# Superintendent’s Memo #193-20


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: July 24, 2020

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

## SUBJECT: Department of Labor and Industry Emergency Temporary Standard for K12 Schools

The Virginia Safety and Health Codes Board of the Department of Labor and Industry (DOLI) has issued an [Emergency Temporary Standard on Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19 (16VAC25-220)](https://www.doli.virginia.gov/wp-content/uploads/2020/07/COVID-19-Emergency-Temporary-Standard-FOR-PUBLIC-DISTRIBUTION-FINAL-7.17.2020.pdf) which establishes requirements for employers to control, prevent, and mitigate the spread of COVID-19.

The Emergency Temporary Standard reinforces the State Health Commissioner’s [Order of Public Health Emergency](https://www.governor.virginia.gov/media/governorvirginiagov/governor-of-virginia/pdf/VDH_Order-re-School-Reopenings-Mitigation-Plans_6-9-20.pdf) requiring every public school division and preK-12 private school in Virginia, before reopening in accordance with Phase II and III guidelines, to submit to the Virginia Department of Education (VDOE) a Phase Health Plan outlining their strategies for mitigating the spread and public health risk of COVID-19, consistent with the Centers for Disease Control (CDC) and Prevention and Virginia Department of Health (VDH) mitigation recommendations.

Public school divisions and private schools meeting the following will be considered in compliance with the Emergency Temporary Standard:

* The division or school has submitted a Phase Health Plan to VDOE that is aligned with CDC guidance for the reopening of schools;
* The plan provides for the equivalent or greater levels of employee protection than a provision of the Emergency Temporary Standard; and
* The division or private school operates in compliance with their submitted plan(s).

VDOE asks that local school divisions consult with their local health departments and school board attorneys to ensure compliance with DOLI’s Emergency Temporary Standard and the State Public Health Commissioner’s emergency order.

JFL/lms

## Attachment

1. [Virginia Department of Labor and Industry Emergency Temporary Standard](http://www.doe.virginia.gov/administrators/superintendents_memos/2020/193-20a.pdf)