



Georgia Schools Required To Screen Staff And Students While Conflict Between State And City Orders Remains

Insights

7.16.20

Georgia Governor Brian Kemp issued a July 15 Executive Order that imposes new requirements on Georgia schools to help mitigate the spread of COVID-19 and that reiterates the supremacy of state law over local orders and ordinances during the pandemic. **[Ed. Note: The July 31 Executive Order, effective through August 15, renews the requirements for schools and businesses from the July 15 Order.]** With a few exceptions, the latest Executive Order, effective through July 31, is nearly identical to the prior Orders released in June that replaced the initial guidelines and requirements for businesses to reopen. What do you need to know about this order, and what should you do as you continue to reopen and operate your business?

Differences Between the July 15 Order And Prior June Order

The July 15 Executive Order, like prior orders, suspends enforcement of any county or city ordinance or order that is more or less restrictive than the governor's mandate. The July 15 Executive Order also specifically suspends the enforcement of any city or county order, rule, ordinance, or regulation that requires persons in Georgia to wear face coverings, masks, face shields, or personal protective equipment. The governor's latest order sets up a legal showdown between the state of Georgia and Georgia cities that have issues such orders. Nevertheless, while the guidelines published by the City of Atlanta and Atlanta's return to Phase One are only advisory, employers should comply with city and county orders requiring masks like the one currently in effect in Atlanta.

The July 15 Executive Order also mandates that schools and school districts implement the following measures to prevent the spread of COVID-19 ahead of the start of the 2020-2021 school year:

- Screening and evaluating workers and students who exhibit symptoms of COVID-19;
- Requiring workers and students who exhibit symptoms of COVID-19 to not report to school and to seek medical attention;
- As appropriate and practicable at the discretion of the local school board or applicable board of directors, requiring workers and students to take mitigating steps to prevent the spread of COVID-19, which may include requiring workers and students to wear facemasks or face coverings while indoors on school property during school hours;
- As practicable, enforcing social distancing protocol before, during, between, and after all athletic, educational, musical, and other group activities — especially when such activities

athletic, educational, musical, and other group activities — especially when such activities require students to exercise, sing, or play a brass or woodwind instrument;

- As practicable, reducing class sizes, or moving classes into larger or more open spaces such as gymnasiums, stadiums, arenas, or outdoor areas to better facilitate social distancing measures;
- Ensuring ventilation systems operate properly and increasing circulation of air within facilities as practicable;
- Enhancing sanitation of the school as appropriate;
- Disinfecting common surfaces regularly;
- Encouraging handwashing or sanitation by workers and students at appropriate places within the school;
- Permitting students and workers to take breaks and lunch outside, in their personal study space, workspace, or in such other areas where proper social distancing is attainable;
- Holding all meetings and conferences virtually, whenever possible;
- Discouraging students from using other students' phones, desks, offices, or other work tools and equipment;
- Discouraging handshaking and other unnecessary person-to-person contact; and
- Placing notices that encourage hand hygiene at the entrance to the school and in other areas where they are likely to be seen.

What Should Employers Do?

As you continue the process of reopening, you should familiarize yourself with our alert: [5 Steps To Reopen Your Workplace, According To CDC's Latest Guidance](#). You should also keep handy our [7-Step Plan For Handling Confirmed COVID-19 Cases](#) in the event you learn of a positive case at your workplace. For a more thorough analysis of the many issues you may encounter from a labor and employment perspective, we recommend you review our [FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers](#) and our [FP Resource Center For Employers](#).

Conclusion

Fisher Phillips will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Alert System](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, any attorney in our [Atlanta](#) office, or any member of [our Post-Pandemic Strategy Group Roster](#).

This Legal Alert provides an overview of a specific developing situation. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

Related People





J. Micah Dickie

Partner

404.260.3419

Email

Service Focus

Workplace Safety and Catastrophe Management

Industry Focus

Education

Related Offices

Atlanta