



COMMONWEALTH of VIRGINIA

Department of Health
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State Health Commissioner

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STATE HEALTH COMMISSIONER ORDER OF PUBLIC HEALTH EMERGENCY STATEWIDE REQUIREMENT TO WEAR MASKS IN K-12 SCHOOLS

WHEREAS, the State Health Commissioner declared novel coronavirus (COVID-19) a communicable disease of public health threat on February 7, 2020 and further declared on July 1, 2021 that a public health emergency continued to exist; and

WHEREAS, Virginia Governor Ralph S. Northam's Executive Directive Number Eighteen issued on August 5, 2021, highlights the ongoing danger of COVID-19 to unvaccinated individuals; and

WHEREAS, COVID-19 spreads from person-to-person, transmitted via respiratory droplets, and can be spread from an infected person who does not have symptoms to another person; and

WHEREAS, emerging data show that the Delta variant is different than past versions of the virus and is much more contagious; and

WHEREAS, the State Health Commissioner seeks to contain, control, and prevent additional COVID-19 infections in schools; and

WHEREAS, children under age 12 are not yet eligible to receive any available vaccine; and

WHEREAS, only 40.3% of 12-15 year-olds and 51.7 % of 16-17 year olds in Virginia are fully vaccinated as of August 10, 2021; and

WHEREAS, universal and correct mask use is an important COVID-19 prevention strategy in schools as part of a multicomponent approach and has been shown to be associated with lower incidence of COVID-19 in schools; and

WHEREAS, Virginia Senate Bill No. 1303, Acts of Assembly, Chapter 456 requires K-12 schools open for in-person instruction and reducing COVID-19 transmission and outbreaks during such in-person instruction is a priority of the Commonwealth; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) advises universal indoor masking for all teachers, staff, students, and visitors in K-12 schools, regardless of vaccination status; and

WHEREAS, the CDC recommends that schools continue to use layered prevention strategies outlined in the CDC Guidance for Prevention of COVID-19 in K-12 Schools, including the universal and correct use of masks of all people in schools, regardless of vaccination status; and

WHEREAS, decreasing spread in Virginia's K-12 schools, which have a high percentage of unvaccinated individuals, protects the health of students, teachers, staff and their families; and

WHEREAS, pursuant to § 32.1-13 of the Code of Virginia, the State Health Commissioner, acting for the Board of Health when it is not in session pursuant to § 32.1-20 of the Code of Virginia, is vested with authority to make separate orders to meet any emergency not provided for by general regulations, for the purpose of suppressing conditions dangerous to the public health and communicable, contagious, and infectious diseases.

NOW THEREFORE, the State Health Commissioner, pursuant to §§ 32.1-13 and 32.1-20 of the Code of Virginia, hereby issues this Order finding that a public health emergency due to COVID-19 continues to exist, and requiring all individuals aged two and older to wear masks when indoors at public and private K-12 schools in order to inhibit spread of the virus, as recommended and described by the CDC. Exceptions to this Order include:

- A. Individuals eating, drinking, or sleeping;
- B. Individuals exercising or using exercise equipment;
- C. Any person who is playing a musical instrument when wearing a mask would inhibit the playing of the instrument (e.g., wind or brass instrument) so long as at least six feet of physical distance can be maintained from other persons;
- D. Any person who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the mask without assistance;
- E. Any person who has a disability or meets at-risk criteria or those assisting such persons, including individuals with an Individualized Education Plan (IEP) or 504 plan under the Rehabilitation Act, where wearing a mask would inhibit communication or the receiving of services.
- F. When necessary to participate in a religious ritual; and
- G. Persons with health conditions or disabilities that prohibit wearing a mask. Nothing in this Order shall require the use of a mask by any person for whom doing so would be contrary to his or her health or safety because of a medical condition. Adaptations and alternatives for individuals with health conditions or disabilities should be considered whenever possible to increase the feasibility of wearing a mask to reduce the risk of COVID-19 spreading if it is not possible to wear one.

Any person who declines to wear a mask because of a medical condition or any person with a sincerely held religious objection to wearing masks in school may request a reasonable accommodation.

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This Order shall be enforced pursuant to § 32.1-27 of the Code of Virginia.

This Order shall be effective August 12, 2021, and shall remain in full force and effect until the CDC guidelines for K-12 schools change, unless this Order is sooner amended or rescinded.

Given under my hand and under the Seal of the Office of the State Health Commissioner of the Commonwealth of Virginia this 12th day of August 2021.

A handwritten signature in blue ink that reads "M. Norman Oliver MD". The signature is written in a cursive style with a large, stylized "M" and "O".

M. Norman Oliver, MD, MA
State Health Commissioner