



CDC Releases Guidance for COVID-19 Prevention in K-12 Schools

On July 9, 2021, the Centers for Disease Control & Prevention (“CDC”) released updated guidance for K-12 school administrators outlining strategies for reducing the spread of COVID-19 and maintaining safe operations. The update emphasized the importance of in-person learning and called for schools to implement layered prevention strategies to ensure that schools can safely continue providing in-person education.

The need for specific layered prevention strategies may vary. Administrators should work with local public health officials to determine which strategies to employ. Such decisions should be based on the school population, the families served by the school, and the surrounding community. Schools should work with families to better understand the needs of students with disabilities and other medical care needs, and provide accommodations, modifications, and assistance as needed. Factors to consider in selecting the appropriate layered prevention strategies, include: (1) the level of COVID-19 transmission in the community, (2) school and community COVID-19 vaccination coverage, (3) the use of a frequent COVID-19 screening testing program for students, teachers, and staff who are not fully vaccinated, (4) the prevalence of COVID-19 outbreaks or increasing trends in the school or community, and (5) the ages of children served by the schools and the related social/behavioral factors that may affect risk of COVID-19 transmission and the feasibility of different preventative strategies.

Each school district and school should have an Emergency Operations Plan in place that describes the relevant strategies to be employed and specific procedures to be followed. School workers who have underlying medical conditions or weakened immune systems may *not* be fully protected even if fully vaccinated and may need to continue using additional prevention measures. Policies for such workers should be developed in consultation with occupational medicine and human resource professionals.

The CDC lists several COVID-19 transmission prevention strategies, including:

1. Promoting Vaccination

- Generally, fully vaccinated persons can resume pre-pandemic activities except where prevention measures are required by law.
- School employees who cannot get vaccinated due to an ADA-recognized disability, have a disability that affects their immune response to vaccination, or have a sincerely held religious belief or practice may be entitled to a reasonable accommodation that does not pose an undue hardship on their employer's business.

2. Consistent and Correct Mask Use

- In general, people do not need to wear masks when outdoors.
- People who are not fully vaccinated should wear a mask indoors, wear a mask in crowded outdoor settings or during activities involving close contact with unvaccinated people, and wear masks and socially distance as much as possible when participating in indoor sports and other high-risk activities.
- People who are fully vaccinated do not need to wear a mask or physically distance in any setting, including sports and extracurricular activities.
- Schools may require mask use based on the needs of the community. Specifically, schools may require masks (1) for students who are ineligible for vaccination, (2) during periods of increasing, substantial or high COVID-19 transmission in the school or community, (3) during increased community transmission of a variant that is more easily spread to children, (4) in the absence of a system to monitor the vaccine status of the school community, (5) when there is low vaccination uptake among members of the community, and (6) in responding to community input that teachers, staff, parents, or students would not participate in in-person learning if mask use was not universal.
- For schools requiring masks, exceptions should be made for (1) persons who cannot safely wear a mask due to an ADA-recognized disability, and (2) if mask use would cause a risk to workplace health, safety, or job duty.
- The CDC requires passengers and drivers on private and public-school buses to wear masks.

3. Physical Distancing

- Schools where not everyone is fully vaccinated should implement physical distancing, but students should not be excluded from in-person learning to maintain distance requirements.
- Schools should maintain at least 3 feet of distance between students in classrooms and require masks for people who are not fully vaccinated.
- A distance of at least 6 feet should be maintained between students and teachers/staff, and between teachers/staff who are not fully vaccinated.
- Physical distancing should be maximized in food service lines and while eating. Fully vaccinated students, teachers, and staff do not need to socially distance while eating.

- It is *not* recommended to place fully vaccinated persons and those that are not fully vaccinated in separate cohorts. Cohorting should not perpetuate academic, racial, or other tracking, as described in the U.S. Department of Education COVID-19 Handbook located at <https://www2.ed.gov/documents/coronavirus/reopening.pdf>.

4. Screening Testing

- Fully vaccinated persons do not need to participate in screening testing if they do not have any symptoms, but screening testing may be required at the state or local level.
- Screening testing should be offered to school employees who have not been fully vaccinated.
- Screening programs should test at least once per week and report results within hours.
- Consistent with state laws and FERPA, K-12 schools should obtain parental consent for minors and assent/consent for students themselves.
- Sport, extracurricular activity, and other elevated risk activity (*e.g.*, singing, band, exercise) participants who are not fully vaccinated may be subject to screening testing.

5. Ventilation

- Schools can use ventilation to decrease the risk of COVID-19 transmission (*i.e.*, open doors and windows, use fans, make changes to the HVAC/air filtration systems, and open bus windows).

6. Handwashing and Respiratory Etiquette

- Schools may monitor and reinforce handwashing and respiratory etiquette.

7. Staying Home When Sick and Getting Tested

- Schools should allow flexible, non-punitive, and supportive paid sick leave and encourage sick workers to stay home without fear of employment-related consequences.
- Schools should provide excused absences for students who are sick.
- For more information, see additional CDC guidance at https://www.cdc.gov/coronavirus/2019-ncov/downloads/community/schools-childcare/What-Do-I-Do-Student-Sick-At-School-Flowchart_2.pdf.

8. Contact Tracing, Isolation, and Quarantine

- People who are not fully vaccinated should quarantine after a recent exposure to someone who has tested positive for COVID-19.
- Fully vaccinated persons can refrain from quarantining after an exposure if asymptomatic.

9. Cleaning and Disinfection

- If a facility has had a sick person *or* someone who tested positive for COVID-19 within the last 24 hours, the space should be cleaned *and* disinfected.
- There is no need to limit food service approaches to single use items and packaged meals.

For further information on the updated CDC guidance for COVID-19 prevention in K-12 schools, please contact [Christopher L. Brigham](#), Chair of the Employment Law Practice Group at Updike, Kelly & Spellacy, P.C. at (203) 786-8310 or cbrigham@uks.com, [Andrew L. Houlding](#), Principal in the Employment Law Practice Group at (203) 786-8315 or ahoulding@uks.com, [Valerie M. Ferdon](#), Associate Attorney in the Employment Law Practice Group at (860) 548-2607 or vferdon@uks.com; or [Jeffrey Renaud](#), Associate Attorney in the Employment Law Practice Group at (860) 548-2629 or jrenaud@uks.com.

Updike, Kelly & Spellacy, P.C. would like to thank summer associate Ryan P. Coleman for his contribution to this client alert.

Disclaimer: The information contained in this material is not intended to be considered legal advice and should not be acted upon as such. Because of the generality of this material, the information provided may not be applicable in all situations and should not be acted upon without legal advice based on the specific factual circumstances.