

<p>Subject:</p> <p><i>Regarding face coverings in schools and school buses</i></p>	<p>Legal Reference—Ed 306.04</p>
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This Technical Advisory continues the New Hampshire Department of Education’s communication regarding the use of face coverings in schools.

The New Hampshire Division of Public Health updated its recommendations for the use of face coverings on February 23, 2022. This new guidance no longer recommends universal face mask use, in either indoor or outdoor settings, including specifically in school settings.

Prior to the issuance of this new health guidance and since the onset of the pandemic, the Department had maintained that school districts had the authority to require students to wear masks under their own school health and safety policies. See Ed 306.04(a)(2) and (22). Given the new public health guidance released Feb. 23, 2022, however, mask requirements in school policies are inconsistent with the Ed 306 rules. A mask requirement may violate the district’s obligation to maintain policies that “Meet[] the instructional needs of each individual student,” Ed 306.04(a)(6), “[p]romot[e] a school environment that is conducive to learning,” Ed 306.04(11), and that “[m]eets the special physical health needs of students.” Ed 306.04(a)(22). Therefore, consistent with prior public health recommendations, schools should transition to adopt these new public health recommendations as quickly as possible.

Effective Feb. 25, 2022, the Centers for Disease Control and Prevention is no longer requiring the wearing of masks on buses or vans operated by public or private schools systems. Given this update, combined with DHHS guidance on Feb. 23, 2022, there is no longer a basis under the Ed 306 rules for policies requiring masks on school buses.

For questions related to this Technical Advisory, please contact:

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