



**EMERGENCY ORDER 2021-2 FOR CONTROL OF EPIDEMIC
MASK REQUIREMENT FOR EDUCATIONAL INSTITUTIONS**

CHILD CARE CENTERS, PRESCHOOLS, & PRE-K-12 SCHOOLS (ELEMENTARY, MIDDLE, HIGH, AND VOCATIONAL)

In the Matter of:

Mask Requirement for Educational Institutions to Control the Spread of COVID-19 in Barry and Eaton Counties

The Barry-Eaton District Health Officer, in consultation with the BEDHD Medical Director, makes the following factual determinations and issues this Order pursuant to the authority set out in the Michigan Public Health Code, MCL 333.2451 and 333.2453, and R.325.175 (3) and (4), which is an administrative rule promulgated by the Michigan Department of Health and Human Services pursuant to MCL 333.2226(d):

1. The virus (SARS-CoV-2) that causes COVID-19 spreads mainly from person-to-person, primarily through respiratory droplets produced when an infected person or carrier coughs, sneezes, or talks. These droplets can enter the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Spread is more likely to occur when people are in close proximity with one another (within about 6 feet).
2. The Delta variant of the SARS-CoV-2 virus is the current dominant variant in Michigan and is significantly more contagious than the original form that entered the United States in Winter 2020. Current research indicates the Delta variant may cause more serious illness in persons of all ages, including children. Cases have already emerged in which previously healthy infants, children and teens have faced hospitalization, life support, life-threatening complications (Multisystem Inflammatory Syndrome in Children (MIS-C)) and chronic symptoms (Long COVID-19).
3. COVID-19 infections and COVID-19 hospitalizations are increasing among children in the United States, with over 200,000 children testing positive the week of August 19-26, according to a report from the American Academy of Pediatrics (AAP). This is an increase from two weeks prior when just over 120,000 child COVID-19 cases were reported. Local data aligns. The Barry Eaton District had a 219% increase in new-cases among 0-17 year olds when comparing the two-week period of August 1-14 and the two-week period of August 29- September 11.
4. Health system capacity has become strained with high community transmission. Compared to July, there was a 467% increase in Barry County and 220% increase in Eaton County hospitalizations for COVID-19 and related complications.
5. Although vaccinations prevent most infections, reduce community transmission, and reduce the risk of severe outcomes due to COVID-19 disease, COVID-19 remains a public health issue that impacts local institutions, particularly in educational settings where students younger than twelve (12) years of age are ineligible to receive vaccination at this time, are required to receive an education and attend school five days each week for many hours each day.
6. Studies of COVID-19 incidence in school districts during the 2020-2021 school year demonstrate that proper masking is the most effective mitigation strategy to prevent secondary transmission in schools when COVID-19 is circulating and when vaccination is unavailable, or there is insufficient uptake of vaccination. According to AAP, CDC, and Michigan Department of Health and Human Services (MDHHS), the universal use of masks in schools is a safe, essential, and proven strategy to reduce the spread of COVID-19 in schools.
7. Masks are primarily intended to reduce the emission of virus-laden droplets (source control), which is especially relevant for asymptomatic or pre-symptomatic infected wearers who feel well and may be unaware of how infectious they are to others, and who are estimated to account for more than 50% of transmissions. Masks also help reduce inhalation of these droplets by the wearer. The community

benefit of masking for SARS-CoV-2 control is due to the combination of these effects; individual prevention benefit increases with increasing numbers of people using masks consistently and correctly. Scientific studies overwhelmingly demonstrate the effectiveness of face coverings to prevent COVID-19 transmission.

8. On August 18, 2021, MDHHS publicly presented an update on COVID-19 data trends across Michigan. That presentation included data and interpretation supporting the following statements from MDHHS: Consistent mask use can reduce risk in the school setting. A study from North Carolina concluded that without masks or testing, up to 90% of susceptible students may become infected by the end of the semester (if only 30% have protection due to previous infection or vaccination). Counties with mask mandates have experienced lower rates of illness.
9. Most students do best with in-person learning, which was compromised in the 2020-21 school year. The need to isolate and/or quarantine students and remove them from the in-person learning environment is significantly reduced with the use of face masks in schools.
10. The wearing of face masks in schools is supported by Sparrow Eaton, Eaton Rapids Medical Center and Spectrum Pennock. These local healthcare institutions continue to see the severe impacts of COVID-19 on all parts of our community, including young people. Use of face coverings in school settings helps preserve pediatric hospital capacity.

NOW, THEREFORE, IT IS HEREBY ORDERED that all Educational Institutions and all Persons in Educational Settings must adhere to the following rules:

1. All Persons in Educational Settings, regardless of vaccination status, are required to consistently and properly wear a facial covering while inside any enclosed building or structure of an Educational Institution, vehicle of an Educational Institution, and/or off-site building or structure while participating in school-sponsored field trips or similar activities.
2. Educational Institutions shall ensure that all persons, regardless of vaccination status, consistently and properly wear a facial covering while inside any enclosed building or structure of the institution or vehicle of the institution, and/or off-site building or structure while participating in school-sponsored field trips or similar activities.

IT IS FURTHER ORDERED that the following terms shall have the following definitions for purposes of this ORDER:

- a. "Educational Institutions" or "Educational Settings" is broadly defined and includes but is not limited to, youth camps, youth programs, childcare centers, preschools, primary through secondary schools, and vocational schools. This definition includes educationally affiliated extracurricular activities such as school athletics and field trips, and transportation provided to and from educational settings and educationally affiliated extracurricular activities. Persons in attendance at any meetings, including school board meetings, held within the facility are included.
- b. "Fully vaccinated persons" means persons for whom at least two weeks has passed after receiving the final dose of an FDA-approved or authorized COVID-19 vaccine.
- c. "Persons in Educational Settings" means students, teachers, administrative staff, members of the public including parents commonly called attendees, volunteers, and all other employees or volunteers of Educational Institutions and board members attending meetings in school buildings.
- d. "Face mask" or "facial covering" means a tightly woven cloth or other multi-layer absorbent material that closely covers an individual's mouth and nose. The following are NOT considered face masks or facial coverings in compliance with this order: mesh, netting, lace, or material that is see-through.
- e. "Enclosed building" or "enclosed structure" means a location that is fully or partially enclosed on the top and: fully or partially enclosed on two or more contiguous sides; OR if fully or partially enclosed on two non-contiguous sides, any part of that space that is more than 8 feet from an open side is considered an enclosed structure.

IT IS FURTHER ORDERED that this ORDER shall not apply to the following Persons:

- a. Persons in the act of eating, drinking or napping.
- b. Persons under the age of four years; however, supervised masking is recommended for children who are at least two years of age.
- c. Persons with developmental conditions of any age attending school for whom it has been demonstrated that the use of a face covering would inhibit the person's access to education. These are limited to persons with an Individualized Education Plan, Section 504 Plan, Individualized Healthcare Plan or equivalent.
- d. Vaccinated teachers who are working with children who are hard of hearing or students with developmental conditions who benefit from facial cues.
- e. Persons who have a medical contraindication confirmed in writing from a Medical Doctor (MD) or Doctor of Osteopathic Medicine (DO) currently licensed to practice medicine in the State of Michigan.

IT IS FURTHER REMINDED that:

- a. On January 29, 2021, the CDC issued an ORDER that required face masks to be worn by all people while on public transportation (which included all passengers and all personnel operating conveyances) traveling into, within, or out of the United States and U.S. territories. The CDC ORDER includes school buses, both public and private.
- b. On July 27, 2021, the CDC issued recommendations calling for universal indoor masking for all teachers, staff, students, and visitors to schools, regardless of vaccination status.
- c. On August 13, 2021, MDHHS issued updated guidance stating that all schools should require universal indoor masking.
- d. The Local Health Departments remind Educational Institutions of these recommendations and encourage them to enact policies to this effect.
- e. This ORDER does not repeat, supersede, or rely on any current MDHHS or Federal Epidemic Orders, which are incorporated by reference herein.

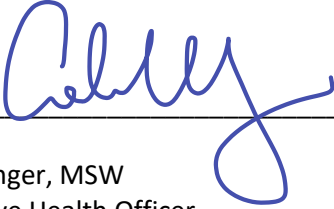
IMPLEMENTATION

1. Nothing in this order modifies, limits, or abridges protections provided by state or federal law for a person with a disability.
2. Under MCL 333.2235(1), local health departments are authorized to carry out and enforce the terms of this order.
3. Pursuant to MCL 333.2443, a person who violates a regulation of a local health department or order of a local health officer is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$200.00, or both.
4. Nothing in this order affects any prosecution or civil citation based on conduct that occurred before the effective date of this order.
5. If any provision of this order is found invalid by a court of competent jurisdiction, whether in whole or in part, such decision will not affect the validity of the remaining part of this order.
6. An organization that does not act in due diligence to require face coverings and acts contrary to this Order is also in violation of this Order and subject to the penalties prescribed by the Michigan Public Health Code.
7. This Order may also be enforced pursuant to Part 24 of the Michigan Public Health Code.

THIS ORDER is effective at midnight (12 a.m.) on Wednesday, September 22, 2021 and remains in effect until further notice from the Barry Eaton District Health Officer.

4827-4947-5323, v. 1

September 17, 2021

Signature:  _____

Date: 9 | 17 | 21 _____

Colette Scrimger, MSW
Administrative Health Officer
Barry-Eaton District Health Department
1033 Healthcare Drive
Charlotte, MI 48813