MANDATORY DIRECTIVE:

Schools

Issued July 17, 2020
sccgov.org/coronavirus

Revised: November 19, 2020
MANDATORY DIRECTIVE FOR SCHOOLS

*Please confirm that your facility may open under the State Order. Where there is a difference between the local County Order and the State Order, the more restrictive order must be followed. The State also has specific guidance for certain facilities that must be followed in addition to this mandatory directive.*

Information on the State’s Order and State guidance is available at covid19.ca.gov.

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STATE SCHOOL REOPENING RULES

Every school in Santa Clara County must follow both the County and the State Public Health Officer Orders. Below is information on: (1) the State’s general rules for when schools may reopen for in-person instruction and (2) the current rules for school reopening in Santa Clara County.

(1) State’s General School Reopening Rules:

On August 28, 2020, the State issued a Statewide Public Health Officer Order (“State Order,” available here) and the Blueprint for a Safer Economy (“Blueprint,” available here). The State Order and Blueprint establish statewide restrictions applicable to each “tier” to which counties are assigned.

Under the State’s school reopening framework issued on July 17, 2020, a county must be in Tier 2 (the Red Tier) for at least 14 days for schools in that county to be eligible to reopen for in-person instruction. Pursuant to California Department of Public Health (CDPH) guidance, any school that reopens for in-person instruction while Santa Clara County is in Tier 2, 3, or 4 (Red, Orange, or Yellow Tier) may remain open if Santa Clara County subsequently moves to the Purple Tier. Also pursuant to CDPH guidance, if a school is implementing a phased reopening at the time that Santa Clara County moves to the Purple Tier, the individual school site that has begun a phased reopening may continue its phased reopening while Santa Clara County is in the Purple Tier. This only applies to individual school sites. If a school district phases in reopening of its schools, the schools in that district that did not open for in-person instruction may not reopen until the county is back in the Red Tier for 2 weeks.
(2) Current Rules for School Reopening:

Because Santa Clara County is in the Purple Tier, which is the most restrictive tier under the State’s Blueprint for a Safer Economy, schools that have not reopened campuses for in-person instruction (fully or partially as part of a phased re-opening) must remain closed, except that schools may apply for a waiver to offer in-person instruction to students in grades K-6. Schools may offer limited instruction, targeted support services, and facilitation of distance learning in small group environments under the State’s small cohort guidance. Schools that have already opened for in-person instruction may remain open, as described above.

“Schools” include all public, private, and charter schools for transitional kindergarten through grade 12. This Directive does not apply to community colleges, universities, childcare facilities, or preschools. Childcare, summer camps, preschools, and children’s activities are subject to a separate directive. This Directive supplements and should be read in conjunction with the Health Officer’s requirements and recommendations for schools in COVID-19 Prepared: Reopening of Santa Clara County K-12 Schools for the 2020-2021 School Year.

This Directive is mandatory, and failure to follow it is a violation of the Health Officer’s Order issued October 5, 2020 (“Order”). Schools must comply with the Order and all requirements of this Directive. In addition, schools must comply with the Health Officer’s requirements for schools set forth in COVID-19 Prepared: Reopening of Santa Clara County K-12 Schools for the 2020-2021 School Year, except where superseded by this Directive and/or mandatory State guidance.

The Order Issued October 5, 2020

The Order imposes several restrictions on all businesses and activities to ensure that the County stays as safe as possible, including but not limited to the following:

- **The Social Distancing Protocol:** All businesses and governmental entities that have not already done so must fill out and submit a Revised Social Distancing Protocol under the October 5, 2020 Health Officer Order. Social Distancing Protocols submitted prior to October 11, 2020 are no longer valid. The Revised Social Distancing Protocol must be filled out using an updated template, which is available here. The Protocol is submitted under penalty of perjury, meaning that everything written on the form must be truthful and accurate to the best of the signer’s knowledge, and submitting false information is a crime. The Protocol must be distributed to all workers, and it must be accessible to all officials who are enforcing the Order.

- **Signage:** All businesses must print (1) an updated COVID-19 PREPARED Sign and (2)

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1 In addition to the provisions cited in the Order, this Directive applies to all public schools within Santa Clara County pursuant to Health and Safety Code section 120175.5(b).
a Social Distancing Protocol Visitor Information Sheet, and both must be posted prominently at all facility entrances. These are available for printing after online submission of the Revised Social Distancing Protocol. The Revised Social Distancing Protocol specifies additional signage requirements.

- **Face Coverings:** Everyone must wear face coverings at all times specified in the California Department of Public Health’s mandatory Guidance for the Use of Face Coverings (“Face Covering Guidance”) and in any specific directives issued by the County Health Officer. Further, even where not required under State or local guidance and orders, face coverings should be worn to the maximum extent possible (1) when indoors and not in one’s own residence and (2) whenever outdoors and within six feet of anyone outside one’s own household.

- **Capacity Limitation:** All businesses must comply with the capacity limitations established in the Mandatory Directive on Capacity Limitations.

See the Order and the FAQ page for more details.

In addition to these general requirements applicable to all businesses under the Order, all schools must comply with the following directives.

**In-Person Instruction**

Under the guidance of the California Department of Public Health (CDPH) and the State’s Blueprint for a Safer Economy, schools in Santa Clara County can provide in-person instruction when Santa Clara County has been out of Tier 1 (the Purple Tier) of the State’s Blueprint for a Safer Economy for at least 14 days. Pursuant to CDPH guidance and unless otherwise ordered, any school that reopen for in-person instruction while Santa Clara County is in Tier 2, 3, or 4 (Red, Orange, or Yellow Tier) may remain open if Santa Clara County subsequently moves to the Purple Tier. Also pursuant to CDPH guidance and unless otherwise ordered, if a school is implementing a phased reopening at the time that Santa Clara County moves to the Purple Tier, the individual school site that has begun a phased reopening may continue its phased reopening while Santa Clara County is in the Purple Tier. This only applies to individual school sites. If a school district phases in reopening of its schools, the schools in that district that did not open for in-person instruction may not reopen until Santa Clara County is out of the Purple Tier for at least 14 days.

Schools providing in-person instruction must:

1. Comply with all of the requirements issued by the Public Health Department in COVID-19 Prepared: Reopening of Santa Clara County K-12 Schools for the 2020-2021 School Year and all applicable State requirements;
2. Within 21 days of the issuance of this Directive (if the school is already open) or 14 days prior to opening, whichever is applicable, post their reopening plans on their websites to inform families about how they will comply with and implement applicable State and County requirements;

3. Within 21 days of the issuance of this Directive (if the school is already open) or 14 days prior to opening, whichever is applicable, complete a School Site-Specific COVID-19 Preparedness Plan Summary form provided by the County Public Health Department; submit the completed form to the County at www.sccgov.org/schools; and post the completed form on their website and at all school entrances; and

4. Comply with the reporting requirement for all schools, as described below.

_Schools are also urged to adopt as many recommendations as they can implement from COVID-19 Prepared: Reopening of Santa Clara County K-12 Schools for the 2020-2021 School Year, Waivers for Elementary Schools_

Notwithstanding the general closure of in-person instruction (in schools that had not already opened for in-person instruction) in Tier 1 counties, CDPH guidance provides a pathway for general, in-person instruction at elementary schools in Tier 1 counties:

A waiver of this criteria [mandating distance learning] may be granted by the local health officer for elementary schools to open for in-person instruction. A waiver may only be granted if one is requested by the superintendent (or equivalent for charter or private schools), in consultation with labor, parent and community organizations. Local health officers must review local community epidemiological data, consider other public health interventions, and consult with CDPH when considering a waiver request.

**While the County remains in Tier 1, elementary schools may follow this process so that they can safely resume in-person instruction if they have not already done so.**

This recommendation is based on the current best available scientific evidence, including that COVID-related risks in schools serving elementary age students appear lower than and different from the risks to staff and students in schools serving older students. In particular, there appears to be lower risk of child-to-child or child-to-adult transmission in children under 12, and the risk of infection and serious illness in elementary school children is particularly low. By contrast, the health-related risks for elementary age children who are not provided in-person instruction are significant, including lower rates of immunizations, higher rates of undetected child abuse and neglect, and risk to social/emotional wellbeing.

Moreover, in-person instruction is academically and socially critical for younger students, in alignment with State standards. Students from socio-economically disadvantaged backgrounds are particularly harmed by a lack of access to in-person instruction. Schools serving elementary school students are also in a better position to put into place effective risk-reduction strategies to
protect both teachers and students, including creation of small, stable classroom cohorts. Further, elementary school students without access to in-person school are far more likely than older students to require alternative group childcare arrangements when schools are closed, and as such, closure of elementary schools is less likely to significantly reduce transmission.

Accordingly, superintendents and their equivalents for private schools and charter schools are encouraged to request a waiver from Public Health for full-time or hybrid in-person instruction at the elementary level as follows:

1. Contact the Schools Unit at the County Emergency Operations Center at schools@eoc.sccgov.org requesting initiation of the waiver process.

2. Your district/school will be assigned a liaison to review your reopening plans, including for consistency with the prior requirements from Public Health issued in COVID-19 Prepared: Reopening of Santa Clara County K-12 Schools for the 2020-2021 School Year and information regarding consultation with relevant stakeholders, including labor and parent and community organizations.

3. A waiver allowing in-person instruction will be granted by letter after review by Public Health, including review of local community epidemiological data, consideration of other public health interventions, and consultation with CDPH.

Small Cohorts for Limited Instruction, Targeted Support Services, and Facilitation of Distance Learning for Schools That Have Not Yet Resumed In-Person Instruction

When schools are unable to open for in-person instruction under the State’s Blueprint for a Safer Economy, schools (and other programs) may nevertheless provide “limited instruction, targeted support services, and facilitation of distance learning in small group environments for a specified subset of children and youth” pursuant to CDPH guidance.

Schools providing limited instruction, targeted support services, or facilitation of distance learning must:

1. Comply with all of the requirements in COVID-19 Prepared: Reopening of Santa Clara County K-12 Schools for the 2020-2021 School Year;

2. Within 21 days of the issuance of this Directive (if the school is already open) or 14 days prior to opening, whichever is applicable, complete a School Site-Specific COVID-19 Preparedness Plan Summary form provided by the County Public Health Department; submit the completed form to the County at www.sccgov.org/schools; and post the completed form on their website and at all school entrances; and

3. Comply with the reporting requirement for all schools, as described below.
The County Public Health Department strongly encourages schools to provide these services even if they are not open for full in-person instruction. Such services should be provided in small stable cohorts in accordance with the CDPH guidance, and schools are urged to adopt as many recommendations as they can implement from COVID-19 Prepared: Reopening of Santa Clara County K-12 Schools for the 2020-2021 School Year.

The recommendation to provide these services is based on the needs of the student populations that are the focus of the CDPH guidance and the difficulty of adequately meeting these students’ educational, health, and other needs through distance learning. This population includes, for example, students with disabilities, English language learners, students without access to the Internet or devices for distance learning, students at higher risk of further learning loss or not participating in distance learning, students at risk of abuse or neglect, foster youth, students experiencing homelessness, and students whose parents are essential workers. Such students are highly unlikely to be able to access the educational and other services that they need outside of a school setting and are at significantly higher risk of educational, health, and other harms if they are not provided with in-person instruction, targeted support services, and/or facilitation of their distance learning at school.

**Reporting Requirement for All Schools**

All schools in Santa Clara County, whether open for in-person instruction or not, shall follow the instructions posted on www.sccgov.org/schools to provide the County Public Health Department with a regular report on the number of individuals expected on campus for instruction, targeted support services, facilitation of distance learning, or other activity administered by the school.

**Stay Informed**

For answers to frequently asked questions about schools and other topics, please see the FAQ page. Please note that this Directive may be updated. For up-to-date information on the Health Officer Order, visit the County Public Health Department’s website at www.sccgov.org/coronavirus.

Please send specific questions related to school operations to schools@eoc.sccgov.org.

**Additional Resources**

For additional information and resources for schools, please see:

- COVID-19 Prepared: Reopening of Santa Clara County K-12 Schools for the 2020-2021 School Year (Santa Clara County Public Health Department)
- Stronger Together: Recovery and Reopening Santa Clara County Schools (Santa Clara County Office of Education)
- COVID-19 and Reopening In-Person Learning Framework for K-12 Schools in California, 2020-2021 School Year (California Department of Public Health)
- COVID-19 Industry Guidance: Schools and School-Based Programs (California Department of Public Health)
• Guidance for Small Cohorts/Groups of Children and Youth (California Department of Public Health)
• Providing Targeted, Specialized Support and Services at School (California Department of Public Health)
• Schools Guidance FAQs (California Department of Public Health)