

In Brief

CDC AND ISBE ISSUE GUIDANCE AS SCHOOLS PLAN FOR REOPENING

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In the past week, the federal Centers for Disease Control and Prevention ("CDC") and the Illinois State Board of Education ("ISBE") both have issued new guidance on transitioning back to in-person instruction, with more to come soon.

ISBE's [guidance](#) is only the first part of its Transition Plan Advisory Workgroup's recommendations and focuses on the short term, discussing how to wrap up the current school year and move forward during the summer. Specifically, the guidance discusses topics such as collecting and submitting attendance data, wellness checks, grading, minimizing loss of learning, grief and social-emotional supports, summer remote learning and meals, and planning for assessments of students' progress and needs. More guidance from ISBE and the Illinois Department of Public Health will be coming in the next few weeks to address returning to school buildings under Phase 4 of the [Restore Illinois](#) plan. Illinois schools should abide by state and local public health guidance for social distancing if it is stricter than federal recommendations.

The CDC provided two pieces of guidance that focus more on returning to in-person instruction. Last week it released a "decision tree" with various criteria for reopening schools. Those criteria include:

- Abiding by state and local orders
- Screening students and employees for COVID-19 symptoms upon arrival, if possible
- Promoting healthy hygiene, employee face coverings, and social distancing
- Intensifying cleaning, disinfection, and ventilation
- Training all employees on health and safety procedures
- Staying in close contact with local health authorities
- Planning ahead for the possibility of future illness, including with flexible leave policies.

On May 19, the CDC released additional [interim guidance](#) with more detailed recommendations for schools to meet the criteria described generally in its decision tree. For example, with regard to screening students, the CDC references three models from its [guidance for child care programs](#), two of which may be useful due to short supplies of personal protective equipment (PPE):

- (1) having parents and guardians test temperature either before arriving or upon arrival (while they stand six feet away from staff), asking them to confirm the student does not have certain symptoms, and visually inspecting for signs of illness;
- (2) checking the student's temperature and making a visual inspection from behind a glass or plastic partition;
- (3) using PPE (including a facemask, eye protection, and disposable gloves) and conducting a temperature check and visual inspection of the student upon arrival.

Notably, the CDC emphasizes that reliance on PPE alone is a less effective control and more difficult to implement, given PPE shortages and training requirements. Schools should consult with counsel to ensure that their plans for implementation of screening and recommended safety measures, such as having an "isolation room or area" for those who exhibit COVID-19, are consistent with other legal requirements.

We will continue to monitor relevant guidance as schools move toward reopening in the fall. Please contact your Robbins Schwartz attorney with any questions.