

COVID-19: DISTRICTS AND EMPLOYEES:

The Balance Between Educating Students
and Keeping Everyone Safe

36th Annual School Law Conference 2021

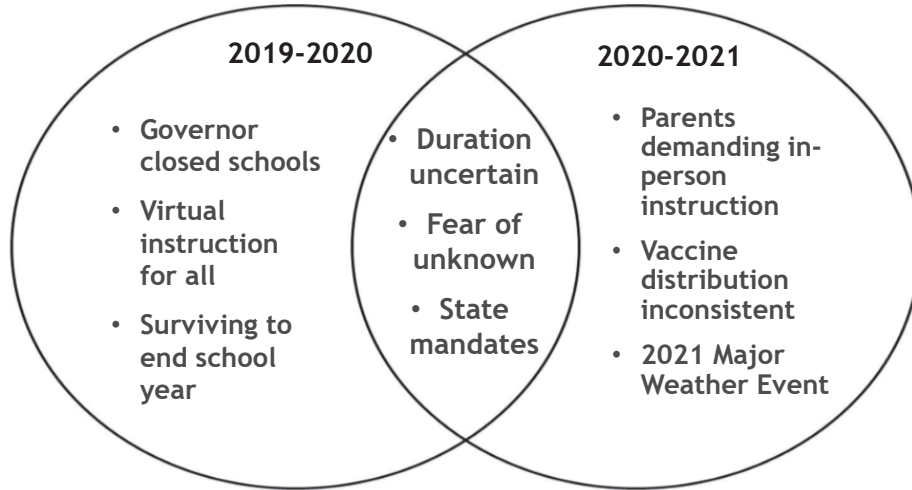
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SCHOOLS CLOSED FOR REMAINDER OF
2019-20

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THEN AND NOW



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QUARANTINES & FFCRA IN 2021



QUARANTINES IN 2020

- FFCRA emergency paid sick leave available.
- Some districts allowed remote work during quarantine.
- Some districts did not require use of personal leave.

QUARANTINES IN 2021

- No leave unless district provided.
- Not yet reinstated in any form at federal level.
- Employees using personal leave if unable to work remotely.
- Impact of multiple/repeated quarantines.
- Some districts do not offer choice of remote work during quarantine.

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ADA BEFORE THE PANDEMIC

- Had a good idea (and case law supports) of what constitutes a disability.
- Now, consider CDC guidelines regarding **certain underlying medical conditions** considered increased risk for severe illness from COVID-19.
- Severe illness from COVID-19 is defined as hospitalization, admission to the ICU, intubation or mechanical ventilation, or death.

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CDC - INCREASED RISK



- Cancer
- Chronic kidney disease
- COPD (chronic obstructive pulmonary disease)
- Down Syndrome
- Heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies
- Immunocompromised state (weakened immune system) from solid organ transplant
- Obesity (BMI of 30 kg/m² or higher but < 40 kg/m²)
- Severe Obesity (BMI ≥ 40 kg/m²)
- Pregnancy
- Sickle cell disease
- Smoking
- Type 2 diabetes mellitus

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