

Insights, News & Events

# NEW CALIFORNIA GUIDANCE MEANS MASKS WILL BE BACK AT K-12 SCHOOLS THIS FALL

Insights  
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Thanks to new guidance just issued by state health officials, students and staff at California's K-12 schools will be required to wear masks at the beginning of the upcoming school year regardless of vaccination status. The California Department of Public Health (CDPH) released updated [2021-2022 COVID-19 Guidance for K-12 Schools](#) on July 12, just days after the Centers for Disease Control and Prevention (CDC) published [its substantially relaxed pandemic guidance](#) for K-12 schools. Throughout the pandemic, California has taken a more stringent approach than federal guidelines or many other states when it comes to COVID-19 issues. The most recent California K-12 Public Health Guidance is no exception. What do California schools need to know about the CDPH update?

## Masks On For Fall

The major difference between the CDPH and CDC guidance is the mask requirement. [As noted in our recent Insight](#), the CDC clarified last week that fully vaccinated students, staff, and faculty do not need to wear masks indoors. However, California did not follow suit. Instead, for the upcoming school year, all students – regardless of vaccination status – are required to wear masks indoors. In addition, adults interacting with students in school settings must also wear masks indoors, regardless of their vaccination status. However, masks are optional outdoors in all K-12 school settings.

Yet there are some unique considerations under the CDPH guidance. Students and faculty may wear face shields with a

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draped rather than a mask if there is a pedagogical, developmental, or medical reason. Moreover, schools must “offer alternative educational opportunities” for students who will not wear masks for any reason, including religious or medical reasons. Finally, residential students at boarding schools may form “household cohorts.” When no one outside of the cohort is present, students do not have to wear masks, regardless of their vaccination status.

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In addition, California has established several of its own unique protocols and resources. For instance, it has developed quarantine timelines that consider the vaccination status of both parties, whether they were wearing masks, and the number of days without symptoms. The CDPH has also introduced several policies surrounding COVID-19 screening, contact tracing, testing and ventilation. Overall, California encourages schools to be transparent with their COVID-19 protocols.

### **What’s the Same?**

Despite the major difference when it comes to masking protocols, many of the CDPH guidelines are similar to the CDC guidelines. They share the same goal of providing as much “access to safe and full in-person instruction” as possible to students. California has adopted the CDC policies on physical distancing, vaccine verification, and ventilation. Moreover, schools should follow the CDC guidance when there is no local or state guidance on a topic.

### **What Do These Changes Mean for Schools?**

For now, schools in California should plan to require masks indoors for all students, faculty, and staff when you return for the 2021-2022 school year. You should also develop protocols for students who forget their masks. Finally, you should consider “alternative educational opportunities” for students who will not wear masks and are therefore excluded from campus. These might include self-study or distance learning. You should consider spending the remaining time between now and the start of the school year ensuring you are equipped to handle these requirements.

Notably, the current mask requirements may not last the entire school year – and may even end by Thanksgiving. The CDPH noted it would re-evaluate and potentially update the current mask requirements before November 1, 2021.

## Conclusion

As schools prepare for the new normal, you should keep up to date with the rapidly changing developments at the federal, state and local levels. We will continue to monitor the developing COVID-19 situation and provide updates as appropriate. Make sure you are [subscribed to Fisher Phillips' Insight System](#) to get the most up-to-date information. For further information, contact the author of this Insight, your Fisher Phillips attorney, or any member of our [Education Law Team](#).

*The author would like to thank Law Clerk Sinclair Parer for her substantial contributions to this Insight.*