of trying to prevent the spread of COVID-19 or any other infectious disease is beyond the authority of the Board or otherwise in violation of Illinois unlawful.

38. Absent this permanent injunction, there is a sufficient probability that future conduct of the Board will violate the rights of Quinn and her minor child.

WHEREFORE, Plaintiff Roni Quinn, as the parent and guardian of her minor child, J.L., respectfully prays this Honorable Court enter an order in her favor and against Defendant that grants the following relief:

- (a) Find Plaintiff, and her minor child, have a right to insist the Mandates of the Board be within their authority;
- (b) Find Plaintiff, and her minor child, have a right to insist the Mandates of the Board not otherwise be in violation of Illinois law;
- (c) Find Plaintiff, and her minor child, are being irreparably harmed in having the minor child's access within the public-school building for in-person denied unless she subjects herself to these Mandates;
- (d) Find Plaintiff has no adequate remedy at law to protect her minor child's equal right to access within the public-school building to receive her in-person education unless she subjects herself to these ultra vires and otherwise unlawful Mandates beyond injunctive relief.
- (e) Find Plaintiff has succeeded in proving the Defendant's Mandate that her minor

child must wear a face-covering in order to obtain entry within the public-school building for in-person education is beyond the Board's authority or otherwise in violation of Illinois law.

- (f) Find Plaintiff has succeeded in proving the Defendant's Mandate that her minor child must submit to a temperature check in order to obtain entry within the public-school building for in-learning education is beyond the Board's authority or otherwise in violation of Illinois law.
- (g) Entering a permanent injunction barring the Defendants from enforcing any or all of the aforementioned Mandates from this date forward against the Plaintiff's minor child.
- (h) An award of costs; and
- (i) Such other relief as this Court deems to be equitable and just.

Respectfully submitted,

RONI QUINN,
as the parent and guardian of
J.L. Plaintiff.

By: /s/ Thomas G. DeVore
One of Her Attorneys

Verification

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned, certifies that the statements set forth in this Verified Complaint for Declaratory Judgment and Injunctive Relief are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

July 09, 2020
Date

/s/ Roni Quinn
RONI QUINN

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Michaela Fray ▣ Roy S. Webb

18 hrs · ▣

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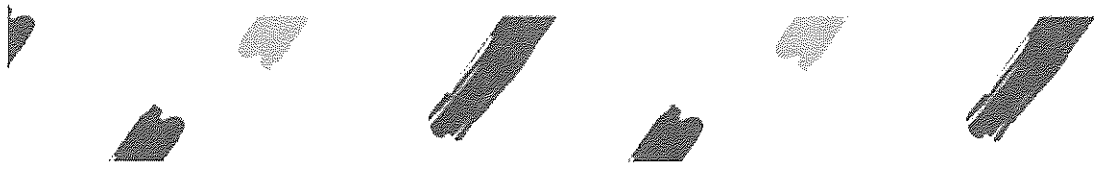
REGIONAL OFFICE OF EDUCATION #1

**THURSDAY, JULY 9, 6:30 P.M. TO 7:30 P.M.
PARENTING IN A PANDEMIC: MEETING THE
NEEDS OF YOUR CHILD IN STRESSFUL TIMES**

YOU DID YOUR BEST TO BE A
TEACHER/CAREGIVER/COOK/FRIEND/ACTIVITIES
MANAGER LAST SCHOOL YEAR. YOU ARE HEADED INTO A
NEW SCHOOL YEAR WITH NEW CHALLENGES. THIS
SESSION WILL SUPPORT YOU IN CARING FOR YOUR
CHILD'S SOCIAL EMOTIONAL NEEDS AND WELLBEING
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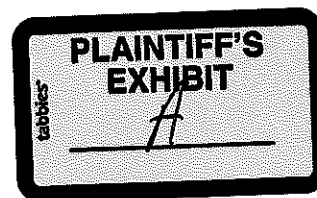
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Roy S. Webb

22 hrs · ▣

Teachers, Parents, and Students of the Blue Devil Family,



I have read your survey responses and social media posts and questions. I appreciate the communication. The schools continue to ask for your input, so please complete their surveys and requests for information. We live in a rapidly changing time, so please be patient and expect a bit of chaos from time to time.

We will begin school on 20 August. All parents and students may opt for in-person instruction at the school or they may opt for online remote learning. You will be making that decision during online registration. You will have to stay with that option until the quarter in PreK-8, and the semester for 9-12. As a class, school, or district, we may have to pivot to remote learning at any time, due to positive COVID cases. Hang on, it will be a bit crazy. Our schools will include core content, and the arts, and PE and electives.

Students will be required to wear face coverings. We will take breaks. We will go outside where we can social distance better. The preferred face covering is a mask, but if that is not working, we will allow a face shield. If you have a doctor's note, you can be exempt from wearing the face covering. I know this is a passionate subject. I have read from experts throughout the country and world including the CDC, IDPH, John Hopkins, Harvard, QMG, and Blessing. They all agree, if school is in-person, this is the best thing I can do to slow the spread and keep us in school.

Busing is a challenge. State guidelines say we can place 50 on a bus. We will run our usual routes. I am asking anyone who can walk, ride a bike, get a ride from parents, relatives, or neighbors, please do NOT use the school bus. This will allow those who must ride a bus, a safer experience. Driver, passengers, and employees must ALL wear face coverings. This is a risk mitigation control measure.

All students will be screened for a temperature check prior to entering a bus or the school. Those that have a temperature above 100.0 will be isolated and they will be sent home. Do not just drop off your five-year old at the bus and leave. Wait for the screening.

School levels (ECFC, Elementary, junior high, and high school) are working on individual plans and will communicate those soon. Their schedules may be a bit different than last year. They will socially distance in classrooms the best they can. Except at the high school, they will keep students in the same group all day as best they can. We will clean thoroughly daily. We will stress and teach hygiene and safe practices.

There is risk in our plans. I cannot guarantee a student or staff member will not contract this virus. I cannot ensure someone will not get sick. Our staff and our parents are nervous and tentative. I understand that 100%. We have a few staff members that will not return due to their health or a family members health. I support them. Parents that make that decision, I will support you. We will be starting a new school year, with new learning, so our remote learning plans will be much different than our remote plans from last spring. They are good plans and are designed to mirror in-person learning.

I could eliminate risk for our staff and students by recommending we stay remote learning. I have been told by the state board of education, pediatric association, and other experts that this would be harmful to our children. Some of our children have been isolated for five months. They need our teachers, they need their education, they need their life. I agree, it is time to bring kids back to school. The Regional Office of Education and the Adams County Health Department have read our entire plan and support the plan.

Again, I know you are tired of the virus, with the inconvenience, with decisions, and with me. The experts tell me there is risk. The experts tell me that in-person is needed for children. We will do the best we can. I appreciate your patience and communication. My email is webbro@qps.org. That is the best way to communicate to me. I may miss you if you tag me on Facebook or Twitter. Somedays, I avoid those completely. Enjoy your summer. Six weeks until school!

Roy Webb, Quincy Public Schools. Go Blue Devils!




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Nancy S. Zimmerman-Rost

Will we as bus drivers and riders get a paper with all we will be responsible for. Can we get this as soon as possible

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