

# NEW ISBE & IDPH JOINT GUIDANCE – PART 3

A Legal Panel Q & A: Fall Return to School Transition  
Guidance and Discussion

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Introduction



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## Introduction

### The Way Forward?

- On June 23rd, ISBE and IDPH published its latest installment of COVID-19-related guidance—addressing the transition back to in-person instruction during the fall 2020 semester.
- ISBE is “strongly encourag[ing]” that districts throughout the state return to in-person instruction during Phase 4 of the Governor’s Restore Illinois plan.

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## Introduction

- At the same time, The Guidance mandates that, during Phase 4, all Illinois schools serving pre-K through 12th grade students:
  - Require use of appropriate personal protective equipment (PPE), including face coverings;
  - Prohibit more than 50 individuals from gathering in one space;
  - Require social distancing be observed, as much as possible;
  - Conduct symptom screenings and temperature checks or require that individuals self-certify that they are free of symptoms before entering school buildings; and
  - Increase schoolwide cleaning and disinfection.

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## Introduction

- The direction to return to predominantly in-person instruction is based on the rationale that remote learning has resulted in significant learning and social emotional gaps and the only way to address the deficit is to run the risk of bringing students back in the midst of the Pandemic.
- The State has effectively weighed the risks of exposure to COVID-19 against the harm to student learning and is balancing toward addressing the harm to student learning despite the risk.
- Much is delegated to the local districts to make this work.
- The Guidance is heavily dependent on use of preventative safety measures and on the hope that there is no resurgence of the Pandemic.

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## Introduction

### The 4 Areas of Focus:

- Instruction
- Screening
- Safety Measures
- Fear of Returning

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Instruction



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Instruction

- Since ISBE has allowed each district to determine the extent to which to return to in-person instruction, can a district decide to go with a complete or predominantly in-person platform with remote learning reserved for students with a health conditions, or during periods of long term closure?
  - Options for students who live with individuals with health conditions?

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## Instruction

- Can school districts have students back in-person even if the district cannot meet social distancing guidelines throughout the entire school day?

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## Instruction

- What implications are there from a personnel management perspective if a district goes with a predominantly in-person instructional approach? What about a blended learning approach?

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## Instruction

- Is there increased liability exposure for a district that decides to go with a predominantly in-person instructional plan where surrounding districts have a more significant remote learning approach and where a COVID case occurs?
  - Options for mitigating measures ?

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## Instruction

- To what extent must a district include the union(s) in planning the amount of in-person versus blended remote instruction, and generally developing the return to school plan?
  - Is it sufficient to have teachers and ESPs on planning committees in order to meet bargaining obligations?
  - What if any notices should a district be providing to the union now regarding the return to school plan?

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## Instruction

- What does 5 clock hours of daily instruction or schoolwork for each student mean?

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## Instruction

- Are districts required to provide in-person instruction for all special education students?
  - Students under 13?

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## Instruction

- If a district brings back all special education students but proceeds with a blended or remote plan for other students, how does that impact special education placements, least restrictive environment mandates, and the 70/30 class make-up requirement?

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## Instruction

- How should districts utilize reintegration assessments to target learning gaps?

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## Instruction

- What is the difference between a Grade Level Reintegration Plan and an Individual COVID Impact Transition Plan?

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## Instruction

- Do districts have an obligation to provide special education students with compensatory education due to the Spring 2020 remote programming, or in light of the likelihood that there will be some form of ongoing remote learning this coming school year?

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Questions?



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Screening



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## Screening

- What are the screening requirements under the new ISBE guidance?

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## Screening

- What are the screening requirements for transportation?

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## Screening

- Does a district which uses a daily or annual certification form and does not conduct daily temperature checks at entry have increased liability exposure if its surrounding districts are conducting daily temperature checks?

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## Screening

- What if a staff member or student has one or two symptoms but suspects that it is unrelated to COVID-19?

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## Screening

- What happens if a staff member or student is diagnosed with COVID-19 or is suspected of having COVID-19?

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## Questions?

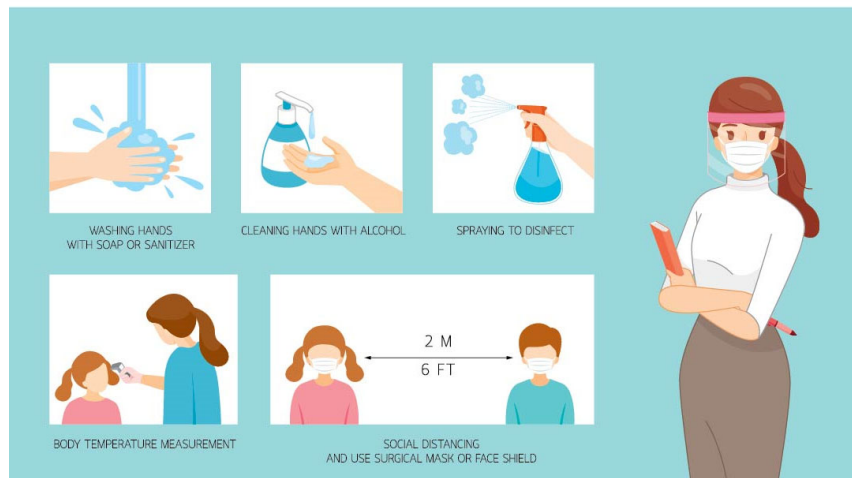


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## Safety Measures

### CORONAVIRUS (COVID-19) PREVENTIVE MEASURES AT SCHOOL



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## Safety Measures

- What is a “space” for purposes of the prohibition of “more than 50 individuals from gathering in one space?”

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## Safety Measures

- What kind of face coverings are required?
  - Do they need to be worn all day?
  - What are the school's options if a student or employee refuses to wear a face covering?

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## Safety Measures

- What safety measures and precautions are required for school buses and transportation?

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## Safety Measures

- How should school districts modify their school buildings and facilities?

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## Safety Measures

- Did the new guidance change school districts' procurement options for PPE, hand sanitizer, and cleaning supplies?

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## Safety Measures

- What are school districts' requirements for cleaning and disinfecting school buildings, equipment, and supplies?

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## Safety Measures

- Should districts allow third-parties to use school facilities and, if so, what precautions should districts take?

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## Safety Measures

- Do school districts have potential exposure to liability if an employee claims that they have contracted COVID-19 at work or through contact with a sick colleague or student?

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## Questions?



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## Fear of Returning



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## Fear of Returning

Staff members who were working remotely in the spring and the summer will now be required to physically return to the district. One such staff member expresses a desire to continue working remotely due to their discomfort/fears surrounding the virus.

Although the plan to return and all of the safety precautions have been communicated by the district, the staff member feels her age (or a health condition) places her at risk.

The staff member has not submitted any medical information to support the request.

The staff member has been successfully working remotely.

- Should the district accommodate the request to continue working from home?

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## Fear of Returning

The district's teachers union expresses objection to the return to in-person teaching plan on the basis that the district has not taken proper precautions to ensure social distancing in the classrooms. The union asserts that because of their members' fear of contracting the virus in the "cramped" and "overcrowded" classrooms they will not allow their members to come to work until the district decreases the number of students in each classroom.

- What are the district's options?

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## Fear of Returning

- If a district decides to go with a predominantly in-person instructional plan and a parent refuses to send to school their otherwise healthy student out of fear, should a district offer an alternative (i.e. in-person instructional options that limit the student's interaction with others, remote learning)?

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Follow Up  
Questions



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