

LEGAL SERVICES ADVISORY

The K-12 Universal School Mask Mandate and Vaccinate or Test Requirement for Staff Remain in Effect

EXECUTIVE ORDERS

Executive Orders 251, mandating masks in K-12 schools, and *253*, setting forth the vaccinate or test requirement for school staff, did not expire on January 11, 2022. They will remain in effect for the foreseeable future.

Chapter 103, signed into law in June of 2021, ended the public health emergency declared in March of 2020, but did not end the state of emergency. On January 11, 2022, emergency orders that were issued pursuant to the public health emergency were set to expire unless they were extended by the Legislature. The Legislature met on January 10 to consider a bill to temporarily extend these orders, but it did not pass.

On January 11, 2022, Governor Murphy issued *Executive Order 280*, declaring a new public health emergency due to the Omicron variant, which has resulted in record numbers of COVID-19 positive cases in the state. Chapter 103, while ending the public health emergency declared in March of 2020, was clear that it did not diminish the governor's ability to declare new public health emergencies and did not end the state of emergency that has been ongoing since March of 2020.

Executive Order 281, also issued on January 11, continues Executive Orders 251 and 253 in full force and effect. No changes have been made to those orders. Additionally, Executive Order 281 extends certain agency directives, including the Department of Education's temporary rule modification of N.J.A.C. 6A:14, allowing services to be provided to students with disabilities virtually.

NJDOH Changes Quarantine and Isolation Guidelines to 5 Days

On January 10, 2022, the NJ Department of Health updated its *quarantine and isolation guidelines* for non-healthcare settings, including schools. On January 12, and again on January 19, the DOH also updated its *Recommendations for Local Health Departments for K-12 Schools*. This guidance is consistent with the CDC's January 4, 2022 guidance on isolation and quarantine timeframes for non-healthcare settings, including in schools.

Isolation Guidelines – Applies to infected individuals and those with COVID-compatible symptoms

Individuals who are symptomatic and test positive, weren't tested and do not have an alternative diagnosis, or are awaiting results	Should isolate for 5 full days from start of symptoms. If they are fever free for 24 hours and other symptoms improve, isolation can end on day 6 and follow the protocols for days 6-10. If symptoms persist, continue to isolate until fever free for 24 hours and symptoms improve.
Individuals who are asymptomatic and test positive	Should isolate for 5 full days from the day the test was performed. If no symptoms develop, isolation can end on day 6 and follow the protocols for days 6-10. If symptoms develop, restart a 5-day isolation period – the first day of symptoms is day 0.
Days 6-10	Wear a mask around others at home and in public, including outdoors, avoid travel, and avoid high risk activities, such as visiting high risk individuals, going to places where you will not be wearing, a mask (restaurants, some gyms), and avoid eating around others. Limit participation in extracurricular activities to those activities where masks can be worn consistently and correctly.

Quarantine Guidelines – Applies to close contacts of a confirmed or suspected case

Close contacts are individuals who are less than 6 feet away from the COVID positive individual for a cumulative total of 15 minutes or more during a 24-hour period during the positive individual’s isolation period (days 1-5). Individuals are not considered exposed if they have contact with someone during the additional precaution period (days 6-10).

Fully vaccinated adults who have received their recommended booster, fully vaccinated children ages 12-17 who have received their recommended booster,* children ages 5-11 who are fully vaccinated, and persons who have confirmed COVID within the last 90 days	Do not have to quarantine but should get tested at least 5 days after last contact (unless recovered from COVID in the last 90 days) and wear a well-fitting mask around other people for 10 days. If symptoms develop or test is positive, follow isolation guidelines.
Unvaccinated individuals, partially vaccinated adults and children, children ages 12-17 who are vaccinated but have not received their recommended booster,* or vaccinated adults who have not received their recommended booster	Quarantine for 5 days (the date of contact is day 0). If symptoms develop, follow isolation guidelines. If asymptomatic, get tested at least 5 days after exposure. If that test is positive, follow isolation guidelines. If negative, end quarantine on day 6. If testing not available, end quarantine on day 6 if still asymptomatic.
Days 6-10	Monitor for symptoms – if symptoms develop, get tested and follow isolation guidelines. Wear a mask around others at home and in public, including outdoors at school, avoid unnecessary travel, and avoid high risk activities, such as visiting high risk individuals, going to places where you will not be wearing a mask (restaurants, some gyms), and avoid eating around others. Limit participation in extracurricular activities to those activities where masks can be worn consistently and correctly.

* Districts may wait until February 1, 2022, to implement these quarantine procedures for children ages 12-17 who have not yet received their recommended booster, in order to allow time for them to receive that booster.

Exception 1: During periods of low community transmission (green), ill individuals with COVID-19 compatible symptoms who are not tested and do not have a known COVID-19 exposure may follow [NJDOH School Exclusion List](#) to determine when they may return to school.

Exception 2: Schools who are using a “*Test to Stay*” protocol may allow asymptomatic close contacts to return to in-person academic activities immediately so long as the contacts follow the protocol.

Exception 3: Household contacts who can’t isolate away from a household member with COVID-19 should start their quarantine period on the day after the household member would have completed their 10- day isolation period, UNLESS the household member is able to consistently wear a well fitted mask in the household through day 10, in which case the quarantine period would start on the day after the household member completes their 5-day isolation period.

Individuals not included in shorter isolation and quarantine timeframes

Children under 2 or other individuals who are unable to wear a mask	Isolate or quarantine for 10 days
Individuals with moderate symptoms (those with evidence of lower respiratory disease and have a lower oxygen saturation)	Isolate for 10 days
Individuals severely ill with COVID-19 and individuals with compromised immune systems	Recommended isolation timeframe is 10-20 days. Consult with your health care provider.
Schools serving medically complex or other high-risk individuals	Isolate or quarantine for 10 days

When the COVID-19 *risk level of community transmission* is Very High (Red), the DOH recommends that schools:

- Limit participation in extracurricular activities to those students and staff who are up to date with COVID-19 vaccination per [Advisory Committee on Immunization Practices \(ACIP\) recommendations](#). Students and staff who have received one COVID-19 vaccine dose can continue to participate in extracurricular activities until such time as subsequent doses are recommended by ACIP.
- Conduct COVID-19 screening testing of students and staff, regardless of vaccination status, twice weekly for participation in all extracurricular activities.