

NJSBA POLICY SERVICES

FILE CODE: 5141.10

Monitored

Mandated

Other Reasons

*Policy

**Sample discretionary policies compiled and distributed by NJSBA are not required for compliance with state and federal law. The practices described may be amended to reflect your district's/school's practices. Discretionary policies should not be adopted without district revisions and consultation with your board attorney.*

FACE COVERINGS

Any face covering requirement shall comport with the mandates of any Federal directive, executive order of the Governor, administrative order of the State Director of Emergency Management, or order of a state, county or local health department having jurisdiction over the school district with the goal of protecting the health and safety of students, staff, and visitors on district premises.

The board acknowledges the extraordinary circumstances arising from the global COVID-19 pandemic and that the response to those circumstances warranted unprecedented actions by federal, state, and local authorities. On March 6, 2021 the Governor of New Jersey issued Executive Order 251 which mandated the maintenance of a policy regarding the mandatory use of face covering by staff, students, and visitors in the indoor portions of school district premises, which mandate expired on March 7, 2022. The board further acknowledges that the Centers for Disease Control and Prevention (CDC), New Jersey Department of Health and the New Jersey Department of Education have issued guidance which inform this policy. As such, the scope of this policy is intended to address those circumstances and, if necessary, similar future events. Accordingly, the board hereby directs the chief school administrator to:

- A. Remain informed of CDC, New Jersey Department of Health (NJDOH) guidance regarding mitigation strategies and recommendations;
- B. Monitor local COVID-19 conditions through the local or county health department;
- C. Consult with local health officials regarding the need to reimplement mitigation strategies;
- D. Report to board when changing conditions indicate that there may be a risk of an outbreak in any of the district schools; and
- E. Report to the board before district conditions require reimplementation of universal face covering or other social distancing measures.

Adopted:

NJSBA Review/Update:

Readopted:

Key Words

Immunizations, Inoculations, Examinations, Pupil Physical Examinations, Student Physical Examinations, Health

Resources:

The CDC recently issued updated guidance regarding considerations for wearing face coverings and how it can help slow the spread of COVID-19. Schools should refer to this guidance as it includes details regarding who should and should not wear a face covering:

[Guidance for COVID-19 Prevention in K-12 Schools | CDC](#)

Centers for Disease Control and Prevention "Your Guide to Masks" at: [Your Guide to Masks | CDC](#)

FACE COVERINGS (continued)

NJDOE School Reopening Frequently Asked Questions at:

<https://www.nj.gov/education/reopening/faqs/#sd>

NJDOE Update to Conditions of Learning, Health and Safety, “Critical Area of Operation #5: Screening, PPE, and Response to Students and Staff Presenting Symptoms” and “Critical Area of Operation #3: Transportation <https://nj.gov/education/reopening/updates/docs/RestartUpdateFacecoverings080320.pdf>

“Physical Distancing, face coverings, and eye protection to prevent person-to-person transmission of SARS-CoV-2 and COVID-19: a systematic review and meta-analysis;” September 21, 2020. D.K. Chu, S. Duda, K. Solo, S. Yaacoub, and H. Schunemann.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7503118/>

Legal References:	<u>N.J.S.A.</u> 18A:35-4.6 through -4.8	<u>Parents Right to Conscience Act of 1979</u>
	<u>N.J.S.A.</u> 18A:40-4	Examination for physical defects and screening of hearing of pupils; health records
	<u>N.J.S.A.</u> 18A:40-4.4	Exemption
	<u>N.J.S.A.</u> 18A:40-4.5	Immunity from action of any kind due to provisions of act
	<u>N.J.S.A.</u> 18A:40-5	Method of examination; notice to parent or guardian
	<u>N.J.S.A.</u> 18A:40-6	In general
	<u>N.J.S.A.</u> 18A:40-7, -8, -10, -11	Exclusion of pupils who are ill
	<u>N.J.S.A.</u> 18A:40-12.37	Release to share medical information
	<u>N.J.S.A.</u> 18A:40-20	Immunization at public expense
	<u>N.J.S.A.</u> 26:1A-9.1	Exemption of pupils from mandatory immunizations
	<u>N.J.S.A.</u> 26:4-6	Prohibiting attendance of teachers or pupils
	<u>N.J.A.C.</u> 6A:14-3.4	Evaluation
	<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:16-1.1, -1.3, -2.1, -2.2, -2.3, -2.4	
	<u>N.J.A.C.</u> 8:57-4.3	Medical exemptions
	<u>N.J.A.C.</u> 8:57-4.4	Religious exemptions
	<u>N.J.A.C.</u> 8:57-4.5	Provisional admission
	<u>N.J.A.C.</u> 8:57-4.7	Records required
	<u>N.J.A.C.</u> 8:57-4.8	Reports to be sent to the State Department of Health
	<u>N.J.A.C.</u> 8:57-4.9	Records available for inspection
	<u>N.J.A.C.</u> 8:57-4.22	Emergency power of the Commissioner, Department of Health and Senior
	20 <u>U.S.C.A.</u> 1232h	Protection of Pupil Rights Amendment

**Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs.* Order Under Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 Code of Federal Regulations 70.2, 71.31(b), 71.32(b)

Executive Order No. 251, Governor Philip D. Murphy, August 6, 2021.

The NJDOE Guidance: *The Road Back: Restart and Recovery* at:

<https://www.nj.gov/education/reopening/>

FACE COVERINGS (continued)

The NJDOE Guidance: *The Road Forward: Health and Safety Guidance for the 2021-2022 School Year* at: [The Road Forward \(nj.gov\)](https://www.nj.gov/education/operational-services/health-safety/the-road-forward)

Possible

<u>Cross References:</u>	*1410	Local units
	*3541.3	Transportation safety
	*4123	Classroom aides
	*5111	Admission
	*5113	Absences and excuses
	*5131.1	Harassment, intimidation and bullying
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141	Health
	*5141.21	Administering medication
	*5200	Nonpublic school pupils
	*6142.4	Physical education and health
	*6145.1/6145.2	Intramural competition; interscholastic competition
	*6162.5	Research
	*6164.4	Child study team
	*6171.4	Special education

*Indicates policy is included in the Critical Policy Reference Manual.