

ACPS 2021 Mask Mandate

On Friday, August 13, 2021, the Allegany County Board of Education (“Board”) voted to approve an Amendment to the ACPS Reopening Plan that was approved by the Board on August 3, 2021.

The Amendment requires all students, staff, and visitors to wear a mask inside ACPS buildings, effective August 16, 2021. The requirement expires October 1, 2021. Thereafter, the masking requirement will be linked to Allegany County’s status on the [CDC COVID Data Tracker Community Transmission Map](#). If ACPS lifts the mask mandate, masks can also be required in a single school if there is an outbreak.

It is important to note that the Amendment does not always require masking and the details of the Amendment should be read carefully.

FAQ

1. What legal authority does ACPS have to mandate masks in schools?

The Board has authority to “adopt, codify, and make available to the public bylaws, rules, and regulations not inconsistent with State law, for the conduct and management of the county public schools.” **Md. Code, Education Law § 4-108(4)**.

Board Policy JICA establishes standards for appropriate student dress. The Policy provides that students may not dress in a manner that “endangers the health and safety of students or others during school hours and school activities.”

Board Policy Regulation JICA-R provides in relevant part that students are prohibited from wearing or not wearing “attire that causes a health or safety risk for students.”

The Amendment follows the health and safety language of JICA and JICA-R. The Amendment was developed with the advice of the local Health Department and is consistent with CDC Guidelines. In addition, on August 13, 2021, the Maryland State Department of Education issued revised “K-12 School and Child-Care COVID 19 Guidance” which specifically provides as follows:

MDH and MSDE, in alignment with [CDC guidance](#), strongly recommend the following:

Indoor masking for all individuals age 2 years and older, including students/children, teachers, staff, and visitors, regardless of vaccination status.

Outdoor masking for people who are not fully vaccinated when they are in crowded outdoor settings or during activities that involve sustained close contact with other people.

Schools and child care programs should be aware that the [federal order](#) that face masks be worn by all people while on public transportation conveyances, including public and private school buses, is still in effect.

School and child care programs should refer to [CDC guidance](#) for important exceptions and additional safety considerations related to the use of masks.

2. What happens if a student, staff member, or visitor refuses to wear a mask to school when required by the Amendment?

When masks are required by the Amendment:

- Visitors will be denied entrance from ACPS buildings or will be required to leave an ACPS building.
- Subject to possible exceptions for students with disabilities that prevent the wearing of masks, Students will be denied access to ACPS buildings and will be subject to disciplinary action for failure to abide by the dress code (Policy Regulation JICA-R as modified by the Amendment). Students without masks who are unwilling to wear a mask provided by the school will be safely monitored in a secure location until they are released to an appropriate adult. Students with driving privileges who arrive to school without a mask and are unwilling to wear a mask provided by the school will be allowed to leave school facilities on their own.
- For each day that a student does not attend school or is denied access to a school building because of an unwillingness to wear a mask, an unexcused absence will be recorded on the student's attendance record.
- Staff members will be denied access to ACPS buildings or will be required to leave an ACPS building. Staff members will also be subject to disciplinary action for failure to abide ACPS Policy.
- Each ACPS building will have a supply of clean, previously unused, masks that will be made available to any visitor or student who arrives without a mask. Any student or visitor who accepts and wears a mask will be admitted entrance to the ACPS building.

3. What options do parents/guardians have if their students will not wear a mask to school?

- Parents/guardians may choose to homeschool their student or enroll their student in a private school at their own expense.
- If a student qualifies, they may enroll in the ACPS Home and Hospital Teaching Program.
- If a student needs an accommodation because of a disability, they should contact their school administrator.