

Joint Control Order of the Local Health Authorities for Harris County and the City of Houston Regarding Public and Non-Religious Private Schools

Harris County Judge Lina Hidalgo and City of Houston Mayor Sylvester Turner have issued Declarations of Local Disaster for Public Health Emergency to take measures to reduce the possibility of exposure to Coronavirus-19 (COVID-19) caused by SARS-CoV-2 and to promote the health and safety of Houston and Harris County residents.

The situation regarding COVID-19 in Houston and Harris County, Texas is rapidly evolving with observed high rates of transmission through community spread, as well as high numbers of COVID-19 cases and hospitalizations.

As of July 23, 2020, approximately 61,416 persons in the combined Harris County and City of Houston have tested positive for COVID-19.

Harris County, the City, Harris County's Local Health Authority, and the City of Houston's Local Health Authority are taking steps to ensure that the spread of COVID-19 is contained, the community is kept safe, and the exposure risk is minimized. Harris County, the City, Harris County's Local Health Authority, and the City of Houston's Local Health Authority are also concerned about the health needs of students, including mental health, physical well-being and safety, and access to nutrition.

Congregate settings, including schools, present increased challenges to control the spread of COVID-19. There are over 910,000 students in kindergarten through grade 12 in Harris County and the City of Houston.

The Texas Education Agency ("TEA") does not have general authority to close schools due to public health, and the TEA has acknowledged that such authority lies with the Local Health Authority, the Department of State Health Services, and the Governor.

Pursuant to authority including but not limited to Sections 81.082 and 121.024 of the Texas Health and Safety Code and Sections 85.1(g) and 97.6(h) of the Texas Administrative Code, unless specifically preempted by the Texas Department of State Health Services, a Local Health Authority has supervisory authority and control over the administration of communicable disease control measures within its jurisdiction when necessary to protect the public health.

Effective immediately upon signing, the Local Health Authorities for Harris County and for the City of Houston hereby impose the following control measures on all public and non-religious private schools ("School Systems") offering instruction to students in any and all grades from pre-kindergarten through grade 12 in Houston and Harris County, for the 2020-2021 school year:

- School Systems must not re-open schools for the 2020-2021 school year to students for on-campus, face-to-face instruction until after September 7, 2020.

- Virtual instruction is allowed consistent with individual district or school academic plans. Instructors may use classrooms for video streaming if they are alone in the classroom and building occupancy does not exceed 10%.
- All school sponsored events and activities, including but not limited to clubs, sports, extra-curricular activities, fairs, exhibitions, academic and/or athletic competitions, must not take place in-person, on or off campus, until school systems resume on-campus instruction.
- By no later than Friday, August 21, 2020, each School System shall develop and submit a written plan with safety and health protocols for resuming in-person instruction and extracurricular activities to the Local Health Authority with jurisdiction over the school. School systems must make the plan available to parents and the general public.

We believe this directive includes appropriate control measures based on the current COVID-19 situation in Houston and Harris County, the higher risk for spread of COVID-19 in schools, and the challenge of keeping students, teachers, administrators, and school personnel safe from COVID-19.

The start of in-person instruction and activity for schools may be delayed further based on ongoing monitoring and assessment of public health mitigation conditions, as well as based on a variety of indicators and metrics that will determine whether it is safe for schools to reopen. If these indicators and metrics indicate that it is not safe, this Joint Control Order may be extended further and/or modified to include a phased approach for school reopening to ensure the health and safety of students, teachers, and other parties involved.

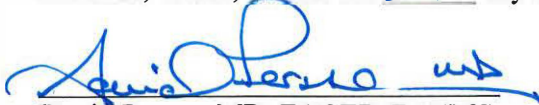
This Joint Control Order is intended to and shall be construed and interpreted to be consistent with all Executive Orders issued by the Governor of the State of Texas related to COVID-19 (as extended or modified). The Texas Attorney General opined that local public health orders cannot mandate that the safety measures detailed herein be implemented for a religious private school. However, we strongly urge religious private schools to implement health and safety measures to protect the health and well-being of students, teachers, staff, parents and our community.

This Joint Control Order is issued under my authority as the Local Health Authority for Harris County, Texas, on this the 24th day of July, 2020.



Umair A. Shah, MD, MPH
Harris County Health Authority

This Joint Control Order is issued under my authority as the Local Health Authority for the City of Houston, Texas, on this the 24th day of July, 2020.



David Persse, MD, FACEP, FAEMS
City of Houston Health Authority