Clear Health Requirements for Schools on COVID-19 Scenarios

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Porzio Client Alert

On August 13th, the DOH released "COVID-19 Public Health Recommendations for Local Health Departments for K-12 Schools," which provides baseline recommendations for schools and local health departments to implement for the 2020-2021 academic year. Foremost, schools will have to designate a point of contact with the local health department for the school and agency to work in tandem if a COVID-19 outbreak occurs in the school. Importantly, the School District retains the right to take unilateral action, such as closing the school, so long as the local health department is apprised. The DOH guidance contains numerous best practices and tips for disinfecting the school, handwashing, testing, and contact tracing. However, the most useful information is contained in the school closure and self-screening recommendations.

The DOH guidance outlines various scenarios (e.g., one person tests positive, two people in different classrooms test positive, etc.), and recommended school responses to each situation. For example, if one (1) student or staff member tests positive for COVID-19, the DOH recommends that the school either:

1) temporarily close for 2-5 days if a student or staff member attended school while potentially infectious prior to the confirmation of COVID-19; or

2) remain open.

Despite the school's decision in the previous scenario, the DOH recommends that any student or staff member who came into "close contact" with the COVID-19 individual be excluded from school grounds for fourteen (14) days. The school may take more stringent measures, but under no circumstances should a school refuse to follow the minimum recommendations.

The New Jersey Department of Education's "Road Back" guidance did not contain bright-line rules on handling students or employees if they present with only one (1) or two (2) symptoms. Many schools were frustrated given the broad overlap of COVID-19 symptoms with many common illnesses. Fortunately, the DOH provided a hierarchy of the symptoms to assist schools with these difficult decisions. Students and staff should be isolated promptly from others and excluded from school if they have:

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    - At least one of these symptoms:
        - cough, shortness of breath, difficulty breathing, new olfactory disorder, or new taste disorder; or
    - At least two of these symptoms:

- fever (measured at 100.4 degrees Fahrenheit or subjective), chills, rigors (shivers), myalgia (muscle aches), headache, sore throat, nausea or vomiting, diarrhea, fatigue, congestion or runny nose.

To re-iterate, schools may set more stringent rules, such as requiring an individual with one symptom to be isolated and excluded from school. However, a school would be in full compliance with the DOH guidance if a student remains in school with a runny nose or fatigue. The DOH also provides a template form for schools to utilize for self-screening students and staff members, and template letters when notifying parents/legal guardians and staff members of a positive COVID-19 occurrence in the school.

The DOH guidance is filled with a plethora of resources, templates, and much-needed clarifications on the health and safety standards first issued by the Department of Education. Click here to find a link to the full nineteen (19) page document.

Should you require any assistance with supplementing your procedures and policies to follow the DOH's recommendations, or wish to create more stringent protections for your students and staff, the Porzio Education Law team would be happy to assist.

[1] The CDC defines "close contact" as "any individual within 6 feet of an infected person for at least 15 minutes." The DOH guidance defines "close contact" as "any individual within 6 feet of an infected person for at least 15 minutes," which was the previous CDC definition before July 22, 2020.