



STATE OF MICHIGAN
COUNTY OF OTTAWA
OTTAWA COUNTY HEALTH DEPARTMENT

ORDER FINDING IMMINENT DANGER
TO THE PUBLIC HEALTH
AND

REQUIRING COVID-19 CASE ISOLATION, CONTACT QUARANTINE AND SCHOOL
DISCLOSURE

This Order is made pursuant to Section 2251 of the Michigan Public Health Code, MCL 333.2433 and MCL 333.2453.

The State of Michigan and Ottawa County are both under states of emergency due to the COVID-19 Pandemic. COVID-19 poses an imminent danger to public health. The Public Health Officer of the Ottawa County Department of Public Health (OCDPH) has made the following determinations and issues this order pursuant to the Michigan Public Health Code, including MCL §333.2235 and §333.2251:

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and is easily spread from person to person. There is currently no approved vaccine for this disease. COVID-19 spreads through close human contact, even from individuals who may be asymptomatic.

The Department may inspect, investigate, or authorize an inspection or investigation to be made of any matter, thing, premises, place, person, record, vehicle, incident, or event, and may apply for an inspection or investigation warrant. (MCL 333.2241; R. 325.174)

The local health officer may institute appropriate isolation or other barrier precautions for a case or a suspected case of disease, infection, or other condition as necessary to protect the public's health. (R. 325.175(1)) Individuals testing positive for COVID-19 infections must isolate at the onset of symptoms for a period of 10 days and must show improvement in their symptoms and be fever free for at least 24 hours.

Close contacts are defined as individuals who have a cumulative exposure of at least 15 minutes of being within 6 feet of a confirmed or probable case of COVID-19. Close contacts are required to quarantine for period of 14 days from their last exposure to the COVID-19 positive individual.

According to Michigan's Communicable Disease rules, primary schools, secondary schools, p/reschools, camps, or child daycares shall report to the local health department within 24 hours of suspecting any of the serious communicable diseases, including COVID-19, among those in attendance of any disease, infection, or condition. Notification to the local health department should include symptoms, number of ill students and staff, affected facilities, and closings due to illness. [R. 325.173(9)(a)-(b)].

Michigan’s Communicable Disease rules also require schools to cooperate with exclusion from school for those who have been infected, or exposed and may become infected, risking further spread of disease in the school and in the larger community.

The Michigan Public Health Code and administrative rules give the local and state health departments the authority and responsibility to investigate cases of disease and suspect transmission. An investigator who presents official identification of a local health department or the Michigan Department of Health and Human Services shall be provided with medical and epidemiologic information pertaining to any of the following persons on request: • Individuals who have any condition required to be reported or other condition of public health significance • Individuals, whether ill or well, who are part of a group in which an unusual occurrence, outbreak, or epidemic has occurred • Individuals who are not known to have a condition, but whose medical or epidemiological information is needed for investigation into the cause of a condition of public health importance • Individuals potentially exposed to a designated condition. [R. 325.174(2)(a)-(f)].

Determinations:

1. On Monday October 19, 2020, OCDPH issued an order to Libertas requiring:
 - The disclosure of the names and contact information for students, teachers, staff and volunteers that meet the definition provided above of a “close contact” for [REDACTED] a known COVID-19 case at Libertas, including the class list for [REDACTED] classroom and a listing of any in-person school assemblies or school events held on October 8, 2020 that the case attended. The case named above is in isolation until released in writing by the health department (“release of isolation notice”). The case may not attend school or any school functions until that time.
 - The entire [REDACTED] grade is in quarantine until Friday, October 23, 2020 and may not attend school or any school functions, indoor or outdoor, until that time.
 - The [REDACTED] children of the case who are believed to attend Libertas school are in quarantine until the last date of exposure to a positive case, or no sooner than Tuesday, November 3, 2020, and may not attend school or any school functions, indoor or outdoor, until that time.
 - Please verify in writing compliance or noncompliance with all four steps above by 5:00 pm on Tuesday, October 20, 2020 through a communication sent by the School or its legal counsel to Ottawa County Corporation Counsel.
2. Libertas did NOT provide any of the information required in the October 19, 2020 Order and is, therefore in violation of this Order.
3. On October 21, 2020, OCDPH learned from an anonymous source that a second teacher, [REDACTED] who is apparently a teacher in the middle or high school at Libertas--had tested positive for COVID-19. OCDPH’s records reveal that [REDACTED] tested positive on October 14, 2020—the same date as [REDACTED] but refused to provide contacts or the name of [REDACTED] employer but did assert that [REDACTED] had advised [REDACTED] employer of the infection.
4. In violation of the provisions of R 325.173(7) or (8) or [R. 325.173(9)(a)-(b)], Libertas has failed to report to OCPHD the infections of either [REDACTED] [REDACTED] [REDACTED]
5. In violation of R. 325.174(2)(a)-(f), Libertas has failed to identify students in the appropriate classes or grades for contact tracing.
6. In violation of R 325.174(2)(a)-(f), Libertas has failed to identify close contacts among staff for contact tracing.

7. Two known cases at Libertas school occurring within the specified timeframe meets the CDC definition of an outbreak. Since Libertas has refused to comply with preventative measures such as prohibiting gathering, social distancing and consistently requiring face coverings to be worn, in combination with a known outbreak, OCDPH has valid epidemiological concern that more school associated cases exist increasing the risk of additional disease spread at the school and in the community.
8. On information and belief, Libertas has not notified parents or staff that there have been known cases of a reportable communicable disease within the required timeframe.
9. Libertas has not published the "Public Notice" required in Director Robert Gordon's October 6, 2020 Emergency Order issued under MCL 333.2253.

These determinations demonstrate an imminent public health threat to the citizens of Ottawa County therefore, I hereby order that the following actions be taken immediately but not later than 12:00 PM on Thursday, October 22, 2020:

- A. Libertas must notify the parents of all students attending Libertas School and Libertas staff using the attached letter, that there is an outbreak of COVID-19 associated with Libertas School and also provide a copy of this Cease and Desist Order and must publish the Public Notice on its website as required by Director Gordon's October 6, 2020 Emergency Order;
- B. Libertas must provide OCDPH the names and contact information of all known cases of COVID-19 among students and staff associated with Libertas school;
- C. Libertas must provide OCDPH a list of names and contact information for students, teachers, staff and volunteers that meet the definition provided above of a "close contact" for [REDACTED] and [REDACTED] including the class list for their classroom(s) and a listing of any in-person school assemblies or school events held during their attendance at school during the period of October 8 to the present; and
- D. Failure to comply with this order will leave the OCDPH without the necessary information to complete a full investigation therefore we must assume that all students and staff are close contacts. All close contacts must remain in quarantine for a period of 14 days from Thursday October 22 thru Thursday November 5, 2020, therefore, **unless there is full compliance with A, B, and C above, Libertas is ordered to cease and desist all in person school activities as of 12:01 p.m. on Thursday, October 22, 2020.**

Failure to adhere to this Order may lead to misdemeanor charges, fines or judicial enforcement.



Lisa Stefanovsky
Administrative Health Officer
Ottawa County Department of Public Health

Date: 10/19/2020