



# **CHECKLIST FOR PRIVATE SCHOOLS**

## **– REOPENING for IN-PERSON EDUCATION –**

**July 2020**

Many parents, teachers and schools have reached out to us at the Pacific Justice Institute (“PJI”) with questions about *how to safely and legally reopen their schools* following the unprecedented restrictions on everyday life resulting from COVID-19 (novel coronavirus). In July, the American Academy of Pediatrics issued the following statement: “[T]he AAP strongly advocates that all policy considerations for the coming school year should start with a goal of having students physically present in school. The importance of in-person learning is well-documented, and there is already evidence of the negative impacts on children because of school closures in the spring of 2020.”

We have prepared and revised the attached resource to provide a checklist to consult in advance of schools reopening, so leaders can make wise, informed decisions for their school communities.

The checklist emphasizes recommendations to minimize health risks and legal risks in advance of reopening. These considerations draw from recent CDC guidance, federal case precedent, federal guidelines, OSHA guidance, state and local considerations, and valuable input from school leaders and medical professionals and associations. Please use this resource in conjunction with other resources, including those available at our website: [www.pji.org](http://www.pji.org).

These guidelines are not suggested as permanent school policies. Rather, they are suggestions to help schools prepare proactively as states continue to reopen. School decisions and policies must adapt to local considerations, and many decisions will be fact-driven and case-specific. Policies should be age-appropriate for students, and programs must be flexible and adaptable, so schools can adjust rapidly to a fluid situation.

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PJI has been advising numerous school and church leaders navigating this crisis. For over twenty years, we have assisted thousands, including church leaders and pastors, with a wide range of issues involving religious freedom and civil rights. PJI is a non-profit 501(c)(3) legal defense organization that works diligently, *always without charge*, to provide our clients with all the legal support they need. We have tremendous leverage in our litigation budget with multiple offices throughout California, Oregon, Washington, Nevada, Colorado and New York and the *largest Affiliate Attorney Network* on the West Coast – hundreds nationwide!

The dynamic nature of the pandemic makes this situation subject to continuing updates. Please reach out to us directly with any questions you may have regarding compliance with your state and local guidelines.

Please do not hesitate to **contact the Pacific Justice Institute toll free at 888-305-9129.**

Sincerely,

Brad Dacus, President



# **CHECKLIST FOR PRIVATE SCHOOLS** **– IN-PERSON EDUCATION –**

## **I. Plan and Prepare: School Leadership and Administration**

### **A. CDC and Federal Guidelines**

1. Visit the CDC's<sup>1</sup> website for relevant updates on coronavirus and social distancing: [www.cdc.gov/coronavirus](http://www.cdc.gov/coronavirus). The CDC advises that part of social distancing is limiting face-to-face contact with other people and staying at least six (6) feet, or about two (2) arms' length, from other individuals, except for individuals with whom you live (Households).<sup>2</sup>
2. Review the CDC's guidance for schools: <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html>.
3. Use the CDC's "K-12 Readiness and Planning Tool" to help evaluate your specific school's situation: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/community/School-Admin-K12-readiness-and-planning-tool.pdf>. Implementation of any suggested policy should be driven by what is "feasible, practical, acceptable, and tailored to the needs and context of each school and community."<sup>3</sup>
4. Review federal guidance for regular updates, available at: [www.coronavirus.gov](http://www.coronavirus.gov).

### **B. State Guidelines**

5. Review all relevant state guidelines regarding schools, gatherings, childcare services, athletic events and social distancing.<sup>4</sup>

<sup>1</sup> Centers for Disease Control and Prevention ("CDC").

<sup>2</sup> The CDC explains that "Social distancing, also called "physical distancing," means keeping space between yourself and other people outside of your home." The CDC advises that part of practicing social or physical distancing includes staying at least six (6) feet, or about two (2) arms' length, between you and individuals outside of your home (non-Household individuals). More information from the CDC is available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>.

<sup>3</sup> CDC, "Considerations for Schools" (May 19, 2020), available at: <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html>.

<sup>4</sup> The CDC provides a directory of state public health authorities, available at: <https://www.cdc.gov/publichealthgateway/healthdirectories/index.html>.



6. Review PJI state-specific memos as relevant to your school's location, available at: [www.pji.org](http://www.pji.org);<sup>5</sup> obtain legal or other professional advice as necessary.
7. Reach out before reopening for school to seek relevant assistance from legal, medical and other professionals for situation-specific advice.

C.  **Local Guidelines**

8. Review any local guidelines relevant to your school.<sup>6</sup>
9. Reach out to local law enforcement in advance of a service, if there are concerns regarding compliance with applicable regulations.

D.  **Insurance Policies and Compliance**

10. Review any relevant insurance policies relating to your school, employees and facilities.
11. Communicate directly with your policy provider if you have any questions or need clarity on your policy.
12. Review and revise your employee handbook, as necessary, to include guidance on social distancing and updated policies and procedures. Require all staff to read the updated handbook and obtain signed confirmation from each staff member that they will observe social distancing guidance, as legally mandated, both on and off campus.
13. Review expectations with all staff, parents, volunteers and other members and provide written guidance. For example, review social distancing guidelines and requirement of hand washing with soap and water for at least 20 seconds.<sup>7</sup>
14. Review social distancing expectations with staff who should, in turn, explain all expectations with returning students. For example, all staff should maintain at least 6 feet of space between them and should wear masks or cloth face coverings as described by the CDC<sup>8</sup> ("Face Coverings") throughout the school day.

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<sup>5</sup> State-specific memos addressing coronavirus-related restrictions are available at:

<https://www.pacificjustice.org/resources/for-churches/legal-insider-covid-19/>. Reach out directly to PJI with questions at: <https://www.pacificjustice.org/get-help/request-legal-assistance/>.

<sup>6</sup> In addition to a directory of state public health authorities, the CDC also includes a directory of local public health authorities, available at: <https://www.cdc.gov/publichealthgateway/healthdirectories/index.html>.

<sup>7</sup> Please review the CDC Guidance on hand washing, available at: <https://www.cdc.gov/handwashing/when-how-handwashing.html>.

<sup>8</sup> Federal guidance recommends strongly considering wearing cloth "face coverings" throughout the pandemic. For CDC guidance (June 28, 2020): <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>. See also "Guidelines: Opening Up America Again" (Apr. 16, 2020), available at: <https://www.whitehouse.gov/openingamerica/>. The CDC has guidance on how to create an appropriate Face Covering, available at: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/DIY-cloth-face-covering-instructions.pdf>. Many states have also implemented statewide 'mask mandates.'



15. Develop policies for flexible staffing and work schedules to encourage sick staff members to stay home.
16. Develop a plan to conduct daily health checks (e.g. temperature screening and/or symptom checking) for staff and students, as possible, in accordance with applicable privacy laws and regulations.<sup>9</sup> Update the student handbook as necessary. Practically, having students and families conduct self-health checks *before* they arrive at school is ideal, with a system to confirm that this is done each day.
17. Maintain online, distance-learning options for students who may be unable to return or may need to stay home on a given day for health considerations.
18. Document updates to policies, keep records of meetings held to share this information, how this information was disseminated to staff and how they relayed it to students and families.

E.  **Local Outreach**

19. Discuss local considerations with other schools to collaborate and share concerns and ideas.
20. Identify a point person or team to directly address all COVID-19 concerns from staff and students. Make sure other staff, parents and students know who this person is and how to contact them directly.
21. Consider reaching out to any neighbors near your school who may have questions about your reopening for students; open a dialogue with neighbors (particularly those who may be hostile to reopening the school) to address and respond to any concerns they may have in advance of reopening.
22. Have a specific, written statement prepared in advance for the press, should the reopening of your school receive requests for a statement or other media attention.

F.  **Clean and Disinfecting: Facilities, Supplies and Procedures**

23. Review and follow CDC guidelines to disinfect interior spaces thoroughly, using disinfectants recognized by the EPA for use against COVID-19.<sup>10</sup>

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<sup>9</sup> As of May 13, 2020, the CDC states symptoms of coronavirus include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting and diarrhea. This list is available at: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

<sup>10</sup> The US Environmental Protection Agency (“EPA”) has provided a specific list of Disinfectants for Use Against COVID-19, “List N,” available at: <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19>. CDC guidance is available at: <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility-H.pdf>; see also: [https://www.cdc.gov/coronavirus/2019-ncov/downloads/Mass-Gatherings-Documents\\_FINAL.pdf](https://www.cdc.gov/coronavirus/2019-ncov/downloads/Mass-Gatherings-Documents_FINAL.pdf); see also: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/checklist.html>.



24. Review and follow protocol to ensure proper storage of cleaners and disinfectants.<sup>11</sup>
25. Disinfectants that are known to be respiratory irritants should not be used around or in the presence of young children or adolescents. This includes bleach and disinfectants that contain quaternary ammonium compounds (“Quats”).<sup>12</sup>
26. Review and follow available state and local guidance, as available, on cleaning interior spaces and surfaces.
27. Develop a schedule for increased routine cleaning and disinfection in collaboration with maintenance staff, including areas such as “high-touch” surfaces (desks, door handles, railings), communal spaces (e.g. restrooms), shared objects (gym equipment, art supplies) and transport vehicles (e.g. busses).
28. Ensure proper supplies are in stock for your school, including soap, hand sanitizer (at least 60% alcohol), paper towels, tissues, EPA-recognized cleaning supplies, cloth face coverings, no-touch/foot pedal trash cans, no-touch soap/hand sanitizer dispensers and disposable food service items.
29. All school staff should be provided with PPE<sup>13</sup> to use in health suites or any school-based health care. Health staff should have access to N95 face masks, surgical gloves and surgical masks, disposable gowns and face shields or other forms of eye protection. Review guidance to ensure sufficient PPE supplies are on hand at the school and well-stocked in the short-term and long-term.<sup>14</sup>
30. Ensure sufficient supplies of high-touch items (such as textbooks, art supplies) to avoid sharing items between students, where possible. Develop a system to monitor objects in use by a specific student to minimize sharing objects and/or clean and disinfect between use.
31. Consult with your school nurse and/or health care staff to ensure up to date COVID-19 information and best practices for school-based health care facilities.<sup>15</sup>

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<sup>11</sup> See CDC, “Cleaning and Disinfecting Your Facility” (Apr. 28, 2020): <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>.

<sup>12</sup> American Academy of Pediatrics (“AAP”), “COVID-19 Planning Considerations: Guidance for School Re-entry” (June 25, 2020), available at: <https://services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/covid-19-planning-considerations-return-to-in-person-education-in-schools/>.

<sup>13</sup> Personal Protective Equipment (PPE).

<sup>14</sup> See CDC, “PPE Burn Rate Calculator,” available at: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/hcp/PPE-Burn-Rate-Calculator.xlsx>

<sup>15</sup> See CDC, “Guidance for U.S. Healthcare Facilities about Coronavirus (COVID-19)” (May 12, 2020), available at: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/us-healthcare-facilities.html>.



32. Consider whether “deep-cleaning”<sup>16</sup> is an appropriate precaution for your school; expect that this will take multiple hours and be prepared to document this with the use of professional services.
33. Close communal spaces or develop a plan for staggered use, allowing for the increased cleaning protocol.
34. Ensure proper ventilation and that all systems are operating properly. Develop a protocol to increase outdoor air circulation (such as opening windows, where possible) throughout the school day. Ensure all water systems and features are safe to use after a prolonged facility shutdown.<sup>17</sup>
35. Where it is difficult to maintain 6-feet of separation between individuals (e.g. the school front office or reception), consider installing physical barriers (such as plexiglass guards).
36. In addition to education and training (see below), install physical guides with signage on walls and tape on the floors to encourage proper social distancing.
37. Assess the ability of students, staff and families to obtain cloth face coverings for daily use and determine if the school will need to provide them, as appropriate, to students.

## II. Education and Training for Staff and Students

### G. Educate Staff, Students and Families about a Social Distancing

38. Send direct updates to students to coordinate the effort to reopen with a considerable lead-in time. If no reopening date is set, or if plans for reopening are in process but distance-learning will remain in place for the time being, communicate that as well.
39. Develop a communication plan to promote social distancing and educate staff and students about daily preventative measures to stop the spread of germs. This may include sharing CDC videos,<sup>18</sup> through the school’s email communications, website and other social media. Maintain consistent

<sup>16</sup> Watch PJI video conference titled “How to Safely and Legally Reopen Your Church” (Apr. 23, 2020) for discussion of a church in Kansas that obtained a legal order enabling it to open, but also required, *inter alia*, a deep cleaning of the church (*First Baptist Church v. Kelly*, No. 20-1102-JWB, 2020 U.S. Dist. LEXIS 68267 (D. Kan. Apr. 18, 2020)), available at: [www.pji.org](http://www.pji.org).

<sup>17</sup> CDC, “Guidance for Reopening Buildings After Prolonged Shutdown or Reduced Operation” (May 7, 2020), available at: <https://www.cdc.gov/coronavirus/2019-ncov/php/building-water-system.html>. See also, CDC, “Considerations for Public Pools, Hot Tubs, and Water Playgrounds During COVID-19” (May 27, 2020), available at: <https://www.cdc.gov/coronavirus/2019-ncov/community/parks-rec/aquatic-venues.html>.

<sup>18</sup> CDC, “COVID-19 Videos” (July 2, 2020), available at: <https://www.cdc.gov/coronavirus/2019-ncov/communication/videos.html?Sort=Date%3A%3Adesc>.





communication about the importance of daily hygiene practices several weeks before reopening and continue to promote these practices throughout the school year.

40. Include “welcome back to school” guidance on your school’s website and in any direct mailings with students and staff; include guidance from CDC, state and local guidelines, and this checklist as it will apply to students and their families. Consistently remind staff, students and families about the school’s designated point of contact for COVID-19 concerns.
41. Know in advance expected student attendance to plan interior layouts for classrooms and to organize “cohort” classrooms. Revise plans to cohort classroom and hallway layouts based upon these numbers (see “III. Physical Layout” below).
42. Identify who should and should not wear Face Coverings. Face Covering should **not** be placed on any child younger than 2 years old, anyone who has difficulty breathing or is unconscious, incapacitated or otherwise unable to remove the face covering on their own without help.<sup>19</sup>
43. Notify parents of the Face Covering requirement and request signed responses from parents *confirming whether or not their child has a health condition that would make wearing a Face Covering medically inappropriate*. Such communications should be treated as confidential information.
44. Provide instruction on how to properly use, remove and wash Face Coverings.<sup>20</sup>

H.  **Educate Staff and Students About When They Should Stay Home**

45. Remind all staff, students and families to continue to follow applicable “stay at home” directives and other restrictions from state and local orders in their daily lives.
46. Remind and review CDC and state guidelines on social distancing and good hygiene with staff, students and families through virtual training sessions.
47. Advise any individual who is “at higher risk for severe illness” not to return to school at this time (see <https://www.cdc.gov/coronavirus>); the CDC includes in this category older adults and individuals with underlying medical conditions (including, for example, asthma, HIV, diabetes, obesity, cardiovascular disease and/or cancer).<sup>21</sup>

<sup>19</sup> CDC, “How to Wear Cloth Face Coverings” (Mar. 22, 2020), available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wear-cloth-face-coverings.html>.

<sup>20</sup> CDC, “Use of Cloth Face Coverings to Help Slow the Spread of COVID-19” (June 28, 2020), available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

<sup>21</sup> More information from the CDC on individuals considered to be at higher risk for severe illness during the pandemic is available at: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>.





48. Staff, students and their families should stay home if they have COVID-19 symptoms, have been diagnosed with COVID-19, are awaiting test results or have been exposed to someone with symptoms or a confirmed or suspected case.<sup>22</sup> The CDC defines “exposure” to have occurred when an individual is in close contact (less than 6-feet apart for at least 15 minutes)<sup>23</sup> to another individual who has COVID-19 symptoms or has tested positive for COVID-19. All individuals that are exposed to COVID-19, or know they have tested positive, should stay home and self-quarantine for at least 14 days from the time of exposure.<sup>24</sup>
49. Host virtual training on social distancing, handwashing, and mask and safety protocols before reopening. Review symptoms of COVID-19 and requirements for daily self-health checks. Require all staff and students to attend these trainings, as appropriate.

I.  **Specific Requirements for Returning to School**

50. Before allowing individuals to return to school, require all staff and students to confirm in writing that, to their knowledge, they have not been exposed to COVID-19, and have not tested positive for COVID-19, in the past 14 days.
51. Require all staff and students to conduct daily self-health checks for symptoms of COVID-19 before coming to school. Require all students and staff to stay home if they have a fever (temperature over 100.4 degrees Fahrenheit) or flu-like symptoms<sup>25</sup> and seek appropriate medical advice.
52. Ask all staff and students to seek medical advice if they believe they may have a relevant underlying medical condition as defined by the CDC,<sup>26</sup> prior to undertaking any activity outside of the home.

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<sup>22</sup> CDC, “Public Health Guidance for Community-Related Exposure” (June 5, 2020), available at: <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html>.

<sup>23</sup> *Id.*

<sup>24</sup> CDC, “Quarantine and Isolation” (May 6, 2020), available at: <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine-isolation.html>. See also, CDC, “When You Can be Around Others After You Had or Likely Had COVID-19” (May 26, 2020) <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/end-home-isolation.html>.

<sup>25</sup> This list is available at: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>, *supra* note 9.

<sup>26</sup> See CDC, “People Who Need to Take Extra Precautions” (July 2, 2020), available at: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>.



53. Ask students to bring their own PPE, including cloth face coverings;<sup>27</sup> provide links to medically sound tutorials<sup>28</sup> on how to create homemade cloth face coverings if necessary. Require cloth face coverings be worn, when appropriate, throughout the school day. Children should wear cloth face coverings when the benefits of reduced COVID-19 risk outweighs the harm of potential increased hand-to-mouth and hand-to-nose face touching.<sup>29</sup>
54. Ask any student or staff to contact the school immediately if they experience any flu-like symptoms<sup>30</sup> and to seek medical advice.
- J.  **Post All Advice Publicly, Inside and Outside of the School as a Reminder**
55. Make signs visible for individuals throughout the building, including entrances, dining areas, restrooms, classrooms, administrative offices, cafeterias, auditoriums, janitorial staff areas and parking lots.
56. Posted signs should have advice consistent with that previously provided to staff and students in virtual training sessions, unless CDC guidance has changed.
- K.  **Answer Frequently Asked Questions (FAQs) in Advance**
57. Have a direct line of communication open for staff, students and families with a known point person in advance for any FAQs. Include a designated phone number, email address or website contact form to facilitate dialogue.
58. Be prepared to respond to questions and adapt plans as relevant concerns arise; weather may be an additional consideration requiring flexibility.
59. Prepare communications that are age-appropriate and that are also developmentally-appropriate and accessible for all students, including those with disabilities.

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<sup>27</sup> Federal guidance recommends strongly considering wearing “face coverings” throughout the pandemic, see “Guidelines: Opening Up American Again” (Apr. 16, 2020), available at: <https://www.whitehouse.gov/openingamerica/>. The CDC has guidance on how to create an appropriate Face Covering, available at: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/DIY-cloth-face-covering-instructions.pdf>.

<sup>28</sup> See, e.g., U.S. Surgeon General Dr. Jerome Adams, “How to Make Your own Face Covering” (Apr. 3, 2020), available at: <https://www.youtube.com/watch?v=tPx1yqvJgf4>.

<sup>29</sup> APA, “COVID-19 Planning Considerations,” *supra* note 12.

<sup>30</sup> *Supra* note 9.



### III. Physical Layout: Interior Spaces and Outdoor Parking

L.  **Classrooms: Reduce Seating to Facilitate Social Distancing**

60. Reduce maximum seating inside each classroom, in line with state and local directives. These may require a staggered schedule or modified day, in which not all students attend school on the same day but learn remotely at certain times.
61. Reconfigure desks and seating to space students at least 6 feet apart when feasible.
62. Turn desks so that students sit facing the same direction (rather than facing each other), or have students sit on only one side of tables, spaced apart.
63. Use tape on the floors to guide social distancing, and particularly to help adult staff remain 6 feet apart from students while teaching.
64. At the beginning and end of a class period, prop classroom doors open so students can enter and exit without directly handling the door handle, a high-touch surface.
65. Open classroom windows, where possible, to increase ventilation.
66. For younger, pre-kindergarten children, focus on risk mitigation. This includes hand washing for children, taking advantage of opportunities to be outdoors and prevention education for staff and families. For adults, this includes a focus on Face Coverings and maintaining physical distancing from one another, as social distancing can be difficult for younger children.
67. Offer hand sanitizer and facial tissue throughout the building; the CDC recommends sanitizer have a minimum of 60% alcohol.<sup>31</sup>
68. Avoid activities involving increased exhalation (singing, exercising) when in close proximity to others; these activities, if done, should be done outside.

M.  **Cohort Classrooms and Student Groups**

69. Keep students in smaller groups (“cohorting”) to minimize crossover among children and adults within the school.<sup>32</sup> Cohorting involves identifying small groups and keeping them together (while socially distanced) within a school. This can help keep student and staff groupings as static as possible by having the same group of children stay with the same staff (all day for young children, and as much as possible for older children).<sup>33</sup>

<sup>31</sup> CDC, “Cleaning and Disinfecting Your Home” (May 27, 2020), available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/disinfecting-your-home.html>.

<sup>32</sup> APA, “COVID-19 Planning Considerations,” *supra* note 12.

<sup>33</sup> CDC, “Considerations for Schools” (May 19, 2020), available at: <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html>.



70. As part of a plan to cohort classrooms, focus on limiting any mixing between cohort student groups and adult staff (all school day for young students, and as much as possible for older students).
71. To reduce movement throughout the building, teachers, instead of students, may rotate into classrooms, as appropriate, to reduce traffic in hallways.

**N.  Hallways and Doors: One-Way Only**

72. Clearly mark one-way only foot traffic inside the building; indoor hallways between classrooms should be one-way only, with taped arrows or other clear indicators on the floor, if possible.
73. Eliminate lockers if feasible (based upon textbook requirements) or assign lockers by cohort grouping to avoid crossover between student groups and to reduce the amount of foot traffic in hallways.
74. If students must move between classrooms, stagger class periods by cohort groupings to reduce traffic in hallways.
75. Prop doors open to the school, if possible, to avoid physical touching of door handles.
76. Mark an “entrance-only” door (or doors) and an “exit-only” door (or doors); these entrance-only and exit-only doors should be on opposite sides of the building, if possible.

**O.  Cafeterias and Dining**

77. If possible, have students eat in their classrooms instead of a larger cafeteria.
78. Reconfigure cafeteria seating to enable social distancing and stagger dining periods by classroom cohort.
79. Use outdoor seating where possible.
80. Promote hand washing before and after eating.
81. Develop and implement a plan for the school, if it provides food, to serve individually plated, boxed, or wrapped meals.
82. Clearly mark one-way only foot traffic inside the cafeteria, if appropriate.

**P.  Playgrounds and Athletics**

83. If playgrounds are open, focus on limiting the number of students participating and by cohorting students, as social distancing will be difficult.
84. Do not allow spectators and limit non-essential volunteers present at the school.
85. Review state and local guidance for applicable rules regarding what sporting events are allowed.



86. Review athletic association information provided on a state-level from the National Federation of State High School Associations for further guidance.<sup>34</sup>

Q.  **Bathroom Space**

- 87. Post signs reminding all individuals to thoroughly wash their hands.
- 88. Install no-touch soap dispensers and no-touch foot-pedal trash bins.
- 89. Prop main door open (to avoid touching door handles) if there are individual stalls/urinals.
- 90. If there are multiple bathroom stalls, close every other stall (with tape or signs) so that they are not to be used to maximize social distancing.
- 91. If there are multiple bathroom sinks, close every other (with tape or signs) in order to maximize social distancing.

R.  **Parking Lots**

- 92. Use staggered drop-off and pick-up times to reduce adult-to-adult contact in parking lots.
- 93. Only use every other parking space (or every third, depending on the size of the spaces); clearly tape or mark off spaces not to be used.
- 94. Clearly mark one-way only traffic for individuals to walk to and from the parking lot to classrooms. If possible, have parking lot monitors to guide (from an appropriate distance) the flow of traffic in/out of the parking lot and in/out of the school.
- 95. Post signs<sup>35</sup> in highly visible locations to promote social distancing and everyday protective behavior to help stop the spread of germs.

S.  **School Buses**

- 96. Instead of school buses, encourage alternate forms of transportation, wherever possible, to enable social distancing.
- 97. Adjust bus routes, frequency and timing to stagger students' arrival to school to enable social distancing.
- 98. Seat students 6 feet apart, where possible, using every other row on the bus.
- 99. Tape out social distancing markers to indicate where individuals should sit.  
Assigned seating on the basis of cohort classroom groups may also be possible.
- 100. Have bus windows open, if possible.
- 101. The bus driver should stay 6 feet from other individuals and should wear a face mask; consider installing a physical barrier such as a plexiglass shield as well.

<sup>34</sup>See National Federation of State High School Associations, "Associations Listing," available at <https://www.nfhs.org/resources/state-association-listing>.

<sup>35</sup> CDC, "Print Resources" (July 2, 2020), available at: <https://www.cdc.gov/coronavirus/2019-ncov/communication/print-resources.html?Sort=Date%3A%3Adesc>.



102. No unnecessary individuals, including adults, should be on the school bus.

T.  **School Visitors and Field Trips**

103. School visitors, non-essential volunteers and activities should be avoided, especially if they involve outside entities. This includes spectators or other attendees at any school gathering. Any such event must also comply with state and local directives and social distancing guidelines.

104. If external groups use school facilities during non-school hours, encourage these groups to adopt similar protocols as the school.

105. Consider “virtual” gatherings and visits in place of field trips.

## IV. Ongoing Health Concerns

U.  **Protocol for Individuals with COVID-19 Symptoms**

106. Establish a policy for symptom screening and train staff on protocol for what to do if an individual develops COVID-19 symptoms or tests positive.

107. Because of the practical challenges of screening individuals for symptoms after they arrive at school, establish a check-in method through which students and staff can confirm daily that they have done their symptom screening (before arriving at school). If students arrive without having completed their symptom screening, set up an area where that screening can be done in advance of seating the student in the classroom.

108. Ensure that nurses and health staff are able to check temperatures and establish a place to isolate and care for individuals who may become ill during the school day.<sup>36</sup> Staff and students with COVID-19 symptoms should immediately be separated from others. Depending on the severity of the symptoms, individuals should go home or to an appropriate health care facility.<sup>37</sup> Establish procedures to safely and swiftly transport an ill individual either home or to a health care facility, as appropriate. If you are calling an ambulance or taking an individual to a health care facility, call in advance to notify them that the individual has symptoms of COVID-19.<sup>38</sup>

<sup>36</sup> CDC, “Information for Healthcare Professionals about Coronavirus (COVID-19)” (June 1, 2020), available at: <https://www.cdc.gov/coronavirus/2019-nCoV/hcp/index.html>.

<sup>37</sup> CDC, “If You are Sick or Caring for Someone” (May 24 2020), available at: <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/index.html>.

<sup>38</sup> Office for Civil Rights (“OCR”) at the U.S. Department of Health and Human Services (“HHS”), “OCR Issues Guidance to Help Ensure First Responders and Others Receive Protected Health Information about Individuals Exposed to COVID-19” (March 24, 2020), available at: <https://www.hhs.gov/about/news/2020/03/24/ocr-issues->



109. Close off the area where the ill person was and, if possible, leave the area closed for 24-hours. After 24-hours, clean and disinfect following the school's established COVID-19 cleaning protocols.
110. In accordance with state and local laws, school officials should notify local health officials, staff, students and families of a new COVID-19 case, while maintaining confidentiality in accordance with the Americans with Disabilities Act<sup>39</sup> and other privacy requirements.<sup>40</sup> A school should not release an individual's name or other personally identifiable information when informing its community that a school member tested positive for COVID-19.

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[guidance-to-help-ensure-first-responders-and-others-receive-protected-health-information-about-individuals-exposed-to-covid-19.html](#).

<sup>39</sup> See U.S. Equal Employment Opportunity Commission, "Pandemic Preparedness in the Workplace and the Americans with Disabilities Act" (Mar. 21, 2020), available at: <https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act>. The ADA covers both contagious and noncontagious diseases and applies to private schools as places of public accommodation which must provide physical access to those with disabilities (but they are not required to provide free, individualized education programming for students with disabilities).

<sup>40</sup> Generally speaking, most private schools are not covered under the privacy laws of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") or the Family Educational Rights and Privacy Act ("FERPA"). See HHS and U.S. Dept. of Education, "Joint Guidance on the Application of HIPAA and FERPA to Student Health Records" (Dec. 2019), available at: [https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/2019%20HIPAA%20FERPA%20Joint%20Guidance%20508.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/2019%20HIPAA%20FERPA%20Joint%20Guidance%20508.pdf). Most schools are not "Covered Entities" under HIPAA, because even where they provide healthcare services, they do not conduct healthcare transactions electronically and so are exempt from HIPAA privacy requirements. See *HIPAA Journal*, "Does HIPAA Apply to Schools?" (Jan. 9, 2020) available at: <https://www.hipaajournal.com/does-hipaa-apply-to-schools/> (explaining that "The HIPAA Transactions and Code Sets and Identifier Rules would have to be followed when electronic transactions are conducted, but it would not be a requirement to comply with the HIPAA Privacy Rule if healthcare data is stored in education records, which are covered by FERPA. If health information is stored in education records, it is not classed as protected health information and is therefore not covered by the HIPAA Privacy Rule. The school would however have to comply with FERPA privacy requirements." FERPA, however, applies only to educational institutions (including all public schools) that receive direct funding through programs administered by the Department of Education. Because most private schools do not receive such funding, FERPA does not apply to them.) See also, "COVID-19 and HIPAA: Disclosures to law enforcement, paramedics, other first responders and public health authorities" (Mar. 21, 2020), available at: <https://www.hhs.gov/about/news/2020/03/24/ocr-issues-guidance-to-help-ensure-first-responders-and-others-receive-protected-health-information-about-individuals-exposed-to-covid-19.html>; see also OCR, HHS, "BULLETIN: HIPAA Privacy and Novel Coronavirus" (Feb. 2020), (stating that, in addition to contacting public health authorities, under HIPAA a "covered entity may share protected health information with a patient's family members, relatives, friends, or other persons identified by the patient as involved in the patient's care. A covered entity also may share information about a patient as necessary to identify, locate, and notify family members, guardians, or anyone else responsible for the patient's care, of the patient's location, general condition, or death. This may include, where necessary to notify family members and others, the police, the press, or the public at large. See 45 CFR 164.510(b)."), available at: <https://www.hhs.gov/sites/default/files/february-2020-hipaa-and-novel-coronavirus.pdf>.





111. Pinpoint individuals that have been in close contact (less than 6 feet of separation for at least 15 minutes) with the person diagnosed with COVID-19. These individuals should stay home and self-monitor for COVID-19 symptoms and follow CDC guidance if they develop symptoms.<sup>41</sup>
112. Inform all staff and students that they should contact the staff member designated by the school as its COVID-19 point of contact if they become ill with COVID-19 symptoms, are exposed to COVID-19 or test positive for COVID-19.
113. Update your emergency operations plan with the help of your local public health department, emergency operations coordinator or planning team, and other relevant partners to include COVID-19 planning; consult OSHA<sup>42</sup> guidelines, available at: <https://www.osha.gov/SLTC/covid-19/>.<sup>43</sup>

V.  Immunization

114. Pre-existing immunization requirements at the school should not be postponed due to COVID-19.
115. School health records, including immunization records, should be maintained.
116. Although not legally mandated, influenza vaccinations should be strongly encouraged for all students and staff.

W.  Mental Health

117. Mental health considerations during the stress of COVID-19 for staff, students and families should be taken seriously. Clear and consistent communication during times of uncertainty and change are key.
118. Support faculty and staff through the human resources department. Provide resources to help staff and students access tele-health services, including counselling. Encourage individuals to talk to trusted people about concerns and how they are feeling.
119. Consider posting information for the national distress hotline: 1-800-985-5990, or text TalkWithUs to 66746.

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<sup>41</sup> CDC, “Quarantine and Isolation” (May 6, 2020), available at: <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine-isolation.html>.

<sup>42</sup> Office of Occupational Safety and Health Administration (OSHA), an agency of the United States Department of Labor.

<sup>43</sup> OSHA released a memo on “Interim Enforcement Response Plan for Coronavirus Disease 2019 (COVID-19)” (Apr. 13, 2020), available at: <https://www.osha.gov/memos/2020-04-13/interim-enforcement-response-plan-coronavirus-disease-2019-covid-19>; see also “Discretion in Enforcement when Considering an Employer’s Good Faith Efforts During the Coronavirus Disease 2019 (COVID-19) Pandemic” (Apr. 16, 2020), available at: <https://www.osha.gov/memos/2020-04-16/discretion-enforcement-when-considering-employers-good-faith-efforts-during>; OSHA’s general list of resources and information is available at: [https://www.osha.gov/SLTC/covid-19/additional\\_resources.html](https://www.osha.gov/SLTC/covid-19/additional_resources.html).



120. Consider providing access to free outside resources and materials, such as the Coalition to Support Grieving Students.<sup>44</sup>
121. Direct (non-physical) communication and outreach throughout the pandemic is key.<sup>45</sup> Maintain a dialogue with the school community and encourage virtual town halls to coordinate a unified message. PJI's online tutorial for live-streaming broadcast is available at [www.pji.org](http://www.pji.org).<sup>46</sup>
122. Ensure contact lists are up-to date and that 'calling trees'—or other practices to account for individuals who may be isolated — are in place.
123. Collaborate with local pastors, or the church attached to your school, to provide additional forms of support for staff, students and families

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**Pacific Justice Institute  
P.O. Box 276600  
Sacramento, CA 95826  
916-857-6900  
[www.pji.org](http://www.pji.org)**

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<sup>44</sup> Available at: <https://www.schoolcrisiscenter.org/resources/covid-19-pandemic-resources/>.

<sup>45</sup> See U.S. Dept. of Health and Human Services, Center for Faith and Opportunity Initiatives (The Partnership), "COVID-19: Recommended Preventative Practices and FAQs for Faith-based and Community Leaders" (Mar. 17, 2020), available at: <https://www.hhs.gov/sites/default/files/3-17-20-faith-and-community-based-covid-19-faq.pdf>.

<sup>46</sup> PJI's online tutorial for live-streaming is available at: <https://www.pacificjustice.org/resources/for-churches/how-to-live-stream-a-church-service-during-covid-19-mass-quarantines/>.