

Order of the Local Health Authority for Harris County Regarding Public Schools

On March 11, 2020, Harris County Judge Lina Hidalgo issued a Declaration of Local Disaster for Public Health Emergency to take measures to reduce the possibility of exposure to Coronavirus-19 (COVID-19) caused by SARS-CoV-2 and to promote the health and safety of Harris County residents in accordance with Section 418.108(a) of the Texas Government Code. Since then, the Harris County Commissioners Court has repeatedly extended this Declaration in accordance with Section 418.108(b) of the Texas Government Code. This Declaration has remained in effect since March 11, 2020.

The situation regarding COVID-19 in Harris County, Texas is rapidly evolving with observed high rates of transmission through community spread, as well as high numbers of COVID-19 cases and hospitalizations. Congregate settings, including schools, present increased challenges to control the spread of COVID-19. The percentage of Harris County residents who are fully vaccinated against COVID-19 as of August 11, 2021 is approximately 46%.

Harris County and Harris County's Local Health Authority, are taking steps to ensure that the spread of COVID-19 is contained, the community is kept safe, and the exposure risk is minimized. Harris County and Harris County's Local Health Authority are also concerned about the health needs of students, including mental health, physical well-being and safety, and access to nutrition.

On January 31, 2020, the Secretary of Health and Human Services declared a public health emergency "in response to COVID-19, a highly contagious virus that spreads through person-to-person contact and continues to ravage communities across the globe."

In March 2020, the U.S. Centers for Disease Control and Prevention ("CDC") issued guidance as to individuals, recommending that individuals practice social or physical distancing to prevent the spread of COVID-19 by staying at least six feet from other people, by refraining from gathering in groups, by staying out of crowded places and by avoiding mass gatherings.

The CDC has repeatedly issued guidance explaining that COVID-19 cases, hospitalizations and deaths across the United States are rising; that COVID-19 most commonly spreads during close contact; that when people with COVID-19 cough, sneeze, sing, talk, or breathe they produce respiratory droplets; and that infections occur mainly through exposure to respiratory droplets when a person is in close contact with someone who has COVID-19; and encouraging individuals to wear a mask in public settings, stay at least six feet apart, avoid crowds and wash hands often to protect self and others in the community.

On January 29, 2021, the CDC ordered that effective February 2, 2021, people must wear masks over their mouth and nose when boarding, disembarking and for the duration of travel on planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States and in U.S. transportation hubs such as airports and stations.

Hospitalization rates for COVID-19 in Harris County are currently increasing at rates not seen since July of 2020 due to the spread of the highly contagious B.1.617.2 (delta) variant of the SARS-CoV-2 virus.

On July 27, 2021, the CDC updated its guidance, recommending that fully vaccinated people wear a mask in public indoor settings in areas of substantial or high transmission.

The CDC continues to recommend that unvaccinated people protect themselves and others by, among other things, wearing a mask that covers their nose and mouth and staying six feet apart from others who don't live with them.

The CDC recommends universal indoor masking for all teachers, staff, students, and visitors to schools, regardless of vaccination status.

On June 11, 2020, Harris County implemented a Harris County COVID-19 Threat Level System that provides color coded levels of risk based on the incidence of COVID-19 and its transmission level in Harris County and provides corresponding recommendations to the public¹. At the time of implementation of the Harris County COVID-19 Threat Level System, Harris County was at a Level 2, Significant Uncontrolled Community Transmission.

Since August 6, 2021, the Harris County COVID-19 threat level has been at Level 1 (Red – “severe uncontrolled community transmission” presenting a severe threat to public health), given the rapidly accelerating outbreak in COVID-19 cases in Harris County and the resulting strain on local hospitals’ capacity, meaning there is ongoing transmission of the virus.

At COVID-19 Threat Level 1, unvaccinated residents should minimize contact with others, avoid any medium or large gatherings; only visit businesses that follow public health guidance; and continue to mask and “physical distance.”

The transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the Harris County community and rates of infection are increasing at an alarming rate and the number of people ending up in the hospital, ICU, or on ventilators is also dramatically rising despite efforts by local authorities to control the spread.

The Harris County Local Health Authority has determined that extraordinary emergency measures must be taken in order to protect the health, safety and welfare of the citizens of Harris County to mitigate the effects of this public health emergency and to facilitate a response to the public health threat.

Pursuant to authority including but not limited to Sections 81.082 and 121.024 of the Texas Health and Safety Code, unless specifically preempted by the Texas Department of State Health Services,

¹ See https://www.readyharris.org/Portals/60/documents/INFO_ReopeningStrategyPUBLIC-FULL.pdf

a Local Health Authority has supervisory authority and control over the administration of communicable disease control measures within its jurisdiction when necessary to protect the public health.

NOW THEREFORE, I, LOCAL HEALTH AUTHORITY FOR HARRIS COUNTY, TEXAS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS HEALTH AND SAFETY CODE CHAPTERS 81 AND 121, HEREBY FIND AND ORDER:

Effective immediately upon signing, the Local Health Authority for Harris County hereby imposes the following control measures on all public and non-religious private schools (“School System”) offering instruction to students in any and all grades from pre-kindergarten through grade 12 and on all Licensed Child Care Centers offering child care and education (“Child Care Centers”) in Houston and Harris County, for the 2021-2022 school year:

1. School Systems and Child Care Centers within Harris County shall follow the Centers for Disease Control and Prevention (CDC) recommendations for universal indoor masking and require all students (age 2 and older), staff, teachers, and visitors to K-12 schools, regardless of vaccination status, to wear a face mask indoors while on school property and school buses.²

Please note that face coverings are a secondary strategy to getting vaccinated and should be undertaken with other mitigation efforts. **Face coverings are *not* a replacement for vaccinations or, for those who cannot get vaccinated due to age or disability, social distancing, frequent handwashing, and self-isolation when sick.** All people should follow CDC recommendations for how to wear and take off a mask. All teachers, staff, students, and visitors to School Systems should keep up the following habits while in a School System:

- washing hands before you leave home and when you return;
 - staying at least six feet away from others;
 - avoiding touching nose or face;
 - not using disposable masks more than three times; and
 - washing reusable cloth masks regularly to prevent the spread of the virus.
2. School Systems and Child Care Centers shall notify the student’s parents or guardians when the school learns that a student was in close contact, as defined by the CDC, with a COVID-19 positive individual on campus or during a school-related event. Unvaccinated individuals who are determined to be in close contact with a COVID-19 positive person shall quarantine³ for 14 days after their last contact with a person who has COVID-19, as recommended by the CDC. Students, staff, teachers, and visitors shall remain off campus

² CDC Guidance for COVID-19 Prevention in K-12 Schools: <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html>

³ CDC Guidance for When to Quarantine: <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html>

and not attend any school-sponsored events during their quarantine period. Fully vaccinated individuals should get tested 3-5 days after their exposure even if they don't have symptoms and wear a mask in indoor public spaces for 14 days.⁴ Fully vaccinated individuals need not quarantine.

3. Nothing in this order prevents a person in control of a site from requiring additional precautions to prevent the spread of COVID-19.
4. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.
5. The Harris County Local Health Authority will file this Order with the Harris County Clerk's Office. Harris County will post this Order on the Internet. All Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purpose of this Order.

I believe this directive includes appropriate control measures based on the current COVID-19 situation in Harris County, the higher risk for spread of COVID-19 in schools, and the challenge of keeping students, teachers, administrators, and school personnel safe from COVID-19.

This Order is intended to and shall be construed and interpreted to be consistent with all laws of the State of Texas.

This Order is issued under my authority as the Local Health Authority for Harris County, Texas, on this the 12th day of August, 2021.



Janeana White, MD
Harris County Health Authority

⁴ CDC Interim Public Health Recommendations for Fully Vaccinated People:
<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>