

September 21, 2021

To: Boards of Education
Delaware County Superintendents

From: Shelia L. Hiddleson, MS, RN
Health Commissioner

Re: Isolation and Quarantine Legal Authority in Schools

Fundamentally, and in accordance with R.C. § 3313.68, “Boards of education shall co-operate with boards of health in the prevention and control of epidemics.” In practice, the Delaware Public Health District (DPHD) works closely with schools to appropriately identify and then isolate or quarantine infected or exposed persons in the school setting.

Pursuant to R.C. § 3707.08, DPHD has the duty and authority to isolate students and staff who are medically diagnosed with Covid-19, and to quarantine students and staff who are close contacts to an individual medically diagnosed with Covid-19. See Generally R.C. §§ 3701.13(A)(1) & 2), 3707.11, and 3709.50. A person is placed on isolation or quarantine by DPHD pursuant to R.C. §§ 3709.21, 3709.212, and Board of Health Resolution 2011-02. While Senate Bill 22 limits the ability of the DPHD to issue isolation or quarantine orders to those medically diagnosed cases, Senate Bill 22 does nothing to change the statutory framework to issue isolation and quarantine orders. When an isolation or quarantine order is issued by the DPHD, R.C. § 3707.16 prevents any person from attending school or school events, and the school shall exclude any such person from school and school events until the school is given written permission of a board of health to attend.

Schools do not have this same authority to isolate or quarantine students or staff. Rather, in accordance with its specific powers and duties under R.C. § 3313.67, and any order given to the school by DPHD pursuant to R.C. § 3707.16, schools shall exclude a student (or staff) from school upon notification from the local health department that a student or staff has a communicable disease, or that a student or staff was exposed to a communicable disease. DPHD issues isolation and quarantine information continually to local schools in accordance with 45 CFR 164(j)(1)(i)(A), in an effort to prevent or lessen a serious and imminent threat to the health or safety of a person or the public.

Finally, DPHD has the authority under R.C. § 3707.26 to close school buildings when a dangerous disease is unusually prevalent upon confirmation of positive cases (of a communicable disease). Once the school building is closed, the board of health may enter the school buildings to disinfect the premises and bring the school building into a sanitary condition. The cooperative framework laid out above between schools and DPHD are to prevent the closure of school buildings so students and staff can stay in school. It is imperative that all parties cooperate under the legal framework to accomplish the laudable goal of making schools safe to attend and to help stop the spread of disease.