



Old Dominion Association of Church Schools

IMPORTANT UPDATE – UPDATED EXECUTIVE ORDERS FOR COVID-19 REOPENING, PHASE III

November 13, 2020

Dear ODACS Friends,

Today, November 13, 2020, Governor Northam amended Executive Order 63, the face covering mandate, and Executive Order 67, the Phase III restrictions, related to the ongoing COVID-19 emergency. The amendments to both executive orders take effect after midnight on Sunday, and therefore are effective beginning Monday, November 16. Following is a summary of how the amendments apply to our churches and Christian schools.

1. **Religious services of more than 25 people are still permitted. However, they are subject to strict guidelines.** Among these requirements are six-foot social distancing, marking of seating and common areas, and wearing of face coverings.
2. **The presence of more than 25 persons in an educational setting is still permitted.** The limit of 25 people applies to a “gathering,” and the term “gathering” is expressly defined to *not include* religious services and schools.
3. **The face covering mandate will be more strictly enforced and will now apply to all individuals age 5 and older.** This mandate applies to all out-of-home areas, including schools.
4. **The face covering mandate is in effect until Friday, March 12, 2021.**
5. **An individual who is playing a wind musical instrument may remove the face covering so long as he/she maintains 10 feet of physical distancing.** This requirement applies to both indoor and outdoor settings.
6. **Athletic contests are limited to no more than 25 spectators.** This limit applies to both indoor and outdoor contests.
7. **The Virginia Department of Health has been granted greater enforcement authority over essential retail businesses.** This change may create some initial confusion. Violations of Section B, the section applying to churches and schools, are still punishable as a Class 1 misdemeanor, though no mention is made of the health department’s having enforcement authority. VDH is expressly given stronger enforcement authority over essential retail businesses, Section C, as is each state agency that has regulatory authority over that business. Section B and Section C penalties are pursuant to different sections of Virginia Code. ***For Section B, the penalty is pursuant to §44-146.17 of the Code of Virginia, which gives the governor his emergency powers.*** That section makes no mention of specific misdemeanors, which means that the governor is claiming the authority to issue such penalties. If any individual or ministry is cited for a misdemeanor related to Executive Order 67 as amended, we encourage you to contact both the ODACS office and an attorney for assistance. ***For Section C, the penalty is pursuant to §32-1.27 of the Code of Virginia, which expressly sets forth a Class 1 misdemeanor for a violation.***

Link to Amended Executive Order 63, November 13, 2020

<https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-63-AMENDED-and-Order-Of-Public-Health-Emergency-Five---Requirement-To-Wear-Face-Covering-While-Inside-Buildings.pdf>

Link to Amended Executive Order 67, November 13, 2020

[https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-67-SIXTH-AMENDED-and-Order-of-Public-Health-Emergency-Seven---Phase-Three-Further-Adjusting-of-Certain-Temporary-Restrictions-Due-to-Novel-Coronavirus-\(COVID-19\).pdf](https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-67-SIXTH-AMENDED-and-Order-of-Public-Health-Emergency-Seven---Phase-Three-Further-Adjusting-of-Certain-Temporary-Restrictions-Due-to-Novel-Coronavirus-(COVID-19).pdf)

Link to the November 13 News Release

<https://www.governor.virginia.gov/newsroom/all-releases/2020/november/headline-861342-en.html>

Link to the Governor's News Release Video

<https://www.youtube.com/watch?v=Rfvqn7Yk-To&feature=youtu.be>

Please do not hesitate to contact the ODACS office if you have any questions.

Sincerely,

Dan Zacharias
Executive Director