



Coronavirus and Re-entry Resource Guide

Updated June 24, 2020

For more information on the Coronavirus, social distancing, and school guidance, visit: 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, or 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 and other quality resources to support and specify the role of the school board during this pandemic.

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COVID-19 & School Guidance

The Governor issued **Executive Order 20-32 on June 11, 2020**, outlining his directives for Indiana citizens and businesses during **Stage 4 of his back-on-track plan**. All counties were permitted to enter Stage 4 on June 12, 2020, subject to more stringent requirements imposed by a county or political subdivision. These directives will remain in effect until **midnight of July 3, 2020**.

The Governor also extended the duration of some previous executive orders, including the executive order allowing for public agencies to hold their board meetings remotely, until midnight of July 3, 2020. This means that school boards may continue to conduct their meetings remotely through July 3, 2020, unless rescinded, modified, or extended by the Governor at a later date.

Most of the directives are consistent with previous EO's on the use of school facilities for essential purposes, and the necessity for cleanliness and social distancing (6 ft.). Groups of up to 250 people may meet, including at graduation ceremonies, if social distancing and cleanliness guidelines are followed.

The Governor issued one **new directive** pertaining to educational institutions:

1. Pre-K – 12 educational institutions will be permitted to reopen on July 1, 2020, for education. **School-sponsored extracurricular or co-curricular activities may resume on July 6, 2020**. Administrators should work with local health departments to assess the school's ability to implement the necessary health and safety measures required to prevent the spread of disease.

Stage 5 is set to begin July 4. More information on the five stages:

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

Here are some additional 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>
- The CDC, general considerations for re-entry: <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html>.

IN-CLASS

The IDOE, ISDH, and FSSA have partnered to create Indiana's Considerations for Learning and Safe Schools (IN-CLASS) which provides COVID-19 health and safety re-

entry guidance. This document may be accessed here: <https://www.doe.in.gov/sites/default/files/news/june-5-class-document.pdf>. The following summary is not meant replace the use of IN-CLASS or other official guidance and the information may be subject to change.

Per Gov. Holcomb's executive order, **Indiana schools can reopen on July 1**. IN-CLASS provides a task list of considerations and preparations that should be made before the beginning of the school year; this can be found on **pages 4-8**.

Appendix A: Health Protocols for Schools

“State statute gives public school districts the authority to exclude students who have a contagious disease such as COVID-19 or are liable to transmit it after exposure (IC 20-34-3-9). In addition, the local health department has the authority to exclude students from school and may order students and others to isolate or quarantine (IC 16-41-9-1.6). As such, districts/schools are encouraged to work closely with their local health departments” (pg.9).

- Students and employees should be trained to recognize the symptoms of COVID-19 (pg. 9).
- Once a student or employee is excluded from the school environment, they may return if they satisfy the recommendations of the CDC (pg. 9).
- The current CDC guidelines recommend screening all students and employees for COVID-19 symptoms and history of exposure (pg. 10).
 - Screening can consist of self-screening at home, school-based screening, and/or medical inquiries.
- The current CDC guidelines recommend that all employees and students wear cloth face coverings (pg. 11-12).
 - Some individuals may be required to wear additional PPE when directed to do so by individual health plans; additional accommodation may need to be made.
 - It may be necessary for schools to provide masks for students and staff.
 - There are times when students may forego mask use in the school day when they are social distancing. This may include brief times in the classroom, during outdoor classes or activities, and during P.E. class.
- Schools should create a separate area for the evaluation of suspected COVID-19 cases where individuals may await pick-up.
- “When there is confirmation that a person infected with COVID-19 was on school property, the district/school will contact the local health department immediately. It is also important to notify the Indiana Department of Education” (pg. 12).
- The local health department will conduct all contact tracing efforts; however, schools should be prepared to provide information to assist in those efforts (pg. 13).
- Schools should focus on exhaustive preventative measures including:
 - Social distancing, frequent handwashing, appropriate PPE use.

- Insist that sick employees and students stay home.
- Ill persons must stay home for a minimum of 72 hours before returning to school and should be free of a fever for 72 hours without the use of fever-abating medicine.
- Review attendance policies and ensure that they are not punitive and do not encourage ill individuals to come to school.
- Water fountains should not be utilized in schools until further notice. Water should be accessible through other means.
- Reduce the amount of materials being transported to and from school.

Appendix B: Social Distancing in the School Environment

All protocols should be communicated to parents, students, staff, and the public, noting that protocols may evolve or be subject to change (pg. 15).

- Schools should consider how remote learning may factor into the upcoming school year and consider combining in-class learning days with remote learning days.
- Close communal spaces where possible, otherwise, stagger use and disinfect between use.
- Socially distance to the extent possible within the classroom. Reorganize large classes to allow for smaller classes, social distancing, and other precautions. Have desks face the same direction rather than grouped.
- Eliminate or reorganize large gatherings.
- Eliminate, minimize, or reconsider student travel throughout the building or campus.
- Avoid or minimize the sharing of high touch materials; ensure that there are adequate supplies.
- Review nutrition service procedures.
 - Meals should ideally be served in the classroom.
 - All students should utilize sanitizer or wash their hands prior to meals.
 - Sneeze guards and PPE should be provided to serving staff.
- Take measures so persons exposed can be more easily traced by the health department (such as the use of assigned seating, and sign-in sheets).
- Post lowered revised maximum occupancy numbers.

Appendix C: Indiana's Extra-Curricular Re-entry Considerations

Although this Appendix is geared towards athletics, regulations also expand to band, choir, clubs, and other extra-curricular activities.

Phase I: July 6-19 (pg. 18)

- All summer activities are voluntary.
- Activities have time and day constrictions.
- Hygiene and social distancing standards should be followed to the extent possible.

- Locker rooms should not be utilized.
- For contact sports, no contact is allowed.
- No formal competition is allowed.

Phase II: July 20- August 15 (pg. 20)

- If locker rooms or meeting rooms are used, 50 percent capacity is recommended.
- Contact is allowed as defined by IHSAA.
- No formal competition is allowed (except for girls’ golf).

Phase III: August 15

- Competitions may begin.
- Spectators, media, and vendors can be present but should implement social distancing and follow established mass gathering guidelines.

Appendix D: Special Education Overview

Districts and schools should develop a strong communication plan with families to discuss the delivery method of instruction for students with disabilities and ensure that their special education departments are adequately staffed.

- Schools must hold annual case reviews (ACR), regardless of school closures.
- Schools may need to consider compensatory services at CCC meetings.
- Transitions assessments need to be updated annually, even during the COVID-19 pandemic.
- CCC meetings may be conducted virtually while school buildings are closed.
- “Medically fragile students are at high-risk of severe medical complications if exposed to COVID-19, and therefore may be unable to attend school. Medically fragile students unable to attend school will need to be provided with educational services remotely” (pg. 28).
- “The CCC must convene at least every 60 instructional days to review the IEP for every student unable to attend school in person” (pg. 28).
- “If districts and schools are providing in-person services and a student requires transportation, the IEP should reflect this service” (pg. 30).

Appendix E: Student Transportation Considerations

Districts/schools should communicate to parents and students the disinfection standards for transportation, and changes to passenger expectations, social distancing, and hygiene.

- Inspect all buses and transport vehicles for cleanliness and safety.
- Assign seats on buses to assist in contact tracing efforts and to minimize contact.

Appendix F: ISDH Mitigation Strategy Recommendations

In the event of a documented positive case, short-term closure may be appropriate. Schools and local health departments are encouraged to keep schools open and operating as much as possible. The CDC Decision Tree has the school closing for potentially two- five days so the local health department or the Indiana State

Department of Health can engage with your team to recommend further testing, cleaning, etc.; however, this health/medical review may be done on the same day as a positive case to reduce school closure time.

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>
- More information on the CARES Act can be found on our website: <https://www.isba-ind.org/coronavirus-resources.html>

In addition to avoiding funding cuts and keeping the promise for the \$183 million increase to K-12 public education, Gov. Holcomb has announced a \$61 million grant program providing funding to improve remote learning—**the Governor’s Emergency Education Relief (GEER) fund**. This funding can be used for increasing device availability, overall broadband access and capacity, and educator training to improve virtual and remote learning experiences for Hoosier students. This is a competitive grant program, and school corporations may apply at: <https://www.doe.in.gov/GRANTS/GEER>

The deadline to apply is Friday, July 17.

School Board Meetings

In EO 20-30, issued on June 3, the Gov. extended the Public Health Emergency to July 4. School Boards may continue to meet virtually through the Public Health Emergency.

Guidance from the Public Access Counselor that addresses the changes to the Open Door Law can be found at <https://www.in.gov/pac/>. The guidance suggests 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).

Additional Considerations

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."
- 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>.
- 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=.

Educating Students with Disabilities

On June 22, the Office of Special Education and Rehabilitative Services' Office of Special Education Programs (OSEP) issued Questions and Answers (Q&A) documents in response to inquiries concerning implementation of the Individuals with Disabilities Education Act (IDEA) Part B and Part C dispute resolution procedures in the current COVID-19 environment.

- IDEA Part B Dispute Resolution Procedures:
https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-dispute-resolution-procedures-part-b.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=
- IDEA Part C Dispute Resolution Procedures:
https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-dispute-resolution-procedures-part-c.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

School Libraries

The Indiana Library Federation has issued new guidance on safely operating school libraries and the borrowing of materials. Materials can be used safely in the 2020-21 school year, and school libraries should reopen at the start of the school year. This guidance may be found here:

https://cdn.ymaws.com/www.ilfonline.org/resource/resmgr/2020_pandemic_resources/reopening_school_libraries_s.pdf

Of note:

- According to the CDC research, the virus does not live on paper beyond 24 hours.
- Books with plastic coverings may be disinfected with time and/ or cleaning supplies.

- Students should continue to be allowed to pick out their own library materials from the library's collection. This promotes student creativity, interest, privacy, and development.
- Print materials have been shown to offer more literacy and memory benefits than digital materials, and so schools should continue to offer physical copies and maintain their physical book collection.
- Weekly access to the school library is important for student development and can be especially important for at-risk and high-ability students, as well as English-learners

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 (<https://www.fns.usda.gov/news-item/usda-026220>). 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.

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.

- P-EBT cards can be used to purchase eligible food items anywhere SNAP/EBT cards are accepted.
- 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>

Feeding Indiana's Hungry, COVID-19 Guidance & Info For Food Banks / Stakeholders: <https://feedingindianahungry.org/resources/covid-19-guidance/>

The Use of Schools for Childcare and Day Camps

In addition to providing childcare programs for essential workers, the Governor authorized the use of schools for day camps, which began operating **on June 1**. 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."

Indiana FSSA GENERAL Recommended GUIDELINES FOR SUMMER DAY CAMPS
https://www.in.gov/fssa/files/Guidelines_Summer_Camp_FINAL.pdf

Employment Considerations

Only essential and minimal business operations may continue through June 30. 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.

FAQ on COVID-19 and the ADA, the Rehabilitation Act, and other EEO Laws:
<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

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

- 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>

Additional Resources for School Boards/School Leaders

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](https://www.in.gov/isdh/files/Coronavirus%20Self-Monitor%20Infographic%20ISDH.pdf)
- IDOE CARES FAQ: <https://www.doe.in.gov/sites/default/files/grants/cares-act-guidance.pdf>
- 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)
- IDOE, eLearning and Remote Learning for students with disabilities, please see: <https://www.doe.in.gov/sites/default/files/elearning/elearning-day-program-guidance-students-disabilities-rev-052219.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>
- 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>
- US Dept. of Ed, Q&A on educating students with special needs during the pandemic: <https://sites.ed.gov/idea/files/qa-covid-19-03-12-2020.pdf>.
- CDC Considerations for Youth and Summer Camps <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/summer-camps.html>
- 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.

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

One of the items listed in IN-CLASS for a school board to do is adopt a resolution addressing the suspension of board policies that conflict with current and future suspensions of statutes and statutory deadlines. ISBA's sample resolution for the suspension of such policies is sample resolution number 1.

Sample Resolution 1: Suspension of Policies

RESOLUTION FOR SUSPENSION OF SCHOOL BOARD POLICIES CONFLICTING WITH WAIVERS OR EXTENSIONS DURING COVID-19 PANDEMIC

WHEREAS, on March 6, 2020, Governor Eric J. Holcomb issued Executive Order 20-02 declaring a state public health disaster emergency due to COVID-19 and has extended the public health emergency through subsequent Executive Orders to July 4, 2020; and

WHEREAS, on April 2, 2020, Governor Holcomb issued Executive Order 20-16, which closed all public schools throughout the State for the remainder of the 2019-2020 school year, which is June 30, 2020; and

WHEREAS, on May 1, 2020, Governor Holcomb issued Executive Order 20-26, which provided for the reopening of entities in the state in five stages. This Executive Order provided details for Stages 1 and 2. Executive Order 20-26 provided Stage 5 will begin July 4, 2020, and school grounds and buildings will be open. Subsequently, Executive Order 20-28 issued on May 21, 2020, provided the detail of Stage 3, which will end June 13, 2020. These Executive Orders and others issued by Governor Holcomb provide for various waivers and extensions of school-related statutes and regulations; and

WHEREAS, on June 5, the Indiana Department of Education issued Indiana's Consideration for Learning and Safe Schools (IN-CLASS), COVID-19 Health and Safety Re-entry Guidance. IN-CLASS provides guidance to public schools concerning health and safety measures to be in place for the return to school for the 2020-2021 school year. IN-CLASS recommends a school corporation develop a plan for returning to school in consultation with local and state health departments and pass a resolution to suspend policies and procedures in conflict with governmental waivers or extensions; and

WHEREAS, additional waivers or extensions of existing state regulations and changes to state and federal laws may be announced during the pandemic; and

WHEREAS, many [*insert school corporation name*] School Board policies reflect requirements of state and federal laws and regulations that have already been waived or may be waived because of the pandemic; and

WHEREAS, [*insert school corporation name*] School Board's usual practice is to make changes to policies only after the proposed policy change is considered at two school board meetings; and

WHEREAS, the [*insert school corporation name*] School Board needs to be able to adapt school corporation operations to rapid changes in law and regulation; and

WHEREAS, enforcing the requirements of existing policies could result in outcomes inconsistent with current laws and regulations as they exist after waivers or if extended.

NOW THEREFORE BE IT RESOLVED that the [*insert school corporation name*] School Board suspends such policies or provisions within policies which reflect legal and/or regulatory requirements that have been waived or extended by Governor Holcomb, the Indiana Department of Education, or other state agencies which enacted those requirements; and

NOW THEREFORE BE IT FURTHER RESOLVED that the suspension of policies or provisions within policies of the [*insert school corporation name*] School Board is in effect for the duration of time that the waiver of laws and/or regulations reflected in the policies are waived; and

NOW THEREFORE BE IT FURTHER RESOLVED that the superintendent is directed to inform the School Board of any regulations that are suspended by the superintendent and the duration of such suspensions; and

NOW THEREFORE BE IT FURTHER RESOLVED that the [*insert school corporation name*] School Board will comply with temporary laws and regulations without enacting policies to implement those laws and regulations; and

NOW THEREFORE BE IT FURTHER RESOLVED that the execution of this Resolution is conclusive evidence of the [*insert school corporation name*] School Board's approval of this action.

Adopted and approved this ____ day of ____, 2020.

[Include here signature lines for Board Officers and the other Board Members and date signed line.]

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 2: 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 3: 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 4: 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 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.