

COVID-19 FAQs And 10-Point Action Plan For Educational Institutions

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The Centers for Disease Control (CDC) recently addressed the possible spread of COVID-2019 coronavirus across the United States and outlined contingency recommendations for schools and businesses. To help schools think through the issues for their institutions and communities, we are outlining some Frequently Asked Questions (FAQs) about COVID-2019, as well as a recommended 10-point action plan, that schools can take to assure themselves and their communities that they are best positioned to address potential issues. Because facts are rapidly changing, we recommend you check current CDC and other status reports.

FAQs

What are the symptoms of the current coronavirus (COVID-19)?

The most common symptoms of COVID-19 are fever, tiredness, and dry cough. Some patients may have aches and pains, nasal congestion, runny nose, sore throat, or diarrhea. These symptoms are usually mild and begin gradually.

Some people become infected but don't develop any symptoms and don't feel unwell. Most people (about 80%) recover from the disease without needing special treatment. Around 1 out of every 6 people who gets COVID-19 becomes seriously ill and develops difficulty breathing.

Who is most at risk?

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The risk is highest for older people and those with other health conditions such as diabetes, high blood pressure, or heart problems. About 2% of people with the disease have died. People with **fever, cough, and difficulty breathing** should seek medical attention.

How is the virus spread among humans?

People can catch COVID-19 from others who have the virus. The disease can spread from person to person through small droplets from the nose or mouth which are spread when a person with COVID-19 coughs or exhales. These droplets also land on objects and surfaces around the person. Other people then catch COVID-19 by touching these objects or surfaces, then touching their eyes, nose, or mouth. Therefore, it is important to stay more than 1 meter (3 feet) away from a person who is sick. The CDC recommends as much as 6 feet. It is possible to catch the virus from someone even before they have symptoms, but little is known about this aspect of the virus at this time.

Can the virus spread from contact with infected surfaces or objects?

It may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes, but this is not thought to be the main way the virus spreads.

If you think a surface may be infected, clean it with simple disinfectant to kill the virus and protect yourself and others. Clean your hands with an alcohol-based hand rub or wash them with soap and water. Avoid touching your eyes, mouth, or nose.

What is the incubation period?

So far, public health authorities have consistently determined that people become ill between 2 and 14 days after exposure.

Is there a test?

U.S. public health officials have developed and are distributing diagnostic tests, which are being used to confirm whether a patient has the new coronavirus or another infection.

How effective are masks?

Authorities say that people with no respiratory symptoms, such as cough, do not need to wear a mask and that they cannot protect against the COVID-19 coronavirus when used alone. WHO recommends the use of masks for people who have symptoms of COVID-19 and for those caring for individuals who have symptoms, such as cough and fever.



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What else can employees and students do to protect themselves?

The most important thing you can do is encourage your community to wash their hands frequently, for at least 20 seconds each time. Tell employees and students to wash their hands when they get home, before they eat, and other times that they are touching surfaces. Tell them not to touch their eyes, nose, or mouth. Wipe down objects and surfaces with household cleaner. Maintain a distance from people who are sick. Ask employees and students to cover their mouths and use good practices for disposal of tissues, etc.

What if a community member tests positive or has been exposed to COVID-19?

CDC provides guidelines for schools in the event that a community member tests positive or has been exposed. It is important that schools keep in close contact with local health officials for current information about the spread of the virus in your local community and follow their guidance if a school closure or specific quarantines are recommended.

10 Steps Schools Should Consider Taking Now

1. Communicate with your community

Communicate with your community about the school's readiness to address the coronavirus and to reassure parents and employees that the school is on top of this issue and making contingency plans. Try not to be alarming but let your community know the school's plans and readiness to address the virus. Consider whether having age-appropriate conversations with your students about coronavirus would help answer their questions and calm their fears. At the same time, internally decide who will make decisions, such as whether to close the school (relying on information from your local or state health department), the factors that will cause you to do so, and how you will get that message to the community. Also begin the planning process so that you can sustain periods of closure, quarantine or multiple students or employees sick at home.

2. Remind parents, employees, and students of simple preventive measures

The single-most common piece of advice being given by health professionals to reduce the spread of the virus is to continue with simple preventative measures, like washing hands, not sharing drinks, and staying home when sick. Remind parents, students, and employees to continue with these measures and indicate that the school would like sick individuals to stay home until free from symptoms for at least 24 hours before returning to school. Let them know that the school will continue its work in sanitizing the campus and doing what it can to reduce surface bacteria in the normal course of its campus cleaning.



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This may also be a good time for your school to review its campus cleaning process to see if any additional steps or better cleaning procedures should be considered. CDC recommends that schools routinely clean frequently touched surfaces (e.g., doorknobs, light switches, countertops) with the cleaners typically used. Use all cleaning products according to the directions on the label. In addition, you should provide disposable wipes so that commonly used surfaces (e.g., keyboards, desks, remote controls) can be wiped down by students and staff before each use.

3. *Review your food service*

Review with your food service provider whether any additional measures should be taken, especially regarding things like self-service bars (salad, potato, burger, etc.) or family style table service. Also review classroom procedures for birthday and other celebratory treats or snacks. Remind employees that if they have candy dishes or snacks on their desk, it is best to have individually wrapped portions.

4. *Assess any already-scheduled and future field trips*

For any already-scheduled field trips, consider whether cancellation is appropriate. The CDC has not suggested that schools should cancel domestic trips. Some schools, however, are determining whether their school should visit an area that attracts a substantial number of international visitors. As for international trips, the school should assess the CDC's threat level and determine whether it may be appropriate to cancel. In addition, if the school chooses to take a trip, it should be sensitive to the fact that some families may prefer to opt their children out. If so, readily permit that and consider whether you can offer a school-based alternative.

You should also review the cancellation and insurance provisions of your planned trips. The insurance cancellation policies may not allow cancellations for pandemics. However, in some cases a higher level of insurance can be purchased that would cover those situations and parents should be given the option to purchase that when possible. The school should also be aware of cancellation requirements, including timeframes and time limits so that it can decide whether to cancel and have enough time to share its decision with the affected students, parents, chaperones and employees.

As for future field trips, now is the time to review the language in your field trip forms to ensure that it provides your school discretion to cancel trips when you deem that to be in the best interests of the school or students. If you use trip vendors, you should also be sure to review vendor policies to understand how trip cancellation decisions are made, who makes them, timing implications, and the financial impact of cancellation. Also consider using this time to develop chaperone



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guidelines and agreements.

5. *Manage school breaks*

Both the CDC and the U.S. State Department maintain different levels of Travel Alerts for countries, and schools should look to those Alerts and public health guidance to determine how to respond to employees and students returning from affected areas. Depending on the level of Travel Alert, the most current local reports, and public health guidance, employers or schools may determine that returning employees or students or members of families with recently returned travelers should stay at home for 14 days after they left the affected country.

In some situations, returning personnel might also be asked to obtain medical evaluations and releases. Currently, DHS has also imposed restrictions on U.S. citizens and other nationals who have returned from China and could add more countries as the virus becomes more active in certain countries. Because individuals infected with COVID-19 may be infectious before they have symptoms, self-quarantine is often the best response.

Quarantines and medical evaluations should never be imposed without consulting with legal counsel and understanding both current federal Travel Alerts and local health department guidance to be sure that the school does not violate national origin protections. In the spirit of open communications, however, schools should consider alerting parents that their students returning from international trips over spring break may be subject to required quarantine periods. The school should consider requiring parents and students to report where the student has traveled over the break prior to returning to school in order to assess whether to restrict them from returning. This is a challenging issue given the rapid spread of the virus. Again, we cannot stress enough that these decisions should be made with the most current information from local, state, and federal authorities, as well as your legal counsel.

6. *Prepare for distance learning and appropriate staffing*

Schools should begin planning and implementing backup procedures in the event that their schools are required to close for an extended period of time or certain employees or students are subject to quarantine. These measures can include ensuring that students have access to study materials online, planning for teachers to teach classes through online services such as Skype, and creating other online portals to continue learning remotely. Keep in mind that if your school is using a platform for distance learning that many other schools use, you might all be using it at the same time. Check with your vendors to confirm capabilities with large



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numbers of users and plan accordingly. Be sure that all students have access to the equipment (tablets, laptops, wifi, etc.) that they will need to participate and start training your students now on any new software, platform, or access that will be required. This can also include reviewing staff experience and competencies to determine whether you may be able to shift employees to cover other areas in the event that you have individual employees out for long periods.

7. *Review and update employment agreements*

Due to the possibility that schools may be required to close for significant periods of time, now is the time to assess employment agreements to determine the school's obligation to pay employees during closures. The school's obligation will depend on the nature of the employment relationship, clauses within the employment agreement, school policies, and other factors. Review these provisions with your legal counsel to determine your obligations in the event of closure.

8. *Review and update enrollment contracts*

Schools should also review and update their enrollment contracts. While this is a good thing to do periodically anyway, the current coronavirus reminds us that schools should include language allowing them to modify their curriculum, schedules, length of school year, means of learning, and teaching methods, and that these changes do not excuse parents from their enrollment contract obligations and the payment of tuition. As with the *force majeure* clause that can be included in employment agreements, this clause would likewise give the school the right to make adjustments in the event of a natural disaster, fire, weather incident, pandemic, or other similar event, without having to suspend or refund tuition payments.

9. *Enforce immunization and communicable disease policies*

Schools should have a policy requiring that employees (as applicable) and students comply with immunization requirements. In addition, your policy should make clear that the school may require employees or students with communicable diseases to remain at home.

10. *Partner with your community*

Assure parents and employees that the school will share information about the coronavirus as it receives it and welcomes questions and feedback from employees and parents. In the end, hopefully this will result in a strong sense of trust and collaboration between the school and its community that will last beyond this recent challenge.



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Conclusion

We will continue to monitor this rapidly developing situation and provide updates as appropriate. Make sure you are subscribed to Fisher Phillips' alert system to gather the most up-to-date information. If you have any questions about this situation or how it may affect your school, please contact any member of our Education Practice Group or your Fisher Phillips attorney.

This Legal Alert provides an overview of a specific developing situation. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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