School Law FYI

**Guidance for K-12 Schools in Responding to Coronavirus (COVID-19)**

The spread of COVID-19 (previously referred to as the “coronavirus disease 2019”) has dominated the news headlines and likely caused fear or concern among parents, students, staff and school communities. Currently, the Wisconsin Department of Health Services (“DHS”) reports that 16 people in Wisconsin have been tested for the virus, and only one person has tested “positive” for the virus. Consequently, as reported by DHS, the “risk to the general public is very low.” For those wishing to stay as up to date as possible on future testing results in Wisconsin, the DHS has a [website](#) that is updated every weekday by 2:00 p.m. DHS also has specific guidance for schools.

The Department of Public Instruction (DPI) has also posted detailed guidance regarding preventing the spread of respiratory diseases such as COVID-19. The DPI, citing the Center for Disease Control’s (CDC) recommendations, notes the following preventative actions:

- Wash your hands often with soap and water for at least 20 seconds. If soap and water are not available, use an alcohol-based hand sanitizer.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Avoid close contact with people who are sick.
- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces.

Notably, at this time the DPI and the CDC do not recommend that schools require students or staff to wear masks or gloves, cancel large gatherings, or cancel classes.

Districts must also remain vigilant against discrimination based upon race, country of origin, or recent travel. Particularly in school environments where children may be more susceptible to fear and rumor, district staff may need to address the stigmatizing effect of erroneously associating the virus with a specific population. As noted in the CDC’s guidance “Stigma Related to COVID-19,” viruses “cannot target people from specific populations, ethnicities, or racial backgrounds.”

Despite the low risk at this time, school districts should take this opportunity to ensure that policies and
practices related to health concerns and attendance are up to date. For example, an effective method of stemming the spread of any illness is for students to stay home when they are sick. Consequently, districts should analyze whether “perfect attendance” awards and other similar honors may inadvertently create incentives to attend school when sick. Finally, districts should review their attendance policies to determine if any barriers exist to students reporting illnesses and staying home when experiencing illnesses.

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