



Governor's Advisory Council for Exceptional Citizens (GACEC)
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September 24, 2021

Department of Education
Office of the Secretary
Attn: Regulation Review
401 Federal Street, Suite 2
Dover, DE 19901

RE: 25 DE Reg. 225/9 DE Admin. Code 105 DOE Emergency Order on Residential Child Care Facilities and Day Treatment Programs; 25 DE Reg. 229/14 Del. Admin. Code 815 DOE Emergency Order on Health Examinations and Screening; 25 DE Reg. 235/14 DE Admin. Code 933 DOE Emergency Order on DELACARE: Early Care and Education and School-Age Centers; 25 DE Reg. 239/14 DE Admin. Code 934 DOE Emergency Order on Family and Large Family Child Care Homes and 25 DE Reg. 244/14 DE Admin. Code 938 DOE Emergency Order on Youth Camps Regulations (September 1, 2021)

Dear Secretary Bunting:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the emergency regulations listed above from the September 1, 2021 Register of Regulations and would like to share the following observations. Council understands that these emergency regulations have been adopted under the authority of the DOE to adopt emergency regulations when an agency determines it is necessary to protect the public health, safety or welfare from imminent peril. The emergency orders add information which proposes requirements for the mitigation and prevention of COVID-19 in residential child care facilities, day treatment programs, health examinations and screenings, early care and education and school-age centers, family and large family child care homes and youth camps. Council has elected to group our comments on these emergency regulations as they are all addressing COVID-19 and preventing its spread in these settings.

DOE is adopting these Emergency Orders to establish a tiered strategy to prevent the spread of the COVID-19 virus. The tiered strategy combines encouraging vaccination with additional steps, including continuing mask usage. This approach is based on guidance from Centers for Disease Control and Prevention (CDC). The adopted emergency regulations generally follow the guidance of the CDC regarding masking requirements in each of the settings listed. However, masking is not the only recommendation made by the CDC for mitigating the spread of COVID-19. Although the adopted emergency orders indicate they are for the mitigation and prevention of COVID-19, they could really be listed as "Masking Requirements."

Instead of only incorporating masking requirements in these Emergency Orders, Council would like to recommend that the DOE also include some of the other applicable CDC recommendations for mitigating and preventing the spread of COVID-19 in the facilities noted in the Emergency Orders. Those other recommendations include but are not limited to (1) physical distancing and cohorting; (2) improving ventilation; (3) cleaning and disinfecting; (4) limiting nonessential visitors, volunteers, and activities involving external groups or organizations with people who are not fully vaccinated; (5) conducting workplace hazard assessments and (6) developing emergency operations plans.

In addition to those mentioned above, the CDC recommends that schools implement screening testing, which can be used to identify infected people, including those with or without symptoms, who may be contagious, so steps can be taken to prevent an outbreak or further transmission. Specifically for schools, screening testing can be used to promptly identify, isolate, and quarantine those who may have been exposed as well as identify clusters to reduce the risk to in-person education. To be effective, the CDC recommends that screening testing be conducted at least once a week and can be completed in batches or pooled testing of cohorts.

The CDC provides resources to help support school screening testing programs, including the CDC ELC Cooperative Agreement Reopening Schools Award, which provides \$10 billion to support COVID-19 screening testing in schools for safe, in-person learning. Schools, districts, and the DDOE should also consider using the monies it received under the American Rescue Plan and the Elementary and Secondary School Emergency Relief Fund to help establish and implement a screening testing program.

Lastly, the CDC guidance indicates that each strategy should be removed one at a time and monitored for any resulting outbreaks or increases in COVID-19 cases. It recommends that facilities work closely with local public health officials for this as well as other monitoring.

Therefore, while Council supports the Emergency regulations, we would request that DOE amend them to include some of the other CDC recommendations for mitigating and preventing the spread of COVID-19 and add a requirement that the entities covered under these regulations work closely with the Division of Public Health (DPH) and DOE on monitoring and implementation of these tiered strategies.

Thank you for the opportunity to share our support of this proposed amendment. Please contact Pam Weir or me if you have any questions on our comments.

Sincerely,

Ann C Fisher

Ann C. Fisher
Chairperson

ACF: kpc

CC: Whitney Sweeney, State Board of Education
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