

Maryland State Board of Education approves rule requiring students, staff wear masks in school

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All Maryland public school students and staff will be required to wear masks in school buildings in the coming weeks following passage of an emergency regulation by the state board of education Thursday afternoon.

The regulation will standardize rules for returning to school across the state, as COVID-19 cases rise amid the spread of the more contagious delta variant and school leaders have struggled to chart a course for a safe reopening. It forces four school systems, including Carroll County, to change mask-wearing rules on the eve of a return to what school leaders hope will be a more normal school routine.

The requirement is not likely to take effect before the start of school Monday for some students, however, it may be in place in about 10 days.

Republican Gov. Larry Hogan had declined to issue a mask mandate, saying he wanted to leave it in the hands of local school boards.

The mandate likely will reduce the risk that thousands of students might be forced to quarantine for at least seven days if a student or teacher tested positive in a school that didn't require masks, based on U.S. Centers for Disease Control and Prevention guidelines.

However, it is likely to inflame some anti-mask parents who have protested outside school board meetings and staunchly defended what they say is their right to choose whether their children attend school unmasked. Some of those protesters gathered outside the board's Thursday meeting in Baltimore.

In passing the emergency regulation, the state board has contradicted Hogan in an unusually independent move not seen before during pandemic. The vote comes just two months after the arrival of a new state superintendent, Mohammed Choudhury, who has strongly recommended schools require masks.

Kata Hall, a spokeswoman for Hogan, issued a statement after the vote saying that "while the governor has been very clear that he believes local decision makers are best qualified to make these decisions, this policy is in line with current state and federal health guidance and the board has the legal authority to take this action."

She said the top priority is returning students to schools.

Tara Battaglia, a Carroll County school board member, said the state board should not override local decisions. Carroll's school board voted Aug. 11 to keep masks optional. "Carroll County is not Baltimore City. Carroll County is not Prince George's County," she said. "Our numbers can be different from other counties. Unfortunately, I think this sets a precedent that any local government could be losing their authority to do what is best for their residents."

Both Carroll County and Baltimore City are reporting a two-week average daily rate of 13 new cases per 100,000 residents, according to a New York Times tracker, while Prince George's County is reporting a two-week average daily rate of 19 new cases per 100,000 residents. Ed Singer, Carroll County's health officer, said universal masking and following CDC and state health guidance would mean kids could spend more school days in-person.

Only one member of the state board, Gail Bates of Howard County, voted against the mandate, although a number of 12 members attending the meeting said they had reservations about taking power away from local school boards. Bates said she believed that any board that wanted to require masks already had the authority. “Right now,” Bates said, “the local jurisdictions have the ability to do this. I have a problem with one size fits all.”

Many other members noted that the board passed a resolution earlier this year urging schools to return all their students to in-person classes. The mask mandate helps support that goal, they said.

State board member Shawn Bartley, representing Montgomery County, voted for the rule. He said he understands the concern parents have about the freedom of their children to get an education without wearing a mask. “Freedom and liberty are often mistaken for one another,” he said. “Liberty is the control and exercise of freedom and wearing a mask does not limit the freedom of an individual but rather it mitigates the possibility of a child contracting COVID-19.”

Choudhury and the state school board chair said last week they didn’t have the authority to require masks, but then reversed course, deciding to hold a special board meeting Thursday to take up the issue because the Maryland Attorney General’s Office had said they could use an emergency regulation. Choudhury expressed concern about the possible increase in coronavirus cases in unvaccinated children and in the logistical nightmare that might arise in districts where students were unmasked. In states where schools opened earlier this month without mask mandates, thousands of children are quarantined, schools have been closed and governors are in legal and political fights with district leaders who have defied their orders and issued mask mandates.

Choudhury said he would report back to the school board each month on whether case rates had declined enough to lift the mandate.

The new regulation must be approved by a legislative committee, but Senate President Bill Ferguson, a Democrat from Baltimore, expects it to pass quickly. He applauded the board’s decision. “I have very little doubt that [the Joint Committee on Administrative, Executive and Legislative Review] would move it quickly. I think there is a universal sense that this delta variant is something different and we have to keep kids in schools,” Ferguson said. “We will do whatever we can to expedite it.”

The emergency regulation can take effect 10 days after it is received by the committee and is only effective for 180 days unless the board later approves it through a normal regulatory process. Any member of the committee can request a public hearing on the issue within 10 days. Alternatively, the law says Hogan could waive the 10-day waiting period “if it is necessary to protect the public health or safety.”

House Speaker Adrienne A. Jones, a Baltimore County Democrat, said in a statement she would urge Hogan to allow the mandate to take place at once. Hogan’s office did not respond late Thursday to questions about Jones’ request.

With a statewide mask mandate in place, legislators could turn to advocating for districts to require staff to be vaccinated. A legislative hearing on the issue is scheduled for Monday.

Baltimore Sun Media reporters Pamela Wood and Kristen Griffith contributed to this article.