

FREQUENTLY ASKED QUESTIONS  
REGARDING COVID-19 AND SCHOOLS  
Updated March 25, 2020

1. How are schools affected by the Governor's order for citizens to stay at home?

The Executive Order issued by the Governor on March 23, 2020, allows essential services, operations, and/or functions to continue. The Executive Order defines essential services and functions and specifically states school operations include purposes relating to facilitating distance learning and other essential functions of the schools. The Executive Order allows the governing body to determine the essential operations. The Executive Order also specifically allows schools to continue food services on a pick-up or take away basis and schools are not to allow the meals to be eaten where they are provided or in a gathering. The Executive Order allows political subdivisions to determine its essential functions and determine the employees necessary to carry out the essential functions. Delivery of meals to students and other members of the school community may be deemed an essential function needed to support the health and safety of the students and community. See [https://www.in.gov/gov/files/Executive\\_Order\\_20-08\\_Stay\\_at\\_Home.pdf](https://www.in.gov/gov/files/Executive_Order_20-08_Stay_at_Home.pdf) for the full text of the Executive Order.

2. Can school boards conduct meetings electronically?

Yes, the Governor issued an Executive Order on Monday, March 23, 2020, that allows all public agencies to meet electronically as long as a quorum is participating in the video or telephonic conference meeting. Also, the Executive Order permits school boards to conduct their public meetings in accordance with IC 5-14-1.5-3.6 as modified by the Executive Order. Thus, school boards may meet electronically as long as a quorum is present in the electronic meeting. See [https://www.in.gov/gov/files/Executive%20Order%202020-09%20\(Continuity%20of%20Government%20Operations\).pdf](https://www.in.gov/gov/files/Executive%20Order%202020-09%20(Continuity%20of%20Government%20Operations).pdf) for the complete Executive Order.

The Public Access Counselor (PAC) issued updated guidance on school board meetings in response to the Governor's Executive Order on electronic meetings for public agencies and political subdivisions. The updated guidance may be found at <https://www.in.gov/pac/files/COVID-19-PAC-statement.pdf>.

Please note that both the Executive Order and the PAC guidance suggest a school board should meet only when it is essential for the operation of the organization.

3. Are school boards required to give access to the electronic meetings to members of the public and media?

Yes. The Public Access Counselor (PAC) issued a FAQ on Monday, March 23, 2020, that requires a school board to give real-time access to the school board's electronic meeting. The FAQ addresses other related matters concerning school board meetings such as canceling or postponing meetings that are not essential to the governance of the school corporation and delegating authority to the superintendent for conducting school operations during the emergency. See <https://www.in.gov/pac/files/FAQs-for-Open-Door-Law-in-light-of-Covid-19.pdf>

4. Will instructional days have to be made up since schools are closed until May 1, 2020?

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 and the most recent Executive Orders do not change the number of waiver days available. 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.

5. 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 and eLearning days are considered instructional days and no waiver is required for such days.

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.

6. When 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.

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

The federal Emergency Paid Sick Leave Act requires a school board to pay an employee who is unable to work or work from home and who has been ordered by a health care provider or a government order to quarantine or be in isolation due to COVID-19 concerns for up to two weeks. The compensation paid under this Act is limited to \$511 per day and \$5110 total for the two-week period of the leave. An employee cannot be required to use accumulated paid leave for this leave period. For additional information on the requirements of this law, please see the ISBA memorandum and the United States Department of Labor weblinks on the required paid leaves under the new federal laws on the ISBA coronavirus resources page.

8. Can school corporations restrict the attendance of employees who travel abroad or out of Indiana?

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.