

FREQUENTLY ASKED QUESTIONS
REGARDING COVID-19 AND SCHOOLS
Up-dated March 18, 2020

1. Who has the authority to close a school?

The Indiana State Department of Health (ISDH) has the authority to order schools to close and to forbid public gatherings when considered necessary to prevent and stop epidemics. See IC 16-20-1-24.

Local school officials have the authority to manage the educational affairs of the school corporation and therefore superintendents and/or school boards may also elect to close a school or all schools whenever deemed necessary. See IC 20-26-5-4.

The Centers for Disease Control and Prevention (CDC) has developed guidance for school closings. This guidance may be found at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/considerations-for-school-closure.pdf>. The Indiana State Department of Health (ISDH) has also issued guidance for schools. This guidance may be found at https://www.in.gov/coronavirus/files/ISDH_SchoolGuidance_03.16.20.pdf.

2. If schools are closed, will instructional days have to be made up?

The Governor announced on March 12, 2020, that school corporations will be provided with a 20-day waiver of the required 180 student instructional days for use as needed for the remainder of the school year. The Indiana Department of Education has created a jotform for superintendents to complete to request a waiver. Additional waiver days may be granted by the Governor if schools are required to be closed for a longer period of time or they are closed for the remainder of the school year.

3. Can a school use eLearning as an option?

School officials may utilize eLearning as an avenue for conducting student instructional days. There are no limits on the number of eLearning days a school may schedule in a school year.

If eLearning is utilized, specific attention must be paid to the school's duty to provide a free appropriate public education to students with a disability.

4. If school is closed, can school employees still be paid?

Indiana law states that when school is closed by appropriate authorities or when school cannot be conducted through no fault of the teacher, the teacher shall continue to be paid. The teacher

must, however, work on any rescheduled student instructional day without additional compensation. See IC 20-28-9-15.

The law is silent with respect to noncertified employees. A school board is not required to pay noncertified days for those days when school is closed. However, a school board could elect to pay noncertified employees for any day(s) that school is closed as long as the school board approves of this payment at a board meeting and the approval is recorded in the minutes of the board meeting. The school board must approve of the payment so that no school official is guilty of ghost employment.

5. Can school corporations restrict the attendance of students and/or employees who travel abroad over spring break?

The federal government has imposed self-quarantine provisions for persons returning from a Level 3 country. The list currently includes Iran, China, South Korea, and certain European countries. See <https://wwwnc.cdc.gov/travel/notices/> for the latest travel health notices. Persons returning from any of these countries must self-quarantine for 14 days.

The federal government has also issued travel advisories for persons who have planned cruise ship excursions. It is possible that cruise ship passengers may be subject to quarantine procedures implemented by local authorities.

The Indiana State Department of Health is suggesting that school officials advise students and/or employees who travel abroad that they may be subject to quarantine and other delays upon their return.

6. If an employee is subject to a self-quarantine, what is the obligation of the school corporation to pay the employee?

As a general rule, an employee can be required to use accumulated sick days in order to be paid during any quarantine period. School officials however must review their collective bargaining agreement for specific language on use of leave days.

7. If a student is subject to a self-quarantine, what is the obligation of the school corporation to provide educational services to the student?

The State Board of Education rules on homebound instruction require schools to provide educational services to students with “temporary illnesses” that will require the student’s absence from school for a minimum of 20 consecutive instructional days. Assuming a quarantine period of 14 calendar days, there may not be the duty to provide homebound services. However, a school could always elect to provide some educational services to the student. See 511 IAC 7-42-12.

See <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/ga-covid-19-03-12-2020.pdf> for more information on providing services to students with a disability.

8. Can school boards conduct meetings electronically?

Yes, but one member of the school board must be physically present at the location of the meeting. The Governor issued an Executive Order on Tuesday, March 17, 2020, that allows all public agencies to reduce the number of board members that must be physically present to one. Also, the Executive Order permits school boards to conduct their public meetings in accordance with IC 5-14-1.5-3.6, which allows any board member who participates electronically to be counted as present, to be counted for purposes of determining a quorum, and to vote. See <https://www.in.gov/gov/files/ExecutiveOrder20-04FurtherOrdersforPublicHealthEmergency.pdf> for the complete Executive Order.

9. Can school boards limit the public's attendance at school board meetings?

Yes. The Public Access Counselor (PAC) issued guidance on Tuesday, March 17, 2020, that allows a school board to limit the members of the public who physically attend a school board meeting to 50. This guidance is based on the current recommendations of the CDC and the ISDH. The PAC clarified that a portion of those individuals present must include representatives from the media. The PAC further encouraged the use of large venues to reduce attendee density and to allow for practicing social distancing. The PAC's guidance is not yet posted on their website. If you would like a copy of the guidance, please contact either Julie Slavens or Lisa Tanselle.