Planning for Reopening: Considerations for Schools

May 21, 2020

By: Kerri Wright

Porzio Client Alert

Authored by Kerri A. Wright and Kevin M. Craig

States across the nation are beginning to plan for reopening businesses, houses of worship, and other venues. In many states, however, schools have committed to concluding the school year without returning to face-to-face instruction and the use of school facilities. Unlike other sectors, educational institutions face unique challenges that must be considered in planning for how they will reengage students when decisions are made to reopen schools. For most schools, this likely will not occur before the start of the next school year. While some uncertainty still exists, now is the time to plan for the many aspects of the educational environment that will require consideration to facilitate a safe return to school for the whole school community.

Monitoring and preparation

Much like businesses and other organizations, returning to school will likely include staff and student monitoring to ensure that individuals who may possess COVID-19 symptoms are identified early. Checking for signs and symptoms will require both established protocols and trained personnel to accomplish. Procedures also will be required to address isolation and testing of those who exhibit symptoms to address medical needs and minimize exposure. In this area, schools should begin working with their school nurses, school physician, local health department and legal counsel to begin reviewing options and establishing an outline of protocols and procedures that are flexible enough to be adjusted as necessary based on the dictates of the State.

Cleaning and disinfecting the school environment and requiring healthy hygiene practices such as hand washing will be important components to mitigate the potential for community spread. While these practices were encouraged pre-COVID-19, providing extra time, posting signs, and purchasing supplies like handwashing stations, sanitizer and no touch garbage pails, will greatly increase the likelihood that these practices will be followed. Schools should conduct a review of custodial staffing and schedules to determine if changes will need to be made, if additional staffing will be necessary to keep up with the additional cleaning, and if current contract or collective bargaining agreement mandates permit the level of flexibility the school will need to operate.

Before schools open, the facilities department should ensure ventilation systems are operating properly and that filters are replaced and cleaned. CDC guidelines recommend increasing circulation of outdoor air as much as possible by opening windows and doors, using fans, or other methods. However, consideration will need to be given to whether there are any health or safety risks with opening doors or windows in certain areas (e.g., allowing pollens in or exacerbating asthma symptoms or other safety risks). CDC guidelines also recommend taking steps to ensure that all water systems and features

(including drinking or decorative fountains) are safe to use after a prolonged facility shutdown to minimize the risk of Legionnaires' disease and other diseases associated with water.

Another important consideration is the use of Personal Protective Equipment (PPE) for staff and students. Face coverings, gloves, and other protective equipment may be necessary for the safe return. All PPE may not be required for all staff and students, however, planning for this in advance and communicating related policies regarding PPE requirements will be key to maintaining compliance. While schools are closed, now is the time to review and draft updated policies that can be implemented on short notice once schools are cleared to reopen.

Schools also will have to consider contact tracing mechanisms and how things like scheduling, class sizes, transportation, and extracurricular activities may impact the ability to do this effectively.

Schools should consult with public health officials to determine the best way to address these issues to support effective contact tracing efforts in the school and community.

Protecting High Risk Populations

An eventual return to normalcy will include all staff and students. Initially, however, this may not be the case. Certain staff and student populations such as older adult staff and individuals with compromised immune systems or other health related risk factors may request not to return immediately. This will require schools to consider accommodations for both staff and students in high risk populations. Schools may consider remote working for staff and continued remote learning for students with increased risk factors. Care must be taken to support the needs of these individuals to the same degree as those who are able to return to school facilities.

Schools should partner with their human resources professionals and legal counsel to develop legally appropriate forms for use by staff or students who request accommodations. These accommodations may include the need to remain “virtual” or “remote” for some period of time. Uniform forms and procedures should be implemented and will need to be established in advance, so that schools can act promptly in responding to requests. Schools must take care not to require information or action from staff or students that may violate State or federal discrimination laws, including the Americans with Disabilities Act or the Age Discrimination in Employment Act.

Components of Recovery

When planning the recovery effort, schools must consider all components to facilitate effective continuity of operations. These components include academic recovery, physical facilities and functions, business operations, and social and emotional support.

Considerations for academic recovery likely will include blended learning formats which will incorporate both face-to-face and remote learning platforms. Social distancing will require smaller class sizes and split schedules. From an academic standpoint, social distancing will necessitate the blended learning model. The continuance of remote learning will require schools to focus on additional supports to ensure student progress as well as evaluation and accommodation of technological needs to ensure equity in education for all students. Assessing student progress also will require significant consideration to ensure the effectiveness of blended learning methods and provide educational support for students who may struggle with this new learning paradigm. From a staffing standpoint, review of current contracts and collective bargaining agreements should be undertaken at this point. Any largescale change mandated by social distancing will require the cooperation of staff and unions. Bringing these stakeholders into the discussion early will be beneficial to developing a plan that will not be met with resistance or legal challenge.

When considering physical facilities and functions, cleaning and disinfecting school facilities regularly will be of paramount importance. The ability for staff to clean and disinfect the school building, buses, bathrooms, and offices will be an

important consideration when addressing school and classroom schedules. Additionally, care will need to be taken to plan routes of egress and ingress that permit continued social distancing.

Transportation of students also is a primary concern. Busing considerations including additional routes, parent drop-off locations, and in some areas, student use of public transportation will need to be considered. Staggering schedules may be necessary to meet the transportation needs of all students while complying with physical distancing requirements. Consideration should be paid to this need for flexibility when bidding out routes for the 20-21 school year. For those schools who operate their own transportation fleet, review of any contracts with bus drivers should be undertaken at this point to determine if negotiation is necessary to accommodate any change to the transportation schedule.

Food services and meal locations may require significant procedural changes to minimize student contact. Redesigning cafeteria seating, staggering lunch times, and alternate eating locations may be considered to address this. Students who require free and reduced meal options must continue to be accommodated as well.

The requirements to safely reengage will not be met without additional cost. Budgetary impacts related to staffing increases and equipment procurement to provide a safe and socially distanced learning environment will require unanticipated expenditures. These may result in increased stresses on already limited resources. State and federal funding may be available to offset COVID-19 related costs for things like disinfecting, technology, and other direct costs. Schools must maintain accurate records of these costs and pursue available funding in a timely manner when applications become available.

The impact of COVID-19 and the resulting isolation may impact staff and students in ways that are not readily seen. Anxiety, depression, substance use, and mental health issues may be exacerbated by the social isolation caused by the crisis. Likewise, abuse, neglect, and domestic violence may go unreported due to minimized contact with students. In the same way that schools seek to provide quality educational resources, so too should social, emotional, and behavioral support services be available in both in-person and remote platforms.

Additional Considerations

When considering all of the components of recovery, it is important to keep in mind the unique and individualized needs of students with disabilities. Support services, accommodations, and Individualized Education Plans, must continue to be administered to ensure that the needs of the whole school community are met and that special education student progress is maintained. Staff should undertake a review of all Individualized Education Plans, 504 Plans, and Individualized Health Plans, to begin to consider individual needs of students related to social, emotional, and physical health needs. This would include how to address students with asthma or other health conditions that would make the need to wear PPE difficult. With school not returning to in-person sessions for the remainder of the current year, now is the time to consider and plan for what these students will need.

Other areas for consideration include school security, mitigation compliance, visitor management, privacy protection, and extracurricular sports and activities.

Key Partners

The reconstitution of the school community is a multifaceted issue that will require guidance from both internal and external stakeholders. Like other emergency and crisis planning, varied input and perspectives will yield the most effective results. When engaging in the planning process, partnerships with the school staff, health officials, law enforcement and emergency management, health care facilities, community agencies and organizations, community stakeholders, and trusted legal professionals and consultants will provide valuable perspectives to help facilitate a safe return to school with the needs of the entire school community in mind.

While the reopening process may seem daunting, with adequate advanced planning, schools can prepare for a safe return with ample flexibility and a clear understanding of the personnel, supplies, and resources required to facilitate the high quality educational standards, support services, and safety and security their staff, students, and families deserve.