

Health and Safety Planning for COVID-19 Self-Audit Checklist & Best Practices

School Leaders Risk Management Association Members:

One of the fundamental responsibilities of any school district is to ensure the health and safety of its students and staff. In recent months, the spread of COVID-19, also known as Coronavirus, has led to serious health risks for many areas of the country. Since the beginning of March 2020, educational institutions have begun taking precautions to address the spread of COVID-19 within their communities, including some schools that have temporarily closed. Several governmental agencies including the U.S. Department of Education (“ED”), Centers for Disease Control and Prevention (“CDC”), U.S. Department of Agriculture (“USDA”), and state public health authorities have published guidance outlining issues that school districts need to consider in response to COVID-19. School districts should ensure that they have emergency response and continuity plans on hand and should take precautions to prevent the spread of COVID-19 in their communities.

Introduction

First, schools should understand COVID-19 and share resources with the school community regarding the disease.¹ COVID-19 is a respiratory disease that is caused by the virus SARS-CoV-2 also known as Coronavirus. Symptoms of COVID-19 include fever, cough, and shortness of breath, but symptoms may not appear for two to fourteen days after exposure. COVID-19 spreads through person to person contact and contaminated surfaces. Most cases of COVID-19 are not severe, but many populations are at higher risk for complications including the elderly, immunocompromised individuals, and people with pre-existing conditions. Notably there is no evidence that children are more susceptible to COVID-19 than other populations. In response to COVID-19, multiple states and municipalities have declared public states of emergency.² School officials should understand the basics of COVID-19 and should distribute CDC fact sheets to the school community.

Schools should also implement training and educational sessions so that students and staff can learn proper disease prevention techniques. The World Health Organization and CDC have both provided training materials that help explain common tactics that can prevent the spread of COVID-19.³ Basic protective measures include washing hands frequently, maintaining social distance, avoiding face touching, and seeking immediate medical treatment when feeling ill. When discussing COVID-19 with children, school officials should be cognizant of the mental and emotional strain that some conversations may cause. The National Association of School

¹ See Centers for Disease Control and Prevention, “Coronavirus Disease 2019,” available at <https://www.cdc.gov/coronavirus/2019-ncov/index.html>.

² See Executive Department State of California, “Proclamation of a State of Emergency,” available at <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>

³ See World Health Organization, “Coronavirus disease (COVID-19) advice for the public,” available at <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>.

Psychologists has released a guidance document to provide useful guidelines for these difficult conversations.⁴

Second, district leaders must take necessary measures to prevent the spread of COVID-19 in schools. Environmental cleaning procedures can drastically cut down on COVID-19 transmissions.⁵ Evidence from the CDC indicates that the Coronavirus may survive for hours to days on surfaces, which could lead to transmissions of the disease. The CDC has released cleaning and disinfection guidance that schools may follow in order to best address possible contaminations in the school environment. It is important to note that cleaning staff should be provided with the proper personal protective equipment when going through the cleaning process. Additionally, state and local health departments may have their own protocols for cleaning and disinfection that should be followed.⁶

Schools should also implement policies that encourage students and staff to seek appropriate medical treatment and to stay at home if ill. The CDC emphasizes the importance of ensuring that individuals with COVID-19 avoid schools in order to limit the risk of spreading the virus. Schools should remind students and staff that they should stay at home if they have any sign of illness. The American Academy of Pediatrics has released general guidance regarding the factors that should be considered when excluding a child from school on the basis of illness.⁷ Schools should consider whether to postpone or cancel school-sponsored field trips, especially to areas with high rates of COVID-19. Additionally, schools should determine whether to postpone or cancel large events such as sporting events, school dances, and assemblies.

Third, schools must have an emergency response plan in place. The United States Department of Education, in coordination with other federal agencies, released guidance in 2013 regarding the development of high-quality school emergency operations plans,⁸ and very recently released a guidance document for school districts on their role in creating customized school emergency plans.⁹ Schools should create collaborative planning teams that consist of staff members from different areas of the school including administrators, teachers, school resource officers, and

⁴ See National Association of School Psychologists, “Talking to Children About COVID-19 (Coronavirus) A Parent Resource,” available at https://higherlogicdownload.s3.amazonaws.com/NASN/3870c72d-fff9-4ed7-833f-215de278d256/UploadedImages/PDFs/02292020_NASP_NASN_COVID-19_parent_handout.pdf.

⁵ See Centers for Disease Control and Prevention, “Environmental Cleaning and Disinfection Recommendations,” available at <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>.

⁶ See e.g. New York Department of Health, “Interim Cleaning and Disinfection Guidance for Primary and Secondary Schools for COVID-19,” available at https://www.health.ny.gov/diseases/communicable/coronavirus/docs/cleaning_guidance_schools.pdf.

⁷ See American Academy of Pediatrics, “When to Keep Your Child Home from Child Care,” available at <https://www.healthychildren.org/English/family-life/work-play/Pages/When-to-Keep-Your-Child-Home-from-Child-Care.aspx>.

⁸ See United States Department of Education, et al., “Guide for Developing High-Quality School Emergency Operations Plans,” (June 2013), available at https://rems.ed.gov/docs/District_Guide_508C.pdf.

⁹ See United States Department of Education, et al., “The Role of Districts in Developing High-Quality School Emergency Operations Plans - A Companion to the School Guide” (September 2019), available at https://rems.ed.gov/docs/District_Guide_508C.pdf.

custodians. These teams should draft a plan that is approved by school leadership and is widely disseminated to staff.

The federal agencies identify several functional areas that emergency response plans should cover: evacuation, lockdowns, sheltering in place, accounting for all persons, communications and warnings, family unification, continuity of operations, recovery, medical and mental health, and security.

Schools can make targeted emergency response plans tailored to different types of emergency situations (e.g. fires, active shooters, toxic material spills, pandemic outbreaks, etc.). Each plan should include a list of school leaders that are authorized to initiate the plan should an emergency situation arise.

Staff should be trained under these plans and students should be made aware of them.

Fourth, school leaders should work with local and state public health authorities to develop information sharing and emergency response plans for a possible COVID-19 outbreak within their communities. The CDC recommends that school districts should consult with these public health authorities before making important decisions, including the decision to temporarily close a school.¹⁰ Public health authorities often request information on absenteeism in schools to help monitor potential outbreaks in communities.

School districts should also craft communication plans to ensure that all members of the school community are properly informed of potential outbreaks. The communications plans should align with the communication plans outlined in the school's emergency response plan. The school should ensure that its communications systems are functioning and compliant with the needs of all members of the community including non-English speakers and individuals with disabilities.

School districts should be careful to follow the requirements of the Family Educational Rights and Privacy Act ("FERPA") in any communications or information sharing plans. ED recently released a guidance document outlining the application of FERPA to COVID-19 responses.¹¹ Importantly, school districts should not disclose personally identifiable information ("PII") without student or parental consent. This includes disclosures to other students, parents of other students, and the media. However, COVID-19 may trigger the health and safety emergency exception to FERPA which would allow certain disclosures without consent. If a school district determines that there is an "articulable and significant threat to the health or safety of the student or another individual" then the district may disclose PII if necessary for the health and safety of

¹⁰ See Centers for Disease Control and Prevention, "Interim Guidance for Administrators of US Childcare Programs and K-12 Schools," available at https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-schools.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Fguidance-for-schools.html.

¹¹ See U.S. Department of Education, "FERPA & Coronavirus Disease 2019 (COVID-19) Frequently Asked Questions" (Mar. 12, 2020), available at https://content.govdelivery.com/attachments/USED/2020/03/12/file_attachments/1399185/FERPA%20and%20Coronavirus%20Frequently%20Asked%20Questions_03_12_2020.pdf.

members of the school community.¹² If a public health authority determines that COVID-19 poses a significant threat to a particular community, then the school district serving that community may invoke this health and safety emergency exception. Disclosures under this exception should be limited to the time period of the emergency and should only be made to appropriate parties on a case by case basis. Appropriate parties generally include public health authorities, medical professionals, and law enforcement officials, but could also include other students and parents if there is a significant threat to their safety if they did not know this information. Schools must record every disclosure made without consent, including information related to who received the disclosure and what the basis of the emergency was.

Fifth, schools should ensure compliance with civil rights laws in any COVID-19 response. The U.S. Department of Education Office for Civil Rights released a letter reminding schools that bullying and harassment on the basis of racial or ethnic stereotypes is forbidden under Title VI of the Civil Rights Act of 1964.¹³ Schools should take measures to address any bullying against students on the basis of their race or national origin which may be connected to areas with high COVID-19 outbreaks.

Additionally, schools should ensure that all communications are accessible to students with disabilities as is required by Title II of the Americans with Disabilities Act. This includes any communications regarding emergency response plans and warnings sent to the community. Schools should also ensure that any distance learning materials comply with accessibility requirements, including materials distributed online.

School districts must also be aware of their requirements to comply with the Individuals with Disabilities Education Act (“IDEA”) in any COVID-19 response. ED recently released a guidance document outlining the responsibilities of schools to continue serving the educational needs of students with disabilities in the wake of possible school closures or student quarantines.¹⁴ If a school is still providing educational services to students, then it must still provide a free and appropriate education (“FAPE”) to students with disabilities. Homebound services may be required for students that are kept out of school for extended periods due to illness. Schools should proactively include distance learning contingency plans in individualized education programs (“IEPs”). Additionally, any disruptions to special education may result in the need for compensatory education in later terms.

Finally, schools should have a plan in place in case closure is necessary. The CDC emphasizes that school districts should not make a decision to close without consulting with local and state health officials. In some jurisdictions, state or local government agencies might order school districts to close. Schools should communicate with local health officials to determine if an outbreak within the community is significantly severe and widespread enough to warrant a school closure. A school closure can take place in many forms, and school districts should determine

¹² See 34 C.F.R. § 99.32(a)(5).

¹³ See Office for Civil Rights, “OCR Coronavirus Statement” (Mar. 4, 2020), available at <https://content.govdelivery.com/accounts/USED/bulletins/27f5130>.

¹⁴ See U.S. Department of Education “Questions and Answers on Providing Services to Children with Disabilities During Coronavirus Disease 2019 Outbreak,” (Mar. 2020), available at <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf>.

what level of closure is appropriate based on the apparent risk posed by COVID-19. Some schools may elect to close the school for students but to keep the building open for staff to continue to work to develop and deliver education programs to their students. Each school closure should be made on a case by case basis.

Any school closure should be accompanied by a plan to ensure the continuity of education. These continuity plans should allow for students to engage in distance learning, whether or not that takes place online, through printed materials, through telephone calls, or in some other format. Schools should ensure that all students in the district have access to the resources necessary for any distance learning plans. Should the need arise; schools should contact their state agencies to determine if a waiver of school year length requirements will be necessary. At least one state has allowed schools to apply for waivers for shortened school years based on COVID-19 outbreaks that have resulted in closures.¹⁵

Schools should also ensure that they can provide meal services to students that need them during the course of any school closure. The U.S. Department of Agriculture (“USDA”) has recently announced that schools may utilize summer meal programs to provide meals to students at no cost. USDA has waived the requirement that schools provide these meals in group settings, which allows schools to set up locations to distribute grab and go meals.

ED recently released guidance to indicate that the agency will consider waivers for certain assessment and accountability requirements under the Elementary and Secondary Education Act (“ESEA”) should a school be prevented from administering required assessments due to a COVID-19 induced closure.¹⁶

Above all, schools should work with local and state health officials to make decisions that will protect the health and safety of all members of the school community.

NOTES ON USE

This self-audit checklist allows a school district to examine whether it has taken appropriate steps to prepare for emergency situations, including COVID-19 outbreaks.

Federal and state laws and regulations do not provide significant guidance to schools regarding the development of health and safety plans. This self-audit checklist is therefore drawn from resources released by ED and the CDC, exemplar school district policies, policy proposals of national advocacy organizations, and academic research. The self-audit checklist primarily contains points of best practices and does not represent a comprehensive set of requirements that must be adopted. School leaders should make all decisions on the basis of their unique school environments, as some solutions presented in this checklist might not be appropriate for all types of school environments.

¹⁵ See Washington Office of Superintendent of Public Instruction, “Novel Coronavirus (COVID-19) Guidance & Resources,” available at <https://www.k12.wa.us/about-osp/press-releases/novel-coronavirus-covid-19-guidance-resources>.

¹⁶ See U.S. Department of Education, “Fact Sheet: Impact of COVID-19 on Assessments and Accountability under the Elementary and Secondary Education Act,” (Mar. 12, 2020), available at <https://oese.ed.gov/files/2020/03/COVID-19-OESE-FINAL-3.12.20.pdf>.

Part I of the checklist focuses on information gathering and distribution. Part II addresses possible measures schools should adopt for COVID-19 prevention, including cleaning procedures and accompanying policies. Part III examines emergency response planning and what schools should do in preparation for crises. Part IV focuses on information sharing and partnerships between school districts and local health authorities. Part V discusses civil rights law compliance considerations for COVID-19 response. Part VI discusses the decision to close a school and continuity plans that should be implemented.

This self-audit requires collaboration with school-level staff or administrators. The checklist is not intended to constitute legal advice.

SCHOOL LEADERS RISK MANAGEMENT ASSOCIATION

Health and Safety Planning for COVID-19 Self-Audit Checklist & Best Practices for School Districts

This self-audit checklist allows a school district to examine whether it has taken appropriate steps to prepare for emergency situations, including the spread of COVID-19 and other diseases. This checklist is not intended to constitute legal advice. Rather, it is intended to provide your district with a helpful starting point in the analysis and review of its policies and procedures with outside legal counsel and other professionals.

Name of School District

Names of Persons Completing Self-Audit Checklist

Date of Completion

Part I: Information Gathering and Distribution

I. COVID-19 Education

School officials should understand the basics of Coronavirus and COVID-19 in order to make more informed decisions about responses. Schools should educate students, staff, and community members about this information. Special emphasis should be placed on prevention education.

	<u>Yes</u>	<u>No</u>
◆ The District leadership has reviewed COVID-19 basic information provided by the CDC.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has established a point of contact with local and state health authorities to discuss the impact of COVID-19 on their community.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has provided students, staff, and parents with COVID-19 fact sheets from the CDC available at https://www.cdc.gov/coronavirus/2019-ncov/about/share-facts-h.pdf .	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has conducted a training for teachers and students on common preventative measures for COVID-19 prevention including: <ul style="list-style-type: none"> ○ Washing hands with soap for at least 20 seconds ○ Avoiding touching eyes, nose, and mouth ○ Covering coughs and sneezes with tissues and throwing away tissues ○ Avoiding contact with others when sick 	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has displayed COVID-19 prevention posters in prominent places around the school building including in the cafeteria, bathrooms, and classrooms.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has included COVID-19 prevention reminders in the daily announcements.	<input type="checkbox"/>	<input type="checkbox"/>

Best Practice: The National Association of School Psychologists have released a guide on how to navigate conversations about COVID-19 with children. These conversations with children require careful navigation in order not to overly distress or alarm students. The guidance document reminds adults to remain calm and assuring and to stress that the child and their family are not in immediate danger. Conversations with children should avoid blaming the spread of the virus on any particular people, country, or political figure. School

leaders should present factual information about the disease and prevent the dissemination of myths, but should also limit the amount of media that children are exposed to regarding the spread of the disease. Providing age appropriate guidance is important. For example, explain to younger students that they should sing “Twinkle Twinkle Little Star” when washing their hands, and should not finish washing until the song is finished. School leaders and teachers should keep lines of communication with students open and ensure that questions are answered honestly and accurately. See National Association of School Psychologists, “Talking to Children About COVID-19 (Coronavirus) A Parent Resource,” available at https://higherlogicdownload.s3.amazonaws.com/NASN/3870c72d-fff9-4ed7-833f-215de278d256/UploadedImages/PDFs/02292020_NASP_NASN_COVID-19_parent_handout.pdf.

Best Practice: The CDC has created several informative handouts and flyers that can be used to spread information about COVID-19 to members of the school community. These fact sheets include information on the disease, its symptoms, its spread, prevention techniques, and other critical facts. Examples can be found at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/2019-ncov-factsheet.pdf> and <https://www.cdc.gov/coronavirus/2019-ncov/about/share-facts-h.pdf>.

Part II: Prevention Practices and Policies

II. Physical Prevention Measures and Accompanying Policies

School district leaders must implement immediate processes and policies in order to attempt to prevent or slow the spread of COVID-19. Policies must be clearly communicated to all students, staff, and parents. Policies regarding attendance and sick leave must be particularly emphasized.

A. Environmental Cleaning and Disinfection

	<u>Yes</u>	<u>No</u>
◆ The District has placed disinfectant wipes around the school for students and teachers to use, including in classrooms, computer labs, and bathrooms.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has adequately equipped maintenance and cleaning staff with personal protective equipment including gloves and gowns that are appropriate for the cleaning products used.	<input type="checkbox"/>	<input type="checkbox"/>

◆ The District has educated maintenance staff to recognize the symptoms of COVID-19 in case they become exposed to the virus themselves.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has conducted training on the hazards of cleaning chemicals, as required by OSHA.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has conducted training on OSHA standards for Bloodborne Pathogens (29 C.F.R. 1910.1030).	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has trained cleaning staff to immediately remove gloves after contact with ill persons or contaminated surfaces.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has acquired proper cleaning liquids for disinfection of surfaces. CDC recommends a bleach solution that is 5 tablespoons of bleach per gallon of water. Alternatively, the District should purchase EPA-approved emerging viral pathogen cleaning products.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has a process for cleaning surfaces at least once a day, including desks, doorknobs, cafeteria tables, light switches, faucets, and bathroom counters.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has a cleaning schedule that is updated daily.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has a process for cleaning dirty linens and clothing. When doing laundry, cleaning staff should not shake the linens as that might help disperse viruses in the air.	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>Best Practice:</i> If a person suspected/confirmed to have COVID-19 has been in the facility, the District should close off areas used by the ill persons and wait as long as practicable before beginning cleaning and disinfection. Areas should have outside doors and windows open before disinfection. If possible, the CDC suggests waiting 24 hours before beginning the cleaning process.</p>		
<p><u>B. Prevention Policies</u></p>		
	<u>Yes</u>	<u>No</u>
◆ The District has restricted school sponsored travel to areas with high COVID-19 infection rates.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has implemented policies for limiting large group events in compliance with local and state health authority orders.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has emphasized its sick leave and class absence policies. These policies should be overly cautious in letting	<input type="checkbox"/>	<input type="checkbox"/>

students and staff stay home if they are exhibiting any symptoms.		
◆ The District has temporarily suspended “Perfect Attendance” awards in order to emphasize the importance that students stay home if sick.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has established procedures to ensure that students and staff who become sick during school hours are sent home as soon as possible.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has established procedures to keep sick students and staff separate from well students and staff until they can be sent home. A separate quarantine room in the building may need to be marked for this purpose.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has supplied masks, gloves, and gowns for individuals that have to interact with sick students and staff.	<input type="checkbox"/>	<input type="checkbox"/>
◆ If necessary, the District has provided lunch in a grab and go format in order to limit time spent in the communal cafeterias.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has cross trained staff members to cover for colleagues in case of illness. This should be done for all critical functions.	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>Best Practice:</i> The New York City Department of Education has released guidance for school administrators to follow in order to adequately prevent the spread of COVID-19 in schools. The guidance can be found at https://infohub.nyced.org/docs/default-source/default-document-library/covid-principal-checklist-3-5-20_accessible.pdf.</p>		

Part III: Emergency Planning

<h3>III. <u>Emergency Planning</u></h3> <p>School districts must develop plans to address different types of emergencies. These plans should clearly delineate roles, responsibilities, procedures, and lines of communication. Federal agencies have released guidance regarding emergency planning for schools.</p>		
◆ The District has created an emergency planning development team that consists of different types of staff members throughout the school (e.g. administrators, counselors, teachers, and custodians).	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has written plans for emergencies that may include:	<input type="checkbox"/>	<input type="checkbox"/>

<ul style="list-style-type: none"> ○ Dangerous weather ○ Active shooters ○ Biohazards ○ Bomb threats ○ Pandemics 		
◆ The District has trained teachers and staff on the each of these emergency plans.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has trained students on these emergency plans.	<input type="checkbox"/>	<input type="checkbox"/>
Below are several key functions that federal agencies recommend schools address in their emergency planning:		
A. <u>Evacuation Annex</u>		
	<u>Yes</u>	<u>No</u>
◆ Plans to safely move students and visitors to designated assembly areas.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Alternative plans to safely evacuate students and visitors when the primary evacuation route is unusable.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Procedures for evacuating students that are not with teachers or staff members.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Plans to safely move students and visitors that have disabilities and others with functional needs (e.g. language, transportation, and medical needs).	<input type="checkbox"/>	<input type="checkbox"/>
B. <u>Lockdown Annex</u>		
	<u>Yes</u>	<u>No</u>
◆ Plans to lock all exterior doors and procedures to determine whether it is safe to do so.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Assessments of whether particular classroom or building characteristics would impact a possible lockdown.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Development of a lockdown procedure that clearly states who can authorize such a lockdown, how that order is communicated, and how the lockdown is lifted.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Plans to address situations in which the threat is coming from inside the building, rendering a full lockdown ineffective.	<input type="checkbox"/>	<input type="checkbox"/>

◆ Procedures for partial lockdowns that might be useful depending on the type of threat present.	<input type="checkbox"/>	<input type="checkbox"/>
C. <u>Shelter-in-Place Annex</u>		
	<u>Yes</u>	<u>No</u>
◆ Determination of what supplies will be needed to seal the room and to provide the needs of students and staff (e.g. water, medical supplies, and food).	<input type="checkbox"/>	<input type="checkbox"/>
◆ Assessment of how a shelter-in-place might affect students with disabilities.	<input type="checkbox"/>	<input type="checkbox"/>
D. <u>Accounting for All Persons Annex</u>		
	<u>Yes</u>	<u>No</u>
◆ Procedure for how staff will determine who is in attendance at an assembly area.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Procedure for when a student, staff member, or visitor cannot be located.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Procedure for reporting to the assembly point supervisor.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Procedure for dismissing students and staff after threat has dissipated.	<input type="checkbox"/>	<input type="checkbox"/>
E. <u>Communications and Warning Annex</u>		
	<u>Yes</u>	<u>No</u>
◆ Plan for how the school's communications system integrates with local first responder communication networks.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Trainings to ensure that relevant staff members can operate communications equipment.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Procedure for communicating with students, families, and the broader community before, during, and after an emergency. Communication policy should be cognizant of varying levels of access to technology that family members may have.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Plan to handle the media and provide strategic communications to the press.	<input type="checkbox"/>	<input type="checkbox"/>
F. <u>Family Reunification Annex</u>		
	<u>Yes</u>	<u>No</u>

◆ Plans that inform families about the reunification process in advance that clearly describes their roles and responsibilities in reunification.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Procedure for verifying that an adult is authorized to take custody of a student.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Establishment of a parent check-in process at the reunification site.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Procedure to ensure that students do not leave on their own.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Plans to protect the privacy of students and parents from the media.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Plans to communicate with parents that need language assistance.	<input type="checkbox"/>	<input type="checkbox"/>
<u>G. Continuity of Operations Annex</u>		
	<u>Yes</u>	<u>No</u>
◆ Plans to continue the essential functions of a school during an emergency and its immediate aftermath (i.e. payroll, communication, technology support).	<input type="checkbox"/>	<input type="checkbox"/>
◆ Plans to ensure that students receive appropriate services in the event of a long closure.	<input type="checkbox"/>	<input type="checkbox"/>
<u>H. Recovery Annex</u>		
	<u>Yes</u>	<u>No</u>
◆ Plans for school closures if necessary that includes information related to who has authority to close schools.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Determination of alternative spaces the school can use if school buildings cannot be reopened.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Plans to provide educational programming even if students are unable to physically attend a location.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Policy for documentation of school assets and damage done to these assets.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Plans to work with utility and insurance companies to determine course of action post emergency.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Plans to determine when faculty and staff will return to work.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Determination of possible sources of emergency relief funding.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Plans to provide counseling and psychological first aid.	<input type="checkbox"/>	<input type="checkbox"/>

◆ Plans and committees for handling commemorations, memorial activities, or physical memorials.	<input type="checkbox"/>	<input type="checkbox"/>
I. <u>Health Annex</u>		
	<u>Yes</u>	<u>No</u>
◆ Plans to determine the role of staff members in administering first aid during an emergency.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Acquisition of first aid medical supplies and designation of locations for these materials.	<input type="checkbox"/>	<input type="checkbox"/>
◆ Plans for contracting counselors for mental health support post-emergency.	<input type="checkbox"/>	<input type="checkbox"/>

Part IV: Information Sharing and Partnerships

IV. <u>Information Sharing</u>		
<p>School districts will need to develop relationships with state and local health authorities in order to keep apprised of best practices based on the current level of COVID-19 risk in the community. Health authorities may dictate standards that schools should follow. Schools should consult with health authorities before making any major decisions to close school.</p>		
	<u>Yes</u>	<u>No</u>
◆ The District has established a point of contact with the relevant state health authority.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has established a point of contact with the relevant local health authority.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has discussed emergency response plans with the state and local health authorities.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has developed an attendance monitoring system to alert the local health department about large increases in absenteeism.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has tested its communications warning system that delivers messages to all staff, students, and parents.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has drafted a communications plan that covers the types of alerts that will be sent to all members of the school community. This communications plan must be in compliance with FERPA.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has drafted a set of guidelines to determine when a student's personally identifiable information may be released without the student's consent in compliance with the health and safety exception to FERPA.	<input type="checkbox"/>	<input type="checkbox"/>

<ul style="list-style-type: none"> ◆ If the District has made disclosures under the health and safety exception, the District must record: <ul style="list-style-type: none"> ○ The date of each disclosure. ○ The recipient of the information. ○ The basis for the health and safety exception. 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> ◆ The District has drafted a FERPA waiver for the sharing of health and safety information. This waiver must include the following information in order to be considered valid consent: <ul style="list-style-type: none"> ○ The type of information that will be disclosed. ○ The parties information will be disclosed to. ○ The reason for these disclosures. ○ A signature of a parent if the student is under the age of 18. 	<input type="checkbox"/>	<input type="checkbox"/>

Best Practices: ED’s recent guidance document regarding FERPA and the response to COVID-19 outlines some key considerations schools must keep in mind. First, schools must generally refrain from releasing personally identifiable information without a student’s consent. For example, a school may not generally inform other parents that a student has been out sick for the past week. However, if a health and safety emergency presents a specific and articulable threat to a school community, then the school may make disclosures without consent. ED has stated that it will not second guess the determination that a health and safety emergency exists for schools that are in communities that have declared public health emergencies. Even in the case of a public health emergency, schools must only make disclosures to appropriate parties. These parties may include medical professionals, health officials, and law enforcement officers. Schools may never disclose personally identifiable information to the media, including the name of students who have contracted COVID-19. In certain situations, a school may, on a case by case basis, consider parents of other students appropriate parties for disclosures. This may be necessary when other parents need to know that a specific student has been infected because their student has had contact with that person. For example, if a student athlete contracts COVID-19, then it may be necessary to disclose that information to the parents of the other students on that athletics team that have had contact with that student.

ED’s suggested practice of sharing absentee rates with local health departments must also comply with FERPA. If the District has not declared an emergency under the health and safety exception, it must only provide absentee information to health departments in a format that deidentifies the data so that individual student names are not included. If the District follows this policy, then the District does not need to obtain consent or claim the exception. Alternatively, the District may create a FERPA consent form for all students/parents to sign to allow the District to provide their information to health departments. ED has created a model consent form and included it at the end of their guidance letter, which is available at

Part V: Civil Rights Law Compliance

V. Fostering A Community School

School districts must ensure that they continue to comply with applicable educational civil rights laws in any responses to COVID-19. Some civil rights laws that may be implicated during responses to COVID-19 include Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act, and the Individuals with Disabilities Education Act.

A. Title VI Compliance

	<u>Yes</u>	<u>No</u>
◆ The District has a policy that prohibits discrimination on the basis of race, color, and national origin.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has training materials for students and staff to promote anti-bullying efforts.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has made a statement indicating that students should not harass others on the basis of race, color, and national origin in relation to stereotypes based on nations with high COVID-19 infection rates.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has trained staff to specifically identify when a student is being bullied on the basis of race, color, or national origin due to COVID-19 stereotypes.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has a grievance policy in place for students to report harassment related to COVID-19 stereotypes.	<input type="checkbox"/>	<input type="checkbox"/>

B. Americans with Disabilities Act

	<u>Yes</u>	<u>No</u>
◆ The District has ensured that all communications and warning systems are accessible to individuals with disabilities. This may include ensuring that all messages are available in both audio and visual formats.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has ensured that all websites that post COVID-19 updates meet WCAG 2.0 AA website accessibility standards.	<input type="checkbox"/>	<input type="checkbox"/>

◆ The District has verified that any potential distance learning platform meets WCAG 2.0 AA website accessibility standards.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has created emergency evacuation plans that are accessible for students with mobility restrictions.	<input type="checkbox"/>	<input type="checkbox"/>
C. <u>Individuals with Disabilities Education Act</u>		
	<u>Yes</u>	<u>No</u>
◆ The District will continue to provide a Free and Appropriate Education for students with disabilities if other student populations are receiving educational services.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has added distance learning contingencies to student Individualized Education Plans in case of campus closures.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has determined how to provide educational services to students with Individualized Education Plans in case the student misses an extended period of time for illness. This includes a plan to provide homebound services if necessary and practicable.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has plans to provide compensatory education for individuals whose special education needs are not met due to COVID-19 related disruptions.	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>Best Practices:</i> ED's recent guidance document regarding IDEA compliance in response to COVID-19 outbreaks provides further information on special education issues. If a school continues to provide instruction for students, then it must continue to provide FAPE to students with disabilities in accordance with an IEP. However, if a school closes for all students, then the guidance document suggests that the school does not need to continue providing educational services to students with disabilities. Once instruction resumes, the school would need to provide all educational and related services in order to ensure that students with special educational needs have their needs met. This may involve the need for compensatory education in following terms. ED's guidance is available at https://www2.ed.gov/policy/speced/guid/idea/memosdeltrs/qa-covid-19-03-12-2020.pdf.</p>		

Part VI: School Closures

VI. School Closures

School districts do not need to make school closure decisions themselves. All school districts should consult with state and local health authorities to determine if a school closure is the appropriate course of action. If a student or staff member has been diagnosed with COVID-19, the school district should contact health authorities to determine if a closure is prudent. If a school decides to dismiss students for an extended period, the CDC suggests the dismissal should last for a period of 14 days before being reassessed.

If a school is dismissed, continuity plans should be in place to ensure that essential services can still be provided. Distance learning may be used to continue education if **all** students have equal access to all materials. Additionally, schools should consider ways to distribute food to students who are entitled to receive free and reduced cost meals.

A. School Closure Preparation

	<u>Yes</u>	<u>No</u>
◆ The District has developed a policy, in conjunction with local health authorities, to determine when a school closure may be necessary.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has determined which individuals may initiate a school closure plan.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has informed, staff, parents, and students about the conditions that may trigger a school closure.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has determined whether employees will still attend school even if students are dismissed. Some schools have taken this approach in order to keep all staff employed and to allow teachers to deliver distance learning plans from school.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has developed continuity plans to continue educational services for students.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has ensured that continuity plans for educational services can be accessed by all students, regardless of resources available at home.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has developed continuity plans to continue food services for students.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has developed continuity plans to continue social and medical services for students.	<input type="checkbox"/>	<input type="checkbox"/>

B. School Closure Execution

	<u>Yes</u>	<u>No</u>

◆ The District has informed students, staff, and parents of a closure, including details about when the closure will be in effect, access to essential services during the closure, and plans for re-evaluation of the closure decision.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has informed students that they should not congregate in public places and should maintain social distance.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has informed local and state health authorities of the school closure.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has also cancelled all extracurricular activities, athletics, school trips, and related events.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has contacted sports leagues to inform them of closure.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has executed continuity plans for distance learning which may include: <ul style="list-style-type: none"> ○ Online courses ○ Telephone conference calls ○ Mailed packets ○ Textbook guides 	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has contacted their USDA contact to begin serving grab-and-go lunches for students under the provisions of the summer lunch program.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has published the list of locations from which students may go to receive grab and go meals at a free or reduced cost.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has contacted their state Title V Children and Youth with Special Health Care Needs Program coordinator to continue essential social and medical services.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has contacted the state education department to apply for a school year length waiver should the school be unable to complete the necessary number of school days.	<input type="checkbox"/>	<input type="checkbox"/>
◆ The District has applied to the U.S. Department of Education for an assessment waiver under the Elementary and Secondary Education Act should the school be unable to conduct mandatory state assessments.	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>Best Practices:</i> ED’s recent guidance document regarding Elementary and Secondary Education Act assessment and accountability waivers provides more information related to flexibility for these standards in the wake of COVID-19. Other standards that may be waived include the 95 percent assessment participation rate standard and the chronic absenteeism standard. The guidance document can be found at https://oese.ed.gov/files/2020/03/COVID-19-OESE-FINAL-3.12.20.pdf.</p>		

If you checked “No” to any of the statements above, please explain.

This checklist is no substitute for legal advice. Rather it is intended to provide your district with a helpful starting point in the analysis and review of its policies and procedures with outside legal counsel and other professionals.