



Religious Exemptions from Wearing Masks: Are They Required?

School districts requiring students and employees to wear masks while in school buildings and buses to mitigate the spread of COVID-19 are receiving requests for religious exemptions. Is the district required to grant an exemption? No, but MSBA advises districts to take the time to discuss the issue with parents and employees claiming they need a religious exemption.

School districts must navigate a variety of laws that prohibit discrimination on the basis of a student's or employee's religion or prohibit the district from interfering with the practice of religion. But none of these laws are absolute. In general, courts have upheld rules that are applicable to all, particularly if the governmental entity (the school district) has a compelling interest that is addressed with the rule and the rule is narrowly tailored to address the compelling interest. MSBA believes that most district masking rules meet these requirements.

School districts certainly have a compelling interest to require students and employees to mask up. First, masks have been proven to minimize the spread of COVID-19 and school districts desperately need students and employees to remain healthy, contain the spread of the disease in the school environment, and minimize isolation and quarantines that impact school attendance. Everyone can agree that students need to be in school for educational and social purposes and to accommodate parents' working schedules. Districts need employees in school as well, as many school districts are struggling to fill positions and find qualified substitutes. A single staff absence could create a hardship, and if too many employees are absent, the district might need to close the school temporarily or even move to virtual learning for the semester. Both the [U.S. Centers for Disease Control and Prevention](#) (CDC) and the [American Academy of Pediatrics](#) recommend universal masking in schools, regardless of vaccination status. A [CDC order](#) requiring masks on public transportation has been interpreted to apply to school buses. All of these are compelling reasons for districts to require masks.

But does that mean that districts should just say no to requests for a religious exemption? For both legal and political purposes, MSBA recommends that districts first have a conversation with students and employees requesting a religious exemption. Here are a few tips:

1. **Ask for it in writing:** Have the employee or parent/student explain in writing how exactly wearing a mask interferes with a sincerely held religious belief. But this does not end the inquiry! The district is not required by law to give a blanket religious exemption for masking like it is required by state law to do for vaccines, and given the school district's

significant interests in keeping schools open and student attending, MSBA does not recommend that practice. This is just the first step.

2. **Meet with the employee or parent/student:** Have a discussion with the employee or parent/student. While the district is not required to diverge from the requirements of the CDC or the local health department, this allows the district to explain its rules and provides an opportunity to discuss alternatives that would still comply with health requirements such as virtual schooling. It is also possible that the employee, parent or student has misunderstood district rules or that the district's rules are being inconsistently enforced in the buildings. This meeting allows for clarification on both sides.
3. **Take notes, but do not debate religious beliefs:** Federal law protects minority and fringe religious beliefs, and it is difficult for a school or employer to prove what a person believes. While it is worth noting inconsistencies like the fact that a person wore a mask last year, but is not willing to do so this year, it is best to leave decisions regarding the sincerity of religious beliefs to lawyers and judges.
4. **Do not compromise health and safety:** As stated above, the district's reasons requiring masks are compelling and do not need to be compromised, even if an employer, parent or student has a valid religious concern or becomes angry. While it is good to work cooperatively with parents, students and employees, the district is not required to compromise when it comes to health and safety. There are many safety rules in our society for which there are no religious exemptions.
5. **What about accommodating a disability?** CDC guidance allows for exceptions to be made for persons who cannot safely wear a mask due to a legal disability protected under the Americans with Disabilities Act (ADA). This aligns with the district's interest in promoting health and safety and does not mean that the district must allow for a religious exemption as well.