

Tri-County Health Department Public Health Order Requiring Facial Coverings for All Individuals Aged 2 Years and Older in All School and Child Care Settings - Frequently Asked Questions

What authority does Tri-County Health Department (TCHD) have to issue public health orders?

Local public health has the following powers and duties under state law:

- Local public health agencies have the power and duty “To investigate and control the causes of epidemic or communicable diseases and conditions affecting public health; To establish, maintain, and enforce isolation and quarantine, and in pursuance thereof, and for this purpose only, to exercise physical control over property and over the persons of the people within the jurisdiction of the agency as the agency may find necessary for the protection of the public health;” and “To close schools and public places and to prohibit gatherings of people when necessary to protect public health.” - CO ST § 25-1-506
- Local Boards of Health have the power and duty “To issue orders...not inconsistent with the public health laws of this state nor with the orders or rules of the state board as the...district board may deem necessary for the proper exercise of the powers and duties vested in or imposed upon an agency or...district board.” - CO ST § 25-1-508
- “In the event of a public health emergency, the agency shall issue orders and adopt rules consistent with the laws and rules of the state as the public health director may deem necessary for the proper exercise of the powers and duties vested in or imposed upon the agency or county or district board.” - CO ST § 25-1-509

Is there still a public health emergency declared in Colorado?

State law does not require the *declaration* of a statewide or federal emergency before public health orders are issued by a local public health agency. With that, the U.S. Department of Health and Human Services (HHS) has declared a [federal public health emergency](#) and plans to extend this emergency declaration, every 90 days, through the end of 2021. Additionally, while the Governor rescinded his original emergency declaration, he reissued that declaration in his [Executive Order 122](#) – originally issued on July 7.

What are the requirements of this Order?

This Order requires all individuals 2 years of age and older to wear a Face Covering while indoors in all Child Care and School Settings.

Who does this Order apply to?

This Order applies to all students, teachers, staff, parents, visitors, and spectators, aged 2 years and older, regardless of vaccination status, while indoors at any Child Care or School Setting.

Is a face shield considered a Face Covering?

No. A Face Covering covers the nose and mouth and surrounding areas of the lower face. A Face Covering should fit snugly but comfortably against the side of the face.

Do the requirements apply to extracurricular or school-sponsored activities? What if they do not occur on school property?

Yes. The Order defines a School Setting as any indoor facility used for preschool through 12th grade instruction of academic or extracurricular activities, including any place where school-based or sponsored activities are performed, even if such activities are not performed on school property. All students, staff, teachers, parents, visitors, and spectators must be masked in indoor spaces where school or child care activities are occurring. Student athletes, coaches, and visitors visiting from outside of Adams, Arapahoe, and Douglas counties must comply with the requirements of this order.

Do the Order requirements apply if a school rents their space out for a non-school sponsored event?

No. The Order only applies when the instruction of academic or extracurricular activities is happening. Like all businesses, schools are strongly encouraged to require masking in all indoor public places given the [high rates of transmission](#) in Adams, Arapahoe, and Douglas counties.

Do the Order requirements apply if no students are present in the building (planning days)?

No. The Order only applies when the instruction of academic or extracurricular activities is happening. Like all businesses, schools are strongly encouraged to require masking in all indoor public places (in schools on planning days, in the administrative buildings, etc.) given the [high rates of transmission](#) in Adams, Arapahoe, and Douglas counties. This is even more critical for educators, whose absences may impact in-person learning.

Do the Order requirements apply at a school sponsored event where no students are present?

No. The Order only applies when the instruction of academic or extracurricular activities is happening. If students are present at an extracurricular event, like a fundraiser or banquet, that is considered the instruction of extracurricular activities and all individuals are required to wear a Face Covering.

Do the Order requirements apply at a school sponsored activity that occurs outside of TCHD's jurisdiction?

TCHD's Order only applies in Adams, Arapahoe, and Douglas counties. Many schools require students and staff to comply with school policies at all school-sponsored activities, regardless of location. Schools are strongly encouraged to require compliance with masking requirements at all school-sponsored activities.

If my school or child care shares a building with another business, does everyone in that building need to wear a mask?

If a school or child care is located within another business, like a recreation center, individuals visiting the recreation center are not required to wear a Face Covering. Shared spaces should be limited to the greatest extent possible, distancing between recreation center visitors and school or child care attendees should be maintained to the greatest extent possible, and the recreation center is strongly urged to require masking in common areas like hallways and bathrooms where chance encounters may occur. Masking is required for all individuals interacting and/or having close contact with students, staff, or teachers.

Does this Order apply to private and charter schools?

Yes. This Order applies to all public, private, and charter schools within Adams, Arapahoe, and Douglas counties.

If an individual is vaccinated, do they still need to wear a Face Covering?

Yes. This Order requires a Face Covering regardless of vaccination status.

If children younger than 2 years share space with children 2 years of age or older, do they need to wear a Face Covering?

No. Children under 2 years of age should not wear a Face Covering at any time.

Are there any exceptions to the requirements of this Order?

Children younger than 2 years of age and those who cannot medically tolerate a Face Covering should not wear them. The Order also provides the following exceptions where individuals can temporarily remove their Face Covering while engaged in a specific activity indoors in a School or Child Care Setting. Face coverings should be removed only while necessary and must be reapplied as soon as the need to remove has passed. These activities include:

- Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled, where the ability to see the mouth is essential to communication.
- Individuals seated during meal or snack time and who are actively eating or drinking.
- Individuals who are asked to temporarily remove their Face Covering for identification purposes in furtherance of a particular service requiring legal identification.
- Individuals who are actively engaged in a public safety role, such as law enforcement personnel, firefighters, or emergency medical personnel.
- Individuals who are receiving a personal or medical service where the temporary removal of a Face Covering is necessary to perform the service.
- Individuals who are in a swimming pool or actively engaged in a pool activity in which their Face Covering might become wet.
- Individuals engaged in gymnastics, tumbling, cheer, or wrestling, where it is not safe to wear a Face Covering.
- When a student in a School Setting is actively playing an instrument that cannot otherwise be played while wearing a Face Covering.
- Individuals who are actively napping or resting pursuant to state licensing requirements.
- Individuals who are alone in an enclosed room.
- Individuals who are officiating or participating in a religious service or practice at an indoor School Setting or Child Care Setting where the temporary removal of a Face Covering is necessary to complete or participate in the religious service or practice.

What is the difference between an “Exemption” and an “Exception” in the Order?

Exemptions are for individuals who should never wear a Face Covering and are limited to individuals younger than 2 years of age and individuals who cannot medically tolerate a Face Covering. Exceptions are for time-limited situations in which the removal of a Face Covering may be needed temporarily. Once an individual has completed an exempted activity they must reapply their Face Covering.

Can a teacher remove their mask and allow children to remove their masks for reading and other language activities where seeing mouth movement is necessary?

There is an exception for personal or medical services in School and Child Care Settings where the temporary removal of a Face Covering is necessary to perform the service. This would include things like speech therapy as well as time-limited language, speech and reading activities. Before removing masks, schools and child care facilities are strongly encouraged to explore clear masking options for these activities. If the removal of masks is necessary, a face shield can be worn as a more limited mitigation measure and Face Coverings should be reapplied as soon as the activity is over. Teachers and students should maintain 3 feet of distance from one another to the greatest extent possible and teachers should keep these groups of unmasked students as small as possible. Teachers should consider doing this activity outdoors where possible.

Can students remove their mask during physical activity?

No. Except for the limited exceptions outlined above, engaging in physical activity, including extracurricular athletics, does not trigger an exemption or exception to the requirements of this Order. This is in alignment with the [Centers for Disease Control and Prevention](#) (CDC) and [American Academy of Pediatrics](#) (AAP) recommendations for universal masking during indoor physical activity (physical education, athletics, recess), where increased exhalation can put participants and observers at increased risk for getting and spreading COVID-19. Students may pull their masks down temporarily to catch their breath as needed, but must pull their mask back up. Schools are encouraged to conduct physical activity instruction outdoors to the greatest extent possible. If physical activity is occurring indoors, all individuals must be masked. Schools are encouraged to modify activities if students are unable to wear their masks while participating.

Are there medical exemptions for some kids?

Yes, but the exemptions are for infants or children younger than 2 years of age, who could suffocate in a Face Covering, and for children with significant medical issues that make it impossible for them to remove their Face Covering independently if they were to have trouble breathing. Another instance is children with significant sensory sensitivities. This is more common for children with conditions like [autism spectrum disorders](#).

Is there a specific process for obtaining a medical exemption?

Individuals who cannot medically tolerate a Face Covering must submit a statement provided by a Colorado-licensed medical provider, on the provider's letterhead, to the School or Child Care Setting, that includes the following: (1) Medical provider's printed name, license number, address, phone number; (2) Signature of the medical provider; (3) Identification of the medical condition preventing the individual from wearing a mask and any recommended alternative to the mask. Under this Order, "Colorado-licensed medical provider" has the same meaning as "health care practitioner" as defined in CO ST § 24-10-103 - "Health care practitioner" means a physician, dentist, clinical psychologist, or any other person acting at the direction or under the supervision or control of any such persons.

While this Order requires a statement provided by a health care practitioner to obtain a medical exemption, schools and childcares are responsible for establishing a process for accepting, evaluating, and implementing reasonable accommodations for medical exemptions. An application for a medical exemption

is not a guarantee that an individual will be permitted to enter a building without a mask, particularly if other accommodations such as remote learning, alternative activities, substituting equipment, or other options are available.

If you believe you are entitled to a medical exemption, please contact the school, childcare facility, or organizations that your child attends to learn about their process for medical exemptions. TCHD cannot provide legal or medical advice to individuals seeking such exemptions.

Is there a specific process for obtaining a religious exemption from the requirements of this Order?

No. There is no religious exemption to this Order. There is an exception for individuals who are officiating or participating in a religious service or practice at an indoor School or Child Care Setting where the temporary removal of a Face Covering is necessary to complete or participate in the religious service or practice. Teachers and caregivers may allow the temporary removal of Face Coverings when it is necessary to complete or participate in a religious service or practice and no documentation is required. Face coverings must be reapplied after the need to remove has passed.

What if a school or child care has buildings in a county outside of TCHD's jurisdiction?

This Order only applies in Adams, Arapahoe, and Douglas counties and only those facilities and activities occurring within TCHD's jurisdiction are required to comply with its requirements. To ensure consistency, school districts that cross into counties outside TCHD's jurisdiction are strongly encouraged to implement this policy throughout their school district/organization.

How long is the Order in effect?

The Order is in effect until December 31, 2021 unless amended, extended, or rescinded.

What factors will TCHD consider when deciding to amend or rescind the Order?

TCHD will monitor and evaluate COVID-19 data, community conditions, and recommendations from expert groups on a daily basis to inform decisions to amend, extend or rescind this Order. Data specific to schools and school-aged children can be found on TCHD's [COVID-19 Pediatric Data Dashboard](#). This data includes incidence rates, vaccination rates, testing positivity, and outbreaks. Community conditions include interruptions to in-person learning, hospital bed and staff capacity, and guidance from expert groups.

Opting Out of the Order

Can anyone opt out of the requirements of this Order?

TCHD's Board of Health rescinded their [Policy Regarding Issuance of County-wide Public Health Orders](#), which had allowed County Commissioners to opt out of the application and enforcement of county-wide orders issued by TCHD. With the recession of this policy, no individual or entity has the authority to opt out of this Order.

Rationale for Issuing the Order

Why are younger children required to wear Face Coverings now when they were not in the past?

Ensuring safe in-person learning with limited interruption is critical to children's well-being. Many mitigation measures like social distancing and quarantine are no longer required in routine school and child care settings and the broader community has resumed many activities with few precautions. This, combined with the surge of the more contagious Delta variant and the inability for children 12 years of age and younger to get vaccinated, makes enhanced mitigation through the wearing of Face Coverings necessary to keep children learning in-person safely. The American Academy of Pediatrics (AAP), Centers for Disease Control and Prevention (CDC), Colorado Department of Public Health and Environment (CDPHE), and the National Association of School Nurses (NASN) all recommend masking in schools to prevent the spread of COVID-19.

Why do students have to wear a Face Covering in school but not in other places in the community?

Close contact with large groups of non-household members for extended periods of time indoors - conditions inherent to Child Care and School Settings - create a less safe environment for unvaccinated children if universal Face Covering is not implemented. This is particularly important to address with the individuals 11 years of age and younger who are not yet eligible for vaccination. Given high rates of Delta variant transmission in Adams, Arapahoe, and Douglas counties, all individuals, including students, are strongly encouraged to wear Face Coverings when in any indoor public space, regardless of vaccination status.

Does wearing Face Coverings limit the spread of COVID-19?

Scientific evidence shows that the wearing of facial coverings mitigates virus transmission by reducing the spread of respiratory droplets. Universal Face Covering requirements are intended to reduce disruptive isolations and/or quarantines in school and child care settings. Review the [CDC's Science Brief: Community Use of Cloth Masks to Control the Spread of SARS-CoV-2](#) for information on studies evaluating the effectiveness of masks.

Vaccination is the most effective way to prevent transmission of COVID-19, to limit COVID-19 hospitalizations and deaths. When vaccination is not possible a layered mitigation strategy including wearing Face Coverings, testing, social distancing, contact tracing, and ventilation decreases risk of transmission of COVID-19. In Adams, Arapahoe, and Douglas counties approximately 232,787 children are not yet eligible (12 years of age and younger) for vaccination.

Is it safe for children to wear Face Coverings? What about their mental health?

The CDC has conducted research and extensively reviewed scientific studies and concluded that Face Covering use is safe and is not associated with clinically significant impacts on respiration or gas exchange. While the mental health impact of the COVID-19 pandemic on children is clear, Children's Hospital Colorado clarified that [the wearing of Face Coverings has not been linked to mental health problems in children or any other group](#) and did not contribute to their declared 'state of emergency' for pediatric mental health. Instead, the mental health challenges that many children are experiencing are due multiple factors, namely disruptions to routine, family life and schooling coupled with isolation.

CDPHE has also provided updated guidance on [Masks and Mental Health in Children](#), saying that "While we know that wearing a mask is not always comfortable, there is no persuasive evidence that masks affect the

mental health of children and teens...[Studies](#) about play and emotional understanding show that masks are unlikely to impair social interactions in a child's daily life."

The requirements to wear Face Coverings in this Order are intended to reduce disruptive isolations and/or quarantines to ensure consistency of critical in-person learning. Refer to [TCHD's Rationale for Issuing a Public Health Order Requiring Face Covering in Schools and Child Care Facilities](#) for more information on why this Order was issued.

Why was the Order changed from requiring masking for 2-11 year olds to requiring masking for all individuals over the age of 2 years?

Rationale:

- Individuals 12 years of age and older have access to the vaccine, but the rate at which school-aged children are vaccinated remains low. See [TCHD's data page](#) for vaccination rates by age.
- The more transmissible Delta variant now makes up nearly 100% of new cases, leading to a significant increase in transmission rates and breakthrough cases in vaccinated individuals. Adams, Arapahoe and Douglas counties are all experiencing high [rates of transmission](#).
- School leaders expressed difficulty with implementing masking requirements by age in mixed-grade settings.
- We are seeing an increased number of cases and outbreaks in elementary, middle and high schools within Adams, Arapahoe, and Douglas counties. See [TCHD's data page](#) – Pediatric Data - for outbreak data by school district.
- This requirement aligns with guidance from expert groups including the [American Academy of Pediatrics](#) (AAP) and the [Centers for Disease Control and Prevention](#) (CDC).

Face coverings and Isolation and Quarantine

If a child has a Face Covering on properly and is exposed to an individual with COVID-19, will they be required to quarantine?

It depends on the exposure situation. TCHD is not enforcing quarantine in routine classroom settings if one or a limited number of cases occur. TCHD has also defined routine classroom settings to include the lunchroom when students are eating or drinking, routine physical education classes, and limited singing during a classroom session.

However, when a COVID-19 case occurs in other school or child care settings that pose higher risk, then quarantine might be implemented depending on the exposure situation. Examples might include exposures on sports teams, or choir or band. Additionally, if there is a suspect or confirmed outbreak, then stricter disease control measures will be put into place. Each situation is unique and TCHD reserves the right to respond to situations related to COVID-19 on a case-by-case basis.

Persons who have tested positive (by a molecular amplification test) within 90 days prior to an exposure OR persons aged 12 or older who are fully vaccinated and exposed 14 days or more after their last vaccine dose are not required to quarantine.

What about in high-risk settings?

Quarantine will be required in high-risk settings regardless of masking. However, masking does provide protection and should be worn in high-risk settings when possible.

Enforcement

Will TCHD be enforcing this Order?

Yes. TCHD will monitor for compliance and take complaints from the public through our [School and Child Care Masking Order Complaint Form](#). Complaint follow up will be assessed by TCHD on a case-by-case basis. TCHD will evaluate the volume of complaints received against a facility as well as the severity and/or egregiousness of alleged violations.

TCHD fully expects all schools and child care facilities to comply with this Order to protect health and maintain safe in-person learning. If voluntary compliance is not achieved, TCHD will seek compliance through escalating stages of engagement with school leadership beginning with education and collaboration on achieving compliance within the school community. If school leaders are unwilling to collaborate with TCHD or if there is subsequent evidence of noncompliance, school leaders will receive a Formal Notice of Violation, and then a cease and desist for continued noncompliance. In situations where collaboration and/or compliance is not achievable, and as a last resort, TCHD will initiate a civil proceeding, seeking a court order to enforce this Order and/or to restrain or enjoin any violation of this Order. TCHD's Mask Order enforcement process does not have a provision for criminal proceedings or criminal fines.

As a practical matter, schools and child care facilities that fail to implement masking requirements are likely to face higher levels of quarantine and interruptions to learning.

What are the possible penalties for not complying with the requirements of this Order?

It is unlawful for any person to willfully violate, disobey, or disregard Public Health Orders. At the discretion of law enforcement and/or district attorneys, any person who does so may be subject to the penalties provided in C.R.S. §§25-1-516 and 18-1.3-501. In addition, if a person does not comply with this Order, TCHD may seek a court order in Colorado state district court to enforce this Order and/or to restrain or enjoin any violation of this Order. Any person aggrieved and affected by this Order is entitled to Colorado State District Court judicial review of this Order pursuant to and in accordance with C.R.S. §25-1-515. However, the aggrieved and affected person must continue to comply with the terms of this Order while his, her, or its request for judicial review is pending.

How are school and child care facilities required to enforce?

Except for the limited exemptions and exceptions provided above, no facility subject to this Order may allow an individual to enter or remain within their indoor space unless the individual is wearing a Face Covering as required by this Order. Schools and child care facilities should enforce the requirements of this Order just as they would other school or child care policies with students, teachers, staff, and visitors. TCHD strongly urges an education-first approach to enforcement and asks that schools and child care facilities provide education on the requirements of the Order and how noncompliance will be addressed. We hope that you will use the [Order](#), this [FAQ](#), and our [Order Rationale](#) in your communications and education.

How should a School or Child Care handle a child whose parent has said they cannot be masked for personal reasons?

Only individuals younger than 2 years of age and individuals who cannot medically tolerate a Face Covering are exempt from the requirements of this Order. Schools and child care facilities should follow existing discipline, suspension, and dismissal procedures for all staff, student, and visitor noncompliance. TCHD strongly urges an education-first approach to enforcement and asks that schools and child care facilities provide education on the requirements of the Order and how noncompliance will be addressed. We hope that you will use the [Order](#), this [FAQ](#), and our [Order Rationale](#) in your communications and education.

How do you get 2 and 3 year olds to wear a Face Covering?

TCHD acknowledges that it may be difficult to keep young children in Face Coverings for long periods of time. We encourage you to use the resources below that provide guidance for working with young children on the wearing of Face Coverings. Face coverings are most important when in close contact with other children and adults. If a child needs a break from their Face Covering, we encourage taking those breaks outdoors. If outdoor breaks are not possible, have children engage in an activity independently while distanced from others. TCHD is not asking child care providers to remove young children who have difficulties with wearing a Face Covering. Instead, we ask that providers do their best to encourage the use to the greatest extent possible and provide positive reinforcement.

While young children may not understand why masks are necessary, the Centers for Disease Control and Prevention (CDC) and the American Academy of Pediatrics (AAP) have concluded that children 2 years of age and older can safely wear a mask and are urged to do so. If a significant number of complaints are received, TCHD will reach out to the provider to gather more information and will seek voluntary compliance through education and assistance. While blatant noncompliance (e.g. communications to parents indicating that masks are not required) will not be tolerated, TCHD understands that young children may have a difficult time wearing a mask and the expectation is that child care providers do their best to keep young children in masks to limit the risk of spread and protect health in these settings.

Resources:

- [Children's Hospital Colorado's Kids Face Covering Guidance](#)
- [Mask Up! Talking to Young Children about Wearing Masks](#)
- [CDC: Your Guide to Face Coverings](#)

Are there any other requirements related to Face Coverings at this time?

Yes. The CDC has [issued an Order](#) requiring individuals 2 years of age and older to wear a Face Covering on all public transportation, which includes school transportation. Passengers and drivers must wear a Face Covering on school buses, including on buses operated by public and private school systems, subject to the exclusions and exemptions in CDC's Order. Operators of school buses should refer to the Department of Education's COVID-19 Handbook. A driver does not need to wear a Face Covering if they are the only person on the bus.

Additionally, the CDPHE's [Public Health Order 20-38](#) requires unvaccinated individuals, 12 years of age and older, to wear Face Coverings in prisons, jails, and healthcare settings.