

## Summary of Dec. 18 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've made it to winter break. I hope you will take time to unplug, relax, and enjoy the holidays!

### ISBE Updates:

- Tier 3 Mitigation Update:
  - ISBE updated guidance related to bus driver training. If you are doing bus driver refresher training, the tier 3 mitigation applies.
  - If you are doing initial bus driver training, can happen in person as long as follow certain precautions.
- ISBE Board Meeting:
  - ISBE has already begun to discuss budget development process. ISBE needs educators to advocate for what needs to go into the budget.
  - The Board adopted licensure requirements that will incorporate socially responsive teaching standards into teacher training programs and teacher inservice programs.
  - Time Out and Restraint: The emergency rules adopted last year banned both supine and prone restraints. The final rules allowed these types of restraints on a temporary basis through July 1, 2021. ISBE has proposed additional regulations that can be found in the Board agenda from this month.
    - There has also been an introduction in Federal law to ban prone and supine restraints.
  - Accountability: ISBE sent a letter to DOE seeking a waiver for flexibility in addressing accountability in response to COVID and is waiting to hear back.
  - Legislative agenda: educator misconduct changes in how they handle it, expansion of the State equity committee, licensure, push for legislation that would require schools to provide a remote platform for students who are suspended or expelled.

### Vaccinations:

- The EEOC has provided guidance allowing for employers to require employees to receive the COVID vaccine, with employers must allow religious and medical exemptions.
- Questions we have been receiving from districts include:
  - Can you exclude staff who don't get the vaccine? Yes, if they pose a health and safety risk to the work environment. There is a 4-part test under EEOC that is used to determine if there is a health and safety risk.
  - Can a district say to employees that they don't have to get a vaccine, but then are expected to come to school? Districts probably have more leverage with the

bargaining unit to take this approach. This can be a way to get staff back to school.

- It is important to remember that even if staff get vaccinated, districts will still need to use mitigation measures (i.e., masks, social distancing), at least for this year and likely summer school. We are not yet sure what the fall will look like..
- Many districts are asking how educators get on the list for vaccines. We recommend you call your local health department. We are working with Cook County to try and find a way for districts in suburban Cook to have a connection to the health department.

### **Labor and Employment:**

- FFCRA: There is currently no concrete legislation action to extend this leave beyond Dec 31, 2020. For most employees, today would be the last day they could use this since you are going on winter break. President-elect Biden has expressed an interest in addressing this through legislation, meaning it would likely need to be resurrected rather than extended, but we can't bank on this.
- Request from unions: Unions are looking to negotiate board-paid additional COVID related leave. Some districts are thinking about this, especially since there are studies showing FFCRA leave has been a cost-effective way of reducing the spread of the virus. Some may consider creating a COVID-related leave pool. We recommend that districts include a provision in the MoU that if Congress creates an extension or resurrection, this would replace the MoU instead of in addition to anything the federal government may give.
  - If you have days left over in the pool, the easiest thing to do is shift these days to a general sick leave pool.
- Headlines from yesterday:
  - CPS: There is an ongoing, contentious relationship between CPS and union. The union has been filing injunctions to stop in-person instruction from happening. The Illinois Labor Relations Board (ILRB) listened to a petition last month and denied the petition for the injunction because at that time, CPS had not released specific dates to resume to in-person instruction. After this decision CPS announced specific dates for groups of students to come back to school starting in January. CPS does not yet have a written agreement with the union about how to roll this out. The union went back to the ILRB now that there are dates, claiming CPS is unilaterally making these decisions and they are mandatory subjects of bargaining. The ILRB made a recommendation against granting the injunction, meaning CPS can move forward with its reopening plan but not everything has been decided. The ILRB denied the injunction because the district has had more than 40 meetings with the union, but will address disputes about whether these meetings were part of collective bargaining and if they were done in good faith. The board will also determine if these are mandatory subjects of bargaining or permissive topics.

### **Important Dates:**

- Dec. 29: annual tax levy must be certified by school board and filed with county clerk

- Notice of Meetings: If you send out notice at the beginning of the calendar year, you must post this notice of meetings on the district's website.
- Jan. 4: Secretary of board must report students who have left the district to Regional Superintendent
- Jan 15: file petition to opt out of food program
- Jan. 19: deadline to adopt resolution putting public policy question for referendum on ballot

### **Unemployment:**

- We continue to see a rise in fraudulent unemployment claims. How it typically works is that the individual will change their address while doing an unemployment claim and then the debit card goes directly to them at the new address.
- Be on the lookout for these claims. IDES is very backed up and it may take time to alert you to a claim. Districts can stay up-to-date by signing up or creating an account on SIDES. Once you get an account, your unemployment notices will be provided right as they are processed. This will give you more time to address any fraudulent claims.

### **Update on Sports:**

- Girls Badminton: Was scheduled for spring but IHSA has moved this to the winter sports season. However, athletes won't begin to play until Tier 3 mitigation is lifted.
- Contact days: Sports that are non-season sports will be allowed to have contact days when Tier 3 mitigation is lifted. Students will be allowed up to 6 hours per sport. During contact days, athletes can do practice, drills, intersquad scrimmage, and other activities as allowed by the IDPH guidance.
- IHSA is hoping to meet with IDPH and the Governor's office to determine a timeline for winter sports.
- Basketball will be pushed to spring if not winter. There is no definite answer on basketball at this time.
- IHSA developed winter sports spectator guidelines that include some specific rules depending on the sport.
- State activities and finals:
  - Music, chess, speech, debate, drama will have a state series and state finals virtually
  - Scholastic bowl will have state series but state finals are TBD.

### **IDPH Exclusions and Quarantines:**

- COVID positivity has plateaued in Illinois.
- The IDPh decision tree hasn't been updated since Oct. 27. We are hearing rumors that there is discussion about a change and this will likely come over break. IDPH is looking at having separate quarantine requirements for students and staff. We will keep you updated as we learn more.
- As of today, according to ISBE data, approximately 61% of students are in full remote. This is consistent with 5 weeks ago.

- Teachers in 1b for vaccination distribution, but within that group it remains to be seen where educators will be. We will watch this and will keep you posted.
- We are also watching an article on high school graduates from 2020. Enrollment in college is down over 22% compared to the previous year. In high poverty high schools there is a 33% decline, compared to 16% in low poverty schools. This is something to watch.

**Sara discussed and opened the call with. . .**

- Deep breaths.
- Be sure to take time off, relax and have a wonderful break and holiday season.

**Stephanie discussed ISBE updated and vaccine requirements for employees. . .**

- As vaccines become available for educators, districts have options about how to proceed.
- ISBE updated its Tier 3 Mitigation Guidance to clarify the differences in training requirements for initial or renewal bus driver training.
- ISBE had an active board meeting this week with discussions about updated regulations, licensure requirements, the budget process, and accountability.

**Kevin discussed FFCRA and COVID leaves. . .**

- The FFCRA is set to expire on December 31 unless it is extended or resurrected, but there is no concrete legislative action to do so at this time.
- Unions are starting to ask districts to create COVID leave in the absence of an extended FFCRA.

**Shane discussed updates in Chicago Public Schools. . .**

- The Illinois Labor Relations Board (ILRB) recently denied the union's injunction to prevent CPS from opening in person next month, however the ILRB will hold a hearing to determine additional claims related to whether the ongoing meetings between CPS and the union were collective bargaining meetings and if they were held in good faith.

**Mohammed discussed fraudulent unemployment claims and important dates. . .**

- Be aware of upcoming dates related to tax levies, resolutions, and reporting requirements
- There are steps districts can take to address fraudulent unemployment claims.

**Elizabeth discussed updates on sports . . .**

- IHSA has released some updates including badminton moving from a spring to a winter sport and non-season sports being allowed to have contact days with some restrictions once Tier 3 mitigation measures are lifted.
- Several activities such as speech, drama, debate, chess, and music will hold virtual state series and finals.
- IHSA hopes to have a meeting with IDPH and the Governor's office soon to make decisions about winter sports.

**Darcy discussed the IDPH exclusion and trends in education. . .**

- While the IDPH exclusion tree has not been updated since October, there are rumors it may be updated to reflect different quarantine requirements for students and staff.
- We are watching State and national trends in education related to vaccines, instruction, and student outcomes and will continue to keep you updated.