

## COVID-19 Guidance for Illinois Schools

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### *Legal Considerations for Responding to a Pandemic*

March 16, 2020

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Dear Friends and Colleagues:

We appreciate that our school districts, cooperatives, and other clients have been significantly impacted by COVID-19. The effects of COVID-19 are constantly changing, and HLERK is vigilantly monitoring the rapidly evolving situation to provide you with the best legal advice during this unprecedented time.

On Friday, March 13, 2020, Governor J.B. Pritzker announced the closure of all public and private schools in the state of Illinois from March 17-March 30, 2020, to help prevent the spread of COVID-19. In the interim, HLERK attorneys have participated in a number of Town Hall meetings with the Illinois State Board of Education (“ISBE”), reviewed guidance letters issued by both ISBE and the federal Department of Education, and been in constant contact with stakeholders across the state in an attempt to plan for the weeks ahead. Based on those conversations and our own internal research, we prepared a guidance document separated by content area for your reference – frequently asked questions on labor/personnel, corporate/board governance, and student/special education issues. As you know, this situation is changing by the hour, so this guidance document will be regularly updated and available on HLERK’s website, [www.hlerk.com](http://www.hlerk.com).

Please be assured that HLERK is, and will continue to be, available to you to provide legal support and guidance throughout this crisis. The firm has enabled its attorneys and support staff to work remotely from any location, should we need to close one or all of our offices. We are committed to providing responsive guidance to all of our clients without interruptions. To ensure there are no interruptions and that you can reach us 24/7, our email addresses and cell phone numbers are listed below.

We hope you all stay safe and healthy during this time. If you have any questions, please reach out to any of our attorneys.

Sincerely,

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## **Section 2: Labor and Personnel FAQ**

### **When are schools mandated to close for instructional purposes due to COVID-19?**

For the period March 17 through March 30, 2020 (“AOG Period”), instructional days on your school calendar have been declared Act of God days and will not count as instructional days even if e-learning is provided. These AOG days are not required to be made up.

### **What about today, March 16?**

Today, March 16, has not been declared an AOG day automatically. Instead, schools have total flexibility over how they designate the day. They may use an Emergency Day; a Teacher Institute Day, even if the district has already used all of its pre-planned Teacher Institute Days; a half-day of student attendance; or, if a district has already exhausted all of its Emergency Days, an Act of God day.

### **Will staff be paid for the AOG period?**

Per ISBE’s guidance, during the AOG Period, schools will not be in regular session, but all staff (teachers and ESP employees) must be paid their regular compensation for work days without deducting from the staff member’s accumulated leave. (Note: If your spring break falls during the AOG Period, the break does not need to be paid.)

### **Do schools have to staff school buildings during the shutdown?**

School districts may require administrators to perform duties during the AOG Period, and ISBE has recommended that at least one administrator should be available in each school building. Additionally, all recommendations from the IDPH should be followed, including proper distancing and encouraging working remotely, if possible.

### **Can schools require staff to perform any functions during the shutdown?**

Whether a school district may require employees (teachers or ESP staff) to perform job duties during the AOG Period remains in dispute. ISBE is recommending that schools continue educational opportunities, provide meals to students, run payroll, and conduct IEP meetings, all of which may require the assistance of non-administrative employees, as would maintaining building security. It is our understanding that ISBE and/or representatives from the Governor’s Office will be meeting soon with the IEA and IFT to discuss whether employees can be required to perform these essential functions during the AOG Period. We hope that meeting will help clarify the roles of both bargaining unit and non-bargaining unit employees for the remainder of the AOG Period, and we expect additional guidance from ISBE or the Governor’s Office following that meeting.

## Section 3: Board Governance FAQ

### How do we cancel or reschedule a Board meeting?

The law doesn't state how to cancel a Board or committee meeting, but districts should provide a notice of cancellation as soon as practicable on the District's website and in all the usual places where meeting notices/agendas are posted, as well as to any media that receive meeting notices/agendas. To reschedule a meeting, the *Open Meetings Act* ("OMA") typically requires posting a notice/agenda at least 48 hours in advance of the rescheduled meeting in all the usual places where notices/agendas are posted, as well as to any media that receive meeting notices. Check your Board policies (for example, PRESS Policy 2:200 and 2:220) for more details on Board meeting protocols.

### How do we call an emergency or special meeting?

OMA allows a Board to meet with less than 48 hours' notice for a "bona fide emergency" by posting a notice/agenda as soon as practicable on the website and in all the usual places where meeting notices/agendas are posted, as well as sending notice to any media that receive meeting notices/agendas. Contact legal counsel to determine if your situation qualifies as a "bona fide emergency." An emergency or special meeting may be called by the Board President or any three (3) Board members. At the emergency or special meeting, only topics listed on the agenda can be discussed.

### Can Board Members attend meetings remotely?

Yes, but only in accordance with a Board policy, if the absence is for a qualifying reason and – most importantly – a quorum of the Board must be physically present to conduct any business, as required by OMA. Contact your legal counsel to discuss how remote participation due to current pandemic circumstances may constitute a statutory qualifying purposes, such as illness or emergency. Check your Board policies (PRESS Policy 2:220) and OMA Section 7 for additional procedures and limitations. Legislative proposals are currently pending to provide more flexibility in this area, but for now, at least four (4) Board members must be physically present to conduct any business.

### Can we prohibit the public from physically attending a Board or committee meeting?

OMA requires all meetings to be open to the public, and no flexibility has been granted due to the current pandemic or restrictions imposed by Governor's executive order. Districts can, however, live stream a meeting on the internet and strongly encourage the public to stay home and view it remotely, perhaps even offering a means for public comment via telephonic or other means. We have been in discussions with the Attorney General's office on this issue, and, again, legislative proposals are currently pending that may allow greater flexibility in this area. With that said, ISBE has balanced the risks for itself and determined to afford public participation in its own meetings by telephone conference, web-conference, and the ISBE audiocast. *See* [Mandatory Statewide Closures Guidance](#).

ISBE warns, however, that the decision to alter public participation protocols involves a balancing of risks, and should be made in consultation with the Board of Education and legal counsel. We

note that districts should consult with legal counsel regarding the potential consequences of a technical OMA violation given their specific meeting agendas. We suggest that, if possible, Boards should adopt emergency rules to address these temporary changes in the public participation process to align more closely with the OMA language that public participation be under rules “established and recorded by” the Board.

### **What legal or policy considerations apply to a communications plan?**

Check Board policies (PRESS Policies 2:110, 2:140 and 3:30) for chain of command considerations, as the Board President or Superintendent typically should represent the district to the media, and individual Board members and employees are encouraged to refer questions to them. Also, the Board policy on committees (PRESS Policy 2:150) may establish a Communicable and Chronic Infectious Disease Program Task Force and Review Team that would, if it exists, play a role in decisions concerning removal of exposed staff or students. Communications to the public concerning student and personnel information must be handled with sensitivity to confidentiality requirements (PRESS Policy 5:130). For more information on confidentiality of student information and COVID19, see the Department of Education’s *FERPA & Coronavirus Disease 2019 (COVID-19) Frequently Asked Questions (FAQs)*, March 2020. See [FERPA and Coronavirus FAQ](#).

### **How do we manage FOIAs during a school closure?**

According to our conversations with the Attorney General’s office, school closure days (just like days during spring or winter breaks) could still be viewed by that office as “business days” under FOIA timelines, so districts should plan to continue to process FOIA requests during closures. If an employee designated to receive FOIA requests by email is not working during this time, forward those requests to another email or set up an automatic message redirecting the requester to another email address. Districts should not hesitate to ask requesters to agree in writing to additional extensions of time as needed. Contact legal counsel to discuss individual requests.

## **CONTRACT AND BUSINESS ISSUES**

### **How do we pay bills if Board meetings are canceled?**

First, you will need to ensure you can receive mail. If your district and schools do not have drop boxes, consider instituting a mail hold with the USPS or forwarding mail to a P.O. box, arranging for a staff member to pick it up periodically. Due to the volume of mail and multiple delivery locations in most districts, direct communication with your local post office is advised. Second, there are some options for payment of bills in advance of board approval. The *School Code* is somewhat antiquated in its description of payment approval processes. In some sections it states specific Board approval is required; however, it also expressly authorizes payment of Social Security taxes and recurring bills, such as utility bills, upon certification by the clerk or secretary of the Board, and also allows establishment of a “voucher system” of expenditures, without further definition. Many Boards have established broader authority provisions for payment prior to board approval pursuant to the general voucher system concept (PRESS Policy 4:50). Legal counsel can provide you with a resolution to implement temporary payment processes.

## When and how can we cancel student trips and tours?

Pursuant to ISBE's guidance, all in-person school-sponsored activities scheduled during the statewide school closure are suspended until school resumes. Further, Governor Pritzker has prohibited all large gatherings in Illinois of more than 1,000 people for the next 30 days and recommended postponing all gatherings of 250 people or more amid the outbreak, and the CDC has now recommended that no gatherings of more than 50 people take place for the next eight weeks. See [Executive Order-2020-04](#) and [Mass Gatherings Guidance](#). While both the Governor's order and the CDC guidance exempt the day to day operation of schools, trips take students out of the school context and into the general population. Therefore, it is advisable that field trips be postponed at this time.

Additionally, ISBE is strongly urging all school districts to generally "re-evaluate any planned or anticipated travel," which would include travel outside the current period of mandated closure. ISBE specifically advises that "trips to any countries with active advisories be postponed to a future date or canceled and replaced with another trip." Implementation of these directives and advisories regarding cancellation of school-sponsored trips is within the discretion of the Board or superintendent (PRESS Policy 6:240). A district also may be able to effectively cancel non-school-sponsored trips through the group leader under a group cancellation clause or by prohibiting student travel, which may trigger a refund provision for the parents. The specific terms of each tour operator's contract documents must be reviewed to determine cancellation options and refund parameters. Many tour operators have been expanding their refund policies to allow refund of more money, transferable vouchers, or to allow trip rescheduling. We have spoken with the Attorney General regarding options for the small number of tour operators who are refusing refunds or vouchers. In light of the unique situation developing, if you cannot achieve satisfactory refund terms, contact your legal counsel to see if consumer protection laws can be utilized.

Some of the factors to consider in determining whether to cancel a trip that is not school-sponsored or that falls outside the mandated closure window include the following:

- Current status of State Department Travel Advisories by country. See [State Department Travel Advisories](#) and [Covid-19 Travel Advisories](#) as well as Global Level 3 Health Advisory—Reconsider Travel. See [Global-level-3-health advisory](#).
- *CDC Interim Guidance for Childcare Programs and K-12 Schools* stating that schools may need to postpone or cancel trips that could expose student and staff to potential community spread of COVID-19. The CDC also notes that students returning from travel to areas with community spread of COVID-19 must follow guidance from health officials. See [Schools-Childcare Guidance](#).
- CDC requests for voluntary quarantine. See [After-travel Precautions](#).
- New restrictions on entry from certain countries in Europe pursuant to the Presidential Travel Ban Proclamation (3-11-20); restriction excludes "legal, permanent" U.S. residents and their relatives, but it is possible you could have students or parents on a trip who could fall outside the exemption. If a trip will be proceeding, it should be confirmed that all

travelers will be able to re-enter the country. *See* [Suspension of Entry to Immigrants-Nonimmigrants](#).

- ISBE Letter (3-6-20) to school districts strongly urging them to re-evaluate any planned or anticipated travel and encouraging them to exercise an abundance of caution. *See* [ISBE Letter to School Districts re Travel](#).
- ISBE School Closure Guidance directing suspension of all in-person school-sponsored activities scheduled during the statewide school closure. *See* [School Closures Guidance](#).

### **What if the district or a vendor cannot fully perform under a contract due to the coronavirus or school closure?**

If you think the coronavirus or related school closure will affect your district's ability to perform under a contract, consult with your legal counsel to see if a force majeure contract clause or common law concept, such as impracticability or frustration of purpose, will offer relief. If a vendor notifies the district it will not be able to fully perform its contract, review contract terms for payment and termination implications. Also confirm whether the vendor carries supply chain or business interruption coverage that might benefit the district.

### **Do normal procurement rules continue to apply?**

The Governor's Disaster Proclamation for COVID-19 suspended provisions of the Illinois Procurement Code, which mainly affects state agencies, that might prevent, hinder or delay necessary action in coping with the disaster. The Proclamation also stated that the Governor, if necessary, may take executive action to suspend additional statutes and rules. *See* [Governor's Disaster Proclamation](#). However, no additional action regarding school district procurement laws has yet been taken. If you think a school closure will affect a scheduled bid opening, consult with your legal counsel to discuss options under your specific facts and bid document terms, such as extending the bid due date, using bid tender options other than delivery inside the school building, or ensuring someone is available to receive bids at the previously scheduled time for bid submission.

### **Are we required to pay contractors if they cannot perform services due to school closure?**

Maybe. Review key contracts (e.g., custodial, food services, interior construction, and temporary staffing agencies) for impact of school closure on payment obligations and the logistics of access to school premises by the vendor, if needed. Consult with your legal counsel as to possible contract and common law exemptions.

### **Should contractors adjust their services due to current health advisories?**

Maybe. Discuss with vendors that provide cleaning services (custodial, food services, transportation) the need to adhere to cleaning protocols (increasing frequency in high-touch areas) as recommended by public health authorities and the ability to deviate from standard green cleaning products (PRESS

Policy 4:150) as needed. See *CDC Resources for K-12 Schools and Childcare Programs, Cleaning and Disinfection Recommendations*. See [Cleaning and Disinfection Recommendations](#).

Discuss with vendors that provide your district with on-site contract or temporary service providers (e.g. staffing agencies, food services, custodial, transportation) the importance of sick employees staying home and encourage the vendors to develop non-punitive leave policies. Review those contracts for fitness for duty or other provisions allowing requirements for demonstration of health. Be prepared to send home contracted service providers who exhibit symptoms.

### **Are there security issues with employees working remotely?**

Yes. Cybersecurity experts warn that hackers may target employees working remotely during this period. Districts should review with employees the technology security protocols for working remotely. Approval for software and application usage by teaching staff utilizing e-learning instruction should continue to follow district protocols to ensure student data is handled by the technology provider in a secure and lawful manner. The U.S. Department of Education has a Privacy and Technical Assistance Center (PTAC) with related resources, such as this *Guidance on Protecting Student Privacy While Using Online Educational Service: Requirements and Best Practices*. See [Student Privacy and Online Educational Services](#).

### **Do we have insurance coverage for any of this?**

Maybe. A review of insurance coverage is recommended (PRESS Policy 4:100) to address the following types of questions: Does your district carry trip or event cancellation insurance? What is your cyber breach coverage? Will CGL and/or E&O cover claims for contamination/illness by employees, students, volunteers and third parties? You may also want to review worker's compensation claim filing protocols and have ready to distribute to employees if infection is later suspected to have arisen in the school environment.

## **FACILITIES ISSUES**

### **What are the issues related to the use and cleaning of our buildings to protect students and staff?**

The Governor's order mandating school closure states that the closure order does not affect the availability of school buildings for the provision of food and other non-educational services, nor does it affect the availability of school buildings to serve as election polling locations. See [Executive Order 2020-04](#). Thus, cleaning protocols continue to be needed.

Many districts have a Green Cleaning policy in place and utilize a specific range of cleaning products (PRESS Policies 4:150 and 4:160). Review whether cleaning products in addition to those currently on hand in your district need to be obtained for recommended cleaning in this situation. Routinely clean all frequently touched surfaces in the workplace, such as workstations, countertops, and doorknobs. Use the cleaning agents that are typically used in these areas and follow the directions on the label. Provide disposable wipes so that commonly used surfaces (for example, doorknobs, keyboards, remote controls, desks) can be wiped down by employees before each use. These enhanced cleaning protocols may need to continue in part during a school closure if any staff or students will be present, and likely will need to be reinstated in full for a period after schools reopen.

Before closure, during closure (for those present), and for a period after school reopens, it is advisable, to the extent possible, try to keep appropriate distances from other students and staff (*e.g.* CDC recommendation to space desks 3 feet). Additionally, limit large gatherings. The CDC suggests packaged or meal deliveries to avoid congregating in cafeteria. Review the CDC's *Environmental Cleaning and Disinfection Recommendations*. See [Cleaning and Disinfection Recommendations](#). Consider suspending your Facility Use Policy (PRESS Policy 8:20) to prevent public use of your facilities and consider cancelling all established public use of your facilities. Check your policies and any applicable facilities use agreements.

### **Do we need to keep a school open as a designated polling place?**

Yes. The Governor's order on school closure states that the closure order does not affect the availability of school buildings to serve as election polling locations. See [Executive Order 2020-04](#). Due to the logistics in rescheduling a polling place for which notice has been published to voters, we think it unlikely that a polling location could be changed at this point. As of this date, election authorities are proceeding with elections.

The CDC has published interim *Recommendations for Election Polling Locations*. See [Election Polling Locations](#). The guidance suggests that polling stations try to reduce crowd size by encouraging early voting, discouraging unnecessary people from accompanying poll workers, and spacing voters far apart while voting and waiting to vote. The guidance also suggests that everyone should wash and/or sanitize their hands, and that poll workers frequently clean polling equipment. We suggest districts reach out to their county election authorities to confirm the authorities will be following CDC protocols.

## Section 4: Students/Special Education FAQ

### **Are school districts required to provide a free appropriate public education (FAPE) to eligible students under IDEA and Section 504 during the mandated school closures?**

If during the “school closure days” (March 17-March 30) a school district does not provide educational services to its general education students, the district is not required to provide services to its special education students. ISBE’s updated March 14, 2020, guidance clarifies the school closure days *will not* count as student instructional days. However, if a school district provides e-learning services or instructional opportunities for general education students during the school closure days, then the district is required to attempt to provide FAPE to special education students. See [ISBE Guidance](#) and [Department of Education Q & A](#) on providing special education during the Coronavirus outbreak.

Governor Pritzker assured school administrators during his press conference on March 13, 2020, the state will issue no penalties as a result of the mandated statewide school closure. In addition, Superintendent Dr. Carmen Ayala issued a [statement](#) on March 13, 2020 indicating “ISBE will issue no penalties and will work to ensure no negative consequences to districts” regarding any possible impacts of the school closure, which we assume includes the provision of FAPE to eligible students. However, ISBE has not received any formal waiver from the federal Department of Education (“DOE”) on IDEA/Section 504 requirements (see FAQ No. 3 below).

### **How do schools who have not adopted e-learning plans continue to provide education during the mandated school closures? How do school districts provide “continuous learning opportunities” during this school closure? Has ISBE “waived” the statutory application requirements to establish e-learning programs?**

For districts that have not adopted e-learning plans, ISBE has authorized all districts to provide “continuous learning opportunities in the way that you are able, including through technology and free online resources” that work best for the district’s school community. See [ISBE’s March 14 updated guidance](#). Because the school closure days will not serve as student instructional days, districts have absolute discretion in defining “continuous learning opportunities” for students during this closure period. See [ISBE’s online library of instructional resources](#).

In the meantime, ISBE advises districts should prepare and submit an e-learning program proposal to its respective ROE or ISC for approval as soon as possible. *However, e-learning plans are not mandatory.* [Governor Pritzker’s March 13, 2020, Executive Order](#) suspended the remaining procedural requirements of e-learning approval during the period of the Disaster Declaration, including:

- Removing the limit on the number of e-learning days a district may use during the state disaster proclamation;
- Allowing district superintendents to adopt the plan without board approval;
- Removing the requirement that school boards hold a public hearing on the plan;

- Removing the September 1 plan approval deadline;
- Removing the 30-day parental notification requirement; and
- Allowing ROEs/ISCs not to deny plan approval based solely on the 300-minute instructional requirement, if the ROE/ISC determines that the plan provides substantial student learning opportunities.

ISBE has changed its March 17<sup>th</sup> e-learning webinar to a webinar for administrators to discuss ISBE’s guidance and answer questions. Districts can register for the webinar [here](#).

### **How do school districts deliver special education services during e-learning days?**

Do your best. Ultimately, the answer depends on each student’s programming and services. School districts that adopt e-learning plans or those providing some level of services through continuous learning opportunities (even in cases where the e-learning plan is not approved by the Board or ROE) should work to provide instruction, related services, and accommodations/modifications that can be delivered to students based on their IEPs and 504 plans. For example, if a student receives an accommodation for enlarged print, the district should provide assignments with enlarged print on e-learning days. If a speech language pathologist can deliver speech services to a student via Skype where the student will receive benefit from the service, then they can provide speech services to the student via Skype.

For instruction and related services districts *cannot* deliver through an e-learning platform or other “continuous learning opportunities” (e.g. students who require functional academic instruction in a structured, classroom setting, or direct occupational and physical therapy services), districts may need to consider compensatory education services on an individualized basis following the school closure. As stated above, ISBE indicated it will not issue any penalties to school districts during the school closure days. We assume this statement applies to districts’ provision of FAPE and special education and related services; however, we await further guidance from ISBE on the provision of special education in the next several days. At this time, we recommend districts do their best to deliver any special education services, related services, and accommodations they can through the e-learning platform or “continuous learning opportunities” based on students’ IEPs and 504 plans.

### **Are school districts still required to meet IDEA timelines during school closures?**

During the school closure days, IDEA timelines defined by “school days” are likely suspended. Per ISBE’s March 14 updated guidance, the school closure days will not count as instructional days; as a result, these days likely do not qualify as “school days” in calculating relevant IDEA timelines. Examples of IDEA timelines that reference school days include the 60-school day timeline for evaluations and the 14-school day for responding to an evaluation request.

However, to the extent possible, teams can consider telephone and video conference applications to hold scheduled IEP/504 meetings with families to meet mandated deadlines for annual review meetings and triennials. School districts can also consider asking parents to waive the attendance of certain IEP team members and ask parents to sign excusals. We expect both the DOE and ISBE to apply leniency in their oversight of mandated annual review/triennial meetings during a school closure. Consult with your legal counsel on rescheduling annual reviews, triennials and eligibility meetings during a school closure if the closure results in an untimely meeting.

For students currently in the IDEA/504 evaluation process, either for an initial case study evaluation or a triennial reevaluation, the 60-school day timeline is likely suspended to complete these evaluations and hold student eligibility meetings during this school closure. In most cases, teams cannot evaluate students without in-person testing sessions or classroom observations. When schools reopen, student services teams should prioritize evaluations for students who are impacted by the timing of the Governor's March 13 order and school closure. In cases where the student's testing is complete prior to the mandated school closure, staff can complete their report writing during the school closure days.

For all other statutory/regulatory requests and mandated *calendar day* responses (e.g. responding to a parent request for an IEP meeting, parent requests for an independent evaluation at public expense, remitting a parent's revocation of consent for special education services to writing ) these calendar day timelines remain in effect during the school closure period. Again, do your best. ISBE indicated it will not penalize districts during this school closure. We expect additional guidance from ISBE in the next week regarding the provision of special education services to students and IDEA/ISBE timelines. See [HLERK Timelines Cheat Sheet](#).

**Are school districts required to provide home hospital services during mandated school closures?**

No. School districts are not required to provide home hospital services during the mandated school closure. Districts should communicate with parents of students receiving home/hospital instruction regarding their e-learning plans or "continuous learning opportunities", if applicable, for these students to participate during the school closure period.

**Are school districts required to remove residentially placed students from residential facilities during the mandated school closures? If districts decide to remove students from these placements, are districts responsible for transportation from the facility to the student's home?**

No. Currently, there is no requirement for school districts to remove residentially placed students and transport these students to their homes if the residential facilities remain operational. However, if school districts do choose to bring their residentially placed students home, the school district is responsible for the students' transportation costs. These transportation costs are reimbursable through ISBE.

**Are school districts required to respond to student records requests under the *Illinois School Student Records Act* during school closures?**

Yes. The *Illinois School Student Records Act* provides school districts must respond to requests for student records within ten *business* days of the request (with the opportunity to exercise a five business day extension if certain statutory requirements are met). Identical to the response requirements under FOIA, the business day timeline under ISSRA likely remains in effect. We recommend school administrators monitor both their email inboxes and regular mail during the closure period for student records requests and respond accordingly. Of course, this may prove difficult without staff at the district to assist in gathering, copying, and producing records. We

recommend reaching out to requestors during the school closure period to request their flexibility in response time if you receive a voluminous records request.

### **Are school districts required to provide meals on e-learning days? What about when schools are closed?**

School districts are not required to provide meals, including free and reduced price lunches on e-learning days or on days when schools are closed. However, the United States Department of Agriculture (USDA), as well as ISBE, encourages school districts participating in the National School Lunch Program and/or School Breakfast Program and institutions participating in the Child and Adult Care Food Program to continue to provide meals to their students, especially students who receive the majority of their meals through schools, in areas experiencing school disruptions in response to COVID-19. Therefore, school districts may choose to provide packaged meals that meet the meal pattern requirement for delivery or pick-up on days when school is not in session. See [ISBE's March 14 updated guidance](#). These meals may be reimbursable as ISBE was recently granted a waiver from USDA. To apply, please complete this [form](#) and submit to ISBE.

### **Following a school closure, how do school districts track student attendance in the event parents proactively decide to keep their children home during the COVID-19 outbreak? Do school districts have an obligation to provide these student services while they are at home when schools are in session?**

Pursuant to [Governor Pritzker's March 13, 2020, Executive Order](#), the definition of “chronic absence” is suspended, and student absences due to school closures and absences connected to the transmission of COVID-19 during the mandated statewide school closure will not contribute to the calculation of chronic absence.

Moreover, consistent with ISBE's guidance, student absences for health or safety reasons should be considered excused absences. However, school districts in Illinois have some discretion to set parameters for excused absences. Generally speaking, a school district's obligation to these students would be consistent with the District's obligation to any other student who is ill while school is in session – districts can provide the student with instructional materials and homework during the student's absence from school. Homebound tutoring in this situation is not required.

However, if a student provides the district with a Home/Hospital Certification and request for home/hospital services in accordance with 105 ILCS 5/14-13.01(a), or the district is aware of a student with a compromised immune system, the district should follow its home/hospital instruction procedures and consider IEP/Section 504 meetings for impacted, eligible students to discuss programming in the home/hospital setting. See [DOE's Q & A document](#).

### **Should school districts cancel all school field trips?**

Pursuant to ISBE's guidance, all in-person, school-sponsored activities scheduled during the statewide school closure are suspended until school resumes. Governor Pritzker has prohibited all large gatherings in Illinois of more than 1,000 people for the next 30 days and recommended postponing all gatherings of 250 people or more amid the outbreak. As of March 15, the CDC is recommending communities restrict gatherings of 50 or more for the next eight weeks. Therefore, it

is advisable that all field trips are postponed at this time. Additionally, ISBE is strongly urging all school districts to generally “re-evaluate any planned or anticipated travel,” which would include travel outside the current period of mandated closure. ISBE specifically “advises that trips to any countries with active advisories be postponed to a future date or canceled and replaced with another trip.”

### **Should school districts proactively cancel graduation ceremonies?**

There is no need to cancel graduation ceremonies at this time. However, Governor Pritzker has limited large gatherings in the state for the immediate future. Should the COVID-19 outbreak continue, school districts may be required to reconsider their traditional graduation ceremonies.

### **What should school districts do about spring standardized testing, *e.g.* MAP testing, ACT, and SAT?**

The Department of Education communicated it will make waivers available for assessments and accountability due to school closures. ISBE is working with stakeholders to determine next steps for Illinois, and we anticipate further guidance in the upcoming days and weeks.

### **Are there bullying implications to COVID-19?**

Yes, school districts should place a particular awareness on monitoring unlawful bullying and harassment. Per ISBE, “it is of critical importance to stress to staff, students, parents, and community members that COVID-19 infections are not limited to certain geographical locations, nationalities, races, or cultures. Schools must take a firm stance to discourage and prohibit discriminatory practices and viewpoints in Illinois Schools.”

## **Section 5: Resources**

[CDC Guidance for Schools and Childcare](#)

[IDPH School Guidance](#)

[ISBE Coronavirus Guidance and Resources for Illinois Schools](#) (will be updated frequently)

[March 14, 2020 ISBE Guidance to Schools of Mandatory Statewide Closures](#)

[March 13, 2020 Message from State Superintendent Dr. Carmen Ayala](#)

[Department of Education Q&A on Providing Services to Children with Disabilities](#)

[USDA Memo on Child Nutrition Program Meal Service during Novel Coronavirus Outbreaks](#)

[HLERK Timelines Cheat Sheet](#)