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ILLINOIS DEPARTMENT OF PUBLIC HEALTH ADOPTS UPDATED CDC GUIDANCE FOR WEARING MASKS IN SCHOOLS

Due to “new evidence” on the Delta variant of the COVID-19 virus, the Centers for Disease Control and Prevention updated its guidance for schools on July 27, 2021. The CDC now recommends that everyone in K-12 schools ages 2 and up wear masks indoors including students, staff and visitors, regardless of vaccination status.

The Illinois Department of Public Health has fully adopted the CDC’s recommendations and we anticipate the Illinois State Board of Education to release updated guidance in the coming days. IDPH’s Director Dr. Ngozi Ezike said: “We know masking can help prevent transmission of COVID-19 and its



variants. Until more people are vaccinated, we join CDC in recommending everyone, regardless of vaccination status, wear a mask indoors in areas of substantial and high transmissions, and in K-12 schools.”

If you have any questions about IDPH’s mask wearing guidance, please do not hesitate to contact one of our attorneys.

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UPDATED GUIDANCE ON RETURNING TO IN-PERSON MEETINGS

For the last several months, public bodies in Illinois have been permitted to hold remote meetings under the Illinois Open Meetings Act without a quorum being physical present and with limits on members of the public begin present at the meeting location based, in part, on Governor Pritzker's Disaster Proclamations and his findings that in-person attendance of more than 10 people at the regular meeting location was not feasible.

On July 24, 2021, Governor Pritzker issued another Gubernatorial Disaster Proclamation and Executive Order 2021-15. Although the Disaster Proclamation remains in place, neither it nor Executive Order 2021-15 made a finding that attendance at in-person meetings by more than 10 persons was not feasible.

>While a finding by the head of the public body (*i.e.*, the board president or committee chair) that an in-person meeting is not practical or prudent because of a disaster is a condition for remote attendance under the Open Meetings Act, all that the Act requires of the Governor is the continued disaster declaration, something which he has again provided.

Accordingly, public bodies may continue to conduct meetings remotely, but only if the head of the public body determines that attendance at the regular meeting location is not practical or prudent due to the disaster. However, please keep in mind that in-person meetings are permissible. Further, under circumstances where the required determination is not made by the head of the public body, in-person meetings are required.

If you have any questions about Governor Pritzker's Disaster Proclamations, his Executive Order, or the Illinois Open Meetings Act, please do not hesitate to contact one of our attorneys.



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ISBE ADOPTS CDC GUIDANCE FOR COVID-19 PREVENTION IN K-12

On July 9, 2021, ISBE and IDPH adopted the CDC Guidance for COVID-19 Prevention in K-12 Schools for the upcoming school year, which provides for fully in-person learning (with limited exceptions).

Highlights include:

Each School District determines which prevention strategies to implement and how, based on the local community:

- Factors the CDC indicates should be considered in developing strategies include level of transmission of COVID-19 in the community, outbreaks and community trends, vaccination rate in the community, ages of children in the school district, and whether the school utilizes a COVID-19 screening testing program.
- Prevention strategies to implement in varying degrees and monitor continue to include promoting vaccination, mask use, physical distancing, screening testing, ventilation, handwashing and respiratory etiquette, cleaning and disinfection, contact tracing, and staying home when ill or being tested for COVID-19.
- Strategies should be adjusted based on outbreaks, increasing trends in school/community, ages of children

served, vaccination levels, and the feasibility of different prevention strategies. Prevention strategies should be removed based on local conditions and removed one at a time.

Guidance on Mask Use:

- Fully vaccinated students and staff need not wear masks at school.
- All students, drivers and other passengers must wear a mask on the school bus, regardless of vaccination status.
- No one is required to wear a mask outdoors, except those persons who are not fully vaccinated should wear a mask in a crowded outdoor area or during activities that involve sustained close contact with other people who are not fully vaccinated.
- Mask use is strongly recommended for students and school employees who are not fully vaccinated.
- Schools that continue to require people older than 2 years of age to wear a mask should make exceptions for those who

cannot wear a mask or safely wear a mask due to a disability or health reasons or for whom wearing a mask would create a risk to workplace health, safety, or job duty (determined by relevant workplace safety guidelines or federal regulations).

COVID Testing in Schools:

- The school must obtain written informed parental consent to test minor students and report test results.
- Written informed consent to test must also be obtained for employees and adult students.
- Fully vaccinated students and employees who do not have COVID-19 symptoms do not need to quarantine or get tested after an exposure to someone with COVID-19.

Vaccination Verification:

- Schools may request voluntary submission of vaccination verification.
- Vaccination status is confidential, like other health information.
- Employees who are unable to be vaccinated due to a disability may be entitled to a reasonable accommodation under the Americans with Disabilities Act.

Physical Distancing:

- Three feet of physical distancing between students in classrooms is recommended.
- A six feet distance is recommended for students and teachers who are not fully vaccinated.
- However, students should not be excluded from in-person learning if this distancing is not possible within the school structure.

If you have any questions concerning this Guidance, please

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contact one of our attorneys.

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