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Health Commissioner

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REGIONAL HEALTH DISTRICT  
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**LUCAS COUNTY REGIONAL HEALTH DISTRICT  
RESOLUTION NO. 2020.11.189**

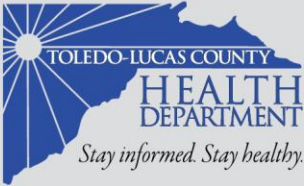
**IN THE MATTER OF: ORDER FOR SCHOOLS IN LUCAS COUNTY  
AN EMERGENCY MEASURE UNDER *OHIO REVISED CODE* §3709.21**

**PREAMBLE.** Governor Mike DeWine has emphasized that in-school education during the pandemic is the desired model but noted each locality would have to determine the best educational process based on current local conditions. In-person learning provides invaluable social interactions and learning conditions, which greatly benefit the student. Almost all Lucas County schools have taken the necessary means to create barriers and conditions that limit transmission in schools during moderate COVID conditions.

**WHEREAS,** most local, state and federal public health and educational officials support an in person educational process over virtual when possible. The Toledo-Lucas County Health Department (TLCHD) has closely been monitoring schools for confirmed COVID-19 infections and exposures among students and staff. Through contact tracing with these individuals, little in-school transmission has been documented. Under moderate community spread, schools can, with the necessary precautions and COVID-19 mitigation strategies, operate with some expectation of controlling the disease in their classrooms. However, as community spread increases so does the risk for transmission of COVID within schools; and

**WHEREAS,** the CDC has indicated the highest risk of transmission in schools occurs when the average new cases per day are 200 or greater and positivity rate is 10% or greater<sup>1</sup>. Community spread conditions continue to worsen in Lucas County with average cases per day exceeding 230 and a positivity rate between 15% and 20%. Lucas County has been designated as a "Red" or high-risk county and is approaching the highest risk level, "Purple." This risk level would mean all or nearly all of the medical criteria are being met or exceeded. This include hospital admissions, ER visit volume, ventilator use, and outpatient visits among others. Lucas County has seen an increase in all of these indicators over the past several weeks as have many other areas of Ohio. Lucas County hospitals are experiencing staffing shortages due to COVID and several hospitals have engaged "bypass status" where ambulances must divert patients to other facilities. When looking at disease incidence in a population, 100 cases per 100,000 population is considered a high incidence rate. Lucas County is currently exceeding 5 times that rate with over 500 cases per 100,000; and

**WHEREAS,** community spread continues to increase, while amplifying the risk to our community and schools, public health cannot maintain its confidence in a safe working or learning environment under today's conditions. One reason is the current timeframe surrounding testing. Currently it takes an unacceptable 5-7 days to begin contact tracing of students or other community members, greatly reducing the effectiveness of COVID mitigation strategies. Without ample testing capability (72 hours to begin contact tracing), Isolation and Quarantine has limited mitigation effectiveness. From past holidays a noted increase in disease within the community has been seen starting 7-10 days following observed holidays. With Thanksgiving,



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Christmas, and New Year's occurring within the next 38 days, it is expected Lucas County will be impacted with significant burden of new cases from these holidays and slow testing will be a barrier to adequate isolation and quarantine of students. Compounding this problem, there is a lag time of 1-3 weeks before many infections, hospitalizations, and fatalities associated with COVID-19 are seen; and

**WHEREAS**, the use of face masks, hand hygiene, and limiting social gatherings are effective tools that help mitigate the spread of COVID-19. Closure of schools is another measure to help decrease the severity of COVID-19 in Lucas County. School closures have been shown to reduce spread and slow the epidemic by about 40 to 60 percent<sup>2</sup>. An advocate for in-school education, Benjamin Linas, MD, MPH, and associate professor of medicine and epidemiology at Boston University School of Medicine stated “You can only open your school safely if you have COVID under control in your community<sup>3</sup>.”; and

**WHEREAS**, school age children appear to be infected and spread COVID-19 differently than adults. In the “United States, the rate of infection is twice as high in children aged 12–17 years as it is among 5–11-year-olds<sup>4</sup>.” Children 5-11-years of age do not appear to be effective spreaders or extensive acquirers of COVID-19. However, those in grades 7 through 12 do have a greater potential to spread COVID due to the way classes are structured (moving from class to class) and through increased interaction inside and outside of school; and

**WHEREAS**, Universities in Ohio will be going virtual and will be off campus from Thanksgiving until after the New Year holiday. These dates also consider approximately when increased cases should be seen in the community due to Thanksgiving, Christmas, and after the New Year’s, and

**WHEREAS**, from the public health perspective, it is imperative to mitigate the potential increase of COVID cases in our schools and our community. With the understanding that students perform best when physically present in school, and that significant disease spread is greatest with increased interaction between persons, the following order was developed through deliberate and extensive consideration to protect schools, attempt to limit the community spread of COVID-19, and focus available resources and mitigation strategies towards those with greatest need and as *Ohio Revised Code* §3707.26 give the local Board of Health the authority to "close any school" when it determines that the public health requires it and may do so immediately under *Ohio Revised Code* §3709.21 if, as in the present circumstances, an emergency caused by an epidemic exists, the following is ordered; now, therefore, be it

**RESOLVED, that**

**The Toledo-Lucas County Health Department hereby states the following:**

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<sup>1</sup><https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/indicators.html>

<sup>2</sup>Zhang, Juanjuan & Litvinova, Maria & Liang, Yuxia & Wang, Yan & Wang, Wei & Zhao, Shanlu & Wu, Qianhui & Merler, Stefano & Viboud, Cécile & Vespignani, Alessandro & Ajelli, Marco & Yu, Hongjie.



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(2020). Changes in contact patterns shape the dynamics of the COVID-19 outbreak in China. *Science*. 368. eabb8001. 10.1126/science.abb8001.

<sup>3</sup><https://www.aamc.org/news-insights/kids-school-and-covid-19-what-we-know-and-what-we-don-t>

<sup>4</sup>Leeb, R. T. et al. *Morbidity and Mortality Weekly Report*. 69, 1410–1415 (2020)

**A. Virtual Learning**

All Lucas County Schools, including public, private, charter and parochial schools, will close all school buildings from December 4, 2020 at 4:00 pm to January 11, 2021 at 8:00 am. The Board highly recommends that all schools not wait until December 4 but to close immediately. Due to anticipated issues with students in grades K-6 (unless the school configuration is grades K-8 who can follow K-6 orders), schools may remain open but may only open those facilities required to provide in-person education for students in those grades. Schools have the discretion to allow the education of grades K-6 (or grades K-8 as described above) to be virtual, to continue with a hybrid in-person/virtual schedule, or, as the order allows, to remain open for in-person education. Schools may open to hold religious educational classes or religious ceremonies. Education for Grades 7-12 (or 9 to 12 depending on school configuration) will be virtual from December 4th until January 11th. All school buildings may open to hold exams, staff to provide virtual instruction and for special needs education requiring in person instruction. These dates were chosen to limit the number of times students will need to switch between virtual and in-person learning models due to holiday breaks that schools have already scheduled.

**B. Sports/Extracurricular Activities**

To limit COVID-19 spread among students, all sports and extracurricular activities are prohibited from utilizing any school building interior space for practice or contests during this same period.

**C. Board Resolution**

This Board finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution and order were adopted in a properly-conducted meeting of this Board, that this resolution and order constitute an emergency measure enacted in response to the community spread of COVID-19, and that all deliberations of this Board that resulted in such formal action were conducted in meetings open to the public and in compliance with all legal requirements, including *Ohio Revised Code* §121.22.

Signed by:

Johnathon Ross, MD  
President

12/04/2020  
Date



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Attested by:

  
Eric J. Zgodzinski, DrPH, MPH, RS, CPH  
Health Commissioner

12-04-2020  
Date