



Coronavirus Information and Resources

Updated April 8, 2020

Because this is a rapidly changing situation, please **frequently check the following websites to access updated information:** www.doe.in.gov; www.cdc.gov; www.in.gov/isdh; www.ed.gov/coronavirus

This guide was written to direct you to the appropriate resources and services and should not be used to replace local, state, and federal guidelines. All references have been provided in-line and on a resource page to help you continue your research. All information has been adapted from state agencies to support and specify the role of the school board during this pandemic.

IDOE is hosting a weekly webinar every Tuesday at 10 a.m. with updates on issues facing schools: <https://www.doe.in.gov/safety/health/idoe%E2%80%99s-%E2%80%9C%E2%80%9C%E2%80%9D19-weekly-webinar-school-leaders%E2%80%9D>

Additionally IDOE publishes a weekly newsletter with essential updates and information: <https://www.doe.in.gov/news/dr-mccormicks-weekly-update>

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COVID-19 & School Guidance

Stay-at-Home and Related Executive Orders

Under executive order, **all schools will be closed for the remainder of the school year.**

- School must complete either **160 total instruction days OR at least 20 more days of remote learning from April 2nd until the end of the school year (June 30).** All k-12 schools must deliver remote instruction, by some method, for the remainder of the school year.
 - IDOE is prepared to assist schools that have not yet instituted distance learning or those who are facing considerable challenges.
- Schools must submit a continuous learning plan by **April 17th.**
- Concerning graduation requirements, State Superintendent Dr. Jennifer McCormick has said, “All high school Seniors on track to graduate before school buildings were closed on March 19 will be provided the flexibility they need to earn an Indiana diploma.” Information on this flexibility can be found under the “Continuous Learning” section of this document.
- Expiring teacher licenses will be extended through September 1, 2020. Additionally, some emergency teaching permit requirements will be waived.
- Rules concerning school bus passenger evacuation drills will be waived.

Schools may need to institute remedial or make-up programs to compensate for any lost instruction time, but that is currently up to the school corporation.

For more information on requirements of schools by the state, please stay updated with IDOE, and Gov. Holcomb’s executive orders. Further guidance is forthcoming and the FAQ document is updated frequently: <https://www.doe.in.gov/safety/health/covid-19-resources-indiana-schools>.

Indiana residents are under a Stay-at-Home executive order until 11:59 p.m. on April 20. That executive order can be found here:

<https://www.in.gov/gov/files/Executive%20Order%2020-17%20Renewal%20of%20Public%20Health%20Emergency%20declaration%20of%20Covid-19.pdf>

The public health emergency declaration has been extended to May 6.

A FAQ document on the executive order can be found here:

<https://www.in.gov/gov/3232.htm>

Of note to school corporations:

- All individuals should stay at their residence except for the situations stated in the executive order (including to get groceries, medicines, medical treatment, to care for others, or to act in an essential employment capacity).
- All non-essential business and operations must cease.
- School board meetings can occur for essential purposes only.
- A meeting of more than 10 people is prohibited (unless otherwise exempt).
- Only essential travel throughout the country and state is permitted.
- School personnel are allowed to travel to and from school and enter or use school facilities so long as it is “for purposes of facilitating distance learning, performing critical research, or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible.”
- School may continue to provide meal delivery and other social services; this is considered essential travel.
- Families may travel to the school to procure materials for distance learning, for meals, and for other social services.
- A school may employ individuals to maintain minimal basic operations as well as instruction. These operations include security or maintenance of the school grounds, attending to payroll and employee benefits, and to facilitate work-from-home or eLearning functions or technologies—so long as social distancing of 6-feet minimum is abided.
- The executive order will be enforced by state and local law enforcement, and other government departments.

School Budget/Finance

It is understood that at this time, schools may be incurring additional expenses related to COVID-19. These expenses may be anything from publishing and mailing distance learning packets, installing Wi-Fi and Wi-Fi hotspots, and other related expenses. IDOE has said that schools should track their COVID-19 expenses as much as possible, “School districts should document all excess costs related to COVID-19 that are beyond normal operational expenses. The method for tracking these expenses is locally determined. The federal government, state of Indiana, or individual counties may request reimbursement for these expenses. School districts should be prepared to provide detailed documentation.” Here are some specific resources on what we know now:

- DLGF memo on cash flow solutions at the local government level. It can be found on our website at: <https://www.isba-ind.org/coronavirus-resources.html>.
- Information on the distribution of Federal Funds: <https://www.doe.in.gov/sites/default/files/news/federal-funds-covid-19-memo.pdf>.
- State Board of Accounts memo on use of public funds during the public health emergency: <https://www.in.gov/sboa/files/Assistance%20During%20COVID-19%203.31.2020.pdf>.

FEMA Requests for Public Assistance (FPAs) are due April 12, 2020.

This is one opportunity for reimbursement but there may be others upcoming. To be eligible, “The educational systems costs must specifically be related to eligible emergency actions to save lives or protect public health and safety or improved property in the current COVID-19 pandemic. Schools should continue to record all costs in preparation for public assistance.”

For more information, see this memo from Stephen Balko, Director of School Building Security with IDOE:

https://www.doe.in.gov/sites/default/files/news/grace-revised-fema-public-assistance-memo-jta.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

School Board Meetings

The following guidance comes from the Public Access Counselor’s office, titled “Updated guidance concerning the impact of the COVID-19 emergency on Indiana’s public access laws,” and was updated 3/23: <https://www.in.gov/pac/files/FAQs-for-Open-Door-Law-in-lightof-Covid-19.pdf>. Previous PAC guidance can be found here: <https://www.in.gov/pac/files/COVID-19-PAC-statement.pdf>.

- Public agencies should cancel or postpone nonessential meetings consistent with the Governor Holcomb’s Executive Order. Cancellations of meetings do not require notice but notifications via web site or social media is advisable;
- During the public health emergency governing bodies may now avail themselves of technology to conduct public business. A quorum must be on the conference call, but members can patch in remotely. In order to ensure public access, if a governing body has the capability allowing the media and public to call in to observe remotely, it must do so. Livestreaming and broadcasting are advisable as well on either a municipal or county website or social media page;
- If there are items or authority that can statutorily be delegated to a presiding officer, a governing body should ratify those actions when normal meetings resume. This includes, but is not limited to, operational or administrative functions and executive or ministerial duties;
- Members of the public are to submit public record requests remotely (e.g. email; standard mail) not in person;
- The acknowledgement period of public records requests is suspended for the duration of the public health emergency; however, agencies must still respond within a reasonable time.

Additionally, items in previous executive orders are still in effect, but may be superseded by the new executive order. The items that remain relevant include:

- Suspension of the provision of the ODL that requires a governing body to adopt a policy governing electronic participation in meetings;
- Authorization of all public agencies to post public notice and meeting agendas solely by electronic means;
- Suspension of all specific statutory deadlines requiring a governing body to meet during the public health emergency so long as the cancellations do not disrupt essential government decisions or services or when meetings are required by federal law.

The DLGF has published guidance on local government meetings during this pandemic. This guidance can be found on our website: <https://www.isba-ind.org/coronavirus-resources.html>. Of note:

- The PAC has emphasized that the final action (i.e., voting on public business) **must take place at a meeting open to the public**. This means that the meeting can be done electronically.
- Per Executive Order 20-04 and PAC guidance, agencies can provide the notice required by the Open Door Law solely through electronic means, including posting a notice on the agency's website or social media. Please note that this only applies to notices required by the Open Door Law (for example, the posting 48-hours before the scheduled meeting) and it does not apply to notice as required by any other statute.
- A public hearing is distinguishable from a public meeting. While the Open Door Law grants the public the opportunity to observe meetings of public agencies, public agencies may be required by statute to hold a hearing where the public has the right to make comments regarding a particular matter. The PAC has advised that, when statute requires a public hearing prior to a local unit taking action, the governing body should provide for some method for the public to provide comment remotely. This includes verbal comments using WebEx, Zoom, or other means. The public should also be given an opportunity to submit written comments in the days leading up to and after the public hearing.
- Please note that the notice of public hearing must be published in accordance with IC 5-3-1. The notice should explain that the hearing will be conducted electronically as permitted under Executive Order 20-09 and include instructions for how to access the electronic meeting, such as via phone or internet.
- Units should be aware of the following services for conducting electronic meetings. The Department does not endorse any of these options, and the list does not represent the entirety of all available telecommunications services. Please note that not all of these services allow for interactivity, which may limit the ability of the public to offer comments at public hearings. Also, be aware that some of these services may be limited only to those with internet access. Units should, therefore, look into whether the services allow both internet and phone access.

(1) Cisco WebEx - <https://www.webex.com/>

- (2) Zoom - <https://zoom.us/>
- (3) Vimeo Livestream - <https://vimeo.com/vimeolivestream>
- (4) Facebook Live - <https://www.facebook.com/facebookmedia/solutions/facebook-live>
- (5) YouTube Live - <https://www.youtube.com/live>
- (6) Instagram Live - <https://www.instagram.com/>
- (7) Public access TV

Continuous Learning

Schools must participate in a continuous learning program whether that is eLearning or another type of distance learning for the remainder of the school year. What qualifies as distance learning is locally defined. For information on the implementation of eLearning, please visit: <https://www.doe.in.gov/elearning/elearning-day-program>.

Graduation Requirements

The State Board of Education has provided some flexibility on graduation requirements for high school Seniors. Under this approved flexibility, a school corporation may issue an Indiana diploma to a student who:

1. Has met all of the course and credit requirements for the specific diploma designation based on a combination of high school credits earned prior to and the courses in which a student was enrolled as of March 19, 2020, when the Governor issued the statewide school closure order; and
2. Meets any virtual or remote learning participation requirements established by the governing body of the local school corporation in response to the statewide school closure order issued by the Governor; and
3. Meets any additional graduation requirements established by the governing body of the local school corporation pursuant to IC 20-32-4-1.5(3) prior to the school closure order issued by the Governor.

More information on this policy and on guidance regarding the requirements for a Core 40, Core 40 with Academic Honors, Core 40 with Technical Honors, and General diploma can be found in this document from the State Board of Ed.: <https://www.in.gov/sboe/files/Graduation%20Requirements%20FINAL%204.2.20.pdf>

Grading Policies

Grading practices remain a responsibility of the school board. IDOE has published the following guidance on grading during the pandemic and distance learning: <https://www.doe.in.gov/sites/default/files/news/pass-fail-guidance-april-6-final.pdf>, and strongly cautions against Pass/Fail grading scales for grades 8-12.

Educating Students with a Disability

The Office for Civil Rights webinar on eLearning and Remote Learning:

https://www.youtube.com/watch?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=&v=DCMLk4cES6A.

- Recipients of federal financial assistance and public entities must ensure individuals with disabilities are given an equal opportunity to individuals without disabilities to participate in programs, services, and activities.
- Being accessible means that those with disabilities can acquire the same information and enjoy the same programs and activities as their non-disabled peers with substantially equivalent ease of use.
- Assistive technology may be used to provide individuals with disabilities these opportunities, including:
 - Speech recognition software
 - Mouth sticks, eye tracking, and pointing devices
 - Screen-reader software
- Educators should engage in routine checking of online activities to ensure that they are accessible.

For eLearning information and guidance for students with disabilities, please see:

<https://www.doe.in.gov/sites/default/files/elearning/elearning-day-program-guidance-students-disabilities-rev-052219.pdf>.

Clarification has been provided that schools “... should not opt to close or decline to provide distance instruction, at the expense of students, to address matters pertaining to services for students with disabilities. Rather, school systems must make local decisions that take into consideration the health, safety, and well-being of all their students and staff. To be clear: ensuring compliance with the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), and Title II of the Americans with Disabilities Act should not prevent any school from offering educational programs through distance instruction.” The supplemental fact sheet can be found here: <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf>.

- If a school is participating in eLearning or some form of distance education, schools must provide similar services for students with special needs. Instruction may include reasonable modification to meet the student’s needs including:
 - Telephone calls with the instructor.
 - The mailing of packets of activities, assignments, and information.
 - Part B funds can be used to mail out these packets.
 - The use of third-party appropriate online activities.
- IEPs should be revised to accommodate eLearning and distance learning for students with special needs.
- Compensatory services should be addressed at the time that school is back in session.

- The US Dept. of Ed has published a Q&A guide for providing services to students with special needs during the pandemic: <https://sites.ed.gov/idea/files/qa-covid-19-03-12-2020.pdf>.

Student Privacy During Virtual Learning

Schools must protect student privacy during eLearning and distance learning.

- FERPA and Student Privacy in Virtual Learning: <https://studentprivacy.ed.gov/resources/ferpa-and-virtual-learning>.
- FERPA and Student Privacy during COVID-19 FAQ: <https://studentprivacy.ed.gov/resources/ferpa-and-coronavirus-disease-2019-covid-19>
- Students Privacy, Virtual Learning, and COVID-19 Webinar: <https://studentprivacy.ed.gov/training/ferpa-and-virtual-learning-during-covid-19-webinar-recording>.

- Student Data Privacy Consortium, “Student Privacy and COVID-19” https://cdn.ymaws.com/www.a4l.org/resource/resmgr/docs/whitepaper/student_privacy_and_covid-19.pdf
- COSN, “Cybersecurity Considerations in a COVID-19 World” <https://www.cosn.org/sites/default/files/COVID-19%20%26%20Cybersecurity%20-%20Member%20Exclusive.pdf>
- Office for Civil Rights <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-coronavirus-fact-sheet.pdf>

If after reviewing these materials, you still have questions, please submit them to the student privacy help desk at FERPA@ed.gov.

Curricular Resources

IPBS has announced that they will be hosting K-12 classes and lessons on the channel, and are partnering with IDOE: <https://www.doe.in.gov/news/indiana-department-education-announces-home-learning-initiative-partnership-indiana-public>

Internet Connection

The following information on providing internet connection to households in need comes from IDOE’s remote learning page:

- Charter Communications announced on March 13, 2020 that for 60 days the company will offer free Spectrum broadband and Wi-Fi access to homes with K-12 and/or college students who do not already have a subscription. Installation fees will also be waived for these households. Enroll by calling 844-488-8395.
- Comcast, which owns Xfinity, will offer 60 days free and increased speeds for new families who join the Internet Essentials program, an internet access program for low income families that is normally \$9.95 a month.

- AT&T announced on Friday it would not cancel service and would waive late fees for any wireless, home phone, broadband residential or small business customer experiencing hardships because of the coronavirus pandemic and can't pay their bills. Qualifying low income households can apply for \$10 a month internet access through the Access from AT&T program. Fixed Wireless Internet and Wireline customers can use unlimited internet data. AT&T will also keep public Wi-Fi hotspots open.

Additionally, IDOE has confirmed that schools may use Title I, Title IV focus A, and RULE funds to address internet and technology access issues. For more information regarding the use of these funds, check Dr. McCormick's weekly updates:

<https://www.doe.in.gov/news/dr-mccormicks-weekly-update>.

Standardized Testing

Schools are not required to complete standardized testing this year due to the pandemic. This includes federal and state assessments. U.S. Secretary of Education Betsy DeVos waived federal requirements, and state testing requirements were waived by the state in an announcement from Gov. Holcomb and State Superintendent Jennifer McCormick.

Maintaining Other School Operations

Food Assistance Programs

Indiana schools are not required to continue to provide meal assistance but are strongly encouraged to do so or to partner with local organizations to keep those programs going and ensure food access for the community. IDOE has received a waiver and can now do USDA Grab and Go meals. IDOE and the USDA have released the following guidance:

- Feeding Options Due to COVID-19 School Closure, Flowchart: <https://www.doe.in.gov/sites/default/files/health/flow-chart-feeding-options-due-covid-19-school-closures.pdf>
- Food Programs FAQ: <https://www.doe.in.gov/sites/default/files/health/covid-19-frequently-asked-questions.pdf>
- USDA Grab and Go Waiver: <https://www.doe.in.gov/sites/default/files/health/indiana-grab-and-go-nutrition-waiver-usda-3-13-20.pdf>
- FNS and Coronavirus: <https://www.fns.usda.gov/disaster/pandemic>
- FNS preK-12: <https://www.fns.usda.gov/program/assistance-children-kindergarten-12th-grade>

If meal assistance partners are running low on food options, the superintendent of the school district should reach out to IDOE in the weekly survey, and IDOE in conjunction with the Emergency Operations Center, will offer additional assistance.

The Indiana State Department of Health (ISDH) has released guidelines to support food safety in light of COVID-19. While the Centers for Disease Control, the Food and Drug

Administration, and ISDH are not aware of any cases of COVID-19 transmission through food or food packaging, guidance has been developed to assist food handlers. More information can be found here: https://coronavirus.in.gov/files/IN_COVID-19_FoodGuidance_03.20.20.pdf.

The Use of Schools for Childcare

On March 25, Gov. Holcomb announced: “There is a critical need for childcare for those workers who are taking care of others and helping Hoosiers keep food and supplies in their homes. We appreciate all of the efforts Superintendent of Public Instruction Dr. Jennifer McCormick and FSSA Secretary Dr. Jen Sullivan and their staffs have worked on jointly to create more childcare options for parents.” Although schools are not currently mandated to provide childcare, schools should have a plan should that become necessary.

- The Indiana State Department of Education (DOE) and Family and Social Services Administration (FSSA) have teamed to encourage school corporations in Indiana to open schools on a limited basis to provide child care services for emergency workers and others who are working to keep communities safe during the COVID-19 pandemic. On 3/27, FSSA provided new guidance for childcare operators who are licensed by the state. Here is the link: <https://www.in.gov/fssa/carefinder/5761.htm>
- IDOE has provided similar guidance to school corporations to care for the school age children of essential workers. The guidance provides specific steps for schools to take to open school facilities as well as how to maintain a safe environment. <https://www.doe.in.gov/sites/default/files/news/child-care-recommendation-essential-personnel.pdf>
 - Among precautions for school district officials, the steps include collecting child health records, allowing extra time for deep cleaning, prohibiting staff who are in high-risk categories from providing the care, and keeping groups of students in separate areas of the building.

- ISDH has also published guidance: https://www.in.gov/isdh/files/IN_COVID-19_ChildcarePrograms03.12.20.pdf

Employee Leave/Absences due to Coronavirus

Only essential and minimal business operations may continue. For a school this includes instruction and facilitation of instruction, ensuring the safety, security, and sanitation of school grounds, and maintaining payroll and other employee benefits. Essential staff may continue their duties remotely and may enter and use the school grounds when necessary so long as social distancing guidelines are being followed.

Payment of non-essential staff and the continuation of employment for non-certified staff is up to the school board. For examples of resolutions and policies adopted by school boards concerning certified and non-certified staff's payment, see Appendix A.

For more information on Families First Coronavirus Response Act: Employer Expanded Family and Medical Leave, please see our guidance on our Coronavirus resources page. Although FFCRA takes effect on April 1, the Department of Labor's Wage and Hour division has said that they "will observe a temporary period of non-enforcement of the FFCRA for the period of March 18 through April 17, 2020"

(<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fab2020-1.pdf>).

- You may find information on FFCRA here:
<https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>
- Department of Labor FAQ on FFCRA:
<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

Employers must post the following notice and provide this information to their employees:

https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf.

- FAQ on the Notice: <https://www.dol.gov/agencies/whd/pandemic/ffcra-poster-questions>.
- Temporary Rule: Paid Leave under the Families First Coronavirus Response Act: <https://www.dol.gov/agencies/whd/ffcra>

Suggestions for School Boards

ISBA recommends that school boards:

- Convene a school board meeting only if there is essential business to be conducted.
- Adopt or review a payment resolution for the duration of the pandemic.

For a school corporation to receive CARES funds, a school must pay all staff to the greatest extent possible.

- Designate who is essential staff.
- Adopt a resolution for the donation of PPE materials.
 - The State Board of Accounts has said that a school board resolution for the donation of PPE is necessary to process the donation. This does not have to be a formal board policy. IDOE has guided that this can be retroactive if supplies were already donated.
 - Provide an itemized list to the local health department and keep one on file.

- Adopt or review an eLearning Attendance Policy per the recommendations of IDOE.
- Adopt or review an eLearning Grading Policy per the recommendations of IDOE.
 - Ensure that this grading policy is not punitive and provides meaningful feedback for students.

Sample resolutions, policies, and a business letter on essential staff have been provided in the Appendix of this guide to assist with these recommendations.

Additional Resources for School Boards/School Leaders

Resources to Check Frequently

- www.cdc.gov
- <https://www.in.gov/coronavirus/>
- www.doe.in.gov/safety/health/covid-19-resources-indiana-schools
- www.ed.gov/coronavirus

Indiana Resources

- IDOE COVID-19 Resources for Indiana Schools:
<https://www.doe.in.gov/safety/health/covid-19-resources-indiana-schools>
- ISDH “Novel Coronavirus (COVID-19) Guidance for Schools”:
<https://www.in.gov/isdh/files/ISDH%20school%20guidance.pdf>
- Childcare for Essential Employees IDOE:
<https://www.doe.in.gov/sites/default/files/news/child-care-recommendation-essential-personnel.pdf>
- Social Distancing Guidelines ISDH:
<https://www.in.gov/isdh/files/Coronavirus%20Self-Monitor%20Infographic%20ISDH.pdf>
- State Board of Accounts Memorandum March 16:
[https://www.in.gov/sboa/files/Coronavirus%20Items%20to%20Consider%2003.16.2020%20\(002\).pdf](https://www.in.gov/sboa/files/Coronavirus%20Items%20to%20Consider%2003.16.2020%20(002).pdf)
- State Examiner Directive on Claims:
[https://www.in.gov/sboa/files/Directive%202020-1%20Claim.Deposits%203.19.2020%20\(003\).pdf](https://www.in.gov/sboa/files/Directive%202020-1%20Claim.Deposits%203.19.2020%20(003).pdf)
- IDOE Bullying and Cyberbullying Prevention and Response:
<https://www.doe.in.gov/school-improvement/bullying-cyberbullying-prevention-and-response>
- IDOE eLearning and Teaching Students with Disabilities:
<https://www.doe.in.gov/sites/default/files/elearning/elearning-day-program-guidance-students-disabilities-rev-052219.pdf>
- PAC Guidance FAQ 3/23: <https://www.in.gov/pac/files/FAQs-for-Open-Door-Law-in-light-of-Covid-19.pdf>

National Resources

- “Interim Guidance for Administrators of US Childcare Programs and K-12 Schools: Plan, Prepare and Respond to Coronavirus Disease” 2019 CDC:

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-schools.html>

- “K-12 Schools and Childcare Programs: FAQs for Administrators” CDC: <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools-faq.html>
- NSBA: COVID-19 PREPARING FOR WIDESPREAD ILLNESS IN YOUR SCHOOL COMMUNITY A Legal Guide for School Leaders: <https://www.nsba.org/-/media/NSBA/File/legal-school-safety-addendum-coronavirus-march-3-2020.pdf?la=en&hash=1D72FA91F23169E07855464FC5D1434148FE3F78>
- “Pandemic Flu Checklist: K-12 Administrators” CDC <https://www.cdc.gov/nonpharmaceutical-interventions/pdf/pan-flu-checklist-k-12-school-administrators-item2.pdf>
- Emergency Preparedness Training: <https://rems.ed.gov/>
- EPA/CDC Recommendations for School Cleaning: <https://www.cdc.gov/coronavirus/2019-ncov/prepare/cleaning-disinfection.html>
- “Interim Guidance for Businesses and Employers: Plan, Prepare and Respond to Coronavirus Disease” 2019 CDC: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>
- Department of Labor FAQ on Families First Coronavirus Response Act: <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>
- DOL, FFCRA, Employer Paid Leave: <https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>
- FERPA and Student Privacy in Virtual Learning: <https://studentprivacy.ed.gov/resources/ferpa-and-virtual-learning>
- FERPA and Student Privacy during COVID-19 FAQ: <https://studentprivacy.ed.gov/resources/ferpa-and-coronavirus-disease-2019-covid-19>

Appendix: Sample School Board Materials

The following resolutions have been written by various school attorneys in Indiana and provided to the ISBA. Each attorney has given permission for ISBA to modify and share with other Indiana school corporations as needed. ISBA expresses its gratitude to the attorneys for their generosity. ISBA has modified the resolutions to provide for more generic use of the resolutions by Indiana school boards.

Sample Resolution 1: Role of the Superintendent

RESOLUTION OF THE BOARD OF SCHOOL TRUSTEES

WHEREAS, there is uncertainty to the safety of convening public meetings for the remainder of the current school term due to COVID-19;

WHEREAS, the governing body desires to authorize the school leadership to timely take all appropriate action to ensure the safety and well-being of our school community for the remainder of the current school term.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

The Superintendent and/or his or her designees are hereby authorized, empowered and directed, to take any and all action as such person deems necessary or desirable and that is otherwise permitted by law to ensure the safety and well-being of our school community for the remainder of the current school term without prior action by this governing body.

FURTHER BE IT RESOLVED, the Board shall ratify any action taken to date or in the future as allowed above by the administration including the postponement or cancellation of school activities at its next meeting scheduled after such action is taken.

PASSED AND ADOPTED this _____ DAY OF _____, 2020.

Sample Resolution 2: Wage Payments During an Emergency School Closure

RESOLUTION OF THE BOARD OF SCHOOL TRUSTEES FOR THE _____ SCHOOL CORPORATION REGARDING WAGE PAYMENTS DURING AN EMERGENCY SCHOOL CLOSURE

WHEREAS, the superintendent of schools may close any or all schools or corporation offices or dismiss them early because of a pandemic prevailing in the school corporation or any other emergency in the interest of health and safety. The superintendent will take such action only after consultation with transportation, emergency management, health, and weather authorities or other agencies as necessitated by the circumstances. The superintendent shall promptly notify the Board of a decision to implement such an emergency closure.

WHEREAS, the Board acknowledges that in case of a pandemic-related emergency closure, school employees may be instructed not to report for work. The Board concludes that a need exists to address the payment of wages to those employees who are instructed not to report to work during such a closure and are not required to “work from home” or telecommunicate.

WHEREAS, employees who are instructed not to report to work may suffer a loss of pay unless the workdays are made up at a later date. The Board concludes that continuing wage payments to employees who suffer a loss in pay due to a pandemic-related emergency closure, serves the purposes of maintaining morale, reducing turnover, and ensuring continuity of staffing when school reopens.

NOW THEREFORE BE IT RESOLVED that, in case of a pandemic-related emergency closure, the Board authorizes continued wage payments to employees who are instructed not to report to work at the direction of the superintendent, unless the workdays are scheduled to be made up at a later date. Such wage payments shall be limited to an employee’s base pay.

BE IT FURTHER RESOLVED, such continued payment to employees applies only to pandemic-related emergency closures and does not apply to absences necessitated by an employee’s own health condition or quarantine.

Approved on the ____ day of 20__.

Sample Resolution 3: Wage Payment During a Declared Pandemic

RESOLUTION ON CONTINUATION OF SERVICE AND WAGE PAYMENT DURING A
DECLARED PANDEMIC BY THE _____

BOARD OF SCHOOL TRUSTEES

WHEREAS, there is uncertainty to the safety of convening public meetings for the remainder of the current school term due to COVID-19;

WHEREAS, the governing body desires to authorize the school leadership to take all appropriate action in a timely fashion to ensure the safety and well-being of our school community for the remainder of the current school term.

WHEREAS, employees who are instructed not to report to work may suffer a loss of pay unless the workdays are made up at a later date. The Board concludes that continuing wage payments to employees, salaried and non-salaried, who may suffer a loss in pay due to a pandemic-related emergency building closures, serves the legitimate purposes of maintaining morale, reducing turnover, and ensuring continuity of staffing when school reopens.

NOW THEREFORE BE IT RESOLVED that, in event of pandemic-related building closures, the Superintendent/designee is hereby authorized, empowered and

directed, to take any and all action deemed necessary or desirable and that is otherwise permitted by law to ensure the safety and well-being of our school community for the remainder of the current school term without further action by this governing body. The Superintendent is authorized and is not limited to the payment of at-will and/or hourly employees on non-instructional and e-Learning days through the use of _____ days. Such wage payments shall be limited to an employee's base pay and shall not include payments for other missed opportunities, such as overtime. At will and/or hourly employees determined to be essential and required to come to work, or who are approved to volunteer to perform work required during pandemic-related building closures and e-Learning days will receive a \$_____ per hour added to their base rate. Any action taken that requires Board action shall be reported to the Board and the Board shall ratify and approve such actions at its next board meeting.

PASSED AND ADOPTED this _____ day of _____, 2020.

Sample Resolution 4: Continued School Functioning Resolution

RESOLUTION OF THE BOARD OF SCHOOL TRUSTEES

WHEREAS, the President of the United States of America has declared a national emergency concerning COVID-19;

WHEREAS, on March 12, 2020, the Indiana State Board of Accounts advised school corporations to take steps to address disruption of travel, work environment and employee benefits, and compensation by developing a policy specific to this emerging pressing situation;

WHEREAS, there is uncertainty in the safety of convening public meetings for the remainder of the current school term due to COVID-19;

WHEREAS, the governing body desires to authorize the school leadership to timely take all appropriate action to ensure the safety and well-being of our school community for the remainder of the current school term or until the national emergency has ended, whichever concludes first;

WHEREAS, the governing body desires to authorize the school leadership to continue the business of the school reserved to the governing board under IC 20-26-5 as provided in the attached policy;

WHEREAS, the foregoing emergency has been declared, the governing body has determined it necessary to suspend any rules requiring two readings of a board policy prior to adoption;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

The attached Emergency Delegation for Continued School Functioning Policy is hereby adopted and shall be effective during the national emergency period.

The Superintendent and/or his or her designee are hereby authorized, empowered, and directed, to take any and all action as such person deems necessary or desirable as provided in the attached Emergency Delegation for Continued School Functioning Policy and that is otherwise permitted by law to the governing body and/or the administration to ensure the safety and well-being of our school community for the remainder of the current school term or until the national emergency has ended, whichever concludes first, without further action by this governing body. The governing body hereby designates the board President, and/or the Vice President, to approve claims for payment presented by the Superintendent. The board shall allow those claims at its first meeting after the Public Health Emergency has ended. The resolution authorizes and is not limited to the payment of at-will and/or hourly employees on non-instructional days.

This resolution expires at the time of the first governing body meeting following the end of the emergency period.

PASSED AND ADOPTED this ____ day of March, 2020.

Sample Policy 1: Policy for Continued School Functions

Delegation for Continued School Functions During a Declared Emergency

Upon declaration of an emergency by federal, state or local officials, the School Board authorizes the Superintendent and the Superintendent's designees the authority to act on behalf of the Board in accordance with applicable law with respect to the actions listed in this policy.

The Superintendent will consult with the Board President, or if unavailable, the Vice President, on any actions considered to be taken when such action is not immediately required. The superintendent will advise the Board of any actions taken at the time when possible. The Superintendent must advise the Board of any actions taken no later than its next regularly scheduled board meeting. At such meeting, the School Board will review and ratify or approve the action(s) taken.

The superintendent is authorized to take one or more of the following actions during a declared emergency but federal, state, or local officials relating to a health, safety, or weather emergency:

- 1) To employ, contract for, reassign, change schedules or discharge employees necessary for school purposes during the public emergency period.
- 2) To continue payment of the salaries and compensation of persons and services consistent with existing contractual obligations. To reassign staff to other duties to ensure continued wages when regular assignments are interrupted by online learning or school closures. To provide up to additional days of paid time off to address income losses impacted by the public emergency period.

- 3) To determine the number of persons or the amount of services needed to continue school operations during the public emergency period.
- 4) To determine the nature and extent of the duties of staff needed to continue school operations during the public emergency period including, but not limited to, reassignment of location, work schedule, specific duties, and job descriptions.
- 5) To approve the use of school facilities for use by other governmental or community health agencies to respond to declared public emergency.
- 6) To approve use of school vehicles, including buses, for transportation to respond to or to address community needs during the public emergency period.
- 7) To the extent feasible, to ensure instructional services to students are maintained through alternative methods such as eLearning, reduced instructional days, or other means deemed appropriate during the public emergency period.
- 8) To continue lunch program services for students, including permitting use of kitchens, kitchen facilities, kitchen equipment, and lunch rooms, and the purchases of materials and supplies for the lunch program, charging students for the operational costs of the lunch program, and fixing the price per meal or per food item during the public emergency period.
- 9) To operate the lunch program as an extracurricular activity during the public emergency period.
- 10) To participate in a surplus commodity or lunch aid program during the public emergency period.
- 11) To purchase curricular materials, to furnish curricular materials without costs, or to rent curricular materials to students, and to participate in a curricular materials aid program during the public emergency period.
- 12) To accept students transferred from other school corporations and to transfer students to other school corporations during the public emergency period.
- 13) To enforce, amend, or suspend rules, regulations, and procedures for the governance, management, and operations of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and students during the public emergency period.
- 14) To determine the closure of schools to ensure the safety and health of students and staff when necessary during the public emergency period.

Sample Essential Business Letter

*This letter has been used with permission from Doug Thorne, District Counsel/Chief of Staff, for the Elkhart Community Schools. We thank him for this contribution.

It should additionally be noted that law enforcement officers are not authorized to randomly stop anyone who is on the road just to verify that they are on the road for an essential function and that documentation or verification from an employer that the employee has been identified as performing an essential function is not required by law.

This sample is offered only as a suggestion for an employer who chooses to issue the letter.

[Employee Name] has been designated by Elkhart Community Schools as an individual performing essential duties in order to facilitate on-going distance learning for students enrolled in schools operated by this corporation, and/or to allow for the continued operation of the school district, including the delivery of meals to students.

This letter is issued pursuant to Executive Order 20-08 issued by Governor Eric Holcomb on March 23, 2020.

[Name and Signature of Superintendent/Designee]