



**STATE OF MICHIGAN
OTTAWA COUNTY DEPARTMENT OF PUBLIC HEALTH**

**RECONCILIATION OF CERTAIN PROVISIONS IN AUGUST 6, 2021 AND AUGUST 20, 2021
ORDERS**

Pursuant to MCL §333.2451, MCL §333.2453, MCL §333.2433 and by MCL §333.2428(2), the Administrative Health Officer makes the following factual determinations to reconcile the orders considering current facts and law:

In the Matter of:

COVID-19 Prevention in Educational Settings within Ottawa County.

Based on changes in the recommendations from Michigan Department of Health and Human Services (MDHHS), the definition of an “Outbreak” in an educational setting is from two cases to three:

1. “Outbreak” in an educational setting is generally defined by the CSTE and referenced in the Michigan State and Local Public Health Standard Operating Procedures. The CSTE definition has been updated for K-12 schools since the issuance of the August 6, 2021 Order. This definition can be found at the following link:

<https://preparedness.cste.org/wp-content/uploads/2021/08/CSTE-Standardized-COVID-19-K-12-School-Surveillance-Guidance-for-Classification-of-Clusters-and-Outbreaks.pdf>

The August 6, 2021 Order requires quarantine for all persons in educational settings in close contact with a COVID-19 case involved in an outbreak. This change to the “Outbreak” in an educational setting definition from two to three cases may result in fewer children and school staff being required to quarantine.

In the Matter of:

COVID-19 Prevention through the Wearing of Face Masks in Educational Settings Grades pre-kindergarten through Grade 6 within Ottawa County.

The Public Health Code sections referenced above have **not** been amended by the State Legislature’s 2021/22 appropriations bill and, therefore, the legal support for this Order has not changed. If the Legislature amends the health officers’ statutory authority, the Orders will certainly be adjusted or terminated accordingly.

One of the two methods whereby the Order is terminated is adjusted from seven consecutive days of community transmission at the CDC “Low” level to fourteen consecutive days of community transmission in the “Moderate” level, with additional factual findings to support this order:

1. Specifically, the August 20, 2021 Order and the provisions of this Reconciliation Order remain in effect until 60 days past the date COVID-19 vaccine is authorized or approved by the FDA and

available to persons in pre-kindergarten through grade six, or community transmission for Ottawa County is categorized as “Moderate” by the CDC for at least fourteen consecutive days, or until further notice from the Administrative Health Officer.

2. The CDC Community Transmission Level was “Moderate” during summer 2021, with relatively few pediatric or adult COVID-19 cases reported each week; if “Moderate” transmission is reattained, select mitigation strategies in schools could be reduced.
3. Face masking of unvaccinated children and their teachers in a congregate gathering, which is what occurs in an in-person classroom setting, is a necessary contingency to the gathering in order for the Health Department to prevent the spread of COVID-19, as is required of the Department under MCL §333.2433, and to ensure continuation of essential public health services and enforcement of health laws in Ottawa County for reasons that include but are not limited to the following:
 - a. Many children in this age group have close contact with their grandparents and other family members who are 65 years of age and older and, therefore, particularly vulnerable to complications of COVID-19 infection, requiring extra attention of the public health system to avoid COVID-19 exposure, and who may require extensive treatment measures if infected thus impairing essential public health and health care services and the enforcement of health laws. Thus, this order protects not only children in this age group, but their teachers, parents, grandparents, and others affected by community spread who are statistically more vulnerable to severe COVID illness and death;
 - b. Because the congregate activities of children in the subject age group are in close proximity and result in numerous close contacts, the complex nature of contact tracing for positive COVID-19 cases in educational settings particularly strains and interferes with essential public health services and enforcement of health laws, such as quarantining and contact tracing. As of October 7, 2021, the public health system has responded to over 5,000 close contact events in schools during the 2021 Fall semester, adding substantial strain to the public health system which is simultaneously experiencing a backlog of over 1,100 cases of all ages awaiting review and investigation follow-up, indicating the growing stress on the public health system;
 - c. Because vaccines are not yet available in this age group, parents do not have that option to protect their children who may be particularly vulnerable to COVID-19, such as those with underlying conditions or disabilities which suppress the immune system or place them at higher risk of severe disease, whom I find are in imminent danger in an unmasked, unvaccinated congregate classroom gathering, and the masking of all students is, therefore, a reasonable accommodation for the gathering pursuant to MCL §333.2451;
 - d. Many studies during the pandemic have indicated the efficacy and effectiveness of face masks for reducing the spread of COVID-19 in indoor settings. Two new studies conducted between July 2021 and September 2021¹ indicate that masking of all students

¹ Budzyn SE, Panaggio MJ, Parks SE, et al. Pediatric COVID-19 Cases in Counties With and Without School Mask Requirements — United States, July 1–September 4, 2021. *MMWR Morb Mortal Wkly Rep* 2021;70:1377–1378.

DOI: <http://dx.doi.org/10.15585/mmwr.mm7039e3external icon>.

Jehn M, McCullough JM, Dale AP, et al. Association Between K–12 School Mask Policies and School-Associated COVID-19 Outbreaks — Maricopa and Pima Counties, Arizona, July–August 2021. *MMWR Morb Mortal Wkly Rep* 2021;70:1372–1373.

DOI: <http://dx.doi.org/10.15585/mmwr.mm7039e1external icon>.

in kindergarten through twelfth grade schools during a period when the highly transmissible Delta variant is the predominant strain and some older children and educational staff are fully vaccinated in the educational setting, results in a demonstrable reduction of COVID-19 cases and outbreaks, protecting those in school, contributing to the maintenance of in-person learning and reducing the opportunity of community spread;

- e. An evaluation conducted by MDHHS comparing COVID-19 case rates in school districts with High, Medium, and Low mask indices found that districts with the fewest mask rules (Low mask index) experienced higher case rates and faster case rate increases compared to districts with High or Medium mask indices. Any additional increase in COVID-19 cases among school districts in Ottawa County, similar to areas with a Low mask index, would further impair the public health system's ability to conduct COVID-19 response in a timely manner, thereby leading to greater community spread and further impairing essential public health services and enforcement of public health laws;
- f. For the week ending September 26, 2021, one area hospital system reported a census of twelve (12) pediatric patients hospitalized with COVID-19, a level not observed since May 2021. Further, for the week ending October 3, 2021, four (4) pediatric patients hospitalized with COVID-19 required admission to an Intensive Care Unit (ICU). A weekly census of four (4) pediatric patients admitted to ICU has not occurred since May 2021. While these findings shed light on the challenges faced by public health systems to accurately estimate the impact of COVID-19, it supports the imminent danger of the Delta variant to our children and the need for the August 20, 2021 Order as clarified to ensure the continuation of essential public health services and enforcement of public health laws;
- g. Current data suggest that COVID-19 variants are many times more transmissible than influenza and therefore may result in a higher number of pediatric mortalities than influenza, especially when parents cannot choose to obtain COVID-19 vaccine for their children under 12 years of age, though influenza vaccine has been available for ages six (6) months and older for many years. Nearly 600 U.S. children under age eighteen (18) have died from COVID-19 since the beginning of the pandemic in March 2020, while only twenty-eight (28) children in this age group died from influenza during the same period;
- h. Preliminary findings from the world's largest study² on long COVID in children who tested positive for COVID-19 from January through March of 2021, show that one in seven (14%) children and young people may have symptoms linked to the virus months later. There is still much that is unknown about the long-term effects of the virus that causes COVID-19, raising concern that children in this age group who become infected with COVID-19 may suffer debilitating ailments years later. Subacute sclerosing panencephalitis, for instance, is an illness that has a high mortality rate resulting from a measles virus infection acquired 7-10 years prior. Similarly, infections from the Human Papilloma Virus can result in cancer years after initial infection, which is why there is now a vaccine for children;
- i. If exposed to a COVID-19 case in a school setting, unmasked children are considered a close contact and may be subject to a mandatory quarantine if within six feet of an infected person, while masked children are considered a close contact only if within three feet of a masked infected person. Besides alleviating the substantial increase in the public health staff effort to implement and enforce the quarantines, the Order promotes

² Preprint. Stephenson T, Pereira S, Shafran R, et al. Long covid—the physical and mental health of children and non-hospitalised young people 3 months after SARS-CoV-2 infection; a national matched cohort study (The CLoCk) Study.2021. doi: <https://assets.researchsquare.com/files/rs-798316/v1/82480913-3b6d-47fc-9d50-096244918954.pdf?c=1632402660>

the ideal educational environment of in-person learning by allowing children to remain in school who might otherwise be required to quarantine;

This Reconciliation Order supersedes the August 6, 2021 and August 20, 2021 Order where inconsistent and incorporates by reference all provisions of the August 6, 2021 and August 20, 2021 Order that are not inconsistent.

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