

Wearing Masks and Face Coverings During the COVID-19 Pandemic

Mandated Wearing of Face Coverings

The Board of Education is committed to ensuring the safety of New Milford Public School students, staff and community members during the COVID-19 pandemic. Pursuant to Connecticut Governor Ned Lamont's July 19, 2021 Executive Order # 13, August 5, 2021 Executive Order #13A, Connecticut Department of Public Health ("DPH") Rule dated August 7, 2021 and Connecticut State Department of Education ("SDE") "Adapt, Advance, Achieve" operational rule dated August 19, 2021 the Board requires that all non-exempt individuals must wear a mask inside the District's schools and other buildings at all times while students are present. In addition, all non-exempt students and staff must wear a mask while on District school buses and other vehicles. These requirements shall apply regardless of an individual's COVID-19 vaccination status.

District schools will provide 1) masks to students and staff members who do not have one, and 2) appropriate and safe receptacles for the disposal of masks, coverings and other personal protective equipment. All masks and face cloth coverings must cover both the mouth and nose and comply with state and federal guidance (and school policies) covering dress/attire.

Definitions

For the purposes of this policy, the following definitions apply:

"Fully vaccinated" means at least 14 days have elapsed since a person has received the final dose of a vaccine approved for use against COVID-19 by the U.S. Food and Drug Administration, or as otherwise defined by the Centers for Disease Control.

"Mask" means a face-covering that includes multiple layers of tightly woven or melt-blown material that is worn directly on the face, completely covers the nose and mouth, and fits closely without significant gaps between the mask and face.

Exemptions

The following individuals are exempt from mandated wearing of masks per state law:

- 1) Anyone who has trouble breathing, or anyone who is unconscious, incapacitated, or otherwise unable to remove the mask without assistance;
- 2) As may be appropriate, and as permitted by law (including Connecticut DPH and Connecticut SDE rules) anyone with medical conditions, behavioral issues and/or a disability or disabilities who cannot wear a mask safely or continuously, with the District considering alternatives to such a requirement including, but not limited to, increased social distancing measures, additional personnel protective equipment, etc.;
- 3) Children under the age of two;

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- 4) To the extent that a student or an employee may be eating or drinking in places where such activity is permitted by the District, provided that appropriate social distancing can be maintained, and masks are removed for only as long as necessary to eat or drink;
- 5) Students and staff do not need to wear masks outdoors regardless of vaccination status (unless instructed to do so while awaiting a negative test after close contact with a known case);
- 6) Fully vaccinated District staff members do not need to wear masks when in a school building on a weekend or after hours when students are not present inside the building;
- 7) Fully vaccinated teachers may remove their masks during active instruction while they are at the front of the classroom (masks must still be worn at all other times indoors). The exemption is not applicable where a fully vaccinated teacher is a close contact of a known COVID-19 case and is directed to wear a mask in lieu of quarantine until they receive a negative COVID-19 test.

Mask Breaks

The District's schools shall provide for and schedule age appropriate and safe mask breaks consistent with health and safety guidelines, and only where appropriate social distancing can be maintained. Such mask breaks may include: 1) outdoor breaks, 2) breaks in large rooms, and 3) breaks in classrooms where appropriate social distancing can be maintained. With respect to indoor mask breaks, students and/or staff should always stay six feet or more apart or more in well-ventilated areas and everyone should face in the same direction. During these breaks, students may talk (where permitted by the teacher); however, students must avoid loud talking, yelling, or singing. Generally, such mask breaks should be no more than 15 minutes.

Medical Exemptions

Pursuant to Executive Order #13A (which generally applies to all settings, school and otherwise), masks are not required for anyone "for whom doing so would be contrary to his or her health or safety because of a medical condition, behavioral condition, or disability." The Executive Order provides that any person who declines to so wear a mask because of a medical condition, behavioral condition, or disability will be exempt from any requirement to wear masks if and only if the person provides written documentation that the person is qualified for the exemption from a licensed or certified medical provider, psychologist, marriage and family therapist, professional counselor, social worker, or behavior analyst, the Department of Developmental Services or other state agency that provides or supports services for people with emotional, intellectual or physical disabilities, or a person authorized by any such agency.

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Notwithstanding the foregoing, the Connecticut SDE asserts that medical exemptions for the wearing of masks in schools is severely limited. Current SDE guidance (which specifically governs school environments) offers that medical contraindications to the wearing of masks should generally be limited to individuals suffering from severe chronic obstructive pulmonary disease (“COPD”) such as might be seen with cystic fibrosis, severe emphysema, heart failure, or significant facial burns that would cause extreme pain or interfere with the healing of a skin graft. The same SDE guidance notes its view that mild or intermittent respiratory or other common conditions such as asthma, cardiovascular diseases, kidney disease, or other similar conditions should generally not be considered contraindications to the wearing of masks and thus will likely not justify an exemption from the mask mandate. Nevertheless, via its consultation with its medical advisors, the District will review the documentation submitted to it and assess on an individualized basis whether a medical condition, behavioral condition or disability truly prevents a child from safely wearing a mask, whether for part of or all of the school day. For example, if the work of breathing through a mask creates a significant health risk for a student or if psychological responses to a mask, such as claustrophobia, cannot be accommodated by trying different mask types (for example, a different cloth or a bandana), then the mask could be considered contraindicated and the student may be excused from wearing a mask. In addition, as noted below, students with disabilities (whether receiving special education services or Section 504 accommodations) who are unable to tolerate or wear a mask consistently or correctly may be granted an exemption from wearing a mask for some or all of the school day.

A parent/guardian of a student who believes that their child is unable to safely wear a mask or cloth face covering because of a medical condition as described above should notify the School Nurse. An employee who believes that they are unable to safely wear a mask or covering because of a medical condition should notify Human Resources. The District will require documentation supporting a request for an exemption from the mask/face covering requirement, in accordance with applicable state and federal guidelines¹. However, the District may rely upon supporting documentation in a student’s existing school medical records. All medical information received by the District will be kept confidential as required by law and duly considered.

¹ Currently, a person seeking to be excused from the mask or face covering requirement because of a medical condition, behavioral condition, or disability must provide written documentation that the person is qualified for the exemption from a licensed or certified medical provider, psychologist, marriage and family therapist, professional counselor, social worker, or behavior analyst, the Department of Developmental Services or other state agency that provides or supports services for people with emotional, intellectual or physical disabilities, or a person authorized by any such agency. *Executive Order 13A (8/5/21)*.

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Special Education and Section 504 Students

The District understands that it is possible that students with disabilities may not be able to tolerate or comply well with directives to wear a mask or face covering at school. The District will assess, on an individualized basis, the appropriate accommodations for students with disabilities who are unable to wear a mask, especially recognizing that students and staff involved with certain special education activities (e.g., speech therapy or where lip reading is required) may need to be exempted from wearing a mask intermittently. In cases where an exception is requested based upon a disability, a Planning and Placement Team or Section 504 meeting may be held to consider possible programming revisions or appropriate accommodations.

Generally, the fact that a student with a disability may be unable to consistently wear a mask in school is not a basis for their exclusion from school. In cases where close contact between educators and students is highly likely (such as when interacting with students with disabilities who may not be able to wear mask and/or cannot adequately socially distance), the District will provide educators with masks and face shields, and, as may be necessary, medical grade masks and disposable gowns. In addition, the District may use other mitigation strategies such as maximizing distancing, moving activities outdoors or to a well-ventilated space, and/or the use of other physical barriers in order to protect students and staff.

Students who do not wear a mask and who do not qualify for an exemption will be refused admission into District schools. In addition, the District reserves the right to take disciplinary action against those persons (whether students or staff) who violate the terms of this policy.

Preschool Students and Programs

In addition to the exceptions listed above, preschool students who are newly enrolled in the District's preschool program(s) within the past two months and who are working toward mask wearing are permitted to remove their masks. Furthermore, children who have just turned three years old may have up to two months to acclimate to wearing a mask.

The District will work with such students and their parents, as may be appropriate, on developmental readiness and transitioning to wearing a mask, using age appropriate strategies (including training, social stories, positive reinforcements, and frequent/gentle reminders) and addressing tactile and sensory issues. Where ever possible, the District will seek to avoid excluding preschool students who do not wear masks as required by this policy, but the District will instead seek alternative strategies toward increasing compliance and in addressing the concerns of such students and their parents.

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In addition to those exceptions listed above for all students (for example, during times when they are eating or drinking), preschool students are not required to wear a mask when resting or during outdoor activities. During times when a student is not wearing a mask, it is paramount that distance between students must be maximized, maintaining at least three feet of distance where ever possible. For preschool programs, the maximum group size in any one space is sixteen children.

Legal References:

Executive Order 13A – Protection of Public Health and Safety During COVID-19 Pandemic – Revised Order for Masks and Face Coverings, Nursing Home Staff Testing, August 5, 2021.

Executive Order 13 – Protection of Public Health and Safety During COVID-19 Pandemic – Extension of COVID-19 Orders, July 19, 2021.

Executive Order 9 – Protection of Public Health and Safety During COVID-19 Pandemic – Authority to Issue Guidance and Rules Related to School and Childcare Settings and Extension of Restrictions on Sale of Alcohol Without Food, September 4, 2020.

Executive Order 7NNN – Protection of Public Health and Safety During COVID-19 Pandemic – Masks and Face Coverings, August 14, 2020.

Connecticut State Department of Education, Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together – Fall 2021, August 19, 2021.

Connecticut State Department of Public Health, Conditions and Environments Requiring Universal Masking for the Prevention of COVID-19 on or after May 19, 2021, August 7, 2021.

Connecticut State Department of Education, Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together, September 4, 2020.

Connecticut State Department of Education, Addendum 11 to Connecticut State Department of Education Adapt, Advance, Achieve, Reopening Guidance “Interim Guidance for the Use of Face Coverings in Schools during COVID-19,” August 31, 2020.

Connecticut State Department of Education, Frequently Asked Questions Regarding Reopening K-12 Public Schools, Volume 3, September 2, 2020.

Letter from Dr. Miguel A. Cardone, Connecticut Commissioner of Education, to Superintendents of Schools with Preschool Classrooms, September 17, 2020.

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NEW MILFORD PUBLIC SCHOOLS
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