



# State of California—Health and Human Services Agency California Department of Public Health



August 3, 2020

**TO:** All Californians

**SUBJECT:** COVID-19 and Reopening In-Person Learning Elementary Education Waiver Process

## Overview

California schools have been closed for in-person instruction since mid-March 2020 due to the COVID-19 pandemic. School closures to in-person instruction were part of a broader set of recommendations intended to reduce transmission of SARS-CoV-2, the virus that causes COVID-19. The California Department of Public Health (CDPH) developed the *COVID-19 and Reopening In-Person Learning Framework* (PDF) to support school communities as they decide when and how to implement in-person instruction for the 2020-21 school year.

This framework permitted schools and school districts to reopen for in-person instruction at any time if they are located in a local health jurisdiction (LHJ) that has not been on the county monitoring list within the prior 14 days. If the LHJ has been on the monitoring list within the last 14 days, the school must conduct distance learning only, until their LHJ has been off the monitoring list for at least 14 days.

The framework authorized local health officers (LHO) to grant a waiver of this criteria, in order for elementary schools to open for in-person instruction under specified conditions. Applicants must satisfy all waiver requirements in order to be granted a waiver. Waivers should be granted or denied pursuant to the process outlined below.

## Waiver Process

- **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.**
- Closed elementary schools in counties on the monitoring list within the prior 14 days may not open for in-person instruction until they have received approval of a waiver submitted to the LHO.
- This elementary school waiver is applicable only for grades TK-6, even if the grade configuration at the school includes additional grades.
- A district superintendent, private school principal/head of school, or executive director of a charter school (hereinafter applicant) can apply for a waiver from the LHO to open an elementary school for in-person instruction.
- Applications and all supporting documents must be submitted to the LHO at least 14 days prior to the desired reopening date.
- Prior to applying for the waiver, the applicant (or his/her 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). Examples of community organizations include school-based non-profit organizations

- and local organizations that support student enrichment, recreation, after-school programs, health services, early childhood services or provide family support.
- As described in the *CDPH/CalOSHA Guidance for Schools and School-Based Programs* (PDF), elementary school reopening plans must address several topics related to health and safety, in a manner consistent with guidance from CDPH and the local health department. Those topics include:
    - 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
    - Communication plans
  - When applying for the waiver, the applicant must submit to the LHO a waiver application form, to be provided by the LHO. The application must include evidence of (1) consultation with labor, parent, and community organizations and (2) publication of the elementary school reopening plans on the website of the local educational agency (or equivalent).
    - The applicant must sign an attestation confirming the names and dates that the organizations were consulted. If school staff are not represented by a labor organization, then the applicant must describe the process by which it consulted with school staff.
    - The applicant must confirm publication of the elementary school reopening plans on the website of the local educational agency (or equivalent).
  - If applying on behalf of a school district, the applicant should submit a consolidated application and publish a plan for elementary schools in the district that are seeking to reopen for in-person instruction. If applying for an independent, private, faith-based, or charter school, the applicant should submit an application and publish a plan for each school.
  - Upon receipt of a waiver application, the LHO will review and consider the application, supporting materials, and the following:
    - Available scientific evidence regarding COVID-related risks in schools serving elementary-age students, along with the health-related risks for children who are not provided in-person instruction.
    - State law directing public schools to "offer in-person instruction to the greatest extent possible." (Ed. Code § 43504).
    - Whether elementary in-person instruction can be provided in small, stable cohorts.
    - Local health guidance, safety plans, availability of appropriate PPE, and availability of public health and school resources for COVID-19 investigation and response.
    - Current new case rate, testing % positivity trends, and the number and degree of indicators above thresholds to be on the County Monitoring List.
    - Local hospitalization trends and hospital capacity.
    - Any other local conditions or data contributing to inclusion on the County Monitoring List.
    - Availability of testing resources within the community and via employee health plans.
    - The extent to which the applicant has consulted with staff, labor organizations, community, and parent organizations.
  - Following review, the LHO will consult with CDPH regarding the determination whether to grant or deny the waiver application. Consultation with CDPH is accomplished by submitting a notice pursuant to CDPH instructions.
    - CDPH will acknowledge receipt of the notice and follow up if there are any questions or concerns. CDPH will provide technical assistance as requested.
    - If the LHO has not received a further response within three business days of submission, the waiver application may be approved or denied consistent with CDPH instructions.
  - LHOs may conditionally grant an application with limits on the number of elementary schools allowed to re-open or allow re-opening in phases to monitor for any impact on the community.

- Closed elementary schools in counties on the monitoring list within the prior 14 days may not open for in-person instruction until they have received approval of a waiver submitted to the LHO.

California Department of Public Health  
PO Box, 997377, MS 0500, Sacramento, CA 95899-7377  
Department Website ([cdph.ca.gov](http://cdph.ca.gov))



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SONIA Y. ANGELL, MD, MPH  
State Public Health Officer & Director

State of California—Health and Human Services Agency  
California Department of Public Health



GAVIN NEWSOM  
Governor

**COVID-19 and Reopening of In-Person Learning for Elementary Education  
Waiver Notice to the California Department of Public Health (CDPH)**  
*(for use by Local Health Jurisdictions (LHJs))*

August 3, 2020

**Note: CDPH recommends that elementary 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.**

**Instructions:**

- Notice of all school or school district waivers proposed to be granted by a local health officer using this form should be sent to CDPH.
- For technical assistance regarding a waiver application, please contact CDPH.
- **Submit waiver notices and requests for technical assistance at this email address: [K6Waiver@cdph.ca.gov](mailto:K6Waiver@cdph.ca.gov).**
- Please do not submit any of your supporting documentation with this form.
- Submission of this document serves as your consultation with CDPH.
- CDPH will acknowledge receipt and follow up if there are any questions or concerns. If you have not received a further response within three business days of submission, you may approve or deny the waiver application consistent with the justification and guidance below.

**Date of Application:**

**LHJ Name:**

**LHJ Contact:**

**Public Health Officer (If Not LHJ Contact):**

**Email:**

**Phone Number:**

**Justification:** Based on the current best available scientific evidence, COVID-related risks in schools serving elementary-age students (grades TK-6) are lower than and different from the risks to staff and to 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 age 12, and the risk of infection and serious illness in elementary school children is particularly low.

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CDPH Director's Office, MS 0500 | P.O. Box 997377 | Sacramento,  
CA 95899-7377  
(916) 558-1700 | (916) 558-1762 (fax)  
Internet Address: [www.cdph.ca.gov](http://www.cdph.ca.gov)



There are health-related risks for children who are not provided in-person instruction, including lower rates of immunizations, higher rates of undetected child abuse and neglect, and other negative indicators of public health and wellbeing.

### **Guidance:**

- Consistent with state law directing school districts to “offer in-person instruction to the greatest extent possible” (Ed. Code § 43504), local health officers should allow in-person elementary instruction for grades TK-6 to proceed even in counties subject to state monitoring if public health and safety guidance is implemented.
- Elementary in-person instruction must be provided in small, stable cohorts.
- Local health officers may conditionally grant an application with limits on the number of elementary schools allowed to re-open or allow re-opening in phases to monitor for any impact on the community.
- Local health officers in counties on the County Monitoring List within the prior 14 days must consult with CDPH (via submission of this form) before approving a waiver application from a district or school.
- **The local health officer must confirm that they have considered the following:**

#### **Health & Safety**

- Local health guidance, including appropriate mandatory requirements consistent with CDPH guidance
- Safety plans and availability of appropriate PPE, as recommended by the local health officer and CDPH guidance, for all elementary teachers and staff who will be involved in in-person instruction
- Availability of public health & school resources for COVID-19 investigation and response

#### **Local Epidemiological Data & Health Care Capacity**

- Current new case rate, testing % positivity trends, and the number and degree of indicators above thresholds to be on the monitoring list
- Local hospitalization trends and hospital capacity
- Any other local conditions or data contributing to inclusion on the monitoring list (*e.g.*, out of jurisdiction hospitalizations, enclosed outbreaks, *etc.*)

**Testing**

- Availability of testing resources within the community and, as applicable, via employee health plans to provide access to periodic testing to all elementary teachers and staff, with reasonable turn-around times

**Other Consideration(s)**

- The extent to which the school, school district, or system of private schools has consulted with relevant labor, community, and parent organizations, as applicable.

- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please list below the waiver applicant name(s), school name(s), grade levels served, enrollment numbers, and the local health officer’s determination regarding the request:**

<u>Waiver Applicant</u>	<u>School Name</u>	<u>Grade Levels</u>	<u>Enrollment</u>	<u>Approved or Denied</u>



[Local Public Health Letterhead]

[Date]

Dear District Superintendent, Charter School Director, or Private School Head of School:

On [Date of Monitoring List Placement], the California Department of Public Health (CDPH) placed [Name] County on its monitoring list. On July 17, 2020 Governor Gavin Newsom announced that if a county has been on the monitoring list within the prior 14 days, a school must conduct distance learning only, until the county has been off the monitoring list for at least 14 days.

In counties on the monitoring list, CDPH guidance allows a district superintendent, private school principal/head of school, or executive director of a charter school (hereinafter superintendent) to apply for a waiver from the local health officer to open an elementary school for in-person instruction. This waiver is applicable only for grades TK-6, even if the grade configuration at the school includes additional grades.

When applying for the waiver, the superintendent must submit to the local health officer evidence of (1) consultation with labor and parent organizations and (2) publication of the elementary school reopening plans on the website of the local educational agency (or equivalent).

The local health officer then reviews the application and reopening plan (along with local community epidemiological data), makes a determination whether to grant or deny the waiver, and consults with CDPH regarding that determination. Elementary schools in counties on the monitoring list within the prior 14 days may not open for in-person instruction until they have received approval of a submitted waiver from the local health officer.

In order to apply for a waiver, please complete and submit the attached Application Cover Form. An application must contain:

- Attestation that the superintendent (equivalent or designated staff) has consulted with all parent and labor organizations at each school site for which an application is being submitted. If no labor organization represents the school site staff, then consultation with school site staff is sufficient.
- Confirmation that elementary school reopening plans have been published on the website of the local educational agency (or equivalent). Reopening plans must address the components in the CDPH guidance for schools and school-based programs (which are also listed in the attached Application Cover Form).

Applications and all supporting documents should be submitted to the local health officer at least 14 days prior to the desired reopening date to [Email Address].

Sincerely,

[Name]

[Title]

[Health Organization]

## Waiver Application Cover Form

*(for use by a Local Education Agency or equivalent)*

Please submit one application for each local educational agency or equivalent. If applying on behalf of a school district please submit one application for elementary schools in the district that are seeking to reopen for in-person instruction. If applying for an independent, private, faith-based, or charter school, please submit an application for each school.

### Background Information

Name of Applicant (Local Educational Agency or Equivalent):

\_\_\_\_\_

School Type:

\_\_\_\_\_ Traditional Public School

\_\_\_\_\_ Charter School

\_\_\_\_\_ Private, Independent, or Faith-Based School

Number of schools: \_\_\_\_\_

Enrollment: \_\_\_\_\_

Superintendent (or equivalent) Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Grades/Number of Students Proposed to be Reopened:

TK    K    1<sup>st</sup>    2<sup>nd</sup>    3<sup>rd</sup>    4<sup>th</sup>    5<sup>th</sup>    6<sup>th</sup>

Date of Proposed Reopening: \_\_\_\_\_

Name of Person Completing Application: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**I. Consultation**

Please confirm consultation with the following groups:

Labor Organization

Name of Organization(s) and Date(s) Consulted:

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Parent and Community Organizations

Name of Organization(s) and Date(s) Consulted:

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If no labor organization represents staff at the school, please describe the process for consultation with school staff:

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**II. Elementary School Reopening Plans**

Please confirm that elementary school reopening plan(s) addressing the following, consistent with guidance from the California Department of Public Health and the local health department, have been published on the website of the local educational agency (or equivalent):

- Cleaning and Disinfection:** How shared surfaces will be regularly cleaned and disinfected and how use of shared items will be minimized.
- Cohorting:** How students will be kept in small, stable, groups with fixed membership that stay together for all activities (e.g., instruction, lunch, recess) and minimize/avoid contact with other groups or individuals who are not part of the cohort.
- Entrance, Egress, and Movement Within the School:** How movement of students, staff, and parents will be managed to avoid close contact and/or mixing of cohorts.

- Face Coverings and Other Essential Protective Gear:** How CDPH's face covering requirements will be satisfied and enforced.
- Health Screenings for Students and Staff:** How students and staff will be screened for symptoms of COVID-19 and how ill students or staff will be separated from others and sent home immediately.
- Healthy Hygiene Practices:** The availability of handwashing stations and hand sanitizer, and how their use will be promoted and incorporated into routines.
- Identification and Tracing of Contacts:** Actions that staff will take when there is a confirmed case. Confirm that the school(s) have designated staff persons to support contact tracing, such as creation and submission of lists of exposed students and staff to the local health department and notification of exposed persons. Each school must designate a person for the local health department to contact about COVID-19.
- Physical Distancing:** How space and routines will be arranged to allow for physical distancing of students and staff.
- Staff Training and Family Education:** How staff will be trained and families will be educated on the application and enforcement of the plan.
- Testing of Students and Staff:** How school officials will ensure that students and staff who have symptoms of COVID-19 or have been exposed to someone with COVID-19 will be rapidly tested and what instructions they will be given while waiting for test results. Describe how staff will be tested periodically to detect asymptomatic infections.
- Triggers for Switching to Distance Learning:** The criteria the superintendent will use to determine when to physically close the school and prohibit in-person instruction.
- Communication Plans:** How the superintendent will communicate with students, staff, and parents about cases and exposures at the school, consistent with privacy requirements such as FERPA and HIPAA.

**Additional Resources:**

CDPH and Cal/OSHA Guidance for Schools and School-Based Programs

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

California Department of Education Stronger Together: A Guidebook for the Safe Reopening of California's Public Schools

<https://www.cde.ca.gov/ls/he/hn/strongertogether.asp>

CDPH COVID-19 and Reopening In-Person Learning Framework for K-12 Schools in California, 2020-2021 School Year

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

SAMPLE