



STATE OF NORTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

September 15, 2021

Melissa Merrell
Chairperson
Union County Public Schools
400 N. Church Street
Monroe, NC 28112

Dear Chairperson Merrell:

We all share the same goal of keeping our students, teachers, and staff in the classroom where children learn best. During this period of high rates of COVID-19 community transmission, this goal can best be achieved by implementing layered safety measures that protect student, staff, and community health. These measures are based on decades of research on preventing the spread of communicable disease as well as the current research on effective control measures for COVID-19.

As was presented to the Consolidated Human Services Board and Board of County Commissioners by the State Health Director, Dr. Betsey Tilson, on Monday, September 13, due to the highly contagious Delta variant of COVID-19, all 100 North Carolina counties are classified as high transmission by the Centers for Disease Control and Prevention (CDC). Union County is no exception. Its 7-day case average is more than five times above the CDC threshold for high transmission. The percent of tests that are positive in Union County is 16.2%, well above the CDC's threshold for high level of transmission and the state's five percent goal.

Children under 18 are being hit particularly hard in this latest surge, and now have the highest rate of cases among every age group for the first time in the pandemic in our state. Children in Union County are among the most impacted. Union County had the third highest number of COVID-19 cases in the state for children under 18 for the week ending September 11. The rate of cases in children in Union County is substantially higher than counties of similar size and population. Union County's case rate for children under 18 last week (September 5th – 11th) was 748 cases/100,000. This is 1.3 times higher than Cabarrus County (569/100,000), more than 3 times higher than Cumberland County (288/100,000), and more than 3 times higher than Durham County (245/100,000).

As a follow up to the Union County Board of Education's action on Monday, I am providing a summary of required policies for quarantining, isolating, and excluding students, teachers and staff who have either tested positive for COVID-19 or have been exposed to COVID-19. In addition, I want to highlight the concern that the action of the Union County Board of Education poses an imminent threat of serious adverse health consequences for students, teachers, staff, and the public more broadly.

Quarantine is a longstanding public health control measure that is used to separate individuals who have been exposed to a communicable disease to prevent the spread of that disease. Quarantine is important to stop the spread of a communicable disease because the exposed person is at risk of becoming infected and then spreading the disease to others.

Schools have several obligations with regards to communicable diseases and required control measures under our public health laws in North Carolina, which are incorporated and set forth in the StrongSchoolsNC Toolkit. First, if a student or staff member tests positive for COVID-19, the school principal must notify the local health director or designee of the positive case. Second, the school must provide medical or other records pertaining to the COVID-19 case upon request from the local health director or designee, to prevent further spread or to investigate a suspected outbreak. This information request can include, but is not limited to, class rosters, team rosters, locker assignments, teaching schedules, and parent contact information.

Third, schools must ensure that students, teachers, and staff that are subject to isolation or quarantine measures, as described in the Toolkit, are excluded from school for the relevant periods of time. The Toolkit is clear on page 15, that “Isolation is **required** for all presumptive or confirmed cases of COVID-19” and that “Quarantine is **required** for an individual who has been a close contact ... of someone who is determined positive with COVID-19” with certain exceptions described below (emphasis added). The exclusion criteria are set out in the chart on pages 17 and 18 of the Toolkit. Further, exclusion is defined on page 24 to mean that “an individual is not allowed to attend school in person in order to isolate because they are, or are presumed to be, COVID-positive, or to quarantine to ensure they do not expose others if they may become COVID-positive.”

After Monday’s action, Union County Public Schools are no longer complying with these requirements.

As set out in the Toolkit, quarantine of students and staff exposed to COVID-19 can be avoided, and a shortened quarantine period may apply for certain people without symptoms:

- (1) Staff and students who are fully vaccinated do not need to quarantine or be excluded from school based on exposure.**
- (2) Staff and students who have had a COVID-19 infection in the past 90 days do not need to quarantine or be excluded from school based on exposure.**
- (3) Students do not need to quarantine or be excluded from school based on exposure when face masks are being used appropriately by both the student with COVID-19 and the potentially exposed student.** Because of the robust data that demonstrates the effectiveness of face masks, quarantine is not required when both students are wearing a mask consistently and appropriately.
- (4) An additional possible exception to quarantine and exclusion from school are persons who are not fully vaccinated and have tested **antibody positive within 3 months** before or immediately following a close contact if they have limited or no contact with persons at high risk for severe COVID-19 illness, including older adults and persons with certain medical conditions. Exemption from quarantine based on a recent positive antibody test will be considered on a case-by-case by the local health department.**

People who do not meet the above exceptions must quarantine and be excluded from school after an exposure in accordance with CDC recommendations and North Carolina law governing public health control measures. The isolation, quarantine, and exclusion protocols described in the StrongSchoolsNC Toolkit are consistent with CDC published control measures. See N.C. Gen. Stat. § 130A-144(f); 10A NCAC 41A .0201.

The CDC continues to recommend quarantine of 14 days after the last exposure, as this is the period after an exposure that a person may become infected. However, the CDC has published two shorter quarantine options that apply in the following circumstances and can be used by the local health department.

- (1) **10 days of quarantine if the person has no symptoms.**
- (2) **7 days of quarantine if the person has no symptoms, and the individual has received results of a negative antigen or PCR/molecular test that was conducted no earlier than day 5 of quarantine.**

If quarantine is discontinued before day 14, however, the individual should continue to monitor symptoms and strictly adhere to all non-pharmaceutical interventions (e.g., wear a mask, practice physical distancing) through 14 days after the date of last exposure.

Failure to adhere to the isolation and quarantine policies in the Toolkit places students, teachers, and staff, as well as those living in their households and communities, at significant risk of being infected with COVID-19, a highly contagious virus. This failure also creates a substantial threat of serious adverse health consequences for students, teachers, staff, and the public more broadly. Such threats pose an imminent hazard to public health. See N.C. Gen. Stat. § 130A-2(3); *id.* § 130A-20.

As such, I respectfully request that you rescind the motion passed by the Union County School Board on September 13, 2021. I urge the Union County Public Schools to adopt all of the recommendations in the Toolkit and, at the very least, to reimpose the requirements to cooperate with local public health officials in identifying individuals exposed to COVID-19 as well as exclude students subject to isolation and quarantine measures described in the Toolkit no later 5:00 pm Friday, September 17, 2021.

If Union County public schools do not take such steps by September 17th, legal action may be required to protect the public's health.

Sincerely,



Mandy K. Cohen, MD, MPH
Secretary

cc: Rev. John Kirkpatrick, IV – District 1
Matt Helms – District 2
Gary Sides – District 3
Joseph Morreale – District 5
Kathy Heintel – District 6
Rev. Jimmy H. Bention Sr. – At Large
Todd Price – At Large
Sarah May – At Large
Dennis Joyner, Union County Public Health Director