

Summary of April 17 Friday Recap Fireside Chat Series

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 have heard from multiple news sources that Governor Pritzker will be calling school for the rest of the year. His press conference is at 2:30 and we anticipate that he will announce all school buildings will remain closed and that school will continue in a remote fashion for the rest of the year. *Please note that as we are summarizing the notes from this call, the Governor did, in fact, state that school buildings will remain closed for the remainder of the school year.*
- We anticipate that this announcement will cause anxiety and concerns from students and parents. Schools should consider proactively communicating information about events such as prom, graduations, end-of-year activities, and transitions from a feeder district to a high school district.

ISBE and Federal Guidance Updates:

- ISBE clarified that the constitution test has been waived for graduating seniors who have not taken the test. For non-seniors, districts may measure competency during remote learning or wait until in-person instruction resumes.
- ISBE had stated that through its reading of CARES Act, districts can move forward with Reduction in Force (RIF) this school year without losing funding under the CARES Act. Historically, the financial impact of a recession usually happens the year after a recession so RIFs due to current financial difficulties may not be that big of a deal this year, but may have more of an impact next year.
- Currently, all driver's license facilities are closed. For individuals, including bus drivers, whose license expired on or after March 17, they have a grace period to renew their license 90 days after the office reopens.
- The Department of Education has clarified that there is more flexibility for applications under Perkins, including application extensions and flexibility for how money under the grant can be used.
- The Department of Education also stated that employees can be paid with grant funds if other employees are being paid without grant funds. The DOE recommends having a policy in place. Additionally, the DOE clarified that grant funds can be used for training that was cancelled and is non-refundable. In terms of future travel, the DOE is recommending that districts don't plan travel now, but if it is essential the district can include trip insurance in the grant.
- In terms of special education, there is not additional guidance yet. We believe the DOE and ISBE both recognize that it is going to be hard to provide full IEP services during this time, and they are struggling with how to give guidance on this, as parent advocacy groups are also concerned with civil rights.

- Under the CARES Act Secretary DeVos has to make any recommendations on any waivers under the Individuals with Disabilities Education Act (IDEA) by April 23. She has received a lot of feedback on both sides, especially concerning timelines, transition from early intervention to early childhood, and completion of evaluations when districts can't access students in person. We will hopefully hear something soon, but in the meantime, our recommendation is to look at the FAQ from the DOE and follow that guidance, as it is more specific than ISBE's guidance. It's important to remember that with all of the timelines under IDEA, they can be extended with mutual agreement.

Student Services:

- Districts will want to begin thinking about how to transition students back to in-person learning and be prepared for all of the possible contingencies. Examples of considerations include remedial work, support for students who will be transitioning to a different building next fall, and curriculum adjustments.
- Districts should be thinking about providing creative alternatives for prom and graduations. It will be important to be aware of social distancing guidelines when developing alternatives. It may be helpful to create a student advisory group to allow students to brainstorm ideas. There are many great online resources to share ideas, including using Zoom or similar platforms, creating slideshows, and allowing students to participate in recognition parades by riding in individual cars.
- Last week we mentioned that we do not support giving students an incomplete grade, from an equity lens. However, some schools are finding that there are some students that do have devices but are choosing not to engage in remote learning. We will continue to brainstorm with you how to address these situations when a student is willfully disregarding assignments and engagement.
- In Dr. Ayala's April 13 letter, she included a link to an interactive map that identifies wifi hotspots that students and families can access if they don't have internet access at home.
- Schools are starting to get requests from municipalities asking for names of students that have tested positive for COVID-19, which is causing concerns about student privacy. There are only a few FERPA exceptions that might apply, but in reviewing these exceptions, we don't think any of them would actually apply. One exception is "as required by law," but when it comes to public health, there are no laws that require disclosure to municipalities; only public health departments. Another possible exception is health and safety. While this may seem to apply at first blush, the district must consider whether the person to whom the information is being released is able to deal with the emergency and the municipalities would only need this to enforce a quarantine order and they don't have authority to impose quarantine unless they have a certified health department as part of the municipality. Any information the municipality would need can be obtained directly from the health department. If the municipality produced a court order, disclosure may be required, however, you should send the court order to your attorney. This would also require notice before information could be disclosed.

Special Education:

- We continue to see families request reimbursement for private services and tutoring. All requests should be considered on an individual basis, but it is likely that most of these requests will be denied. When this happens, districts should use Prior Written Notice (PWN) letters which will be helpful to deny the request. Please see our recent [Special Education FAQ Newsletter](#) with information on PWN.
- We have received a lot of questions on how to complete IEP goal progress updates. We encourage providers to review which goals you are implementing during remote learning. To the extent a provider can measure progress through remote learning, this should be done. If it can't be done through the method described in the goal, we recommend the provider include a narrative and give as much data as possible about how the student is progressing. In the event the goal cannot be measured, or cannot be measured as written we recommend the provider start the goal update by using language such as, "In these unprecedented times, we have been unable to implement this goal (or implement it as written)."
- We anticipate districts will continue to have Extended School Year (ESY) obligations even if in-person school cancelled. Districts may consider holding ESY at the end of the summer or think about alternative delivery models such as remote learning. It will also be important to really look at the services the student needs during ESY.

Employment and Labor:

- Continue to think about the mental health and emotional needs of staff, especially when the Governor announces that school will be closed for the rest of the year. Districts should make sure staff are aware of benefits under the Employee Assistance Program (EAP). Additionally, the State has also created a mental health resource. Anyone can text the word "talk" or "hablar" to 552-020 and they will get a call from a mental health professional within 24 hours.
- Districts should start thinking about ways to get staff together, when this can happen safely. For instance, districts might have a staff barbeque or other event to bring staff together. We've talked about transitions for students who are graduating, but it will also be important to think about transitions for staff that are retiring, and finding ways to recognize and celebrate their contribution to the school.
- Yesterday the Illinois Supreme Court, in *Dynak v. Board of Education of Wood Dale School District 7*, affirmed a lower court's decision that sick leave for the birth of a child needs to be consecutive with the birth and when a teacher gives birth at the end of a year, the teacher may not use sick leave at the beginning of the next year to extend the leave. We expect that unions may try to address this in bargaining, as well as through legislation to redefine sick leave when staff has a baby at the end of the year.
- With respect to negotiations and the use of online platforms, there are two main issues to think about:
 - Logistics: Districts need to think about how to create a secure environment to have conversations and how to pass written materials back and forth. There are options to share screens and documents, but it will be important to make sure staff have knowledge about how to do this through the platform. Another consider

is how to ensure that it is a private conversation and there are no other individuals listening in the background. This will be more difficult to navigate.

- Substantive: Districts should consider whether using an online platform will change the nature of negotiations so much that it would be more appropriate to wait to be able to conduct negotiations in person. The answer will depend on the relationship between district and union. It is not an unfair labor practice to ask the union to wait or to ask them to bargain through an electronic format. Another option is to extend the contract by a year and wait until the pandemic is over to sit down and negotiate. On the one hand, it can be hard to bargain a contract when things are so uncertain, but on the other hand it can also be hard to negotiate if you wait for a year. There are pros and cons both so this decision should be made on a case-by-case basis.
- As a reminder, you don't have to post bargaining sessions, even if the entire Board is present, as bargaining sessions are exempt from the Open Meetings Act. Districts also do not have to open the meeting via the electronic platform and then go into a closed session, but can automatically go into closed session.
- To help make these decisions, it is important to keep in close communication with your union.
- Something we have been discussing with districts is that given the financial uncertainty, districts may have to look at contract language used before the Evidence Based Funding (EBF) model.

Contractual Services:

- Some districts have determined that since the buildings are not generally occupied, it may be a good time for construction projects to get started. In going out to bid for construction projects, there are a couple important considerations:
 - Make sure there is a provision for virtual pre-bid meetings and bid opening;
 - Make sure all performance bond requirements are clearly stated in the bid document; and
 - Get assurances in the bid regarding the company's financial stability and workers available to complete the work..