



August 18, 2020

RE: Critical Infrastructure Designation by School Districts

Dear Superintendent:

We are aware that some districts throughout the state are considering designating certain school staff as “critical infrastructure workers” under federal Cybersecurity and Infrastructure Security Agency Guidance. To be clear, any critical infrastructure designation by a school district is not being adopted pursuant to any State-endorsed framework or authority, and the State makes no representation as to the legality or permissibility of such self-designation.

As a reminder, anyone who has tested positive for COVID-19 must isolate for ten (10) days and may not return to work until the end of the isolation period and feeling well/symptom free for at least 24 hours.

While isolation and quarantine due to COVID-19 will have a disruptive effect on school operations, such protocols are advised by state and federal public health officials in order to protect the community and mitigate further virus transmission.

Thus, self-designation as critical infrastructure by a school district should be considered in consultation with legal counsel and, if pursued, implemented with adequate caution. Because a critical infrastructure designation may present a greater opportunity for COVID-19 transmission within schools, there are certain minimum precautions necessary for the Tennessee Department of Health to acknowledge a self-designation made by a school district. These minimum precautions, attached as Attachment A, are intended to mitigate COVID-19 risk in districts electing to operate under a critical infrastructure approach.

To notify the Department of Health (TDH) and Department of Education of an intention to self-designate certain personnel in your district as critical infrastructure workers, please provide a copy of the minutes from a meeting of the district’s governing body approving such self-designation and adopting the provisions of Attachment A to TDH by emailing COVID.education@tn.gov. The minutes, and any district policy or plan adopted pursuant to such self-designation by a governing body to implement Attachment A (which should also be provided to TDH, if applicable), should describe which employees or contractors are to be deemed critical infrastructure workers. Any modifications to Attachment A must receive prior approval. If a self-designation is deemed deficient, TDH may request appropriate revisions. Failure to either adopt or enforce adequate precautions will result in the TDH not recognizing the designation in subsequent quarantine actions relevant to that district.

Thank you for your attention to these important matters. We appreciate the dedication and work of educators throughout the state, particularly during this unprecedented time.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lisa Piercely'.

Lisa Piercely, MD, MBA, FAAP
Commissioner

A handwritten signature in blue ink, appearing to read 'Penny Schwinn'.

Penny Schwinn, PhD, MAT
Commissioner

Attachment A

The Tennessee Department of Health (TDH) has developed requirements for schools modeled on Centers for Disease Control and Prevention (CDC) guidance involving isolation and quarantine of staff and students to reduce risks from COVID-19, https://www.tn.gov/content/dam/tn/health/documents/cedep/novel-coronavirus/School_Recommendations.pdf.

General Requirements

Anyone who has tested positive for COVID-19 must isolate for ten (10) days and may not return to work until the end of the isolation period and feeling well/symptom free for at least 24 hours (without fever-reducing medication).

In all schools in which a COVID-19 case is identified:

- The local health department will conduct a thorough investigation, per TDH guidelines.
- All positive COVID-19 cases among staff and students must isolate for a minimum of 10 days, per TDH/CDC guidelines.
- All persons who are identified as close contacts (using standard criteria identified below) will be notified and a 14-day quarantine will be required, per TDH/CDC guidelines.
- All close contacts will be monitored for 14 days by the health department.

In accordance with CDC guidance, all close contacts (defined as being within 6 feet for 10 or more minutes) of individuals diagnosed with COVID-19 should self-quarantine for 14-days from the last exposure to that individual.

Critical Infrastructure

It is imperative that any school district that decides to use a “Critical Infrastructure” (CI) approach for the management of COVID-19 implement appropriate precautions. Under this approach, districts may adopt policies and choose to exempt certain staff as designated by the district who are close contacts to COVID-19 cases (i.e., no COVID positive or symptomatic persons) from TDH quarantine requirements and instead strictly follow the CDC’s modified protocol for CI workers. Districts that opt to implement the CI approach for staff must implement additional measures to mitigate COVID-19 risk, as described below, and notify TDH and the Tennessee Department of Education of such CI designation.

School districts implementing a CI approach must demonstrate adherence to mandatory, school-wide preventive measures, including:

- Require all staff, visitors, and students third grade and above to wear cloth face covering (masks) per CDC guidance, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>, subject to appropriate accommodations and exemptions for medical and health conditions.
- Require students, staff, and visitors to maintain 3-6 feet between themselves and others while on school grounds or at a school sponsored event, including within classrooms, during extracurricular activities other than sports, and during any transportation queuing or before a school period.
- Prohibit staff, students, visitors from congregating in lounge areas, hallways, or other common spaces where social distancing cannot be maintained.
- Prohibit school-sponsored mass gatherings (e.g., assemblies and pep rallies), other than athletic competition conducted in accordance with TSSAA Regulations.
- If appropriate physical distancing cannot be achieved within the lunch area, stagger usage or structure lunchtime to allow students to eat lunch in their classrooms or outdoor spaces, continuing to be spaced 3-6 feet apart.

Staff who are formally identified by the health department to be close contacts (e.g., exposed to positive COVID-19 case, but are not symptomatic or positive) in schools within a district following a CI approach who continue working in-person during their 14-day quarantine period must adhere to the following measures:

- Staff who are close contacts must continuously wear a face covering while on-site, with no exemptions.
- Staff who are close contacts must remain at least 6 feet from other persons at all times. In particular, eating and drinking within 6 feet of others is prohibited, as a face covering may be removed during that time only.

- Staff who are close contacts must be monitored for COVID-19 symptoms daily and may not work in-person if symptoms develop.
- Staff who are close contacts must self-quarantine when not at school in accordance with TDH/CDC requirements, and they should not attend athletic or extracurricular activities.
- Staff who are close contacts must be tested for COVID-19. Antibody tests are not acceptable.
 - o Staff member should be tested on or by day 4 (or as soon as possible) after they were last in close contact to a COVID-19 case.
 - If positive, staff member must be isolated and close contacts identified.
 - If negative, staff member should retest 3 days later.
 - o Testing may be done at any medical institution, or by going to the local health department (preferred) during standard testing times.
- **Staff with ongoing COVID-19 exposures (e.g., household with a positive COVID-19 case and cannot avoid continued close contact, as opposed to a nonrecurring close contact) are at high risk and must quarantine according to TDH requirements regardless of district's CI designation.**
- **All students must adhere to TDH isolation and quarantine requirements without exception regardless of district's CI designation.**
- Staff and students who have previously been diagnosed with COVID-19 are exempted from quarantine and re-testing for a three month time period. They should continue to wear cloth face coverings and maintain social distancing.

Districts, particularly those that self-designate workers as critical infrastructure, should also examine their leave policies in consideration of employee isolation or quarantine necessitated by COVID-19.

Please provide a copy of the minutes from a meeting of the district's governing body approving a self-designation and adopting the provisions of this Attachment A (and any district policy or plan adopted pursuant to such self-designation by a governing body to implement Attachment A, if applicable) to TDH at COVID.education@tn.gov.

Failure to either adopt or enforce adequate precautions will result in the TDH not recognizing the critical infrastructure self-designation in subsequent quarantine actions applicable to that district.