COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

ORDER OF
THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA
DIRECTING PUBLIC SCHOOL ENTITIES IN COUNTIES WITH SUBSTANTIAL COMMUNITY TRANSMISSION TO ATTEST TO HEALTH AND SAFETY PROTOCOLS

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention declared the coronavirus disease 2019 ("COVID-19") a pandemic; and

WHEREAS, the COVID-19 pandemic has created a national emergency in the United States of America; and

WHEREAS, pursuant to section 7301(a) of the Emergency Management Services Code, 35 Pa. C.S. § 7301(a), I am charged with the responsibility to address dangers facing the Commonwealth of Pennsylvania ("Commonwealth") that result from disasters; and

WHEREAS, on March 6, 2020, pursuant to section 7301(c) of the Emergency Management Services Code, 35 Pa. C.S. § 7301(c), I proclaimed the existence of a disaster emergency throughout the Commonwealth as a result of COVID-19, and further extended the disaster emergency by Amendment on June 3, 2020 and August 31, 2020; and

WHEREAS, in executing the extraordinary responsibility outlined above, I am authorized during a disaster emergency to issue, amend and rescind executive orders, proclamations and regulations and those directives shall have the force and effect of law pursuant to 35 Pa. C.S. § 7301(b); and

WHEREAS, in addition to my authority, the Secretary of Health may order general control measures, including, but not limited to, closure, isolation, and quarantine; and

WHEREAS, this authority is granted to the Secretary of Health pursuant to Pennsylvania law. See section 5 of the Disease Prevention and Control Law, 35 P.S. § 521.5; sections 2102(a) and 2106 of the Administrative Code of 1929, 71 P.S. §§ 532(a), and 536; and the Department of Health's regulations at 28 Pa. Code §§ 27.60-27.68 (relating to disease control measures; isolation; quarantine; movement of persons subject to isolation or quarantine; and release from isolation and quarantine). Particularly, the Department of Health has the authority to take any disease control measure appropriate to protect the public from the spread of infectious disease. See 35 P.S. § 521.5; 71 P.S. §§ 532(a), and 1403(a); 28 Pa. Code § 27.60; and

WHEREAS, following an initial curtailing of COVID-19 spread due to the Commonwealth's mitigation efforts, a second wave of COVID-19 cases began in the summer months; and

WHEREAS, despite all efforts taken to date, the pandemic continues to spread, and taking action to prevent that spread while continuing to allow for necessary resumption of economic and social activity requires the Commonwealth to take steps to minimize the danger to Pennsylvanians as a result of participating in that activity; and

WHEREAS, further immediate action is required to mitigate the imminent spread of the disease, and associated health hazards presented by COVID-19, and to enforce the protections necessary to support the response of the Commonwealth to the threat of COVID-19; and

WHEREAS, as of November 21, 2020, the Commonwealth has 302,564 positive cases of COVID-19 in all sixty-seven counties and 9,801 deaths from COVID-19; and

WHEREAS, the Commonwealth is now recording daily COVID-19 cases and hospitalizations in greater numbers than at any other time during this pandemic.

NOW THEREFORE, pursuant to the authority vested in me and my Administration by the laws of the Commonwealth of Pennsylvania, I do hereby ORDER and PROCLAIM as follows:

Section 1: Definitions

"Attestation" means the form developed by the Pennsylvania Department of Education which can be found on the Department of Education's website.

"Public school entity" means a school district, intermediate unit, charter school, cyber charter school, or career and technical center.

Section 2: Requirement for Public School Entities with In-Person Learning in Counties in the Substantial Range of Community Transmission as Described in the Determining Instructional Models During the COVID-19 Pandemic:

Whenever any public school entity is providing in-person instruction, that public school entity, through its Chief School Administrator and Chair/President of its Governing Board, must attest, through their execution of the Attestation, that they:

A. Have read the Updated Order of the Secretary of the Pennsylvania Department of Health Requiring Universal Face Coverings, effective November 18, 2020, including necessary exceptions and associated guidance, and that the public school entity is complying and will continue to comply with and enforce the Updated Order of the Secretary of the Pennsylvania Department of Health Requiring Universal Face Coverings, including necessary exceptions and associated guidance.

B. Have read the Recommendations for Pre-K to 12 Schools Following Identification of a Case(s) of COVID-19, and as cases of COVID-19 occur within the public school entity, the public school entity will comply with the Recommendations for Pre-K to 12 Schools Following Identification of a Case(s) of COVID-19.

Section 3: Failure to Sign Attestation and Noncompliance with Order:

Any public school entity that has failed to sign the Attestation and return the signed attestation to the Department of Education by 5:00 p.m., November 30, 2020, or having signed it, nevertheless cannot or does not comply with the above referenced Order and Recommendations, shall utilize a full remote instructional model and shall suspend all extracurricular activities (defined as any activity sponsored or approved by a school entity's governing body, administration, or athletic director, including, but not limited to attendance at or participation in athletics, musical ensembles, school plays, student council, clubs, school dances, etc.), during any period that the county where the public school entity is located is in the substantial range of community transmission as described in the Determining Instructional Models During the COVID-19 Pandemic.

Section 4: Effective Date and Duration

This Order shall take effect at 12:01 a.m. on November 24, 2020, and shall remain in effect until further notice.

GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this twenty-third day of November two thousand twenty, the year of the commonwealth the two hundred and forty-fifth.

TOM WOLF
Governor