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Bay County Executive

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RE: PROCEDURES FOR THE CONTROL OF COVID-19 IN K-12 SCHOOLS

DATE: August 24, 2021

The Health Officer of Bay County makes the following factual determinations and issues this Order pursuant to the Michigan Public Health Code, MCL 333.2451 and MCL 333.2453, as well as R 325.175, which is an administrative rule promulgated by the Michigan Department of Health and Human Services (“MDHHS”) pursuant to MCL 333.2226(d). Factual findings include:

1. The US Department of Health and Human Services (“DHHS”) has issued determinations on 01-31-2020 and as recently as 04-15-2021 that a Public Health Emergency exists nationwide as the result of the continued consequences of COVID-19. Through its Directors, the MDHHS has issued Epidemic Orders, including an order on 10-06-2020, to address threats to the public health posed by the COVID-19 pandemic in K-12 settings.
2. COVID-19 is a communicable disease and can be transmitted efficiently from person to person. The virus spreads primarily through airborne transmission when a person who is susceptible to infection occupies an indoor space with another person who has an infectious case of COVID-19. Transmission is more likely to occur indoors when people are unmasked and in close proximity (*e.g.*, living in a shared household, dining indoors, etc.), but transmission can occur across longer distances, especially in poorly ventilated spaces or where air is recirculated. Transmission is less likely to occur outdoors or among vaccinated persons.
3. There have been 11,718 laboratory confirmed and probable cases of COVID-19 among Bay County residents between 03-16-2020 and 08-23-2021. Cases of COVID-19 continue to accrue at an elevated rate among residents, with attendant morbidity and excess mortality. Recent data show that the newly dominant delta variant may induce a viral load 1,000 times higher than the original virus, indicating that the delta variant may be much more infectious than previous strains. As of 08-24-2021, Bay County has a 7-day test positivity rate of 10% and a 7-day new case rate of 124 cases per million population. These statistics indicate a high level of community transmission that has strained Bay County’s public health capacity and healthcare delivery infrastructure.
4. Although vaccinations prevent infection, slow community transmission, and reduce the risk of severe outcomes due to COVID-19 disease, COVID-19 remains a public health issue that impacts local institutions, particularly in educational settings where students younger than 12 years of age are ineligible to receive vaccination. While the on-going COVID-19 vaccination campaign is expected to reduce community transmission, the proportion of the population that remains susceptible to infection, including children and others who cannot be vaccinated, is sufficiently high that COVID-19 continues to pose a public health threat to Bay County’s healthcare delivery infrastructure and other essential services. As of 08-20-2021, there were 49,844 Bay County residents who were fully vaccinated (55.3%) and another 4,775 residents who were partially vaccinated (60.6% combined). Among Bay County youth aged 12-19 years, only thirty-two percent are fully vaccinated against COVID-19 as of August 20, 2021, leaving a large majority potentially vulnerable to COVID-19 disease.
5. People infected with the virus that causes COVID-19 are contagious and a risk to others. Isolating infectious persons for at least 10 days is essential for preventing COVID-19 transmission.
6. Household transmission of COVID-19 is common, with studies finding that average transmission rates were as high as 53%. Because risk of transmission is high among households, household members who are not sick but have been exposed to COVID-19 pose a higher risk to the community if they return to public activities before a quarantine period has been completed.
7. Cases of COVID-19 typically cease shedding infectious virus within 10 days after symptom onset. Anyone who exposed to a case beginning 2 days (48 hours) before the case’s symptom onset (or specimen collection) and continuing throughout the case’s infectious period should be deemed exposed. A close contact has been defined as someone who accrued ≥ 15 minutes during a 24 hour period within 6 feet of a laboratory-confirmed or clinically-compatible case of COVID-19.

8. When businesses and schools have consistently adhered to layered prevention strategies, including isolation, quarantine, and other nonpharmacological interventions (including mask wearing indoors, improved ventilation, physical distancing, and handwashing), outbreak spread of COVID-19 has been curbed.
9. The Food and Drug Administration (“FDA”) has authorized tests for detecting COVID-19, including both molecular (*i.e.*, PCR) and antigen tests. Antigen tests are unlikely to give false positive results, but they can give false negative results. Antigen tests are most effective at detecting new cases when used serially (*i.e.*, every day or two). PCR tests are incredibly sensitive and are unlikely to give false negative results. However, PCR tests can also remain persistently positive even after a case is no longer infectious, which is why the CDC does not recommend re-testing within 90 days or endorse requirements for negative tests for return to work/school. Rapid antigen tests (*e.g.*, Abbott BinaxNOW) are available for use by schools, preschools, child care facilities, and camps in Bay County.

The Bay County Health Department’s (“BCHD”) Health Officer has established emergency procedures for gathering restrictions to be followed during the epidemic to protect the public health and ensure continuity of essential services, especially K-12 education. It is hereby ordered that:

1. All persons identified as confirmed positive cases of COVID-19 must complete a period of isolation for 10 days after either: (a) symptom onset; or (b) specimen collection for persons who were asymptomatic when tested.
2. Persons identified as cases must cooperate with identification of close contacts who would have been at high risk of exposure during the period beginning 2 days (48 hours) before symptom onset (or specimen collection) and continuing through the date interviewed by case investigators. Cases must identify and provide contact information for close contacts.
3. Persons identified as close contacts must complete a period of quarantine and are restricted from gatherings with people outside of their household for 10 days after the most recent date of exposure to a case, thereby reducing the risk of unrecognized transmission during the viral incubation period (as long as 12 to 14 days) by preventing someone who was exposed (and might or might not go on to become a case) from spreading the virus during any asymptomatic or pre-symptomatic infectious period.
4. Close contacts who continue to reside in a shared household with a case during the case’s isolation period must postpone the 10 day countdown to the end of quarantine (and are restricted from gatherings with people outside of their household) until after the end of the isolation period for all cases that occur within the shared household.
5. Persons identified as close contacts may avoid quarantine if they are willing to cooperate with serial testing (*i.e.* “Test to Stay”) so that any new cases can be promptly identified for isolation. Serial testing for close contacts must be administered by an identified representative from a K-12 organization each morning prior to facility entry. Serial testing must occur every day for 5 days following the most recent date of exposure and then on day 7 and day 9. Close contacts who continue to reside in a shared household with a case during the case’s isolation period must postpone initiating serial testing until after the end of the isolation period for all cases that occur within the shared household.
6. During a period of [isolation](#) or [quarantine](#), persons identified as cases and/or close contacts must adhere to heightened physical distancing by confining themselves to their own home or other location that will permit them to refrain from contact with other members of the public, whether gatherings might take place indoors or outdoors.
7. When probable or confirmed cases are identified among staff, students, or visitors to a school, representatives of the relevant organization must support case investigation and contact tracing by helping to identify and provide contact information for persons who: (a) were excluded from the organization’s facilities; or (b) might have had opportunity for exposure to COVID-19.
8. Regardless of vaccination status or the absence of symptoms, mask wearing is required in Bay County for identified close contacts occupying any indoor space within schools, preschools, child care facilities, and camps during the 10 day period after most recent exposure.
9. Schools must provide public notice to the school community in a highly visible location on the school’s website that outlines the school’s COVID-19 prevention strategies for the 2021-2022 school year by completing the COVID-19 Prevention Strategy for Schools Form. Public notice must be published no later than September 7, 2021. The school must notify the school community and the BCHD of any subsequent

changes in the school's COVID-19 prevention strategies by indicating revision date and revision history in the COVID-19 Prevention Strategy for Schools Form.

10. The contents of this Order shall be published to the members of the public at large by all reasonable means available.
11. Schools must disseminate, publish, and post this Order so that it is visible to all staff, students, attendees, or visitors.
12. Pursuant to [MCL 333.2443](#), a person who violates a regulation of a local health department or order of a local health officer is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$200.00, or both.
13. Organizations that require or permit a known case or close contact to act contrary to this Order is also in violation of this Order and subject to the penalties prescribed by the Michigan Public Health Code.
14. This Order may also be enforced pursuant to [Part 24](#) of the Michigan Public Health Code.
15. This Order is in effect immediately and until further order of the Health Officer. This order may be revised as well as supplemented with specific procedures and orders per the Michigan Public Health Code.

IT IS FURTHER ORDERED that the following terms shall have the following definitions for purposes of this ORDER:

a. "COVID-19 case" is defined by the Council for State and Territorial Epidemiologists ("CSTE") Executive Board and referenced in the Michigan State and Local Public Health Standard Operating Procedures. For the purposes of this order, a person must meet the confirmed or probable case definition as defined by CSTE and be documented in the Michigan Disease Surveillance System as a COVID-19 case. The current CSTE definition can be found at the following link:

<https://ndc.services.cdc.gov/case-definitions/coronavirus-disease-2019-2020-08-05/>

b. "Close contact" means being within 6 feet of someone who is a COVID-19 case for a total of 15 minutes or more over a 24-hour period. "Close contact" also means engaging in sport activities with unavoidable frequent physical contact for a total time less than 15 minutes with someone who is identified as a COVID-19 case. In the K-12 indoor classroom setting only, an exception to the close contact definition excludes students who were within 3 to 6 feet of an infected student where

- Both students were engaged in consistent and correct use of well-fitting masks, and
- Other K-12 school prevention strategies (such as universal and correct mask use, physical distancing, increased ventilation) were in place in the K-12 school setting.

This exception in K-12 schools does not apply to teachers, staff, or other adults in the indoor classroom setting.

c. "Educational Institutions" or "Educational Settings" includes youth camps, youth programs, childcare centers, preschools, primary through secondary schools, vocational schools, colleges, and universities and other organized activities outside the home where coursework is taught. This definition includes educationally affiliated extracurricular activities such as school athletics.

d. "Fully vaccinated persons" means persons for whom at least two weeks has passed after receiving the final dose of an FDA-approved or authorized COVID-19 vaccine.

e. "Household close contact" means a close contact that lives with a COVID-19 case in a shared dwelling with common kitchen or bathroom facilities. In dwellings with shared kitchen or bathroom facilities occupied by 20 or more unrelated persons, households are defined by individuals who share a bedroom.

f. "Isolation" means separating people infected with COVID-19 from those who are not infected. People who are in isolation should stay home until it's safe for them to be around others. At home anyone sick or infected should separate from others, stay in a specific "sick room" or area, and use a separate bathroom (if available).

g. "Outbreak" in an educational setting is generally defined by the CSTE and referenced in the Michigan State and Local Public Health Standard Operating Procedures. The CSTE definition can be found at the following link:

<https://preparedness.cste.org/wp-content/uploads/2020/08/Educational-Outbreak-Definition.pdf> Outbreak case definitions are further refined in the MDHHS Standard Operating Procedures, where confirmed and probable cases are considered outbreak-associated cases. MDHHS standard operating procedures can be found at the following link:

https://www.michigan.gov/documents/mdhhs/nCoV_SOP_TEAM_680994_7.pdf

h. "Persons in Educational Settings" means students, teachers, administrative staff, attendees, volunteers, coaches, camp leaders, and other employees or volunteers of Educational Institutions.

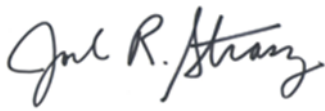
IT IS FURTHER ORDERED that the quarantine provisions and testing options of this ORDER shall not apply to the following Persons:

1. Persons without symptoms who were a confirmed or probable COVID-19 case in the past 90 days and recovered.
2. Fully vaccinated persons without symptoms who are not currently in isolation as COVID19 cases. These persons are recommended to test per [CDC guidelines](#) after five days.

IT IS FURTHER REMINDED that:

1. On January 29, 2021, the CDC issued an ORDER that required face masks to be worn by all people while on public transportation (which includes all passengers and all personnel operating conveyances) traveling into, within, or out of the United States and U.S. territories. The CDC ORDER includes school buses, both public and private.
2. This order does not repeat or supersede current MDHHS or Federal Epidemic Orders, which are incorporated by reference herein.

Dated: August 25, 2021

A handwritten signature in black ink, reading "Joel R. Strasz". The signature is written in a cursive, flowing style.

Joel R. Strasz
Health Officer
Bay County Health Department