

COVID-19 Questions

[MDE COVID-19 Updates](#)

1. What are other schools doing to prepare for alternative learning?
 - a. Have been forwarding a variety of resources, including those from Ratwik, CRPE, Charter School Capital, and Edmentum.
2. What will be the economic impact of closure on schools?
 - a. The Governor's [Emergency Executive Order 20-02](#), section 6, states, "...during the Closure Period the Commissioner of Education will calculate membership for general education and other revenue programs based on total district enrollment, regardless of whether instruction is provided."

In addition, [MDE guidance on school closure](#) states, "Because districts and charters will be receiving full funding for providing distance learning, it is expected that all staff, including non-salaried, hourly staff, will earn pay and benefits as planned in the school budget and bargaining agreements. Likewise, if calendars are extended to accommodate school reopening, districts and charters are expected to provide full pay and benefits for that period as well as they will be receiving full funding."

3. Does the board approved e-learning plan apply if the school needs to close for COVID-19?
 - a. No. The Governor's [Emergency Executive Order 20-02](#) accounts for paying schools during the closure period, whether there is instruction or not. (However, ACNW suggests schools have something academic prepared for students to get them through the next eight days, unless some of it is during spring break.)
4. Do we have to submit a distance learning application to MDE if we close, and if so, what application should we use?
 - a. Per [MDE's guidance on distance learning](#), "If the Governor should authorize the Commissioner of Education to close a district, a school within a district, or a charter school for public health reasons, and the number of days closed would leave the school or district unable to provide the statutorily-mandated instructional days per school year, the superintendent or charter school leader should submit an application to MDE to treat the closed days as instructional days. The [district or school application](#) is available on the Minnesota Department of Education's (MDE) website."
5. What's the impact of the House bill on public schools?
 - a. It's so far unclear. Until the Senate takes it, we won't know what changes will be made and if it will pass and be sent to the President's desk. Here's a pretty good summary from the New York Times: [Here's What's in Congress's Emergency Coronavirus Bill](#) (coronavirus coverage is free)
6. Does staff have to come in during the planning period?
 - a. Yes, unless they are considered to be in an at-risk category (section 12 of the Governor's [Emergency Executive Order 20-02](#)). Section 5 states, "School employees are directed to report to work in accordance with applicable labor agreements and

as required by their employers to assist with the emergency management planning activities...”

7. Is there a plan to cancel testing?
 - a. Neither Governor Walz nor Commissioner Ricker has issued guidance on this. However, the USDE has [released information about flexibilities](#) the Department could grant when it comes to the accountability standards required by law under the Elementary and Secondary Education Act (ESEA). Texas is the first state to cancel its requirement for standardized testing.
8. Does the Executive Order include early learning programs?
 - a. Yes, early learning programs are included. [EEO 20-02](#) states, "This order applies to all schools as set forth in Minnesota Statutes 2019, section 12.21, subdivision 3(11)," which states, "In performing duties under this chapter and to effect its policy and purpose, the governor may: ...(11) authorize the commissioner of education to alter school schedules, curtail school activities, or order schools closed...including charter schools under chapter 124E, and elementary schools enrolling prekindergarten pupils in district programs..."

In addition, [MDE guidance on school closure](#) also says early learning should be included in the district's distance learning plan.

9. Does a tuition-based preschool or PreK program fall under school-based child care centers?
 - a. No, an approved preschool or prekindergarten program is instructional, not child care. You are not obligated to keep open those programs.
10. For fee-based preschool programs, should we assume that we do not charge tuition for the duration of the closure and just take the financial hit?
 - a. The board will have to grapple with it, but this is probably an instance of doing what's right and assuming the financial hit. There's a reason ACNW encourages schools to carry a fund balance of at least 20%. While we certainly never imagined a pandemic, it does help cover unexpected shortfalls like this and prevent short-term borrowing.

We will continue to monitor if / what relief the feds or state might offer businesses for lost revenue.

11. Would you consider suspending Epicenter until schools are back in session?
 - a. Yes, we will give a 30 day extension on all tasks due in April. (The only things due between now and the end of April are the February approved board meeting minutes and the March board packet.)
12. What does “receive daily interaction with their licensed teacher(s)” mean?
 - a. [MDE guidance on school closure](#) defines *distance learning* as, “Students engaging in distance learning have access to appropriate educational materials and receive daily interaction with their licensed teacher(s).”

MN §120A.414 Subd. 5 states, “**Teacher access.** Each student's teacher must be accessible both online and by telephone during normal school hours on an e-learning day to assist students and parents.”

ACNW suggests surveying families to find out who has reliable access to both a computer and internet at home, and use email / Zoom communication for those students. For other students, schools will have to be more creative, and it may include texting or calling.

13. Can we allow staff to work from home during this time or are they required to be at work for their usual schedule?
 - a. Not unless they are considered to be in an at-risk category (section 12 of the Governor's [Emergency Executive Order 20-02](#)). Section 5 states, "School employees are directed to report to work in accordance with applicable labor agreements and as required by their employers to assist with the emergency management planning activities..."
14. Does daily instruction begin during the eight day closure?
 - a. No. The Governor's [Emergency Executive Order 20-02](#), "The Closure Period is meant to provide time for our schools to adequately plan for continuity of education during the COVID-19 pandemic..." ACNW's reading of that provision is that the school is to use this time to prepare for distance learning, which will occur if school closures are extended.
15. What are the steps we need to follow if we decide to hold the school board meeting remotely?
 - a. It also is possible, if the coronavirus becomes widespread, that the CDC will recommend that public gatherings be limited or avoided if possible. School districts and charter schools, governed by the OML, need to consider how such a restriction could impact the manner in which school board meetings are held. Although school board members may appear at board meetings remotely by interactive television, such meetings still require at least one board member be physically present at the regular meeting place, and that the regular meeting place still be open to members of the public. Minn. Stat. §13D.02, subd. 1(a)(3) & (4). If the presiding officer, chief legal counsel, or chief administrative officer for an affected school board determines that a meeting held by interactive television is not practical or prudent because of a health pandemic, a meeting may be held by telephone or other electronic means. Minn. Stat. § 13D.021. To hold a meeting in this manner, requirements include that all participating board members must be able to hear one another and all discussion and testimony. In addition, members of the public must be able to hear the discussion at the regular meeting location. If not feasible to open the regular meeting location up to the public due to the health pandemic, the public must be able to monitor the meeting electronically from a remote location, to the extent practical. As there presently is time to plan for this possibility, we therefore recommend that schools begin consulting with information technology staff to plan how this process could be implemented, if necessary.
16. Can a staff person who just returned from a 14-day trip to Mexico come to work?
 - a. Is it possible for him to come in and not work with students? For example, he could make copies for students to take home when the school is closed, call parents to find out about their internet and computer access at home, work on putting together packets or book lists, etc. Can he do any SpEd documentation (office work)? You'd

have to pay him out of gen ed funds if he's not doing SpEd stuff, but at least he'd get to come in and you don't have to worry about the social distancing aspect.

My concern is that you don't really have any legal right to tell someone not to come to work if they're not exhibiting symptoms. The email I forwarded from Ratwik on Friday lays out some of the issues: "Questioning students and staff as to their health, association with others, or travel to other countries (particularly countries of one's national origin) raise legal concerns not only as to data privacy, but also as to potential violations of civil rights." If MDH has not identified him as a health risk, I think you have to give him the option of coming to work, but can find ways to keep him mostly separate from the rest of the school community.

17. What does the board need to do to approve an e-learning plan for next year?
 - a. Statute does not say that e-learning days have to be noted on the board calendar. The board has to approve an e-learning day plan, and then notify parents and students at the beginning of the school year.

Per MN §120A.414 Subd. 2, "A charter school may adopt an e-learning day plan after consulting with its teachers. The plan must include accommodations for students without Internet access at home and for digital device access for families without the technology or an insufficient amount of technology for the number of children in the household. A school's e-learning day plan must provide accessible options for students with disabilities under chapter 125A." Subd. 3 states, "A school district or charter school must notify parents and students of the e-learning day plan at the beginning of the school year."