



## Fact Sheet:

# Implementing CDC's Ebola Guidance for Schools while Protecting the Civil Rights of Students and Others

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The risk of exposure to Ebola in the United States is exceedingly low. The Centers for Disease Control and Prevention (CDC) has issued [guidance for school districts and school administrators](#) on actions school officials may implement, in close consultation with public health authorities, to further reduce the potential risk of any Ebola virus transmission in schools.

More likely, school officials will face situations that involve the perceived risk of Ebola exposure and transmission in situations where an actual risk of Ebola exposure or transmission does not exist. Unfortunately, recent reports from a few communities suggest that inappropriate actions may have been taken based on racial and national origin stereotypes or based on misconceptions about people's risk status that leads them to be mistakenly treated as having a disability (Ebola).

The Office for Civil Rights (OCR) at the U.S. Department of Education is issuing this fact sheet to:

- inform parents and assist school officials in implementing CDC's school guidance without discriminating on the basis of race, color, national origin, or disability;
- explain, in those uncommon situations where a student is legitimately excluded from school, what school officials must do to ensure a continuity of learning; and
- remind school officials of their responsibility to respond to bullying and harassment.

Working with public health authorities, school officials can help ensure that individuals are assessed by public health authorities and treated appropriately based on their risk categories, in accordance with the CDC guidance.

Treating individuals consistent with the CDC guidance should not raise civil rights concerns under Title VI of the Civil Rights Act of 1964, which prohibits race, color, and national origin discrimination by school districts receiving federal funds, or Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, which prohibit disability discrimination by all public school districts.



## Discriminatory Identification and Treatment of Students and Others

School officials should defer to public health authorities to assess whether individuals should be advised to stay home from school or subjected to mandatory direct active monitoring. When implementing the CDC guidance, school officials must not rely on assumptions or stereotypes related to race, color, or national origin in identifying students who may have recently traveled to a [country with widespread transmission of Ebola](#) or who may otherwise be at risk of Ebola infection. School officials also must not treat individuals differently because they are mistakenly perceived as having a disability (Ebola).

Below are examples of practices that would raise civil rights concerns:

- A school only inquires about the recent travel of students or family members of a particular race or national origin rather than screening students based on time or destination of travel.
- A school refuses to allow students to attend classes or to enroll simply because they or their family members
  - were born or had ever lived in a country with widespread transmission of Ebola without any knowledge of whether the student was at any risk for Ebola exposure, such as having recently (within the last 21 days) been in those countries or been in contact with a person with Ebola while the person was symptomatic.
  - recently traveled from an African country (regardless of whether the country is one in which widespread transmission of Ebola is occurring).
  - associate with individuals of a particular race or national origin – for example, membership in a church or other community organization believed to have members from countries with widespread transmission of Ebola.
  - associate with asymptomatic volunteers or health care workers who provided direct care to Ebola patients, including those who were working in countries where widespread transmission of Ebola is occurring.

Community concerns about the risk of being infected with Ebola, based on misunderstandings about the nature and geographic reach of the disease at present, are not a legitimate basis for school officials to subject students or others to different treatment or otherwise discriminatory policies or procedures.



## Supporting Students Unable to Attend School

There are a number of reasons why students may be out-of-school for extended periods. Whatever the reason and regardless of the duration of such interruptions, all education stakeholders should consider the effects of significant absences on student achievement and establish plans that not only ensure health and safety, but also maintain continuity of learning.

Under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, if a student is required or advised to stay home by public health authorities because he or she is regarded as having, or potentially having, Ebola, the school district must maintain continuity of learning by providing educational services to that student. School officials should defer to public health authorities to determine whether students should stay home, but if school officials themselves require or advise students to stay home, the school district likewise must maintain continuity of learning.

- Schools should think creatively about how to sustain student learning and achievement during prolonged absences and how to provide needed additional academic supports upon the student's return. Depending on the student and the length of the exclusions, strategies can range from sending copies of assignments to students, to web-based distance learning course work. School officials should work with public health authorities to follow appropriate health guidance to assess and address the risk of transmission when providing services at home. For more ideas on ensuring the continuity of learning, see [rem.ed.gov/KeepSchoolsSafeFromDiseases.aspx](https://rem.ed.gov/KeepSchoolsSafeFromDiseases.aspx) and [www2.ed.gov/about/offices/list/oese/oshs/preparing-for-infectious-disease.html](http://www2.ed.gov/about/offices/list/oese/oshs/preparing-for-infectious-disease.html).
- If a student with a preexisting disability is required or advised to stay home by public health authorities, the school must ensure that the student continues to receive a free appropriate public education (FAPE) and may need to convene the student's individualized education program (IEP) or 504 team to determine how to do so. For more information about students with disabilities, FAPE, and Ebola, see <http://www.ed.gov/about/offices/list/osers/index.html#ebola-ga>.



## Bullying and Harassment

School officials should be mindful that bullying of students based on actual or perceived race, color, national origin, or disability may result in race- or disability-based harassment that violates federal civil rights laws.

Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 require that every school district or school that receives federal funds take immediate and appropriate action to investigate or otherwise determine what occurred when responding to reports of bullying and harassment of students based on actual or perceived race, color, national origin, or disability. (Title II of the Americans with Disabilities Act prohibits disability-based discrimination in public schools regardless of whether they receive federal funds.)

If a student was bullied or harassed because of the student's perceived national origin (including the misunderstanding that all of Africa has been affected by Ebola) or because of the student's perceived status as a carrier of the Ebola virus, it does not matter whether the harasser correctly identified the national origin or disability-status of the student. Students who may be at high risk of being bullied or harassed based on their national origin and/or being regarded as having a disability (Ebola) include:

- Students who are, or who are perceived to be, from a country where there is widespread transmission of Ebola.
- Students who are, or who are perceived to be, from countries mistakenly perceived to be places where there is widespread transmission of Ebola or perceived to be near such countries.
- Students who were screened for risk of Ebola exposure or have been quarantined.
- Students who associate with persons who have (or are regarded as having) Ebola.

OCR has [made clear](#) that if a school's investigation reveals that bullying or harassment based on actual or perceived race, color, national origin, or disability created a hostile environment—that is, the conduct was sufficiently serious to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school—the school must take prompt and effective steps reasonably calculated to end the bullying or harassment, eliminate any hostile environment, prevent the bullying or harassment from recurring, and, as appropriate, remedy its effects. The failure to do so would be a violation of Title VI or Section 504 and Title II. OCR also [recently reiterated](#) that schools must address any bullying and harassment that adversely affect the free appropriate public education of a student with a disability.



## Resources for Communicating about Ebola

Accurate information is an important tool in combatting bullying and harassment.

- The CDC's Ebola-specific resources are available at [www.cdc.gov/vhf/ebola/index.html](http://www.cdc.gov/vhf/ebola/index.html).
- The Substance Abuse and Mental Health Services Administration offers guidance for employers of those persons who are returning from emergency or disaster relief work at [archive.samhsa.gov/dtac/dbhis/dbhis\\_ebola\\_links.asp# Self-Care and Resilience](http://archive.samhsa.gov/dtac/dbhis/dbhis_ebola_links.asp# Self-Care and Resilience).
- The Department of Education's Readiness and Emergency Management for Schools (REMS) Technical Assistance Center offers a variety of resources related to infectious disease planning at [rem.ed.gov/KeepSchoolsSafeFromDiseases.aspx](http://rem.ed.gov/KeepSchoolsSafeFromDiseases.aspx).
- Anti-bullying resources are available at [www.StopBullying.gov](http://www.StopBullying.gov).

When school officials provide information to students, parents, and the community about any aspect of Ebola or actions the schools are taking in response to Ebola, they need to ensure meaningful access to such information to English learner students and adults with limited English proficiency (LEP) and equally effective communications with persons with disabilities (such as persons who are deaf, deaf-blind, or blind). Thus, the information and materials must be translated, as appropriate, into multiple languages and provided, as appropriate, in alternate formats.

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If you have questions, want additional information or technical assistance, or believe that a school is violating federal civil rights law, you may visit the website of the Department of Education's OCR at [www.ed.gov/ocr](http://www.ed.gov/ocr) or contact OCR at (800) 421-3481 (TDD: 800-877-8339) or at [ocr@ed.gov](mailto:ocr@ed.gov). You may also fill out a complaint form online at [www.ed.gov/ocr/complaintintro.html](http://www.ed.gov/ocr/complaintintro.html).

For more information about a school's civil rights obligations, you may also be interested in:

- What are Public Schools Required to Do When Students with Disabilities are Bullied? (2014), [www.ed.gov/ocr/docs/dcl-factsheet-bullying-201410.pdf](http://www.ed.gov/ocr/docs/dcl-factsheet-bullying-201410.pdf)
- Information on the Rights of All Children to Enroll in School (2014), [www.ed.gov/ocr/docs/dcl-factsheet-201405.pdf](http://www.ed.gov/ocr/docs/dcl-factsheet-201405.pdf)
- Harassment and Bullying: Background, Summary and Fast Facts (2010), [www.ed.gov/ocr/docs/dcl-factsheet-201010.pdf](http://www.ed.gov/ocr/docs/dcl-factsheet-201010.pdf)