



COVID-19 Guidance for Missouri Schools

MSBA has received several inquiries regarding the coronavirus, COVID-19. This document is intended to provide information that will assist schools and districts in navigating responses to COVID-19. In addition, MSBA strongly recommends that districts review the excellent materials provided by the Centers for Disease Control: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

DESE has established a COVID-19 page at <https://dese.mo.gov/communications/coronavirus-covid-19-information>

Several of the following points emphasize coordination and consultation with local health officials. The roster of Missouri local health departments is maintained at <https://health.mo.gov/living/lpha/lphas.php>

Missouri Dept. of Health & Senior Services' COVID-19 hotline is 877-435-8411 and its website is: <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/>

Missouri DHSS has issued these recommendations on COVID-19 for schools:¹

- Staff and students should stay home when they are sick;
- Teach students to cover their coughs and sneezes with tissues, or to cough or sneeze into their inner elbow;
- Practice good hand washing with soap and water as often as possible, and if soap and water are not available, use alcohol-based hand sanitizers;
- Clean and disinfect frequently touched objects and surfaces in classrooms.

Who can close schools?

Districts have the authority to close schools if they choose. The local health authority, the director of the Missouri Department of Health and Senior Services or the director's designated representative is also empowered to close any public or private school. If any of these entities orders schools to close, those schools must do so and cannot reopen until they are given permission to do so.

When can students be excluded from school?

Students must be excluded from school if they have certain diseases that are contagious, as specified in state regulations. Districts are required to report to DHSS if any students have or are suspected of having these diseases. The full list of reportable diseases is not included in this document, but COVID-19 is a reportable disease as defined in state regulations.

In addition, districts are required to exclude students if they "are liable [likely] to transmit" a reportable disease. A student who has traveled to an area with a high infection rate, lives with someone who traveled to an area with a high infection rate or had contact with an infected person, could be excluded under this

¹ <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/pdf/schools-coronavirus.pdf>

provision. MSBA recommends that school officials contact the local or state health department for assistance in determining the likelihood of transmission.

How long must districts exclude students from school?

If the district has determined that a student is ill, or that that the student is likely to transmit a disease (even with no symptoms), the district may exclude until the student has been removed for the longest period of communicability or has certification in writing from an attending physician that the student is not infectious. Based on current data, the communicability of COVID-19 is 14 days.

What happens if a parent insists on sending a student to school that is sick or is liable to transmit the virus after the district has informed the parent not to do so?

Containment of disease is serious. State statute even allows for prosecution of parents that send students that are contagious to school or refuse to seek medical care for the student. See 167.191. School district employees are required by law to report medical neglect to the Children’s Division as well.

We have a group of students that recently traveled out of the country. Can we exclude these students from school?

The answer depends on whether the students would be likely to transmit the disease. If the students traveled to an area with a high infection rate, those students could be required to wait 14 days before returning or produce a negative test because they would be likely to transmit the disease. This would be true of domestic travel as well. Districts should work with the local or state health department to determine the likelihood of transmission.

Should we cancel school or district-related travel by students and employees?

In making this decision, a school or district should consider the purpose of the travel, the destination and the current news regarding COVID-19. MSBA does not recommend that districts require students or employees to travel or discipline students or employees who refuse to travel.

Can schools or districts impose a quarantine on students or employees?

A “quarantine” is a mandatory restriction on movement of a person with a disease or likely to have a disease. There is no legal authority for schools or districts to order a quarantine of a person. Only the health department can do so. Please contact the local or state health department for assistance if you believe someone should be quarantined. That said, school districts can prohibit a student or an employee from coming to school or onto school property.

Are employees with underlying medical issues permitted to use FMLA leave for the purpose of avoiding COVID-19?

FMLA leave only applies if the employee has a serious health condition. It is not available as a prevention measure.

Is COVID-19 a serious health condition as defined by FMLA?

Traditionally, the flu and similar illnesses do not constitute a serious health condition. However, in some cases a virus such as COVID-19 could cause complications that would result in a serious health condition, and FMLA leave would be applicable.

Can sick employees be required to stay home?

Yes. State regulations allow for the district to exclude from school any person who might have a contagious disease until the person has 1) been removed for the longest period of communicability or 2) has certification in writing from an attending physician that the person is not infectious. You can require symptomatic employees to stay home and use available leave. If they do not have any available paid leave, the leave would be unpaid unless the district chooses to provide additional paid leave.

If an employee is not symptomatic but may have been exposed to COVID-19, can districts or schools prohibit the employee from working?

Yes. If an employee is considered liable to transmit the disease, they can be excluded from school the same as students.

If the district prohibits an otherwise healthy employee from working, is the district required to provide the employee paid leave?

Not under law. However, districts should examine policies, employee handbooks, collective bargaining agreements, and past practices to determine if the district has in the past granted paid leave in similar circumstances. While it is not clear how a court would rule, contracted employees have a stronger argument for paid leave than at-will employees.

Schools boards may want to adopt a temporary rule to allow for additional paid leave for any employees who are prohibited from working based on concerns about the transmission of COVID-19. Failure to do so might result in employees being less than honest about their travels to avoid economic hardship, ultimately resulting in even more illness and absence in the district.

If we decide to close schools in response to COVID-19, are we required to pay employees?

The law does not require payment of at-will (noncontracted) employees if they do not work. Contracted employees have a stronger argument that they are owed payment under the contract. MSBA encourages districts to follow the payment practices used when school is closed due to inclement weather.

If we decide to close schools in response to COVID-19, will we have to make up those days?

Public schools are required to provide 1,044 hours of instruction per school year. Current law pertaining to making up missed days of instruction does not address pandemic, only weather-related closing. Therefore, unless the state legislature addresses pandemic-related closings in legislation, the district will make up the hours of instruction missed to the extent it is necessary to meet the 1,044-hour requirement.

In 2019, the legislature revised state statute to allow for schools to provide education using “alternative methods of instruction” if school was closed due to an emergency or exceptional circumstances, including

contagious diseases. If the plan was approved by DESE, the district would not be required to make up the hours missed during the operation of the plan – up to 32 hours of instruction. Unfortunately, that provision of the law does not go into effect until the 2020-21 school year. See 171.033.

Can school districts provide education virtually to students?

Yes. Unfortunately, not all students have access to the technology, devices, software or internet connections necessary for virtual instruction. Internet reliability may be a factor if general demand on the system increases dramatically. Some subjects, younger students, and some students with disabilities are not easily taught virtually. That said, virtual instruction is possible in many classes and many districts offer virtual options to students. School districts should consider using all educational tools available at this time and work with families that may not have ready access to technology.

If the district closes schools in response to COVID-19, how will that impact the state aid the district receives?

Section 163.021(4) states that “Whenever there has existed within the district an infectious disease, contagion, epidemic, plague or similar condition whereby the school attendance is substantially reduced for an extended period in any school year, the apportionment of school funds and all other distribution of school moneys shall be made on the basis of the school year next preceding the year in which such condition existed.”

Should the district require students and employees to wear facemasks?

No. The CDC only recommends that persons with symptoms wear facemasks.

Should the district prohibit students or employees from wearing facemasks?

No, unless by doing so it interferes with the person’s job, the student is not able to participate in classes, or it is otherwise disruptive.

Should the district communicate with parents regarding COVID-19?

Yes! Communication of factual information can prevent distress and will ultimately keep families and students safe. Regularly communicate with parents in multiple ways:

- The facts regarding this virus.
- Advice from health professionals on the best ways to avoid the virus.
- What the health department recommends if a family member is suspected of having the virus
- The location of health clinics.
- The availability of assistance for those without insurance.
- The district’s rules on excluding students that show symptoms and when students will be excluded when they do not show symptoms.
- The options for excluded students to complete work at home, participate virtually, or receive homebound instruction.
- The steps the district is taking to prevent infection at school and address infection if it occurs.

Can the district prohibit parents or other visitors on school property?

Yes. There is no right for any person other than a student to be on district property. The district may certainly exclude anyone other than students and employees from the district property out of an abundance of caution.

What other measures should districts consider minimizing infection?

- Cancel large gatherings like sporting events or choir concerts where many people are invited onto district property. Temporarily cancel facility rentals.
- Consider eliminating activities that would require use of locker rooms or showers.
- Review class schedules to ensure time for students to wash their hands, and then direct them to do so.
- Review district handwashing facilities to determine if they are adequate for the number of students and employees that need to use them.
- Train and retrain staff members on appropriate hygiene measures to minimize infection.
- Reschedule custodial staff to perform additional disinfecting throughout the schools.
- Encourage transportation staff to take additional measures to disinfect buses.
- Provide disinfectant wipes for employees and students to assist in wiping down commonly touched surfaces such as keyboards, doorknobs and desks.
- Encourage staff to use teleconferences, videoconferences and webinars instead of face-to-face meetings when possible.

RESOURCES

Guidance: A comprehensive FAQ from the CDC for K-12 Schools can be found at:

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools-faq.html>.

This link is also located on the Missouri DHSS website.

Applicable Policies:

- EBB, Communicable Diseases
- EBB-AP1, Infection Control
- GBBDA, Family and Medical Leave
- GCBDA, Professional Staff Short-Term Leaves
- GDBDA, Support Staff Leaves
- IC, Academic Calendar
- JED, Student Absences and Excuses

Applicable Regulations:

19 CSR 20-20.030 Exclusion from School

(1) Persons suffering from a reportable disease or who are liable to transmit a reportable disease listed in 19 CSR 20-20.020(1)–(3) shall be barred from attending school.

(2) Any person excluded from school under section (1) of this rule may be readmitted to school by one of the following methods:

(A) Certification in writing by an attending physician attesting to the person's noninfectiousness;

(B) After a period of time equal to the longest period of communicability of the disease [as determined by health care publications and providers]

19 CSR 20-20.050 Quarantine or Isolation, Practices and Closing of Schools and Places of Public and Private Assembly

(1) The local health authority, the director of the Department of Health and Senior Services or the director's designated representative shall require isolation of a patient or animal with a communicable disease, quarantine of contacts, concurrent and terminal disinfection, or modified forms of these procedures necessary for the protection of the public health. The isolation of a patient, animal or contact shall be carried out according to the methods of control in 19 CSR 20-20.040(1).

(2) No person or animal infected with or suspected of having a communicable disease listed in 19 CSR 20-20.020(1)-(3) or any contact of a disease subject to quarantine or isolation shall move or be moved from one health jurisdiction to another, unless necessary for medical care, without notice to and consent from the local health authority, the director of the Department of Health and Senior Services or the director's designated representative. If a person is moved for the reason of medical care, the health authority who ordered the isolation or quarantine shall be notified within 72 hours.

(3) The local health authority, the director of the Department of Health and Senior Services or the director's designated representative is empowered to close any public or private school or other place of public or private assembly when, in the opinion of the local health authority, the director of the Department of Health and Senior Services or the director's designated representative, the closing is necessary to protect the public health.

However, in a statewide pandemic, only the director of the Department of Health and Senior Services or the director's designated representative shall have the authority to close a public or private school or other place of public or private assembly. The director or designated representative shall consult with the local health authorities prior to any such closing. Any school or other place of public or private assembly that is ordered closed shall not reopen until permitted by whomever ordered the closure.

All DHSS Communicable Disease Regulations:

<https://www.sos.mo.gov/cmsimages/adrules/csr/current/19csr/19c20-20.pdf>