



DIOCESAN EDUCATION OFFICE

3700 SHERIDAN BLVD STE 4

LINCOLN NE 68506-6100

402-473-0610

Fax 402-488-6525

August 25, 2021

Dear Lancaster County Catholic School Administrators,

As you are aware, on August 24, 2021, Lincoln Lancaster County Health Department (LLCHD) Director Patricia Lopez signed Directed Health Measure (DHM) 2021-23 implementing COVID-19 restrictions in Lancaster County. According to Director Lopez, this DHM is warranted as a result of increased hospitalizations related to COVID-19 and because of reduced hospital capacity. The following Q&A guidance was prepared in conjunction with legal counsel and is intended to address questions regarding how this DHM affects our Catholic schools within Lancaster County.

1. What is the effect of DHM 2021-23 on Catholic schools in Lancaster County?

The DHM requires all individuals two (2) years of age and older, regardless of vaccination status, to wear a mask over their mouth and nose while indoors in a building, business, or premises, other than a residence. This requirement applies to all students, staff, volunteers and visitors of Catholic schools.

The DHM places the obligation on “any individual or entity which owns or operates any building, business, or premises” to require all individuals to wear a mask. In other words, schools are responsible for ensuring individuals inside the school are complying with the mask requirement in the DHM.

2. When does DHM 2021-23 go into effect and when does it terminate?

It goes into effect on August 26, 2021 at 12:01 a.m., meaning all schools must be compliant with the DHM starting Thursday, August 26, 2021. The DHM terminates on October 1, 2021, although it could be extended.

3. What exceptions to the mask requirement are provided in DHM 2021-23?

The DHM provides that masks are not required inside if the individual:

- Is under two (2) years of age;

- Is able to maintain at least six (6) feet of separation from any other individual at all times, or is not in the same room or workspace, of any other individual;
- Is seated to eat or drink, or while immediately consuming food or beverages;
- Is engaged in exercise and is not at rest;
- Is engaged in an occupation preventing the wearing of a face covering;
- Is obtaining a service, purchasing goods or services, or is engaged in an activity that requires the temporary removal of the face covering during the service, purchase, or activity;
- Is giving a speech, lecture, or broadcast to an audience so long as six (6) feet of distancing from other individuals is maintained and only while said speech, lecture, or broadcast is being delivered; or
- Cannot otherwise wear a face covering because of a medical condition, a mental health condition or a disability that prevents the wearing of a face covering,

4. How do schools comply with the exception from mask wearing for a medical condition, mental health condition, or disability?

Schools should require a note from a health care provider stating that the student or staff member cannot wear a mask indoors at school because she/he has a specified medical condition, mental health condition, or disability. Upon receipt of such a note, it must be held confidentially in the student or staff member's file.

5. Are masks required while attending daily Mass?

Pertaining to Mass, the Chancery has issued guidance to the parishes located within Lancaster County. In short, yes, masks are required at Mass if six feet of separation cannot be maintained among all those in attendance.

6. Are masks required when attending indoor after-school activities such as concerts, scouting events and sporting events?

The DHM applies to all indoor activities. And yes, masks are required whenever six feet of separation cannot be maintained. Athletes are exempted during indoor practice or competition, at such time when they are actively engaged in practice or competition.

7. Are students whose parents signed the Parental Statement of Sincerely Held Personal Beliefs and Waiver of Liability exempted from the mask requirement in DHM 2021-23?

No. The prior August 5, 2021 letter from the LLCHD to me was not a legally enforceable order, which allowed Catholic schools to provide the flexibility of the parental statement and waiver. The DHM is a legally enforceable order and does not grant an exception for those with sincerely held personal beliefs against masking.

8. What are the consequences of failing to comply with DHM 2021-23?

The DHM states that if there is noncompliance with the DHM, staff from the LLCHD will aid the Health Director in inspection and enforcement. If compliance with the DHM is not achieved after LLCHD inspection, law enforcement will aid in enforcing the DHM. If an individual that owns or operates any building, business or premises (including a school) fails to comply with the DHM,

he/she could be subject to a fine of \$500 or imprisonment for a period not to exceed six (6) months, or both.

More to the point, LMC § 8.18.140 grants the Health Director the authority to close a school for the purpose of controlling the spread of disease or for any activity related to controlling the spread of disease.

Please contact me with any other questions regarding this latest DHM and how it affects our schools. I am in gratitude for your service to our Catholic schools and support of the mission to educate and form students in the Faith received from our Lord Jesus Christ. Again, let us stay intently focused on that mission. Every day, make it your effort to bring to our students the beautiful love and joy of our Risen Lord, despite the distractions caused by COVID-19. May God bless us and keep us safe.

Sincerely Yours in Christ,

(Deacon) Dr. Matthew Hecker

Chief Administrative Officer of Catholic Schools