



FILED FOR RECORD

AT 5:00 O'CLOCK P M

AUG 10 2020

Sylvia Garza-Perez
CAMERON COUNTY CLERK
By [Signature] Deputy

**JOINT CAMERON COUNTY HEALTH AUTHORITY AND CAMERON
COUNTY JUDGE EMERGENCY HEALTH CONTROL ORDER DELAYING
IN PERSON FACE-TO-FACE PUBLIC AND PRIVATE SCHOOL
INSTRUCTION UNTIL AFTER SEPTEMBER 28, 2020**

WHEREAS, the Cameron County Judge and Cameron County Health Authority have consulted with the Mayors and Superintendents, including independent schools' leadership of each city within Cameron County; and

WHEREAS, on July 13, 2020, Texas ranked only behind California (No. 1) and Florida (No 2.) with the most confirmed positives COVID-19 cases – 258,658 – in the nation. Texas has seen an increase of 63,419 new cases in the last seven days, surpassing California which had 60,649 new cases, only 5,624 cases behind Florida. Out of Texas' 254 counties, Cameron County had the twelfth most positive cases in the state – 3,854 – of which 1,227 of those cases are active; and

WHEREAS, on August 9, 2020, according to the CDC, in less than a month's time, Texas' positive cases have surged to 481,483, a 186% increase within 27 days. Out of 254 Texas counties, Cameron County ranks eighth in most positive cases, sixth with most COVID-19 related deaths, and third with most active cases, as per the Texas Department of State Health Services. Between July 3, 2020 and August 8,

2020, the total number of recorded COVID-19 cases went from 2,692 to 16,590, and from 63 deaths to 367 deaths within the same time period; and

WHEREAS, School Districts across the County have developed contingency plans to include in-person instruction, hybrid instruction, and full-time remote/online instruction. These strategic entry plans have been developed with prioritized safeguards for the health, safety, and well-being of our teachers, campus staffs, and students through full-time remote/online learning instruction; and

WHEREAS, the enforcement of egress and ingress to and occupancy of premises and of area control orders during the worldwide COVID-19 pandemic and health emergency are matters of vital interest to the public in general and to the health and safety of school children and school personnel; and

WHEREAS, failure to comply with any of the provisions of this Order constitutes an imminent threat to public health; and

WHEREAS, the County Judge in his authority pursuant to the Texas Government Code §418 et. seq., with the advice and consent of Commissioners Court and the Cameron County Health Authority pursuant to his authority under Chapter 81, et. seq. of the Texas Health and Safety Code in consultation with the Texas Department of State Health Services hereby issue the following Joint Cameron County Health Authority and Cameron County Judge Emergency Health Control Order Delaying In Person Face-To-Face Public and Private School Instruction until after September 28, 2020.

THEREFORE, The County Judge and the Cameron County Health Authority hereby delay the reopening for all school districts and private schools in Cameron County for face-to-face instruction, with the exception of any military boarding school.

A. RESTRICTIONS: The following restrictions are effective August 10, 2020, and will continue until September 28, 2020, unless extended in writing;

1. School systems shall not re-open schools for on-campus, face-to-face instruction until at least September 28, 2020, unless extended in writing. This Order may be extended if there continues to be substantial community spread of COVID-19 in Cameron County as that date approaches.
2. Administrators, teachers, and staff are permitted to conduct or facilitate virtual/remote learning and provide curbside meals from the school campuses while following Federal, State, and Local guidelines to prevent transmission of COVID-19 in the workplace.
3. School personnel are permitted to return to school campuses and facilities to conduct remote instruction and related instructional activities, to provide food distribution, and to perform administrative duties. Such duties and activities are to be conducted consistent with the health guidance and protocols issued by the Texas Education Agency.
4. Virtual/remote learning platforms shall be permitted as per a school system's own plan.
5. To the extent permitted under the Individuals with Disabilities Education Act ("IDEA"), and consistent with the procedures required under the federal regulations and state rules implementing IDEA, all students that are

considered medically fragile, as determined by a licensed physician, may return to school for on-campus, face-to-face instructions if the student's Individualized Education Program ("IEP") and Admission, Review, and Dismissal ("ARD") Committee, with the involvement of the parents, determine that such is appropriate when prioritizing the health and safety of the student, other students, staff, and the community. Decisions on the placement of students must be done on a case-by-case basis and based upon the most recent and up-to-date medical, health care, Centers for Disease Control ("CDC"), Texas Department of State Health Services ("DSHS"), Local Health Authority, Texas Education Agency ("TEA"), and local school district guidance and information.

6. Extracurricular sports and activities shall not take place until school systems re-open for on-campus instruction.

7. School systems shall develop a plan for re-opening on-campus, face-to-face instruction and activities at least two weeks prior to September 28, 2020.

B. **EFFECT**: This Order shall remain in full force and effect unless it is modified, rescinded, superseded, or amended pursuant to applicable law. Cameron County must promptly provide copies of this order to the governing body of each municipality and each affected public and private school district and facility in Cameron County and by posting on the County website. In addition, the owner, manager, or operator of any school district or facility that is likely to be impacted by this Order is strongly encouraged to post a copy of the Order onsite and to provide a copy to any member of the public asking for one.

C. **SEVERABILITY**: The sections, paragraphs, sentences, clauses, and phrases of this Order are severable and if any phrase, clause, sentence, paragraph, or section of this Order should be declared invalid by the final judgment or decree of any court or competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections that can be given effect without the invalid provision, and to this end, the provisions of this Order are severable.

D. **INTERPRETATIONS AND ADDITIONAL TERMS**: To the greatest extent possible, this Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive orders of the Texas Governor either existing or as, if and when issued, which are made applicable to all jurisdictions by law shall be automatically incorporated into and constitute terms of this Order, enforceable as if set forth herein without necessity for the issuance of any further orders.


E. **ENFORCEMENT**: In accordance with the limitations contained in the executive orders of the Governor, that any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Order in accordance with the authority granted under the Texas Disaster Act of 1975.


F. **PENALTIES**: Failure to knowingly comply with these orders and control measures may subject an actor to:

1. Prosecution under Texas Health and Safety Code §81.087 which may be punished by a fine not to exceed \$2,000, confinement in the county jail for a period not to exceed 180 days, or both;

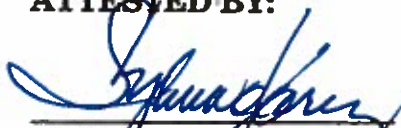
2. Prosecution under Texas Government Code §418.173(b) which may be punished a fine not to exceed \$500 except that the offense shall be punished by a fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days if it is shown on the trial of the offense that the person has been previously convicted one time of an offense under Tex. Gov't Code §418.173; or,
3. Other Federal, State and Local civil and criminal penalties that may apply.

ORDERED and EFFECTIVE this 10th day of August 2020.


James W. Castillo, M.D.
Cameron County Health Authority


Eddie Treviño, Jr.
Cameron County Judge

ATTESTED BY:


Sylvia Garza-Perez
Cameron County Clerk

