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Governor Northam Announces Public Health Order to Require Universal Masking in K-12 Schools

Order reinforces state law SB 1303

RICHMOND—Governor Northam today announced a Public Health Emergency Order requiring universal masking in all indoor settings in Virginia’s K-12 schools. This order reinforces current state law, which requires Virginia schools adhere to mitigation strategies outlined by the Centers for Disease Control and Prevention (CDC). As of July 28, CDC guidelines include universal masking for all students, teachers, and staff. [SB 1303](#) was passed by an overwhelming bipartisan majority of the General Assembly earlier this year.

“We all share the same goal of keeping our schools open and keeping our students safe,” said Governor Northam. “That’s why the General Assembly passed this law with overwhelming bipartisan support. This Public Health Order makes it very clear that masks are required in all indoor K-12 settings, and Virginia expects all schools to comply. I’m grateful to the work of the General Assembly and the Health Department, and I look forward to a safe start to the school year.”

73 percent of all adults in Virginia have received at least one dose of the COVID-19 vaccine. As of August 10, 40.3 percent of 12-15 year-olds in Virginia and 51.7 percent of 16-17 year olds in Virginia are fully vaccinated against COVID-19. Children under 12 are not yet eligible to receive any available vaccination, which is one reason CDC updated its guidance to recommend universal masking in all K-12 schools. Masks are a proven tool to reduce in-school transmission, even in communities with high levels of spread.

“We know that masking is an effective tool to prevent the spread of COVID-19, particularly among children who are not yet eligible for vaccination,” said Virginia Health Commissioner

Dr. Norm Oliver. “As cases rise in our communities, universal masking and other mitigation measures will ensure our schools continue to be the safest place for Virginia’s children.”

“The vast majority of school districts have chosen to follow the CDC and keep their school communities safe,” said State Superintendent Dr. James Lane. “Universal masking has worked in school settings across Virginia for the past year and a half, and it remains a critical part of our safety protocols. I’m grateful to Governor Northam and Dr. Oliver for this order, which will ensure uniformity across all school districts and keep students safely in their classrooms—no matter where they live in Virginia.”

In addition to this Public Health Order, Governor Northam has dedicated significant resources to improve the safety of K-12 schools. On Tuesday, Governor Northam signed [House Bill 7001](#), which provides a total of \$500 million to improve ventilation and air quality in public schools. Ventilation systems clean and disperse air, decreasing the risk of various airborne illnesses including COVID-19.

In 2020, Governor Northam directed \$492 million in federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funding to public schools and PreK-12 state-level education initiatives. This year, Virginia received approximately \$939 million in ESSER II funds under the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act of 2021. Additionally, the American Rescue Plan (ARP) Act Elementary and Secondary School Emergency Relief (ESSER) III funds directly allocate \$1.9 billion to school divisions, with an additional state set aside of \$211 million.

The Public Health Emergency Order is available [here](#).

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STATE HEALTH COMMISSIONER ORDER OF PUBLIC HEALTH EMERGENCY STATEWIDE REQUIREMENT TO WEAR MASKS IN K-12 SCHOOLS

WHEREAS, the State Health Commissioner declared novel coronavirus (COVID-19) a communicable disease of public health threat on February 7, 2020 and further declared on July 1, 2021 that a public health emergency continued to exist; and

WHEREAS, Virginia Governor Ralph S. Northam's Executive Directive Number Eighteen issued on August 5, 2021, highlights the ongoing danger of COVID-19 to unvaccinated individuals; and

WHEREAS, COVID-19 spreads from person-to-person, transmitted via respiratory droplets, and can be spread from an infected person who does not have symptoms to another person; and

WHEREAS, emerging data show that the Delta variant is different than past versions of the virus and is much more contagious; and

WHEREAS, the State Health Commissioner seeks to contain, control, and prevent additional COVID-19 infections in schools; and

WHEREAS, children under age 12 are not yet eligible to receive any available vaccine; and

WHEREAS, only 40.3% of 12-15 year-olds and 51.7 % of 16-17 year olds in Virginia are fully vaccinated as of August 10, 2021; and

WHEREAS, universal and correct mask use is an important COVID-19 prevention strategy in schools as part of a multicomponent approach and has been shown to be associated with lower incidence of COVID-19 in schools; and

WHEREAS, Virginia Senate Bill No. 1303, Acts of Assembly, Chapter 456 requires K-12 schools open for in-person instruction and reducing COVID-19 transmission and outbreaks during such in-person instruction is a priority of the Commonwealth; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) advises universal indoor masking for all teachers, staff, students, and visitors in K-12 schools, regardless of vaccination status; and

WHEREAS, the CDC recommends that schools continue to use layered prevention strategies outlined in the CDC Guidance for Prevention of COVID-19 in K-12 Schools, including the universal and correct use of masks of all people in schools, regardless of vaccination status; and

WHEREAS, decreasing spread in Virginia's K-12 schools, which have a high percentage of unvaccinated individuals, protects the health of students, teachers, staff and their families; and

WHEREAS, pursuant to § 32.1-13 of the Code of Virginia, the State Health Commissioner, acting for the Board of Health when it is not in session pursuant to § 32.1-20 of the Code of Virginia, is vested with authority to make separate orders to meet any emergency not provided for by general regulations, for the purpose of suppressing conditions dangerous to the public health and communicable, contagious, and infectious diseases.

NOW THEREFORE, the State Health Commissioner, pursuant to §§ 32.1-13 and 32.1-20 of the Code of Virginia, hereby issues this Order finding that a public health emergency due to COVID-19 continues to exist, and requiring all individuals aged two and older to wear masks when indoors at public and private K-12 schools in order to inhibit spread of the virus, as recommended and described by the CDC. Exceptions to this Order include:

- A. Individuals eating, drinking, or sleeping;
- B. Individuals exercising or using exercise equipment;
- C. Any person who is playing a musical instrument when wearing a mask would inhibit the playing of the instrument (e.g., wind or brass instrument) so long as at least six feet of physical distance can be maintained from other persons;
- D. Any person who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the mask without assistance;
- E. Any person who has a disability or meets at-risk criteria or those assisting such persons, including individuals with an Individualized Education Plan (IEP) or 504 plan under the Rehabilitation Act, where wearing a mask would inhibit communication or the receiving of services.
- F. When necessary to participate in a religious ritual; and
- G. Persons with health conditions or disabilities that prohibit wearing a mask. Nothing in this Order shall require the use of a mask by any person for whom doing so would be contrary to his or her health or safety because of a medical condition. Adaptations and alternatives for individuals with health conditions or disabilities should be considered whenever possible to increase the feasibility of wearing a mask to reduce the risk of COVID-19 spreading if it is not possible to wear one.

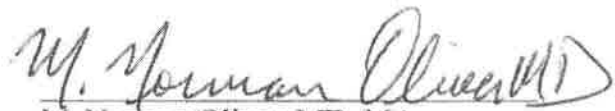
Any person who declines to wear a mask because of a medical condition or any person with a sincerely held religious objection to wearing masks in school may request a reasonable accommodation.

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This Order shall be enforced pursuant to § 32.1-27 of the Code of Virginia.

This Order shall be effective August 12, 2021, and shall remain in full force and effect until the CDC guidelines for K-12 schools change, unless this Order is sooner amended or rescinded.

Given under my hand and under the Seal of the Office of the State Health Commissioner of the Commonwealth of Virginia this 12th day of August 2021.



M. Norman Oliver, MD, MA
State Health Commissioner