



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

ADVISORY ON MASK MANDATES IN PUBLIC SCHOOLS

As public schools prepare to begin a new school year, the Office of the Attorney General reminds school districts that Governor Greg Abbott's executive order prohibiting school districts from requiring students, teachers, or visitors to wear face masks remains in effect.

Governor Abbott's [GA-38](#) provides that "no governmental entity, including a county, city, school district, and public health authority, and no governmental official may require any person to wear a face covering or to mandate that another person wear a face covering."

The Governor's executive orders "have the force and effect of law" and supersede local regulations.¹ Further, GA-38 provides that the imposition of any "conflicting or inconsistent limitation by a local governmental entity or official constitutes a 'failure to comply with' the executive order" and is subject to a fine of up to \$1,000."² The Texas Education Agency has further mandated that "[p]ublic school systems are to operate in compliance with existing state laws and regulations, including all executive orders issued by the governor of Texas in response to the COVID-19 pandemic that are currently in effect."³

Since Governor Abbott issued GA-38, my office has vigorously worked to defend the rule of law against governmental entities, including school districts, that defied the Governor's lawful orders. Although some of these legal challenges remain pending consideration by the Texas Supreme Court, to date, all court orders purporting to stop the Governor's orders have been blocked.

Simply put, parents can send their children to public schools without worrying about new mask mandates. GA-38 remains the law in the State of Texas, and my office stands ready to uphold the rule of law in Texas.

A handwritten signature in black ink that reads "Ken Paxton".

KEN PAXTON
Attorney General of Texas

¹ Tex. Gov't Code § 418.011-.012.

² See Executive Order GA-38, paragraph 4, section b (citing Tex. Gov't Code § 418.173). State law provides that enforcement of this provision is left to local prosecutors.

³ See "[Public Health Guidance](#)" issued by the Texas Education Agency on August 1, 2022.