

OREGON ADMINISTRATIVE RULES
OREGON HEALTH AUTHORITY, PUBLIC HEALTH DIVISION
CHAPTER 333

DIVISION 19

INVESTIGATION AND CONTROL OF DISEASES: GENERAL POWERS AND RESPONSIBILITIES

333-019-1015

Masking Requirements in Schools

(1) The Oregon Health Authority has the authority to adopt rules to prescribe measures and methods for controlling reportable diseases, including COVID-19. Children are required to attend school, which is a congregate setting where COVID-19 can spread easily if precautions are not taken. Two of the most important tools the state has to control COVID-19 are vaccination and masking. ~~However, currently children under the age of 12 are not eligible to receive the COVID-19 vaccines authorized for emergency use.~~ In order to protect students and others under age 12, individuals who are not vaccinated, and those with underlying health conditions that make them more susceptible to complications from COVID-19, as well as to minimize the disruption of student education in schools because of exposure to a confirmed or suspected case of COVID-19, requiring universal use of masks or face coverings inside schools is necessary.

(2) For purposes of this rule the following definitions apply:

- (a) "COVID-19" means a disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
- (b) "Face covering" means a cloth, polypropylene, paper or other face covering that covers the nose and the mouth and that rests snugly above the nose, below the mouth, and on the sides of the face.
- (c) "Face shield" means a clear plastic shield that covers the forehead, extends below the chin, and wraps around the sides of the face.
- (d) "Mask" means a medical grade mask.
- (e) "Private individual workspace" means an indoor space within a school used for work by one individual at a time that is enclosed on all sides with walls from floor to ceiling and with a closed door.
- (f) "School" means a public, private, parochial, charter or alternative educational program offering kindergarten through grade 12 or any part thereof.

(3) Schools must ensure that all individuals, including but not limited to staff, students, contractors and visitors wear a mask or face covering, except as provided in sections ~~(46)~~ and ~~(57)~~ of this rule, when in an indoor setting:

- (a) At school during regular school hours;
- (b) Engaged in educational activities such as field trips or off-campus classes during regular school hours; and
- (c) At school engaged in educational activities outside of regular school hours.

~~(4) Schools must ensure that all individuals, including but not limited to staff, students, volunteers, contractors and visitors wear a mask or face covering when in an outdoor setting, if the individuals cannot or do not consistently maintain at least six feet of distance from individuals not in their household, including, but not limited to athletic events, performances, open houses and school carnivals, except as provided in sections (5), (6) and (7) of this rule.~~

~~(5) An individual is not required to wear a mask or face covering under section (4) of this rule if the individual is:~~

~~(a) Outdoors at recess or for a mask or face covering break and is generally able to maintain at least six feet of distance from other individuals.~~

~~(b) Outdoors participating in classroom instruction and able to maintain at least six feet of distance from other individuals.~~

~~(c) Outdoors at arrival and dismissal and able to maintain at least six feet of distance from other individuals not in their household.~~

~~(6)~~ A face shield may be worn instead of a mask or face covering if an individual cannot wear a mask or face covering for medical reasons.

~~(7)~~ An individual is not required to wear a mask or face covering under section (3) ~~or (4)~~ of this rule if the individual is:

(a) Is under five years of age or not yet in kindergarten; unless an individual is using public transportation or in transportation hubs in which case an individual under two years of age is not required to wear a mask, face covering or face shield.

(b) Is sleeping.

(c) Is actively eating or drinking.

(d) Is engaged in an activity that makes wearing a mask, face covering or face shield not feasible, such as when actively swimming.

(e) Is in a private individual workspace.

(f) Must remove the mask or face covering briefly because the individual's identity needs to be confirmed by visual comparison.

(g) Is practicing or playing a competitive sport at any level.

(h) Is officiating a competitive sport that requires a high level of physical exertion by the official.

(i) Is performing, including but not limited to playing music, delivering a speech to an audience, and theater. This exception does not apply to teaching.

~~(8)~~ Nothing in this rule is intended to prohibit a school from complying with the Americans with Disabilities Act (ADA), the Rehabilitation Act, the Individuals with Disabilities Education Act., Title VII of the Civil Rights Act, ORS 659.850 or applicable provisions of ORS chapter 659A.

~~(9)~~ A school that violates this rule is subject to a civil penalty of \$500 per day per violation.

~~(10)~~ The Oregon Health Authority will review the continued need for this rule on a monthly basis, based on scientific information related to the spread and control of COVID-19.

Statutory/Other Authority: ORS 413.042, ORS 431.110, ORS 431A.010 & ORS 433.004

Statutes/Other Implemented: ORS 431.110, ORS 431A.010 & ORS 433.004