

Considerations for Schools & Parents in a COVID -19 World

On June 25, 2020, the Massachusetts Department of Elementary and Secondary Education released its [Initial Fall School Reopening Guidance](#). The guidance calls for school administrators to develop three (3) plans and continually adapt these plans as the COVID-19 situation develops:

1. In-Person Learning with New Safety Requirements
2. Hybrid Learning
3. Remote Learning

For In-Person Learning, the Massachusetts guidelines include--but are not limited to the following:

- Students as young as 2nd Grade will be required to wear masks.
- Desks must be spaced at least 3 feet and ideally 6 feet apart from one another.
- All students will be required to exercise excellent “hand hygiene,” including regular hand washing and access to hand sanitizing products.
- Efforts should be made to break up students into small cohorts in order to reduce cross-contamination.
- Meals should be consumed in classrooms (and not cafeterias) as much as possible.

Johns Hopkins University has released [some helpful tools and resources](#) related both to remote learning and to plans for reopening. According to Ruth Faden, founder of the Johns Hopkins Berman Institute of Bioethics, “What children lose by not being in school is enormous; school attendance is a life-defining experience that is critical for educational, social, and emotional development.” She goes on, “The biggest ethical challenge for decision makers is determining how to balance the interests of children and the interests of the rest of society. Factored into this moral calculus is the additional argument that school reopening is integral to economic reopening; parents need the full-day child care schools provide in order to return to their stores, offices, and factories. This big-picture trade-off decision does not, however, exhaust what is ethically at stake. Many difficult ethical decisions about exactly how schools should reopen need to be resolved.”

The eSchool+ Initiative at Johns Hopkins published [an analysis of school reopening plans across the country](#) according to whether the state plan addressed the following twelve (12) topics:

- 1. Core Academics**
- 2. SARS-CoV2 Protection**
3. Before and After School Programs
- 4. School Access and Transportation**
- 5. Student Health Services**
- 6. Food and Nutrition**
- 7. Parent Choice**
8. Teacher and Staff Choice
- 9. Children with Special Needs / ESL / Gifted**
10. Children of Poverty and Systemic Disadvantage
11. Privacy
- 12. Engagement and Transparency**

Those listed in **Bold** print, above, are included and addressed in the June 25th Initial Guidance published in Massachusetts. The remaining four (4) criteria—Before and After School Programs, Teacher and Staff Choice, Children of Poverty and Systemic Disadvantage, and Privacy—are not addressed by the Commonwealth’s initial guidance.

Recently, the Department of Elementary and Secondary Education informed public school districts that they should be prepared to submit local re-opening plans for state review by the end of July. It is expected that cities and towns will communicate re-opening plans to the general public in early August, if not earlier. To date, several proposals from local school districts envision a model where half the student population attends school in-person for one week and then participates remotely in school the following week. This model limits the number of students in a building each week and also is a plan developed to ensure social distancing in the buildings each week.

In developing re-opening plans, school districts must ensure they account for the potential disparate impacts on low-income students in Massachusetts as [reports from parents across the Commonwealth about their experience with remote learning during the Spring identified a wide range of concerns](#). Some students were in several hours of online learning each day with regular, one-on-one access to their teachers. While others struggled with technology, internet access, and individualized attention. Additionally, single-parent household, parents with multiple school-age children at home, and parents working from home themselves continue to face unique challenges. Similarly, school districts must also specifically plan for the individualized needs of special education students as many special education students were unable to receive services and programs under individualized education plans (IEP) during COVID-closures. School districts should work collaboratively with families to tailor IEPs to meet the individual needs of these students, where feasible.

The biggest challenge may be that we simply do not know what the pandemic will look like in the fall and yet school administrators as well as parents are feeling the pressure to implement plans in real time. The attorneys at PIERCE DAVIS & PERRITANO continue to monitor federal, state and local guidance in order to properly advise local school districts in planning for the 2020-2021 school year. Ultimately, as essential and valuable as In-Person learning is for all students—and particularly for special education and socio-economically disadvantaged children, there is widespread consensus in Massachusetts that it cannot be accomplished at the expense of the general health and safety of our population. Our office is available to assist your school district in preparing plans that best balance the importance of In-Person learning with ensuring the safety and welfare of students, staff and the general public.