

Summary of April 24 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:

- Last week, right after our call, the Governor announced that school buildings would be closed for the rest of the year. While we anticipated this announcement was coming, it was still hard to process. We know this is hard and we encourage you to process it however you need to.
- Next week, Dr. Brent Clark of IASA will join our fireside chat. We are excited to have him join us and a big focus of the conversation will be on school finance.

ISBE and Federal Guidance Updates:

- As part of the Governor's executive order extending the stay at home order is a provision that addresses how schools can open to allow students to clean out lockers or deliver materials to students. IASA has developed some guidance and things to think about in arranging for this.
- Another executive order was released today and suspends the requirement of internships and supervised experiences for educator licensure and graduation requirements. Most graduation requirements have been suspended for current high school seniors too. Additionally, current seniors should get credit for internship or vocational opportunities even if these experiences were cut short.
- This week ISBE provided [guidance](#) on how to complete required screening for potential English Language Learners. Districts should consult this guidance.
- It's important to note that Dr. Ayala's made a statement in one of her weekly letters that ISBE does not expect school districts to replicate typical school experiences during this time. This will be an important statement when litigation likely starts in the fall.
- The Council of Chief State School Officers (CCSSO) has collaborated with other educational groups to start a resource website for supporting diverse learners. This may be a good [resource](#) for districts.
- ISBE released special ed guidance last week. We don't think this guidance is all that different from anything we have been discussing all along. Although the guidance document frequently states that there is no flexibility, we don't think this is entirely true if you look at DOE guidance and the statute itself. Districts need to harness the flexibility and look for alternative ways to approach students and document everything you are doing to support students during this time. We expect compensatory education claims to be filed and the documentation will help address the claim. The guidance around FAPE is confusing, as it says districts are obligated to provide students with a FAPE, but it is not clear about what that looks like during this situation. FAPE is defined by case law and that is what is going to define FAPE as we move through remote learning. Our advice remains that FAPE needs to meet kids where they are now and provide support

with respect to the educational opportunities you are providing for all students. Special education supports can be relative to what you are providing other students at this time.

Student Services:

- As we've talked about in previous calls, districts will need to think about alternative and creative options for prom and graduation. We've heard from a lot of school districts that are also starting to do alternative planning in the event schools aren't open in the fall. We think this is a good idea, as schools should plan for the worst and be ready for the best. It is possible that school may include dual methods of instruction (in-person and remote learning) or scheduling students to be in the building on a rotational basis. We recognize that each school's situation is unique and the planning will also be unique. In addition to the structure of instruction, schools should also be thinking about topics such as addressing the social emotional needs of students and curriculum adjustments.
- It is likely that next fall there may be families who don't feel safe with kids going back to school or some students who responded well to remote learning and parents will want the school to continue these plans even if school buildings are open. This may be an opportunity to look at how kids are learning and instructional practices, and be creative and look for opportunities to better align the two based on what we are learning now.
- In a case in Michigan, the 6th Circuit recently held that the federal constitution creates a constitutional right to receive a basic minimum education that is at least designed to provide a student with functional literacy, as this is needed to participate in democracy. The court does state this is not a guarantee of educational outcomes for students. It's important to note that this case does not impact Illinois directly, but it is a case that is designed to go to the Supreme Court, and we might see it before the Court next year. In Illinois we have had a history of state lawsuits on finances and education, but there has not been a lot of traction.

Special Education:

- In the event a parent claims FAPE has not been provided, the school district is required to demonstrate to the hearing officer or court that FAPE was provided. As we mentioned above, documentation will be key. This includes documenting what was provided, what was offered, and whether parents allow the child to avail him or herself to the services offered. The educational opportunities that exist to students will be relative and will be less than what was provided during in-person instruction. An analysis of whether FAPE was provided will require an individualized analysis and will be based on competency.
- Many districts are asking about how to complete progress reports. It will be important to take an individualized approach and look at each goal rather than making a statement on all goals for all students that indicate that data was not taken due to COVID-19. Rather, it may be appropriate to say that data was not collected for (4th quarter, 3rd trimester) because of COVID-19 for the goals for which that is true, but there should be some goals where you can say data was collected either remotely or just before schools were closed and it's important to indicate this. There will be some goals that teams were unable to work on due to remote learning and it's okay to say this as long as it's not a blanket statement for all goals.

- As the year is coming to an end, make sure case managers are watching dates for reevaluations and annual review that are due before the end of the year and try to follow timelines as best as possible. Remember, there is flexibility to extend timelines through mutual consent between the school and parents and districts should use this option when appropriate. The key will be to communicate proactively with parents.
- We received a call this week from a district indicating they received a call from a county health department recommending ESY not be in person this year. We agree it is probably not unreasonable to expect restrictions will still be in place in June. ESY dates are a local decision and we expect that some districts will continue with June dates and plan for remote ESY, while other districts may decide to push ESY back to July or August. Either option is fine. Districts should remember that if you change the dates to July or August, this is a new budget year. Additionally, districts will want to consider staffing and whether staff will want to participate if the dates are changed.
- Under the CARES Act, the money will go directly to ISBE and will then be distributed to schools. Schools will not need to fill out an application. ISBE's website provides estimated amounts that each district will receive.
- We've recently received questions about funding and special education. During the recession in 2008 we did notice some reductions in reimbursements for special education factors such transportation, residential, and therapeutic day school placements. It is likely we will see reductions as a result of the current financial situation. It is also likely that legislation around unfunded mandates may be stalled at this time.
- Recently, a class action lawsuit was filed against the Hawaii Department of Education regarding a denial of FAPE to students during the pandemic. While it may be helpful to see how this might be addressed, we aren't too worried about it for a couple reasons. First, it assumes a widespread denial of FAPE and we think this is too big of assumption to make. Additionally, IDEA requires parents to exhaust administrative remedies (i.e., due process) before filing a claim in court and they didn't do this. We will continue to watch how this precedes, but we don't think there is much to worry about with this case.

Employment and Labor:

- We recommend that Human Resources administrators stay in touch with IASPA, as they are doing some really good work around navigating HR during this time. For instance, in a recent Zoom call, IASPA talked about hiring practices and recommends focusing on hiring administration and certified staff at this time, but holding off on hiring non-certified staff at this time. North Cook ISC is also doing a lot of good work in this area and is another good resource.
- As a reminder, as you start to plan for next year, you will be planning for a calendar or structure of the school day that might look different, or planning for a year where there are less financial resources. We encourage you to include the union early in these discussions and remember that you will need to bargain these issues.

School Finance:

- We believe there will be a deep financial impact as a result of the pandemic, but we are not sure of the gravity. We believe that once the shelter-in-place orders are lifted, the

economy will bounce back, but we aren't sure of what will happen in the short-term. We imagine we will see a financial impact for the next couple years. It will be important to consider this both in short-term and long-term planning.

- We believe we will see impacts in several ways:
 - Delay in property taxes: We are already seeing counties extend deadlines for fall property tax payments and waive late fees. We know that this will impact school finance and there is not much we can do except have conversations with county clerks about how these decisions will impact schools.
 - Income and Sales tax at the State level: We believe this will also take a big hit that will negatively impact school finance. While we don't have answers at this time, we can anticipate that district may not receive full funding through EBF.
 - Property Reassessment January 1, 2021: Commercial properties and some industrial properties may drop, which may result in a shift to residential tax payers. This will likely impact the cash flow a year from now.
 - CPI: If we finish the year at a negative CPI like now, this will result in a flat zero year over year. These are decisions made by county clerks, judges, and legislatures. If you have CPI language in your contracts, think about the impact and talk to your legal counsel about what to anticipate
- As we think about the potential financial implications, there are some things districts have control over and should be thinking about, including staffing, forecasting, and capital projects. There are also options for interfund transfers, but districts must remember that there are notice and public hearing requirements. Additionally, districts can issue revenue notes. And, soon, CARES Act funding will be available and we anticipate there will be more details from ISBE about this soon.