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U.S. Department of Education Issues Guidance on Ebola for K-12 Schools

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In response to the Ebola epidemic, the U.S. Department of Education (“USDOE”) has issued a letter to schools and districts providing updated guidance and resources to assist schools and communities in establishing practices and protocols related to Ebola, as well as seasonal flu.

The most comprehensive resource provided through this letter, which was issued in December 2014, is from the Centers for Disease Control and Prevention (the “CDC”). The CDC guidance outlines actions school officials may implement, in consultation with public health authorities, to further reduce the potential risk of Ebola transmission in schools. In doing so, the CDC delineates the roles of public health officials and educators and warns against educators usurping the responsibilities of public health officials. Specifically, this guidance clarifies and confirms that the assessment of a person’s risk of Ebola exposure and evaluation of clinical condition to determine appropriate public health actions is within the purview of public health authorities and advises that only public health authorities may determine whether, and to what extent, monitoring or restriction on movement, including the issue of school attendance, is necessary.

Conversely, the CDC guidance advises educators to develop an emergency operations plan for responding to Ebola-related incidents, including situations where a school may need to contain the disease. To assist in this process, the CDC guidance provides educators with practical considerations and advises the review of, and compliance with, “public health codes, infection control guidance, and applicable Occupational Safety and Health Administration (OSHA) standards.” Further, the guidance provides school officials with recommended actions based on a person’s identified risk level, which may be found at <http://www.cdc.gov/vhf/ebola/pdf/school-guidance-table1.pdf>.

In addressing issues related to Ebola, the CDC reminds schools and districts to be cognizant and compliant with the Family Educational Rights and Privacy Act (“FERPA”), Health Insurance Portability and Accountability Act (“HIPPA”) and any applicable privacy laws when working with public health authorities to establish protocols for communication and implementation of recommendations relative to Ebola.



Lastly, the information provided by the USDOE (which includes resources from the Office for Civil Rights) reiterates a school's responsibility to protect the civil rights of students when implementing the CDC's recommendations. In particular, school officials are reminded that they must provide continued educational opportunities in the event of either a school closing or a student's prolonged absence due to Ebola. Furthermore, school officials must effectively address Ebola-related bullying and harassment of persons from, or perceived to be from, an African country or of African descent as well as people who contracted or were monitored for Ebola.

The full text of the U.S. Department of Education letter and links to Ebola-related resources may be found at <http://www.ed.gov/ebola-response>.

Questions or Assistance:

If you have questions regarding the guidance or issues related to Ebola protocols, please contact Julie C. Fay at jfay@goodwin.com or (860) 251-5009; Vincenzo Carannante at vcarannante@goodwin.com or (860) 251-5096, or Melika Forbes at mforbes@goodwin.com or (203) 324-8159.

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