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# **Breakfast with KB:** ***New Guidance on COVID Mitigations***

**July 13, 2021**  
**8:30-10:00 AM**  
Via Zoom



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# Key Take-Aways from the CDC Guidance →



- Prevention and mitigation strategies are still important AND key to protecting your Tort Immunity
- In Person Instruction = Top priority
- Mask-wearing and social distancing recommended
  - More distance = less need for universal masking
  - Less distance = more masking
  - Vaccinated versus unvaccinated persons – treatment differs
- Changes to prevention strategies should be slow; gradual

**To get kids back in-person safely, schools should monitor**



**Community Transmission**      **Vaccination Coverage**      **Testing**      **Outbreaks**

**to help prevent the spread of COVID-19**

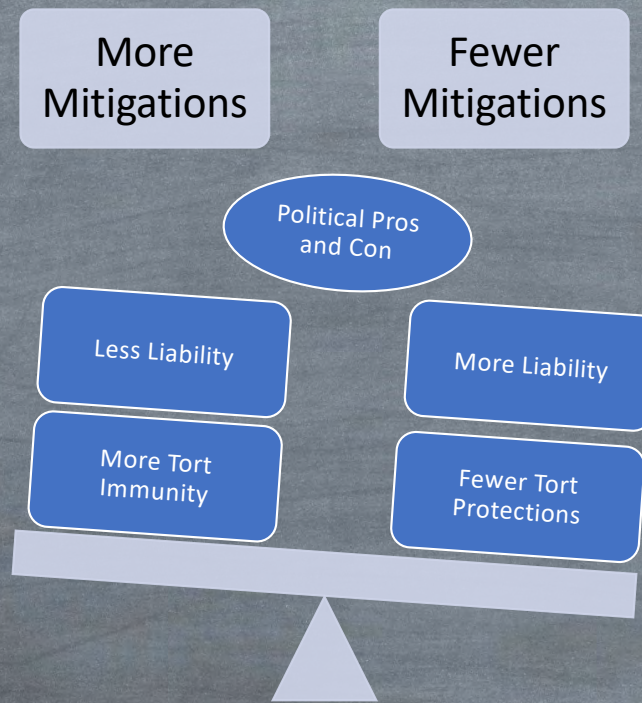


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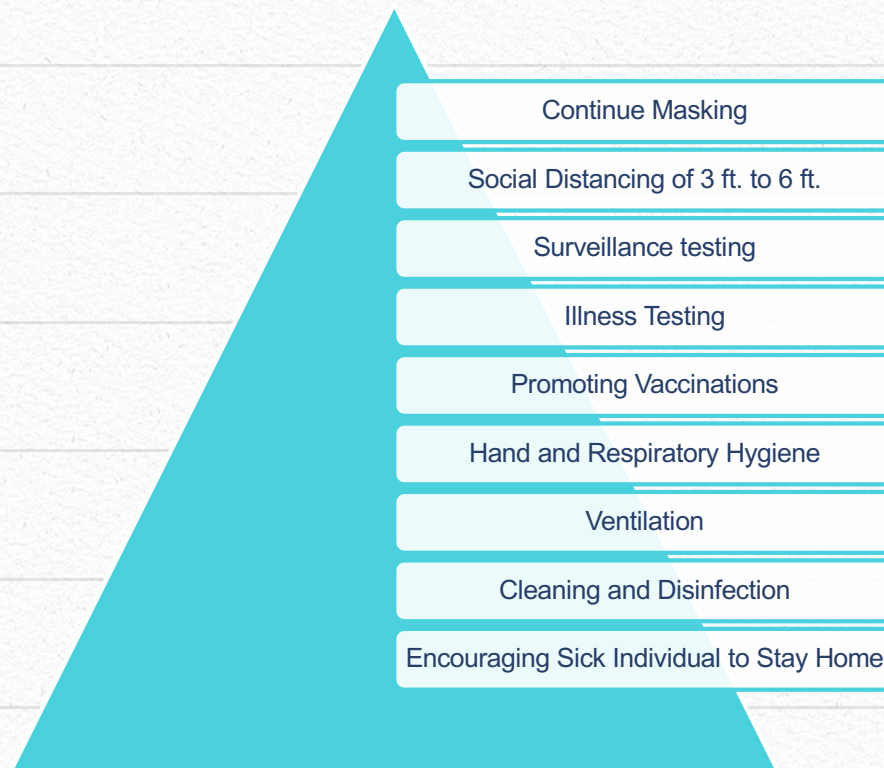


# BALANCING THE RISKS





# Prevention Strategies Hierarchy



# Recommended Prevention Strategies - Mask Wearing Policies:

## General Recommendations →

- Non-Vaccinated Individual = Wear a mask at all times while indoors, but can be removed outside with proper distancing
- Vaccinated Individual = No mask required inside or outside

## *Universal masking NOT required, but Recommended if →*

- Student population is mostly under 12 years old
- High or increased risk of COVID transmission at school or in the public
- Low community vaccine rate
- Difficulty enforcing non-universal masking policy
- Transmission of a new variant





# Special Rule for Transportation = Mandatory Universal Masking

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## ***CDC's Mandate*** →

***All*** passengers and drivers ***must wear a mask*** while on school buses or in other school-provided forms of transportation

- Applies regardless of mask-wearing policy inside the school building.
- Applies to public and private schools
- Schools should provide masks to those without or who cannot afford them

# Recommended Prevention Strategies - Physical Distancing:

## Overview →

- In General = Implement distancing **to the extent possible** without restricting the ability to return to full in-person learning
  - X Not Vaccinated = Recommends **at least 6 ft distance** of distance
- In Classrooms = Recommends **at least 3 feet** of distance between students + **mask wearing for non-vaccinated individuals**
  - X Recommends distance of at least 6 ft + masks for unvaccinated.
- Less Ability to Physical Distance = Consider implementing MORE prevention layers:
  - X Universal indoor masking
  - X Screening
  - X Cohorts





# Recommended Prevention Strategies - Screening & Testing:

## General Considerations→

- Symptom screening and surveillance testing can be used to ID and isolate cases quickly; reduce transmission in schools
- Non-Vaccinated = Regular screening recommended
  - X Continue to quarantine close contacts
- Fully Vaccinated = NOT recommended that they participate in screening
  - X NOT required to quarantine if they are asymptomatic





# Screening and Extra-Curricular Activities

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- Consider increased screening for participants who are NOT fully vaccinated
  - Can be effective up to 24 hours before a competition or event
  - Can include students, coaches, trainers, and others associated with the team who may come into close contact with others during the activity
- Level of risk associated with the activity can impact amount of testing required for participants/coaches/etc.
- Impact of local control and community spread on competitions with outside teams = unknown
  - Differing prevention measures and efforts could result in transmission from one community to another

**WHAT ABOUT CONTACT TRACING?**





# Contact Tracing, Isolation, & Quarantine:

## General Considerations→

- Continue to collaborate with local and state health officials to identify close contacts and positive cases
  - X Includes tracing students, staff, teachers, and guests
- Non-Vaccinated = Continue to quarantine close contacts
- Fully Vaccinated = NOT required to quarantine if they are asymptomatic
  - X Do NOT have to be tested, either
- *How long is quarantine?*
  - X CDC encourages at least 10 days for confirmed COVID positive and close contacts



# Special “Close Contact Rule” for K-12

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## K-12 Indoor Classroom Setting →

Definition of “close contact” **excludes** students who were within 3-6 ft of an infected student if:

- Both students were engaged in consistent and correct mask wearing;  
**and**
- Other prevention strategies were in-place in the school setting
  - *I.E., Universal mask wearing, cohorting, increased ventilation*

\* Does NOT apply to teachers, staff, or other adults in indoor classrooms \*





## Additional Considerations on Prevention Strategies:

- Continue limiting nonessential visitors
- Emphasize staying home when sick
- When changing policies, do so gradually and slowly

# Food Service and Meals:

- Non-Vaccinated - Maintain as much physical distancing as possible, at all times
  - X Encourage eating outside, when able
  - X Consider separating from vaccinated population
  - X Consider using larger space if cafeteria is too small to maintain distancing
- Fully Vaccinated = Not required to maintain social distance when eating
- No longer need to pack separate meals/bags
- No longer need to use single-use items (i.e., plates, utensils, cups, trays)
- No need to limit food service approach





# Physical Education:

- Outdoor activities = Mask wearing generally not required for ANYONE
  - X In high transmission area, may encourage mask-wearing if social distancing is difficult due to the nature of the activity or the size of the crowd present for unvaccinated persons
- Indoor activities = Strongly encourages use of masks for anyone is not fully vaccinated
  - X Encourage lower-risk activities and increased social distancing

\*\* Same recommendations apply to recess \*\*



# Sports & Extra-Curriculars:

- Fully Vaccinated =
  - X No longer required to wear masks
  - X No longer required to maintain physical distance
    - X Applies both while participating and while on the sidelines of an activity
  - X Not subject to quarantine rules for “close contacts” if asymptomatic
- Non-Vaccinated =
  - X Continue wearing masks indoors and when not actively participating in the event
- Consider implementing sport/activity related rules depending on the risk-level of an activity
  - X **Risk Level Factors** →
    - X Inside v. outside?; Physical contact v. Contact free?; Number of participants at one time; Level of intensity in the activity; etc.
- Consider use of screening testing





# CONSIDERATIONS FOR SPECIAL STUDENT POPULATIONS

# Asking About Vaccination Status:

- **Employee versus student?**
  - X Employee = Can require report of vaccination status
  - X Student = Can request, but cannot require
- **Mandatory versus voluntary?**
  - X Cannot mandate students under current Illinois Law
    - X Law could change to treat COVID vaccine like other mandated vaccines
    - X State law will govern
      - X Local rules could be adopted
- **Special rules for extra-curriculars?**





# What's Best for Your District?

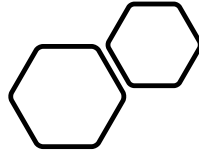
Universal  
Masking

Nonvaccinated  
Masking

Phased  
Masking

Masks  
Optional





**ASSESSING LIABILITY:  
HOW DO WE PRESERVE  
TORT IMMUNITY?**



# APPLICABLE TORT IMMUNITY SECTIONS

- **Tort Immunity § 2-201:**
- Except as otherwise provided by Statute, a public employee serving in a position involving the determination of policy or the exercise of discretion is not liable for an injury resulting from his act or omission in determining policy when acting in the exercise of such discretion even though abused.



# APPLICABLE TORT IMMUNITY SECTIONS

- **Tort Immunity § 6-104:**
- (a) Neither a local public entity nor a public employee is liable for an injury resulting from the policy decision to perform or not to perform any act to promote the public health of the community by preventing disease or controlling the communication of disease within the community if such decision was the result of the exercise of discretion vested in the local public entity or the public employee, whether or not such discretion was abused.
- (b) Neither a local public entity nor a public employee is liable for an injury caused by an act or omission in carrying out with due care a decision described in subdivision (a).



# APPLICABLE TORT IMMUNITY SECTIONS

- **Tort Immunity § 6-105:**
- Neither a local public entity nor a public employee acting within the scope of his employment is liable for injury caused by the failure to make a physical or mental examination, or to make an adequate physical or mental examination of any person for the purpose of determining whether such person has a disease or physical or mental condition that would constitute a hazard to the health or safety of himself or others.



# Questions?



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