

Summary of Nov. 20 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:

- We will have to be at our best. Over the next few weeks, hit the pause button and take care of yourself.
- We will be doing a webinar on Dec. 3rd talking about all things testing. We will also be talking about vaccinations and the things schools need to start thinking about when a vaccination comes out.
- ISBE is still meeting as a board. We believe state assessments will still move forward. It is crucial that we have some sort of an accountability formula because we have federal funding tied to this. Advocate with your groups if you do not think state assessments should not be completed this year. This may depend on administration in office.

SEL for Administrators:

- SEL for students, staff, and self is more important now than ever. Many districts are proactively supporting SEL for staff by making resources such as yoga and mindfulness sessions available to staff. This is important because employee well-being and strong community positively impacts the working environment and outcomes for students. Darcy recently shared a resource on Twitter related to mindfulness in the workplace. While it focuses on early childhood educators, it is applicable to all workplaces. Please check out this resource if you have not already.
- Self-care and self-compassion is essential because it builds our capacity to stay focused, make decisions, and care for the students and staff we work with. Take time every day to do something kind for yourself, as prioritizing your needs and refilling your cup is essential to caring for others.

Employment and Labor:

- Your RIF joint committee must meet by Dec. 1, and needs to discuss any allowances for people to go to different groups. It is important to follow the procedures to be able to document your efforts when you are marching toward a RIF. We anticipate districts will be making RIF decisions more this year than in past years. There are firm timelines in the principal statutes. We are seeing many issues in building leadership due to the pandemic. There are many steps you have to take and it is important to comply with these steps and deadlines.
- We are hearing grumblings from unions about people who are being placed on quarantine because of exposure. Unions are pushing this to be paid leave without using sick leave. We disagree with this, but want you to be aware that the unions are making this argument.
- At the national level, we are hearing lots of grumblings that the next secretary of education will be an educator, and possibly a union leader. This may impact the way we approach employment issues. However, we think there may be some things we may see

such as assessment waivers or other waivers in the spring if the secretary of education has a background in education.

FOIA:

- As districts are remote, there are board members and admin participation in communication via text message on personal phones. It is important to remember how FOIA might apply in these instances.
 - Admin:
 - When you have communications from a personal device about public business, this can be subject to FOIA. The PAC takes a broad view on this.
 - We recommend using work email. If this is not possible, remember that text communication can be subject to FOIA.
 - Board Members:
 - More narrow because a district court case in Central Illinois held board communications on person device may not be discoverable unless:
 - Public quorum?
 - Send or received during public meeting
 - Forwarded to public device or address
 - The PAC takes a broad view. Be careful when you are using your personal device. Use district email to conduct business. Know that your messages may be discoverable via FOIA.

OMA:

- Districts are going from in-person to remote, some are in-person and capping at 10 participants.
 - When you cap them at 10 we recommend you open other rooms within your facilities (capped at 10), and also have alternative means of participation for public comment.
- We have a decision tree on remote meetings available on our website.

Dates:

- 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 for public policy questions for the primary elections
- Dec. 14: deadline for nominating papers for April board election

Update on sports in Illinois:

- There have been a lot of fights about sports. A Chicago attorney is sending out letters to districts threatening them if they don't start winter sports. The letter takes the Governor to task and implies the Governor is threatening schools into not playing sports, but then the attorney does the same thing.

- Tort immunity can apply no matter how you decide.
- Preserve your decision making. Identify your interests, the issues, and make the best decision you can. You have to establish why you made your decision.
- There is a lot of other tort immunity. They all have an exception to willful and wanton conduct. A plaintiff would have to show an utter indifference or conscious disregard of safety to meet the willful and wanton standard. It would be hard to establish this by not playing.
- The attorney also said you would be committing a civil rights violation. There is no constitutional protection of a property right to play sports. As long as you are not singling individual students out for a discriminatory reason, there is no civil rights violation.
- Litigation issues:
 - If you've gotten the letter, the attorney said the Tort Liability of Schools Act was not going to protect schools. You have never heard us discuss this because it was ruled unconstitutional in 1966.
 - The attorney could try to take this to court. We would see TRO or injunctions. If anything like this pops we want to be ready. If you think you are getting targeted, we can fire off a letter to the attorney that says they need to contact us if they want to file a lawsuit.
- Decision from 2nd district appellate court in Elgin. This concerned indoor dining restrictions and whether the Governor can issue successive proclamations 30 days at a time. The court said yes. This same question about the Governor's authority impacts us as well. It is what we expected and consistent with previous decisions.

Adaptive Pauses and Mitigation:

- Metrics:
 - Tier 3 mitigation doesn't apply to school and local control applies.
 - Districts are asked to follow the ISBE/IDPH August 17, 2020 guidance on adaptive pauses, where there are different metrics to guide a pivot to remote learning. The metrics are broken up by transmission levels and should give districts a good starting point for decision-making. Districts are also encouraged to work with the local health department. On Nov 17, the State Superintendent emailed encouraging districts to consider pivoting to remote learning 2 weeks after holiday break to address travel over the holidays. She also asked districts to consider having three day weekends instead of an extended spring break to minimize travel.
 - It is important to remember that districts will make decisions based on their needs, and it may look different across districts.
- Metrics continue to increase. Positivity rate and rolling averages. Some regions are in the 20% range.

Sara discussed and opened the call with. . .

- Deep breaths.
- Join us for a webinar on Dec. 3rd where we will discuss COVID testing and vaccines.

- State assessments are connected to accountability and federal funding. While it is likely assessments will be required unless a federal decision otherwise, districts are encouraged to share feedback as ISBE continues to discuss this.

Cassie discussed SEL for administrators. . .

- Continue to prioritize SEL for students, staff, and self.
- Self-care helps build capacity to stay focused, make decisions, and care for others.

Stephanie discussed RIF and other employment updates. . .

- The RIF joint committee must meet by Dec. 1st and follow all requirements in the event RIFs are necessary.
- We are hearing some questions from unions regarding sick leave and quarantines.
- We could see some changes at the federal level if the next secretary of education has a background in education.

Mohammed discussed FOIA, OMA and important dates. . .

- Know important compliance reporting dates and deadlines.
- Business messages on personal devices may be discoverable under FOIA.
- Check out our website for a decision tree on conducting remote board meetings.

Kevin discussed updates on sports. . .

- While high school districts may receive a letter from a Chicago attorney threatening a lawsuit in the event schools don't begin winter sports, the legal arguments may have some flaws.

Rob discussed litigation updates. . .

- If your high school district receives the letter Kevin discussed, there are steps you can take and we are happy to assist.
- A recent decision regarding a restaurant owner's challenge of the Governor's ability to issue successive emergency orders reinforces previous decisions supporting the governor's authority and implications for schools.

Laura/Darcy discussed adaptive pauses, mitigations, and metrics. . .

- We continue to see rising positivity rates across the state.
- Tier 3 mitigation does not apply to schools.
- Schools continue to have local control but are encouraged to follow adaptive pause guidance issued by the IDPH/ISBE on August 17, 2020.