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## State cuts student spacing from 6 feet to 3 feet, following CDC update

On Saturday, March 20, Gov. Gavin Newsom's administration halved its minimum recommended spacing standard for K-12 schools from 6 feet separating each student's seat to a new recommendation of 3 feet between seats. The updated guidance also declared that all schools are eligible to open if located in counties with positive case rates below 25 per 100,000 population. Regardless of their tier, schools must post their COVID safety plans online at least five days before reopening and, in the few counties remaining in the purple tier, schools must submit their plans to their local health officer and the State Safe Schools team at the same time the plan is posted online.

Although the updated guidance does not mandate 3 feet of space between seats, the California Department of Public Health said it "strongly recommends" that schools maintain that standard with additional mitigations, which aligns with **new guidance issued by the Centers for Disease Control and Prevention** on Friday, March 19. The state said the new guidance is designed to reflect the consensus of the latest scientific research on the transmission of COVID-19 between children, specifically studies that were done in Massachusetts, Utah and Wisconsin schools. Those studies were done in schools where masking was enforced and the new guidance presumes that the relaxed spacing will be accompanied by mitigating steps that include masking, proper ventilation, barriers, cohorts and other precautionary measures.

One exception to the 3-foot rule occurs when students are eating and drinking; on those occasions, it is strongly recommended that students maintain 6 feet of distance. In addition, the new guidance pertains only to interaction between students — 6 feet of distancing is still recommended for interaction between adults or between adults and children. It should also be noted that the CDC guidance states that 3 feet is allowable in middle and high schools where community transmission is low to moderate. However, for middle and high schools where community transmission is high, 6 feet of physical distance is recommended if cohorting is not possible. For elementary schools, regardless of whether community transmission is low, moderate or high, 3 feet of physical distance when combined with other mitigations is allowable.

The revised guidance on spacing also responds to one of the terms of the amended temporary restraining order issued on Thursday, March 18 in **A.A v. Newsom**, a lawsuit where students sued six San Diego County school districts, Gov. Newsom and members of his COVID-19 response team on the grounds that the CDPH's Jan. 14 guidance and framework infringed on their constitutional rights to an education. The ruling in *A.A. v. Newsom* left much of the Jan. 14 framework intact, but did render several items unenforceable, most notably the provisions that prohibited schools in "Purple Tier" counties from offering in-person instruction to students in grades seven through 12 and the requirement that student chairs be at least 4 feet apart.

The revised state guidance addresses issues raised in the TRO and the new CDC recommendations.

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