



In-Person Graduation Ceremonies for the Class of 2020 (Revised May 29, 2020)

The Busch Law Group previously issued a Legal Alert concerning Drive-In Graduation Ceremonies for the Class of 2020. On May 26, 2020, Governor Phil Murphy announced that in-person graduation ceremonies would be permitted on or after July 6, 2020. Prior to that date, new guidance permits only virtual and drive-through/drive-in ceremonies. The New Jersey Department of Education (NJDOE) issued updated guidance on both drive-through/drive-in and modified in-person, outdoor graduation ceremonies.* If your school board plans to hold a non-virtual ceremony, we strongly recommend that you review the NJDOE guidance document in its entirety.

The NJDOE Guidance includes the following requirements for in-person ceremonies:

- The ceremony must take place outdoors, and all attendees must remain outdoors at all times during the gathering, with the sole exception of restroom use.
- Open-air rain tarps, tents, and other outdoor structures shall be allowed solely for the purpose of protecting against foul weather or for shade.
- All attendees at the gathering are required to remain six feet apart from other attendees at all times, excluding immediate family members, caretakers, household members, or romantic partners. Consider using tape or other materials to demarcate six feet of distance between students and others while standing and walking, and ensure any chairs for students, guests and staff are six feet apart.
- Consider class size and available space in view of social distancing protocol to determine the number of ceremonies needed. If conducting multiple ceremonies, follow CDC and NJDOH-recommended cleaning protocols in between ceremonies.
- There should be limited contact between attendees, excluding immediate family members, caretakers, household members, or romantic partners. To limit person-to-person contact, schools should consider contact-less measures for providing students with diplomas and caps/gowns, such as mailing materials to students' homes. Programs, maps, and other documents can be distributed electronically in advance of the ceremony or mailed to students and families.

* <https://www.nj.gov/education/covid19/boardops/commencement.shtml>

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- Sharing or exchanging materials of any kind poses an increased risk of transmission/spread of COVID-19 and should be avoided. (Ex: throwing graduation caps, "sign-in" practices, gifts, flowers, etc.)
- If chairs and other equipment are provided, they should not be shared and should be sanitized before and after use.
- Students may walk across a stage or area and pose for a picture individually.
- Strongly encourage limiting the length of ceremonies to shorten the time that individuals are exposed to one another.
- Limit group performances. Schools should limit speakers and ensure that individuals do not share microphones/ megaphones or other equipment that may pose a health risk.
- Clearly communicate expectations and procedures regarding photography in order to limit crowding. Consider utilizing school staff to take photos and make them available to all families free of charge to minimize the need for families to gather around staged areas to take photos.
- If allowing access to restrooms, take appropriate measures to prevent congregation such as marking standing locations and assigning staff to monitor these areas and consult with health officials on disinfection protocols.
- Similarly, schools should assign staff to monitor entrances and egresses to prevent congregation. Consider staggering arrival times to ease crowds at access points.
- Strongly encourage all individuals at the gathering to wear face coverings, 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 remind attendees that they must wear such face coverings when required by an Executive Order.
- Schools may want to consider limiting the number of guests that are permitted to attend the ceremony or holding student-only commencements.
- Consider conducting temperature screenings with non-contact thermometers of everyone entering the venue. Where such screenings are conducted, any person with a temperature of 100.4 °F or greater should be excluded from the event.

School boards with schools that plan to hold a modified in-person ceremony must certify to the Department of Education that their planned ceremony will comply with applicable requirements for gatherings, including those addressing social distancing. This certification is required to be made by way of an online submission form that will be made available on June 5, 2020 at <https://covid19.nj.gov/>. The form is required to be submitted no later than seven (7) days prior to the scheduled date of the ceremony. While it is possible that the limitation on gatherings may increase by July 6, please keep in mind that the current limitation on public gatherings is 25 people. No graduation ceremony, including those that are in-person, virtual or drive-through/drive-in should take place on July 7, 2020, which is Primary Election Day in New Jersey.

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

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