

# *In Brief*

March 12, 2020

## **COVID-19: GUIDANCE ON PREPAREDNESS AND RESPONSE FOR SCHOOLS**

Information surrounding COVID-19 (Coronavirus) is constantly evolving as we learn more about the virus including how it is transmitted, actions which can be taken to prevent its spread, and what effects it has or is projected to have on society. Agencies such as the Center for Disease Control (CDC) and the Illinois Department of Public Health (IDPH) are constantly working to address the concerns surrounding COVID-19 and are regularly publishing updates related to this on their websites. (CDC COVID-19 [website](#); IDPH COVID-19 [website](#)). Frequent review of the CDC and IDPH guidance and recommendations related to COVID-19 (Coronavirus) is advisable for all schools.

On March 12, 2020, the World Health Organization (WHO) declared that this new coronavirus disease (named COVID-19) is a pandemic. The WHO defines pandemic as “the worldwide spread of a new disease”.

As of March 11, 2020, IDPH reported that there are 25 confirmed cases of COVID-19. In response to a growing number of COVID-19 cases in Illinois, this week Governor Pritzker followed suit with several other states and issued a disaster proclamation (a/k/a, state of emergency decree). Illinois now has access to funding and resources that can be used to help contain and combat the spread of COVID-19.

So far this week, there have been eight school closures in Illinois. With the exception of Vaughn Occupational High School which will be closed from March 9-18, 2020 due to an employee's

positive test for COVID-19, we understand that the other closures were done as a precautionary measure for two or less days for enhanced cleaning upon learning of possible contact with someone who has the disease.

Schools have been working diligently to be prepared to respond to a reported case of COVID-19 in their community or school, and related COVID-19 issues, as well as if a local or statewide decision is made to close schools for a period of time in an effort to minimize the spread of this disease.

This Guidance document is intended to answer some of the personnel and student-related questions that may arise amidst the COVID-19 pandemic.

### **General**

At this time, unless there is a case of COVID-19 in your community or school, school closures have not been recommended. General guidance as schools remain open is as follows:

- **Per guidance from the IDPH and CDC, it is advised that any individual returning from a location designated with a Travel Warning of Level 3 should not attend school or work for 14 days after they returned. Absences for this purpose should be excused. Schools should contact and consult local health departments and IDPH in connection with any possible quarantine or student/employee symptoms of fever, cough and difficulty breathing.**

- As of March 12, 2020, four countries have a Travel Warning of Level 3: China, Iran, South Korea and Italy. Japan is presently at Level 2 and Hong Kong at Level 1.
- **Sick employees and students should stay home.** In certain circumstances, it may be necessary to direct employees and students to stay home.
  - Generally, employees and students should be fever free to 24 hours without using fever reducing medicines before returning to school. The 24 hour rules should also be applied to episodes of vomiting or diarrhea.
  - Avoid closed contact with people who are sick.
- Identify employees to monitor guidance related to COVID-19.
- Review and update emergency operations plans, in preparation for possible implementation.
- Develop, seek approval and familiarize stakeholders with E-Learning plans in the event of a closure. Take steps to be ready for implementation of E-Learning.
  - ISBE is holding a webinar at 2 p.m. on March 17, 2020, to assist districts in completing and submitting E-Learning plans. <https://www.isbe.net/Pages/Electronic-Learning.aspx>
- Identify and begin to prepare contingency plans if meetings, events, testing, extracurricular activities are cancelled.
- Develop and implement protocols to share information with stakeholders.
- Monitor and plan for possible absenteeism including volunteers in schools.
- Perform routine environmental cleaning, with focus on areas people commonly touch (doorknobs, light switches, countertops).
- Educate students and employees to wash hands frequently and vigorously for at least 20 seconds with soap and water especially after going to the bathroom, before eating, and after blowing your nose, coughing, or sneezing. Avoid touching eyes, nose, and mouth with unwashed hands.
- Do not share food or drinks with others.
- Understand the concept of social distancing and how it impacts your school.

### **Personnel Matters**

It is critical that schools keep the lines of communication about COVID-19 open with employees and union leadership. This disease presents unique circumstances related to employment considerations that schools have not been faced with before. Familiarity, and possible flexibility, with policies and collectively bargained employment terms may prove to be key in the coming days and weeks. Do the best that you can and keep the following principles in mind:

- **Confidentiality:** If a school has a confirmed case of COVID-10, internal and external communication about possible exposure to the disease should be made as recommended by the CDC/IDPH. However, schools should not generally publicly identify a specific individual with a confirmed case of COVID-19 or connected to COVID-19.
- **Documentation:** For symptomatic individuals, schools should consult with local health agencies/IDPH for guidance on returning to the school environment. Generally, schools should exercise their right

and discretion regarding requiring a doctor's note/release to return to work.

➤ **Travel Plans:** In the sole interest of health and safety of students, employees and the community, and with Spring Break on the immediate horizon, schools should consider asking/requiring employees to complete a form about their travel plans for Spring Break and travel on other upcoming holidays when school is closed.

- Treat all employees equally.
- Notify and discuss with union leadership as applicable. Use information only in connection with COVID-19 pandemic preparedness and response.
- Review and take action consistent with then-current guidance from key agencies.

➤ **Days:** If it is a regular workday, there is no issue. If school is closed, how is it categorized matters: Emergency Day, which will be made up as it is built into the calendar; E-Leaning day, if applicable and under an approved program; or *Intended* Act of God Day, which may come into play only after a schools uses all emergency days, and is subject to approval by ISBE. Note, an Act of God Day does not need to be made up and counts toward the required number of student attendance days in the school's calendar.

- While we expect flexibility related to response to COVID-19, it is unclear whether Act of God days will be approved in connection with COVID-19.

- If days are not approved as E-Leaning days or Act of God Days, they will need to be made up and will present compensation/benefit considerations for schools, depending on policies and CBAs.

➤ **Staffing:** Review policies and CBAs regarding staffing levels, scheduling, assignment of duties, and time off (paid and unpaid) conditions and benefits.

If school is closed, it may be necessary or possible to have all or some employees report to work. Consider whether the job requires student attendance – if not, they can be required to report to work or use leave time, as applicable. Consider remote work opportunities (see below), work in connection with E-Leaning programs or alternative, temporary assignments.

- Identify various staffing scenarios and initiate discussions now with employees and union leadership to plan for these scenarios.

➤ **Remote Work Opportunities:** Schools should review current employee jobs and classifications in an effort to determine all or partial duties that may be performed remotely, if such becomes necessary either due to school closure or an employee's personal circumstance related to the COVID-19 pandemic. If an employee requests to work from home, schools should evaluate the request in accordance with their obligations under state and federal law, including requests for reasonable accommodations. Key factors include:

- Whether remote work is a viable option for the position.
- Online or remote accessibility.

- Expectations for employees and other professional employees.
- Implementation of E-Learning programs. Defining the workday. Defining responsibilities and expectations. Consideration of check-in protocols.
  - This will affect the terms and conditions of employment for at least teaching staff, so begin the dialogue with union leadership.
  - Terms should be contingent on the District actually implementing E-Learning days.
  - Given the need for quick turnaround, terms should be memorialized in some written form, even if handwritten or email.
- **Compensation:** Compensation will depend on how the day at issue is designated, whether the employee is continuing to perform services or whether the employee is absent. There are obviously bargaining and policy considerations embedded in these scenarios.
  - If the school is operating normally and an employee is absent due to self-quarantine, regular leave rules should apply.
  - If the employee is absent at the direction of the school based on application of the CDC or state agency guidance, or based on a school closure, there will be a question of whether the district must compensate the employee through existing leave entitlements or an extension of benefits. Schools will need to consider CBA obligations and consult legal counsel.
- If a day is designated as an emergency day, teachers should not be docked pay as these will be made up. For other employees, it will be necessary to consult applicable contracts, CBAs and policies. Discussion with union leadership may also be necessary to avoid alleged unilateral changes.
- Compensation for E-Learning days should be based on any prior agreement with applicable unions. Otherwise, consult contracts, policies and notify/discuss with Union leadership.
- Compensation for Act of God or other closure days will need to be evaluated in accordance with contracts, CBAs and policies, as well as in consultation with Union leadership.
- **Benefits:** If school is closed or employees have excused absences (paid or unpaid) in connection with COVID-19, benefits should continue during this time.
- **FMLA Considerations:** Normally, the Family and Medical Leave Act (FMLA) does not cover absences due to non-serious health conditions such as colds and flu. The varying range and degree of absences (personal or for a family member) that could result from COVID-19 may, however, trigger employee and employer rights and responsibilities under the FMLA. Given that application of the FMLA will be made on a case-by-case basis, we recommend that schools consult with legal counsel on this issue.

- Generally, schools should consider issuing an FMLA eligibility notice and send notice of rights and responsibilities to employees who are absent for a COVID-19 related reason and request certification from a health care provider, as permitted under the FMLA.
- Also, schools should treat COVID-19 related absences as “job protected” unless and until they have information to the contrary.

### **Student Matters**

It is also critical that schools keep the lines of communication about COVID-19 open with parents and the community. Do the best that you can and keep the following principles in mind:

- **Student Absences:** Student absences should be excused when parents are keeping students out of school for health concerns.
  - ISBE recommends that absences stemming from parents proactively holding their student out of school for health and safety reasons (i.e. “self-quarantine”) should not be counted as unexcused absences nor should any such student be labelled as truant.
  - Generally, schools are permitted to require doctor’s notes or other documentation to substantiate a student’s absence. Schools should exercise discretion and flexibility in connection with the COVID-19 pandemic.
- **Travel:** See prior sections above which also apply to students.

- **Field Trips and School-Sponsored Activities:** Strongly consider cancelling group field trips to public places. With regard to school-sponsored activities, schools should consider modifications, canceling or rescheduling as appropriate based on published guidance.

### ➤ **Continuing Educational Services During Short-Term or Possible Long-Term Closure:**

- Schools should be creative and resourceful in providing educational opportunities to students during closures.
- Schools should seek approval of plans for E-Learning through ROE and service centers.
- Schools should consider support for students in an outside placement (e.g., residential placements, therapeutic day settings, etc.) and consult with these institutions for emergency and contingency planning.
- Consider working with your related service and special education providers to develop modified lessons which may be accessed by your students with disabilities (e.g., teleconference, video and group chat).
- Schools should be flexible in providing or modifying curriculum and supports for students receiving transition services and community-based experiences as part of their educational program.

- For students currently receiving homebound services, consider providing parents with the opportunity to continue or temporarily suspend homebound services.
  - For longer-term closures, schools should consider access to alternate learning through alternative remote learning opportunities (both electronic and paper options).
  - Consider on a case-by-case basis alternative supports that may need to be provided to immune-suppressed or high-risk students (both while school is in-session or if closed).
  - Consult legal counsel regarding questions/concerns for complying with IEP and 504 compliance measures. We understand that there may likely be some flexibility in consideration of the COVID-19 pandemic.
- **Meals:** If school is closed, consider appropriate and approved alternative options for delivering meals to students and families in need, such as sack lunches or meal pick-ups/delivery. This may require coordination and collaboration with food service vendors, support staff and union leadership. Also, consider communication with the community about food pantry and other resources that may be generally available to those with food/meal insecurities.
- Be cognizant of concerns of discrimination, harassment and bullying

in schools in connection with COVID-19. Reports of such behavior should be addressed through school policies.

### **Key Resources**

We continue to monitor COVID-19 and will provide updated guidance as appropriate on our website

(<http://www.rsnt.com/page/publications/>).

Other links for the most-up-to-date resources for schools

#### **Illinois Department of Public Health:**

<http://www.dph.illinois.gov/topics-services/diseases-and-conditions/diseases-a-z-list/coronavirus>

#### **Centers for Disease Control and Prevention:**

<https://www.cdc.gov/coronavirus/2019-nCoV/index.html>

#### **Illinois State Board of Education:**

<https://www.isbe.net/Pages/School-Health-Issues.aspx>

#### **U.S. Department of Education:**

<https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/default.aspx>

#### **Occupational Health and Safety Information:**

<https://www.osha.gov/SLTC/covid-19/>