



Updates for Graduations, Proms and Other Events for 2021

On April 26, 2021, Governor Murphy announced that the State of New Jersey will raise the current capacity limit on outdoor gatherings from 200 to 500, effective May 10, 2021. The Governor also indicated that the capacity limit on outdoor gatherings may be increased again, "perhaps considerably," near Memorial Day, which may allow school districts to invite higher numbers of attendees at outdoor graduation ceremonies planned for June 2021.

Outdoor capacity limits will be raised to 50% capacity for venues with at least 1,000 seats, which covers most football stadiums. This represents an increase from the current limitation of 30% capacity for venues with at least 2,500 seats. However, families and similar groups of attendees will be required to maintain six feet of social distance from other groups.

For indoor events, capacity limits will be set at 50% capacity with a maximum of 250 people, which constitutes an increase from the prior limitation of 35% capacity and 150 people. While the increased indoor capacity limits will apply to proms, all indoor events must continue to comply with all State-issued restrictions applicable to indoor dining, including those regarding distancing and face coverings. Dance floors also may be opened at private catered events, such as proms. Based on Governor Murphy's April 26th announcement, it appears that the usual social distancing will not be required on dance floors at such events, which will essentially permit students to participate in dancing at high school proms. In addition, as The Busch Law Group noted in a previous legal alert, the State has rescinded indoor capacity limits for in-person school board meetings, although emergency regulations issued by the Department of Community Affairs require that if boards meet in-person, they must be able to accommodate everyone who seeks to attend, or reconvene in a different location.

Notwithstanding the above, the Governor has clarified that graduation ceremonies and proms will be governed by all COVID-19 restrictions that are in effect as of the date of the events. As a result, the status of the available public health data in the days and weeks leading up to the events may result in changes to the State-issued limitations and restrictions on large gatherings to be held in both outdoor and indoor settings.

Therefore, despite the April 26th announcement, face coverings still must be worn by any individuals attending in-person outdoor or indoor events, subject to certain exceptions. Executive Orders 122 and 152 remain in effect and require that all attendees at an indoor gathering must wear a face covering at all times, except where it would inhibit the individual's health or the individual is under two years old, or when a face covering is impracticable, such as during eating or drinking. Accordingly, all attendees at any indoor or outdoor graduations, proms, or other school-sponsored functions must wear face coverings during the events, unless any of the above exceptions apply. The State has advised that an individual claiming a medical exemption to the face covering requirement should not be asked about the claimed health condition or asked to produce documentation.

The social distancing requirements set forth in Executive Order 152 also remain in effect, despite the fact that dance floors may be open at private catered events, such as proms. Paragraph

1(g) of Executive Order 152 states as follows regarding indoor gatherings on public or private property: “If there are individuals organizing or maintaining the gathering, they should, where applicable, demarcate six feet of spacing in the area of the gathering to demonstrate appropriate spacing for social distancing, such as through the placement of cones, flags, or other markings.” Additionally, Paragraph 2(h) of Executive Order 152 requires that all individuals at an outdoor gathering “should wear face coverings at all times where other social distancing measures are difficult to maintain, in accordance with CDC recommendations, except where doing so would inhibit the individual’s health or where the individual is under two years of age, and all attendees must wear such face coverings where required by another Executive Order.”

So long as the social distancing requirements provided in Executive Order 152 remain in effect through June and/or July 2021, school districts will remain obligated to comply with this directive to arrange appropriate spacing for social distancing at graduations and other events planned for the next few months. Unless the State directs any changes to the provisions contained in previous executive orders pertaining to distancing requirements applicable to indoor gatherings.

Furthermore, all school districts will also need to consider the extent to which the State’s travel advisory, which is likely to remain in effect for the next few months or more, may impact the ability of parents and family members to attend in-person graduation ceremonies and any other school-sponsored functions that may be held in-person. Districts should consult the most recent guidance and information provided by the State relating to interstate and international travel in the weeks and days leading up to any in-person graduation or other school-sponsored event.

Finally, districts should bear in mind a few general considerations applicable to graduations, proms, and similar in-person events planned for the Spring 2021. During the planning of any such events, districts should confer with local health officials to determine the applicability of any other restrictions, in addition to those described above, which may be necessary for public health reasons. School districts also should make reasonable efforts to ensure that ceremonies are inclusive and accessible for all students and their families. For example, districts may consider offering livestream video for graduation ceremonies, in order to allow individuals who are unable to attend in-person to view the event by virtual means. It is also recommended that school boards notify and keep local emergency management, law enforcement, first responders, local elected officials, and local health agencies apprised of the status of in-person graduations and other large in-person events.

The Busch Law Group will continue to provide legal updates on these and other significant issues related to COVID-19, as necessary. Should you have any questions or concerns, our attorneys are always available to assist you.

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