

**I. GENERAL POLICY**

Given the ongoing public health threat caused by the COVID-19 pandemic and in accordance with public health guidance and federal law, the LILA Executive Director or designee may declare a mask mandate in effect due to certain health factors that put the School’s ability to remain open for in-person learning or LILA community members’ health in jeopardy. If such a mask mandate is declared, all persons are required to wear a face covering when they are in any building that is owned, leased, or operated by or on behalf of the School regardless of vaccination status, unless an exemption or exception stated in this policy applies. Similarly, all persons are required to wear a face covering when they are in any vehicle that is owned, leased, or operated by or on behalf of the School, regardless of vaccination status, unless an exemption or exception stated in this policy applies.

Face coverings are meant to help protect people from the spread of COVID-19, particularly when a person does not know that he or she is infected.

**II. DEFINITIONS**

**A. Disability.** The term “disability” means a mental or physical impairment that substantially or materially limits a major life activity.

**B. Face Covering.** The term “face covering” means any paper or disposable mask, cloth face mask, medical-grade mask, medical grade respirator, covering that covers the nose and mouth completely in accordance with CDC guidance. Masks with valves, mesh, openings, holes, vents, or visible gaps in the material or scarf, bandanna, neck gaiter, or religious face do not qualify as face coverings.

**C. Face Shield.** The term “face shield” means a clear plastic barrier that covers the face, extends below the chin, and wraps around the sides of the face to the ears. A face shield may not have an exposed gap between the forehead and the shield’s headpiece.

**D. Medical Authority.** For purposes of this policy, the term “medical authority” means a medical doctor, clinical psychologist, physician assistant, or nurse practitioner who has seen or treated the student or employee in question.

**E. Medical Condition.** For purposes of this policy, the term “medical condition” means a disease, illness, injury, or physiologic, mental, or psychological disorder. A biological or psychological state that is within the

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range of normal human variation is not a medical condition.

**G. Parent.** For the purpose of this policy, the term “parent” means the legal parent, legal guardian, or conservator of a child who is under the age of eighteen. A student who is eighteen years of age or older is considered to be a “parent” for purposes of this policy, unless a court has found that the student is incompetent and has appointed a conservator for the student.

**H. Visitor.** For purposes of this policy, the term “visitor” means any person other than a student or employee of the School. The term visitor includes, but is not limited to, parents, community members, vendors, and contractors.

**III. DECLARATION OF A MASK MANDATE**

**A. School Board Declaration.** The LILA School Board may determine that a mask mandate should go into effect due to increasing/high school, local, or regional transmission, area hospital capacity reaching or at its limit, or other factors resulting from the COVID 19 pandemic. When the School Board declares a mask mandate in effect, the mask mandate will remain in effect until the School board declares it lifted at a future meeting of the School Board.

**B. Executive Director or Designee Declaration.** The School Board may give the Executive Director (or designee) authority to declare a mask mandate in effect, in order for a more rapid response to changing conditions. When the Executive Director or designee declares a mask mandate in effect, the mask mandate will remain in effect until the Executive Director or designee or the School Board declares it lifted.

**IV. EXEMPTIONS**

**A. Circumstances When a Face Covering Should Not Be Used**

1. **Children under the age of two.** A face covering should not be placed on a child under the age of two.
2. **Incapacitated persons.** A face covering should not be placed on any person who is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.

**B. Persons Who Are Exempt from Wearing a Face Covering**

1. **Medical condition, mental health condition, or disability.** A

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person is not required to wear a face covering if the person cannot wear a face covering or cannot wear a face covering safely due to a medical condition, mental health condition, or disability. This includes a person who has a medical condition that compromises the person’s ability to breath.

**V. WHEN FACE COVERINGS MAY BE TEMPORARILY REMOVED**

**A. Child Care and Kinder Prep Preschool.**

1. **Temporary removal permitted when a face covering or a face shield is impracticable.** Nonexempt workers and children who are required to wear a face covering or shield may remove the covering or shield temporarily to engage in certain activities that make wearing a covering or shield impracticable. These activities include:

- a. Eating or drinking;
- b. Communicating with an individual who is deaf or hard of hearing;
- c. Communicating with an individual who has a disability, medical condition, or mental health condition that makes communication with that individual difficult while wearing a face covering;
- d. Participating in activities where the face covering would get wet; and
- e. Receiving a service, such as a nursing or medical service, which would be difficult or impossible to perform with a face covering;

**B. Kindergarten Through Grade 12.**

1. **Temporary removal permitted when a face covering or a face shield is impracticable.** Any person who is in a school building or office may temporarily remove a face covering or face shield in the following situations, provided that social distancing of at least six feet (or more, if specified below) is maintained, to the extent possible:

- a. When eating or drinking;

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- a. When playing musical instruments that make wearing a face covering difficult or impracticable, provided that six feet of social distancing is maintained, to the extent possible;<sup>[1]</sup>
- b. When asked to remove the covering for identification purposes, such as when a person enters a school building during the school day and a staff member asks the person to remove the face covering briefly for the purposes of verifying the person's identity;
- c. When communicating with an individual who is deaf or hard of hearing or who has a disability, medical condition, or mental health condition that makes communication with a face covering difficult;
- d. When participating in activities, such as swimming or showering, that would cause the face covering to become wet; and
- e. When receiving a service – including nursing, medical, or personal care services – that cannot be performed or would be difficult to perform when the individual receiving the service is wearing a face covering.

**C. Staff**

- 2. **Staff working alone.** Staff may temporarily remove face coverings when working alone (such that social distancing is maintained), including when alone in an office, classroom, school vehicle, cubicle with walls or barriers that are at least face level, or other enclosed work area.
- 3. **Fully vaccinated staff working with another person who is fully vaccinated.** Staff may temporarily remove face coverings when working with another person (such that social distancing is maintained), including when together in an office, classroom, school vehicle, cubicle with walls or barriers that are at least face level, or other enclosed work area.

**VI. WHEN FACE SHIELDS ARE PERMITTED AS AN ALTERNATIVE TO FACE COVERINGS**

- A. Students.** A nonexempt student may use a face shield as an alternative to

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a face covering if:

1. The student is unable to tolerate a face covering due to a developmental, behavioral, or medical condition; or
2. A face covering would interfere with religious attire that is worn as part of a sincerely held religious belief.

**B. Employees.** A nonexempt employee may use a face shield as an alternative to a face covering with approval from an administrator if:

1. The employee is a teacher and a face covering would impede the educational process;
2. The employee is a staff member who is providing direct student support services and a face covering would interfere with the services that are being provided;
3. The employee has a disability or medical condition that prevents the employee from wearing a face covering;
4. A face covering would interfere with religious attire that is worn as part of a sincerely held religious belief; or
5. A face covering would create a job hazard for the employee or others, if approved by an administrator based on local, state, or federal laws, requirements, or workplace safety and health standards and guidelines

**C. Visitors.** A visitor may use a face shield as an alternative to a face covering if:

1. The visitor states that he or she cannot wear a face covering due to a medical condition, mental health condition, or disability; or
2. A face covering would interfere with religious attire that is worn by the visitor as part of a sincerely held religious belief.

**VII. PROCEDURES FOR DETERMINING WHETHER AN EXEMPTION APPLIES OR WHETHER AN INDIVIDUAL MAY WEAR A FACE SHIELD INSTEAD OF A FACE COVERING**

**A. Students.** If a parent states that a student is exempt from wearing a face

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covering under this policy because the student cannot wear a face covering or cannot safely wear a face covering due to a medical condition, mental health condition, or disability, or if the parent states that a student is unable to tolerate a face covering because of a developmental, behavioral, or medical condition, the School will require the parent to submit documentation from a medical authority that the student has such a condition or disability and needs to be exempted from wearing a face covering. The documentation from the medical authority must also state whether the student can wear a face shield.

1. **Exception.** The School will not require a parent to submit documentation from a medical authority if the School already has reliable information showing that the student cannot wear a face covering or cannot safely wear a face covering due to a medical condition, mental health condition, or disability, or if the School already has reliable information showing that the student is unable to tolerate a face covering because of a developmental, behavioral, or medical condition.

2. **Religious reasons.** The School will not require documentation if a parent or student over the age of fourteen states that a face covering would interfere with religious attire that is worn by the student as part of a sincerely held religious belief. The School may consider whether the student wore the same or similar religious attire before the COVID-19 pandemic began.

3. **Determination.** In determining whether a student is exempt from wearing a face covering, the School will consider the parent’s request, any documentation the School receives from a medical authority, and all reliable information in the student’s educational records.

a. If the School determines that the student is exempt from wearing a face covering or is unable to tolerate a face covering because of a developmental, behavioral, or medical condition, the School will determine whether the student can wear a face shield.

b. If the School determines that the student is unable to wear a face covering or a face shield because of a medical condition, mental health condition, or disability, the School will consider other options for reducing the potential spread of COVID-19. Such options may include, but are not limited to, using plexiglass barriers around the student’s desk, maintaining more than six feet of physical distance from the student, and providing PPE for staff members who work with the student.

**B. Employees.** If an employee claims to be exempt from wearing a face covering under this policy, the School will require the employee to submit documentation from a medical authority stating that the employee cannot wear a face covering or cannot safely wear a face covering due to a medical condition, mental health condition, or disability.

1. **Exception.** The School will not require an employee to submit documentation from a medical authority if the School already has reliable information showing that the employee cannot wear a face covering or cannot safely wear a face covering due to a medical condition, mental health condition, or disability.

2. **Religious reasons.** The School will not require documentation if an employee states that a face covering would interfere with religious attire that is worn by the employee as part of a sincerely held religious belief. The School may consider whether the employee wore the same or similar religious attire before the COVID-19 pandemic began.

3. **Determination.** In determining whether an employee is exempt from wearing a face covering because of a medical condition, mental health condition, or disability, the School will consider the employee's request, any documentation the School receives from a medical authority, and all reliable information the School maintains about the employee.

a. If the School determines that the employee has or may have a disability, the School will engage in an interactive process with the employee.

b. If the School determines that the employee is unable to wear a face covering or a face shield because of a medical condition, mental health condition, or disability, the School will consider other options for reducing the potential spread of COVID-19. Such options may include, but are not limited to, using plexiglass barriers around the employee's work area and maintaining more than six feet of physical distance from others.

c. The School is not required to create a remote work assignment, to create a light duty position, or to excuse an employee from performing the essential functions of the job.

**C. Visitors.** If a visitor is not wearing a face covering while in a building

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that is owned, leased, or operated by the School, a staff member will inform the visitor of the face covering requirement and, if available, offer a face covering and request that the visitor put it on. If the visitor refuses and claims that he or she is entitled to an exemption from the face covering requirement, the staff member will contact an administrator to determine whether the visitor should be permitted in the building or should be required to leave. Visiting a building that is owned, leased, or operated by the School is a privilege, not a right. Based on the risk of harm that a visitor without a face covering or face shield creates when students and staff members are present for educational purposes, including the risk of a widespread outbreak that could close the schools, building administrators and other School officials may require a visitor to leave the premises if the visitor refuses to wear a face covering or face shield, or if the visitor refuses to maintain social distancing of at least six feet when students or staff are present for educational purposes. If the visitor refuses to leave, the school official, or a designee, should contact law enforcement.

**D. School Board Meetings.** Face coverings are generally required at school board meetings, regardless of where the meetings are held.

1. **Exception for medical condition or disability.** If a person asserts that he or she cannot wear a face covering or cannot safely wear a face covering due to a medical condition, mental health condition, or disability, the School will seek to accommodate the person by allowing the person to wear a face shield. If the person refuses to wear a face shield, the School may seek to accommodate the person by allowing the person to watch the meeting from a remote location. Individuals are encouraged to contact the Executive Director’s office at least twenty-four hours in advance of a School Board meeting if they want the School to establish a separate remote location for the person to view the meeting.

**VIII. POSTING, TRAINING, SUPPORT, AND ACCESS**

**A. Posting.** When in effect, the requirement to wear a face covering will be conspicuously posted in the entryway of each building that is owned, leased, or operated by the School. Additionally, this policy will be posted in each building and posted on the School’s website.

**B. Training.** The School will provide training to staff and students on the requirements of this policy. The training will address the proper use of face coverings in School buildings and vehicles, and will reinforce the importance of using face coverings, face shields, and social distancing to prevent the spread of COVID-19. The training will also seek to facilitate understanding in the school community about the exemptions and exceptions stated in this policy, including

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the legitimate reasons why some staff members and some students cannot wear face coverings. Additionally, the training will seek to combat any stigma associated with wearing or not wearing face coverings and will emphasize to students and staff that bullying or harassment related to the wearing of a face covering is prohibited and may result in discipline up to and including suspension, expulsion, or discharge.

**C. Support.** School staff members will provide support and guidance to a student who cannot wear a face covering due to a medical condition, mental health condition, or disability and to a student who cannot wear a face covering because the student qualifies to wear a face shield instead of a face covering (i.e. the student is unable to wear a face covering due to a medical condition, mental health condition, or disability or a face covering would interfere with religious attire that is worn is part of a sincerely held religious belief).

**D. Access to Face Coverings.** To the extent practicable, the School will maintain an extra supply of face coverings for students and employees who forget to bring them.

**IX. COMPLIANCE**

**A. Compliance with Other Policies.**

**1. Compliance with dress code.** All face coverings must comply with the School’s dress code requirements for clothing. Face coverings may not promote or contain images of items that are illegal for minors or items that minors are prohibited from possessing on school property. Additionally, face coverings must not contain images or messages that are: (1) vulgar; (2) obscene; (3) threatening; (4) incite violence; or (5) reasonably likely to create a material and substantial disruption at school. The School’s dress code policy may not be interpreted to prohibit the wearing of any face covering or shield required under this policy. To the extent that any conflict exists between the two policies, this policy controls.

**2. No bullying or harassment.** No student, employee, or visitor may wear a face covering that violates any School policy, including, but not limited to, the School’s policy prohibiting bullying and the School’s policies prohibiting harassment and other forms of discrimination based on protected class status. Additionally, no student, employee, or visitor may bully, unlawfully harass, or unlawfully discriminate against any student or employee because the student or employee is wearing a face covering or a face shield, or is exempt from wearing a face covering or a

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face shield.

**B. Discipline of Students.** This policy contains reasonable School Board regulations. Any student who willfully violates this policy is subject to discipline. The School will administer such discipline in accordance with the Minnesota Pupil Fair Dismissal Act.

1. **Exempt students.** School administrators may not initiate disciplinary procedure for insubordination in the case of an exempt student who does not wear a face covering.

2. **Nonexempt students.** School administrators will follow normal disciplinary procedures for insubordination for nonexempt students who refuse to wear a face covering, up to and including suspension or expulsion.

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[1] Depending on the activity, face shields should also be considered as an alternative if six feet of physical distance cannot be consistently maintained.