MEMORANDUM

Date: July 16, 2021

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

Re: Students Exposed to COVID-19 in School Districts

School districts have consistently followed Centers for Disease Control (CDC), State health and local County health guidelines in curtailing the COVID-19 pandemic.

Recently, the Catalina Foothills School District received a letter from the Governor’s Education Policy Advisor indicating that the quarantine requirement regarding unvaccinated students who have been exposed to COVID-19 is a violation of State law. (Attachment 1)

In our opinion, such a claim is a serious stretch of the imagination and endangers public health, particularly amongst school children during a time period where children 12 years of age and under cannot be vaccinated. We believe the actions of the Catalina Foothills School District does not violate State law. In fact, the actions are consistent with good public health practice in curtailing disease outbreaks, in particular, COVID-19.

Of Pima County’s population age 10 to 19, only 33.5 percent of this population has been vaccinated at this time. Those 12 and under are not yet eligible to be vaccinated, leaving this population vulnerable to COVID-19. Therefore, it is extremely important that monitoring, testing, isolation and quarantine be continued in this population group.

It is well established that vaccinated individuals, including those in the age group of 12 to 18, are well protected against COVID-19 infection. Those vaccinated are highly unlikely to contract COVID-19 after vaccination, whereas those who have not been vaccinated are extremely vulnerable to COVID-19.

After conferring with Deputy County Administrator and Chief Medical Officer Dr. Francisco Garcia and Health Department Director, Dr. Theresa Cullen, we reaffirm that the County has the ability to issue a standing order of quarantine for any student or any other person that has been exposed to COVID-19 and is unvaccinated. This is an appropriate public health response and is consistent with the authority of public health officials to curtail disease outbreaks as substantiated by Arizona Supreme Court case law. As such, we have written to the Superintendents to reaffirm our position and express our support for their efforts to maintain the health and safety of our schools. (Attachment 2)

Attachments

c: Jan Lesher, Chief Deputy County Administrator
Carmine DeBonis, Jr., Deputy County Administrator for Public Works
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services
Terry Cullen, MD, MS, Public Health Director, Pima County Health Department
July 14, 2021

Dear Superintendent Reynolds,

Recently, our team was in receipt of a policy communication your district shared with the families of the students you serve. The policy contained in this document does not comply with state law.

Specifically, the practice of instituting a mandatory 10-day quarantine for unvaccinated students who have a COVID-19 exposure, but exempting vaccinated students, is contrary to Laws 2021, Chapter 404, Sec. 12, which states, "A school district or charter school may not require a student or teacher to receive a vaccine for COVID-19 or to wear a face covering to participate in in-person instruction."

While the COVID-19 vaccines authorized for use in the U.S. are all proven to be safe and effective, parents are the sole decision makers in the State of Arizona when it comes to the health and well-being of their children. That authority is clearly given to them in the Arizona Parents Bill of Rights (see Section 5). Please also keep in mind, many parents are still awaiting full, official authorization of this vaccine from the U.S. Food and Drug Administration before making their decision, and to date, children under the age of twelve are not yet eligible to receive the vaccine. Children of parents who choose not to have their children get the COVID-19 vaccine should not be discriminated against for such decisions.

This policy will lead to entire classrooms of students under 12 being kept at home for nearly two weeks at a time and potentially on multiple occasions with no way to make up for that lost learning time. Additionally, this policy will result in children not meeting the mandatory attendance requirements to advance to the next grade level. All Arizona children are entitled to public education, and adding on these qualifiers and keeping kids out of their classrooms for 10 days at a time contrary to the law is not in anyone’s best interest. Our kids deserve more time in the classroom, not less, especially given the challenges the pandemic has inflicted on their education already.

This policy must be rescinded immediately. The Arizona Department of Health Services is prepared to provide guidance on the best ways to protect your students and ensure they receive the education that our state’s constitution promises them, in alignment with state law.

Thank you,

Katie Harrier
Education Policy Advisor
Office of Governor Doug Ducey

Cc:
David Sandoval, Governing Board President
Cory Underhill, Governing Board Clerk
Rebecca Hill, Governing Board Member
Beverly Pingerelli, Governing Board Member
Dr. Bill Sorensen, Governing Board Member
July 16, 2021

Distribution:
School Superintendents, Pima County

Re: July 14 Letter from the Governor’s Office to the Superintendent of Catalina Foothills School District

Dear School Superintendents:

Yesterday, Superintendent Kamerzell and the Board of the Catalina Foothills School District received a letter from Ms. Kaitlin Harrier, the Governor’s Education Policy Advisor. In the letter, Ms. Harrier asserts that the district’s policy of requiring quarantine of unvaccinated students who have a credible exposure to confirmed COVID-19 cases, while exempting vaccinated students from such protective measures, is contrary to Laws 2021, Chapter 404, Sec 12. This letter also directs the school district to rescind any such policy. I believe this interpretation is incorrect.

Pima County and its Health Officer have independent statutory authority and the responsibility to take such actions as required to protect the community from infectious disease. A Health Department decision to recommend quarantine or isolation, is based on testing results provided by the state and the information gathered through our case investigation and contact tracing process. The Health Department’s quarantine and isolation recommendations for individuals that are COVID-19 cases or contacts to COVID-19 cases are based on published federal and state public health guidelines. Furthermore, the County retains the ability to appear before the Court to request an enforceable order of quarantine when it becomes necessary. Such orders are rarely needed.

Please be assured that Pima County and our Health Department remain committed to you and all our schools as you work to maintain a safe and healthy school
School Superintendents, Pima County
Re: July 14 Letter from the Governor’s Office to the Superintendent of Catalina Foothills School District

July 16, 2021
Page 2

environment. Now more than ever, as the delta variant comes into this community, it is critical that we continue to work as a team to create to ensure the health of all of Pima County.

Sincerely,

C.H. Huckelberry
County Administrator

Distribution:

Ajo Unified School District
Altar Valley School District
Amphitheatre Unified District
Baboquivari Unified School District
Catalina Foothills Unified District
Continental Elementary District
Flowing Wells Unified District
Marana Unified School District
Pima County Joint Technological
Sahuarita Unified School District
Sunnyside Unified School District
Tanque Verde Unified District
Tucson Unified School District
Vail Unified School District

c: The Honorable Dustin Williams, Pima County School Superintendent
   Cara Christ, MD, MS, Director, Arizona Department of Health Services
   Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer
   Health and Community Services
   Theresa Cullen, MD, MS, Public Health Director, Pima County Health Department