



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Marc Elrich
County Executive

Raymond L. Crowel,
Psy.D.
Director

**HEALTH OFFICER DIRECTIVE AND ORDER
REGARDING NONPUBLIC SCHOOLS**

August 5, 2020

WHEREAS, a state of emergency and catastrophic health emergency was proclaimed by Lawrence J. Hogan, the Governor of the State of Maryland on March 5, 2020, and renewed on March 17, 2020, April 10, 2020, May 6, 2020, June 3, 2020, July 1, 2020, and July 30, 2020, to control and prevent the spread of 2019 Novel Coronavirus (“SARS-CoV-2”) and the disease that it causes - Coronavirus Disease 2019 (“COVID-19”);

WHEREAS, COVID-19 is an infectious and contagious respiratory disease that spreads easily from person to person and may result in serious illness or death which poses a risk to the health and safety of individuals in Montgomery County, Maryland;

WHEREAS, the currently known and available scientific evidence and best practices support continued limitations on large gatherings, increased use of face coverings, and continued social distancing to prevent exposures and transmissions, and reduce the threat to especially vulnerable populations, including older individuals and those with chronic health conditions;

WHEREAS, despite the implementation of the above measures, the available surveillance and epidemiological data demonstrate that there continues to be widespread community transmission of COVID-19 and increases in the daily caseload volumes within Montgomery County, the State of Maryland as a whole, and the surrounding jurisdictions;

WHEREAS, schools within Montgomery County, Maryland have been notified that due to the widespread community transmission it is not safe to reopen schools for in-person instruction;

WHEREAS, based on the available epidemiological data the Montgomery County Public School Systems have been closed through October 1, 2020, and

WHEREAS, the current surveillance and epidemiological data do not support the safe reopening of schools for in-person instruction in any capacity in Montgomery County.

I, Travis A. Gayles, M.D., Ph.D., Health Officer for Montgomery County, Maryland, finding it necessary to act immediately to prevent the spread of COVID-19, and for the protection of the health and safety of individuals in Montgomery County, Maryland, hereby authorize and order the following actions for the prevention and control of this infectious and contagious disease

pursuant to Maryland Code Annotated Health General §18-208 and COMAR 10.06.01.06. Additionally, the following actions are necessary for the Health Officer to implement in order to prevent the imminent spread of COVID-19 throughout Montgomery County, Maryland.

I. Definitions.

- a. “Nonpublic school” means any school located in Montgomery County, Maryland that is not a public school. This includes but is not limited to all private pay schools, schools affiliated with religious institutions, or schools that are otherwise considered to be independent.
 - i. This Order explicitly excludes programs licensed or regulated by the Maryland Office of Childcare from the definition of nonpublic schools.¹
- b. “Public schools” is defined pursuant to Md. Code Annotated Education Article §1-101(k) as schools in the public elementary and secondary education system of the state.
 - i. “Elementary and secondary education” is defined pursuant to Md. Code Annotated Education Article §1-101(g) as education and programs of education from and including preschool through the end of high school and their equivalent.

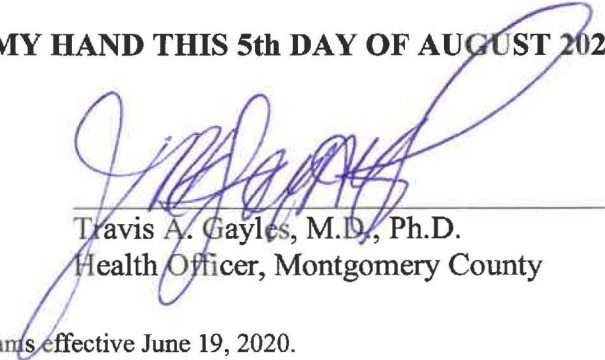
II. Nonpublic Schools.

Nonpublic schools located within Montgomery County, Maryland are prohibited from reopening for in-person instruction through October 1, 2020.

III. General Provisions.

- a. This Order rescinds and replaces the Health Officer Directive and Order Regarding Private and Independent Schools dated July 31, 2020.
- b. This Order remains in effect until October 1, 2020, or until rescinded, superseded, amended, or revised by additional orders.
- c. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.
- d. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

**THIS ORDER IS ISSUED UNDER MY HAND THIS 5th DAY OF AUGUST 2020
AND IS EFFECTIVE IMMEDIATELY.**



Travis A. Gayles, M.D., Ph.D.
Health Officer, Montgomery County

¹ County Executive Order 082-20 reopened these programs effective June 19, 2020.