



# Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4906

Telephone: (781) 338-3000  
TTY: N.E.T. Relay 1-800-439-2370

Jeffrey C. Riley  
Commissioner

## MEMORANDUM

**To:** Members of the Board of Elementary and Secondary Education  
**From:** Jeffrey C. Riley, Commissioner  
**Date:** August 20, 2021  
**Subject:** Recommendation to Authorize Commissioner to Require Masks for Students and Staff in K-12 Schools through at least October 1, 2021, Consistent with Exigent Circumstances under [Student Learning Time Regulations, 603 CMR 27.08 \(1\)](#)

---

At the special meeting of the Board of Elementary and Secondary Education (Board) on August 24, 2021, I will recommend that the Board declare exigent circumstances under the Student Learning Time regulations, 603 CMR 27.08 (1), to provide me with the authority to issue a mask mandate for public school students (age 5 and above) and staff in all grades through at least October 1, 2021.

As described below, in light of the current rise of COVID-19 in Massachusetts, I believe a mask mandate will be an important additional measure to keep students in school safely at this time. Masks remain a simple and effective mitigation measure to prevent the spread of COVID-19.<sup>1 2</sup> A mandate will also provide more time for students and staff to get vaccinated, as we know vaccination remains the single most important tool in mitigating the impact of COVID-19.<sup>3</sup>

The Student Learning Time regulations provide that the Board may declare that “exigent circumstances exist that adversely affect the ability of students to attend classes in a safe environment unless additional health and safety measures are put in place.”<sup>4</sup> Upon such a declaration, I must then, in consultation with medical experts and state health officials, issue health and safety requirements and related guidance for districts. If the Board gives me this authority, having consulted with medical experts and public health officials, I will implement a mask mandate for all students and staff in all grades.

---

<sup>1</sup> Science Brief: Community Use of Cloth Masks to Control the Spread of SARS-CoV-2. May 7, 2021. <https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/masking-science-sars-cov2.html>.

<sup>2</sup> Maximizing Fit for Cloth and Medical Procedure Masks to Improve Performance and Reduce SARS-CoV-2 Transmission and Exposure, 2021, Feb 19, 2021. <https://www.cdc.gov/mmwr/volumes/70/wr/mm7007e1.htm>

<sup>3</sup> Science Brief: COVID-19 Vaccines and Vaccination. Jul 27, 2021. <https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/fully-vaccinated-people.html>

<sup>4</sup> [603 CMR 27.08 \(1\)](#)

The mandate would be in place until at least October 1, 2021, at which point I would assess the approach based on conditions then in place. The mask mandate would include an appropriate exemption for individuals who cannot wear a mask for medical or behavioral reasons. If the Board votes affirmatively, the Department of Elementary and Secondary Education (DESE) will provide schools and districts with guidance regarding implementation of the mask mandate in the next week.

At the forefront of my recommendation is the best interest of students and staff as they return safely to full-time, in-person instruction this fall. While we have already put in place significant measures to support schools and districts in this regard, I am recommending this additional measure in light of the increasing case rates, and to further encourage and provide additional time for more students and staff to get vaccinated. The mask mandate will complement other measures we have put in place jointly with the Department of Public Health (DPH), including guidance for schools on hosting [vaccination clinics](#) and strongly encouraging districts and schools to maintain or establish a robust plan for [COVID-19 testing](#) in schools, including both diagnostic testing and surveillance screening for students and staff.

The mask mandate would also include that, after October 1, 2021, if a school demonstrates a vaccination rate of 80% or more of all students and staff in the school, then it would no longer be subject to the state mask mandate for vaccinated individuals. The 80% threshold has been agreed to by DPH. Schools would be able to submit an attestation form provided by DESE to demonstrate they have met this threshold. Once schools reach the 80% threshold and receive approval to lift the mask mandate, vaccinated students and staff may remove their masks. In alignment with [statewide guidance](#), unvaccinated students and staff would be required to continue wearing masks.

I believe having these measures in place will allow for a strong start of the school year and provide additional safety measures until more students and staff are vaccinated. As always, we will continue to monitor developments, consult with medical experts and public health officials, and adjust requirements as appropriate.

I look forward to discussing my recommendation with you at the special Board meeting.

Enclosure: Motion