808 COVID-19 FACE COVERING POLICY

[Note: The Governor's Emergency Executive Order 20-81 generally requires Minnesotans to wear a face covering in certain settings and circumstances, including in various school settings. Emergency Executive Order 20-82 states that all Minnesota public schools must adhere to parameters determined by Minnesota Department of Health ("MDH") in implementing or shifting between in-person learning, hybrid learning and distance learning. MDH's Safe Learning Plan for 2020-21 and the 2020-2021 Planning Guide for Schools requires school district and charter schools to develop and implement a face covering policy that is clearly posted and communicated to students, staff, families, and potential visitors to the school building. The provisions of this policy substantially reflect the requirements of the 2020-2021 Planning Guide for Schools, Executive Order 20-81, and Executive Order 20-82.]

I. PURPOSE

The purpose of this policy is to establish requirements for employees students and other persons (including visitors, guests, contractors, etc.) present on school property to wear face coverings in classrooms, preschool, child care settings and other indoor areas, as well as outdoor areas where a physical distance of 6 feet cannot be maintained between persons, in order to minimize exposure to COVID-19.

II. GENERAL OF STATEMENT OF POLICY

A. The policy of the school district is to comply with Executive Order 20-81, Executive Order 20-82, and applicable face covering requirements from the Minnesota Department of Health and the Minnesota Department of Education.

B. Face coverings are meant to protect other people in case the wearer does not know they are infected.

C. Unless an exception described in Part IV below applies, all students, staff, and other people present indoors in school buildings and district offices or riding on school transportation vehicles are required to wear a face covering.

D. A violation of this policy occurs when any student, staff, or other person present in a school building, in the school district office, or on a school transportation vehicle fails to wear a face covering, unless an enumerated exception applies.

III. DEFINITION OF FACE COVERING

A. A face covering must be worn to cover the nose and mouth completely, should not be overly tight or restrictive, and should feel comfortable to wear. The following are included in the definition of face covering:

1. Paper or disposable mask;

2. Cloth face mask;

3. Scarf;

4. Neck gaiter;

5. Bandana;

6. Religious face covering; and

7. Medical-grade masks and respirators

B. A face shield is a clear plastic barrier that covers the face and allows visibility of facial expressions and lip movements for speech perception. A face shield should extend below the chin anteriorly, to the heats laterally, and there should be no exposed gap between the forehead and the shield's headpiece.

C. Masks that incorporate a valve designed to facilitate easy exhaling, mesh masks, or masks with openings, holes, visible gaps in the design or material, or vents are not sufficient face coverings because they allow exhaled droplets to be released into the air.

IV. EXCEPTIONS AND ALTERNATIVES; TEMPORARY REMOVAL OF FACE COVERING

A. Face coverings should not be placed on anyone under age 2, anyone who has trouble breathing or is unconscious, anyone who is incapacitated or otherwise unable to remove the face covering without assistance, or anyone who cannot tolerate a face covering due to a developmental, medical, or behavioral health condition.

B. A face shield may be used as an alternative to a face covering in the following situations:

1. A student in grades kindergarten through eighth grade may wear a face shield when wearing a face covering is problematic.

2. A teacher of any grade level may wear a face shield when wearing a face covering may impede the educational process.

3. Staff, students, or visitors who cannot tolerate a face covering due to a developmental, medical, or behavioral health condition may wear a face shield instead of a face covering.

4. Staff providing direct support student services may wear a face shield instead of a face covering when a face covering would impede the service being provided.

C. Staff, students, and other people present in school buildings or in district offices may temporarily remove their face covering or face shield in the following situations:

1. When engaging in classes or activities conducted outdoors, though people participating in these activities should maintain six feet of distance to the extent possible;

2. When engaging in indoor physical activity where the level of exertion makes wearing a face covering difficult, though people participating in these activities should maintain six feet of distance to the extent possible;

3. During activities, such as swimming or showering, where the face covering will get wet;

4. While receiving a service, including nursing, medical, or personal care services, that cannot be performed or is difficult to perform when the individual receiving the service is wearing a face covering;

5. Pre-kindergarten students age 5 years and younger participating in programming in a school building or district office;

6. When the wearer needs to remove their face covering to eat or drink, though care should be taken to maintain as much space as possible between people while doing so;

7. During indoor practices or performances involving singing, acting, public speaking, or playing musical instruments where a face covering cannot be used while playing the instrument, though people participating in these activities should maintain six feet of distance to the extent possible;

8. When required by school staff for the purposes of identification;

9. Staff working alone in their offices, classrooms, vehicles, or job locations that have no person-to-person interaction;

10. Staff working in communal spaces that have barriers such as Plexiglas or cubicle walls between employees that are above face level; or

11. When communicating with a person who is deaf or hard of hearing or has a disability, medical condition, or mental health condition that makes communication with a face covering difficult, provided that social distancing is maintained to the extent possible.

V. IMPLEMENTATION

A. This policy will be conspicuously posted in each school building and administrative office and communicated to students, staff, families, and potential visitors to the school building.

B. The school district will provide face coverings and/or face shields to employees and students. Employees and students may choose to wear their own face covering as long as it covers the nose and mouth. To the extent practicable, the school district will maintain an extra supply of face coverings for people who forget to bring their face covering.

C. The school district will teach and reinforce the use of face coverings and/or face shields for students and staff throughout the school day, including on transportation vehicles, inside school buildings, and generally when on school grounds.

D. Individuals who cannot tolerate a face covering due to a medical condition or disability related condition may be permitted to utilize alternative options such as a face shield or other reasonable accommodation. The Superintendent or designee shall have discretion to determine whether an employee, parent, or community member qualifies for a reasonable accommodation and the accommodation to be provided. For a student with a medical condition or disability, the student's education team (i.e. IEP team, Section 504 team, health plan team) will determine whether the student qualifies for a reasonable accommodation and the accommodation to be provided. As a condition to granting a reasonable accommodation, the school district may require an individual to provide a physician's note and/or other relevant information or with respect to the condition or circumstance. Requests for reasonable accommodations from the face covering requirement shall be assessed on a case-by-case basis in accordance with applicable federal and state law.

E. All face coverings shall meet the requirements of applicable dress code policies and/or codes of conduct. To the extent the face covering requirements of this policy conflict with MSBA Model Policy 504 – Student Dress and Appearance, this Policy shall control.

F. The school district will make available distance learning to its enrolled students who may be medically vulnerable or otherwise unwilling to return to in-person or hybrid learning.

VI. ENFORCEMENT; CONSEQUENCES FOR NON-COMPLIANCE

A. In order to promote the health and safety of employees, students and members of the community, and make available a safe environment that is conducive to learning, compliance with this policy is necessary.

B. Employees who fail or refuse to comply with this policy may be subject to discipline, as appropriate, up to and including the termination of employment.

C. Students who fail or refuse to comply with this policy may be subject to discipline or removal from school property. Students unwilling to participate in in-person or hybrid learning in compliance with this policy will be offered distance learning.

D. The school district may, in its discretion, report violators of this policy to law enforcement. Any individual who willfully violates Emergency Executive Order 20-81 or 20-82 is guilty of a petty misdemeanor and upon conviction must be punished by a fine not to exceed $100. (NOTE: This does not apply to: (1) children younger than 14 years old; or (2) students 14 years old and older who are enrolled in a school identified in Paragraph 12 of Emergency Executive Order 20-81, and who are on the premises of the school for educational purposes).

Legal References: Emergency Executive Order 20-81
Emergency Executive Order 20-82
Minn. Stat. § 12.45 (Governor's Orders and Rules, Effect**)**
Minn. Stat. § 12.45 (Violations; Penalties)

Cross References: MSBA/MASA Model Policy 807 (Health and Safety Policy)
MSBA/MASA Model Policy 504 (Student Dress and Appearance)