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August 14, 2020

Re: **ADVISORY FOR THE OPERATION OF SCHOOLS**

To Whom It May Concern:

On August 3, 2020, the California Department of Public Health (CDPH) issued COVID-19 Industry Guidance for Schools and School-Based Programs in an effort to help school and community leaders plan and prepare to resume in-person instruction.¹ Please note that CDPH has specifically indicated that the COVID-19 Industry Guidance for Schools and School-Based Programs Industry Guidance is a public health directive which **applies to all public and private schools operating in California.**² By law, State Public Health directives **must be obeyed** by **all** California residents.³ **Furthermore, please be advised that under current State law, schools in the County of Riverside, both public and private, are not permitted to open for in-person instruction. Additionally, applications for a waiver to permit in-person instruction are not yet being accepted with the County of Riverside.**

CDPH's July 17, 2020 Framework for K-12 Schools in California outlines standards for when schools should open and close for in-person instruction.⁴ Within those standards, local Public Health and school officials should collaborate to make decisions tailored to the circumstances and needs of the community. As the State has directed, if the local health jurisdiction has been on the CDPH County Monitoring List within the prior 14 days, **the school must conduct distance learning only**, until their local health jurisdiction has been off the Monitoring List for at least 14 days. Under this analysis, school districts within cities are considered to be part of the County if the County is on the Monitoring List. Teachers, support staff, and administrators are able to return to work physically without students on site while a County is on the Monitoring List provided that adults on site engage in physical distancing and wear face coverings. School administrators should also consider precautions outlined in the COVID-19 Industry Guidance for Office Workspaces.⁵

¹ COVID-19 Industry Guidance: Schools and School-Based Programs:

<https://files.covid19.ca.gov/pdf/guidance-schools--en.pdf>

² California Department of Public Health Schools Guidance FAQs:

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Schools-FAQ.aspx#>

³ Executive Order N-60-20: <https://www.gov.ca.gov/wp-content/uploads/2020/05/5.4.20-EO-N-60-20.pdf>

⁴ CDPH's July 17, 2020 Framework for K-12 Schools in California:

<https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Schools%20Reopening%20Recommendations.pdf>

⁵ COVID-19 Industry Guidance: Office Workspaces: <https://files.covid19.ca.gov/pdf/guidance-office-workspaces.pdf>

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CDPH's Industry Guidance also provides direction on various issues that schools may address as re-opening occurs, including:

Testing and Screening

As explained in the Framework for K-12 Schools in California, school staff, including teachers, paraprofessionals, cafeteria workers, janitors, bus drivers, or any other school employee that may have contact with students or other staff, should be tested for COVID-19. School districts and schools should ensure that staff are tested periodically by their primary care provider or by referring teachers to a community testing site.

CDPH also continues to recommend daily visual wellness and symptoms checks prior to individuals entering campus. In order to facilitate those checks, the California Office of Emergency Services has distributed multiple no-touch thermometers for each school throughout the State to local County Offices of Education. Checks can happen in a variety of ways, including: as individuals enter the building; during class; verbally; or in writing.

Positivity, Notification of Positive Cases, and Quarantine

CDPH has indicated that schools should maintain communication systems that allow staff and families to self-report symptoms and receive prompt notifications of exposures and closures, while maintaining confidentiality.⁶ In addition, local Public Health departments will notify the school administration if a case and contact investigation reveals exposure at the school site.

Masks, Face Coverings and Face Shields

CDPH *recommends* face masks (or face shields for very young children) at age 2 or older. CDPH guidance **requires** all children in 3rd grade or later to wear masks. Similarly, face coverings are required on buses. The State has indicated that schools should review the CDPH Guidance for the Use of Face Coverings, as well as any applicable local health department guidance, and incorporate face covering use for students and workers into their COVID-19 prevention plan.⁷

Schools should also develop protocols to provide a face covering to students who inadvertently fail to bring a face covering to school to prevent unnecessary exclusions. The California Office of Emergency Services has distributed appropriate face coverings to local County Offices of Education. Of note, CDPH has determined that if a student arrives at school without a face

⁶ March 2020 Student Privacy Policy FERPA & Coronavirus Disease 2019 (COVID-19) FAQs: https://studentprivacy.ed.gov/sites/default/files/resource_document/file/FERPA%20and%20Coronavirus%20Frequently%20Asked%20Questions.pdf

⁷ CDPH Guidance for the Use of Face Coverings: https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Guidance-for-Face-Coverings_06-18-2020.pdf

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covering, and refuses to wear one, the student must be excluded from on-campus instruction, unless they are exempt, until they are willing to wear a face covering. Students excluded on this basis should, however, be offered other educational opportunities through distance learning.

People are exempted from the face covering requirement if they are under age 2, have a medical or mental health condition or disability that would impede them from properly wearing or handling a mask, or when it would inhibit communication with a person who is hearing impaired.

Elementary School Waiver Process

Local Health Officers are authorized to grant a waiver for grades K-6 to open for in-person instruction under specified conditions. If a school offers K-8 or K-12 education, only grade levels 6 and below may resume in-person instruction if the waiver is granted. Standalone middle schools with 6-8 education, and all standalone high schools, are not eligible for application. **Both public and private schools** in counties on the County Monitoring List may request a waiver to conduct in-person, elementary school instruction. **It is important to note that the decision to grant or deny a waiver is exclusively the sole joint discretionary determination of the Riverside County Public Health Officer and the California Department of Public Health.**

CDPH has advised that local Health Officers should review local community epidemiological data, consider State law directing public schools to "offer in-person instruction to the greatest extent possible" (Ed. Code § 43504) and other public health interventions, and consult with CDPH when considering a waiver application. CDPH recommends that schools within jurisdictions with 14-day case rates more than two times the threshold to be on the County Monitoring List (>200 cases/100,000 population) should not be considered for a waiver to re-open in-person instruction.⁸ Further information about the threshold criteria will be determined by CDPH and the local Health Officer.

Applications and all supporting documents must be submitted to County's Public Health Officer at least 14 days prior to the desired reopening date. Prior to applying for the waiver, the applicant (or staff) must: (1) consult with labor, parent, and community organizations; and (2) publish elementary school reopening plans on the website of the local educational agency (or equivalent). Elementary school reopening plans must address several topics related to health and safety, including: cleaning and disinfection; small, stable, cohorting; entrance, egress, and movement within the school; face coverings and other essential protective gear; health screenings for students and staff; healthy hygiene practices; identification and tracing of contacts; physical distancing; staff training and family education; testing of students and staff; triggers for switching to distance learning; and communication plans.

⁸ COVID-19 and Reopening of In-Person Learning for Elementary Education Waiver Notice to the California Department of Public Health (CDPH):

https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/CDPH-Waiver-Notice_8.3.2020.pdf

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When available, waiver applications for the County of Riverside will be posted online at rivcoph.org. Please note that the “Waiver Letter Template and Cover Form” posted on CDPH’s website is intended to be a template for local jurisdictions to use, and is not the waiver application that will be accepted in the County of Riverside.

Applicability

The COVID-19 Industry Guidance for Schools and School-Based Programs does contain information related to sports and other extracurricular activities.

Sports: Under current State law and Industry Guidance, tournaments, events, or team competitions are not permitted. Physical education, individual physical conditioning and training, and team physical conditioning and training are permitted where physical distancing can be maintained. Indoor physical conditioning and training is allowed only in counties where gyms and fitness centers are permitted to operate indoors. Further directives applicable to youth sports and physical education in the CDPH Youth Sports Guidance.⁹

Other Extracurricular Activities: The COVID-19 Industry Guidance for Schools and School-Based Programs orders that activities where there is increased likelihood for transmission from contaminated exhaled droplets, such as singing, yelling, chanting, blowing wind instruments, are not permitted at this time.

Please note that while the Industry Guidance applies to grades K-12, childcare is currently covered by separate guidance.¹⁰ Unless there is a local public health order stating otherwise, child care programs can remain open or re-open. For preschool programs that are based on a school campus, if the school campus is closed, then the local school district will decide if the childcare or preschool program can open.

Closure Criteria

Education Code section 43504 specifies that schools should “offer in-person instruction to the greatest extent possible”. However, CDPH has advised that in-person education is only appropriate if the conditions are safe for both students and staff. Individual school closure is recommended based on the number of cases, the percentage of the teacher/students/staff that are positive for COVID-19, and following consultation with the local Health Officer. The local Health Officer may also determine school closure is warranted for other reasons, including results from Public Health investigation or other local epidemiological data.

⁹ Youth Sports Guidance: <https://files.covid19.ca.gov/pdf/guidance-youth-sports--en.pdf>

¹⁰ Coronavirus 2019 (COVID-19) Updated Guidance for Child Care Settings: <https://cdss.ca.gov/Portals/9/CCLD/PINs/2020/CCP/PIN%2020-15-CCP.pdf>

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Individual school closure may be appropriate when there are multiple cases in multiple cohorts at a school or when at least 5 percent of the total number of teachers/student/staff are cases within a 14-day period. CDPH guidance provides that each school site should designate a liaison to help coordinate monitoring and communications to local Public Health officials, as well as the school community. The liaison should monitor and report positive cases, and track whether the school approaches the 5% threshold during a 14-day period.

Further closure requirements are outlined by the CDPH criteria laid out in the COVID-19 and Reopening Framework for K-12 Schools in California document.

Finally, please note that CDPH's COVID-19 Industry Guidance for Schools and School-Based Programs **is not intended to prevent a school from adopting a distance learning, hybrid, or mixed-delivery instructional model** to ensure safety. Schools are not required to seek out or receive approval from a State or local Public Health Officer prior to adopting a distance-learning model. Additionally, CDPH has advised that more detailed guidance on conditions under which permissible in-person instruction and services for small sets of students, such as those provided pursuant to an Individualized Education Program, will be forthcoming.

For further information on the operation of schools, we encourage you to refer to the COVID-19 Industry Guidance for Schools and School-Based Programs, Framework for K-12 Schools in California, and all other documents referenced and linked throughout this advisory letter. Should you have any questions, contact Kelly Moran, Supervising Deputy County Counsel, at kmoran@rivco.org, for assistance.

Sincerely,

Gregory P. Priamos

GREGORY P. PRIAMOS
County Counsel