



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN
STATE SUPERINTENDENT OF EDUCATION

MEMORANDUM

TO: District Superintendents

FROM: Molly M. Spearman
State Superintendent of Education

DATE: July 6, 2021

RE: Proviso 1.108 Guidance and Face Coverings on School Buses Update

The guidance in this memorandum is no longer valid as a result of the September 28, 2021, United States District Court for the District of South Carolina's Order concerning Proviso 1.108. Please refer to the [Enforcement of Proviso 1.108](#) guidance issued by the SCDE following the Court's ruling.

The purpose of this memo is to provide guidance related to Proviso 1.108 (SDE: Mask Mandate Prohibition) and update the face coverings on school buses requirement. Proviso 1.108 was adopted by the General Assembly in the 2021-22 Appropriations Bill and reads as follows:

1.108. (SDE: Mask Mandate Prohibition): No school district, or any of its schools, may use any funds appropriated or authorized pursuant to this act to require that its students and/or employees wear a facemask at any of its education facilities. This prohibition extends to the announcement or enforcement of any such policy.

The South Carolina Department of Education (SCDE) interprets the above language to mean that school districts are prohibited from requiring students and employees to wear a facemask while in any of its educational facilities for the 2021-22 school year. Educational facilities include all property owned and operated by the individual district.

The SCDE has previously enforced the Center for Disease Control and Prevention's January 29, 2021, [order](#) that requires the use of face coverings by people on public transportation conveyances and hubs, which includes school buses. Effective immediately, the SCDE will exercise its enforcement discretion granted within this order and will no longer enforce the face covering requirement on state owned school buses. The use of face coverings by students and

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staff on school buses and within school facilities remains a recommendation of state and federal public health officials and Proviso 1.108 does not prevent districts from encouraging the wearing of face coverings in these settings.

However, districts may not create or enforce any policy, which would require the wearing of face coverings. Should a district decide to act contrary to this law, state funding may be withheld.

Please contact Katie Nilges at knilges@ed.sc.gov with any questions.