



CLIENT ALERT
June 19, 2020

CORONAVIRUS (COVID-19)

PHASED SCHOOL REOPENING HEALTH AND SAFETY PLANS

On June 3, 2020, the Pennsylvania Department of Education (PDE) issued their preliminary guidance for reopening schools.

<https://www.education.pa.gov/Documents/K-12/Safe%20Schools/COVID/GuidanceDocuments/Pre-K%20to%2012%20Reopening%20Guidance.pdf>

Under this guidance, every school entity must create a Health and Safety Plan which will serve as the local guidelines for all instructional and non-instructional school reopening activities. Each plan should incorporate enough flexibility to adapt to changing conditions should restrictions tighten again in the fall.

A school's Health and Safety Plan must be approved by its governing body (School Board), submitted to the Pennsylvania Department of Education, and posted on the school entity's publicly available website prior to the reopening of schools.

Based on a county's current designation (i.e., red, yellow, green) and the best interests of the local community, a school, under these guidelines, can choose to reopen in one of the following ways:

- (1) Total reopen for all students and staff (but some students/families opt for distance learning out of safety/health concern).
- (2) Scaffolded reopening: Some students are engaged in in-person learning, while others are distance learning (i.e., some grade levels in-person, other grade levels remote learning).
- (3) Blended reopening that balances in-person learning and remote learning for all students (i.e., alternating days or weeks).
- (4) Total remote learning for all students. (Plan should reflect future actions steps to be implemented and conditions that would prompt the decision as to when schools will reopen for in-person learning).

Although the current school year just came to a close, it is important to look ahead to the fall and begin planning as Health and Safety Plans can be time consuming to create. Currently, many school districts are in the process of sending surveys to parents seeking feedback about reopening. While this data is being gathered, it would be best practice to create a committee comprised of various stakeholders. Once the data is compiled from the survey, it would be the committee's responsibility to use this data to determine how the school will reopen and create the Health and Safety Plan.

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Creating this Health and Safety Plan can be a daunting task, especially with the ever-changing guidelines. However, we have compiled some information related to Health and Safety Plans that have already been released from other school districts in various stages to provide some guidance as you undertake this planning/preparation phase.

It is our observation that many schools are planning to conduct face-to-face learning in the fall while giving families the option to continue distance learning for health/safety reasons should they so choose. However, these schools have also created contingency plans in the event there would be an influx of Coronavirus cases causing the district to switch to remote learning once again.

During this time, it is also important to maintain an open line of communication with the families in the district as this is a unique time for us all and many are searching for answers. This communication can be done through written correspondence (i.e., newsletters, email, blog posts, etc.) or through video communication (see Cumberland Valley School District's Reopening Plan Communication via YouTube <https://www.youtube.com/watch?v=WKSRjcjkuXk>).

For further reference, the Pennsylvania Department of Education's Phased School Reopening Health and Safety Plan Template can be found at <https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/SchoolReopeningGuidance/K12/Pages/HealthSafetyConsiderations.aspx>

Other Responsibilities: Please keep in mind Districts also have an obligation to post information regarding the cleaning products and chemicals within them. For a reasonable price, private companies will take care of this to include providing the necessary posters and/or information to be made known to employees.

Beard Legal Group will continue to monitor legislative developments on a daily basis and will continue to provide updates and ongoing guidance in response to questions raised as a result of these rapid changes in the legal landscape applicable to our clients. Please do not hesitate to contact us with any specific concerns arising for your organization.

Attachment: Overview of Selected School District Actions to Date.

*A special thanks to summer legal intern Margaret Thompson for drafting this Client Alert and outlining the information in the attachment.

While the Beard Legal Group Client Alert is designed to provide information on topics of concern to Pennsylvania Public Schools, it is not legal advice and School Districts should contact their Solicitor, Labor of Special Counsel for advice related to their specific circumstances.

OVERVIEW OF SELECT SCHOOL DISTRICT ACTIONS TO DATE

Indiana Area School District

- Indiana Area School District is asking parents to choose from one of three options for their children:
 - Traditional Model – School as close to normal with increased health and safety protocols
 - IDEAL Model – At home cyber school owned and operated by the IASD and supported by IASD teachers and staff
 - Hybrid Model – A blend of the first two models, combining the flexibility of online learning, with the benefits, opportunities, safety, and structure of live, in-person school
- Parents are to complete a survey by **August 1, 2020** to indicate which model the parents are going to have their children follow this fall.
- IASD intentionally left out information in their reopening plan regarding social distancing and whether or not students will be required to wear masks for the 2020-21 school year as they want to make sure they have a clear understanding of the Commonwealth’s expectations and guidelines before communication.
- The district is also preparing for the case in which schools are required to implement a variety of restrictions such as limited occupancy, social distancing, etc.
 - If restrictions were to be implemented, students would be divided into two groups. Half the students would attend on Monday and Tuesday, while the other half attend on Thursday and Friday. Wednesdays would have all students and staff work online, from home, to allow the District to thoroughly clean the building before the other group of students arrive, limiting the exposure to each group.
- **Note:** Indiana has entitled their document “Informed Learning Options for Reopening” and is the most comprehensive document released to date.

Sharpsville Area School District

- Sharpsville Area School District is hopeful that they will be returning to face-to-face instruction in the fall. On June 17, 2020 the School Board approved a Health and Safety Plan Summary, which will guide the district in starting the 2020-21 school year.
- The Health and Safety Plan details action steps under the yellow and green phases for the following categories:
 - Cleaning, Sanitizing, Disinfection, and Ventilation
 - Social Distancing and Other Safety Protocols
 - Monitoring Student and Staff Health
 - Other Considerations for Students and Staff
- In the yellow phase, teachers will be required to wear face coverings

OVERVIEW OF SELECT SCHOOL DISTRICT ACTIONS TO DATE

Hermitage School District

- At the June 15, 2020 School Board meeting, the board approved the Health and Safety Plan Summary, which will guide the district in starting the 2020-21 school year.
- The Health and Safety Plan details action steps under the yellow and green phases for the following categories:
 - Cleaning, Sanitizing, Disinfection, and Ventilation
 - Social Distancing and Other Safety Protocols
 - Monitoring Student and Staff Health
 - Other Considerations for Students and Staff

Penn-Trafford School District

- Released tentative plans for the reopening of school for the 2020-21 school year.
- Penn-Trafford School District formed a Pandemic Team to carefully review the precautions and recommendations issued by the federal, state, and local governments, CDC, and PA Department of Health.
- Advises that the released reopening plans may be adjusted as new information becomes available, in order to decrease the risk of exposure for staff and students.
- The *tentative* return to school plan is a total reopen for all students and staff (but some students/families opt for distance learning out of safety/health concern)

Northern Bedford County School District

- Northern Bedford County School District has released a Return to School Plan that details strategies that have been implemented to encourage (students and staff) to engage in behaviors that reduce the spread of COVID-19.
- The Return to School Plan details “General Health and Safety Guidelines” and “Specific Guidelines per Department/Program”

Springfield School District

- The Superintendent of Springfield School District released a “Letter to Families” on June 17, 2020.
- The letter stated that Springfield School District plans to return to in-person instruction in the fall. If parents feel uncomfortable sending their child back to school for in-person instruction, they will be permitted to opt for distance learning.
- The Health and Safety Plan is still being developed. However, the current plan for reopening *does not require* students to wear masks; although students will be permitted to wear masks if they choose.

OVERVIEW OF SELECT SCHOOL DISTRICT ACTIONS TO DATE

Kiski Area School District

- On May 28, 2020, the Kiski Area Superintendent released a message regarding the opening of school for the 2020-21 academic year.
- Kiski Area School District intends to temporarily continue their present model of distance learning for all students.
- Over the summer, administration and support staff will work on the necessary logistics pertaining to reopening in a hybrid form. Such a hybrid model would likely have students divided into A and B weeks. A-week students would attend school Monday through Thursday, while B week students would be engaged in distance learning. All students will have distance learning on Fridays.
- Kiski Area School District believes that beginning with distance learning and moving to a hybrid plan provides significant flexibility for dealing with the unknown future.

Radnor Township School District

- Radnor Township School District is currently looking at five (5) scenarios for the 2020-21 school year. They are as follows:
 - Fully Open – Schools open with minimal or no social distancing requirements
 - Open with Social Distancing – Schools open with significant social distancing requirements, including phased/reduced schedules
 - Hybrid – Schools open intermittently, transitioning between brick-and-mortar and remote learning
 - Fully Remote – Schools remain closed and remote learning continues
 - Flexible – A differentiated model to meet the needs of students, families, and staff who may be of heightened risk
- Radnor Township School District released a document detailing these five (5) scenarios and the “Guiding Questions” they are considering when making their final decision

Franklin Regional School District

- On June 12, 2020, the Franklin Regional School District superintendent released a letter asking parents to complete a survey regarding their thoughts about returning to school for the 2020-21 academic year.
- Franklin Regional has created a Return to School Task Force that is comprised of nine workgroups composed of dozens of internal stakeholders (students, parents, teachers, school nurses, school counselors, paraprofessionals, custodians, maintenance personnel, secretarial staff, administrators, and school directors).

OVERVIEW OF SELECT SCHOOL DISTRICT ACTIONS TO DATE

Lower Merion School District

- Lower Merion School District continues to keep parents updated with their open line of communication regarding the reopening plans.
- Although no plans are final, Lower Merion is looking to open schools for in-person instruction to the extent possible, knowing conditions may change and require a return to remote instruction.
- The letter details particular issues that the school district will be considering when making final plans. The issues are:
 - Transportation
 - Children's Health
 - Health and Safety
 - Curriculum and Instruction
 - Rapid Response
 - Facilities and Operational Usage Logistics
 - Communications/Outreach
 - Technology

Cumberland Valley School District

- Cumberland Valley School District plans to open schools for face-to-face instruction in the fall. The exact way that school looks in the fall is still uncertain, but Cumberland Valley is developing several different options.
- The District will also provide a fully online remote option for students should they choose this instead of face-to-face instruction.
- Cumberland Valley is communicating with parents and detailing their reopening options and health and safety precautions via YouTube (<https://www.youtube.com/watch?v=WKSRjcjkuXk>)