

DISEASE PREVENTION; FACE COVERINGS

FILE: EBBA

TITLE: Face Coverings

POLICY:

The Centers for Disease Control and Prevention (“CDC”) and World Health Organization (“WHO”) recommend that all who are safely able to do so wear a face covering to help prevent community spread of COVID-19. Face coverings have also been mandated by Orange County through Orange County, Florida Emergency Executive Order No. 2020-25 Regarding Covid-19 and Requiring Face Coverings. Current medical research shows that Covid-19 is most commonly spread through respiratory droplets and potentially through aerosolized transmission that are released when a person talks, sings, raises their voice, shouts, sneezes, coughs, or otherwise expresses air from their lungs. These droplets can be contagious even when a person is asymptomatic. The face covering prevents and/or reduces the number of these droplets from making it into the environment and being inhaled by another person or otherwise contaminating a surface that another person may later come in contact with. By wearing a face covering, the district is helping to protect students, employees, friends, family, and community members. A failure to wear a face covering can unnecessarily expose other students, employees, friends, family, and community members to health risks caused by Covid-19. While social distancing, regular hand washing, and proper hygiene are also integral components of reducing exposure, social distancing is not always feasible or possible. In those situations, face coverings, proper conduct, and hygienic cleaning, provide additional protection.

The School Board of Orange County, Florida and the Superintendent are cognizant of the Emergency Order issued on July 7, 2020 by the Commissioner of Education (DOE Order Number 2020-EO-06) mandating the opening of brick and mortar schools. Furthermore, the School Board of Orange County, Florida and the Superintendent recognize and respect the individual decision-making rights of our students, parent/guardian(s), staff, and the general public, while realizing the need to take action to protect the health, safety, and welfare of them all. As such, the School Board and the Superintendent have created and offered virtual educational opportunities and options that will afford students the ability to minimize their contact with other persons who would be present in a traditional brick and mortar school setting. For those students that have chosen to attend a traditional brick and mortar school setting, the School Board and Superintendent have a compelling interest and need to enact this emergency rule in an effort to protect the safety, health, and welfare of our students and staff during this state of emergency, and to otherwise assist the community as a whole in reducing the spread of Covid-19. The School Board of Orange County, Florida concludes that the procedures used in this emergency rule are fair under the circumstances.

I. RULE:

- (A) **FACE COVERINGS REQUIRED.** Subject to the exceptions set forth below, each student, employee, visitor, vendor, or other person are required to wear a face covering (more specifically described below) at all times while at or inside a school/facility, or other property and/or vehicle owned, leased, or operated by the School Board (when there is more than one (1) person in the vehicle).

- (1) **EXCEPTIONS.** A face covering will not be required in the following instances:
- a. Infants: A face covering shall not be required for persons younger than two (2) years of age.
 - b. Medical Certification: A face covering shall not be required for individuals who have been approved for a face covering waiver due to a medical condition that prevents the individual from being able to safely wear a face covering. A medical certification from a health care provider and supporting documentation provided by the individual shall be submitted to school officials for review/determination by the district medical advisor. The district may also provide, at its discretion, supporting documents for review pertaining to the individual. Until such time as the waiver is approved, the individual requesting the exemption will be required to wear the proper face covering while inside a school/facility or other property and/or vehicle owned, leased, or operated by the School Board. Alternatives, such as face shields and/or other measures, shall be considered on a case-by-case basis for the individual granted the exemption. In accordance with guidance provided by the Florida Department of Health in Orange County, medically fragile students should not attend face-to-face brick and mortar instruction during this pandemic.
 - c. Medical Certification Appeal Process: The Superintendent and General Counsel shall develop an appeal process for an individual to appeal the decision of the district medical advisor. Persons appointed to review an appealed face covering waiver decision should have knowledge and expertise related to the disability of the individual requesting the face covering waiver.
 - d. Periodic Breaks Outdoors: Schools will provide students with opportunities for breaks where they can remove their face covering while maintaining appropriate social distancing and while under supervision. Breaks may only occur outdoors and each student must be socially distanced from other students and remain stationary. Employees may also take periodic breaks where they can remove their face covering while maintaining appropriate social distancing. Breaks may only occur outdoors while maintaining appropriate social distancing.
 - e. Outdoors with Social Distancing: When properly social distanced, a face covering shall not be required for persons outside of any school district building or vehicle.
 - f. Regularly Scheduled Mealtimes: A face covering shall not be required for any person inside or outside a school district facility

while such person is eating during a planned mealtime provided social distancing from other persons is maintained;

- g. Strenuous Physical Activity: A face covering shall not be required for any person inside or outside of any school district facility or school district building while such person is engaged in strenuous physical activity provided social distancing from other persons is maintained.
- h. Musical, Choral, and Theatrical Performances: A face covering shall not be required for any student, employee, vendor, or visitor while playing a musical instrument with a mouthpiece. Students, employees, vendors, or visitors who are performing or rehearsing a choral or theatrical performance are required to wear face coverings. Face coverings shall be required while singing.
- i. During Limited Instructional Periods: When necessary, for instructional purposes, an employee may temporarily remove his/her face covering provided social distancing from other persons is maintained at all times;
- j. During Receipt of Health Care: A face covering shall not be required for any person inside or outside of any school district facility or school district building when removal of the face covering is necessary for such person to receive health care or to undergo a health care examination from authorized health care personnel; or
- k. Exigent Circumstances: A face covering shall not be required if a person is experiencing acute trouble breathing, is unconscious, or is incapacitated.

(2) **FACE COVERINGS (Students, Vendors, and Visitors)**. All students will be offered face coverings at the beginning of the school year. Students may also wear their own face covering if they desire to do so in compliance with this policy and with the Code of Student Conduct. Vendors and visitors must supply and wear their own face coverings while at or inside a school district campus/facility or inside a school district vehicle (when there is more than one (1) person in the vehicle). The following face covering types are approved for compliance with this policy by persons other than school district employees:

- a. Commercially Produced and Disposable Masks: Commercially produced and disposable masks are acceptable for compliance with this policy. Face masks with exhalation valves are not permitted.
- b. Cloth Face Coverings: Cloth face coverings are acceptable for compliance with this policy provided that the face covering

covers both the nose and mouth, fits snugly against the sides of the face with little to no gaps, and is made of a solid material. Face coverings may not be made of lace, mesh, or other largely porous material. Neck gaiters and neck buffs are not permitted.

- c. Clear Face Coverings: Face coverings with clear panels are permitted provided they fit snugly against the sides of the face with little to no gaps.
- d. Face Shields: Face shields may be worn in conjunction with a face covering, but cannot be used in lieu of a face covering unless such a medical exemption has been granted to an individual.

(3) **FACE COVERINGS (Employees)**. All school district employees must wear face coverings while in a school district campus/facility or inside a school district vehicle (when there is more than one (1) person in the vehicle), and in common areas. Face coverings for employees may be provided by the District or the employee may provide his/her own face covering. The following face covering types are approved for compliance with this policy for employees:

- a. Commercially Produced and Disposable Masks: Commercially produced and disposable masks are acceptable for compliance with this policy. Face masks with exhalation valves are not permitted.
- b. Cloth Face Coverings: Cloth face coverings are acceptable for compliance with this policy provided that the face covering covers both the nose and mouth, fits snugly against the sides of the face with little to no gaps, and is made of a solid material. Face coverings may not be made of lace, mesh, or other largely porous material. Neck gaiters and neck buffs are not permitted.
- c. Clear Face Coverings: Face coverings with clear panels are permitted provided they cover both the nose and mouth and fit snugly against the sides of the face with little to no gaps.
- d. Face Shields: Face shields may be worn in conjunction with a face covering, but cannot be used in lieu of a face covering unless such a medical exemption has been granted to an individual.

II. ENFORCEMENT

- (A) Students: All students are expected to follow these face-covering requirements while in school or at school sponsored activities/events for the health and safety of themselves, school staff, and others. Students who do not comply should be reminded of the policy. If a student refuses to comply, the provisions of the Code of Student Conduct will be followed. Students who refuse to comply may also be sent home and will be required

to receive their educational instruction via remote learning. In accordance with the case law cited below, while students have a legal right to receive from the School Board equal opportunities for obtaining a free education, they do not have a right to be seated at a particular desk in a particular room at a particular school in order to receive such educational exposure.

- (B) Employees: All employees are expected to comply with these face-covering requirements for the health and safety of themselves, their colleagues, and others. Employees who do not comply should be reminded of the policy. If they refuse to comply, after being directed, the employee may be disciplined according to the respective Collective Bargaining Agreement or other School Board Policies for insubordination.
- (C) Members of the Public, Vendors, and Visitors: Members of the public, vendors, and visitors should be politely reminded that face coverings are required while at or inside a District school/facility. A member of the public, a vendor, or a visitor will not be admitted to a District school/facility without a face covering.

SPECIFIC AUTHORITY:

Section 1001.41(1), (2) and (3), Florida Statutes

Sections 1001.42(4) and (8), 1003.31, 1012.23, and 1012.27(1) and (7), Florida Statutes

School Board of Orange County v. Blackford, 369 So.2d 689 (Fla. 1st DCA 1979)

ADOPTED: 08/11/2020 (as an emergency policy)

REVISED: 08/25/2020 (as an emergency policy); 09/08/2020 (as an emergency policy)