

## **RECORD OF DECISION – CMOH Order 33-2020**

### **Re: 2020 COVID-19 Response**

Whereas, I, Dr. Deena Hinshaw, Chief Medical Officer of Health (CMOH) initiated an investigation into the existence of COVID-19 within the Province of Alberta.

Whereas the investigation has confirmed that COVID-19 is present in Alberta.

Whereas under section 29(2)(b)(i) of the *Public Health Act*, I may take whatever steps I consider necessary

- (A) to suppress COVID-19 in those who may have already been infected with COVID-19,
- (B) to protect those who have not already been exposed to COVID-19,
- (C) to break the chain of transmission and prevent spread of COVID-19, and
- (D) to remove the source of infection.

Whereas having determined on August 4, 2020 that students in grades 4 to 12, staff members and visitors must wear a non-medical face mask in schools when physical distancing cannot be maintained.

Whereas students, parents and principals are all responsible for ensuring a welcoming, caring, respectful and safe learning environment within schools.

Therefore, I am taking the following steps to protect Albertans from exposure to COVID-19 and to prevent the spread of COVID-19:

1. This Order is effective August 31, 2020 and applies throughout the Province of Alberta.
2. For the purposes of this Order, "school" is defined as a school operating under the *Education Act* and includes the physical location or place where the school provides a structured learning environment through which an education program is offered or provided but does not include
  - (a) any parent or guardian directed program provided to a student (home education program), or
  - (b) any teacher directed education program provided in a home environment (temporary at-home learning) for immediate family members only.
3. For the purposes of this Order, "student" has the same meaning given to it in the *Education Act*.

4. For the purposes of this Order, a “staff member” is defined as any individual who is employed by, or provides services under a contract with, an operator of a school.
5. For the purposes of this Order, a “visitor” is defined as any individual who attends a school, but who is not a student or staff member.

**Students, staff members and visitors must wear non-medical face masks**

6. Subject to section 8 of this Order, an operator of a school must ensure that the following persons wear a non-medical face mask that covers their mouth and nose while attending an indoor location within a school:
  - (a) all students attending grades 4 through grade 12;
  - (b) all staff members;
  - (c) all visitors.
7. For greater certainty, a face shield is not considered a non-medical face mask.
8. All students attending grades 4 through 12, staff members and visitors must wear a non-medical face mask that covers their mouth and nose while attending an indoor location within a school, unless the student, staff member or visitor:
  - (a) is unable to place, use or remove a non-medical face mask without assistance;
  - (b) is unable to wear a non-medical face mask due to a mental or physical concern or limitation;
  - (c) is consuming food or drink in a designated area;
  - (d) is engaging in physical exercise;
  - (e) is seated at a desk or table
    - (i) within a classroom or place where the instruction, course or program of study is taking place, and
    - (ii) where the desks, tables and chairs are arranged in a manner
      - (A) to prevent persons who are seated from facing each other, and
      - (B) to allow the greatest possible distance between seated persons;
  - (f) is providing or receiving care or assistance where a non-medical face mask would hinder that caregiving or assistance; or
  - (g) is separated from every other person by a physical barrier.
9. An operator of a school must use its best efforts to ensure that any student, staff member or visitor who is not required to wear a non-medical face mask:

- (a) as permitted by section 8(a) or (b) of this Order is able to maintain a minimum of 2 metres distance from every other person;
- (b) as permitted by section 8(c) of this Order is able to maintain a minimum of 2 metres distance from every other person, if the designated area is not within a classroom or place where the instruction, course or program of study is taking place.

### **Transportation**

10. Subject to section 12, an operator of a school must ensure that the following persons wear a non-medical face mask that covers their mouth and nose while being transported on a school bus:
  - (a) all students attending grades 4 through grade 12;
  - (b) all staff members;
  - (c) all visitors.
11. For greater certainty, section 10(b) applies in respect of any individual who transports students attending grades 4 through 12 on a school bus to a school, regardless of whether that individual is a staff member.
12. All students attending grades 4 through 12, staff members and visitors must wear a non-medical face mask that covers their mouth and nose while being transported on a school bus, unless the student, staff member or visitor:
  - (a) is unable to place, use or remove a non-medical face mask without assistance;
  - (b) is unable to wear a non-medical face mask due to a mental or physical concern or limitation;
  - (c) is providing or receiving care or assistance where a non-medical face mask would hinder that caregiving or assistance; or
  - (d) is separated from every other person by a physical barrier.

### **Where physical distancing can be maintained**

13. Subject to section 14 of this Order, sections 6 to 12 of this of Order do not apply in respect of an operator of a school who is able to ensure that all students, staff members and visitors maintain a minimum of 2 metres distance from every other person while attending an indoor location within a school or while being transported on a school bus.
14. An operator of a school must
  - (a) submit a plan to the Chief Medical Officer of Health that sets out how physical distancing will be maintained, and
  - (b) receive approval from the Chief Medical Officer of Health of its plan,

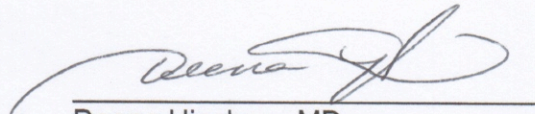
prior to allowing any students, staff members or visitors to attend an indoor location within its school or be transported on a school bus without wearing a non-medical face mask that covers their mouth and nose.

15. Despite section 13 of this Order, an operator of a school does not need to ensure that students, staff members and visitors are able to maintain a minimum of 2 metres distance from every other person when a student, staff member or visitor is seated at desk or table
- (a) within a classroom or place where the instruction, course or program of study is taking place, and
  - (b) where the desks, tables and chairs are arranged in a manner
    - (i) to prevent persons who are seated from facing each other, and
    - (ii) to allow the greatest possible distance between seated persons.

**General**

16. This Order remains in effect until rescinded by the Chief Medical Officer of Health.

Signed on this 29 day of August, 2020.

  
Deena Hinshaw, MD  
Chief Medical Officer of Health