# LCSC COVID-19

Frequently
Asked
Questions and
Information

October 19, 2021



FAQ

- Q. What is the School Board's role in defining exposure to COVID-19 under the law and Governor's Order?
- A. None.
- IC 16-18-2-302.6"Quarantine"

Sec. 302.6. "Quarantine", for purposes of <a href="IC 16-41-9">IC 16-41-9</a>, means the physical separation, including confinement or restriction of movement, of an individual or a group of individuals who have been exposed to a dangerous communicable disease (as described in <a href="IC 16-18-2-91">IC 16-18-2-91</a> and 410 IAC 1-2.3-47), during the disease's period of communicability, in order to prevent or limit the transmission of the disease to an uninfected individual. As added by P.L.138-2006, SEC.3.

# IC 16-41-9-1.5 Isolation; quarantine; notice; hearing; orders; renewal; crime; rules

- Sec. 1.5. (a) If a public health authority has reason to believe that:
- (1) an individual:
- (A) has been infected with; or
- (B) has been exposed to;
- a dangerous communicable disease or outbreak; and
- (2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual; the public health authority may petition a circuit or superior court for an order imposing isolation or quarantine on the individual.

- Q. What is the School Board's role in determining quarantine requirements under the law and Governor's Order?
- A. None.

#### IC 16-19-3-9 Quarantine

Sec. 9. The state department may establish quarantine and may do what is reasonable and necessary for the prevention and suppression of disease.

#### **Governor's Executive Order 21-27**

and restrictions to address the impact and spread of COVID-19 in their buildings, facilities, and grounds. These restrictions and measures may be more restrictive, but not less restrictive, than required by statute, Executive Orders, local ordinances and directives, and state or local health orders. The IDOH has updated its school guidance to assist local school corporations and this guidance may be found at: https://www.coronavirus.in.gov/2400.htm.

#### b. K-12 Educational Institutions & Child Care Facilities:

### i) Local Restrictions and Measures to Address COVID-19

Subject to pertinent statutory provisions, Executive Order provisions, local ordinances and directives, and/or state or local health orders, local school boards and/or the relevant governing bodies of all public and private K-12 educational institutions and childcare facilities are responsible for implementing local measures and restrictions to address the impact and spread of COVID-19 in their buildings, facilities, and grounds. These restrictions and measures may be more restrictive, but not less restrictive, than required by statute, Executive Orders, local ordinances and directives, and state or local health orders. The IDOH has updated its school guidance to assist local school corporations and this guidance may be found at: <a href="https://www.coronavirus.in.gov/2400.htm">https://www.coronavirus.in.gov/2400.htm</a>.

K-12 educational institutions and childcare facilities must continue to perform contact tracing activities, provide parental notification to close contacts to allow for monitoring of symptoms, and report all known positive COVID-19 cases to state and local health departments and their regulatory agencies such as the Family and Social Services Administration as required by this Executive Order and Commissioner Order # CO 21-01.

- Q. Can a School Board implement a policy allowing parent, student, and staff the choice to wear a mask in school?
- A. Yes.
- The CDC, ISDH, and BCHD strongly recommend masks be worn in school regardless of vaccination status.
- The current CDC community transmission level for Boone County is HIGH <a href="https://covid.cdc.gov/covid-data-tracker/#county-view">https://covid.cdc.gov/covid-data-tracker/#county-view</a>

Q. Can School Districts remain in compliance with the law and also reduce or ignore the requirements for defining exposure or quarantine requirements?

Can a School Board implement a policy allowing parent, student, and staff the choice to wear a mask in school and allow choice regarding quarantine by a close contact and be in compliance with communicable disease laws and Governor's Order?

### A. No.

#### IC 20-26-5-6 Applicability of laws governing state agencies

Sec. 6. All powers delegated to the governing body of a school corporation under section 1 or 4 of this chapter are subject to all laws subjecting the school corporation to regulation by a state agency, including the secretary of education, state board of accounts, state police department, fire prevention and building safety commission, department of local government finance, environmental rules board, state school bus committee, state department of health, and any local governmental agency to which the state has been delegated a specific authority in matters other than educational matters and other than finance, including plan commissions, zoning boards, and boards concerned with health and safety.

[Pre-2005 Elementary and Secondary Education Recodification Citation: 20-5-2-3.] As added by P.L.1-2005, SEC.10. Amended by P.L.113-2014, SEC.111; P.L.43-2021, SEC.70.

# ISDH Response to Recent Fox 59 Story

Our team has been in touch with the reporter to emphasize that schools continue to remain required to follow Indiana's Communicable Disease Rule and Commissioner Order #CO-21-01, which includes COVID and other infectious diseases and ensures that contact tracing, isolation and quarantine occur. IDOH encourages school districts to make decisions about routine control measures in cooperation with their local health department and elected officials. Please note that our guidelines are evidence-informed using the latest information available from CDC and other resources. Decisions to deviate from those guidelines at the local level may result in **potential liability concerns** or other unintended issues. We cannot speak to the potential impacts specifically and encourage schools to work with their counsels to make informed decisions for their districts.

**Emphasis Added** 

Indiana Code 16-41-2-9: an individual who fails to follow the ISDH protocols commits a Class B misdemeanor (each day of violation is a separate offense).

Indiana Code 16-19-3-13: the ISDH has the power to remove local health officers who don't enforce the ISDH rules.

The ISDH pursuant to Indiana Code 16-19-3-18 can bring a lawsuit against anyone not following its rules to compel compliance.

Q. What is the ISDH enhanced or additional precautions that must be in place in order for a close-contact to return to school earlier than 14 days?

## **Enhanced Precautions for Early Return**

Unvaccinated Individuals

- Masked at all times on bus and during school day, no exceptions!
- **Distance** of at least 3 feet from others when **inside the classroom** while receiving instruction during the school day.
- **Lunch** to be eaten **separately** from others as mask will be off when eating. Remain 6 ft. from others, no exceptions.
- · Prioritize hand hygiene
- Symptom monitoring daily by parents and if needed by school staff during the school day.

# Q. Why is LCSC unable to insure enhanced precautions can be followed (as written)?

- Distance throughout the entire day cannot be followed.
- The definition of isolation during lunch cannot practicably be applied.
- We meet the definition in **all other areas** including air filtration, cleaning, handwashing.

- Q. Can LCSC reduce the quarantine for close contacts even without meeting all of the enhanced precaution definition?
- A. Yes with direction from the local health department.

# Q. Are there times when students or staff are not wearing masks during instructional time?

#### A. Yes.

- Certain face shields with additional fabric attachments have been approved for use as a mask.
- Small group or one-on-one settings when 6+ feet can be confidently maintained (e.g. special education, speech therapy, before or after school tutoring).
- Lunch
- PE
- Recess

- Q. I see students outside in various settings without a mask. Why?
- A. It is outside.
- Close-contacting and quarantine measures not required when the activity is outside

# Q. I see students at extra-curricular activities without a mask. Why?

- Extra-curricular activities are excluded from the ISDH quarantine modifications.
- The settings are different than a classroom or in-school congregate setting.
- Attendance is optional. School attendance is required.
- All close-contact and quarantine rules and requirements apply during extracurricular activities.
- If there is a positive case, all contact-tracing and quarantine requirements are followed and applied.

See next slide for ISDH Statement

## Does this change anything for extra-curricular activities?

- No
  - This only applies to in-school indoor settings
  - Extra-curricular activities should be contact traced as described by the CDC
    - Indoors
      - Those within 6 feet of a positive individual should quarantine (with or without a mask on)



- Q. Would portable air purifiers be helpful?
- A. This is not best practice
- No way to know if filters are replaced appropriately
- Can compete with COVID-19 approved filters LCSC has in place
- Some personal air purifier devices are not appropriate for staff and students with certain health conditions

### Q. Would opening classroom windows be helpful?

### A. This is not best practice

- Our HVAC systems are monitored and adjusted constantly based on exterior and interior humidity levels as well as temperature
- Opening windows can disrupt our ability to move appropriate amounts of outside air
- Opening windows can cause unnecessary stress on the computerized HVAC system causing issues in other parts of the building
- Adjusting for humidity is critical for air quality

# Other FAQ and Information

# Q. How did LCSC spend the federal Coronavirus funds?

**ESSER I and GEER Grant** 

- Staffing to support remote learners
- Online Curriculum
- Extra Custodial Staffing (2 years)
- Food Service Staffing
- Extra Hotspots (2 Years)
- Additional iPADs and support

# Q. How did LCSC spend the federal Coronavirus funds?

#### **ESSER II**

- Partial reimbursement for costs for change to MERV 13 Air Filters
- Staffing to reduce class size and for remediation courses (2 Years)
- After school tutoring (2 Years)
- Jump Start Elementary /Staffing (2 Years)
- Summer School Staffing (2 Years)
- Transportation for Summer School, Jump Start, and After School Tutoring (LMS and LHS)

# Q. How did LCSC spend the federal Coronavirus funds?

#### ESSER III

- As required by the Federal Title I ESSER III process, LCSC presented our ESSER Fund expenditures at a public meeting in June of 2021
- The spending plan is found on our website

# 82%-EVIDENCE-BASED ACTIVITIES TO ADDRESS LEARNING LOSS

After-School Tutoring – K-12

Class Size Reduction and Remediation-Elementary

Special Education Staffing Support

Class Size Reduction and Remediation- Middle School

Class Size Reduction and Remediation- High School

#### **Transportation**

- Summer School
- Jump Start (Elementary)
- · After-school tutoring

### 10%-CLEANING, SANITATION, AND CLASSROOM ENVIRONMENT

- Partial reimbursement for costs of ongoing use of MERV 13 Filters
- Student desks and seating
- Water bottle filling stations
- Cleaning equipment and supplies
- Partial reimbursement for costs of UV Light Devices

### 8% - AIR QUALITY

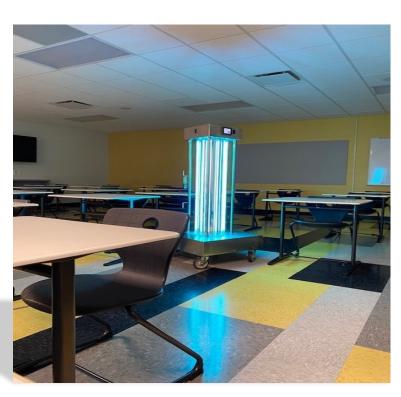
Replacement air handling units (Harney Elementary)

# LCSC Air Purification Steps

- ✓ CDC and ASHRAE Guidelines Followed
- ✓ Equipment Survey Preformed
- ✓ Static Pressure Survey Completed
- ✓ UVCI Evaluation Preformed
- ✓ Bipolar Ionization Evaluation Preformed
- ✓ Unit and Coil Cleaning and Disinfection Preformed
- ✓ MERV 13 Filter Change Out
- ✓ Follow up Equipment Evaluation Preformed
- ✓ Fresh Air Building Flush and OA Adjustments

### Ultraviolet Light Disinfection System

- American Ultraviolet purchased from a local company in Lebanon
- Used at every School daily/nightly
- > 20 Minute timed session in each area
- Door Signs hung to seal room for safety during treatment



#### **Covid Closets**

At each of our schools we stock a "Covid Closet" with necessary Covid PPE's

- ✓ Disposable Adult and Children masks
- ✓ Disposable gloves
- ✓ Disposable sanitizing wipes
- √ Hand Sanitizer
- ✓ Bottles of Disinfectant



# Potential Legal Action

Court cases rising across the US

### **Examples**

- Knox County Tennessee
- Waukesha Wisconsin
- Fall Creek School District

### School Board's Role

- Follow communicable disease laws and Governor's Executive Orders
- Cannot modify public health agencies' recommendations, requirements
- Cannot dismiss legal requirements without setting precedent
- Cannot choose which laws to follow and which laws to ignore
- Maintain in-person instruction to the degree possible
- Meet Article VII Special Education Requirements
- In Loco Parentis
- Employer

# Current Public Health Agencies' Recommendation

- Continue requirement
- There has been a downward trend from the end of September with rates remaining substantially higher than rates at the start of the school year

