

August 31, 2021

RE: EXEMPTION – ORDER 34-2021 – FACE MASKS ON SCHOOL BUSES.

Whereas the Chief Medical Officer of Health (CMOH) initiated an investigation into the existence of COVID-19 within the Province of Alberta.

Whereas the investigation has confirmed that COVID-19 is present in Alberta.

Whereas under section 29(2.1) of the *Public Health Act*, the CMOH has the authority by order to prohibit a person from attending a location for any period and subject to any conditions that the CMOH considers appropriate where the CMOH determined that the person engaging in that activity could transmit an infectious agent. The CMOH also has the authority to take whatever other steps that are, in the CMOH's opinion, necessary in order to lessen the impact of the public health emergency.

Further to the above, the CMOH, pursuant to the authority under section 29(2.1) of the *Public Health Act*, made

- CMOH Order 34-2021 (the Order) which requires one or more persons operating or being transported by a commercial vehicle to wear a face mask.

The CMOH may, pursuant to section 3.1 of the Order, exempt in writing persons or classes of persons from the operation of the Order.

The Office of the CMOH has received requests from boards to permit certain children, students and employees to be transported in school buses without wearing a face mask, which is currently not available to the public.

For the purpose of this exemption, "children" means persons, over the age of 2 and under the age of 6, attending a school.

For the purpose of this exemption, "board" means a board of a school, including the board of a public, separate, or private school or the individual responsible for operating a private school.

For the purpose of this exemption, "school" includes the following:

- (a) "school" as defined in the *Education Act*;
- (b) a public or private "early childhood services program" as defined in the *Education Act*; or
- (c) "out of school care" as defined in the *Early Learning and Child Care Regulation*.

For the purpose of this exemption, “school bus” means a “school bus” as defined in the *Commercial Vehicle Safety Regulation*.

For the purpose of this exemption, “school”, “student” and “parent” are as defined in the *Education Act*.

For the purpose of this exemption, “employee” means employees, contractors, administrative staff of the school or volunteers, including parents of students who are riding on a school bus, in the course of their duties.

Currently persons attending or being transported on a commercial vehicle with one or more other persons, including the driver of the commercial vehicle, are required to wear a face mask, as per section 2.2 of the Order.

Upon discussion with the Minister of Health, and pursuant to section 3.1 of the Order, the CMOH is satisfied that an exemption from section 2.2 of the Order is in the public interest and, therefore, an exemption is granted to the following persons upon the following conditions:

- I. The following persons are exempted from wearing a mask when being transported in a school bus upon a board meeting the conditions set out in paragraph II:
 - a. Children;
 - b. Students;
 - c. Employees.
- II. The exemption for persons identified in paragraph I comes into effect when the board adopts and implements a School Bus COVID Safety Plan.
 - a. The board must make available the School Bus COVID Safety Plan to Alberta Health, Alberta Health Services and the Minister of Education upon request.
 - b. The board must publish the School Bus COVID Safety Plan on the board’s website.
- III. The School Bus COVID Safety Plan described in paragraph II must identify measures taken to reduce the risk of transmission of COVID-19 for persons identified in paragraph I, and must:
 - a. Include a plan for the board to notify employees and parents of children and students enrolled in the school of the details of the School Bus COVID Safety Plan.
 - b. Require that all exempted persons described in paragraph I comply with the provisions of paragraph IV.
- IV. The exempted persons described in paragraph I, when travelling in a school bus, must adhere to the following public health measures:

- a. Children, students and employees of the board or school must maintain a distance of at least 2 metres from all other persons who are not members of the same household on the school bus.
 - b. Children, students and employees of the board or school must wear a mask for the duration of the journey if they are unable to maintain at least 2 metres from all other persons who are not members of the same household on the school bus.
- V. Notwithstanding paragraph I, the person driving a school bus, while transporting one or more additional persons, must wear a face mask at all times.
- VI. Notwithstanding paragraph I, the exemption ceases to be in force, and persons identified in paragraph I must wear a face mask, if any of the following occur:
- a. The school bus is used for the transportation of the general public when a person described in paragraph I is being transported on the school bus;
 - b. The school bus simultaneously transports employees or students from two or more schools, where one or more of the boards or schools has not adopted and implemented a School Bus COVID Safety Plan, identified in paragraph II;
 - c. The board ceases to operate under the School Bus COVID Safety Plan, described in paragraph II.
- VII. The exempted persons as described in paragraph I, the boards or schools shall comply with any conditions in the most relevant guidelines found at <https://www.alberta.ca/guidance-documents.aspx> which may be amended from time to time.
- VIII. The persons described in paragraph I and the School Bus COVID Safety Plan described in paragraph III shall also comply with any public health guidelines, conditions, or requirements that may be provided, from time to time, in writing by Alberta Health or Alberta Health Services.

Although the exempted persons described in paragraph I are exempted in accordance with section 3.1 of the Order, all persons who are identified in this exemption are subject to the appropriate hygiene measures and all other measures identified by public health authorities to protect these persons and other Albertans from further transmission of COVID-19.

This exemption may be terminated or modified by the CMOH in writing without notice and for any reason as determined by the CMOH.

This exemption comes into effect on August 31, 2021.

We trust this is satisfactory.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read "Deena Hinshaw", with a large, stylized flourish extending to the right.

Deena Hinshaw, BSc, MD, MPH, CCFP, FRCP
Chief Medical Officer of Health for Alberta