



## DEPARTMENT OF HEALTH AND HUMAN SERVICES

Marc Elrich  
*County Executive*

Raymond L. Crowel, Psy.D.  
*Director*

### **HEALTH OFFICER DIRECTIVE AND ORDER REGARDING PRIVATE AND INDEPENDENT SCHOOLS**

**Pursuant to State Executive Order 20-07-29-01**

**July 31, 2020**

#### Background

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, the effects of COVID-19 require that local health officials be vigilant in advising the residents of measures they can take to protect health, safety, and welfare;

WHEREAS, the U.S. Centers for Disease Control and Prevention (“CDC”) has issued guidance and best practices regarding the reopening of schools which includes review of surveillance and epidemiological data regarding COVID-19 transmission rates in the immediate community and in the communities in which students, teachers, and staff live; and

WHEREAS, a review of the surveillance and epidemiological data for these communities has shown increases in COVID-19 transmission rates in the District of Columbia, the Commonwealth of Virginia, and the State of Maryland.

I, Travis A. Gayles, M.D., Ph.D., Health Officer for Montgomery County, Maryland, as a designee for Robert R. Neall, Secretary of Health for the State of Maryland, finding it necessary and reasonable for the prevention and control 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 under the Governor’s Declaration of Catastrophic Health Emergency.

I. Definitions.

- a. “Nonpublic school” means any school located in Montgomery County, Maryland that are not public schools.

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 schools.

- 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 physically reopening for in-person instruction through October 1, 2020.

III. General Provisions.

- a. This Order remains in effect pursuant to paragraph II or until rescinded, superseded, amended, or revised by additional orders.
- b. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.
- c. 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.
- d. A person who knowingly and willfully violates this Order or any Local Order is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding \$5,000 or both.

**THIS ORDER IS ISSUED UNDER MY HAND THIS 31st DAY OF JULY 2020  
AND IS EFFECTIVE 6:00 A.M. AUGUST 3, 2020.**

*Travis A. Gayles, M.D., Ph.D.*

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