



Preparing for Flu Season

After the emergence of the H1N1 virus last spring, many are concerned about the impending flu season. The Center for Disease Control ("CDC") has produced excellent resources to assist schools in preparing for and responding to influenza during the 2009-2010 school year. The CDC's "Guidance for State and Local Public Health Officials and School Administrators for School (K-12) Responses to Influenza During the 2009-2010 School Year" provides instruction on non-medical ways to decrease the spread of infectious diseases, recommends actions to take this school year and suggests additional responses for conditions of increased influenza severity. This document is available at <http://www.cdc.gov/h1n1flu/schools/schoolguidance.htm>.

The CDC has also published "Preparing for the Flu (Including 2009 H1N1 Flu): A Communication Toolkit for Schools (Grades K-12)," which includes questions and answers about the CDC's response guide, fact sheets for school, officials, teachers and parents, and template letters for schools to send to parents. This publication is available at <http://www.cdc.gov/h1n1flu/schools/toolkit/pdf/schoolflutoolkit.pdf>. The CDC has also made flu prevention posters available on its website at <http://www.cdc.gov/germstopper/materials.htm>.

The emergence of the H1N1 virus also brought about a great deal of discussion about addressing pandemic illness outbreaks. To prepare your staff, we recommend adopting policies and procedures for handling a pandemic. If your district already has such a policy, the start of the school year is a good time to review it with staff to make sure all personnel are working together to minimize the chance of an outbreak.

In developing or reviewing a pandemic policy, school districts need to consider all of the ways a pandemic would affect its operations and policies. For instance, a pandemic policy should:

1. Address coordination with local and state health departments;
2. Delineate accountability and responsibility;
3. Establish a succession plan in case board members or administrators are unable to fulfill their duties;
4. Provide guidelines for preventing the spread of disease;
5. Set forth an action plan for all stages of an outbreak (e.g., before, during and after an outbreak);
6. Address school closure procedures and the impact of closure on wages, hours and terms and conditions of employment during a pandemic;
7. Develop strategies for remote learning and providing necessary student services (e.g., free and reduced lunch) during school closures;
8. Establish procedure for identification, segregation, treatment and transportation of sick students and staff;

9. Encourage early treatment for high-risk individuals;
10. Address central office operations during a pandemic (e.g., payroll and communication with the school community); and
11. Set forth policies unique to a pandemic for staff and student absences (e.g., use of sick leave during a pandemic and return-to-work policies).

Please do not hesitate to contact your attorney at Scariano, Himes and Petrarca, Chtd. to develop or review a pandemic policy or to seek counsel regarding response options in the event an outbreak of flu or other illness occurs in your schools. We also take this time to wish your Board of Education, the Administration and Staff a successful 2009-2010 school year and look forward to assisting you along the way.

The information herein was prepared by Scariano, Himes and Petrarca, Chtd. to provide general guidance on issues affecting educators. This publication is not intended to provide specific legal advice or to create an attorney-client relationship. We are pleased to provide legal assistance to you on the subjects addressed in this communication or on other subjects. Reproduction is permitted with credit to Scariano, Himes & Petrarca, Chtd.

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