

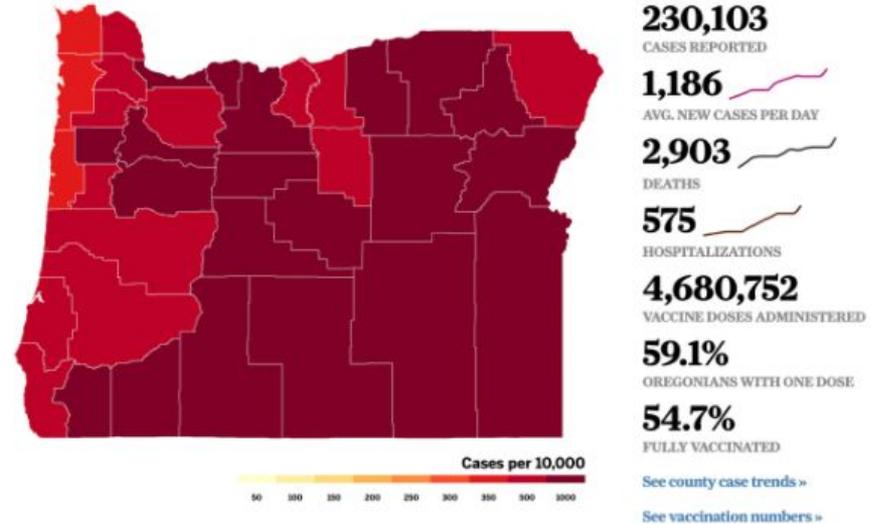
New masking resources out today..

- An FAQ
- Face Covering Efficacy
- Enforcement Overview
- Graphic
- OSAA COVID-19 Face Coverings Update and Testing Resources



Updated Aug 09, 2021; Posted Aug 09, 2021

Oregon sees 40% jump in weekly coronavirus cases, nears hospitalization record



Oregon as seen here by the numbers. (The Oregonian/OregonLive)



OREGON
DEPARTMENT OF
EDUCATION

Oregon achieves... together!



OAR 333-019-1015 - Masking Requirements in Schools Update

August 10, 2021

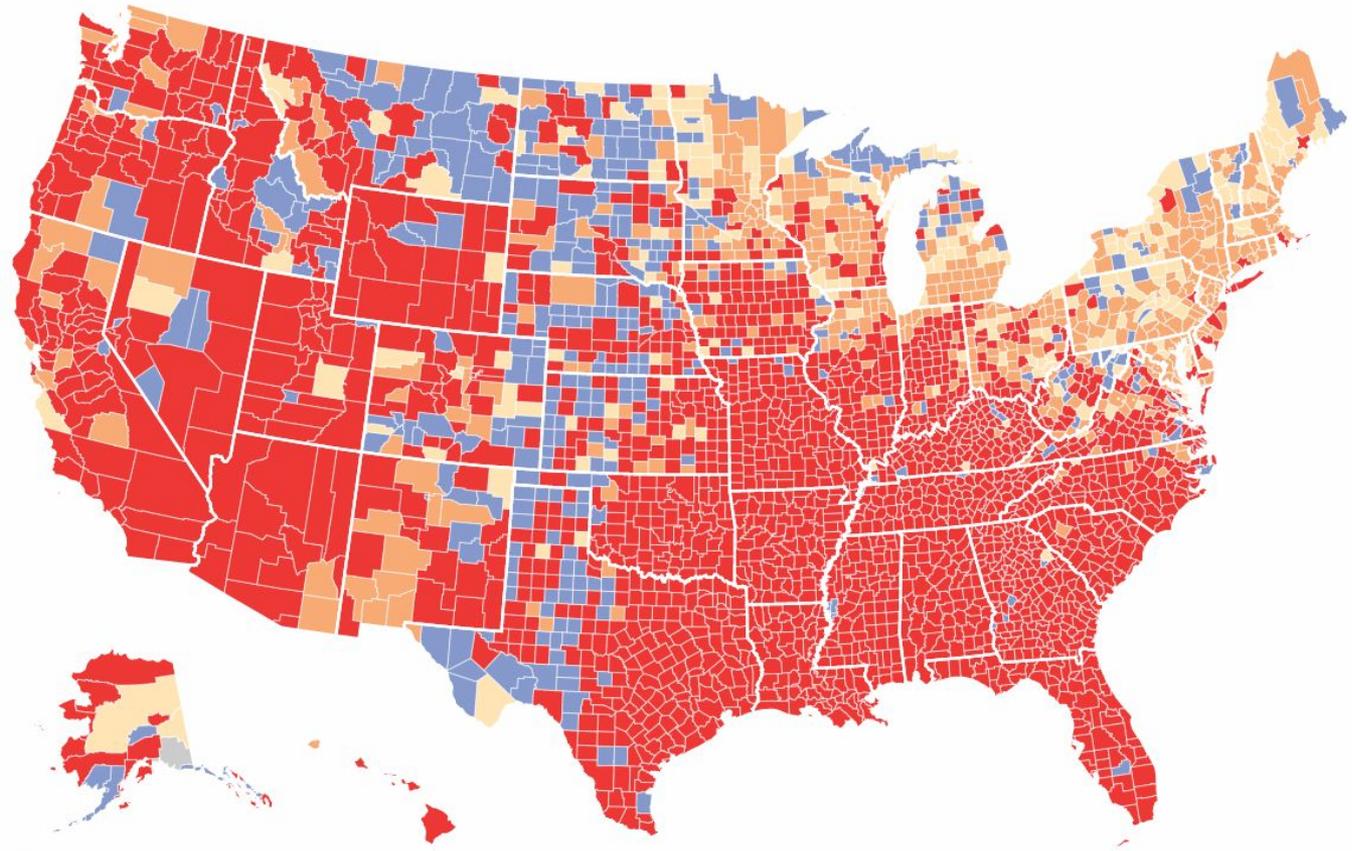
Our COVID-19 challenge has changed...

US average of daily Covid-19 cases hits highest level since February, fueled by the Delta variant.

- Average cases have increased nine-fold since early July.
- Delta variant accounts for 93% of US Covid-19 cases, more than 80% in Oregon
- More than 97% of Americans live in areas with "substantial" or "high" Covid-19 transmission, according to CDC data (see map).
- Hospitalizations are highest since February
- Child and teen Covid-19 cases jumped 84% in a week
 - Nearly 72,000 new child Covid-19 cases were reported in the week between July 22 and July 29, the American Academy of Pediatrics reported on Tuesday -- a substantial increase from the previous week, when about 39,000 cases were reported, and nearly five times what was being reported at the end of June. And, school has not started yet in most of the country.
 - CDC: Young children are at risk for severe #COVID19...rates of COVID-19-associated hospitalizations in children under 5 tripled in the first half of July. Getting vaccinated can help prevent spreading COVID-19 to children. More: <https://bit.ly/2ETd34F>.

Covid-19 community transmission categories

■ High transmission (red) ■ Substantial (orange) ■ Moderate (yellow) ■ Low (blue)



Statewide mask requirement - Enforcement

- Our goal is to have schools open to in-person instruction for every student, every school day.
- State agencies and boards will first work to educate and help support schools to fully comply with the requirements in OAR 333-019-1015. If schools are unable to obtain compliance or indicate an intent to not comply with the masking requirements, the agencies and boards may consider the following tools to support compliance for the benefit of students and staff.
- There are currently two pathways to enforcement of face covering requirements in schools: OAR 333-019-1015 adopted by OHA and the Oregon Safe Employment Act (temporary amendment to rule to be adopted by OROSHA).
- OAR 333-019-1015 is complaint driven. OROSHA will take the lead on responding to and investigating complaints.

Statewide mask requirement - Enforcement

- OHA and ODE will refer complaints to OROSHA for investigation.
- The process is complaint driven.
- *Failure to enforce*: Fine based on serious violations, including an assessment for size of the business in line with the Oregon Safe Employment Act; \$100 to \$2,600.
- *Willful negligence*: Fine based on size of the business, and would likely be on the higher end because of the larger size of many school districts; \$8,900 to \$126,749.
- *Highest penalty*: Would be for employers with a willful violation, and having more than 251 employees.
- *Daily penalty for continued noncompliance*: Could result in a failure to abate the citation with a minimum \$100 and a maximum \$2,600.

Statewide mask requirement - Enforcement

- OHA also has authority to enforce the requirements in OAR 333-019-1015.
- OHA may rely on OROSHA's investigation and findings to take enforcement action as warranted to secure compliance, including imposing civil penalties.
- Each separate school building that fails to comply may be considered a separate violation of OAR 333-019-1015 for the purposes of calculating civil penalties up to \$500 per day per school building.

Statewide mask requirement - Enforcement

- TSPC Also has enforcement responsibilities:
 - Licensed educators who fail to obey this rule may face additional penalties. OAR 584-020-0035 (3) The ethical educator, in fulfilling obligations to the profession, will:
 - (a) Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty. There would also be a possible violation of 584-020-0025 (3)(a), related to leadership skills and legal requirements. Substantial deviation from these standards may subject the educator to discipline for gross neglect of duty, per OAR 584-020-0040 (4)(n) & (o).
 - Sanctions could range from letter of reprimand to suspension or revocation depending on severity, willfulness, or frequency of the violation or degree of harm.

Statewide mask requirement - Oregon's Medical Community

Oregon Pediatric Society:

- 7-29-21: “The **Oregon Pediatric Society**, state chapter of the **American Academy of Pediatrics**, and the **Oregon Academy of Family Physicians** strongly advocate for in-person learning in K-12 classrooms, while taking disease-preventing pandemic safety measures. To keep kids healthy and prevent quarantines, we urge Oregon’s school districts to follow the Governor’s July 29 masking directive and mandate universal masking inside schools immediately.”

430 concerned Oregon physicians:

- 7-28-21: “As advocates for child health and well-being, we wholeheartedly agree with the importance of returning our students to the classroom where they can interact with others, feel seen and heard, and do their best learning... As physicians, we are deeply concerned that many schools are choosing to forego universal masking. Universal masking is one of the best mitigation strategies we have in our toolbox to prevent the spread of COVID-19 in our student/teacher communities....Until every Oregonian has the chance to be fully protected by vaccination, we urgently request statewide protective measures to include a **requirement** for universal masking in all K-12 schools.”

Statewide mask requirement - Resources

- **Why Delta is a challenge:**
 - 8-6-21 **National Geographic** - [Why is Delta more infectious and deadly? New research holds answers](#)
 - 7-27-21 **National Geographic** - [Here's why the CDC reversed course on masks indoors—and how it might affect you](#)
 - 7-30-21 **New York Times** - [C.D.C. Internal Report Calls Delta Variant as Contagious as Chickenpox](#)
 - 7-29-21 **Washington Post** - [‘The war has changed’: Internal CDC document urges new messaging, warns delta infections likely more severe](#)
- **Delta and kids:**
 - 8-10-21 **New York Times** - [We Studied One Million Students. This Is What We Learned About Masking.](#)
 - 8-1-21 **Your Local Epidemiologist** - [Advocating for kids: Resources that can help](#)
 - 7-22-21 **Washington Post** - [The delta variant and kids: Parents’ questions answered](#)
- **Polarized Communities and Impacts on School Leaders:**
 - 7-30-21 **Fast Company** - [How school leaders are dealing with ugly outrage over COVID-19 policies](#)
 - 8-1-21 **Education Week** - [A View From the Hot Seat: How One District Leader Is Confronting COVID-19's Latest Twists](#)
- **Mask Requirements:**
 - 8-6-21 **Newsweek** - [School Face Mask Mandates Have Been Reintroduced in These States Amid Delta Surge](#)
 - 8-5-21 **District Administration** - [School mask tracker: Who is and isn’t loosening the rules](#)
 - 7-29-21 **Newsweek** - [Smithsonian, Disney World Now Requiring Masks Following CDC Guidelines](#)
 - 8-2-21 **Wall Street Journal** - [Masks Are Back On at Home Depot, McDonald’s and Target](#)

Statewide mask requirement - FAQ

- **Do statewide mask requirements exist in other states?**
 - Yes. Washington, California, Colorado, Nevada, New Mexico, Illinois, Virginia, Wisconsin, and Louisiana all have statewide school mask requirements.
 - Others are considering statewide mask requirements. Gov. Asa Hutchinson has asked the state's legislature to provide an exception to state law that prohibits schools from requiring masks. Hutchinson has said he now regrets signing the bill because of the increased risks of the delta variant and students under 12 are not eligible for the vaccine.
 - Several School districts are also setting mask requirements: Boise, Birmingham, Phoenix, Milwaukie, Philadelphia, Washington DC, and Baltimore.

Statewide mask requirement - FAQ

- **What is required and what is advisory?**
 - During the last school year well over 100 state requirements were in place.
 - This year, at this time, there are four:
 - (1) Locally published and submitted plan for operations, (2) recovery services process, (3) quarantine/isolation protocols, and (4) indoor face coverings.
 - Prior to the pandemic these protocols/procedures were required and remain required:
 - Communicable disease plan, isolation space, exclusion for exposed individuals, and Division 22 rules.
 - All other decisions are local. ODE/OHA strongly recommend multiple, layered mitigation protocols to limit the spread, protect health, and maintain continuity of in-person instruction.

Questions?

