



School Law FYI

Masking In Schools and On School Buses – An Update

DOUGLAS E. WITTE | 02.28.22

As many of you may have read, the Center for Disease Control (CDC) issued new guidance on February 25, 2022, that reduced mask requirements for schools and included some clarification with respect to whether masks are required on buses. Under the new guidance, schools are no longer considered in a unique category when it comes to masking recommendations. CDC now recommends universal school masking only in communities where COVID-19 levels are high. CDC changed the metrics it uses to assess COVID-19 risk by county based on three factors:

- New COVID-19 cases per 100,000 residents in the past 7 days.
- New COVID 19-related hospital admissions.
- The percentage of hospital beds occupied by COVID-19 patients.

CDC felt it could ease masking recommendations in schools because children are at a relatively lower risk of severe disease and most have asymptomatic or mild infections.

It is important to understand, however, that this CDC modified guidance does not affect a district's ability to implement or enforce its own masking requirements in school or at school-related activities. Communication with county health departments continues to be appropriate.

Likewise, as with everything related to COVID-19, masking guidance could change again if there is a new variant or increased cases.

Impact On Buses

There were two masking orders that concerned masks on buses, as discussed in our previous article, "[Masking on School Buses](#)". One was issued by the Transportation Security Administration (TSA) and the other was issued by the CDC. The TSA's order was largely

premised on the CDC's order requiring masking on school buses. As part of the CDC order on February 25, the CDC no longer requires the wearing of masks on buses or vans operated by public or private school systems, including early care and educational/childcare programs.

CDC has continued to state that school districts can choose to require that people wear masks on buses or vans at their own discretion.

Because the CDC has changed its enforcement position on masks on buses, the TSA's position on masking in public or private schools has also now changed. Some of the confusion that still exists is the new recommendations from the CDC and TSA do not change the requirements to wear masks on public transportation and indoors at airports, train stations, and bus stations. Therefore, school districts that utilize public transportation as part of their school transportation service may still be required to have those students on public transportation wear masks. The TSA's order is in effect through March 18, 2022. TSA may change its position at that time or may continue its requirement of wearing masks on public transportation.

However, for districts that operate their own bus system or contract with a private bus service, masks are no longer required.

If you have any questions regarding this article, masks, or other COVID 19-related matters, please feel free to reach out to a member of the Boardman Clark School Law Team.

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