

## Summary of August 21 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:**

- Some schools are venturing into being COVID test sites. Schools are finding ways to do this with informed consent from parents and staff. We have seen some schools developing contracts with private entities for testing. Most schools are doing saliva tests but there are also blood-prick tests available. The University of Illinois also got their testing protocol approved on an emergency basis by the FDA.
  - Governor Pritzker talked about testing this week and stated that this might be a pathway for schools to reopen in person.
  - While districts do not need to do testing on site, some schools are using this as a mitigation measure to get back into the school buildings.
- We have heard from many districts that have started the year, in many different forms, and it all seems to be going really well! We've heard lots of great stories of things our schools are doing for a successful start to the year.

### **ISBE/IDPH Guidance Updates:**

- IDPH FAQ Document: Documents coming out from the IDPH are increasingly more difficult to understand. This document has been updated multiple times now.
  - There is definitely a change in the number of days of exclusion. We will update this over the weekend. At one point COVID positive cases were excluded for 14 days, now this has changed to 10.
  - COVID symptoms for children now include poor appetite or poor feeding.
  - IDPH has started to use some new technical terms, but the list of symptoms hasn't really changed.
  - Individuals who have tested positive within the past three months should not have a suspicion of COVID infection. Therefore, they do not need to be excluded, isolated, or quarantined.
  - Use of N95 masks. IDPH has changed the language to say that nurses and custodians are safest when they wear N95 fitted masks, but this is not required. As we talked about last week, these masks are hard to find, they are expensive, and they are difficult to fit. Also, doctors don't routinely wear them.
- The IDPH Exclusion Tree was updated yesterday. It reads well with the exclusion chart we created.
  - IDPH is using three groups of individuals:
    - COVID positive
    - Probable or suspect case (new category): This means an individual who is symptomatic. Defined in two ways: 1) COVID diagnosis without diagnostic

testing, or 2) COVID symptoms and epidemiologically linked to a known case

- Symptomatic person
  - An individual must be quarantined for 14 days if they are in close contact with someone positive, probable, or suspect. If an individual comes into contact with someone symptomatic, no quarantine is needed. However, quarantine should be considered if rules regarding masks and social distancing were not adhered to, or depending on the symptoms. IDPH is trying to give districts more flexibility to not have to quarantine individuals who were with someone with just one symptom.

### **Employee Leave:**

- We have been hearing from districts with COVID-positive staff members. Most districts are reporting that the staff outbreaks generally have nothing to do with school, but because of risky behavior staff are engaging in outside of school such as disregard for social distancing and other necessary practices. Districts are handling this differently. Some districts are using discipline and unpaid days, while other districts are looking at the different leave available. If staff engage in practices that disregard necessary measures, they impact the common good.
- We have also heard many questions about the Americans with Disabilities Act and leave. All decisions must be made on a case-by-case basis that includes an interactive process with the employee to determine appropriate accommodations. However, employees still must be able to do the essential functions of their job.

### **Completing Evaluations During COVID:**

- It is important for districts to complete outstanding evaluations. We know that practitioners are concerned about doing so in a way that preserves the integrity of the evaluation process. Districts should look at the existing information available and information that can be collected through alternative methods to determine eligibility and need. If standardized assessments are necessary, evaluators should determine whether any adaptations need to be made, and if so, how this will likely impact the validity and reliability of assessment results. This information should be included in the evaluation report.
- It may be helpful to have job-alike teams get together to review information that may already be available, as well as standardized assessments and adaptations that may need to be made to the administration process. It may also be helpful to review eligibility criteria to determine what information may be necessary.

### **OMA**

- We anticipate the governor will renew the disaster declaration, which would continue to allow districts flexibility to hold board meetings under the OMA.

### **Transportation Contract:**

- Districts are reporting that transportation companies want a sweeter deal than they had in the spring in situations where students are not currently learning in-person. This will require some negotiation and for districts to pull out the transportation contract to see how it is written. Last spring, schools closed because they had to. This fall, it is an individual district choice so you need to see how the contract deals with this. If you have an early termination provision you can use this for some leverage. Districts should also check to see if you have an obligation to transport students in the first place. There are many districts that do because it is a community expectation, but it is not required.

### **Recent Court Cases and Liability:**

- Recently, a half dozen of the COVID cases around Illinois got consolidated to be heard at the same time. These are not all the cases out there, but are a core group making challenges to the Governor's emergency authority and the authority of ISBE and IDPH.
  - A court did enter an injunction against Hudsonville saying that the District must comply with guidance related to masks. The District voluntarily decided to do this at a recent Board meeting and has since been dropped out of the case.
  - Two private schools also challenged ISBE/IDPH authority. The judge said the State has a right to combat COVID and there will be irreparable harm in the absence of an injunction because the virus will continue to spread. Additionally, the State will also likely succeed on the merits. The ISBE guidance slows the spread. There was no mention of the Governor's right to 30-day issuance of power.
  - The TRO said school districts must:
    - Comply with PPE requirements
    - Comply with 50 person limit
    - Social distancing as much as possible
    - Symptoms screening/self-certification
    - Increased cleaning and disinfecting
    - Do whatever else the guidance says
      - This means the 63-page guidance should be followed.
      - Dr. Ayala said in a letter this week that there are 6 non-negotiables: those included above (1-5) and providing a remote platform is requested by parents. The rest are recommendations.
- Boards don't need to adopt resolutions to increase tort immunity. There is no concern with adopting resolutions but it won't make a big difference either way. As we get the school year under way, document what is going on and track your local conditions. This will give good support in the event you need to defend decisions that you made.