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## Responding to a Public Health Emergency

In response to the confirmed cases of swine flu in the United States, the U.S. Department of Health and Human Services has declared a public health emergency and the Governor of California has declared a state of emergency. Yesterday, the State Superintendent of Public Instruction issued a news release urging schools to remain calm and take precautions. (Release #09-63 (April 28-29, 2009) <http://www.cde.ca.gov/nr/ne/yr09/yr09rel63.asp>.)

Consistent with Education Code section 32280 *et seq.* and the news release, school districts should take this opportunity to review and, as necessary, update their board policies, administrative regulations, procedures and comprehensive school safety plans to address how to appropriately respond to emergencies, including a public health crisis such as a pandemic, as well as the spread of infectious diseases (including the flu and other serious diseases, such as tuberculosis and meningitis). Do not overlook your procedures for properly briefing school event chaperones, both staff and parents, who accompany students on the numerous end-of-year overnight trips and events.

Additionally, school districts should take the following immediate actions in preparing for and responding to the possible school or community-wide swine flu outbreak:

- Maintain close communication with your local Public Health Department officials and comply with the recommendations of the local Public Health Department and Centers for Disease Control and Prevention. (Ed. Code § 49403.)
- Maintain close communication with parents about the situation and notify them that the district will be vigilant in requiring that sick students be kept at home. Encourage parents to report suspected cases of the flu to a school official.
- Monitor attendance, and keep track of the number of students suspected of being ill with the flu.
- Remind staff and students to follow best hygienic practices (e.g., covering their mouth or nose when they sneeze or cough, washing hands often, avoid touching their eyes, nose or mouth) to prevent the spread of germs and viruses.
- Train health clerks and other staff to recognize flu symptoms, and send sick students exhibiting flu-like symptoms—especially those with a fever—home. Remember, if students are infected with any contagious or infectious disease, the district has the responsibility to exclude these students from school and must not allow them to return until the district is satisfied that any contagious or infectious disease does not exist. (Ed. Code § 49451; Cal. Code Regs., tit.5, § 202.)
- The California Code of Regulations requires school districts to report suspected or confirmed cases of contagious diseases or illness, such as the swine flu, to local health officials. So a suspected outbreak of the swine flu among students and/or staff must be reported immediately. (Cal. Code Regs., tit.17, § 2500.)

The list above is not intended to be exhaustive. However, while the swine flu has not been classified as a pandemic, the news release referenced a pandemic flu planning checklist developed by the California Department of Education and the California Department of Public Health for school districts and preschools to use in the development of their school safety plans. Here is the link:

<http://www.cde.ca.gov/ls/he/hn/documents/leapfluchecklist.doc>.

Please contact one of our four offices with any questions regarding implementing, revising or updating your district's policies, regulations, procedures and/or safety plans regarding the threat of a pandemic flu or other contagious diseases.

*F3 NewsFlash prepared by Deborah R.G. Cesario, William F. Schuetz and Emily Sugrue.*

*Deborah is a partner in the F3 San Marcos office.*

*Bill is an associate in the F3 Sacramento office.*

*Emily is an associate in the F3 Oakland office.*

**This F3 NewsFlash is a summary only and not legal advice. We recommend that you consult with legal counsel to determine how this case may apply to your specific facts and circumstances.**

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6300 Wilshire Blvd., Suite 1700, Los Angeles, California 90048 Tel. 323.330.6300 Fax 323.330.6311

70 Washington St., Suite 205, Oakland, California 94607 Tel. 510.550.8200 Fax 510.550.8211

520 Capitol Mall, Suite 400, Sacramento, California 95814 Tel. 916.443.0030 Fax 916.443.0030

1 Civic Center Dr., Suite 300, San Marcos, California 92069 Tel. 760.304.6000 Fax 760.304.6011

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