

Agenda Item:	II A: Consent Item
Date:	October 12, 2023
To:	Magnolia Educational & Research Foundation dba Magnolia Public Schools (“MPS”) Board of Directors (the “Board”)
From:	Alfredo Rubalcava, CEO & Superintendent
Staff Lead(s):	Suat Acar, Chief Operations Officer
RE:	Updated MPS Health and Safety Policy for COVID-19

**Action Proposed:**

I move that the Board approve the updated MPS Health & Safety Policy.

**Purpose:**

The policy has been updated based on the guidance provided by the Centers for Disease Control and Prevention (“CDC”), the California Department of Public Health (“CDPH”), and several county public health officials as well as the recent updates sent by the LAUSD. The policy is intended for organization-wide implementation at each facility that will be operated by MPS.

**Background:**

The board had approved the MPS health and safety policy during the August 2020, September 2020, February, March, April, May, July, August, September, November, December 2021, January, February, March, April, May, June, September, October, November 2022, January, March, and June 2023 board meetings. In accordance with the most updated health orders, the Home Office COVID-19 Response Team updated the policy.

**Analysis:**

This policy is provided and updated by Young, Minney & Corr, LLP and conform to the standards and practices in the latest guidance (i.e., CDPH and Cal-OSHA, local county, and authorizing agency).

**WHAT CHANGED WITH THIS UPDATED HEALTH AND SAFETY POLICY?**

The new COVID-19 Prevention Procedures and Testing Plan (“Plan”) differs from the prior COVID-19 Health and Safety Policy in the following ways:

- **Removes the “Limited Access to Campus” Section of the Former COVID-19 Health and Safety Plan.** Public health agencies no longer require or recommend restricting access to K-12 campuses, and doing so can be unnecessarily burdensome and restrictive with little benefit.

- **Removes the “Wellness Checks and Temperature Screenings” Section of the Former COVID-19 Health and Safety Policy.** As with the removal of the preceding section, it is no longer recommended or required to screen each individual entering a K-12 campus, and continuing to perform screenings would be burdensome and not cost-effective. With that said, school officials should remain attentive to students’ showing of symptoms consistent with COVID-19 infection, just the same as they would with any other highly contagious disease.
- **Retains the Designation of a COVID-19 Compliance Task Force/Liaison.** The new Plan retains the designation of an official at each school site to be the on-site individual who is responsible for ensuring compliance with the plan and for communicating with public health officials, employees, and families, as necessary. We will keep the task force/liaison list presented in the June 2023 policy.
- **Creates a COVID-19 Testing Plan.** In lieu of Section 4 (COVID-19 Testing and Reporting) of the old Health and Safety Plan, the new Plan is divided into two main sections, a “COVID-19 Prevention Procedures” and a COVID-19 Testing Plan. The adoption of a COVID-19 Testing Plan is a requirement of state law, and the new plan meets this requirement explicitly by creating a Testing Plan consistent with California Department of Public Health guidance. The Testing Plan portion of the new Plan differs from the language in the old policy by omitting references to outdated requirements and language. The Testing Plan retains warnings about confidentiality of any test results received by the school and other elements that continue to be mandatory and further specifies the testing-related obligations of the school for purposes of compliance with Cal/OSHA regulations.
- **Retains Only Exposure Management Protocols That Continue to be Mandatory.** The new Plan omits many of the response procedures that are no longer mandatory and refocuses, in more concise language, only on those that continue to be mandatory. For example, isolation of students and employees remains a school duty as a result of Cal/OSHA regulations (for employees) and the Education Code and implementing regulations (for students). The outbreak procedures are retained to the extent still necessitated by Cal/OSHA regulations, and they appear in the new plan using more concise language. Among other things, the new Plan retains the positive case notification and employee close contact exposure notification requirement of Cal/OSHA. The new plan also reduces any remaining references to quarantine, as the practice is generally no longer in use.
- **Minimizes Reference to Sanitation and Disinfection Procedures.** As the guidance evolved over the course of the pandemic, sanitization, handwashing, cleaning, and disinfection protocols have continued to be deemphasized and dropped. The new Plan reflects this and deletes most of the language pertaining to these topics, as normal cleaning has been scientifically shown to be adequate.
- **Maintains Ventilation Requirements.** Unlike the cleaning and disinfection measures referred to above, schools should still maximize ventilation of school sites, and the Cal/OSHA regulations regarding ventilation under both normal circumstances and outbreaks are included in the new plan.
- **Removes the “Extracurricular Activities” Section.** LACDPH has pulled back drastically regarding its regulation of exposure controls for youth sports and K-12 extracurricular activities to the point where the remaining general prevention measures suffice.
- **Maintains Only Limited Reference to Mask Requirements.** The new Plan states when masks must still be worn (i.e., following isolation for employees until the tenth day from symptoms, during certain outbreaks, etc.) and includes a concise statement of where and when masks must

still be worn and who is eligible for exemption when they are required. The new Plan maintains continuing requirements such as the requirement to provide masks to employees for free, that any person must be allowed to wear a mask unless unsafe, and others.

- **Removes Reference to LAUSD COVID-19 Vaccination Requirements.** These requirements have been either expressly rescinded or judicially overturned and have been deleted from the new Plan. Based on this the MPS will cease requiring proof of vaccination for new hires, contractors, volunteers, third-party facilities users, and other service providers before they are permitted to provide instructional and other services to schools, students, and offices.
- **Removes “Support for Students at Increased Risk” and “Communications to Charter School Community” Sections.** These portions of the old plan are no longer required by mandatory guidance or law and do not appear to serve any continuing need now that the emergency has lifted and the risks of COVID-19 are known and better understood.
- **Provides a Concise Plan.** By eliminating policy language left over from the pandemic’s emergency phase, reducing repetition of protocols in different sections, and deleting language that corresponded to earlier guidance or that was otherwise not grounded in an active, applicable legal obligation, the new Plan provides a shorter and easier-to-read reference. It reduces the overall length from roughly 37 pages to 7, while still maintaining the core elements of COVID-19 response that are required to be performed by California charter schools as a result of Cal/OSHA regulations, state law, and county/district guidance.
- **Maintains Compliance with Local/LAUSD requirements.** Since the state of emergency lifted, both LACDPH and LAUSD have greatly relaxed their relatively strict COVID-19 requirements to conform more with CDPH’s guidance, which itself has been relaxed to consist almost entirely of “recommendations” rather than “requirements.” While some required elements still remain, that relaxation and conformance has allowed the new Plan to be shorter and simpler and more unified, thereby making it a simpler and more useful reference.

**Exhibits:**

- Updated Health and Safety Policy



## **HEALTH AND SAFETY POLICY FOR COVID-19**

*Updated on October 12, 2023*

### **I. Introduction**

Over the course of the last few years, Magnolia Public Schools (referred to herein as the “Charter School”) has implemented a number of policies, protective measures, and best practices developed by national, state, and county public health experts with the intention of reducing the transmission and impact of COVID-19 on its students, employees, and community. These policies, measures, and practices were included in a COVID-19 Health and Safety Policy which helped guide school operations through the pandemic.

The COVID-19 state of emergency has now been terminated, and the threat posed by COVID-19 to our students, employees, and community is now less than it was at the height of the pandemic. As a result of these developments, many of the previously mandated practices are no longer legally mandatory, practically necessary, or recommended to be employed in school settings.

Nevertheless, the Charter School acknowledges that COVID-19 is likely to remain an ongoing potential threat to health and safety of our students, employees, and community, and as such some best practices should be maintained to reduce the incidence of infection and outbreaks on campus. Additionally, although the number of mandated COVID-19 response actions has greatly diminished following the termination of the state of emergency, there are still a number of legal requirements and duties with which the Charter School must comply.

For these reasons, the Charter School has retired the previous COVID-19 Health and Safety Plan and has replaced it with this COVID-19 Prevention Procedures and Testing Plan document (the “Plan”).

### **II. COVID-19 Testing Plan**

In September of 2022, the California Legislature passed SB 1479 which requires California schools to either create a COVID-19 testing plan or to adopt the most recently updated version of the COVID-19 testing framework published by the California Department of Public Health (“CDPH”). (Ed. Code, § 32096.)

In compliance with this requirement, the Charter School has adopted the COVID-19 Testing Plan that follows. The Testing Plan will be posted to the Charter School’s website as required by Education Code section 32096, subdivision (e)(1).

The Testing Plan consists of the following elements:

1. **Point of Contact.** The Charter School's COVID-19 Liaison for each school site is included in the table below:

School Name	Liaison Name	Contact Information, Phone #
Magnolia Science Academy 1	Home Office COVID-19 Response Team	213-628- 3634
	MSA-1 Compliance Task Force Team	818-609- 0507
Magnolia Science Academy 2	Home Office COVID-19 Response Team	213-628- 3634
	MSA-2 Compliance Task Force Team	818-758- 0300
Magnolia Science Academy 3	Home Office COVID-19 Response Team	213-628- 3634
	MSA-3 Compliance Task Force Team	310-637- 3806
Magnolia Science Academy 4	Home Office COVID-19 Response Team	213-628- 3634
	MSA-4 Compliance Task Force Team	310-473- 2464
Magnolia Science Academy 5	Home Office COVID-19 Response Team	213-628- 3634
	MSA-5 Compliance Task Force Team	818-705- 5676
Magnolia Science Academy 6	Home Office COVID-19 Response Team	213-628- 3634
	MSA-6 Compliance Task Force Team	310-842- 8555
Magnolia Science Academy 7	Home Office COVID-19 Response Team	213-628- 3634
	MSA-7 Compliance Task Force Team	818-886- 0585
Magnolia Science Academy 8	Home Office COVID-19 Response Team	213-628- 3634
	MSA-8 Compliance Task Force Team	323-826- 3925
Magnolia Science Academy Santa Ana	Home Office COVID-19 Response Team	213-628- 3634
	MSA-Santa Ana Compliance Task Force Team	714-479- 0115
Magnolia Science Academy San Diego	Home Office COVID-19 Response Team	213-628- 3634
	MSA-SD Compliance Task Force Team	619-644- 1300
Magnolia Public Schools Home Office	Home Office COVID-19 Response Team	213-628- 3634

COVID-19 Liaisons have responsibilities described in the COVID-19 Prevention Procedures part of this document and are responsible for ensuring their school site's compliance with this Plan. Each COVID-19 Liaison shall be informed of all positive COVID-19 cases among students and employees of the Charter School, which results will be securely maintained as confidential health information and reported only to state and local health departments as and when required by applicable law.

2. **Free Testing for Employees.** The Charter School will provide free COVID-19 testing during paid time and in a manner that ensures confidentiality to all employee close contacts exposed at work to a positive case during the positive case's infectious period. The infectious period is from two days before the positive case's first symptoms appeared until ten days after the first symptoms appeared, or until the fifth day since symptoms appeared if a negative test is received on or after the fifth day from symptom onset.
3. **Outbreak Testing.** During outbreaks or other heightened circumstances where the local public health agency's directions are required, the COVID-19 Liaison shall coordinate with the public health agency and shall implement any recommended testing strategies, in addition to those listed here. During confirmed outbreaks, the Charter School shall do each of the following:
  - a. provide free COVID-19 testing during paid time and in a manner that ensures confidentiality to all employees in the exposed group;
  - b. provide free testing on a weekly basis to all previously exposed employees who remain at the site; and
  - c. require employees exposed during an outbreak to test negative for COVID-19 within three to five days after the close contact exposure or be excluded from the workplace until ten days have passed from the date of exposure.
4. **Type of Testing.** The Charter School will use at-home antigen COVID-19 tests when tests are provided or administered to students or employees of the school.
5. **Awareness of Testing Resources.** The COVID-19 Liaison will maintain general awareness of testing resources and programs offered by federal, state, and local government entities; healthcare or insurance companies or organizations; and/or other entities. The COVID-19 Liaison will seek to facilitate access to testing resources for students and employees of the Charter School to the extent they are available.
6. **Awareness of Testing Recommendations.** The COVID-19 Liaison will maintain general awareness of any testing strategies recommended to be employed by state and local public health departments.
7. **Monitoring Community Case Rates.** The COVID-19 Liaison will maintain general awareness of local community case rates and consider more intensive testing solutions when warranted by local conditions.
8. **Confidentiality.** The Charter School will maintain confidentiality of all COVID-19 test results received by it and will only disclose such results when required by law as set forth in this Plan. All medical information about any employee will be stored in a medical information file which shall be separate from the employee's personnel file in order to limit access to this confidential information. This confidentiality includes any employee test results, statements regarding symptoms, and any medical information provided to establish the need for a medical exemption from masking, testing, or similar requirements of this Plan. Student health information shall likewise be treated with strict confidence, consistent applicable law.
9. **Uploading Results at LAUSD Sites.** Employees working at school sites owned by LAUSD are required to upload positive test results to the Daily Pass system. Students are not required to upload positive test results.

### **III. COVID-19 Prevention Procedures**

1. **COVID-19 Liaison.** The Charter School's COVID-19 Liaisons are listed above in Section 1 of the COVID-19 Testing Plan. The COVID-19 Liaison will be the first point of contact at each school site for (i) coordinating and communicating with state and local public health departments and/or other

government agencies with regard to matters related to COVID-19, (ii) communicating all required notices and directives to students and employees regarding close contact exposure, (iii) investigating close contact exposures, and (iv) ensuring Charter School compliance with this Plan.

2. **Identifying Students and Employees with Symptoms.** COVID-19 symptoms include fever of 100.4 or greater, chills, cough, shortness of breath, difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea. Individuals with symptoms consistent with COVID-19 should be excluded from school until they can be tested. If a symptomatic student refuses to test, they may be excluded until they have met the criteria for release from isolation set forth in this Plan. If a COVID-19 test is negative, symptomatic individuals can return to work or school 24-hours after symptoms resolve and fever reduces. If a COVID-19 test is positive, sick employees and the parents of sick students will be instructed by the appropriate COVID-19 Liaison to review and follow the CDPH's isolation guidelines.
3. **Responding to Symptom Onset at School.** If an individual is discovered experiencing symptoms consistent with COVID-19 during the school day, a staff member wearing a medical grade mask will:
  - a. Escort the sick individual to a dedicated isolation area, which will ideally be outdoors;
  - b. Provide the symptomatic individual with a medical-grade mask; and
  - c. Monitor their health until they can be discharged from school (a parent/guardian picks up a sick student or the sick employee leaves or arranges a ride home) to receive medical care.
4. **Isolation.** Individuals who test positive for COVID-19 must stay away from school until they have satisfied the following conditions:
  - a. At least 5 days have passed since symptom onset or, if asymptomatic, since their last positive test; AND
  - b. At least 24 hours have passed since resolution of fever without the use of fever-reducing medications; AND
  - c. Other symptoms are not present, or symptoms are mild and improving.
5. **Student Masking After Isolation.** Students should continue wearing a mask up to the tenth day from the onset of their symptoms or their last positive test (if asymptomatic) if the COVID-19 case is released from isolation before the tenth day from symptom onset or their last positive test (if asymptomatic). Students of LAUSD-owned school sites must wear masks until the tenth day after symptom onset or their last positive test (if asymptomatic) unless they have two, sequential negative test results a day apart during day six through ten from symptom onset or last positive test.
6. **Employee Masking After Isolation.** Employees must wear a mask in the workplace up to the tenth day from the onset of their symptoms or their last positive test (if asymptomatic) if the COVID-19 case is released from isolation before the tenth day from symptom onset or their last positive test (if asymptomatic).
7. **Parent Notification of School.** Parents should immediately inform the site when a student tests positive for COVID-19 and was onsite during the student's infectious period. MSA will communicate this expectation to parents.
8. **Post-Isolation Notification to Employees.** Upon excluding an employee from work, the Charter School shall give the employee information regarding COVID-19 related benefits to which the employee may be entitled under applicable federal, state, or local laws, including any benefits available under legally mandated sick leave, if applicable, workers' compensation law, local government requirements, the Charter School's own leave policies, and any leave guaranteed by contract, if any.



9. **Notification to Employees Regarding Positive Cases.** Until January 1, 2024, the Charter School must either send employees a written notification or post a worksite notice to report the incidence of positive cases at the worksite. These notices should not reveal the identity of the individual who tested positive. Records of these notices shall be kept for at least three years.
10. **Notification to Families.** When the Charter School is notified of a confirmed COVID-19 case, the Charter School may notify students who were exposed to the COVID-19 case during the case's infectious period and provide them with instructions for close contacts.
11. **Exposure; Close Contact.** An individual is considered exposed to a COVID-19 case and thus a “close contact” or part of an “exposed group” when they spend a cumulative total of fifteen minutes or more over a twenty-four hour period within the same indoor airspace of less than 400,000 cubic feet per floor. In large indoor airspaces greater than 400,000 cubic feet per floor, exposure to COVID-19 means being within six feet of an infected person for a cumulative total of fifteen minutes or more over a twenty-four hour period. If the CDPH changes this definition of close contact, the new definition shall be controlling. Upon discovering a COVID-19 Case, the Charter School must investigate and determine and notify the exposed group of employee close contacts. It is recommended but not required that the Charter School notify students of their potential close contact exposure.
12. **Individual Contact Tracing for Employees at LAUSD-owned School Sites.** COVID-19 Liaisons at LAUSD-owned school sites must use individual contact tracing to determine close contact exposure to employees. Employees have had close contact under individual contact tracing when they have spent a cumulative total of fifteen minutes or more over a twenty-four hour period within six feet of a positive case.
13. **Close Contact Notification to Employees.** The Charter School shall notify all employees and independent contractors who were close contacts of a COVID-19 case on campus as soon as possible. At LAUSD-owned school sites, this requires the COVID-19 Liaison to use the LAUSD IEM Reporting system.
14. **Quarantine.** The Charter School’s COVID-19 Liaison shall stay up to date on any state and local health department orders implementing mandatory quarantine periods for close contacts and shall comply with same.
15. **Reporting Positive Cases to County.** The COVID-19 Liaison will report to the county health department anytime there are three positive cases discovered within a single classroom, office, or other pre-defined group at the Charter School, when those positive cases are considered linked and were on campus at any point within a seven day period. This notification should be made using the Shared Portal for Outbreak Tracking ([spot.cdph.ca.gov](https://spot.cdph.ca.gov)) and should be reported no later than one business day after discovery of the third case. The county health department will then determine if an outbreak is underway, in which case it will provide further instruction. If the county health department issues guidance that differs from this obligation or requires a different reporting method or threshold, the Charter School will comply with those directions.
16. **Outbreaks, Defined.** An Outbreak is defined by the CDPH as occurring when three or more COVID-19 cases are discovered in the same exposed group during a seven-day period.
17. **Outbreak Response Instructions.** If an Outbreak is verified by the local public health department, the Charter School will comply with all instructions received from the local public health department on how to respond to the Outbreak.
18. **Outbreak Testing.** Outbreak testing procedures are included in the COVID-19 Testing Plan, above.



19. **Outbreak Masking.** During an Outbreak, close contact employees in an exposed group must wear masks indoors and also outdoors when within six feet of another person, unless subject to exemption.
20. **Outbreak Ventilation.** During an Outbreak in a building or structure with mechanical ventilation, MERV-13 or greater filters will be used, or else the highest compatible filtration efficiency filters will be used. HEPA filtration units will be used where ventilation remains inadequate to reduce the risk of COVID-19 transmission.
21. **Major Outbreaks.** If twenty or more employee COVID-19 cases in an exposed group were on campus during their infectious period within a thirty-day period, the Charter School will do the following:
- Test all employees in the exposed group twice a week;
  - Report the outbreak to Cal/OSHA;
  - Provide respirators for voluntary use to employees in the exposed group, encourage their use, and train employees on respirator use; and
  - Require all employees not wearing respirators to maintain six feet of physical distancing where feasible.
22. **Healthcare Worker Masking.** Healthcare workers are required to wear a mask when conducting patient care.
23. **No Mask Discrimination.** The Charter School shall not prohibit any employee from wearing a mask or respirator voluntarily unless it would pose a safety hazard.
24. **Free Masks for Employees.** The Charter School will provide free, well-fitting medical masks and respirators (with instructions on proper fit) to all employees who work indoors and have contacts with others or who work in vehicles with others.
25. **Mask Exemptions.** Whenever masks are required to be worn by virtue of the elements of this Plan or by the order of a state or local public health department, the following exceptions shall apply:
- When eating or drinking, if at least six feet apart from others, and only if indoor-outdoor ventilation has been maximized to the extent feasible.
  - When individuals are subject to an approved exemption due to a medical or mental health condition or disability that makes mask wearing intolerable, in which case individuals will be directed to wear the most effective non-restrictive alternative available, such as a face shield and drape, to the extent tolerable. The Charter School will follow all public health guidance pertaining to the approval of medical mask exemptions, which must be substantiated by consultation with a medical practitioner such as a medical doctor, nurse practitioner, or similar.
  - During specific tasks which cannot feasibly or safely be performed while wearing a mask.
  - For those under two years of age.
  - When sleeping.
26. **Ventilation.** The Charter School shall do at least one of the following:
- Maximize the supply of outside air to the extent feasible, except when the Air Quality Index is greater than 100 for any pollutant or when opening windows would otherwise be hazardous.
  - Use mechanical air filtering using a filter at least up to MERV-13 value
  - Use HEPA filtration units where ventilation is inadequate to reduce the risk of COVID-19 transmission.

#### **IV. COVID-19 Best Practices and Recommendations**

1. **Vaccination.** The Charter School encourages students and staff to receive all recommended COVID-19 vaccinations and boosters.
2. **Masks Generally.** MSA will provide appropriately sized, high-quality masks to children who do not have one and desire to use one. MSA recommends wearing a mask around others if you have respiratory symptoms (e.g., cough, runny nose, and/or sore throat).
3. **Providing Masks.** It is recommended that masks be provided to students. Masks shall be provided to employees on request.
4. **Masks After Exposure.** Students with known or suspected exposure to COVID-19 should wear masks indoors when around others for ten days from their last exposure.
5. **Testing After Exposure.** Students with known or suspected exposure to COVID-19 are recommended to test within 3-5 days following exposure.
6. **Masks in Nurse's Offices.** Wearing masks is strongly recommended for all while in health-associated facilities like nurse's offices, COVID-19 testing areas, isolation areas, etc.
7. **Hygiene Practices.** It is strongly recommended that all individuals maintain appropriate hand cleanliness, as frequent hand washing can help prevent the spread of communicable diseases. The Charter School will consider providing hand sanitizer at appropriate locations, teaching and reinforcing proper handwashing technique, teaching and reinforcing proper cough and sneeze etiquette, and discouraging the sharing of personal items such as cups, food, utensils, water bottles, etc.
8. **Sports and Extracurriculars.** COVID-19 Liaisons are recommended to consider temporarily pausing certain activities and clubs—especially those that involve physical exertion, close physical contact, or are breathing-intensive—during outbreaks or other times of high community virus transmission.