

Elkhart County Health Department
Public Health Order No. 04-2020

Educational Institutions and Sponsored Programs

The outbreak of a new coronavirus continues to cause the disease called COVID-19. COVID-19 is having a direct impact on the health and safety of Elkhart County residents. Elkhart County is continuing its efforts to reduce its COVID-19 positivity rate and prevent an increased resurgence and spread of COVID-19. Over the past seven days, Elkhart County has witnessed its 7-day moving average¹ positivity rate trending up slightly and has received additional information regarding the reopening of school throughout the State of Indiana. The Indiana State Department of Health just confirmed the successful reopening of schools in communities experiencing a 7-day moving average positivity rate higher than that found in Elkhart County. In order to protect public health, this Order is being established to help curb the spread of COVID-19 and protect our vulnerable populations.

With this understanding, I hereby Order the following, effective at 12:01 AM on August 10, 2020. This Public Health Order No. 04-2020 (“Order 04-2020”) is independent of the State of Indiana’s Executive Orders.

A. In-Person Education Options

All K-12 schools in Elkhart County, public and private, are authorized to start the 2020-2021 school year (“School Year”) by providing in-person instruction or instruction via remote learning according to their COVID-19 Plan to Reopen. The Elkhart County Health Department understands that the public and private K-12 schools in Elkhart County have recently made significant efforts to transition from in-person instruction to instruction via remote learning as a result of preliminary concerns identified by the Elkhart County health officer. The Elkhart County Health Department understands and supports all public and private K-12 schools that choose to open with remote learning instruction as they work to transition to in-person instruction.

B. Restriction on In-Person School-Sponsored Activities and Events

Through August 24, 2020, all school-sponsored extracurricular or co-curricular programs must cease in-person meetings, activities, and events that cannot achieve and maintain social distancing of at least six feet during the meeting, activity, or event. “School-sponsored extracurricular or co-curricular programs” means all programs offered by or otherwise supported

¹ The 7-day moving average positivity rate considers the available data over the seven day period 8 to 15 days back from the current date. The 7-day moving average positivity rate does not include the most current seven days as that data is still in a preliminary state while we await the return of additional testing results. The 7-day moving average positivity rate changes on a daily basis as it is a moving average.

by a public or private K-12 school including, but not limited to, all athletics, band, choir, performing arts, clubs, organizations, and other programs.

During the School Year, continuation of school-sponsored extracurricular and co-curricular programs will be evaluated on a case by case basis with each school and individual program being evaluated independently. If events and circumstances arise that result in a school having concern that their program causes students to experience a greater risk, beyond the existing everyday risk, of COVID-19 infection, then the school may contact the Elkhart County Health Department to seek a formal recommendation regarding potential temporary or permanent closure of the school's program as a result of the existing circumstances.

C. Enforcement

The Elkhart County Health Department may issue Notices of Violation for any violation of Order 04-2020 and may enforce Order 04-2020 as outlined in Indiana Code § 16-20-1-26.

D. Scope and Duration

Order 04-2020 goes into effect at 12:01 AM on August 10, 2020. Order 04-2020 will remain in effect for the duration of the School Year unless rescinded or extended by the Elkhart County local health officer. Prior to rescinding or extending Order 04-2020, the health officer intends to examine the applicable COVID-19 data impacting Elkhart County and the surrounding areas and the status of alternative efforts to combat the spread of COVID-19. This Order is independent of all Indiana State Executive Orders addressing similar matters. Compliance with this Order is not required to the extent necessary to comply with any federal, state, or local laws, rules, and regulations. Any school that believes a law, rule, or regulation requires deviation from Order 04-2020 must immediately notify the Elkhart County local health officer.

Signed and issued August 7, 2020, in Elkhart County, Indiana.

Lydia Mertz MD

Dr. Lydia Mertz,
Elkhart County Local Health Officer