

Order of the Secretary of the Pennsylvania Department of Health Directing Public School Entities in Counties with Substantial Community Transmission to Attest to Health and Safety Protocols

The 2019 novel coronavirus (COVID-19) is a contagious disease that spreads rapidly from person to person throughout the world, the United States, and this Commonwealth. COVID-19 can be transmitted from any person who is infected, even if they have no symptoms. Additionally, exposure is possible by touching a surface or object that has the virus on it and then touching one's mouth, nose, or eyes. Symptoms of COVID-19 may include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea. Older adults and people who have serious chronic medical conditions are at a higher risk for serious illness.

Case numbers of COVID-19 are again increasing in the Commonwealth, along with the number of deaths attributable to the disease. The steady increase of the virus has reached an all-time high and requires the continued practice of physical distancing, wearing a face covering, frequent hand hygiene and other disease control methods.

A priority of the Commonwealth is to have and to maintain in-person instruction at schools.

This priority, however, must take into account the need to slow the spread of COVID-19 and the dangers it presents to Pennsylvanians. Individuals in a school setting have the ability to spread COVID-19 to others, including students, teachers, staff, parents, grandparents, and the community at large. The ability to have in-person instruction requires that the spread of COVID-19 within schools be mitigated as much as possible. SARS-CoV-2, the virus that causes COVID-19, is mainly spread from person to person from respiratory droplets produced when an infected person coughs, sneezes, or talks. This allows for spread of the virus over a much larger area, much more easily. Due to the manner of transmission, the spread of SARS-CoV-2 is most likely to occur when people are in close contact with one another. Activities requiring close contact between participants will facilitate the spread of COVID-19 within the smaller group, then within communities and threaten other, more vulnerable, members of the community. The Department of Health (Department), together with the Department of Education, in the guidance, [Determining Instructional Models During the COVID-19 Pandemic](#) issued August 10, 2020, (Instructional Model Recommendations) made recommendations to schools that, under circumstances of substantial community transmission of the virus, they implement a full remote instructional model, while community transmission remained at the substantial level. This was and is intended to balance the concern of educators and parents that most children learn best through in-person instruction, with the concern that such circumstances, when the community transmission is substantial, could endanger students, teachers, and anyone with whom those persons interact. The record number of COVID-19 cases in the Commonwealth, as well as the increase of cases among vulnerable long-term care populations, and the increasing number of cases in schools themselves, has necessitated a reconsideration of this position. The

recommendations set forth by the Department, in conjunction with the Department of Education, have not been followed consistently across the Commonwealth.¹

COVID-19 is a threat to the public's health, for which the Secretary of Health may order general control measures, including, but not limited to, closure, isolation, and quarantine. This authority is granted to the Secretary of Health pursuant to Pennsylvania law. See section 5 of the Disease Prevention and Control Law, 35 P.S. § 521.5; sections 2102(a) and 2106 of the Administrative Code of 1929, 71 P.S. §§ 532(a), and 536; and the Department's regulations at 28 Pa. Code §§ 27.60-27.68 (relating to disease control measures; isolation; quarantine; movement of persons subject to isolation or quarantine; and release from isolation and quarantine). Particularly, the Department has the authority to take any disease control measure appropriate to protect the public from the spread of infectious disease and is responsible for disease control in public and private schools. See 35 P.S. § 521.13(b) and 521.5; 71 P.S. § 532(a), and 1403(a); 28 Pa. Code § 27.60.

At a time when COVID-19 case numbers continue to rise to levels higher than any seen before, and at a time of year when gathering in groups beyond immediate family members is common, creating greater opportunities for dangerous spread of the virus into the community, controlling continued spread among school populations is one way to control spread of the virus, especially for school entities that do not follow the Instructional Model Recommendations in communities with substantial community transmission. Accordingly, on this date, November 23, 2020, to protect the public from the spread of COVID-19, I hereby order:

Section 1: Definitions

"Attestation" means the form developed by the Pennsylvania Department of Education which can be found on the Department of Education's website.

"Public school entity" means a school district, intermediate unit, charter school, cyber charter school, or career and technical center.

Section 2: Requirements for Public School Entities Operating with In-Person Learning in Counties in the Substantial Range of Community Transmission as Described in the [Determining Instructional Models During the COVID-19 Pandemic](#):

Whenever any public school entity is providing in-person instruction, that public school entity, through its Chief School Administrator and Chair/President of its Governing Board, must attest, through their execution of the Attestation, that they:

- A. Have read the [Updated Order of the Secretary of the Pennsylvania Department of Health Requiring Universal Face Coverings](#), effective November 18, 2020, including necessary exceptions and associated guidance, and that the public school entity is complying and will continue to comply with and enforce the [Updated Order of the Secretary of the Pennsylvania](#)

¹ <https://www.cdc.gov/mmwr/volumes/69/wr/mm6939e2.htm>; <https://www.usnews.com/news/health-news/articles/2020-10-01/coronavirus-infection-rate-among-children-surges-as-schools-reopen>; <https://www.washingtonpost.com/education/2020/11/14/schools-start-closing-or-delay-reopening-covid-19-cases-jump-across-country/>.

[Department of Health Requiring Universal Face Coverings](#), including necessary exceptions and associated guidance.

- B. Have read the [Recommendations for Pre-K to 12 Schools Following Identification of a Case\(s\) of COVID-19](#), and as cases of COVID-19 occur within the public school entity, the public school entity will comply with the [Recommendations for Pre-K to 12 Schools Following Identification of a Case\(s\) of COVID-19](#).

Section 3: Failure to Sign Attestation and Noncompliance with Order:

Any public school entity that has failed to sign the Attestation and return the signed attestation to the Department of Education by 5:00 p.m., November 30, 2020, or having signed it, nevertheless cannot or does not comply with the above referenced Order and Recommendations, shall utilize a full remote instructional model and shall suspend all extracurricular activities (defined as any activity sponsored or approved by a school entity's governing body, administration, or athletic director, including, but not limited to attendance at or participation in athletics, musical ensembles, school plays, student council, clubs, school dances, etc.), during any period that the county where the public school entity is located is in the substantial range of community transmission as described in the [Determining Instructional Models During the COVID-19 Pandemic](#).

Section 4: Effective Date and Duration

This Order is effective at 12:01 a.m. on November 24, 2020, and will continue until further notice.



Rachel Levine, MD
Secretary of Health