



## **UNIVERSAL INDOOR MASKING PROTOCOL**

**WHEREAS**, on August 19, 2021, the Governor of the State of Rhode Island, Daniel J. McKee, ordered and directed that local school districts and other educational agencies throughout the State (LEAs<sup>1</sup>) that have not adopted a universal indoor masking requirement shall be required to abide by a universal indoor masking protocol (Protocol) developed by the Rhode Island Department of Health (RIDOH), which Protocol shall require universal indoor masking by all students (two (2) years and older), staff, teachers, and visitors to K-12 schools.

**NOW, THEREFORE, I, NICOLE ALEXANDER-SCOTT, MD, MPH**, by virtue of the authority vested in me as the Director of Health of RIDOH, direct that LEAs that have not adopted a universal indoor masking requirement adopt the following Protocol:

### **I. MASKING IN PUBLIC SCHOOLS**

#### **Indoor Mask Use**

It is required that all students, staff members, visitors, and vendors wear a mask when entering and while within LEAs.

At a minimum, masks shall:

- Cover nose and mouth and be secured under the chin;
- Fit snugly against the side of one's face with no gaps; and
- Not have exhalation valves or vents.

### **II. EXCEPTIONS TO FACE COVERING REQUIREMENTS**

The following categories of persons, regardless of vaccination status, shall be exempt from any and all universal face covering policies, guidelines, and requirements:

- Children under the age of two (2) years;
- A person who cannot wear a mask or cannot safely wear a mask because of a "disability," as defined by the Americans with Disabilities Act, 42 U.S.C.

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<sup>1</sup> As used in this Protocol, "LEA" has the same meaning as used in 34 C.F.R. § 300.28, and thus includes "a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools." *Id.*

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§§ 12101 *et seq.* Also, in carrying out this Protocol, appropriate rules, regulations, and requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131-12134, and the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 *et seq.*, all as amended from time to time, as well as any other applicable laws, rules, and regulations, must be applied; and

- A person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines and/or federal regulations.

### III. EXIGENT CIRCUMSTANCES

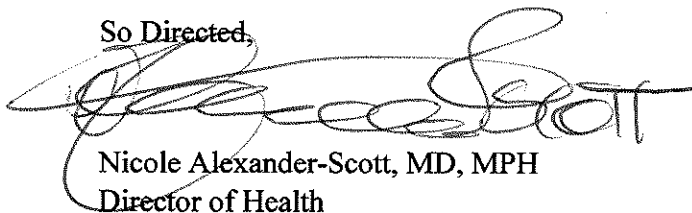
Recognizing that the continued prevalence of COVID-19 and all its variants creates a dynamic, emergent situation resulting in the potential change in public health and safety recommendations and orders from the CDC, RIDOH, and the Governor of the State of Rhode Island, as well as in the District's approach to health and safety measures, in the event any mandatory order is issued in this regard, or in the event of an unanticipated change in circumstances in which the Superintendent determines it is necessary, notwithstanding this Protocol, to immediately alter the District's response, the Superintendent is directed to forthwith conform with all such orders or alter the District's response to the COVID-19 pandemic, respectively.

### IV. DEVELOPMENT OF POLICY

The Superintendent shall develop a policy to facilitate this Protocol. This policy must include: (1) clear, pro-active pathways for engagement with staff, students, and their families about masking; (2) where and when—including, but not limited to, the front or main office—that the LEA will make masks available to the school community, free of charge<sup>2</sup>; (3) public-facing efforts to educate staff, students, their families, and other parties regarding the need to wear masks; (4) a system that ensures and verifies compliance with the Protocol and provides a uniform and comprehensive approach for addressing non-compliance with the Protocol; and (5) other actions to support the staff, students, and their families to promote healthy and safe decisions for LEAs.

This Protocol shall take effect immediately and remain in full force and effect through September 18, 2021 unless renewed, modified, or terminated by a subsequent Executive Order or Protocol.

So Directed,



Nicole Alexander-Scott, MD, MPH  
Director of Health

<sup>2</sup> RIDOH strongly encourages LEAs to heed federal guidance regarding which masks to purchase (and which masks may be counterfeit). *See, e.g., Face Masks, Including Surgical Masks, and Respirators for COVID-19 | FDA.*