

## **Emergency Policy on Personal Protective Measures:**

### **Face Masks and Cloth Face Coverings**

#### **Findings**

As recently as July 17, 2020 the Governor extended the State of Emergency declared in Executive Order 2020-04 due to the COVID-19 pandemic. The extension has declared that: the Center for Disease Control [“CDC”] reports that COVID-19 is spread mainly from person to person, that COVID-19 is currently spreading very easily and sustainably, that COVID-19 is spreading more efficiently than influenza, and that the best way to prevent illness is to avoid being exposed to COVID-19 by taking the following steps:

- Maintain good social distance (about 6 feet);
- Wash your hands often with soap and water, and if soap and water are not available, use a hand sanitizer that contains at least 60% alcohol;
- Routinely clean and disinfect frequently touched surfaces; and
- Cover your mouth and nose with a cloth face covering when around others.

The Board makes the same findings, that COVID-19 is easily spread from person to person and that the steps recommended by the Governor are reasonable measures to be taken by community members, staff and students to reduce the risk of a debilitating and potentially deadly disease.

The Board finds that within the Merrimack School District bounds there have been persons who have tested positive for the Coronavirus. The citizens of the District also travel outside of the geographic bounds of the district and interact with citizens both within and outside the state. Merrimack also has a significant number of citizens from other states stopping within Merrimack as they travel to other destinations. The suburban nature of Merrimack increases the necessity for protective measures to prevent the hazard of contagion and spread of the virus.

The Board also finds that remote learning has not been as effective a tool for educating students in the Merrimack School District as in-person education in the schools and that second to student and community safety, it is important that the District reopen its schools to students as soon as prudently possible.

The congregation of students and staff in school buildings presents an increased risk of exposure to, and spread of, COVID-19. The proper use of medical masks and even cloth face coverings can reduce the hazards presented by educating students within a building and will allow for broader educational access to in-person instruction. The failure to use a mask or face covering in the context of a school creates a hazard to the individual who declines to use the mask and a hazard to others who are proximate to the student/staff member.

The District has a duty to provide for the health and sanitation of its schools. See NH RSA 194:3, VIII. This duty includes “the daily administration and provision of educational services to students at the

school facility including . . . staff, student and parent safety. . .” See RSA 194-C:4, II(j). These requirements are reiterated in state regulations.

State law mandates that “[w]henver any student exhibits symptoms of contagion or is a hazard to himself or others, he shall be excluded from the classroom and his parents or guardians shall be notified as soon as possible.” See NH RSA 200:39 (emphasis added).

The Board finds that scientific research has emerged that students age ten (10) and above present the same risk of viral spread as adults. To some extent there may be reduced risk of viral spread by students below the age of ten (10).

### **Mask and Face Covering Requirements**

On the basis of these findings, the Board implements the following policy directives:

#### **General Requirements**

All staff shall wear medical masks or cloth face coverings in the school building and on campus when they are less than six (6) feet from another person or moving in common corridors.

Classes shall be configured so that when possible, educators may be able to have a socially distanced location in the room for general instruction.

All visitors on campus shall be required to don a mask when they are less than six (6) feet from another person or moving in common corridors.

No person, including a student shall be required to wear a mask if their disability or a medical condition prevents them from doing such.

Staff (including contracted service providers) who work with deaf students or hard of hearing students, students learning to read, and students who rely on lip reading shall wear clear masks which enhance service provision.

The District shall endeavor to maintain a supply of masks for students and staff who do have access to a mask or cloth face covering.

The CDC guidelines on masks and cloth face coverings shall be made available to all staff.

Masks shall not be required during outdoor recess or outdoor physical education provided social distancing is in place.

#### **Kindergarten through Third grade**

All students in Kindergarten through grade 3 shall be taught the proper use of a mask. Students in Kindergarten through grade 3 shall not be required to wear a mask or face covering but shall be encouraged to wear a mask when social distancing is less than six (6) feet. Nothing herein shall prohibit a parent from requiring that their child wear a mask, however enforcing that requirement shall be the responsibility of that child’s parent. Parents of students in Kindergarten through Third grade shall inform the District in writing if they do not wish their child to wear a mask.

Any student who is deemed by school staff to present a risk of contagion or a health hazard to themselves or others by virtue of not wearing a mask shall be removed from the classroom setting or not permitted to enter the classroom setting and the parents shall be required to pick up their child. See NH RSA 200:39

#### **Fourth grade through twelfth grade**

All students in Fourth grade through twelfth grade shall be required to wear a mask or face covering in the following circumstances:

- When entering or exiting a school building;
- When in the corridors or transitioning from class-to-class;
- When they are less than six (6) feet from another person;
- When on a school bus or other student transportation; and
- In such other settings and environments as the building principal deems appropriate provided the students have been notified of the requirement.

Any student in the circumstances listed above who is not wearing a mask shall be asked to wear a mask. Any student who is wearing a mask in an improper fashion shall be asked to wear their mask properly, that is, safely covering both mouth and nose. Any student who refuses to do such, shall be deemed a health hazard to themselves and others, shall be removed from the school building, their parent/guardian shall be contacted and required to take their child unless and until such time as they are willing to comply with the face mask or cloth covering requirement. See NH RSA 200:39.

#### **Duration**

This is a temporary policy based on a health emergency. This policy shall remain in place until such time as the Governor rescinds his Emergency Order, modifies his order to eliminate the face mask recommendation, or the Board determines that there is no longer a substantial risk that unmasked persons will present a hazard to themselves or others in the school setting, whichever event is the latter. The Board shall review this policy regularly to determine whether it remains appropriate.

#### **Legal References**

NH RSA 194:3, VIII, Powers of Districts, available at:  
<http://www.gencourt.state.nh.us/rsa/html/XV/194/194-3.htm>

NH RSA 194-C:4, II(j), Superintendent Services, available at:  
<http://www.gencourt.state.nh.us/rsa/html/XV/194-C/194-C-4.htm>

NH RSA 200:39, Exclusion from School, available at:  
<http://www.gencourt.state.nh.us/rsa/html/XV/200/200-39.htm>

Emergency Order #2020-04\_, available at:  
<https://www.governor.nh.gov/sites/g/files/ehbemt336/files/documents/2020-04.pdf>

Emergency Order #2020- 15, available at:

<https://www.governor.nh.gov/sites/g/files/ehbemt336/files/documents/executive-order-2020-5.pdf>

#### **Other References**

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/cloth-face-cover.htm>

[Pediatrics, Klara M. Posfay-Barbe, Noemie Wagner, Magali Gauthey, Dehlia Moussaoui, Natasha Loevy, Alessandro Diana and Arnaud G. L'Huillier, "COVID-19 in Children and the Dynamics of Infection in Families," \(July 2020\).](#)