



Hidalgo County Health and Human Services Department

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Iván Meléndez, M.D., M.B.A.
Health Authority / Chief Physician

Eduardo Olivarez
Chief Administrative Officer

HIDALGO COUNTY LOCAL HEALTH AUTHORITY ORDER FOR ALL PUBLIC SCHOOL SYSTEMS RELATED TO FACIAL COVERINGS 21-001

FILED
AT 9:45 O'CLOCK A M

AUG 13 2021

ARTURO GUAJARDO, JR. COUNTY CLERK
HIDALGO COUNTY, TEXAS
BY Eduardo Olivarez DEPUTY

WHEREAS, pursuant to Texas Government Code Section 418.108, Hidalgo County Judge Richard Cortez issued a Declaration of Local Disaster for Public Health Emergency on March 17, 2020, due to the imminent threat arising from the Coronavirus (COVID-19); and

WHEREAS, on March 22, 2020, the Commissioners Court of Hidalgo County issued an Order of Continuance of Declaration of Local Disaster for Public Health Emergency; and

WHEREAS, pursuant to Chapter 121 of the Texas Health and Safety Code, the County has appointed Dr. Ivan Melendez as the Hidalgo County Local Health Authority and pursuant to his appointment, he has the authority to administer state and local laws relating to public health within the jurisdiction of the County of Hidalgo, Texas; and

WHEREAS, pursuant to the authority of Section 81.082(a) of the Texas Health and Safety Code, and Title 25, Section 97.6(h) of the Texas Administrative Code, unless specifically preempted by the Texas Department of State Health Services (DSHS), the Local Health Authority has supervisory authority and control over the administration of communicable disease control measures within its jurisdiction, to include public and non-parochial private schools systems, when in his opinion control measures are necessary to protect the public health; and

WHEREAS, the Hidalgo County Local Health Authority continues to evaluate the circumstances regarding the Public Health Emergency related to COVID-19, and the ongoing high and substantial spread of the disease in the community, with a persistent number of active positive cases, hospitalizations, and deaths; and

WHEREAS, the more highly contagious strains of the COVID-19 virus has led to a record increase reaching the highest level of hospitalizations for school-aged children since the onset of the pandemic, including children younger than 12 years that are not able to receive vaccination, and requiring facial covering is necessary to reduce the spread and transmission of COVID-19 among the unvaccinated and vaccinated;

NOW, THEREFORE, effective immediately, The Hidalgo County Health Authority hereby imposes the following health and safety measures on all public and non-parochial private schools offering instruction to students in any and all grades kindergarten through grade twelve (12) as follows:

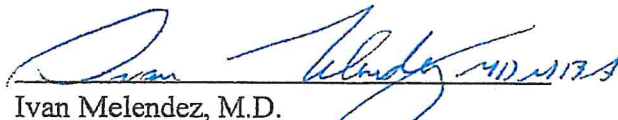
- (1) All public and non-parochial private school systems in the County of Hidalgo, Texas offering in-class instruction and/or other indoor activities to students in grades kindergarten through grade twelve (12) shall **REQUIRE** universal indoor facial coverings for all students, visitors, faculty, and staff regardless of vaccination status, in an effort to continue mitigation of the spread of COVID-19.
- (2) A public and/or non-parochial school system may NOT REQUIRE the wearing of facial coverings inside all school buildings, provided however that:
 - a. The school system's governing body, by majority vote, decides to OPT OUT of this Local Health Authority Order.
- (3) It is further recommended that schools maintain at least three (3) feet of physical distance between students within classrooms to reduce the spread and transmission of COVID-19.
- (4) The following persons are not required to wear facial coverings:
 - a. Any person younger than 2 years old;
 - b. Any person with a medical condition or disability that prevents wearing a face covering;
 - c. Any person while the person is consuming food or drink, or is seated at a cafeteria or classroom to eat or drink;
 - d. Any person while the person is (i) exercising outdoors or engaging in physical activity outdoors, and (ii) maintaining a safe distance from other people not in the same household;
 - e. Any person obtaining screening obtaining services that require temporary removal of the face covering for security, surveillance, screening, or a need for specific access to the face, but only to the extent necessary for the services obtained;
 - f. Any person while the person is in a swimming pool or shower.
- (5) It is highly recommended and encouraged that facial coverings be required at all school-sponsored events and activities, including but not limited to clubs, sports, fairs, exhibitions, and academic or athletic competitions, as well as during transportation to and from schools.

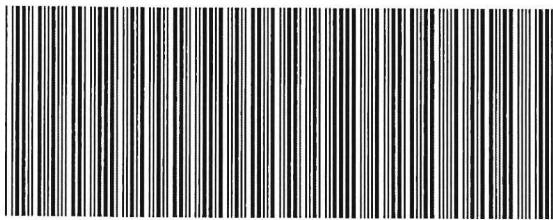
- (6) Each school must notify the Hidalgo County Health and Human Services Department if any individual (student, teacher, or staff) who has been on a school campus is test-confirmed to have COVID-19, in accordance with applicable local, state, and federal laws, including confidentiality requirements. It is recommended that schools notify all teachers, staff, and families of all students in a school if a test-confirmed positive case is identified consistent with school notification requirements for other communicable diseases.
- (7) It is recommended that if there has been an individual that is test-confirmed positive, schools shall close off any area that was heavily used by the individual, until such time as those areas are cleaned and disinfected. Pursuant to Title 25, Section 97.6, the Hidalgo County Local Health Authority reserves the right to take such action and measures as may be necessary to conform with applicable public health and/or control measures, upon the identification of a confirmed-positive COVID-19 case or cases on any campus within a school system, including but not limited to imposing quarantine and closing a school campus.

This Order shall remain in full force and effect for a period no less than nine (9) weeks, unless it is extended, modified, rescinded, superseded, or amended by applicable law; the ongoing evaluation of circumstances regarding the Public Health Emergency related to COVID-19 in the County of Hidalgo, Texas; or preempted by the Texas Department of State Health Services.

If any subsection, sentence, clause, phrase, or word of this Order, or any application of it to any school system, or circumstance related to this Order is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

This Order is issued under my authority as the Local Health Authority for the County of Hidalgo, Texas on this the 13th day of August 2021


Ivan Melendez, M.D.
Local Health Authority - County of Hidalgo, Texas



VG-120-2021-3253263

Hidalgo County
Arturo Guajardo Jr.
County Clerk
Edinburg, Texas 78540

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Hidalgo Co. Health & Human Services Dept.
100 E. Cano St. 2nd Floor
Edinburg TX 78539



STATE OF TEXAS
COUNTY OF HIDALGO

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Hidalgo County, Texas.

Arturo Guajardo Jr.
County Clerk
Hidalgo County, Texas