

Back-to-School Update: NJ and Federal Government on School Employees as Essential Workers

While school districts begin preparing for the opening of schools in September, both the State and Federal Governments have issued new updates on the impact of COVID-19.

New Jersey school districts are finalizing their plans for virtual and/or in-person learning for students in the classroom. Governor Murphy recently issued [Executive Order #175](#), which will impact all school districts in the State.

This new Executive Order (EO) requires all schools to follow the standards and policies set forth in the Department of Education's "Checklist for Re-Opening of School 2020-2021" and detailed in "The Road Back: Restart and Recovery Plan for Education." Governor Murphy also ordered schools to resume partial or full-time in-person instruction during the fall of the 2020-2021 school year. The school districts must also submit a reopening plan (the "Plan") to the Department of Education at a minimum thirty days before the first day of school.

In addition, the EO allows school districts to provide full-time remote instruction if they are unable to meet the health and safety standards. However, a school district must submit an application to the Department of Education for all virtual instruction.

This EO provides a road map for school districts to provide the best possible learning plan for its students through virtual or in-person instruction.

The Federal Government has also provided new guidance that may impact school districts in September. The Trump Administration declared educators are essential workers in the August 18th Guidance from the Department of Homeland (Department) due to COVID-19. The Department's Cybersecurity and Infrastructure Security Agency (CISA) issued an [updated advisory memorandum \(Version 4.0\)](#) that provided an "Essential Critical Infrastructure Workforce" advisory list. CISA stated the list is advisory in nature and not a federal directive or standard. CISA worked with various federal agencies, State and local governments, and the private sector to create this list.

CISA encourages jurisdictions to use the list to prioritize the ability of essential workers to work safely during the pandemic. CISA included educators and workers that support education as "critical infrastructure workers." CISA's advisory allows education employees to return to work following exposure to COVID-19 in accordance with CDC guidelines.

CISA essentially included all employees that work in schools and colleges on their list. The list provides the following:

- Workers who support the education of pre-school, K-12, college, university, career and technical education, and adult education students, including professors, teachers, teacher aides, special education and special needs teachers, ESOL teachers, para-educators, apprenticeship supervisors, and specialists.
- Workers who provide services necessary to support educators and students, including but not limited to administrators, administrative staff, IT specialists, media specialists, librarians, guidance counselors, school psychologists and other mental health professions, school nurses and other health professionals, and school safety personnel.
- Workers who support schools' transportation and operational needs, including bus drivers, crossing guards, cafeteria workers, cleaning and maintenance workers, bus depot and maintenance workers, and

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- those who deliver food and supplies to school facilities.
- Workers who support school systems administration, including school superintendents and their management and operational staff.
- Educators and operational staff who facilitate and support distance learning.

Although CISA's list is advisory, school districts can use it to support the return to in-person classes.

Comment: While COVID-19 has been an unprecedented challenge for our school districts, these updates will help guide school districts to a successful school year. If you have any questions, please reach out as we are here to help!