

## OCDSB STUDENT USE OF MASK GUIDELINES

The OCDSB is committed to providing learning environments, services and workplaces that are welcoming, respectful, safe, inclusive, equitable, accessible and free from discrimination and harassment. These guidelines will be applied in a manner that is consistent with this commitment and the OCDSB's legal duty to accommodate, short of undue hardship, and to proactively prevent, identify and address potential discrimination and harassment under the Ontario [Human Rights Code](#) and the [Occupational Health and Safety Act](#).

### Objective:

To set out guidelines with respect to the use of masks by students in OCDSB schools and during school activities (exceptions for eating, some outdoor activities, etc.) as a COVID 19 mitigation strategy, and to set out a process for seeking accommodations to the mandatory mask requirement where a student cannot comply with this requirement because of a disability or another ground<sup>1</sup> protected by the Ontario *Human Rights Code*.

### Expectation:

[On January 12, 2021, the Ministry of Education announced](#) that masking will now be compulsory for all students in Grades 1-3.

This masking requirement is in addition to the existing requirement for students in Grades 4-12.

Students, except those in Kindergarten, are required to wear non-medical or cloth masks indoors in school, including in hallways and during classes and during outdoor activities where physical distancing is not possible.

Students in Kindergarten will continue to be encouraged but will not be required to wear masks.

Students are encouraged to practice wearing masks and learn what type of mask is most comfortable for them. Students may wear their own non-medical masks, and non-medical masks will also be made available for students.

### Definitions:

In this Guideline:

**Mask** means a cloth (non-medical) mask, disposable (non-medical) mask or medical mask, that securely covers the nose, mouth and chin, and is in contact with the surrounding face without gapping, and filters respiratory droplets.

OPH recommends wearing a 3 layer mask (if available/possible):

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<sup>1</sup> Grounds protected from discrimination under the Ontario *Human Rights Code* include: citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression.

- 2 layers of tightly woven material fabric, such as cotton or linen, on the inside and outside with a filter-type fabric, such as non-woven polypropylene fabric, for the middle layer.

Current direction from Ottawa Public Health (OPH) on masks can be found on their [webpage](https://www.ottawapublichealth.ca/en/public-health-topics/masks.aspx): <https://www.ottawapublichealth.ca/en/public-health-topics/masks.aspx>

### **Context/Background:**

Based on the Ministry of Education [guidelines](#), in August 2020, and the [updated direction in January 2021](#) non-medical masks are mandatory for all students, except for those in kindergarten. All students, except for those in kindergarten, must wear masks while indoors in schools, including classrooms and hallways and outdoors during activities where physical distance cannot be maintained. Students in kindergarten are strongly encouraged to wear masks.

In accordance with the Ontario *Human Rights Code*, students who cannot comply with this requirement because of a disability or for another Code-based ground, may request an accommodation, which may include exemption from wearing a mask for some or all of the day.

The principal will work collaboratively with the student/family to explore accommodation options that meet the student's needs and maximize dignity, integration and independence, and that address health and safety risks during the Covid-19 pandemic. The principal will also consult with their superintendent, who may consult with the OCDSB's Legal Counsel, Human Rights and Equity Advisor and other areas (e.g., Indigenous Education, Human Resources, etc.) and Ottawa Public Health, as appropriate.

### **Responsibilities:**

**Students** are responsible for wearing a mask properly. All students, except students in kindergarten, are required to wear a mask while indoors at school and during outdoor activities where physical distancing cannot be maintained, unless an accommodation has been approved.

Students in kindergarten are strongly encouraged to wear masks.

**Parents/guardians** are responsible for ensuring their child has at least one mask at school and should instruct them on proper wearing of the mask. Parents/guardians and adult students are also responsible for ensuring that the mask is cleaned regularly and properly maintained. Parents/guardians or adult students are responsible for seeking an accommodation to the masking requirements from the principal where a mask cannot be tolerated due to a disability or other ground protected by the Ontario *Human Rights Code*.

**Principals or their designate** are responsible for supporting and leading staff in taking a positive approach to encouraging and supporting compliance with mask wearing amongst students and that promotes student wellbeing.

Principals will support staff in instructing, coaching and guiding their students to meet this requirement with care, patience and compassion. For students in grades 1-3, principals will work with staff to ensure that their support of students is responsive to their students' age and stage.

Punitive approaches should be a last resort and only taken in consultation with the Superintendent.

Principals are also responsible for receiving requests for accommodations and for verifying information in requests for accommodations. This can include consultation with the parent/guardian or adult student, the Superintendent of Instruction, Legal Services and the Human Rights and Equity Advisor. Principals may request additional information to justify granting of an accommodation. Principals or their designate are also responsible for taking the appropriate action where a student refuses to wear a mask and where an accommodation has not been approved. If the principal becomes aware of the need or interest in accommodation, the principal will engage with the parent/guardian or adult student to facilitate an accommodation request.

**Schools** are responsible for providing masks to students who have not brought a mask from home. Masks provided by schools are disposable and students will dispose of any used disposable masks at the end of the day.

**School staff** must support students in wearing their mask the proper way in order to enhance the safety of those around them.

Staff will take a positive approach to instructing, coaching, guiding and supporting compliance with mask wearing amongst students and will demonstrate care, patience, understanding and compassion toward students who experience challenges or difficulties.

For students in grades 1-3, staff will ensure that support of students is responsive to their students' age and stage.

If aware of an accommodation need, staff will bring this to the attention of the principal. Staff must also model appropriate mask wearing, demonstrate good mask hygiene and practices, such as ensuring the mask is properly worn, is kept clean, that they do not touch the mask or their face, etc.

### **Accommodations:**

No one should experience bullying, harassment or other discriminatory treatment because they are unable to wear a mask. The school and its staff are obligated to take steps to prevent and immediately address any instances of bullying, harassment or acts of discrimination.

Accommodations for mask wearing may be necessary to support some students under the Ontario *Human Rights Code*, for disability-related reasons or other Code grounds. Accommodations may include an exemption from wearing a mask for some or all of the time.

Disability-related reasons include medical reasons, including sensory or breathing difficulties, and other visible and invisible disabilities; developmental reasons, including cognitive conditions and other special education needs; and mental health.

Students who are not able to put on or remove their own mask without assistance or who cannot tolerate the wearing of a mask due to a disability or other reason based on the Ontario *Human Rights Code* can seek accommodations from the school principal in accordance with these Guidelines.

### **Process to Request an Accommodation:**

A parent/guardian, or adult student<sup>2</sup> may request an accommodation to the requirement for a student to wear a mask using the OCDSB [Request for Accommodation Related to Student Use of Masks form](#). If the parent/guardian or adult student does not have a copy of the form, the principal will provide it to them. This request for accommodation must be connected to a ground<sup>3</sup> protected within the Ontario *Human Rights Code* such as disability. The principal will consider the request in consultation with the parent/guardian or adult student, using the accommodation process outlined below.

**Criteria:** When reviewing requests for accommodation, the principal must be satisfied that the following criteria are met:

- a *Code* protected ground exists, such as a disability;
- the student is unable to wear a mask for some or all of the time while indoors (and outdoors where required) at school or is unable to put on or remove their own mask without assistance; and
- restrictions and limitations are due to the *Code* protected ground.

**Acceptable evidence:** The accommodation request must be justified by supporting documentation. Supporting documentation may include information that already exists in the student's Ontario Student Record (OSR) or Individual Education Plan (IEP).<sup>4</sup> Alternatively, it may be supported by a note from a medical or health practitioner that confirms:

- the student has a disability or medical condition; and
- the disability or medical condition interferes with the student's ability to wear a mask such that an accommodation is required for some or all of the time; and
- suggests the types of accommodation that may be needed.

**Type of accommodation:** Where the principal is satisfied that these criteria are met, there is a duty to provide reasonable accommodation to the student to the point of undue hardship. Reasonable accommodation may include, but is not limited to:

- planned breaks from wearing the mask separate from the classroom;
- exemption from wearing a mask for specific periods of time, such as during classroom activities where physical distancing can be more easily maintained;
- exemption from wearing a mask except during periods of time where physical distancing is difficult, such as in hallways;
- exemption from wearing a mask when particular medical symptoms are acute;
- complete exemption from wearing a mask.

Where there are challenges or difficulties with respect to student age and/or stage, staff will work with students to increase their ability to tolerate the wearing of a mask.

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<sup>2</sup>In this form, "adult student" includes students who are 16 or 17 and who have removed themselves from parental control.

<sup>3</sup> Age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status, gender identity, gender expression, sex (including pregnancy and breastfeeding), sexual orientation.

<sup>4</sup> Please note, in some cases, such as students in specialized programs with well-known developmental or sensory disabilities, the school has sufficient evidence to support the exemption.

If a student is granted a partial or complete exemption from wearing a mask, the principal may, at their discretion and where practicable, mandate the following to reduce health and safety concerns:

- the use of desk shields;
- modification of seating plans to maximize physical distancing;
- the use of face shields.

The student may also be offered the option of selecting the Ottawa-Carleton Virtual school as the option for learning, if space permits and it is practicable.

The *Human Rights Code* requires a case by case assessment of every request for accommodation. It is important that all requests are treated in a respectful manner and efforts are made to reduce stigma wherever possible. Each request will involve negotiation with the parent/guardian or adult student to determine the appropriate accommodation.

The principal will assess the accommodation request, in consultation with the parent/guardian or adult student, as soon as possible. Once a decision is made, the principal will inform the parent/guardian or adult student as soon as possible and provide them with a copy of the completed form.

Where the parent/guardian or adult student disagrees with the decision of the principal with respect to the request for accommodation, the matter should be forwarded to the Superintendent of Instruction in accordance with [PR.670.GOV \(Complaints Resolution Procedure\)](#).

#### **Non-compliance with mask wearing requirement:**

Students who refuse to wear a mask where no approved accommodation is in place and continue to refuse to put on a mask despite being requested to do so by staff will not be permitted to join or remain in their classroom or participate in outdoor activities where physical distancing cannot be maintained.

When a student is not complying with the mask wearing requirement:

1. Staff will make requests to the student to put on a mask and inquire as to how they can support the student to comply with mask wearing. Staff should also inquire to learn if there is anything preventing the student from wearing a mask, to try to determine where there is an unidentified disability or other reason. The staff should work with the student to help address these challenges. If this means assistance in submitting an accommodation request, this assistance should be provided.
2. Students who continue to refuse to wear a mask should be isolated and parents/guardians should be contacted to either assist in helping the student fulfill the masking requirement, or to take the student home until they are able to comply with the requirement.

Approaches to address non-compliance may include a range of developmentally appropriate strategies, supports and possible consequences. The response should include learning opportunities for students in order to reinforce positive behaviours and help students make good choices.

Continued or repeated incidents of refusal by students to wear a mask will be addressed by the principal and may result in the use of progressive discipline or exclusion from the classroom or from the school. Programming may be offered through the Ottawa-Carleton Virtual school.

Unless a student requires and is open to assistance, under no circumstances should any staff member physically place a mask on a student to enforce compliance.