



Coronavirus and Re-entry Resource Guide

Updated August 19, 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

Executive Orders

There have been no new executive orders issued since July 30, 2020. As a reminder, the Governor's latest order was Executive Order 20-39, wherein the Governor extended the continuation of Stage 4.5 for all counties until midnight on August 26, 2020. The Executive Order may be found at

[https://www.in.gov/gov/files/Executive%20Order%2020-39%20\(2nd%20Extension%20Stage%204.5\).pdf](https://www.in.gov/gov/files/Executive%20Order%2020-39%20(2nd%20Extension%20Stage%204.5).pdf).

Gatherings and meetings continue to be limited to no more than 250 people. However, the Governor added requirements for "special or seasonal events," defined as "an assembly or convening of multiple people from separate households in a single space, indoors or outdoors, at the same time but where the main purpose is not necessarily for individuals to interact with others outside of one's household but to attend a single event and/or events of limited duration" Sport or racing competitions are included in the examples of special or seasonal events. For events occurring on or after July 27, 2020, event plans must be submitted to the local health department at least 7 days in advance of the event. See Executive Order 20-36 for the issues that must be addressed in the event plan. [https://www.in.gov/gov/files/Executive%20Order%2020-36%20\(Continuation%20Stage%204.5\).pd](https://www.in.gov/gov/files/Executive%20Order%2020-36%20(Continuation%20Stage%204.5).pd)

In Executive Order 20-37, Governor Holcomb issue a face covering requirement for all persons when in public buildings, including school buildings, facilities, and grounds. Executive Order 20-39 modified some of the face covering requirements for schools, and now requires all students in grades 3-12, all faculty, all staff, all vendors, all contractors, all volunteers, and all visitors to all public and private K-12 educational institutions to wear a face covering or a face shield while physically present in any building, facility or grounds. All students must wear a face covering or face shield while on a school bus or other school-sponsored mode of transportation. The Governor identified some additional exemptions to the face covering requirement, including while eating or drinking, while in faculty or staff areas where social distancing is possible, and in classrooms where three (3) feet of social distancing is maintained and students face the same direction. For more information on the specific face covering requirements for schools, see the face covering executive order summary document on the ISBA Coronavirus Resource page at <https://www.isba-ind.org/coronavirus-resources.html>. The text of Executive Order 20-37 may be found at <https://www.in.gov/gov/files/Executive%20Order%2020-37%20Face%20Covering%20Requirement.pdf>.

Executive Orders 20-32 and 20-35 were also extended until August 26, 2020. For schools, this means that pre-K-12 educational institutions are permitted to be open and school-sponsored extracurricular or co-curricular activities may continue.

General School Re-Entry Guidance

The National School Boards Association has released a publication entitled “Setting a New Course: A Legal Guide to Operating Schools in the Pandemic Era.” The guide addresses several key areas, including health and safety issues, labor and employment issues, school district operations, educating students with disabilities as well as English Learners, and virtual platforms and student data privacy issues. The Guide may be accessed at: <https://www.nsba.org/-/media/NSBA/File/legal-setting-a-new-course-operationg-schools-in-the-pandemic-era-guide-july-2020.pdf>.

Here are some additional resources on ensuring student and employee health:

- “COVID-19 Planning Considerations: Guidance for School Re-entry.” 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 school re-entry and other related matters: <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html>.

The ISDH released a FAQ to provide further clarification, “COVID-19 Planning for Schools and Local Health Departments,” on June 26. This FAQ can be accessed at: <https://www.coronavirus.in.gov/files/Back%20to%20School%20FAQs.pdf>.

Of note:

- Face shields may be a viable alternative option for individuals who have significant health or learning concerns for wearing a mask or cloth face covering.
- Nebulizer and aerosol-producing treatments should be minimized where possible, or school nurses should be provided an N95 mask, and extensive PPE in addition to a thorough cleaning of the space when these treatments are necessary.
- All students who have symptoms that indicate COVID-19 should be sent home and quarantined until they can provide documentation that there is another medical reason for their symptoms (but not all symptoms associated with COVID-19 are necessarily indicative of infection; a headache in an individual who experiences migraines, for example, would not likely be infected). COVID-19 generally presents with multiple symptoms.
- Medication distribution should be minimized where possible, and parents should be encouraged to administer medications at home before the school day.

- Although plans do not need to be approved by the local health department, schools should work closely with their LHD, and ensure that channels of communication are open to make contact tracing efforts easier when necessary.

The ISDH issued a Second Edition of the FAQ on COVID-19 Planning for Schools and Local Health Departments of July 9, 2020. This FAQ can be accessed at:
<https://www.coronavirus.in.gov/files/School%20questions%2007.09.pdf>.

The second edition has more information on daily screening of students, sending students or staff members home, and allowing students or staff members to return. See the charts created on these issues at:

https://www.coronavirus.in.gov/files/20_Return%20to%20School_Parenting%20Screening.pdf; and

https://www.coronavirus.in.gov/files/20_Student%20Guidance%20for%20Return%20to%20School.pdf.

The ISDH posted new guidance for K-12 schools on preparing for a positive student or staff member. This guidance may be found at

https://www.coronavirus.in.gov/files/Positive%20Student%20or%20Staff%20PreK%20through%2012th%20Grade_8.17.20.pdf

FAQs on cafeteria and food service, clinics, transportation and miscellaneous issues, and contract tracing, quarantine and return to school have also been updated. See the Back-to-School Resources at <https://www.coronavirus.in.gov/2400.htm>.

The ISDH has advised schools to work with local health departments on plans for re-entry and other school events. Local boards of health have the responsibility and authority to take any action authorized by statute or a rule of the state health department to control communicable diseases, which viruses are including the coronavirus. IC 16-20-1-21. Local health officers have the authority to order schools closed and forbid public gatherings when considered necessary to prevent and stop epidemics, IC 16-20-1-24.

IN-CLASS

The IDOE, ISDH, and FSSA partnered to create Indiana's Considerations for Learning and Safe Schools (IN-CLASS) which provides COVID-19 health and safety re-entry guidance. The original guidance was released in June and has been updated since then.

The document has been archived as of July 31, 2020. The latest guidance may be accessed here:

<https://docs.google.com/document/d/1T1nQj3BrQRtT5QXVcVLGel14bOd5dSCIWRggPuPE5dg/edit#heading=h.dz6sbxp6pfbt>.

The IDOE COVID-19 FAQ addresses changes to the IN-CLASS guidance. The FAQ may be found at:

https://docs.google.com/document/d/1rlg8Dr5Rt5bxH8iq8oc4XsRUjoaxaPQrOVOY_C AaYEc/edit.

IDOE has combined its various guidance documents and other information on COVID-19 on one website: https://www.doe.in.gov/covid-19?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=.

IDOE has also combined its various guidance documents and other information on School Re-entry on one website: https://www.doe.in.gov/covid-19/re-entry-resources?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=. The IN-CLASS Re-entry Guidance may also be found on this website.

The following summary is not meant to replace the use of IN-CLASS or other official guidance and the information may be subject to change.

IN-CLASS provides a task list of considerations and preparations that should be made before the beginning of the school year.

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”. (page 10)

- Students and employees should be trained to recognize the symptoms of COVID-19.
- Once a student or employee is excluded from the school environment, they may return if they satisfy the recommendations of the CDC.
- The current CDC guidelines recommend screening all students and employees for COVID-19 symptoms and history of exposure.
 - Screening can consist of self-screening at home, school-based screening, and/or medical inquiries. The type and extent of the screening is at the discretion of the school corporation.
- Mask-wearing requirements or recommendations in schools should be consistent with state and local guidelines.
 - 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.
- 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”.
- The local health department will conduct all contact tracing efforts; however, schools should be prepared to provide information to assist in those efforts.
- 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 (and self-quarantine for 10 days from the first display of symptoms if they are suspected for COVID-19).
 - 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.

- 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.

See guidance from the High School Band Directors National Association at:

<https://img1.wsimg.com/blobby/go/48629596-bb45-48f9-9faa-ad1fa9b404cc/downloads/BLUEPRINT.pdf?ver=1592792253344>

The Indiana State School Music Association has announced that all 2020 ISSMA Live Marching Band events have been cancelled. See the announcement at:

<https://www.issma.net/downloads/2020julyymbpressrelease.pdf>.

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. 29).
- The CCC must convene at least every 60 instructional days to review the IEP for every student who is receiving homebound instruction. (pg. 30).
- “If districts and schools are providing in-person services and a student requires transportation, the IEP should reflect this service” (pg. 31).

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 to 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.

Appendix G: Communications Guidance for Indiana School Re-entry

Effective and ongoing communication is a critical component of managing any school crisis. A chart identifying communication procedures and protocols is included.

School Budget/Finance

On August 6, 2020, Senator Rod Bray, President Pro Tempore, issued a letter to school leaders stating current law would allow schools to receive 85% of the normal foundation funding for any student who receives at least half of his/her instruction virtually, and that changing this policy would require legislative action. He went on to say that while there is a strong appetite for fully funding students whose families choose virtual instruction this year due to the COVID-19 pandemic, “there is no guarantee such an exception will be made for schools that don’t give families the option of in-person instruction. Therefore, schools that don’t offer in-person instruction should plan on operating under the current funding policy.”

In response to this letter, Governor Holcomb issued a statement that he will ask the State Board of Education (SBOE) to take action to ensure that Indiana’s K-12 schools receive 100% of funding, as he committed earlier this summer. Specifically, the Governor will ask the SBOE to call a special meeting for the purpose of taking action to delay the fall count date currently scheduled for September 18, 2020, through at least December.

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>

The Indiana PPE Directory is now available online at [backontrack.in.gov](https://www.backontrack.in.gov). The Directory lists Indiana companies that manufacture and/or distribute PPE items, such as face masks, face shields, gloves, eye protection, hand sanitizer, and disinfectant. The Directory can be found at: <https://www.backontrack.in.gov/ppemarketplace.htm>.

School Board Meetings

In Executive Order 20-38, the Governor extended the Public Health Emergency to September 2, 2020. 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/coronavirus-resources.html>. ISBA has created a FAQ specifically on school board meetings. You may access it on our coronavirus resource page: <https://www.isba-ind.org/coronavirus-resources.html>.

Additional Considerations

Student Work Permits

The Indiana Department of Labor has advised ISBA that they will begin enforcement of the requirement for employers to have work permits on file for minor employees on September 8, 2020. The Department had suspended the enforcement of work permits earlier in the year when public schools closed.

The Department has further advised that if schools have personnel in their offices now who can generate work permits, the Department is instructing employers to call the schools and get work permits now for minors who have been working without permits. They are suggesting this in an effort to minimize the number of employers calling on September 8.

See the IDOL website for this announcement at <https://www.in.gov/dol/>.

Instructional Time/Attendance Guidance

The Indiana Department of Education released guidance on instructional time and student attendance requirements. The guidance may be found at:

[https://www.doe.in.gov/sites/default/files/news/july-10guidance-school-responsibilities-adhering-instructional-time-and-student-attendance.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=.](https://www.doe.in.gov/sites/default/files/news/july-10guidance-school-responsibilities-adhering-instructional-time-and-student-attendance.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=)

The Department's policy for instructional day waiver requests for the 2020-2021 school year can be found here:

[https://www.doe.in.gov/sites/default/files/news/july-3-2021-waiver-day-policy.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=.](https://www.doe.in.gov/sites/default/files/news/july-3-2021-waiver-day-policy.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=)

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 July 31, the Indiana Department of Education announced the Office of Special Education and the National Association of State Directors of Special Education (NASDSE) developed two new resources on the topic of least restrictive environment (LRE). The COVID-19 pandemic has not changed the individual student's right to LRE, but it has changed how the general education system works. Examples of how schools might maintain an individual student's LRE in the context of in-person, blended/hybrid, and remote/virtual are included in these resources: The NASDSE LRE brief at https://www.nasdse.org/docs/NASDSE_LRE.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term= and The Office of Special Education LRE slide presentation at https://www.doe.in.gov/sites/default/files/news/lre-guidance-7282020-michael.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=.

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=

IDOE has created a memo on due process hearings for disputes on free appropriate public education (FAPE) for students with disabilities during COVID-19. This document can be accessed here: https://www.doe.in.gov/sites/default/files/news/grace-june-26-virtual-hearings.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=.

The Office of Special Education (OSEP) has provided some further clarification on Part B with “Flexibility on IDEA Part B Fiscal Requirements:”
<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-fiscal-flexibilities-idea-part-b-06-26-2020.pdf?src=preview>

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 can be found here:

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

- 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

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.

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. 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 USDA has approved the following waivers through **June 30, 2021**.

- Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs
- Nationwide Waiver to Allow Meal Service Time Flexibility in the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program
- Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children
- Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs
- Nationwide Waiver to Allow Offer Versus Serve Flexibility for Senior High Schools in the National School Lunch Program for School Year 2020-2021

Please visit the Office of School Nutrition website for more details on re-entry guidance: https://www.doe.in.gov/nutrition/school-nutrition-programs-re-entry-guidance-school-year-2020-2021?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=.

Employment Considerations

When schools are engaged in virtual, remote, and/or distance learning during the Fall 2020 semester, payment of staff for days they are not assigned duties 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. For the ISBA FAQ on employment

issues related to the pandemic, see https://www.isba-ind.org/uploads/1/1/9/2/119210664/employfaq_005.pdf.

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:

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>

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>
- Social Distancing and Self-Monitoring Guidelines ISDH: https://www.in.gov/isdh/files/Coronavirus%20Self-Monitor%20Infographic_ISDH.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>
- “Preparing K-12 School Administrators for a Safe Return to School in Fall 2020”:
<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/prepare-safe-return.html>
- “Considerations for Schools: Operating Schools During COVID-19”:
<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.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>
- Great Lakes Equity Center, “COVID-19 Pandemic Resources & Support”
<https://greatlakesequity.org/covid-19-pandemic-resources-support>
- US Dept. of Ed., COVID-19 Information and Resources for Schools and School Personnel: <https://www.ed.gov/coronavirus?src=feature>
- 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>.
- 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.

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.