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COVID-19 & School Guidance

Re-entry Plan and Related Executive Orders

Under executive order, all schools will be closed for the remainder of the school year. Schools 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 (which is June 30 as defined in IC 20-18-2-17). Schools may need to consider instituting remedial or make-up programs to compensate for any lost instruction time.

Gov. Holcomb has renewed the **Public Health Emergency declaration**, which has been extended to **June 4, 2020**.

<https://www.in.gov/gov/files/Executive%20Order%2020-25%20Renewal%20of%20Public%20Health%20Emergency%20declaration%20of%20Covid-19.pdf>

The Governor issued **Executive Order 20-28** on May 21, 2020, outlining his directives for Indiana citizens and businesses during Stage 3 of his back-on-track plan. All counties, except Cass, Lake, and Marion, entered **Stage 3 on Friday, May 22, 2020**. Cass, Lake, and Marion counties will be allowed to enter Stage 3 on June 1, 2020. The directives for Stage 3 will be in effect **through June 13, 2020**.

The Executive Order may be found here:

[https://www.in.gov/gov/files/Executive%20Order%2020-28%20\(Reopen%20Stage3\).pdf](https://www.in.gov/gov/files/Executive%20Order%2020-28%20(Reopen%20Stage3).pdf).

ISBA has written a summary of this Executive Order and how schools are impacted by Stage 3. It can be found here: <https://www.isba-ind.org/coronavirus-resources.html>.

Stage 4 is estimated to begin June 14 and last until July 4. Stage 5 is estimated to begin July 4. To access more information on the five stages, follow this link:

<https://backontrack.in.gov/2362.htm>

Re-entry Considerations

Gov. Holcomb and IDOE are expected to publish re-entry guidelines within the next few weeks. CDC has issued general considerations for re-entry, updated May 19:

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

Of note, schools should consider:

- The use of PPE by students and faculty as well as heightened hygiene standards and how both will be enforced if schools are in-person

- Providing virtual or distance learning opportunities for at-risk students and faculty
- Cleaning and disinfecting the school grounds during in-person learning
- Adjusting ventilation, water systems, and communal spaces to lower the risk of viral transmission
- Altering the daily schedule of passing periods, lunch periods, and more to reduce the volume of students in shared spaces
- Adjusting student handbooks to reflect changes in expectation for social distancing, PPE use, and other COVID-19 related considerations

Resources on ensuring student and employee health:

- “COVID-19 Planning Considerations: Return to In-person Education in Schools” American Academy of Pediatrics
<https://services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/covid-19-planning-considerations-return-to-in-person-education-in-schools/>
- “Coronavirus Disease 2019 Resources” National Association of School Nurses
<https://www.nasn.org/nasn/nasn-resources/practice-topics/covid19>

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.”

- 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>
- 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)

- More information on the CARES Act can be found on our website: <https://www.isba-ind.org/coronavirus-resources.html>
- IDOE CARES FAQ: <https://www.doe.in.gov/sites/default/files/grants/cares-act-guidance.pdf>

School Board Meetings

The Governor has authorized all governing bodies, including school boards, to conduct their meetings remotely *during the public health emergency period*. See https://www.in.gov/gov/files/Executive_Order_20-09_Continuity_of_Government_Operations.pdf. The Governor recently extended the public health emergency period to June 4, 2020. As a result of the Governor's executive order, the Public Access Counselor issued a guidance document and a FAQ, that addresses the changes to the Open Door Law. See <https://www.in.gov/pac/>.

The PAC's guidance includes the following:

- Public agencies should cancel or postpone nonessential meetings consistent with the Governor's Executive Order. Cancellations of meetings do not require notice but notifications via web site or social media is advisable.
- 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.
- A board may meet virtually or remotely if a quorum of members participates in the meeting.
- Final action (i.e., voting on public business) must take place at a meeting that is open to the public.
- *All votes during an electronic meeting must be taken by a roll call vote. The secretary of the board should call each member's name and the member must cast his/her vote aloud.*
- The meeting must be made available to the public and the media for real-time observation. Livestreaming on social media websites and/or broadcasting on public television stations are some suggested avenues for allowing the public to observe and record the meeting.
- Public notice of meetings and meeting agendas may be posted solely by electronic means.

Additional modifications include:

- Suspension of the provision of the ODL that requires a governing body to adopt a policy governing electronic participation in meetings.
- 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.

Lastly, please note guidance from the PAC and the DLGF on public hearings:

- 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.
- 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.

The DLGF guidance on local government meetings during the public health emergency may be found on our website: <https://www.isba-ind.org/coronavirusresources.html>. ISBA has created a FAQ specifically on school board meetings. You may access it on our coronavirus resource page (link above).

Graduation

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>

Additionally, the flexibility has been extended by the State Board of Education to include the 2020 Cohort, fifth-year Seniors, and individuals in Adult Education programs.

Ceremonies

IDOE has published guidance on graduation ceremonies:

https://www.doe.in.gov/sites/default/files/news/virtual-graduation-plansdocx-april-24.pdf?utm_content&utm_medium=email&utm_name&utm_source=govdelivery&utm_term.

ISDH guidance for graduation ceremonies can be found on our website:

<https://www.isba-ind.org/coronavirus-resources.html>.

School officials must work with their local health departments in developing Ceremony plans to be sure the ceremonies comply with social and mass gathering requirements. In addition, school boards should at least review ceremony plans and approve the plans if necessary. ISBA has created a FAQ specifically on graduation ceremonies, it may be accessed on our website's coronavirus resource page: <https://www.isba-ind.org/coronavirus-resources.html>

Continuous Learning Considerations

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. 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>.

- 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>.

Educating English Learners

The U.S. DOE has provided new guidance regarding English learners. The fact sheet may be found here: <https://www2.ed.gov/documents/coronavirus/covid-19-el-factsheet.pdf>.

Key items (as summarized by COSA/NSBA):

- If a school district is providing remote learning to students, it must provide language support to English learners. But "during this national emergency, schools may not be able to provide all services in the same manner they are typically provided."
- Schools should continue providing support similar to what they had provided before school buildings closed, with language services provided "to the greatest extent possible."
- Schools can't remove a student's English learner status "unless the student has demonstrated proficiency on a valid and reliable assessment" of their listening, speaking, reading, and writing skills. If schools weren't able to give those proficiency assessments before school buildings closed, they can give them in the fall.
- Districts teaching students remotely are still required to screen new students to see whether they require English language services within 30 days. That screening can be done remotely.

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>

Social Emotional Learning and Mental Health Services

- IDOE and the FSSA Division of Mental Health and Addiction have partnered to re-launch Project AWARE, an interactive platform that provides resources and training for K-12 administrators and educators to help improve the mental health of students and their access to services: <https://www.projectawarein.org/resources/>.
- Be Well Indiana, a hub for mental health resources and support, has COVID-19 specific materials: https://bewellindiana.com/?utm_source=BeWellIndianaOrg&utm_medium=vanity&utm_campaign=awareness.
- Healthy Hoosier Challenge is a program that was launched to support student's physical and mental health during Stay-at-Home restrictions. More information can be found at: https://www.doe.in.gov/grants/healthy-hoosier-challenge?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=.

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. 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/covid-19/43-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>
- FNS and Coronavirus: <https://www.fns.usda.gov/disaster/pandemic>
- FNS preK-12: <https://www.fns.usda.gov/program/assistance-children-kindergarten-12th-grade>

The Indiana State Department of Health (ISDH) has released guidelines to support food safety. 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.

On May 15, U.S. Secretary of Agriculture Sonny Perdue announced the extension of three USDA nutrition waivers until **August 31, 2020**, to help keep kids fed throughout the summer. The waiver extensions include:

- **Non-Congregate Feeding:** FNS is allowing meals to be served to children outside of the normally required group setting to support social distancing.
- **Parent Pickup:** FNS is allowing parents and/or guardians to pick up meals and bring them home to their children.
- **Mealtimes:** FNS is waiving requirements that meals be served at certain standard times to allow for grab-n-go options. This also allows for multiple days-worth of meals to be provided at once.

More information can be found here: <https://www.fns.usda.gov/news-item/usda-026220>

The Pandemic Electronic Benefit Transfer Program (P-EBT)

Families with children who receive free or reduced-cost lunches at school qualify for a new Pandemic EBT program. P-EBT provides temporary funding to address emergency food needs for families affected by the pandemic.

- No application is necessary; a card will be automatically mailed to those who are eligible.
- P-EBT cards can be used to purchase eligible food items anywhere SNAP/EBT cards are accepted.
- Families who already receive SNAP benefits will have the additional benefits applied to their SNAP account on their Hoosier Works EBT card.
- Using P-EBT benefits does not impact you or your child's immigration status. The public charge rule does not apply to P-EBT benefits. These benefits replace school meals and are for all families that receive free and reduced-price school meals.
- P-EBT benefits supplement grab and go student meal sites. They do not replace them.

For more information on this program, please visit: <https://frac.org/pebt>

The Use of School Facilities

Until June 30, school facilities and grounds are closed by executive order for educational and school-sponsored activities, but may be used for essential functions as determined locally. ISBA recommends essential functions should be narrowly defined until further guidance from the Governor.

The Use of Schools as Primary Election Polling Sites

The Indiana Election Commission adopted Order No. 2020-40, on April 17, 2020. A copy of the Order may be found at <https://www.in.gov/sos/elections/files/Order%202020-40%20signed.pdf>. The Order states that, consistent with current law, public buildings, including school buildings, shall be made available for polling locations. ISBA is aware that the Department of Education has requested an opinion from the Governor's office on this issue, but we are not aware that any opinion has yet been received. The Election Commission's Order, absent any further guidance from the state, indicates that school buildings may be used for the primary election, an essential function of government, on June 2. The Order also specifies that the county election board is responsible for conducting the elections in accordance with current CDC guidelines.

The Use of Schools for Childcare and Day Camps

In addition to providing childcare programs for essential workers, **on June 1, Day Camps may begin operation.** According to FSSA, "All Indiana school age summer camp programs should take measures and institute safeguards to ensure a safe environment for their employees, children and families. **Programs that wish to utilize space in a public or private school building that either receive funding from FSSA, are licensed and/or regulated through FSSA and/or meet an exemption as outlined in Indiana Code 12-17.2-2-8 are permitted to do so.** The use of buildings, grounds and facilities for other activities consistent with current regulations and the governor's executive orders are permissible."

For more information on Day Camps, visit:

- Indiana FSSA GENERAL Recommended GUIDELINES FOR SUMMER DAY CAMPS
https://www.in.gov/fssa/files/Guidelines_Summer_Camp_FINAL.pdf
- CDC Youth Programs and Camps Decision Tool
<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/youth-programs-decision-tool.html>
- CDC Considerations for Youth and Summer Camps
<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/summer-camps.html>

Employment Considerations

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 the Appendix.

Staff Performance Evaluations

In Gov. Holcomb's executive order 20-20, new guidelines were set forth for staff performance evaluations and teacher remediation plans for the 2019-2020 school year. The executive order can be found here: https://www.in.gov/gov/files/EO_20-20.pdf.

For teacher evaluations, schools have two options:

- To continue with their usual method of evaluation with consideration for incomplete data sets.
- To use evaluations from the 2018-2019 school year so long as it provides an accurate representation of the individual's work for this year and the teacher was not on a remediation plan.

Additional guidance may be found in the IDOE's FAQ document on item #36:

https://docs.google.com/document/d/1rlg8Dr5Rt5bxH8iq8oc4XsRUjoaxaPQrOVOY_C_AaYEc/preview

Families First Coronavirus Response Act (FFCRA)

For more information on Families First Coronavirus Response Act: Employer Expanded Family and Medical Leave, please see our guidance on our Coronavirus resources page: <https://www.isba-ind.org/coronavirus-resources.html>.

The FFCRA took effect on April 1.

- 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.
- Consider and review alternative graduation ceremony plans (and consult the local department of health).
- Prepare for an untraditional 2020-21 school year that may include moderate or extensive remote learning, and moderate or extensive modifications to in-person learning.
- Determine what is an essential function where school grounds and facilities may be used (unless already allowed by an executive order).
- Ensure that there is a command structure in place if school officials become ill and need to take significant time off during the school year.
- Examine staff demographics for at-risk populations and develop a plan to ensure their safety and well-being.

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/>
- <https://www.doe.in.gov/covid-19>

Indiana Resources

- 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 and Self-Monitoring Guidelines ISDH:
https://www.in.gov/isdh/files/Coronavirus%20Self-Monitor%20Infographic_ISDH.pdf
- IDOE Bullying and Cyberbullying Prevention and Response:
<https://www.doe.in.gov/school-improvement/bullying-cyberbullying-prevention-and-response>

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>
- Emergency Preparedness Training: <https://rems.ed.gov/>
- EPA/CDC Recommendations for School Cleaning: <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.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>
- Great Lakes Equity Center, “COVID-19 Pandemic Resources & Support” <https://greatlakesequity.org/covid-19-pandemic-resources-support>

These resources were compiled by Abigail Spradlin, Spring Intern, Lisa Tanselle, General Counsel, and Julie Slavens, Senior Counsel and Director of Policy Services.

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: Donations of PPE

RESOLUTION OF THE BOARD OF SCHOOL TRUSTEES DONATIONS OF SUPPLIES AND MATERIALS

WHEREAS, the Governor of the State of Indiana declared a public health emergency exists throughout the State of Indiana due to the coronavirus disease 2019 (COVID-19) outbreak;

WHEREAS, the Governor directed the head of all state agencies to waive, suspend, or modify any existing rule of their agency where enforcement of the rule would be detrimental to the public welfare during the public health emergency;

WHEREAS, in response to the Governor's directive the State Board of Accounts issued a memorandum on March 31, 2020, allowing school corporations to use public funds for broader statutory purposes so long as the use of the funds relates to addressing the economic burden incurred by citizens and businesses as a result of the public health emergency;

WHEREAS, supplies and materials previously purchased by the school corporation may be donated to address the economic burden incurred by citizens and businesses as a result of the public health emergency and such a donation constitutes use of public funds;

THEREFORE, BE IT RESOLVED that the Board of School Trustees approves of the donation of supplies and materials previously purchased by the school corporation for purposes related to the public health emergency if board counsel has issued a written opinion that the donation is lawful during the emergency declaration;

BE IT FURTHER RESOLVED that the Board of School Trustees authorizes the Superintendent to donate supplies and materials as established in this Resolution, subject to ratification by the Board of School Trustees at a later date.

This Resolution will be in effect only during the period of the public health emergency as declared by the Governor.

Approved on ____ of _____, 2020.

Sample Resolution 5: 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]