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The New Normal for School Health in 2021 and Beyond

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Presenters

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Overview of Topics

- Implementing Executive Orders, NJ Department of Health, NJDOE, CDC Guidance
- Student Confidentiality, FERPA, HIPAA and a Pandemic
- The Role of the School Nurse
- Recent Legislation Impacting Student Health
- Q & A

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Where We Are Today

- NJ has more than 1 million confirmed cases (up from 214,000 confirmed cases since last year's conference) and more than 27,000 deaths linked to COVID-19 (up from 16,000 deaths since last year's conference)
- Daily confirmed cases are trending downwards, although most NJ regions are still in moderate or high category for COVID transmission
- As of October 13, 2021, NJ reported at least 96 in-school outbreaks, for a total of 521 cases.
- No time to let our guard down!!!

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Key Themes

- Empowerment
  - Critical to know and understand latest developments, both COVID and non-COVID related
- Understanding Everyone's Role
  - Who is in charge? NJDOE? NJDOH? Local health department? Superintendent? Principal?
- Documentation
  - Have clear records of actions taken, issues/concerns raised, directives from others

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Role of School Nurse/Boundaries

- See N.J.S.A. 18A:40-1 and 3.3, N.J.A.C. 6A:16-2.3
- Ensuring proper forms submitted – e.g., PPE for student athletes
- Significant new pressures/responsibilities
  - Contact Tracing
  - Managing symptomatic students and staff
  - Addressing failure to comply with other existing requirements, such as other immunization requirements
  - Role in educating stakeholders on health protocols
  - Addressing other competing student needs while dealing with staff shortages

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NJDOH Guidance

- NJDOH Guidance - updated October 8, 2021
- Regional Risk Matrix
- Symptom Based Isolation/Exclusion
- Social Distancing, Face Coverings, Hygiene
- Contact Tracing and Notification
- Outbreaks
- Closure

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Existing Immunization Requirements

- A student coming to New Jersey from another state or country has 30 days to provide documentation of required immunizations and must be allowed to enroll in school during that time period
- Homeless child cannot be barred from enrolling and attending school while getting immunizations
- There are medical and religious exemptions for immunizations
- *Research suggests up to 40% of students may not have received required immunizations during COVID-19 closure*
- *With the exceptions noted above, children cannot otherwise be permitted to attend school without required immunizations*
- *Failure to enforce existing immunization requirements raises potential for significant legal liability, could lead to possible disciplinary action for school staff who permit or direct noncompliance with legal requirement*

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Legislative Update

- **P.L. 2019, c. 290 (1/9/2020)** - "Paul's Law"; authorizes parent or guardian to request use of individualized health care plan for student with **epilepsy** or seizure disorder, **which includes specific actions for non-medical school staff**. Takes effect *immediately*.
  - School nurse develops plan based on **parent submitted seizure action plan.**
  - "Seizure action plan" means a comprehensive document provided by the student's physician, advanced practice nurse, or physician's assistant which includes, but is not limited to, information regarding presentation of seizures, seizure triggers, daily seizure medications, seizure first aid, and additional treatments.
  - Annual authorization and update with training for all staff.

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P.L. 2021, c.32 - What the Statute Says

C.18A:35-4.36a Curriculum to include instruction on diversity and inclusion.

1. a. Beginning in the 2021-2022 school year, each school district shall incorporate instruction on diversity and inclusion in an appropriate place in the curriculum of students in grades kindergarten through 12 as part of the district's implementation of the New Jersey Student Learning Standards.

b. The instruction shall:

(1) highlight and promote diversity, including economic diversity, equity, inclusion, tolerance, and belonging in connection with gender and sexual orientation, race and ethnicity, disabilities, and religious tolerance;

(2) examine the impact that unconscious bias and economic disparities have at both an individual level and on society as a whole; and

(3) encourage safe, welcoming, and inclusive environments for all students regardless of race or ethnicity, sexual and gender identities, mental and physical disabilities, and religious beliefs.

c. The Commissioner of Education shall provide school districts with sample learning activities and resources designed to promote diversity and inclusion.

2. This act shall take effect immediately. Approved March 1, 2021

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New Legislation - Surveys

- **P.L. 2021, c. 156 -** This bill allows school districts to administer anonymous voluntary surveys concerning student health once prior written notification has been provided to parents and legal guardians. Specifically, the school district would be able to administer a survey concerning:
  - the use of alcohol, tobacco, drugs, and vaping;
  - sexual behavior and attitudes;
  - behaviors that may contribute to intentional or unintentional injuries or violence; or
  - physical activity and nutrition-related behaviors.

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New Legislation - Concussions

- **P.L. 2021, c. 222 -** Requires school districts to adopt the six-step "Return to Play Progression" recommended by the CDC. If CDC updates recommendations, districts are required to update their policies accordingly.
- See CDC Return to Play Progression

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New Legislation – Mental Health

- **P.L. 2021, c. 237** - There is established in the Department of Education the Mental Health Screening in Schools Grant Program. The purpose of the grant program shall be to provide funding and resources to allow school districts to implement depression screening programs to identify students in the grades 7 through 12 who are at risk of depression.
- Requires use of research-based tool, parental consent, same day intervention, access for students with disabilities and English language learners.

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Pending Legislation – School Nurses

- **A5433/S3150 – Bill is on the Governor's desk.** Permits school nurse who is retired from TPAF to return to employment for up to two years without reenrollment in TPAF.
  - Must wait more than 180 days to return to your prior district
  - Must wait more than 120 days to go to another district

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Executive Order 253

- Mandates that school employees be fully vaccinated **by October 18** or undergo regular testing
- "Fully vaccinated" means two weeks after last dose (after 2nd dose for Pfizer and Moderna and after single dose for J & J)
  - Final shot must be no later than October 4 to comply
- Clarifies that mask exemption for medical reasons requires medical documentation, not just parental attestation
- Allows school districts to put in place additional public health measures at the local level

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Executive Order 253

- "Covered workers" all individuals employed by the covered setting, both full and part-time, including, but not limited to, administrators, teachers, educational support professionals, individuals providing food, custodial, and administrative support services, substitute teachers, whether employed directly by a covered setting or otherwise contracted, contractors, providers, and any other individuals performing work in covered settings whose job duties require them to make regular visits to such covered settings, including volunteers.
- Covered workers do not include individuals who visit the covered setting only to provide one-time or limited duration repairs, services, or construction.

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Mask Mandate for NJ Schools

- Governor's August 6, 2021 Announcement
- Takes Effect Immediately
- Narrow Exceptions as with prior mandate
  - When doing so would inhibit the individual's health, such as when the individual is exposed to extreme heat indoors;
  - When the individual has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
  - **When a student's documented medical condition or disability, as reflected in an Individualized Education Program (IEP) or Educational Plan pursuant to Section 504 of the Rehabilitation Act of 1973, precludes use of a face covering**;
  - When the individual is under two (2) years of age;
  - When an individual is engaged in an activity that cannot be performed while wearing a mask, such as eating and drinking or playing an instrument that would be obstructed by the face covering;
  - When the individual is engaged in high-intensity aerobic or anerobic activity;
  - When a student is participating in high-intensity physical activities during a physical education class in a well-ventilated location and able to maintain a physical distance of six feet from all other individuals; or
  - When wearing a face covering creates an unsafe condition in which to operate equipment or execute a task.

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Extreme Heat Exception

- *Probably no longer applicable, but students and staff may have gotten used to it the first 6 weeks of year!*
- Determine standards as a district when this will be invoked
- Not all buildings may have same issues, so exception may apply to some buildings and not others, or even to some portions of one building
- Exception may apply on school buses in some cases
- Determine protocol for how to communicate to staff, students, parents when this exception applies

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Responding to Mask Refusal

- Do not get drawn into arguments over masking
- Be prepared to address mask refusal when getting on school bus, or while on school bus
  - Need district protocol for student refusal to put on mask prior to getting on bus AND for students taking off mask while on the bus
  - Protocol may depend on whether parent is present at bus stop and age of student
- Be prepared to address mask refusal while indoors at school
  - Need protocol (e.g., offer student a mask, if unsuccessful to quickly isolate student from others, to contact parent/guardian to retrieve child)

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FERPA—Q & A on doctor notes

- Q. If a school wants to contact a child's doctor about an inaccuracy on an excuse note, do we need any special permission or may we contact the doctor directly?

- A. Under FERPA, the 2008 regulations changed the definition of "disclosure" to permit a school to contact the stated source of a record (such as a doctor's note) for verification purposes. This is not considered a disclosure and, therefore, does not violate FERPA. In other words, FERPA permits a targeted release of records back to the stated source for verification purposes.

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Key Questions for Medical Exemptions

- Is the medical professional qualified to write the note in question?
- Did the medical professional actually write the note?
- Is the medical condition one that is temporary or permanent in nature? Note, if the student's underlying medical condition is expected to last 6 months or longer, the district should consider using the Section 504 process.
- Is the medical professional aware of available alternatives to a full mask exemption (e.g., planned mask breaks)

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Key Questions for Students with IEP

- What specific aspect of the student's disability prevents the student from wearing a mask?
- Is the student capable of developing mask wearing skills over time and, if so, what plan is in place to develop those skills (including working with the parent or guardian)?
- Does the student have behavioral issues related to the disability that potentially pose an increased risk to other students or staff (e.g., inability to understand or comply with social distancing)?
- Are there measures that can be taken to effectively mitigate the risk to students/staff?

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Vaccinations and Employers

- August 23, 2021 - Governor Murphy Announces Mandate for School Employees, State Workers to be fully vaccinated by Oct. 18 or be subject to regular testing
- School districts CANNOT share employee vaccination status with parents
- See article on NJPSA website - http://njpsa.org/requiring-school-staff-to-receive-the-covid-19-vaccine/
- See EEOC guidance – May 28, 2021
- CDC Guidance for Vaccinated Persons - https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html

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Testing

- NJDOH and NJDOE Broadcast Email – September 1, 2021
- Details how to participate in the NJDOH K12 Screening Testing Program
- Must complete survey by **September 13** to participate
- LEAs and nonpublic schools interested in participating in the program must select one of two options for doing so.
  - The first option will provide access to testing resources through full turnkey testing services provided on-site at schools by state-contracted vendors in the North, Central, and Southern regions of the state.
  - The second option will provide LEAs and nonpublic schools with funding to support testing programs that are already in place and align with the NJDOH screening testing guidelines.
  - Can be used to address mandatory testing for unvaccinated employees, plus

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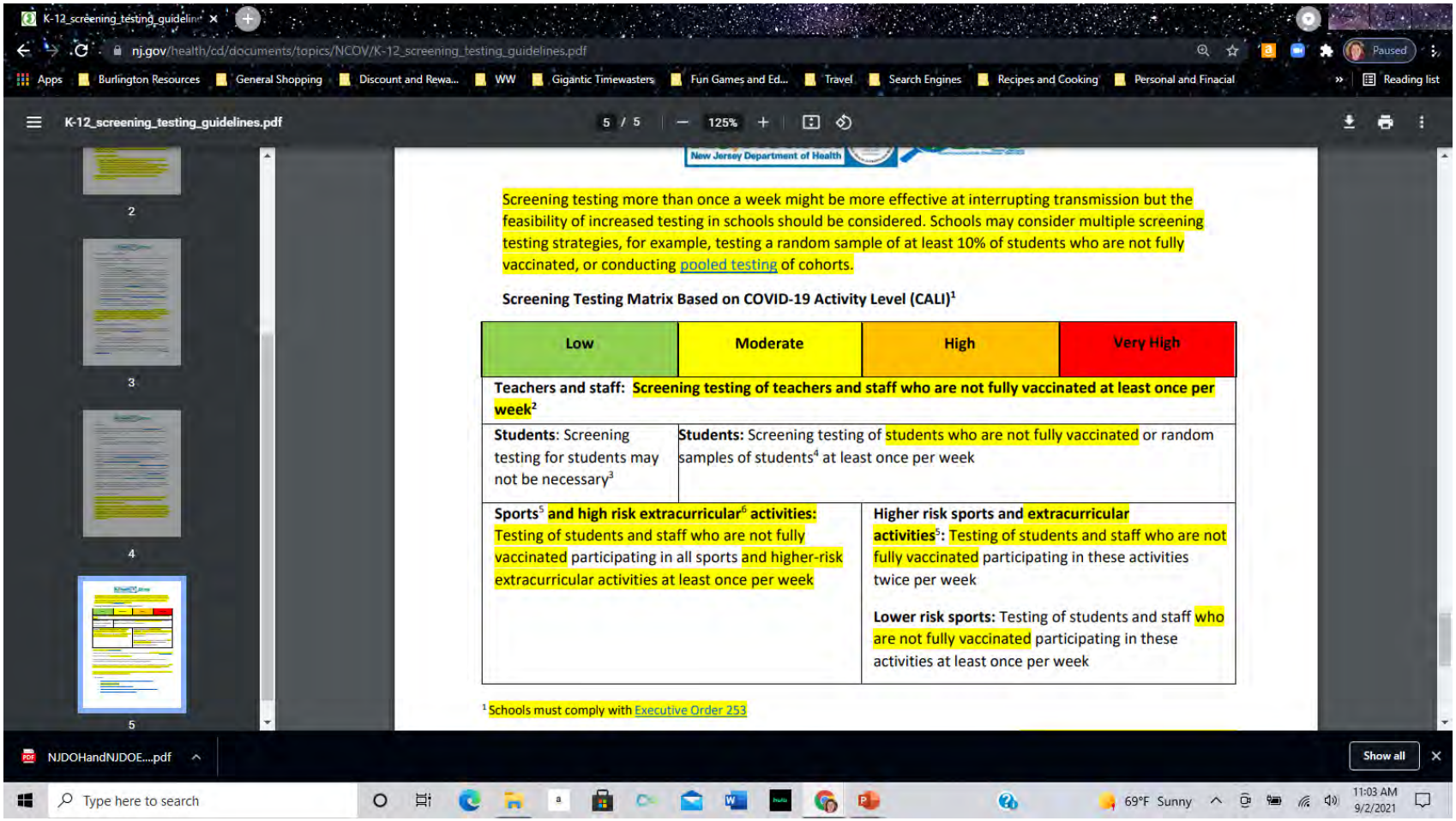
When to Use Screening Testing



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Contact Tracing

- "Close contact" is within 6 feet of someone with suspected or known COVID-19 for 15 or more minutes during a 24-hour period
- Schools required to assist in identifying close contacts within the school and communicating this information to local health department
- Schools are responsible for notifying parents and staff of the close contact exposure and exclusion requirements **while maintaining confidentiality**.

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Quarantine/Close Contact Exceptions

- No need to quarantine for close contacts who are fully vaccinated and show no symptoms
- In the K-12 indoor or outdoor classroom setting, where two students are close contacts who were within 3 to 6 feet of each other do not need to quarantine **where both the infected student and the exposed student correctly and consistently wore well-fitting masks the entire time. This exception does NOT apply to school staff**.
  - BE CAUTIOUS IN USING THIS EXCEPTION

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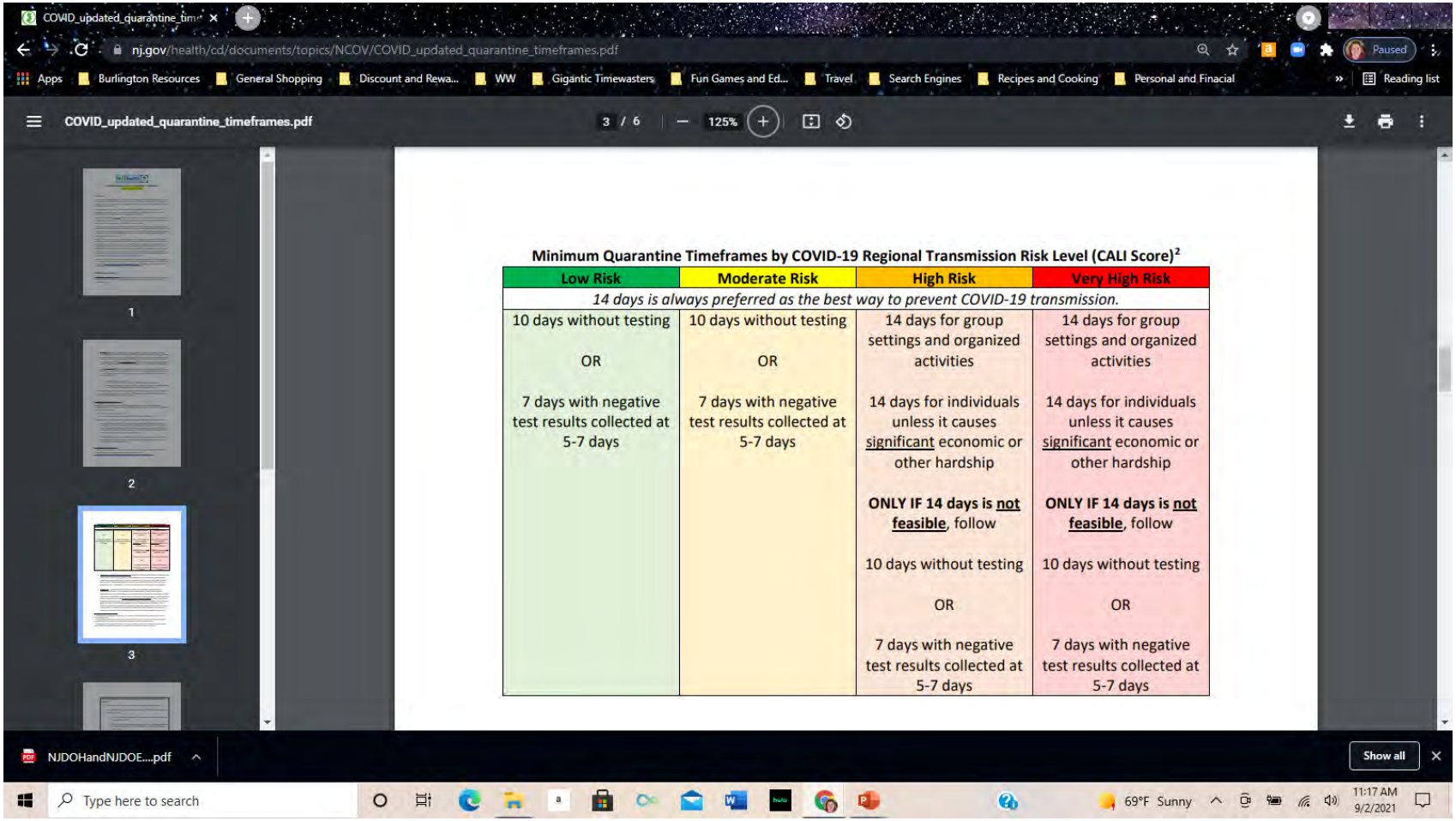
Minimum Quarantine Timeframes



Minimum Quarantine Timeframes by COVID-19 Regional Transmission Risk Level (CALI Score)[2]

Low Risk	Moderate Risk	High Risk	Very High Risk
14 days is always preferred as the best way to prevent COVID-19 transmission.			
10 days without testing OR 7 days with negative test results collected at 5-7 days	10 days without testing OR 7 days with negative test results collected at 5-7 days	14 days for group settings and organized activities 14 days for individuals unless it causes significant economic or other hardship **ONLY IF 14 days is not feasible**, follow 10 days without testing OR 7 days with negative test results collected at 5-7 days	14 days for group settings and organized activities 14 days for individuals unless it causes significant economic or other hardship **ONLY IF 14 days is not feasible**, follow 10 days without testing OR 7 days with negative test results collected at 5-7 days

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Travel and Quarantine

- Nurse or other staff may learn of students or staff just returning from travel outside immediate region
- Schools have duty of care once you learn about such travel
- Unvaccinated Travelers
  - Before travel, get tested with a viral test 1-3 days before trip
  - Get tested 3-5 days after travel
  - Stay home and self-quarantine for a full 7 days after travel if post-travel test is negative. If not tested, stay home and self-quarantine for 10 days after travel
- Travelers who Clinically Recovered from COVID-19 in past 3 months
  - No quarantine or pre- or post-travel test needed
- Fully Vaccinated Travelers
  - International travel: Get tested 3-5 days after returning to the U.S., but no quarantine needed
  - For domestic travel, no quarantine or testing needed

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Medically Fragile Students

- C.18A:40-3.3 Employment of nursing, non-nursing personnel; definitions.

. . .

- 2. b. **A medically fragile student requiring clinical nursing services shall have those services rendered by a provider of clinical nursing services as defined in this subsection.** Nothing in this section shall be construed to exclude a licensed health care service firm that is approved to provide private duty nursing under the Medicaid Program and is in compliance with State Board of Education regulations. **The parent or legal guardian of a medically fragile student shall have the option to choose a provider to render clinical nursing services to the student, and the State Board of Education shall allow the provider chosen by the parent or legal guardian to render such services to the student** only if the cost to the school district remains neutral.
- As used in this subsection:
- **"Medically fragile student"** means a school-aged child who suffers from a life-threatening medical condition, and as a result of such condition, requires more individualized and continuous care than is available from a school nurse.
- **"Clinical nursing services"** means specific health care services, based on a medically fragile student's individualized education plan and a physician's or advanced practice nurse's orders, as provided by a registered nurse or licensed practical nurse with specialized pediatric training who attends to the student.
- **"Provider of clinical nursing services"** means an agency that renders clinical nursing services and is approved to provide private duty nursing under the Medicaid program pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) or the NJ FamilyCare Program pursuant to P.L.2005, c.156 (C.30:4J-8 et al.).
- https://www.state.nj.us/education/students/safety/health/legislation/

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Return to School Roadmap
(U.S.D.E September 30, 2021)

- **Key questions from the Roadmap:**
  - Question C-7: **Who should be included on a child's IEP Team when a child with a disability has one or more underlying medical conditions that puts them at increased risk of severe illness if they contract COVID-19?**
    - Answer: In such situations, the IEP Team should include a team member who knows about the health needs of the child, including whether COVID-19 prevention and risk reduction strategies may be needed...**The IEP Team could include, at the discretion of the parent or the LEA, individuals such as school health service staff, school nurses, and the child's health care professional…**
  - Question C-8: Are the child's IEP Team and the group of knowledgeable persons making educational placement decisions responsible for addressing the school related health needs of a child with a disability in the context of COVID-19?
    - Answer: Yes… If a parent or other member of the IEP Team believes that COVID-19 prevention strategies are necessary for the provision of FAPE to the child, **the IEP Team must consider whether and to what extent such measures are necessary,** based on child-specific information, which may include medical or health records, diagnostic or other evaluative data, or information documented by medical or health professionals. If the IEP Team determines that COVID-19 prevention and risk reduction measures are necessary in order for a child with a disability to receive FAPE — where the prevention measures constitute special education, related services, supplementary aids and services, or program modifications and supports for school personnel — **the Team must include these in the child's IEP** consistent with 34 C.F.R. § 300.320(a)(4).

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Long-Haul COVID-19

- U.S.D.E. Resource: July 2021
- **The U.S. Centers for Disease Control and Prevention (CDC) has identified long COVID as another term for post-COVID conditions.**
  - According to the CDC, post-COVID conditions "are a wide range of new, returning, or ongoing health problems people can experience more than four weeks after first being infected with the virus that causes COVID-19. Even people who did not have symptoms when they were infected can have post-COVID conditions."
- **Eligibility Under Section 504:**
  - Under Section 504, a person has a disability if they: (1) have a physical or mental impairment that substantially limits a major life activity; (2) have a record of such an impairment; or (3) are regarded as having such an impairment. Major life activities include, for example, breathing and concentrating, as well as major bodily functions such as functions of the immune system. **A student does not need to be substantially limited in their learning to be eligible for protection and services under Section 504. If a student's long COVID substantially limits one or more major life activities, the student would have a disability under Section 504. This analysis applies to all students, whether in pre-school, elementary or secondary school, or a postsecondary setting.**

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For the Latest Information

NJPSA/FEA Coronavirus Guidance and Links:
http://njpsa.org/10820-2/

NJDOE website link for information:
https://www.state.nj.us/education/topics/index.shtml

U.S. Department of Education link:
https://www.ed.gov/coronavirus

CDC link for schools:
https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/index.html

NJ Department of Health for schools:
https://www.nj.gov/health/cd/topics/covid2019_schoolbusiness.shtml

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