STATE OF MICHIGAN
MARQUETTE COUNTY
MARQUETTE COUNTY HEALTH DEPARTMENT

September 22, 2021

First Amended Emergency Order for Control and Prevention of COVID-19 Transmission in Educational Settings within the County of Marquette, Michigan

Due to a sharp increase in community transmission of COVID-19 in Marquette County as well as lack of an approved vaccine for children under 12 years of age, the Marquette County Health Officer issued an Emergency Order (EO) on September 20, 2021. This EO is amended to clarify that it applies to all Educational Institutions, Settings, and Administrators in the County of Marquette. This First Amended EO is issued pursuant to the Michigan Public Health Code, MCL 333.2451 and 333.2453, as well as State Administrative Rule 325.175(4), promulgated by the Michigan Department of Health and Human Services (MDHHS) pursuant to MCL 333.2226(d), and is based on the following findings of fact.

FACTUAL FINDINGS

1. Marquette County is currently at a “high” COVID-19 transmission level according to the Centers for Disease Control and Prevention (CDC). The test positivity rate is 12.49% and the weekly case rate is 333 per 100,000 population (data from September 12 – September 18, 2021). As of September 20, 2021, a cumulative total of 5,755 probable/confirmed cases and 67 probable/confirmed deaths attributed to COVID-19 have occurred in Marquette County.

2. The Delta variant of the SARS-CoV-2 virus is the dominant variant in Michigan. It is highly contagious (more than 2x as contagious as previous variants). While the risk of severe illness is lower in children, low risk does not equal no risk. Among 23 states reporting, children ranged from 1.6%-3.5% of total cumulated hospitalizations, and 0.2%-1.9% of all child COVID-19 cases resulted in hospitalization. Additionally, nearly one half of these hospitalizations are in children without reported underlying health conditions.

3. The virus that causes COVID-19 (SARS-CoV-2) is spread mainly from person to person, primarily through respiratory fluids (droplets and aerosol particles) produced when an infected person coughs, sneezes, or talks. These can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Spread of the virus is most likely to occur indoors and when people are in close contact with one another (within about 6 feet).

4. A letter issued by the Hospital CEO’s to schools in the Upper Peninsula supporting universal masking in schools, indicating that “our area hospitals are overburdened and operating at the very edge of capacity”.

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5. The most effective way to prevent transmission in schools is for the vaccine eligible population to be vaccinated. Achieving high levels of COVID-19 vaccination among eligible students, as well as teachers, staff, and household members, is the most critical strategy to help schools stay open safely.

6. Currently, students younger than 12 years of age are ineligible to receive vaccination, and many students 12 years and older have not been vaccinated. According to the MDHHS COVID-19 Vaccine Dashboard, as of September 20, 2021 in Marquette County 52.7% of 12-15 year-olds and 38.9% of 16-19 year olds are fully vaccinated.

7. The American Academy of Pediatrics (AAP), CDC, and the MDHHS, all recommend universal masking in schools as a safe, essential, and proven strategy to reduce the spread of COVID-19 in schools.

8. When multiple prevention strategies are layered and applied consistently, including ensuring ventilation for increased air exchange within a setting, proper and frequent hand-washing, and consistent and proper mask use, school-associated transmission of COVID-19 is reduced.

9. The MDHHS issued Recommendations for Safer School Operations during COVID-19 which recommends spacing of at least 3 feet in schools and states that schools should not exclude students from in-person learning because of this minimum distance requirement. When it is not possible to maintain a 3-foot physical distance, it is especially important to layer multiple prevention strategies to minimize the risk of COVID-19 spread, including the mandatory use of masks indoors, vaccine promotion for eligible students and staff, as well as other prevention strategies.

ORDER

Based on the foregoing, it is ORDERED that all Educational Institutions and Settings within the County of Marquette, as well as their Administrators, must use best efforts to:

1. Ensure that children in pre-kindergarten through sixth grade consistently and properly wear a facial mask covering both nose and mouth while inside any enclosed building or structure of the institution, except as specified below.

2. Ensure that, regardless of vaccination status, all persons providing service in an Educational Institution or Setting to any child in pre-kindergarten through sixth grade properly and consistently wear a facial mask while inside any enclosed building, vehicle, or structure, except as specified below.

The requirement to wear a mask shall not apply under the following circumstances:

1. Persons in the act of eating, drinking, swimming, or diving, or where alone in a room.

2. Persons outside if not engaged in activities involving direct physical contact.
3. Persons under the age of five years; however, supervised masking is strongly recommended for children who are at least two years of age.

4. Persons with developmental conditions of any age attending school for whom it is determined that the use of a face mask would inhibit the person’s access to education, although supervised masking is encouraged where feasible. This exception is limited to persons with an Individualized Education Plan (IEP), Section 504 Plan, Individualized Healthcare Plan, or equivalent.

5. Persons who are unconscious, incapacitated, unable to be awakened, or otherwise unable to remove a mask without assistance.

6. Teachers and staff working with children who are hard of hearing or students with developmental conditions who benefit from facial cues. These teachers or staff must be fully vaccinated or comply with masking directive.

7. Persons who have a current medical condition that prevents them from wearing a mask confirmed in writing from a Medical Doctor (MD), Doctor of Osteopathic Medicine (DO), Nurse Practitioner (NP), or Physician Assistant (PA) currently licensed to practice medicine in the State of Michigan.

For purposes of this Order, the following definitions apply:

1. “Best efforts” include:
   - Requiring masks prior to entry;
   - Monitoring persons through the school day or affiliated extracurricular activity to ensure compliance;
   - At the earliest opportunity, removing any person who refuses to comply from the premises.

2. “Educational Institution” or “Educational Setting” shall include all public, private, vocational, and charter schools that provide pre-K through 6th grade education in Marquette County, to include affiliated extracurricular activities, such as sports, clubs, and afterschool activities.

3. “Fully vaccinated” means persons for whom at least two weeks has passed after receiving the final dose of an FDA-approved or authorized COVID-19 vaccine.

4. “Persons providing service” means anyone employed by an Educational Institution or Setting for younger students as well as volunteers, student interns, coaches, and guests of such Educational Institutions or Settings when providing a service to or interacting with younger students.

5. “Younger students” includes any student younger than twelve years of age.

ADDITIONALLY, IT IS REMINDED that:
1. On January 29, 2021, the CDC issued an ORDER requiring face masks to be worn by all people while on public transportation (which included all passengers and all personnel operating conveyances) traveling into, within, or out of the United States and U.S. territories. That ORDER includes school buses, both public and private. See https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html.

2. On August 4, 2021, the CDC recommended universal indoor masking for all teachers, staff, students, and visitors of K-12 schools, regardless of vaccination status. The Marquette County Health Department reminds Educational Institutions of this recommendation and encourages them to enact policies to this effect. See https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html.

THIS ORDER is effective at 12:00 am on Thursday, September 23, 2021, and remains in effect until community transmission for Marquette County is categorized as “moderate” or “low” according to the CDC’s metrics for at least 14 consecutive days, or until further notice from the Marquette County Health Officer.

Violations of this Order will be enforced pursuant to the terms of Michigan’s Public Health Code, including but not limited to misdemeanor enforcement under MCL 333.2261.

Dated: September 22, 2021

Gerald A. Messana
Health Officer
Marquette County Health Department