

Subject: ISBE - Updated Guidance on Mandatory Statewide School Closures

Sending on behalf of State Superintendent of Education Dr. Carmen I. Ayala:

Dear Colleagues:

I want to restate my thanks and appreciation for your service to our students and families and for your incredible cooperation and leadership through an unprecedented time. We are working around the clock with the Governor's Office and other stakeholders to answer all of your questions as quickly as possible. Our goal is for you, Illinois' teachers, and our students and families to be safe and healthy and to have clarity.

As we communicated yesterday, Governor JB Pritzker has issued an Executive Order mandating that all public and nonpublic schools **close March 17-30 and plan to reopen March 31**. All days that a school is closed pursuant to the Governor's Executive Order 2020-05 **will be counted Act of God Days. Emergency Days will not be used. At this time, these Act of God Days do not need to be made up at the end of the school year.**

School districts are strongly encouraged to provide instruction to students during these Act of God Days through whatever means possible. ISBE has compiled a library of online resources at www.isbe.net/keeplearning. School districts should consult with their local collective bargaining units about expectations for teachers and other staff. Teachers are paid during Act of God Days, and Act of God days count toward Teachers' Retirement System (TRS) service.

Communication during this crisis could not be more important. We highly value having open lines of communication with you. Here are the steps ISBE is taking to keep you updated and informed:

- **UPDATED GUIDANCE:** We have provided additional guidance on the scope of the closures, school calendars, staffing, board meetings, nutrition, and continuity of education below, attached, and online at <https://www.isbe.net/Documents/ISBE-Guidance-Mandatory-Statewide-Closures.pdf>.
- **TOWN HALLS:** ISBE is working with the Regional Offices of Education (ROEs) and Intermediate Service Centers (ISCs) to host superintendent town halls tomorrow, March 15, to review ISBE's mandated statewide school closure guidance and answer any additional questions. Please look out for an invitation from your ROE/ISC.
- **WEBINAR:** ISBE is also hosting a webinar for all administrators 2-4 p.m., March 17. Please register at register.gotowebinar.com/register/7795133226120905987.
- **SAMPLE LETTER TO FAMILIES:** We have created a template letter to families to assist you in communicating about the statewide mandated school closures that you can find at www.isbe.net/layouts/Download.aspx?SourceUrl=/Documents/COVID-19-Family-Letter.docx.
- **LOCAL EMERGENCY RESPONSE TEAMS:** We encourage you to establish immediate lines of communication with your mayors, police, fire, and local health departments to identify issues and work together to ensure students remain safe during this mandated closure.

I am confident that we have the best leaders and the best educators, and that working together, we will get through this crisis.

Sincerely,

Carmen I. Ayala
State Superintendent of Education
Illinois State Board of Education

Mandatory Statewide School Closure Guidance for Illinois Schools and School Districts

Last updated: March 14, 2020

ASSESSMENTS/ACCOUNTABILITY

1. How will this closure impact administration of Spring 2020 State-mandated assessments and accountability?

The U.S. Department of Education has communicated that it will make waivers available for assessments and accountability. ISBE will work in partnership with stakeholders to determine next steps for Illinois.

BOARD MEETINGS/OPEN MEETINGS ACT

2. Have any Open Meetings Act (OMA) requirements been relaxed?

Currently, there is no flexibility in compliance with OMA for schools and public institutions with public boards. To date, none of the Executive Orders issued by the Governor address the OMA. ISBE is in contact with the Governor's Office, the Attorney General/Public Access Counselor, the Illinois Department of Public Health, county-level departments of public health and the Illinois State Police on the issue of continuing to convene public meetings. ISBE continues to advocate for relaxed standards on two issues: the requirement for openness (in-person presence and opportunity for in-person comment) and the requirement for physical presence for quorum. ISBE understands that the Governor's Office continues to consider these issues. Presently, ISBE does not have any flexibility or deviation from the letter of the OMA law to report.

3. How is ISBE treating its Board meeting?

ISBE is scheduled to convene its regular meeting on March 18, 2020. After consultation with the Governor's office, the Attorney General/Public Access Counselor, the Illinois Department of Public Health, county-level departments of public health and the Illinois State Police, ISBE is planning to convene its meeting in the following fashion:

- The agenda for the meeting was revised to include only those timebound or essential items.
- The meeting is being convened in both Springfield and Chicago. The total number of board members attending in both locations will be used for the calculation of quorum.

- Board members may attend the meeting by other than physical presence so long as the physical quorum is also met. ISBE is deeming the current State of Emergency as constituting an “other emergency” that has prevented any member from physically attending. 5 ILCS 120/7(a)(iii).
- Public participation is being afforded to the general public via telephone conference, web-conference, and the ISBE audiocast. The meeting is also being videorecorded and will be available for viewing after the meeting concludes.
- Public comment is being afforded to the general public via telephone conference and web-conference. Anyone who would like to address the Board during public participation may do so by following particular registration requirements that are described on our agenda.
- Speakers for public comment are asked to strictly observe ISBE’s Public Participation Guidelines, including limiting their comments to three minutes.
- Certain groups that are impacted by the agenda topics for ISBE’s meeting are being afforded the opportunity to have a very limited number of pre-approved attendees physically present for the Board meeting and those attendees may give in-person public comment. Only approved attendees will be permitted to be present in person for the meeting. The Illinois State Police and private security are enforcing this limitation.
- ISBE plans to revise this plan to the extent the Governor issues an Emergency Order relaxing the OMA or providing flexibility to public boards.

ISBE arrived at the above plan after careful consideration of many risks to stakeholders, the public, Board members and ISBE staff. ISBE is convening its meeting in this fashion despite the risk that the agency faces for failure to strictly comply with the openness requirement of the OMA. ISBE believes it is too great of a risk to public health to permit a traditionally open meeting to proceed.

ISBE recommends that school districts consider the strategy set out by ISBE as only one option available for how to proceed with public meetings. No school district should make any determination concerning OMA compliance without first consulting with its board and legal counsel.

4. **Should districts consider canceling meetings?**

If a board does not have any pressing matters that require immediate vote, ISBE recommends that schools consider cancelling or rescheduling meetings. This will likely not be a realistic option for many school boards, however, who will need to convene to ensure that both fiscal needs and teacher evaluation/retention requirements are met.

CALENDAR AND INSTRUCTION/CONTINUITY OF EDUCATION

5. **How will days be counted during the mandated closure?**

All days that a school is closed pursuant to the Governor’s Executive Order 2020-05 **will be counted Act of God Days. Emergency Days will not be used. At this time, these Act of God Days do not need to be made up at the end of the school year.**

School districts are strongly encouraged to provide instruction to students during these Act of God Days through whatever means possible. ISBE has compiled a library of online resources at www.isbe.net/keeplearning.

School districts should consult with their local collective bargaining units about expectations for teachers and other staff. Teachers are paid during Act of God Days, and Act of God days count toward Teachers' Retirement System (TRS) service.

6. How will days be counted, if schools closed before the mandated closure?

Days missed due to coronavirus/COVID-19 prior to March 17, 2020, must be counted as Emergency Days, provided the district still had Emergency Days for use.

If districts chose to use a Teacher Institute day in lieu of an Emergency Day, they do not need to amend their school calendar.

If districts chose to change their spring break in lieu of using Emergency Days prior to statewide closure of schools, they do not need to amend their school calendar.

Any E-learning Days used in lieu of Emergency Days prior to the mandated school closure will count as Instructional Days.

7. Can districts utilize E-learning Days in lieu of Act of God during the mandated closure?

E-learning during the mandated closure will not count as an Instructional Day on the school calendar.

It is expected that schools will provide instruction to students during these Act of God Days through whatever means possible. Please see question #5 for further guidance.

8. Are ROEs/ISCs required to approve E-Learning Plans during the mandated closure?

E-learning during the mandated closure will not count as Instructional Days on the school calendar, so ROEs/ISCs do not need to approve plans for providing e-learning during the mandated closure.

School districts have full autonomy to provide continuous learning opportunities through whatever means possible, including through technology and free online resources.

We encourage every school and district to explore and implement what works best for the school community. ISBE has compiled a library of online resources at www.isbe.net/keeplearning.

9. Are districts required to change the dates of spring break if dates do not fall within the mandated closure timeframe?

No. School districts are not required to change the dates of an upcoming spring break to fall within the mandated closure; however, this is strongly encouraged in order to maximize students' learning opportunities during this school year.

NUTRITION/MEALS/FOOD SERVICE

10. Are districts required to provide meals to students during closure?

While districts are not required to provide meals to students during the mandated closure, it is strongly encouraged for the health and wellbeing of all children. Please make every effort to provide meals for all children who need them, no matter their resources and no matter what school they attend, in the way that works best for your community, such as grab-and-go or delivery.

Participation Requirements

- Meals must meet the meal pattern requirements.
- Meals offered to all children age 18 and below, or enrolled in school, are reimbursable.
- There is no reimbursement for meals offered to adults, although school may offer such meals for purchase.
- Daily counts are required by meal service type. Please make sure that you are collecting this data on a daily basis.
- Schools should consult local Department of Public Health for questions related to food safety requirements.

Implementation Guidance

- Ensure all the students' nutritional needs are addressed. This includes students with allergies and other food restrictions. Make sure to mark the food appropriately.
- Create multiple geographically located food distribution centers where necessary. Students are not allowed to eat inside the school.
- Ensure that all necessary personnel are stationed to maximize student and staff safety and that all distribution sites are supervised.
- Explore distribution strategies that will avoid large gatherings of people and make social distancing possible.
- Students can receive two meals a day (one breakfast, one lunch, or one snack in any combination). Both meals can be distributed at once either via pick-up, drive-up or delivery.
- Parents/guardians or students themselves may pick up food. Children do not need to be accompanied by an adult to receive food.
- Allow ample and reasonable amount of time for meal pick-up for each meal service, recognizing that families may be experiencing challenges during this time.
- Use multiple modes of communication to inform students and families of available food service, including time, location, and method of distribution.
- Consider multiple methods of distribution, such as: drive up; walk up; satellite locations, such as libraries, churches, park districts, and youth centers; home delivery via bus routes; and other options.

11. Are districts required to complete a form to provide non-congregate feeding for students?

ISBE has already obtained the USDA waiver to provide meals during school closures, including to children under 5. Districts will need to complete a one-page waiver that takes less than 10 minutes: <https://www.isbe.net/Documents/ISBE-66-98.pdf>. Please send to ISBE at CNP@isbe.net as soon as possible.

12. If districts use buses to deliver meals, is that mileage reimbursable?

Transportation costs are an allowable cost under the USDA waiver. The rate of reimbursement may depend on each district's specific programming. In addition, ISBE is reviewing other options for ensuring transportation reimbursement for schools, including possible changes to Part 120 of the Administrative Code to allow regular transportation reimbursement for food expenses due to school closure.

13. Can schools and school districts that do not participate in the federally funded school lunch or breakfast program provide meals to students?

Schools and school districts that do not participate in the federally funded school lunch or breakfast programs do not need to submit the waiver and are encouraged to also provide meals to children who may need them. ISBE is working with community organizations such as the major food banks who are working with their networks to assist in areas where potential meals may be needed.

SCOPE OF SCHOOL CLOSURES

14. What are the timelines for return to school?

At this time schools may reopen on Tuesday, March 31. Future decisions regarding statewide school closures will be made in consultation with public health officials.

15. Are non-public schools mandated to close pursuant to Executive Order 2020-05?

Yes, both non-public and public prekindergarten through grade 12 schools must close on Tuesday, March 17 through Monday, March 30. At this time schools may reopen on Tuesday, March 31. This mandate applies to all Illinois public and nonpublic schools, including parochial and charter schools.

16. How does the mandated closure impact prekindergarten programs?

A prekindergarten program operated by a public-school district or non-public school is closed and may reopen on Tuesday, March 31. Prekindergarten programs operated by community-based or other entities should follow instructions from the Department of Children and Family Services and their local health department.

17. Can behind-the-wheel instruction for driver's education continue during the closure?

Public and nonpublic schools that provide behind-the-wheel driver's education should not provide that education during the mandatory school closure.

SPECIAL EDUCATION

18. What if a district has a question regarding special education?

ISBE is currently reviewing questions regarding special education and will be adding information to this document as soon as it becomes available.

STAFFING

19. Can districts have staff in school buildings during the mandated closure, including for teacher institute days?

While schools are currently closed, nothing in Executive Order 2020-05 prevents staff being present on site. ISBE strongly recommends that each school have one administrator on site during regular school hours if a student needs a safe place to go. If there are multiple staff members present for e-learning, supervision, or planning purposes, please exercise social distancing. Your local public health department can provide guidelines.

20. Is a district required to have an administrator in every school building?

While many students and families have options and alternatives during this unprecedented school closure, some families may not or may not immediately be aware of the closure. ISBE strongly encourages having an administrator on site in every school building to ensure the safety of any students who happen to come to school. That said, ISBE also encourages districts to contact their local public health department to proactively discuss social distancing scenarios.

21. Are teachers required to work during the closure? Can school administration require that teachers and staff come into school during the closure?

ISBE is currently in consultation with stakeholders regarding this issue and will provide information as soon as it becomes available.

School districts are strongly encouraged to provide instruction to all students during these Act of God Days through whatever means possible.

School districts should consult with their local collective bargaining units about expectations for teachers and other staff. Teachers are paid during Act of God Days, and Act of God days count toward Teachers' Retirement System (TRS) service.

www.isbe.net/COVID19

<ISBE - Guidance to Schools on Mandatory Statewide Closures 3.14.2020.pdf>