



## Responding to Coronavirus: Considerations for Independent Schools

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Independent schools across the country are working to respond to the COVID-2019 outbreak. In addition to staying informed and following guidelines from the [Centers for Disease Control and Prevention](#) and state and local health agencies, we have outlined the common questions and concerns raised by schools, as well as guidance on preventative measures schools can take to protect their communities.

Please keep in mind that the situation is continuing to evolve, and this guidance is provided as of the date of this publication.

### Trips and Travel

With spring break quickly approaching, schools are faced with questions of whether to cancel school-sponsored student trips, whether to receive visitors and exchange students from other countries, and how to manage families and employees traveling over the break.

#### Should we cancel the trip?

Both federal and state agencies provide advice on travel and the risks associated with visiting various countries. The Centers for Disease Control, as well as the Department of State, have updated their websites regularly on the status of the virus and the risks associated with travel to countries around the world. Schools should assess the threat level of the specific trip destination and determine the level of risk associated with travel to that destination. While many schools have cancelled international trips to certain regions, schools are also evaluating domestic trips as the virus spreads, especially to destinations with high concentrations of people, like amusement parks and big cities. When making the decision whether to cancel upcoming trips, schools might also consider the risks involved in the possibility of a delay in returning to the United States should additional travel restrictions be put into place while students are abroad, as well as other measures that may delay students' return to school, including quarantine measures abroad or the need to self-quarantine upon return.

Before making the decision whether to cancel school-sponsored trips, review your travel contracts for cancellation and refund provisions. The school's contracts with transportation operators, trip companies, and other third-party vendors may contain unfavorable cancellation and/or refund terms. Schools should also contact their vendors directly to determine whether the vendors have implemented additional policies that specifically addressing the coronavirus outbreak.

Check whether the trips are covered by travel insurance policies and review the terms of such policies. Even if there was no trip insurance purchased for a specific trip, review the school's general insurance policies to determine whether any of those policies contain riders or other provisions that would provide coverage.

#### What if we don't cancel?

If a school decides to go forward with a trip, communicate with parents about the potential risks associated with travel during the coronavirus outbreak and instruct parents to monitor and consult the CDC and local health department resources in order to make an informed decision. Schools should consider asking parents to sign an addendum to the original trip form in which parents acknowledge that they understand and voluntarily assume the risks associated with travel during a coronavirus outbreak, and that they are responsible for costs associated with possible medical treatment, the possibility that a student will have to return home early or remain at the trip destination, and potential travel disruptions.

Be mindful that some parents may decide to opt out of a trip. Consider offering an alternative program and whether any refund will be offered.

## What if it is not a school-sponsored trip?

While not common, on occasion a school will allow a trip vendor that organizes vacation travel to organize a trip directly with students that is completely voluntary and neither organized nor endorsed by the school. For these independent events, the school should be careful about inserting itself into the decision-making process and avoid taking on responsibility for the trip. Keep in mind, however, that if the school endorses, encourages, or in any way allows their name to be associated with the trip “ABC Trip to Costa Rica,” it could be considered school-sponsored. To the extent the school wants to avoid any responsibility for the trip, there should be very clear and well-drafted language informing parents that the trip is not school sponsored and that the school does not endorse or take responsibility for any part of the trip. All communications, including signing up for the trip, paying for the trip, and planning the trip, should be between the trip company and the parents.

## What about families and employees traveling or hosting visitors over spring break?

Beyond school trips, many families and employees have plans to travel or host visitors over spring break. Communicate with the school community about travel, the risks of exposure and infection, and the school’s procedures for preventing the spread of COVID-19. Some schools have encouraged families to avoid travel during the upcoming spring break to reduce the likelihood of exposure and infection. Schools may not, however, prohibit employees or students from traveling. Schools should consider requiring parents and employees to report where they have traveled over spring break, or where their visitors have traveled from, prior to returning to school. Schools should look at travel alerts issued by the CDC and the Department of State, and work with local public health agencies, to determine whether employees, students, or family members who have recently returned from affected regions should stay home for 14 days upon their return. Note that, in some instances, relevant government agencies may mandate that an employee or student be quarantined. If an employee or student has been the subject of or in close contact with someone who is under a quarantine order or has been confirmed to have the virus, or with someone who is being evaluated for infection, schools should request such employees or students to communicate such to the school and to remain home for the duration of any voluntary or mandatory quarantine. While these decisions should be made in consultation with legal counsel and in conjunction with the most up-to-date information from local and federal health agencies, schools should at least alert parents and employees of the possibility that they may be subject to quarantine before returning to school.

## Preventative Measures

Schools should communicate with their community about preventative measures they can take prevent the spread of illness, such as washing hands, using tissues, and staying home if they feel ill. Many schools have implemented alternatives to handshakes and hugs in day-to-day interactions to reduce unnecessary physical contact. Educate your community about COVID-19 and help them understand when to stay home from work or keep students home. Schools may consider extra cleaning and disinfecting frequently touched surfaces as a precautionary measure or in response to a confirmed case. Encourage students and employees who exhibit cold- and flu-like symptoms to stay home or to go home if they become sick at school. Ask those who have confirmed, positive test results to stay home and rest until they have fully recovered.

## What if students or employees are subject to quarantine?

If a student is subject to quarantine but does not show signs of illness, accommodate the student by allowing the student to participate in coursework, postpone exams or deadlines, or take other measures. For employees, allow the employee to telecommute, if possible. If the employee is sick and not able to telecommute, require them to use applicable sick or disability leave benefits. If the employee is not sick and not able to telecommute, the school must review its policies and determine whether the employee will be paid during the 14-day period. In order to encourage transparency and prevent further spread of the virus, schools should consider placing the employee on paid administrative leave.

## What about school visitors and school gatherings?

Consider how to respond to requests to visit the campus. Many schools normally schedule admissions visits at this time. Consider the risks of welcoming visitors to the school and possible alternatives to in-person admissions visits. Many schools are canceling or rescheduling large school gatherings until further notice. Ensure that any policies that are implemented apply to all visitors and do not single out individuals based on race, ethnicity, or national origin.

## Update Your Pandemic Response Plan

Your school’s pandemic response plan provides a framework that describes the steps the school anticipates taking in response to the COVID-19 outbreak. Pandemic response plans should focus on the school’s efforts to prevent, control, and mitigate the effects of COVID-19 in the school’s community, and should describe the school’s contingency plans in the event that the outbreak causes significant disruptions to the school’s operations.

When creating or updating a pandemic response plan, it will be helpful to review the school's current enrollment contract, employment contracts, and handbooks (Parent-Student and Employee) for any school policies or provisions that may help to frame the school's response, such as the school's communicable disease policies and *force majeure* policies describing the school's obligations when an event outside of the school's control impacts or prevents the school from operating. For example, an employment contract may notify employees that in the event of a school closure that requires an extension of the school year, the employee is expected to work during the extension.

Schools should also consider assembling a pandemic response team. This team should include, for example, the head of school, finance director, facilities director, director of safety and security, and the school nurse. This team will be responsible for drafting and approving communications to the community regarding new developments, responding to questions from school community members, monitoring guidance from the CDC and state and local health departments, and implementing the pandemic response plan.

## What if we have to close school?

Your school's pandemic response plan should describe the circumstances under which the school may consider closing, which may include a sharp increase in the number of COVID-19 cases in the local area, increased absences due to COVID-19, or the receipt of directives from the CDC, local health department, or other government entity requiring the school to temporarily close.

When considering a school closure, schools should consider the following:

- Review your enrollment contract to determine whether the school may be obligated to refund tuition during a prolonged closure. This is a good reminder to include language in the enrollment contract that allows schools with flexibility to modify schedules and the length of the school year, and possibly close the school in the event of a natural disaster, pandemic, or other, similar situation.
- Review your employee contracts and handbooks to determine what the school's obligations are with regard to employees. Will any employees be required to report to work? Which employees may be able to perform their job duties remotely during the closure? Which employees must be paid during a school closure?
- In the case of a prolonged school closure, check minimum requirements for instructional days per school year under state law and/or your school's accrediting organization. Consider implementing distance-based learning plans to ensure that your students receive the requisite amount of instructional time to complete the current school year.

## Should schools prepare for distance-based learning strategies?

Most schools are making plans for or providing distance-based learning during a prolonged school closure. Distance-based learning will look different, depending on students' grade and developmental levels, and will likely require more independent study or familial participation than classroom-based learning. Distance-based learning may comprise a combination of independent reading, projects, meeting with teachers via video conference, watching online videos, enrolling in online classes, or participating in other learning activities with parents or other family members.

Schools should notify parents that the school may implement a distance-learning plan in the event of a prolonged school closure and ensure that students and teachers have been trained on possible technology or platforms that may be used. Schools should forewarn families that distance learning may look different from students' classroom educational experience and that students' families may take a more active role in day-to-day learning activities. Schools should also consider that families may have different resources at home, and therefore some students may not be able to complete some activities at home. Teachers should remain flexible and available to assist families to modify the distance-based curriculum as necessary to allow all students to complete coursework. Many schools are testing distance-learning scenarios to ensure that they have the proper equipment and support in place.

## How are employees paid during a school closure?

Schools should review their employment contracts, handbooks, and collective bargaining agreements, if applicable, for any policies on payment of wages during a school closure. Under the Fair Labor Standards Act, and provided the employee has not performed any work (including remote work), schools are not required to pay nonexempt employees during a school closure. For exempt employees, if the school is closed for less than a full workweek, you must pay an exempt employee's full salary for that week but may require employees to use accrued paid time off, depending on your school's policies. If the school is closed for a full week and an exempt employee has performed no work during that week, the school is not obligated to pay the employee. Schools may generally require both nonexempt and exempt employees to use paid time off in times of closure, or if the employee requests to self-quarantine, unless state law mandates paid sick leave, which can be used only for specific circumstances. Schools may consider providing paid administrative leave to encourage affected employees to stay home if they are out of leave. Schools should also consider the impact on culture and morale when deciding whether to provide a period of additional paid leave during a school closure, as long as such benefits are provided in a consistent manner.