

NJEA LEGAL SERVICES
UPDATES ON FACE COVERINGS IN SCHOOLS AND
ON INDOOR GATHERING LIMITS

NJDOE – FACE COVERINGS

On August 3, 2020, the NJ Department of Education modified its “The Road Back” guidance to require, rather than just strongly encourage, that students wear face coverings both within school buildings and on district-provided transportation.

The NJDOE stated that face shields do not meet this face covering requirement but remain an option for students with medical or other challenges that prevent the use of a face covering. Face coverings should be provided by the student’s parents/guardians, although the NJ DOE says that “[s]chools should strive to provide extra disposable face coverings for students who need them, and should provide face coverings for students that are experiencing financial hardship and are unable to afford them to the greatest extent possible.”

The exceptions to the requirement for wearing face coverings include:

- Doing so would inhibit the student’s health.
- The student is in extreme heat outdoors.
- The student is in water.
- A student’s documented medical condition, or disability as reflected in an Individualized Education Program (IEP), precludes the use of face covering.
- The student is under the age of two, due to the risk of suffocation.
- During the period that a student is eating or drinking.
- Face coverings should not be placed on anyone who has trouble breathing or is unconscious, or anyone who is incapacitated or otherwise unable to remove the face covering without assistance (e.g. face coverings should not be worn by pre-K students during nap time).
- The student is engaged in high intensity aerobic or anaerobic activities.
- Face coverings may be removed during gym and music classes when individuals are in a well-ventilated location **and** able to maintain a physical distance of six feet apart.
- When wearing a face covering creates an unsafe condition in which to operate equipment or execute a task.

The full NJDOE update can be found here:

<https://nj.gov/education/reopening/updates/docs/RestartUpdateFacecoverings080320.pdf>



GOVERNOR'S EXECUTIVE ORDER ON INDOOR GATHERINGS

On August 3, 2020, Governor Murphy issued Executive Order 173, which increases restrictions on indoor gatherings. Indoor gatherings are restricted to 25% capacity of the room or 25 people, whichever is lesser. The EO exempts wedding ceremonies, funerals, memorial services, religious services or celebrations, and political activities, which are subject to the previous rule of 25% capacity or 100 people, whichever is lesser. Though it is not addressed in the EO, it is our understanding that this EO applies to social indoor gatherings and not to in-person class instruction.

Executive Order 173 and the State's FAQ can be found here:

<https://www.nj.gov/infobank/eo/056murphy/pdf/EO-173.pdf>

<https://covid19.nj.gov/faqs/nj-information/reopening-guidance/are-people-allowed-to-gather-in-person>