



Ohio public school (K-12) guidance for coronavirus with Q&A

March 11, 2020

The Centers for Disease Control (CDC) reported that as of March 11, 2020, there have been 1,026 confirmed cases of coronavirus, also called COVID-19, in the U.S. Four cases have been confirmed in Ohio. School districts across the state are encouraged to begin planning for a variety of circumstances.

In addition to sharing preventative measures with staff and students, such as washing hands and staying home when ill, districts should consider reviewing and updating their emergency operations plans, attendance policies and sick leave policies. Districts are also encouraged to create and/or update communication plans with families, staff, vendors, local health officials and other stakeholders to ensure that the people who need information have it as quickly and efficiently as possible. Further, as staffing and budgetary controls permit, districts may also consider increased cleaning schedules with a focus on frequently-touched areas, such as doorknobs, railings and restrooms.

The Ohio Department of Health (ODH) recommends being prepared for a 14-day dismissal in case a student or staff member attended school and was later confirmed to have coronavirus. This decision must necessarily be made on a district-by-district basis and would likely involve canceling sporting events and other extracurricular



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activities, making full use of online and alternative learning platforms, and ensuring special education students continue to receive necessary services. This planning will require coordination between the board of education, administration, staff, families, local health officials and others. Governor DeWine indicated at a press conference today that he will work with schools to waive requirements, including testing requirements, should schools need to close.

If a student or staff member becomes exposed to coronavirus at any time, districts should work closely with their local health department to determine if the student or staff member should be removed from the school building and subjected to quarantine. If a student or staff member tests positive for coronavirus, Ohio law requires the student or staff member to be removed from the school building.

With the spring break travel season rapidly approaching, districts may need to postpone or cancel trips that could expose students and staff to a potential community spread of coronavirus. Currently, the CDC has not issued any restrictions on domestic travel. However, the CDC has issued recommendations on restrictions to [international travel](#). If a district has a trip planned to one of the destinations with a current travel notice, it should consider postponing or canceling the trip.

While public health officials maintain that the overall risk to the general public is low, student safety is always a top priority for school districts. ODH and CDC will likely issue updated [guidance](#), both for the general public and specifically for school districts, as this situation develops across the country. To that end, school district officials should work closely with their local public health officials to stay abreast of these updates and respond accordingly.

STUDENT ISSUES

What current travel restrictions are in place?

Currently, four countries are at Level 3 of the CDC's risk assessment: China, Iran, Italy and South Korea. At Level 3, the CDC recommends avoiding nonessential travel. Additionally, there are entry restrictions on travelers coming from China and Iran. Currently, Japan is at Level 2, which means that the CDC recommends that older adults and those with preexisting medical conditions postpone their travel plans. Hong Kong is currently at Level 1. Because this situation is rapidly evolving, and new cases are being confirmed daily, international travel anywhere is going to carry at least some amount of risk. Notably, even if no travel restrictions exist when a traveler departs, the CDC may change a country's level in the middle of a trip, and travelers may have difficulty returning to the U.S.

Should we cancel school-sponsored student trips?

It depends. Districts will need to consider canceling school-sponsored trips involving international travel. School trips are generally going to be considered nonessential,

so travel to China, Italy, Iran and South Korea likely need to be canceled. In addition, the CDC may change travel restrictions during the trip and limit the ability to travel or return to the U.S.

For domestic travel, while cancellation is not required at this time, it is important to consider issues that may arise during the trip. Districts will want to develop a plan in case exposure occurs or symptoms arise during the trip. As part of that plan, districts should emphasize that travel is voluntary and that a student's decision not to travel will not affect the student's status (e.g., playing time) within the group. Districts should also consider the ability to isolate a student who is exposed to the virus or develops symptoms during the trip. This includes making provision for the student to return home.

Additionally, districts will want to review financial ramifications for rescheduling or canceling the trip. If the trip was booked with some form of travel insurance, circumstances like these outbreaks may or may not be covered events. Districts will want to review their contracts and work directly with the travel provider. Even if the insurance policy does not cover these events, if tickets or services were purchased with a credit card, districts will want to consult the agreement with the credit card company to determine if an alternative avenue for recovering expenses exists.

May we ask students whether they traveled over break and to where?

You may ask but not require that students and families self-report any travel. Additionally, you may affirmatively ask travel history questions if a specific student presents respiratory symptoms.

May we require students who may have come into contact with COVID-19 to be tested?

No. However, your board of health may be able to require testing. While a district does not have independent legal authority to require a student to be tested, schools may partner with local health authorities, who do have related powers. Specifically, under Ohio law, the local board of health is permitted to investigate possible cases of communicable and contagious conditions like coronavirus and, if necessary, institute a quarantine. News reports have documented shortages of coronavirus testing kits, but ODH has stated that it is able to test for the virus.

May we require students who may have been exposed to COVID-19 to be quarantined?

No, but your board of health may be able impose a quarantine. However, a family and the district can come to a mutual agreement in which the student stays home, receives assignments and services as close as possible to the student's regular schedule, and the student suffers no penalty or punishment as a result. Under Ohio law (Ohio Revised Code 3313.71), once a student is found to be suffering from a communicable disease, the school has authority to send that student home.

If a student has been exposed to COVID-19, what information can/should we share?
With whom?

The Family Educational Rights and Privacy Act (FERPA) applies to sharing confidential information about students, such as exposure to COVID-19. Under FERPA, schools may disclose information when there is a health or safety emergency, including the outbreak of a communicable disease. The disclosure must be necessary to protect the health or safety of students or others. And as long as the school has a rational basis for making the disclosure using the information it had at the time, there is no FERPA violation. Districts should exercise discretion in determining the extent of information necessary to be disclosed and with whom the information is shared.

If a student is absent due to exposure/quarantine, how do we treat the absence?

If a student is exhibiting symptoms, districts may categorize the absence just like other sickness. A district also has discretion to designate absences as medically excused even before the student has an official diagnosis of coronavirus. If the school is able to effectuate home instruction, the days may not need to be designated as a medical absence. Districts will want to make sure that employees who handle EMIS entry conform their data appropriately and that data is being entered consistently.

May we provide instruction to the student electronically or otherwise?

In accordance with their emergency plans, districts are preparing to offer instruction electronically and in alternative formats. Districts might also consider whether the alternative formats fall within the gambit of home instruction or “blizzard bag” provisions. The Ohio Department of Education will likely issue updated guidance regarding provision for instruction using alternative formats.

How do we serve special education students?

Students receiving special education services should continue to receive the services and accommodations in their IEPs to the extent possible during periods of quarantine or alternative instruction. That being said, certain services will be impossible to provide in such circumstances. When special education students are deprived of their required services, their parents may pursue a remedy called compensatory education. Compensatory education offsets the loss of services.

Will the State excuse districts from hours requirements issues if schools must close?

We do not know. Currently, the Ohio Department of Education is emphasizing student and community safety over concerns about instructional time and cautions that these concerns may not be addressed for months to come. It is possible that legislative action will be necessary to address these concerns.

STAFF ISSUES

May we ask staff whether they traveled over break and to where?

Districts should encourage staff to self-report their travel. Districts may want to consider assigning a staff member who has potentially been exposed to COVID-19 to stay home with pay during a certain period of time before returning to work.

May we require staff who may have come into contact with COVID-19 to be tested?

No, districts may not require staff to be tested. However, the local health department may be able to require testing.

May we require staff who may have been exposed to COVID-19 to be quarantined?

No, districts may not require staff to be quarantined. However, the local health department may be able to quarantine a staff member. Districts might consider voluntary quarantines, implementing a temporary work from home policy, or placing affected employees on a paid leave of absence during a certain period of time to determine whether the employee is infected. Since there are potential ADA implications, districts should seek legal counsel before implementing a quarantine.

If staff members are forced to be home due to a school closure, is the district required to pay them?

Yes. R.C. 3319.081(G) requires that classified staff be paid when school is closed due to a public calamity. Likewise, 3319.08(B) requires teachers to be paid should school be closed due to public calamity and for time lost due to illness or otherwise for not less than five days annually. You will want to review any collective bargaining agreement that may enhance or supersede these provisions.

Can we create some alternative work for classified staff to support what we are trying to do to keep academic activities rolling?

Possibly. Districts should meet with their unions to discuss work alternatives. Alternative work arrangements are likely mandatory subjects of bargaining since they could affect the wages, hours or terms of bargaining unit employees.

Can teachers conduct class from home?

Possibly. Districts should meet with their unions to discuss work alternatives. Alternative work arrangements are likely mandatory subjects of bargaining since they could affect the wages, hours or terms of bargaining unit employees. Districts should also consider practical aspects of providing instruction in this manner, including access to technology by teachers, accessibility by students and privacy concerns.

Can classified employees work from home?

Possibly. If the district is able to identify work that can be performed at home, the district should consult with legal counsel and union (if there is one) representatives before implementing a work from home program. Arguably, allowing employees to

work from home may be a mandatory term of employment that must be discussed with the union.

Who cleans/disinfects the building?

Custodial workers can likely clean the building, but you may also want to consider a professional cleaning staff should you have an individual who has been exposed to the COVID-19 or has been infected by the virus. Before contracting with a professional cleaner, you should review any applicable collective bargaining agreement and meet with union representatives to avoid any subcontracting issues that could arise out of hiring an outside professional to clean/disinfect the building.