

216-RICR-20-10-7

## TITLE 16 – Department of Health

### CHAPTER 20 – Community Health

#### SUBCHAPTER 10 - Screening, Medical Services, and Reporting

##### PART 7 – Masking in Schools

### 7.1 Authority

- A. These regulations are promulgated pursuant to the authority conferred under R.I. Gen. Laws §§ 23-1-1, 23-1-17 and 23-1-18(4), and are established for the purposes of protecting students, a significant portion of whom are still ineligible for vaccination, against COVID-19 and reducing transmission of the new COVID-19 variants in the school setting and beyond.

### 7.2 Definitions

- A. Whenever used in these rules and regulations the terms listed below shall be construed as follows:
1. “COVID-19” means the new disease caused by novel coronavirus SARS-CoV-2.
  2. “Department” or “RIDOH” means the Rhode Island Department of Health.
  3. “Local education agency” or “LEA” means an educational agency at the local level that exists primarily to operate schools or to contract for educational services for elementary and secondary public schools. LEA has the same meaning as used in 34 C.F.R § 300.28.
  4. “School” means all public schools for students in grades Kindergarten (K) through twelve (12) in Rhode Island.
  5. “School personnel” means all persons employed directly by the school or who are contracted by the school and present on its grounds.
  6. “Student” means any individual who is enrolled at a school.

### 7.3 Universal Indoor Masking in Schools

- A. LEAs that have not adopted a universal indoor masking requirement shall be required to abide by the universal indoor masking requirement developed by

RIDOH and by these regulations. All students, school personnel, visitors, and vendors at LEAs without a universal indoor masking requirement must wear a mask when entering and while inside school buildings.

1. At a minimum, masks shall:

a. Cover nose and mouth and be secured under the chin;

b. Fit snugly against the side of one's face with no gaps; and

c. Not have exhalation valves or vents.

B. Exceptions

1. The following categories of persons, regardless of vaccination status, shall be exempt from the requirements set forth in § 7.3(A) of this Part:

a. Children under the age of two (2) years;

b. Any 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. §§ 12101 *et seq*;

c. Any 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;

d. Any person who would be directly inhibited in an activity of daily living (e.g., eating);

e. Any person who is swimming, playing water sports, and/or gymnastic activities involving acrobatic aerial and tumbling moves and/or when performing on an apparatus.

2. Individuals playing the recorder, woodwind, brass, or other air instruments who, pursuant to this Part, would be unable to play due to the requirement that they wear cloth face coverings that cover the nose and mouth, are permitted to wear modified face coverings specifically designed to accommodate access to the instrument's mouthpiece.

C. LEAs shall ensure that students, school personnel, visitors, and vendors wear a mask when entering and while inside school buildings, unless an exception set forth in § 7.3(B) of this Part applies.

D. Each LEA shall develop a policy to implement this Part, which must include:

1. Clear, pro-active pathways for engagement with school personnel, students and their families about masking;
2. Where and when—including, but not limited to, the front or main office—the schools will make masks available to the school community, free of charge;
3. Public-facing efforts to educate school personnel, students, their families, and other parties regarding the need to wear masks;
4. A system that ensures and verifies compliance with this Part and provides a uniform and comprehensive approach for addressing non-compliance with this Part; and
5. Other actions to support the school personnel, students and their families to promote healthy and safe decisions for schools.

#### **7.4 Severability**

If any provisions of this Part, or the application thereof to any person or circumstance, is held to be invalid, such invalidity shall not affect other provisions or application of this Part which can be given effect without the invalid provision, and to this end the provisions of this Part are declared to be severable.

#### **7.5 Expiration**

Subject to the provisions of R.I. Gen. Laws § 42-35-2.10, these regulations shall terminate 45 days from their promulgation or when Executive Order 21-87 (Requiring Masks in Schools) or its successor is terminated, whichever is later.