

## Summary of May 8 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:**

- Happy Teacher Appreciation Week! Thank you to all of the amazing teachers out there, including the wonderful teachers that helped us get to where we are today.
- Governor Pritzker recently released a five-phase plan to reopen our communities. We are currently in Phase Two. This plan is also a geographic plan, with four different regions that will not necessarily advance at the same rate. Schools will reopen in some capacity during Phase Four, with guidance from IDPH about how to reopen schools safely. In order to get to Phase Four, we will need to have testing freely and widely available.
- We realize there are political pressures to reopen businesses and schools and we hear many questions about whether schools will open in the traditional sense in the fall and whether we will have fall sports like football. Unfortunately, we just don't know at this time. We continue to encourage districts to plan for the worst and hope for the best and have plans for multiple options in place. Districts should be thinking about how to address social distancing in the fall.

### **ISBE and Federal Guidance Updates:**

- **Graduation:** In guidance released last week, ISBE stated that districts can create videos using student pictures to celebrate graduations, but stated that this is for students who agree to participate. Students pictures are considered directory information and can be released without consent. However, both FERPA and ISSRA state that parents must be notified of what constitutes directory information and their right to opt out. Districts that are planning on creating graduation videos should confirm whether any parents have opted out and contact any families that have done so to see if they would like their child to be included in the graduation video. Some districts have also asked about obtaining information from students' social media accounts if they do not have pictures of students. We do not advise that districts do this, unless the photos from social media accounts have been provided by the parent or students.
- **General Guidance FAQ:** ISBE's general guidance provided several new updates.
  - ISBE reminded districts that their calendars will be different this year, but districts will still need to have 176 days of attendance. Districts do not need to submit an amended calendar at this time.
  - ISBE also amended guidance regarding student locker clean out. Many of the districts we have heard from that have attempted this have indicated difficulty with implementing social distancing and have altered plans to have custodians clean out lockers and have students pick up boxes with their supplies.

- Information about teacher licensure was also updated. Districts should look at this information when hiring new graduates.
- Lastly, ISBE has indicated that the Behind-the-Wheel portion of driver's education is not available right now, however, ISBE is looking at this. ISBE believes they need legislative changes to make sure they can get everything situated.
- **Summer School:** As a reminder, districts are not required to offer summer school. However, if districts do, they should plan for remote instruction this summer. ISBE suggests summer school should be used to address learning loss and academic gaps, but this is a suggestion, not a requirement. Additionally, if the district is granting high school credit for a course taking over summer, it must meet the 60 hour requirement.
- **DCFS/ISBE Joint Guidance on Wellness Checks for Students:** Districts should be making contacts with students in any means possible, which ideally includes one-to-one contact if possible. If districts are going to do a wellness check in person, staff should contact parents and notify them of the visit first, but may still visit even if they are unable to reach parents. During wellness checks, staff should use a mask and practice social distancing. As a reminder, all district employees are mandated reporters and if a staff member thinks a student may be abused or neglected, it is better to err on the side of calling, as failure to do so may result in losing your license.
- **Attendance:** ISBE originally indicated it wasn't necessary to report attendance, however, recent guidance from the Student Information System (SIS) staff indicates attendance needs to be reported monthly. Although attendance should ideally be taken through one-to-one daily contact, it can be done through other means such as taking attendance for the week upon receipt of a completed packet. Districts should do their best with reporting attendance accurately, but should not worry if it is not 100% accurate. As a reminder, attendance does not impact funding.
- The new Title IX rules will go into effect August 14, 2020. We are going to come out with a newsletter next week. One of the biggest changes is that the definition of sexual misconduct is more narrow. The new definition is "unwelcome conduct determined to be so severe, pervasive, and objectively offensive that it effectively denies the student an education." Additionally, conduct must occur on school grounds or in the context of a school-sponsored activity. We also note that while LGBTQ individuals are not excluded, they do not seem to be specifically included either. Additionally, the Department of Education declined to address transgender student rights. It's important to note that K-12 and post-secondary procedures are different in some ways. While a hearing is required in post-secondary schools, it is not required in K-12. New to the grievance process, cross examination will be allowed.

### **Student Services:**

- As you plan for graduation ceremonies, remember to work with your local health department, as each county is unique and guidance will vary depending on the needs of the county. We recently learned that Dupage County is recommending there be no in-person or drive-thru graduations.

### **Special Education:**

- We are seeing an increase in parent letters requesting additional services, reimbursement for private services, and compensatory education. We've talked with you in the past about the need to send Prior Written Notice (PWN) in response to these requests. The PWN can be very prescriptive and harsh in tone so we are generally taking a two-step approach that includes first sending a letter that is less prescriptive and more supportive, but still says no. Then, if necessary, send the PWN. We are happy to work with you to navigate these situations.

### **Employment and Labor:**

- Last week we talked about Reduction in Force (RIF) and had some questions about the possible impact on CARES Act funding if a district does not maintain all staff. In talking with ISBE, ISBE has said RIFs for next year shouldn't impact CARES Act. We will work with you in August to make sure that is the case if you are looking to RIF non-certified staff at that time.
- We know that there is a balance between how to address financial hardships due to COVID-19 and the possible need to freeze teacher salaries, while also recognizing the community's appreciation for teachers during this difficult time. This will be a delicate balance during bargaining next year and district leaders will need to think through how to address this issue.
- It is likely that we will have teachers that will not want to come back next year because they are at high risk of contracting COVID-19. Districts should be prepared for how they will respond if teachers make this request right before school starts. The extension of the FMLA Act runs through Dec. 31 so when you get a quarantine order for a teacher, you will likely have to honor it and figure out if the teacher can provide remote learning, even if students are in school. We will continue to help you navigate this when these requests come in.
- We have had a lot of districts ask about creating E-Learning Plans for next year. It is important to remember there are specific steps you need to take to get the plan approved including plan development, consultation with the union, public notice, board approval, and approval by the regional superintendent. We encourage you to collaborate with your unions while developing these plans.

### **Business and Contractual Services:**

- As districts begin to think about this summer and next fall, we are getting many questions related to the topics below. While we don't yet have the answer, below we list the types of questions that you guys are thinking about.
  - **Transportation:** Many of you are beginning to think about what this will look like when school reopens. While this will likely depend on guidance from IDPH, some districts are thinking about whether they will take students' temperatures before getting on the bus, or whether they will need to have students sit in alternate seats to increase space between students. This also has practical implications related to how many busses will be needed and how routes may need to be

adjusted to account for few students on a bus or students attending school on alternate schedules.

- **Food Service:** For districts that are looking for food service over the summer there are a couple options to explore, including SSO Seamless Summer Option. For the fall, districts are looking at several changes such as getting rid of buffet serving lines, moving to single serving pre-packages options, using physical barriers to protect food, and using cashless card options.
- **Custodial:** Districts are starting to think through cleaning issues such as how to complete deep summer cleanings and options such as sterilizing the buildings and shut down for summer.
- **Hazard pay:** We haven't seen requests for hazard pay in the school setting, but recently some nurses outside of the school setting threatened to go on strike to get hazard pay. This is just something to continue to watch.