

**MIDDLETOWN TOWNSHIP BOARD OF EDUCATION  
COUNTY OF MONMOUTH**

**RESOLUTION IMPLEMENTING A POLICY PURSUANT  
TO EXECUTIVE ORDER 251**

**WHEREAS**, on August 6, 2021, Governor Murphy issued Executive Order 251 (“EO251”), which provides that the District “must maintain a policy regarding mandatory use of face masks by staff, students, and visitors in the indoor portion of the school district premises;” and

**WHEREAS**, this Resolution shall constitute and establish District policy concerning the implementation of EO251.

**NOW, THEREFORE, BE IT RESOLVED** by the Middletown Township Board of Education that the following shall constitute the District’s policy as required by EO251:

1. Pursuant to EO251, all staff, students, and visitors to the indoor premises of the school district shall be required to wear face masks, except in the following circumstances, which are each enumerated in EO251:
  - a. When doing so would inhibit the individual’s health, such as when the individual is exposed to extreme heat indoors.
    - i. The District shall accept an individual or parental testimonial letter as evidence that wearing a mask inhibits an individual’s health. Any such letter must describe how wearing a mask specifically affects that individual or student. General statistics or assertions about mask wearing are not acceptable.
    - ii. The District shall accept correspondence from an individual’s health care provider, without being subject to District Physician review, that wearing a facemask inhibits an individual’s health.
    - iii. The current heat exemption shall continue until significant change in weather conditions.
  - b. When the individual has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove a facemask without assistance.
    - i. “Trouble breathing” means documented difficulty breathing from a health care provider or parental testimony specifying how the child has difficulty breathing;
    - ii. “Trouble breathing” also means a medical diagnosis of asthma, allergies resulting in breathing problems, or anxiety resulting in breathing issues, which are exacerbated by wearing a facemask.

- c. When a student's documented medical condition or disability, as reflected in an Individualized Education Program (IEP) or Educational Plan pursuant to Section 504 of the Rehabilitation Act of 1973, precludes use of a facemask. An IEP or 504 plan may, but is not required to specifically provide that a mask is not required. Rather, a mask will not be required if:
    - i. The District shall accept an individual or parental testimonial letter as evidence that wearing a mask inhibits an individual's health. Any such letter must describe how wearing a mask specifically affects that individual or student. General statistics or assertions about mask wearing are not acceptable.
    - ii. The District shall accept correspondence from an individual's health care provider, without being subject to District Physician review, that wearing a facemask inhibits an individual's health.
  - d. When the individual is under two (2) years of age;
  - e. When the individual is engaged in activity that cannot physically be performed while wearing a mask, such as eating or drinking, or playing a musical instrument that would be obstructed by a facemask. Such activities also include, but are not limited to, lunch, snack, chorus/choir, Speech, and Occupational and Physical Therapy sessions which implicate the mouth or facial movement.
  - f. When the individual is engaged in high-intensity aerobic or anaerobic activity;
  - g. When a student is participating in high-intensity physical activities during a physical education class in a well-ventilated location and able to maintain a physical distance of six feet from all other individuals; or
  - h. When wearing a facemask creates an unsafe condition in which to operate equipment or execute a task.
2. Facemasks are optional in any outdoor areas on District premises.
  3. The board believes strongly in proliferating an environment conducive to accelerated learning with a commitment to the mental health and social emotional learning of our students. To that end, there will be no tolerance for any harassment, intimidation, or bullying of, or retaliation against any individual in relation to their medical decisions regarding face masks and/or vaccines. The Board recognizes that vaccination decisions are the discretion of parents and their health care providers. As such, staff shall not discuss COVID-19 vaccination status, nor encourage or discourage vaccination at school, during extracurricular activities or at school-sponsored or sanctioned events on or off school premises. Notwithstanding, nothing in this

- Resolution shall prohibit a school nurse or administrator from performing their duties and communicating with parents or appropriate State authorities.
4. Non-administrative personnel, excluding health office staff, shall not be advised about any individual's medical diagnosis or condition implicating one of the exemptions above. Rather, staff shall be informed only that the student or individual has a mask exemption;
  5. All revisions to Orders affecting this Resolution shall be reviewed by the Superintendent with the Board Attorney and Board of Education.
  6. All students, parents, and staff members will be notified of any changes to school district-developed protocols implemented as a result of this Resolution, as appropriate.