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ACTION MEMORANDUM

TO: SPCSA Board
FROM: Rebecca Feiden
SUBJECT: COVID-19 Update and Recommendation Regarding COVID-19 Mitigations Measures for SPCSA-sponsored schools for the remainder of the 2020-21 School Year
DATE: April 23, 2021

SUMMARY OF EMERGENCY DIRECTIVE 044

[Emergency Directive 044](#), which was signed on April 19, 2021, provides details regarding the next phase of the COVID-19 response in alignment with the Governor’s press conference and [press release](#) on April 13, 2021 in which the Governor established a goal of reopening businesses by June 1, 2021. This Directive has several implications for school districts and charter schools as described below.

Face Coverings:

Section 6 of Directive 044 maintains the requirements for face coverings in school district and charter school settings as previously outlined in [Section 4 of Directive 028](#). Therefore, all K-12 students will continue to be required to wear a cloth face covering while on school buses, in school buildings, or on school campuses unless approved for an exemption by the school building administrator. Additionally, all parents, volunteers, visitors, and guests will continue to be required to wear a face covering while on school buses, in school buildings and on school campuses.

Social Distancing and Capacity Limitations:

Section 13 of Directive 044 terminates previous social distancing and capacity limitations for schools, effective April 30, 2021 and effective May 1, 2021 delegates “authority for managing

certain COVID-19 mitigations measures” to county school districts, charter school sponsors, and private school leaders. As described in Sections 8 and 13, the SPCSA, as a charter school sponsor, may adopt and enforce mitigation measures. Specifically, the SPCSA “may determine capacity limits, social distancing protocols, and sanitation protocols for school transportation, spaces within school buildings or on school grounds, and for public gatherings and events of up to 250 people.” These decisions are to be made in consultation with staff and families, as well as local public health authorities. For gatherings and events of over 250 people, Large Gathering Plans must be reviewed and approved in accordance with Directives 041 and 044.

Changes to Distance Education for the Current School Year and the 2021-2022 School Year:

Sections 14 through 16 of Directive 044 make a number of changes regarding distance education and school reopening. Specifically, effective July 1, 2021, “School Districts and Charter Schools may provide distance education through paper correspondence only with the advance written permission of the Superintendent of Public Instruction.” Additionally, school districts and charter schools must “provide distance education as an option for all students throughout the remainder of the Governor’s Declaration of Emergency in response to COVID-19.” Finally, the Superintendent of Public Instruction must provide updated requirements and guidance regarding reopening plans for the 2021-2022 school year. Once issued, this guidance will be critical for schools in planning for the 2021-2022 school year.

Open Meeting Law and Virtual Board Meetings:

While not specific to education, Section 17 of Directive 044 terminates several previous Emergency Directives effective May 31, 2021, including the Emergency Directive related to the Open Meeting Law. Therefore, as of June 1, 2021, public bodies will again be required to have a physical location for meetings and post public notices and agendas in physical locations.

Large Gatherings:

Sections 9 and 10 of Directive 044 provide updated requirements for large gatherings, defined as events in excess of 250 attendees. Schools will be required to have their plans for large gatherings reviewed and approved by the Department of Business and Industry through May 31, 2021 or in accordance with the Local Plan adopted by the county in which the event will occur beginning on June 1, 2021.

MITIGATIONS MEASURES FOR SPCSA-SPONSORED SCHOOLS FOR THE REMAINDER OF THE 2020-2021 SCHOOL YEAR

Pursuant to Sections 13 and 8 of Directive 044 the SPCSA may determine capacity limits, social distancing protocols, and sanitation protocols for school transportation, spaces within school buildings or on school grounds, and for public gatherings and events of up to 250 people to go into effect on May 1, 2021.

Current Directives in Place Through April 30, 2021:

The current directives which expire on April 30, 2021 include the following requirements:

- *Capacity Limits:* Within school buildings, maximum occupancy of a single space may not exceed the lesser of 250 students or 75% of the fire code capacity. For school transportation vehicles, maximum occupancy is 66% of the vehicle capacity.
- *Social Distancing:* Within school buildings, on school grounds, and within school transportation vehicles, minimum social distancing is 3 feet for students and 6 feet for adults.

Recommendation for the Remainder of the 2020-2021 School Year:

In accordance with the [current guidance from the Centers for Disease Control \(CDC\)](#), I recommend that the SPCSA continue to require a minimum of 3 feet social distancing for students and 6 feet social distancing for adults at SPCSA-sponsored schools, including within school buildings, on school grounds, and within school transportation vehicles for the remainder of the 2020-2021 school year. While statewide emergency directives have previously established capacity limits, the CDC does not provide guidance on maximum occupancy in schools. Therefore, I am not recommending that the SPCSA establish any maximum capacity limits for sponsored schools and instead, each sponsored school would be able to determine any capacity limits, so long as they do not exceed 250 people. Large gatherings over 250 people would require a Large Gathering Plan pursuant to Directive 044. Finally, each school's reopening plan contemplates sanitation protocols which have been in place at schools throughout the course of this school year. Therefore, I am not recommending that the SPCSA establish any sanitation protocols for sponsored schools and instead, each sponsored school would continue existing sanitation protocols and make adjustments in line with any updated public health guidance.

Given the evolving nature of the COVID-19 pandemic, I expect the SPCSA to revisit the COVID-19 Mitigations Measures for sponsored schools in advance of any summer school programming and before the beginning of the 2021-2022 school year.

Proposed Motion:

- Require a minimum of 3 feet social distancing for students and 6 feet social distancing for adults at SPCSA-sponsored schools, including within school buildings, on school grounds, and within school transportation vehicles for the remainder of the 2020-2021 school year.
- Except for large gatherings of 250 people or more, which require a Large Gathering Plan pursuant to Directive 044, allow schools to establish any capacity limits.
- Allow schools to continue existing sanitation protocols as determined at the school-level and make adjustments in line with any updated public health guidance.