



## MEMORANDUM

**TO:** Cheryl Bost, Sean Johnson, & MSEA Managers  
**FROM:** Queen Nwafor  
**DATE:** Wednesday, January 5, 2022 | 10am  
**SUBJECT:** Joint Committee on Administrative, Executive, and Legislative Review (AELR) Vote on MSDE's Emergency Regulation on Face Coverings in Schools

---

[Link to meeting materials and hearing information](#)

[Link to recording](#)

### KEY POINTS |

- AELR discussed and voted on a new face-covering regulation for schools. This new regulation includes off-ramps for face-covering requirements.
  - **Off\_ramps:** (1) 80% of the students & school staff of a school facility are fully vaccinated; (2) the county where a school is located has at least 80% of the county population fully vaccinated; or (3) a county has sustained 14 consecutive days of moderate or low transmission rate of COVID-19 cases.
- MSDE utilized stakeholder input to craft the proposed regulation.
- The regulation passed with 11 to 5 in favor of the proposed regulation.
  - Regulations will go into effect immediately

**Attendance:** Sarah K. Elfreth (Co-Chair), Samuel I. Rosenberg (Co-Chair), Clarence C. Crawford (SBOE President), Mohammed Choudhury (State Superintendent), Malcolm L. Augustine, Adelaide C. Eckardt, Antonio L. Hayes, Stephen S. Hershey, Jr., William C. Smith, Jr., Ronald L. Young, Marvin E. Holmes, Jr., Jay A. Jacobs, Brooke E. Lierman, Susan K. McComas, Kirill Reznik, Sheree Sample-Hughes, Haven N. Shoemaker, Jr.

### Agenda:

- I. [Call to Order and Opening Remarks](#) |
- II. [Remarks by Mr. Clarence C. Crawford, President of the State Board of Education, and Mr. Mohammed Choudhury, State Superintendent of Schools](#) |
- III. [Public Hearing](#) |
  - A. **Emergency Regulation DLS Control No. 21-237**  
**State Board of Education: State School Administration: Face Coverings in School Facilities: COMAR 13A.01.07.01 through .06 IV.**
- IV. Brief Recess |
- V. [Committee Voting Session](#) |
- VI. Adjournment |



### **Chairs' Opening Remark | Senator Elfreth and Delegate Rosenberg, (Co-Chairs)**

- Shared that the authority of the AELR is not to amend the proposed regulation, but to approve or disapprove of it.
- Shared that if the proposed regulation is not passed, the current mask mandate will expire with nothing else in its place.
- AELR has 19 members and needs 10 to be a quorum. Today's meeting exceeded the quorum requirement.

### **Remarks from SBOE Chair and State Superintendent | Crawford and Choudhury**

- Both Crawford and Choudhury provided an overview of the proposed regulation. They shared that the proposed regulation includes stakeholder input and is even more necessary with the emergence of the Omicron variant. They shared additional measures they have taken to include the public and health officials in their decision-making, highlighting the special meeting the SBOE held in [November](#).
- Discussed the importance of the mandate as a means to prevent massive school closure, emphasizing that its responsibility is to keep schools open.

### **Proposed Regulation:**

The proposed regulation, [COMAR 13A.01.07](#) will apply to county boards of education and public schools in Maryland. It will require any person inside a school facility to wear a face covering, subject to certain exemptions. The regulation requires county boards of education and public schools to implement policies and procedures to ensure face coverings are worn in school facilities. The proposed regulation does not prevent these entities from establishing and implementing policies and procedures that establish face-covering requirements in addition to those outlined in the proposed regulation.

**The proposed regulation includes provisions and procedures to lift face coverings in schools if:**

1. 80% of the students and school staff of a school facility are fully vaccinated;
2. The county where a school is located has at least 80% of the county population fully vaccinated, as reported by MDH; or
3. If neither of the 80% thresholds is met, the proposed regulation includes provisions and procedures for the local superintendent to lift the face-covering in schools if the county has sustained 14 consecutive days of moderate or low transmission rate of COVID-19 cases, as reported by the CDC.

Furthermore, the proposed regulation includes provisions and procedures for the local superintendent to reinstate the face-covering requirements if transmission rates of COVID-19 cases are substantial or higher for 14 consecutive days, as reported by the CDC. **If the 80% thresholds are met, the transmission rate provisions and procedures do not apply.**

The proposed regulation provides that any decision to lift the face-covering requirement is not appealable to the State Board. The proposed regulation also requires the confidentiality of vaccination status to remain consistent with federal and state law. If approved by the State Board and the AELR Committee, **the emergency regulation will be in effect for 180 days after filing or upon withdrawal by the promulgating agency.**

### **Public Comment |**

- Nine witnesses signed up to testify, but only five were present. Two testified in favor (four others in favor were absent) of the proposed regulations and three testified against them.



### Committee Voting Session |

1. Senator Elfreth - **YES**
  2. Delegate Rosenberg - **AYE**
  3. Senator Augustine - **YES**
  4. *Senator Carter - ABSENT*
  5. *Senator Cassilly - ABSENT*
  6. Senator Eckardt - **NO**
  7. Senator Hayes - **YES**
  8. Senator Hershey - **NO**
  9. Senator Smith - **NO**
  10. *Senator Waldstreicher - ABSENT*
  11. Senator Young - **YES**
  12. *Delegate Buckel - ABSENT*
  13. Delegate Holmes - **AYE**
  14. Delegate Jacobs - **NO**
  15. Delegate Lierman - **YES**
  16. Delegate McComas - **NO**
  17. Delegate Reznik - **YES**
  18. Delegate Sample-Hughes - **YES**
  19. Delegate Shoemaker - **NO**
- **11 in favor** and **5 opposed**
  - The new regulations go into effect immediately

### Adjournment |