

Face Coverings and Personal Protective Equipment for Elementary Schools

In accordance with the [New Mexico Department of Health Public Health Order](#), all people must wear a face mask while at school, during school-sponsored activities, and on school transportation. Limited exceptions are described below.

Face Masks

Reasons for Wearing Face Masks

[Centers for Disease Control \(CDC\)](#) guidance [calls on Americans to wear face masks to slow and stop the spread of COVID-19](#). [Wearing face masks slows the spread of COVID-19](#) by reducing the distribution of respiratory droplets by the wearer. The Public Health order requires mask-wearing for all people, including asymptomatic or pre-symptomatic people who are around other people, because they don't know they have the virus. The most important function of masks is source control. When there is universal mask-wearing, people protect each other from getting the virus. Universal mask-wearing, coupled with social distancing, hygiene practices, and other transmission-reducing practices, are critical for reducing the contagion rate of COVID-19.

Face Mask Criteria

Face masks must cover the mouth and nose and fit snugly against the sides of the face in order to contain respiratory droplets. **The types of allowable face masks include:**

1. [Face masks made of two or more layers of cloth](#).
2. Disposable masks for people who forget to bring their masks to school.
3. [Face masks with a clear plastic window](#) or that are made of clear material.
4. Surgical, procedural, [N95 or KN95 face masks](#) that are approved by the federal Food and Drug Administration (FDA) for use by staff performing medical duties or similar close contact assignments.

The following face coverings are **NOT** substitutes for face masks:

- [Masks that have exhalation valves or vents](#)
- [Bandanas](#)
- Scarves
- [Neck gaiters](#) (also known as a neck fleece)
- Face shields in most instances (see further discussion below)

According to the CDC, [masks that have exhalation valves or vents cannot be used because they allow respiratory droplets to be expelled](#). Therefore, masks with exhalation valves or vents do not prevent the person wearing the mask from transmitting COVID-19 to others.

In addition, based on research that has emerged regarding the relative effectiveness of different types of materials and designs, bandanas, scarves, and neck gaiters are not permitted as substitutes for face masks because they are significantly less effective at containing the droplets that are expelled when a person speaks, sings, coughs, sneezes, etc.

Finally, the CDC states that "it is not known what level of protection a face shield provides to people nearby from the spray of respiratory droplets from the wearer. There is currently not enough evidence to support the effectiveness of face shields for source control. Therefore, [the CDC does not currently recommend use of face shields as a substitute for masks](#)."

Any district or school that has purchased these materials should contact NMPED as soon as possible to pursue alternative options.



Using Face Masks

Wearing the Face Mask Correctly

- Wash your hands before putting on your mask.
- Put it over your nose and mouth and secure it under your chin.
- Try to fit it snugly against the sides of your face.
- Make sure you can breathe easily.
- Don't put the mask around your neck or up on your forehead.
- Don't touch the mask while it's on your face unless removing it to eat or drink, and, if you do, wash your hands or use hand sanitizer to disinfect before touching your mask.



Washing Cloth Face Masks

- Ideally, a cloth face mask should be washed and dried after each use (after a day at school).
- Masks may be washed in a washing machine or by hand. Optimally, the face mask is dried in a dryer at the hottest setting or is dried outside with sunlight.

Keeping Face Masks on During the Day

Face masks must be worn all day while on school campuses, at school-sponsored events and on school transportation. The only time the face mask may be off is while eating and drinking during allowed times. If a student removes the face mask and refuses to wear the mask during other times, then the student will have to be picked up from school and taken home. While waiting for pick up, the student should be supervised and quarantined from other students. Local school district and charter school policies should set forth the number of times a student may remove a face mask and receive a warning prior to being sent home.

Limited Exceptions to Wearing Face Masks

There are very limited circumstances under which a face mask cannot be worn. According to [CDC guidance](#), the following individuals should not wear a face covering: children under age two, or anyone who has trouble breathing, is unconscious, incapacitated or otherwise unable to remove

the mask without assistance. In these cases, fully remote learning is the best option to keep the student safe, as well as other students, staff, and the greater school community.

When wearing a face mask would obstruct breathing or exacerbate another medical condition for a student, then the student should be seen by a healthcare provider to discuss whether it is safe for the student to be in school during the public health emergency. [American Lung Association Chief Medical Officer Dr. Albert Rizzo](#) states that “cases of exemption are very few and far between,” and “people with supplemental oxygen or compromised respiratory status which become short of breath even when walking might meet [CDC] criteria, which in that case, going out in public is a health risk to the person.” For these students, fully remote learning is the safest option.

For students who cannot wear a face mask and have an Individualized Education Plan (IEP) or a 504 Plan, the IEP team or 504 committee should meet to make a determination about possible accommodations based on the totality of needs, including the student's needs and the community's public health needs. In most cases, the IEP team or 504 committee should consider fully remote learning as the appropriate accommodation. In other cases, such as when the student has a breathing obstruction or other severe medical condition that would be exacerbated by mask-wearing, the IEP team or 504 committee may determine whether a face shield could be substituted for a face mask after receiving medical documentation that would support such a determination. In the event the IEP team or 504 committee allows a face shield to be substituted for a face mask, the face shield must be hooded, or start at the forehead, and wrap around the face from ear to ear and extend to the chin. In extreme cases when a face mask or a face shield cannot safely be worn, the IEP team or 504 committee shall convene to review medical documentation and consider whether individualized accommodations would allow the student to receive in-person instruction in such a way that staff and other students are kept safe. Additional personal protective equipment (PPE) for the student, other

students in proximity to the student, and the staff serving the student should be considered.

When a student with an IEP or 504 Plan cannot wear a face mask due to a behavioral issue, then the IEP team or 504 committee should convene to develop a fully remote learning option and a plan for teaching the student to wear a face covering so the student may return to in-person learning as soon as possible.

When convening the IEP team or 504 committee to consider remote learning, face shields or other individualized accommodations, please meet with your legal counsel and Special Education Director or 504 coordinator to ensure that all state and federal laws are followed, including the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and the New Mexico Human Rights Act, Section 28-1-1 NMSA 1978 et seq. In addition, please convene appropriate school staff to explore all options to include the student in whatever activities are feasible, including outdoor learning, in a safe manner to the greatest extent possible while minimizing and mitigating risks and making other possible accommodations.

Students who do not have and are not eligible for an IEP or 504 Plan must wear a face mask in order to attend school in-person. The alternative is fully remote learning.

Face Masks and Staff

[According to the Equal Employment Opportunity Commission of the U.S. Department of Labor, wearing a face mask is considered a lawful condition of employment.](#) When wearing a face mask would exacerbate a breathing obstruction or another severe medical condition for the staff member, the staff member may provide medical documentation to support a request for alternate work as a reasonable accommodation if feasible.

Staff who work with students not wearing a face mask due to the circumstances described above should wear a medical mask or face shield in addition to a cloth face mask. For these situations, schools should provide staff with a medical mask (surgical, procedural, [N95, or KN95](#)) and/or other PPE.

Staff who work with students who need to lip read or face read in order to learn should wear a face mask that has a clear plastic window or is made

of clear material. Discussion of [clear plastic mask features and where to buy clear plastic masks](#) may be found online. (NMPED does not endorse any particular face mask vendor.)

Mask-Wearing and the Americans with Disabilities Act

The need for public health and safety must be balanced with requirements under the Americans with Disabilities Act (ADA) to make reasonable accommodations for people with disabilities. Under the ADA, a public accommodation may not be required when it would pose a “direct threat” to the school community. [§ 36.208 \[Direct threat\]](#) of the ADA states as follows:

- a. This part does not require a public accommodation to permit an individual to participate in or benefit from the goods, services, facilities, privileges, advantages and accommodations of that public accommodation when that individual poses a direct threat to the health or safety of others.
- b. In determining whether an individual poses a direct threat to the health or safety of others, a public accommodation must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: The nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

Moreover, a reasonable accommodation also may not be required when it presents an “undue burden”. [§ 36.104 \[Definitions\]](#) of the ADA regulations defines “undue burden” as involving “significant difficulty or expense. In determining whether an action would result in an undue burden, factors to be considered include:

1. The nature and cost of the action needed under this part;
2. The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime

prevention measures; or the impact otherwise of the action upon the operation of the site;

3. The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity; and
4. If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities.

During the COVID-19 public health emergency, all people's health and safety must be considered. To keep people safe by reducing community spread of COVID-19, wearing a face mask is a state mandate and must be enforced in schools. The following reasonable accommodations for students and staff who have a disability that precludes mask-wearing are permitted:

1. Students with an IEP or 504 Plan will have access to fully remote learning as the accommodation that keeps the maximum number of people safe;
2. For students who have a breathing obstruction or other severe medical condition that would be exacerbated by mask-wearing, the IEP or 504 Plan team may consider whether to allow the student to wear a face shield after taking into account whether PPE and other additional precautionary measures could be used to keep everyone in the school community safe. In extreme cases when a face mask or a face shield cannot safely be worn by a student with an IEP or 504 Plan, the IEP team or 504 committee shall convene to review medical documentation and consider whether individualized accommodations would allow the student to receive in-person instruction in such a way that staff and other students are kept safe;
3. Staff for whom wearing a face mask would exacerbate a breathing obstruction or another severe medical condition may provide medical documentation in support of a request for

alternate work as a reasonable accommodation.

Please note that the above discussions of legal considerations do not constitute legal advice and should not be relied upon in any individual case. It is critical that school districts and charter schools seek the advice of human resources staff and legal counsel about specific cases.

Mask and PPE Supplies Required at Each School

Schools may require families to provide masks for their students. Schools also must have on hand, prior to the start of in-person learning in the hybrid or full reentry operating category, a sufficient quantity of masks for students who have left their masks at home, as well as masks for staff and PPE for staff whose duties include close contact assignments.¹

Schools need to have in stock the levels of face masks and PPE itemized in the [Safety Plan Checklist](#).

Each district and charter school needs to identify a single PPE Point Person who will conduct and report weekly inventory of masks and other PPE to the NMPED. The NMPED will provide ongoing training and support for these PPE Point Persons.

¹A close contact assignment includes any staffing assignment in which a staff member must be within six feet of distance from a student in order to fulfill their duties (such as staff who change student diapers, who change feeding tubes, or who provide services to students with behavioral needs necessitating closer contact).

If a school does not have medical masks and/or face shields on hand for staff with a close contact assignment, the school may still have elementary students return in the hybrid model, but must not require a staff member to perform close contact duties until a medical mask and/or face shield is provided. (Staff must wear the face shield with the face mask.)