



**DEPARTMENT OF PUBLIC HEALTH**

**ELEMENTARY  
EDUCATION  
WAIVER PACKET**



[SBCovid19.com](https://www.sbcounty.gov/covid19)



## Public Health Administration

**Corwin Porter**  
Director

**Joshua Dugas**  
Interim Assistant Director

**Erin Gustafson, M.D., MPH**  
Interim Health Officer

August 18, 2020

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

Throughout these many months of responding to Coronavirus in our communities, it has been important to remain flexible as the knowledge and guidance we have regarding COVID-19 is constantly evolving. The San Bernardino County Department of Public Health is releasing this letter to provide updated information related to the [Elementary Education Waiver \(TK – 6<sup>th</sup> grades only\) process](#). It has now been determined that the State will give consideration to waivers when a school's respective community case rate is below 200/100,000, even if the overall County case rate exceeds that threshold.

To support a safe opening, the San Bernardino County Department of Public Health will consider each community represented by schools requesting a waiver and exercise due caution in issuing approvals. Public Health will approve waivers every 1-2 weeks as a way to fully consider the impacts before issuing additional approvals in a particular community.

Although many schools have started the school year with distance learning, those school districts and schools who wish to apply for an elementary school waiver can submit their plans to the San Bernardino County Department of Public Health for review and feedback. Please review the application requirements and process outlined in the [Elementary Education Waiver Packet](#). Applications and all supporting documents should be submitted to the Public Health School Liaison, Heather Cockerill, at [hcockerill@dph.sbcounty.gov](mailto:hcockerill@dph.sbcounty.gov) at least 14 days prior to the desired reopening date to allow time for department review and consultation with the State. Please be aware that this 14-day timeframe may be extended if the State is experiencing technical issues with its database.

It has been noted that some of the most challenging parts of a school reopening plan are periodic testing of staff and contact tracing requirements. With respect to testing, school staff are encouraged to go to their own health care provider or other community testing site. [Testing options](#) are available across San Bernardino County. Recommended frequency of testing includes all staff being tested over a 2 month period, where 25% of staff are tested every 2 weeks, or 50% each month, to rotate which staff members are tested over time. For the purposes of contact tracing, we want to clarify that schools do not need to report single cases among students who are in a completely virtual learning environment with no identified exposures at the school; however, schools can still encourage parents to complete

### BOARD OF SUPERVISORS

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the [qualtrics survey](#) as outlined in the [San Bernardino County COVID-19 Response Guide for K-12 Schools](#).

Schools may track the county's progress toward meeting case rate on the [State monitoring site](#). The [data](#) for the county can be found on the County's Covid-19 Dashboard; the County also provides [information and resources to schools](#) on our website on the schools tab.

If you have any questions or concerns, please contact the Public Health School Liaison, Heather Cockerill, by emailing [hcockerill@dph.sbcounty.gov](mailto:hcockerill@dph.sbcounty.gov) or calling 909-387-4578.

Sincerely,

A handwritten signature in blue ink that reads "Erin Gustafson, MD". The signature is written in a cursive, flowing style.

Erin Gustafson, MD, MPH  
Interim Health Officer  
San Bernardino County



## WAIVER APPLICATION COVER FORM

For use by a Local Education Agency or equivalent

<b>I. BACKGROUND INFORMATION</b>	
Name of Applicant (Local Educational Agency or Equivalent):	
School Type: Traditional Public School Charter School Private, Independent, or Faith-Based School	
School District:	
Number of Schools:	Enrollment:
Superintendent (or equivalent) Name:	
Street Address of School:	
City:	Zip Code:
Grades to be Reopened: <input type="checkbox"/> TK <input type="checkbox"/> K <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> <input type="checkbox"/> 6 <sup>th</sup>	
Total Number of Students by Grade: 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 and Title of Person Completing Application: Name:      Title:	
Phone Number:	Email:
Signature:	Date:

## II. CONSULTATION

Please confirm consultation with the following groups:

### LABOR ORGANIZATION

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

### PARENT and COMMUNITY ORGANIZATIONS

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

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

### III. ELEMENTARY SCHOOL REOPENING PLANS

Please confirm that elementary school reopening plan(s) addressing the following, consistent with guidance for schools from the California Department of Public Health (July 17, 2020 issue date) and the California Department of Education (June 8, 2020 issue date), and local health department, have been published on the website of the local educational agency (or equivalent). The plan must address the following components:

1. **Cleaning and Disinfection:** Describe how shared surfaces will be regularly cleaned and disinfected and how use of shared items will be minimized.
2. **Cohorting:** Describe how students will be kept in small, stable groups with fixed membership that stay together for all activities (e.g., instruction, lunch, recess, etc.) and minimize/avoid contact with other groups or individuals who are not part of the cohort.
3. **Entrance, Egress, and Movement within the School:** Describe how movement of students, staff, and parents will be managed avoid close contact and/or mixing of cohorts.
4. **Face Coverings and other Essential Protective Gear:** Describe how CDPH's face covering requirements will be satisfied and enforced.
5. **Health Screenings for Students and Staff:** Describe 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. Describe how students or staff will be cleared to return to school after illness.
6. **Healthy Hygiene Practices:** Describe the availability of handwashing stations and hand sanitizer, and how their use will be promoted and incorporated into routines.
7. **Identification and Tracing of Contacts:** Describe what action staff will take when there is a confirmed case in the school. 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 San Bernardino County Department of Public Health to contact about COVID-19.
8. **Physical Distancing:** Describe how space and routines will be arranged to allow for physical distancing of students and staff.
9. **Staff Training and Family Education:** Describe how staff will be trained and families will be educated on the application and enforcement of the plan.
10. **Testing of Students and Staff:** Describe 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.
11. **Triggers for Switching to Distance Learning:** List the criteria the superintendent will use to determine when to physically close the school and prohibit in-person instruction.
12. **Communication Plans:** Describe 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.

### RESOURCES FOR COMPLETING YOUR PLAN

- 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>



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 In-Person Learning  
Elementary Education Waiver Process**

August 3, 2020

**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](#) 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](#), 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.



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



August 3, 2020

**TO:** All Californians

**SUBJECT:** California Department of Public Health Schools Guidance FAQs

## General

### What schools guidance has CDPH issued?

All CDPH and Cal/OSHA guidance can be found on the [covid19.ca.gov Industry Guidance to Reduce Risk](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Schools-FAQ.aspx) webpage. These include:

- Guidance on Schools and School-Based Programs (PDF)
- COVID-19 and Reopening In-Person Learning: Framework for K-12 Schools in California (PDF)

### What is the legal authority for enforcing the CDPH schools guidance?

The Governor has ordered, in multiple executive orders (PDF), that all California residents heed the guidance and directives of the state public health officer. Government Code section 8665 provides that any person who violates or who refuses or willfully neglects to obey an Executive Order shall be guilty of a misdemeanor and on conviction shall be punishable by a fine.

### Which schools are subject to CDPH's guidance?

The guidance applies to all public and private schools operating in California. This is a public health directive and the Governor has ordered, in multiple executive orders (PDF), that all California residents heed the guidance and directives of the state public health officer.

### Is there a statewide standard on whether or not to open or close schools for in-person instruction?

Education Code section 43504, enacted as part of the 2020-21 Budget, specifies that schools should "offer in-person instruction to the greatest extent possible."

The Framework for K-12 Schools in California (PDF) outlines standards for when schools should open and close for in-person instruction. Within those standards, local public health and school officials should collaborate to make decisions tailored to the circumstances and needs of the community.

If the local health jurisdiction has been on the county monitoring list within the prior 14 days, the school must conduct distance learning only, until their local health jurisdiction has been off the monitoring list for at least 14 days. The framework authorized local health officers to grant a waiver of this criteria, in order for elementary schools to open for in-person instruction under specified conditions. Further details about the waiver process are available in the *COVID-19 and Reopening In-Person Learning Elementary Education Waiver Process* document.

## **What if the school is in a local health jurisdiction that is not the county?**

School districts in local health jurisdictions that are cities are considered to be included as part of the county if the county is on the monitoring list.

## **Will teachers, support staff, and administrators be able to return to work physically without students on site while counties are on the monitoring list?**

Yes, provided that adults on site engage in physical distancing and wear face coverings. School administrators should also consider precautions outlined in the guidance on office workspaces (PDF).

## **Do local health officers have to approve modes of instructional learning employed by schools or school districts?**

No. Schools are not required to seek or receive approval from a state or local public health officer prior to adopting particular instructional models. However, schools and school districts should work closely with local public health officers to ensure that in-person instruction is conducted in a safe manner consistent with state and local public health guidance.

## **How should conflicting or inconsistent guidance between federal, state, and local authorities be addressed?**

Governmental and non-governmental entities at all levels have issued guidance relating to the safe reopening of schools for in-person instruction. Under the operative executive orders (PDF) and 2020-21 Budget Act, schools must comply with orders and guidance issued by the California Department of Public Health and relevant local public health departments. Schools may comply with guidance from other federal, state, local, and non-governmental sources, to the extent those guidelines are consistent with state and local public health directives.

### **Testing and Screening**

## **Who should be tested and how often?**

As explained in the Framework for K-12 Schools in California, school staff should be tested, including teachers, paraprofessionals, cafeteria workers, janitors, bus drivers, or any other school employee that may have contact with students or other staff. School districts and schools should ensure that staff are tested periodically by their primary

care provider or by referring teachers to a community testing site, as testing capacity permits and as practicable. Examples of recommended frequency include all staff being tested over 2 months, where 25% of staff are tested every 2 weeks, or 50% every month to rotate which staff members are tested over time.

## **Who will pay for the testing of school employees and students?**

School employees and students who need testing would either go to their health care provider or a state-operated or other community testing site. The Department of Managed Health Care has filed an emergency regulation to require health plans to pay for COVID-19 testing for all essential workers, including school staff. In addition, tests are available at community testing sites throughout the state.

## **Does the CDPH guidance encourage an active screening of students, staff, and other individuals entering campus?**

Since the original June 5<sup>th</sup> guidance, CDPH has recommended daily visual wellness and symptoms checks prior to individuals entering campus. In order to facilitate those checks, the California Office of Emergency Services has distributed multiple no-touch thermometers for each school throughout the state to local county offices of education. These checks can happen in a variety of ways, including: As the individuals enters the building or during morning homeroom. Students can be asked about their symptoms or can complete a short checklist of symptoms and hand it in. Follow-up to those checklists should occur whenever symptoms of COVID-19 are identified.

### **Positivity, Notification of Positive Cases, and Quarantine**

## **Who will be notified when a person at the school site tests positive or initiates self-quarantine due to confirmed or suspected exposure?**

Schools should maintain communication systems that allow staff and families to self-report symptoms and receive prompt notifications of exposures and closures, while maintaining confidentiality, as required by FERPA and state law related to privacy of educational records and other privacy laws. Additional guidance can be found in the March 2020 Student Privacy Policy FERPA & Coronavirus Disease 2019 (COVID-19) FAQs (PDF) from the U.S. Department of Education. In addition, local public health departments will notify the school administration if a case and contact investigation reveals exposure at the school site.

## **What is the definition of "close contact"? Is there a consistent statewide definition?**

Close contact is defined as contact within 6 feet for greater than 15 minutes without a face covering. The CDPH is following the Centers for Disease Control guidance on close contact.

### **Masks, Face Coverings and Face Shields**

## **The American Academy of Pediatrics does not recommend masks or face coverings for students under middle school age. Why does CDPH have a different recommendation?**

CDPH recommends face masks (or face shields for very young children) at age 2 or older, so that those who cannot manage masks can nonetheless be protected. CDPH guidance requires all children in 3<sup>rd</sup> grade or later to wear masks. Increasing evidence suggests wearing masks or face coverings can significantly decrease COVID-19 disease transmission. Other countries' experiences (e.g., China, Singapore) suggests that virtually all students can be taught to handle face coverings at that age.

Schools should review the CDPH Guidance for the Use of Face Coverings (PDF) and any applicable local health department guidance and incorporate face covering use for students and workers into their COVID-19 prevention plan.

## **What if an individual cannot wear a face covering?**

The face covering guidance recognizes that there are some people who cannot wear a face covering for a number of different reasons. People are exempted from the requirement if they are under age 2, have a medical or mental health condition or disability that would make it difficult for them to properly wear or handle a mask, or when it would inhibit communication with a person who is hearing impaired.

Schools should develop protocols to provide a face covering to students who inadvertently fail to bring a face covering to school to prevent unnecessary exclusions. The California Office of Emergency Services has distributed appropriate face coverings for each school throughout the state to local county offices of education.

## **What if a student arrives at school without a face covering, and refuses to wear one provided by the LEA?**

If a student refuses, the student must be excluded from on-campus instruction, unless they are exempt, until they are willing to wear a face covering. Students excluded on this basis should be offered other educational opportunities through distance learning. Disposable paper masks are thinner and may be less effective, but may still be used as a face covering to meet the requirement.

## **What is the guidance on face coverings and physical distancing on buses?**

Face coverings are required on buses. The guidance acknowledges that a full 6 feet of physical distancing may not be practicable on buses, therefore face coverings are essential. Physical distancing should be maximized to the extent practicable.

### **Elementary School Waiver Process**

## **What grade levels does the waiver apply to?**

Waivers for in-person instruction may be requested for grades TK-6.

## **Can private schools file for a waiver?**

The CDPH guidance provides that both public and private schools in counties on the County Monitoring List may request a waiver to conduct in-person instruction in elementary schools for grades TK-6. The private school equivalent of a superintendent (in most cases, the head of school) may request a waiver from the local health

officer to conduct in-person elementary school instruction, in consultation with labor (as applicable), parent, and community organizations. Local health officers, in turn, should review local community epidemiological data, consider other public health interventions, and consult with CDPH when considering a waiver request.

## **Why does the waiver only apply to elementary schools and not middle or high schools?**

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.

## **What community organizations would schools have to consult with before considering a waiver?**

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.

### **Applicability**

## **Does this guidance allow for sports activities?**

The guidance does not permit team competition, but does allow for individual or team physical conditioning and training and physical education where physical distancing can be maintained and ideally outdoors. Indoor physical conditioning and training is allowed only in counties where gyms and fitness centers are allowed to operate indoors. Please see the CDPH Youth Sports Guidance (PDF) for further details.

## **Does this guidance allow for singing or playing instruments?**

No. Activities where there is increased likelihood for transmission from contaminated exhaled droplets—such as singing, yelling, chanting, blowing wind instruments—are not permitted at this time.

## **Does this guidance apply to childcare programs?**

This guidance applies to K-12. Please see separate childcare guidance.

## **Do these new guidelines apply to preschool?**

Unless there is a local public health order stating otherwise, child care programs can remain open or re-open. There will be some variation for preschool programs that are based on a school campus: if the school campus is closed, then the local school district will decide if the childcare or preschool program can open

### **Closure Criteria**

## **How should schools calculate the 5% benchmark for closing schools?**

The benchmark will generally include the denominator of both students and staff, which should be tracked separately. The CDPH guidance provides that each school site should designate a liaison – the school nurse, if applicable – to help coordinate monitoring and communications to local health officials, as well as the school community. The liaison should monitor and report positive cases, and track whether the school approaches the 5% threshold during a 14-day period.

## **If a school has opened because its county was not (or is no longer) on the monitoring list, will schools be required to close if the county reenters the monitoring list?**

No, the school will not be required to close. Closure requirements are outlined by the CDPH criteria laid out in the COVID-19 and Reopening Framework for K-12 Schools in California (PDF) document.

## **Once a school starts in distance learning, is it required to remain that way for the entire quarter, semester?**

No. Education Code section 43504 specifies that schools should "offer in-person instruction to the greatest extent possible." However, in-person instruction should be conducted only if the conditions are safe for both students and staff. If a school starts in distance learning, school and public health officials should collaborate to prepare to reopen for in-person instruction as soon as practicable.

### **Other Exemptions**

## **If a school is closed for in-person instruction, is it permissible for a small set of students—such as students with disabilities and other students with special needs—to receive in-person instruction on campus?**

More detailed guidance on conditions under which permissible in-person instruction and services for small sets of students, such as those provided pursuant to an individualized education program (IEP), is forthcoming.

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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