John Bel Edwards
GOVERNOR

Dr. Courtney N. Phillips
SECRETARY

State of Louisiana

Louisiana Department of Health

EMERGENCY ORDER
SCHOOL REPORTING AND DATA SHARING ORDER
#2020-COVID19-001

FOR IMMEDIATE RELEASE

TO: State of Louisiana, Department of Education
All public, private, and charter PK-12 schools in Louisiana

FROM: Louisiana Department of Health (LDH) Office of Public Health
Jimmy Guidry, M.D., State Health Officer

SUBJECT: EMERGENCY ORDER: Reporting and Data Sharing of known and suspected positive COVID-19 cases occurring in all public, private, and charter PK-12 schools

PURPOSE: This Emergency Order shall provide directives and guidance pertaining to reporting of information regarding known and suspected positive COVID-19 cases occurring in public, private, and charter PK-12 schools

DATE: September 1, 2020

This directive is applicable to the State of Louisiana, Department of Education ("LDOE"), and all public, private, and charter PK-12 schools ("schools") in Louisiana, including every "elementary school", "middle school", and "high school", as those terms are defined in La. R.S. 17:236. The State of Louisiana, Department of Health ("LDH"), is committed to taking critical steps to ensure public health and safety and provide necessary health information. This Reporting and Data Sharing Order shall be **EFFECTIVE IMMEDIATELY** and shall remain in effect until rescinded by subsequent order of the State Health Officer ("SHO").

RATIONALE AND LEGAL AUTHORITY:

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the COVID-19 outbreak a "public health emergency of international concern" ("PHEIC"). On January 31, 2020, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health emergency ("PHE") for the United States of America. Pursuant to the Louisiana Health Emergency Powers Act, La. R.S. 29:760, *et. seq.*, a state of public health emergency resulting from the outbreak of "coronavirus disease 2019" ("COVID-19") was declared to exist in the entire State of Louisiana by Proclamation Number 25 JBE 2020.

WHEREAS, in the days since the referenced declaration of a state of public health emergency in Louisiana, the COVID-19 outbreak in Louisiana has expanded significantly. Additional measures are necessary to protect the health and safety of the public. The measures ordered herein are in line with the best guidance and direction from the U.S. Centers for Disease Control and Prevention. The measures ordered herein are necessary to help control the spread of COVID-19 while safeguarding the health information of students and staff.

WHEREAS, LDH wants to help ensure students and staff within our State have safe and healthy learning environments by implementing necessary procedures and guidance. The SHO acknowledges the public needs to be provided certain statistical information regarding COVID-19 cases of students and staff within our state's schools.

WHEREAS, the Louisiana Sanitary Code, requires every parent, guardian, householder or other person in charge, principal of a public or private school, to report known COVID-19 in his household or school to the state health officer, when he or she knows or reasonably believes that the disease is one which legally must be reported, except when he or she knows or reasonably believes that a physician, is presumed to have already reported the case.

WHEREAS, the State Health Officer expressly finds the need for all schools, including public, private, and charter, to report all known and suspected positive COVID-19 cases of their students and staff while still safeguarding student and staff health information.

WHEREAS, COVID-19 case reporting information received from schools is subject to privacy restrictions outlined in La. R.S. 17:3914. Therefore, the State Health Officer has determined that LDH will not disclose to the public COVID-19 positive case statistical information pertaining to individual schools unless such

disclosure becomes necessary in order to prevent the further spread of the disease. Also, LDH will not disclose personally identifiable information about an individual student or staff.

WHEREAS, LDH will not disclose any personally identifiable information about an individual student or staff to the LDOE under any circumstances.

WHEREAS, LDH will continue to report COVID-19 outbreaks on the LDH website with statistical information regarding the percentage breakdown of positive COVID-19 cases of students and staff within Louisiana schools.

WHEREAS, the State Health Officer expressly finds that the measures ordered herein are necessary to control the further spread of COVID-19, a communicable, contagious, and infectious disease that represents a serious and imminent threat to the public health and to ensure protected health information is safeguarded.

NOW THEREFORE, pursuant to the powers vested in me by La. R.S. 40:1, *et. seq.,* I, Jimmy Guidry, M.D., State Health Officer, do hereby issue the following emergency order:

1. All schools, including public, private, and charter, are required to report all known or suspected positive COVID-19 cases occurring among its students and staff to the LDH Infectious Disease Epidemiology section via LDH's electronic reporting system.[1]

2. All schools, including public, private, and charter, shall issue guidance to all parents/legal custodians regarding the necessity to report known and suspected COVID-19 cases related to their children/dependents.

3. All inquiries received by LDH related to education and the effects of COVID-19 on the operation of schools, such as closings, will be redirected to the LDOE. All inquiries related to COVID-19 spread in the school setting and surveillance will be answered by LDH.

Signed in Baton Rouge, Louisiana on September, 1, 2020.

Dr. Courtney N. Phillips
Secretary

Jimmy Guidry, M.D.
State Health Officer

[1] School Reporting System Overview is attached