Schuyler Community Schools
SAA Weekly Meeting
Tuesday, May 26, 2020 9:00 AM
Schuyler Community Schools Board Room
120 West 20th Street
Schuyler, NE 68661

I. Discussion Items

1. **Thoughtexchange:** 112 people participated and shared 100 thoughts with 3,156 ratings. See results at ***https://my.thoughtexchange.com/350684923.***

2. **Certificated Staff Extended Contracts:** Please submit your extended contract information to Penny when you have them scheduled.

3. **June Board Meeting:** We should have our policy updates this week. I will forward any policies that may impact your handbook. Handbook changes for the June 8th board meeting are due **Wednesday, June 3rd.** You are not required to attend board meetings in June and July. You can zoom if interested. I will send out the link for each meeting.
4. **Graduation Requirements:** Please provide an update this week as to where we are with those still working at meeting graduation requirements. I will keep Rich Brabec informed as to any concerns you may share.

5. **Administration Summer Work Schedules:** Your summer work calendars are due to Penny this week. I will host a zoom on Wednesday mornings at 9:00 AM for those interested in meeting. Otherwise, if needed, you can schedule a time to visit with me on a need basis.

Update from Justin Knight:
1. Weight Rooms - Now at 25 Students per Space and Other Considerations
There have been a lot of questions and confusion around schools opening their weight rooms on June 1st. To help gather and answer these questions, here is a brief synopsis of where things stand at the time of this email:

1. Are 10 or 25 students allowed in the weight room? On May 11th, Governor Ricketts issued "guidance" that "Schools are permitted to open weight rooms for use by all student-athletes as long as they follow the same guidelines as fitness centers/clubs, gymnasiums, health clubs, and health spas." (Emphasis added). On May 11th, only 10 people were allowed in a single space. On May 14th, in response to the Governor's guidance, the NSAA issued guidance that mirrored the Governor's guidance, including a 10 student limit. This week, Governor Ricketts announced that the new DHM's will increase the 10-person limit to 25-persons, including ""Gyms, Fitness Centers/Clubs, Health Clubs, & Health Spas - Will be limited to the greater of 25 people (excluding staff) or 50% of rated occupancy." The question is now: can schools have a maximum of 10 or 25 students in their weight room/gym? **After clarification, on June 1, schools should follow the DHM and may have up to 25 students in a weight room or other space, so long as they follow the social distancing requirements.** I understand that the NSAA may be making a formal announcement to this effect today.
2. What cleaning protocols should be implemented? I have not seen any definitive CDC protocols on disinfecting school facilities/weight rooms. There is CDC guidance that touches on these topics, such as this. There is also guidance from the NFHS. You may want to check with your local health department on specific steps that should be taken to ensure your weight room and other facilities are properly sanitized. You should also consider screening and other safety protocols to minimize potential exposure. This may require additional staffing and supplies over the summer months.
3. How should schools divide the weight room time? Keep in mind that, under Title IX, schools are generally required to provide equal access to boys and girls, including practice times.
4. Are staff members required to wear masks or other PPE equipment? I have not seen any specific legal requirement to this effect, but this may be something that your district could discuss internally.

5. Should students/parents sign a waiver? We strongly recommend you secure waivers for those wanting to use your weight room/facilities.

2. Summer School & Special Education Summer School Guidance
In case you did not see or receive this yet, NDE released summer school guidance **https://www.launchne.com/wp-content/uploads/2020/05/AcademicGuidanceFinal2020.pdf**, as well as summer school special education guidance **https://www.launchne.com/wp-content/uploads/2020/05/SPEDGuidanceFinal2020.pdf**. The summer school guidance does not specifically address whether schools can hold in-person instruction.

On the topic of special education, there is a proposed federal bill that would allocate $12 billion for special education funds to pay for extra staff to help disabled students make up lost ground. This comes on the heels of several lawsuits regarding special education services during the shutdown, including those in Pennsylvania, Virginia, Illinois and Hawaii.

Finally, it may be worth considering the potential optics of allowing students in the weight room but holding ESY services remotely. This has already been a discussion point in some districts.

3. English Language Learner Summer School Requirements
The U.S. Department of Education released guidance this week on summer school requirements for English Learners. You can read the guidance **https://www2.ed.gov/documents/coronavirus/covid-19-el-factsheet.pdf**. The highlights include:

1. Schools that provide remote summer school to students must provide supports to ELL students. But "during this national emergency, schools may not be able to provide all services in the same manner they are typically provided." Schools should continue to provide supports to ELL students "to the greatest extent possible."
2. A school may not remove a student's ELL status "unless the student has demonstrated proficiency on a valid and reliable assessment" of their listening, speaking, reading, and writing skills.
3. If a school was not able to give ELL proficiency assessments before school buildings closed this past spring, then the school may give the assessments in the fall.
4. Schools that offer remote summer school are still required to screen new students to see whether they require English language services within 30 days. This screening can be done remotely.

4. New CARES Act Developments & NDE Application Submitted
Last night, the U.S. Department of Education clarified that its controversial "guidance" on equitable services to nonpublic schools was merely guidance and not binding with the force of law. This is good news for public schools.

Also, this morning, Bryce Wilson at NDE confirmed to me that NDE submitted its CARES Act application to the federal government.

5. Executive Order on Meeting Virtual Extended Through June 30th, Won't Be Extended Again
On Tuesday, Governor Ricketts issued an Executive Order to extend public boards' ability to meet virtually through June 30th. The Governor indicated that he will not extend this Order beyond June 30th, unless there is a "second wave" or serious outbreak. Therefore, if you are holding your June board meeting virtually, you should plan on transitioning to meet in-person in July.

6. CDC Reopening Guidance
The CDC released "Reopening Guidelines" for schools here and beginning on page 45 of the attached. This may be a helpful starting point for fall reopening and planning as the steps recommended by the CDC may require advanced planning in terms of additional staff and/or supplies that may be needed to clean and ensure compliance with the recommendations.

Speaking of reopening and possible equipment needs, other states have released reopening guidelines that include recommendations that students and/or staff wear masks. These include states like California and Ohio. Kentucky also has a helpful reopening plan. A mask requirement puts schools in a tough situation this summer. On the one hand, if

masks will be recommended or required, schools will need to order masks at a time when hundreds or thousands of other schools will also be ordering masks. On the other hand, schools may not want to order masks ahead of time if they will not be required in the fall. This may be something to discuss at your district and with your board in order to plan for the fall.

Further, we are working on a memo to address some of the legal ramifications of a fall reopening, including staff and students who do not want to return.

7. Legislature Set to Return on July 20th
The Speaker announced this week that the Legislature is set to return on July 20th. With the projected shortfall, reports already indicate that the remainder of the session will be very contentious.

8. Title IX Regulations - Lawsuits Already
As previously predicted, there are already lawsuits being filed over the new Title IX regulations. The ACLU already sued to enjoin new Title IX regulations from becoming effective. It remains possible (perhaps likely) that a federal judge somewhere will enter a nationwide injunction before the regulations become effective.

9. Handbook/Policy Updates
We expect to have our annual handbook and policy updates distributed this week. With the Legislature returning in late July, and the unknown fall reopening conditions, this policy update will look slightly different this year.

10. US DOL Updates Fluctuating Workweek Rule
Finally, in non-COVID news, the U.S. Department of Labor issued a new fluctuating workweek rule. You and/or your business manager may want to review this new rule before the start of next year.