

January 24, 2022

Enforcement Accommodation to the January 11, 2022 KCHD Reconciliation Order

KCHD has advised all schools to follow current CDCⁱ and MDHHSⁱⁱ school guidance as best practice for ensuring student safety, health, and welfare against COVID-19 disease transmission. “CDC continues to recommend indoor masking in K-12 schools for all individuals age 2 years and older, including students, teachers, staff, and visitors, regardless of vaccination status.”ⁱⁱⁱ (January 13, 2022)

Some school superintendents that oversee districts without a mask requirement have informed KCHD that they are experiencing crisis level staff shortages due to COVID-19 infection; this is severely impacting school operations. They have reported to KCHD that teachers and staff with COVID-19 infection are unable to return to the educational setting sooner than 10 days from the onset of their infection even when reportedly recovered from their symptoms. This staffing shortage impacts the quality of education, the ability to maintain in-person learning, and, therefore, their ability to address the educational and psychosocial needs of students.

This staffing shortage has led to a request for an enforcement accommodation (EA) to the January KCHD order (pg 2. number 1.) for those schools who have chosen not to have a universal mask requirement in place. The EA request would temporarily allow teachers/essential staff who have tested positive for COVID-19 to return to school after 5 days of isolation (if symptoms have improved and they have been without fever for 24 hours without taking fever-reducing medicine) while continuing to wear a well-fitting face mask at all times in the educational setting through day 10 from the onset of their symptoms or positive test.

Until further notice, the KCHD will temporarily allow teachers/essential staff who have tested positive for COVID-19 to voluntarily return to an educational setting without a universal mask requirement after a minimum of 5 days of isolation, while continuing to wear a well-fitting face mask at all times, provided each of the following conditions is present to minimize possible transmission to others in the educational setting:

1. KCHD has received a written request for accommodation and an explanation of ‘crisis level staff shortage sent to Covidschools@kentcountymi.gov. This must be renewed every three weeks.
2. After remaining in isolation for a minimum of 5 full days from the onset of infection (Day 0 is the day of the positive test or the onset of symptoms; if symptoms develop after a positive test, the isolation period starts over with day 0 being the first day of symptoms), the teacher/essential staff member is either asymptomatic or their symptoms are significantly improved, and they are fever-free for 24 hours (without the use of fever-reducing medication).
3. On day 5 or later from the onset of infection, before returning to the educational setting, the teacher/essential staff member must have a rapid antigen test performed (a home test is acceptable if appropriately documented and shared with appropriate school administration). If the test is negative, and their symptoms have resolved or significantly improved as described in #2, they may return to the educational setting, but must always wear a well-fitting mask through day 10 from the onset of their infection. If the test is positive, they must continue to isolate through day 10 from the onset of their infection and must meet symptom criteria described in #2 before returning to the educational setting.

4. If the above criteria are met, the teacher/essential staff may return to the educational setting on day 6 or later from the onset of their infection only if consistently wearing an appropriate, well-fitted 3-ply surgical mask, KN95 mask, or N95 mask over the nose and mouth at all times while around others, regardless of negative test result, through day 10 from the onset of their infection. This includes areas where students are not present, including break rooms, staff lounges, etc. CDC guidance is clear that infected persons should avoid eating around others or being present anywhere that they cannot wear a mask through day 10 from the onset of their infection.
5. The teacher/staff member must be up to date with their COVID-19 vaccination, including a booster dose according to current CDC COVID-19 vaccination recommendations, to reduce spread in the educational setting as much as possible while studies evaluate the transmissibility of Omicron in persons with up-to-date vaccination status.
6. Information disclosing this accommodation is posted in a highly visible location on the school's website along with the school's COVID-19 prevention strategies.
7. Schools are required to enforce appropriate and consistent masking for returning teachers/essential staff during the remainder of their isolation through day 10.
8. By implementing the accommodation, the school acknowledges the increased risk for transmission of COVID-19 to others in the educational setting when returning staff prior to day 10 from the onset of infection (even with a single negative test result) to an environment where not everyone is masked.
9. The teacher/essential staff member's return prior to day 10 from the onset of infection must be voluntary, and schools must not take disciplinary action against a teacher/essential staff member who chooses to complete the full 10-day isolation period.
10. The consideration for accommodation will expire when the 'crisis' level staffing shortage ceases, the KCHD Order is rescinded, or upon further findings by KCHD, whichever is earlier.

Alternatively to the above, schools may implement a temporary mask requirement, which would allow all staff and students to follow the updated guidance for the general population, including shortening the recommended isolation period to 5 days, provided the symptom criteria are also met.

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ⁱ <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html>

ⁱⁱ https://www.michigan.gov/documents/coronavirus/MI_Safer_Schools_Guidance_for_Managing_Students_Exposed_to_COVID-19_734750_7.pdf

ⁱⁱⁱ <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html>