

**GILPIN COUNTY PUBLIC HEALTH ORDER REQUIRING MASKS IN ALL GILPIN COUNTY RE-1 SCHOOL BUILDINGS IN GILPIN COUNTY, COLORADO**

1. **Purpose and Area Subject to Order.** This Public Health Order ("PHO" or "Order") No. 21-04 requires masks and other face coverings (collectively "masks") be worn by persons inside Gilpin County RE-1 School District buildings, buses, or other enclosed school spaces in order to protect the health, safety, and welfare of Gilpin County school children, teachers and others from the deadly COVID-19 virus and its more highly contagious variants. This Order applies in Gilpin County pursuant to C.R.S. § 25-1-510.
  
2. **Mask Requirements.** This Order requires masks be worn by everyone age 3 or older entering or in Gilpin County RE-1 School District buildings, buses, or other enclosed school spaces. This includes without limitation all students, teachers, faculty, staff, parents, visitors, and guests. This order applies to all such persons regardless of vaccination status. Masks provide an important protection against COVID-19 infection especially given the continued prevalence of the COVID-19 virus and the increasing and more virulent variants. Masks as used in this Order, means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A mask may be factory-made or may be handmade and improvised by using ordinary household materials. The mask should fit snugly but comfortably against the side of the face; allow for breathing without restriction; and either be constructed of disposable mask materials or include multiple layers of fabric that can be laundered and machine dried without damage or change to shape. Masks must cover the nose and mouth at all times and should remain in place until taken off safely. If a mask moves during regular activity exposing the nose or mouth, it must be replaced with one that does not need to be frequently adjusted in order to reduce touching of the face. A mask should be replaced when it becomes dirty, wet, and/or difficult to breathe through. Note that any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is not a sufficient mask under this Order and is not to be used to comply with this Order's requirements. Valves of that type permit droplet release from the mask and can put others nearby at risk. A video showing how to make adequate masks and additional information about how to wear and clean mask may be found on the CDC's and CDPHE's respective websites at:  
<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-facecoverings.html>  
<https://covid19.colorado.gov/mask-guidance>.
  
3. **Refusal of Entry and Service.** Except for the limited exemptions and exceptions provided in the Order, no one will be permitted entry or service in Gilpin County RE-1 School District buildings, buses, or other school enclosed spaces unless the individual is wearing a mask as required by this Order.
  
4. **Exemptions.** The following individuals are exempt from the mask requirements of this Order:
  - 4.1. Individuals under age 3;
  - 4.2. Individuals who cannot medically tolerate a mask and who have submitted to the School or Childcare Setting a statement provided on an appropriate health care professional's letterhead including the following:

- 4.2.1. Clinicians printed name, license number, address, phone number;
      - 4.2.2. Signature of the medical provider
      - 4.2.3. Identification of the medical condition preventing the individual from wearing a mask and any recommended alternative to the mask.
    - 4.3. Individuals who require special educational service needs that cannot be conducted while wearing a mask.
5. **Exceptions.** Individuals performing any of the following activities are exempt from the mask requirements of this Order while the activity is being performed:
  - 5.1. Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication.
  - 5.2. Individuals seated during meal and snack time and who are actively eating or drinking. However, it is strongly recommended that individuals be seated at least three (3) feet apart during meal and snack time or these activities must occur outdoors.
  - 5.3. Individuals who are asked to temporarily remove their mask for identification purposes in furtherance of a particular service requiring legal identification.
  - 5.4. Individuals who are actively engaged in a public safety role, such as law enforcement personnel, firefighters, or emergency medical personnel.
  - 5.5. Individuals who are receiving a medical service where the temporary removal of a mask is necessary to perform the service.
  - 5.6. Individuals who are in a swimming pool and actively engaged in a pool activity in which their mask might become wet.
  - 5.7. When a student in a school indoor setting for academic credit is actively playing an instrument that cannot otherwise be played while wearing a mask and such student is at least three (3) feet from all other individuals in the room.
  - 5.8. Individuals who are actively napping or resting pursuant to state licensing requirements.
  - 5.9. Individuals who are alone in an enclosed room.
  - 5.10. Individuals who are officiating or participating in a religious service or practice where the temporary removal of a mask is necessary to complete or participate in the religious service or practice.
6. **Supervision.** Teachers, staff, caregivers, and parents should supervise the use of masks by children to avoid misuse. Additionally, nothing in this Order advises or requires that children under the age of three (3) years wear a mask.
7. **Americans with Disabilities Act.** The requirements of this Order shall be applied in a manner consistent with the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), Title VII of the Americans with Disabilities Act (42 U.S.C. § 2000e et seq.), the Colorado Anti-Discrimination Act (C.R.S. §24-34-401 et seq.), and any other relevant federal or State law.

8. **Signage Requirements.** All facilities covered by this Order shall post on all entrances a sign which states that, pursuant to this Gilpin County Public Health Order N. 21-04, no individual may enter the facility without wearing a mask unless a specific exception applies. The Gilpin County Public Health Agency shall provide a PDF copy of the sign to print out and post on their entrances.
  
9. **Increased Hygiene, Individual Health Assessments and Additional Mitigation Measures Strongly Encouraged.** The following actions are strongly recommended in protecting the public health and welfare of Gilpin County RE-1 School District school children, staff and others as well and Gilpin County and the public generally.
  - 9.1. Get fully vaccinated;
  - 9.2. Regular COVID-19 testing for those unvaccinated;
  - 9.3. Symptom screening;
  - 9.4. Increased hygiene measures like hand washing, use of disinfectants, and cleaning help reduce the spread of the virus;
  - 9.5. Everyone, both vaccinated and unvaccinated, should be assessing their health regularly for symptoms of illness. If you have symptoms, you should consult with a doctor to confirm if you are sick so that you can receive appropriate guidance and care and determine if you should be tested for COVID or quarantined.
  - 9.6. All individuals aged two (2) and older who have not been vaccinated are strongly encouraged to practice social distancing of six (6) feet from non-household members.
  - 9.7. If individuals are unmasked indoors while engaging in activities such as eating, drinking, napping, or playing instruments, it is strongly recommended that they be spaced at least six (6) feet apart.
  - 9.8. To the extent reasonably possible and weather permitting, activities should be conducted in outdoor settings.

Helpful information on the above-described mitigation measures and others can be found at:  
<https://www.cde.state.co.us/schoolguidance21-22/bestpractices>.

10. **Reasons for this Order and Discussion on Vaccinations.** The public health measures in this Order are meant to protect the health, safety and welfare of Gilpin County citizens, visitors and businesses as well as those communities beyond our County borders that may be impacted directly or indirectly by those infected in Gilpin County. Gilpin County is not at this time requiring mandatory vaccinations of Gilpin County RE-1 School District students, teachers or others subject to this Order. Gilpin County does, however, strongly encourage everyone to get fully vaccinated and do so as quickly as possible. COVID-19 has entered a fourth phase of the pandemic caused by the still considerable unvaccinated population. The seriousness of this fourth phase presents an even greater public health threat due to the increase in COVID-19 variants like the Delta variant, which is presently the most prevalent and contagious strain of the virus. Vaccination is our best defense against all strains of the virus. The more people who remain unvaccinated, the more opportunities the COVID-19 virus and its variants have to infect anyone and then further mutate to become even more contagious and deadly.

- 11. Effective Date and Time Limitations.** This Order is effective commencing at 4 p.m. MDT, September 14, 2021, and will remain in effect until 11:59 p.m. MDT on the last student school day for Gilpin County RE-1 School District in 2021 or 11:59 p.m. MDT on December 16, 2021, whichever is later, unless extended by subsequent order of the Gilpin County Board of Health.
- 12. Legal Authority.** This Order is adopted pursuant to the legal authority set forth C.R.S. § 25-1-506 as well as all other applicable laws, rules, regulations, orders and declarations. Under this authority, the Board has 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; to exercise physical control over the property and over persons of people within the territorial limits of Gilpin County; to close public places and to prohibit gatherings of people to protect public health; all as the Gilpin County Board of Health may find necessary for the protection of the public health. Issuance of this Order is deemed reasonable and necessary under the existing circumstances and necessary for the preservation of the public health, safety and welfare of Gilpin County, its citizens and the general public.
- 13. Most Restrictive Standards Control.** To the extent any State of Colorado and/or federal orders or laws are more restrictive than what is set forth herein, such orders and laws control. Individuals should be aware that new orders from Governor Polis and the Colorado Department of Public Health and Environment (“CDPHE”) have been and may continue to be issued on matters related to the COVID-19 pandemic. All members of the public are responsible for following the Governor’s and CDPHE’s orders and local orders including this Order. Additionally, Gilpin County Board of Health may legally require and implement more restrictive standards, requirements, and orders for Gilpin County than what the State of Colorado or the Federal government may require. To the extent this Order is more restrictive than orders from the State of Colorado or federal government, this Order controls.
- 14. Legal Recourse.** Any violation of this Order by Gilpin County RE-1 School District may be subject the School District to a civil action, including but not limited to injunctive relief pursuant to C.R.S. § 25-1-514 and reimbursement of expenses pursuant to C.R.S. §25-1-516(3), reporting to the appropriate licensing agency for suspension or revocation of its license, or an immediate closure order issued by the Gilpin County Board of Health.
- 15. Penalties.** Failure to comply with this Order is subject to penalties pursuant to C.R.S. § 25-1-516 and C.R.S. § 18-1.3-501 including a fine of up to five hundred dollars (\$500).
- 16. Provisions Severable.** If any provision of this Order, or its application to any person or circumstance, is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

CHAIR, GILPIN COUNTY BOARD OF HEALTH

GILPIN COUNTY, COLORADO

Linda Isenhart

Signature: Linda Isenhart, Chair

09/14/2021

Date

ATTEST:

Sharon Cate

Deputy Clerk, Sharon Cate