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EXECUTIVE ORDER 21-87

Requiring Masks in Schools

August 19, 2021

WHEREAS, on August 19, I declared a state of emergency due to the dangers to health and life posed by new COVID-19 variants;

WHEREAS, the use of masks and cloth face coverings is an important public health approach to slow the transmission of COVID-19, including the Delta and other variants;

WHEREAS, students benefit from in-person learning and safely returning to in-person instruction is a priority;

WHEREAS, a significant portion of the student population is still not eligible for vaccination;

WHEREAS, it is critically important to protect unvaccinated students from COVID-19 and to reduce transmission of the new COVID-19 variants in the school setting and beyond;

WHEREAS, in July 2021, the American Academy of Pediatrics (AAP) recommended that all children over the age of 2 wear masks regardless of vaccination status when returning to school this fall;

WHEREAS, as of August 4, 2021, due to the circulating and highly contagious Delta variant, the Centers for Disease Control and Prevention (CDC) updated its guidance to recommend universal indoor masking for all students (ages 2 and older), staff, teachers, and visitors to K-12 schools, regardless of vaccination status;

WHEREAS, local school districts and other local educational agencies throughout the State (LEAs¹) have been tirelessly evaluating effective mitigating measures to safeguard school communities against COVID-19 and the new variants;

WHEREAS, the majority of LEAs have now taken action to protect students, teachers and other school personnel and to support safe in-person learning by following the AAP and CDC guidance by requiring universal masking on school premises; and

WHEREAS, time of the essence to take measures to limit the spread of the highly contagious COVID-19 and its variants in schools.

NOW, THEREFORE, I, DANIEL J. MCKEE, by virtue of the authority vested in me as Governor of the State of Rhode Island, pursuant to Article IX of the Rhode Island Constitution and the Rhode Island General Laws, including, but not limited to, Title 30, Chapter 15, and Title 23, Chapter 8, do hereby order and direct the following:

1. LEAs that have not adopted a universal indoor masking requirement shall be required to abide by a universal indoor masking protocol developed by the Rhode Island Department of Health (RIDOH). The RIDOH protocol shall require universal indoor masking by all students (age 2 and older), staff, teachers, and visitors to K-12 schools.

This Executive Order shall take effect immediately and remain in full force and effect through September 18, 2021 unless renewed, modified, or terminated by a subsequent Executive Order.

So Ordered,

Daniel J. McKee

Governor

¹ As used herein, LEA has the same meaning as used in 34 C.F.R. § 300.28, and thus includes "a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or

secondary schools." *Id.*



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