

ADVISORY BULLETIN: Masks and Mask Exemptions

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The Charter School Institute has received a number of questions from CSI schools regarding the schools' obligations in regard to mask-wearing and allowable exemptions from mask-wearing. **The purpose of this bulletin is to clarify that it is CSI's expectation that all CSI schools will follow applicable public health mandates regarding mask-wearing and allowed exemptions.**

While there is currently no statewide mandate to require masks in public schools, mask wearing is an effective tool for preventing the spread of COVID-19. CDPHE advises that anyone who wishes to wear a mask to lower their risk of getting COVID-19 is encouraged to do so, especially in areas with higher COVID-19 levels. Wearing a mask is especially important if you are not up to date with your vaccinations.

Consistent with CSI's mission to deliver the safest school environment possible, CSI schools are encouraged to follow state and federal guidance regarding best practices for public health in the school environment even where not required in your local jurisdiction.

[What is the current statewide mask policy for public schools?](#)

The Colorado Department of Public Health & Environment (CDPHE) [Public Health Order 20-38](#) does not contain any masking requirements specifically applicable to K-12 public schools. As such, there is currently no statewide mask policy for public schools.

Contact the [local public health agency](#) with authority over your school's geographic area with questions about local mask wearing requirements.

[If masks are required at my school \(by school choice or by local order\), do I have to allow medical exemptions?](#)

Yes, exemptions should be allowed for students who cannot safely wear a mask because of an underlying medical condition or disability.¹ The granting of such an exemption should follow the same process as any other accommodation for a disability. An exemption from wearing a mask in the school building may not be required if other reasonable accommodations are available, such as a remote learning option that does not require the student to be on-site to receive the educational program

[What documentation can I request when students submit a mask exemption request?](#)

Schools may ask for documentation sufficient to establish that the student's condition qualifies as a disability, that is, a physical or mental impairment that inhibits a major life activity. Schools can also ask for documentation sufficient to establish whether the disability requires

an exemption from mask orders and whether other accommodations would be appropriate. Finally, schools not only *can* but *should* ask for such documentation, because current federal guidance states that failing to correctly implement mask orders can infringe the rights of other disabled students to attend school safely.ⁱⁱ Schools should consult with their legal counsel to ensure they strike the appropriate balance.

[If masks are required at my school \(by school choice or by local order\), do I have to allow religious exemptions?](#)

No, schools are not required to provide a religious exemption from a mask requirement.ⁱⁱⁱ Whether a school *may* provide a religious exemption to a mask requirement will depend on whether the mask requirement was imposed by the school or by a public health order, and the content of an applicable public health order. Keep in mind that schools *may not* evaluate the validity of a religious exemption request if religious exemptions are allowed. Also, granting a significant number of exemptions may expose the school to risk of an enforcement action by a public health authority or a civil rights complaint from other students who cannot safely participate in the school environment.

[What resources are available to my school to help in implementing COVID-19 mitigation strategies?](#)

[CSI COVID-19 Information and Resources](#)

[Contact CSI](#)

- Questions about mask exemptions can be directed to the CSI Legal & Policy Team at legalandpolicy_CSI@csi.state.co.us.
- Health-related questions can be directed to Michael McManus at MichaelMcManus@csi.state.co.us.

ⁱ USDOE Office for Civil Rights [Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment](#), “Question 6: Under Section 504, are schools required to make modifications for students regarding mask wearing?”, May 13, 2021 (last accessed August 23, 2021).

ⁱⁱ See e.g., USDOE, [Department of Education's Office for Civil Rights Opens Investigations in Five States Regarding Prohibitions of Universal Indoor Masking](#), August 30, 2021 (last accessed August 31, 2021).

ⁱⁱⁱ See CDC Order, “[Consistent and Correct Mask Use](#),” listing disability and health, safety, or job duty impacts as the valid reasons for providing exceptions