

Summary of Nov. 13 Friday Recap

Thank you for joining us for our Friday Recap. Below is a summary of the major topics that we covered. We look forward to recapping the week with you every Friday!

General Information:

- Non-diagnostic saliva tests-shows clinical significance of the virus (surveillance testing)
 - This is a mitigation effort
 - Some are doing this and partnering with other labs for diagnostic testing
- We caution you that after the holidays we will see a push for in-person learning
- If you are looking at testing, understand what it is and how it is done
- There are rumors that we may be moving phases: we don't know what this means but we encourage you to have conversations with your communities.

Testing Contracts:

- COVID testing contracts: these contracts are one-sided in favor of the testing company. Understand what you are buying.
 - Screening tools-not diagnostic tests
 - The only standard in the contract will be the number of tests performed
 - Guaranteed minimum amount of tests you will pay for each month
 - What happens if we go into remote learning?
 - There should be an early termination for no penalty clause because you don't know how long you will need this service.
 - We also want to put in an ability to change the minimum number of tests because this may change over time.
 - Companies want the school district to indemnify them.
- Liability:
 - Risk standpoint: COVID claims within school are not covered, but when we talk about offering or being actively involved in the testing process, districts are in the chain of communication, evidence possession, potential for false negatives or false positives, handling information and data (confidentiality)
 - Considerations:
 - Communication to families about what the surveillance testing really is
 - Make clear in your own mindset and in communication with others that the districts is taking this on as a mitigation effort for running the school
 - This will trigger the strongest tort immunity (part of our discretion)
 - Some schools are considering expanding testing but you then step out of the lane of managing schools (becomes a different type of tort immunity)
 - Train staff well-this will be especially important when defending a liability claim, if we can show staff was acting in accordance with training, this will be helpful
 - Information management protocol

- Insurance: liability will depend on testing programming being run by the district. When it comes to allegations of improperly handling samples, this will be a matter of implementing mitigation efforts, if you are going to run a lab be sure to discuss this with your insurance carrier.

Open Meetings Act:

- Tier 2 mitigation: instructional activities are exempt from the number requirements but board meetings are not (attendance must be 10 or fewer)
 - Can do virtual board meeting but must follow the requirements:
 - There must be a disaster declaration from Governor
 - Must be determination made that public meeting not practical or prudent
 - Have platform and meet practical requirements
 - All members participate and can hear one and other
 - Votes conducted by roll call
 - Verbatim record of the meeting (audio or video)
 - Public attendance: can choose to have public at the regular meeting location or make determination that this is not feasible and then make sure it is accessible to public (have enough Zoom licenses)
 - A member of the public body, chief admin officer, or legal counsel should be present at the location
 - Discussions about going into in-person or remote can be discussed in closed session (safety exception)
 - We are creating a decision tree of virtual meetings

Dates:

- Nov. 15: Illinois School Board Members Day
- Nov. 15: ISBE report regarding actual expenses for prior year and projected expenses for current year; ISBE report on immunizations and health exams
- Nov. 30: last day for publishing annual fiscal statements; report to ISBE on contracts over \$25,000
- Dec. 1: RIF joint committee needs to meet by this date if you will be following RIF process
- Dec. 7: last day to adopt resolutions
- Dec. 14: deadline for nominating papers for April board election

Update on sports in Illinois:

- On Wed, IHSA Board of Directors met to discuss basketball. Nov. 16 is the official first day of basketball practice, however there will be a Board meeting on Nov. 19.
 - IHSA formally invited Governor and IDPH and other associations to attend the upcoming meeting for an open discussion
 - For schools planning to start on Nov. 16, should follow Level 1 mitigation:
 - No scrimmaging, no contact, training only until they can come up with updated guidelines on Nov. 19

- Sent out survey to member districts, effectively 512 out of 550 districts that responded said they will not play basketball or don't know, aware of spiking numbers,
- IESA: contact days are still being followed, no contact

Implications of a Biden-Harris Administration on Education:

- President Elect Biden has discussed changes in several areas:
- **Money for increased COVID-19 expenses and federal guidance on providing in-person instruction safely**
 - Biden has endorsed at least \$88 billion to stabilize State education funding and pay for expenses related to operating schools during the pandemic (PPE, reduced class sizes)
 - Provide national guidelines for reopening schools-this will start this week as he forms his transition team for addressing the pandemic
- **Increased funding for education per-K-college**
 - This may be difficult if the Senate remains under Republican control
 - Triple spending for Title I
 - Biden has said the increased Title I funds must be used to offer educators competitive salaries and make other critical investments, like expanding early-childhood programs and access to advanced coursework, before spending it elsewhere.
 - Double the number of mental health professionals in schools
 - Dramatically increase funding for special education
- **Overtake DOE guidance and regulations**
 - Title IX sexual harassment regulations (this would require formal regulations or legislative action)
 - Ban of federal grant recipients related to diversity training
 - Reinstate DOE guidance that supported schools in legally pursuing desegregation strategies and diversifying schools (diverse teachers K-12, higher ed. enrollment)
 - Reinstate "Dear Colleague letters" from the Obama-era that have been reversed such as rights of transgender students in schools, racial discrimination in school discipline
- **Appoint an educator as Secretary of Education**
 - Department of Education transition committee is being led by Linda Darling-Hammond, president of the California State Board of Education and also let the Obama transition team for education in 2008)
 - Randi Weingarten (president of American Federation of Teachers) and Lily Eskelsen García, former president of the National Education Association have both been mentioned.
 - If the Republicans keep control of the Senate it may be difficult for union leaders to get enough votes in the Senate.
- **Higher Education**
 - Cancel \$10,000 of every American's student loan debt and revise the current loan repayment system.

- Make college tuition-free for students whose families is under \$125,000/year
- Make community college and training programs tuition-free for 2 years

Movement in Phases:

- Five phases, 11 regions, 3 tiers of mitigation, 4 levels of play for sports
- Our numbers continue to rise. The calls we received this week are different and focused on topics such as grief programs, leaves of absences, life insurance, etc.
- Of the 11 regions, 4 are in Tier 2 ($\frac{1}{3}$ of the counties are in Tier 2)
 - Tier 1: 25 people or 25% of space
 - Tier 2: 10 people or less
- Numbers are increasing in all regions
- Estimates are we will have a peak at the end of December, but it is hard to know this at this time.
- We believe there will be Tier mitigation changes coming up
- Some regions where the hospitals are reaching their thresholds
- ISBE has information on their website to see how districts are providing instruction
 - Only 9% of students in full in-person learning (29% of school districts), smaller districts are able to do this
 - 60% of students are in full remote (including CPS)

Sara discussed and opened the call with. . .

- Deep breaths.
- As more districts consider using COVID testing, we will be providing a webinar to assist you in the process.

Kevin discussed COVID testing contracts. . .

- Before signing a contract with a testing vendor, understand the type and purpose of the testing and how it can be used.
- Build in clauses that allow for flexibility in case you go remote or no longer need the testing.

Rob discussed liability considerations when implementing COVID testing at school. . .

- Understand the potential risks and additional considerations of conducting testing at school.
- Talk with your insurance carrier prior to engaging in testing.

Mohammed discussed the Open Meetings Act and important dates. . .

- Districts that are in regions that have moved to Tier 2 mitigation must abide by population limits of 10 or fewer individuals but these limits do not extend to the classrooms.
- Virtual board meetings continue to be an option, but boards must be sure to follow certain requirements.

- Be aware of upcoming important dates related to reporting requirements, RIF committee meetings, and school board elections.

Elizabeth discussed updates on sports. . .

- The IHSA will have a Board of Directors' meeting on November 19 with representatives from a variety of agencies to make decisions about basketball.
- While basketball officially starts on Nov. 16, IHSA has stated that districts should only implement Level 1 strategies until further decisions are made.

Cassie discussed educational implications of a Biden-Harris Administration. . .

- It is likely we will see a Secretary of Education with a background in education.
- We may also see increases in funding for COVID relief, special education, Title I, and early childhood.
- Changes in DOE guidance and regulations may also be on the horizon.

Darcy discussed movements in phases. . .

- We continue to see an increase in COVID numbers across all regions and it is likely we may see changes in tiered mitigation.
- ISBE has data on its website related to instructional methods being used across the state in response to COVID.