

August 19, 2021

**RE: Executive Order No. 251 – School Mask Mandate**

To Whom It May Concern:

On August 6, 2021, Governor Phil Murphy issued Executive Order No. 251 (“EO 251”, which mandates the use of face masks by everyone in the indoor portion of school district facilities, including but not limited to staff, students and visitors, beginning August 9, 2021 and continuing for so long as EO 251 remains in effect. The mandatory mask requirements are subject to the following limited exceptions:

1. When doing so would inhibit the individual’s health, such as when the individual is exposed to extreme heat indoors;
2. When the individual has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove a face mask without assistance;
3. When a student’s documented medical condition or disability, as reflected in an Individualized Education Program (IEP) or Educational Plan pursuant to Section 504 of the Rehabilitation Act of 1973, precludes use of a face mask;
4. When the individual is under two (2) years of age;
5. When the individual is engaged in activity that cannot physically be performed while wearing a mask, such as eating or drinking, or playing a musical instrument that would be obstructed by a face mask;
6. When the individual is engaged in high-intensity aerobic or anaerobic activity;
7. When a student is participating in high-intensity physical activities during a physical education class in a well-ventilated location and able to maintain a physical distance of six feet from all other individuals; or
8. When wearing a face mask creates an unsafe condition in which to operate equipment or execute a task.

Anyone who is found to be in violation of EO 251 or who is deemed to have aided or abetted a violation of EO 251 would be guilty of a disorderly persons offense and may be issued a fine of up to \$1,000.00 and subject to imprisonment for a period of up to six (6) months pursuant to N.J.S.A. App. A:9-49 and -50.

EO 251 remains in effect as of the date of this letter.

Sincerely,

**THE BUSCH LAW GROUP LLC**

*Douglas M. Silvestro*

Douglas M. Silvestro, Esq.

Partner