



Even Though School's Out for the Summer, Districts are Busy Preparing for Post-COVID-19 Instruction. Make Sure Your District is Ready!

School leaders will again face challenges while planning for the 2021-22 academic year. Fortunately, this summer likely won't be as intense as last when the pandemic was still raging, remote-learning commonplace, and the vaccine had not yet been released. Though we seem to be at the end of the pandemic, planning will be key to ensure students' and staff's safety while setting the stage for a successful academic year. To assist districts with either reopening plans or expanded in-person instruction, we have developed a Checklist to walk you through the steps to take to prepare for the post-COVID-19 landscape. Even if your district has been back in the building for a while, this Checklist will help by providing guidance promulgated by the federal government.

The Checklist is divided into two parts. Part I concerns districts' policies for full in-person learning. Part II concerns support of students, with particular attention paid to those students who have been especially affected by the pandemic's disruption of school.

Regarding policies for in-person instruction, the most significant development has been the mass distribution of the COVID-19 vaccine. Teachers were categorized by many states as “essential front-line workers” and were among the first to be vaccinated. While the federal government does not currently require vaccination for school employees, state or local law may mandate such vaccinations. Student vaccination requirements are another area for which Districts may be seeking legal direction and “best practices.”

Part II of the Checklist focuses on supporting students, especially those who have been particularly challenged in their academic, social, and emotional growth due to the pandemic. Districts may need to address any academic learning loss suffered by students, with extra attention to special needs students. Furthermore, Districts may consider additional social workers or counselors to address the emotional issues exacerbated by the pandemic.

We realize that some our Members are only now reopening, while others have been conducting in-person teaching either full or part time since August, 2020. No matter if your district has been fully virtual or fully in-person, this Checklist will aid in continued compliance with the ever changing regulations.

[Go to Page 4 for a sample portion of the Checklist](#)

Finally, we wish you a rejuvenating summer, as you enjoy a well-deserved break. It is our hope that this Checklist will lighten your summer planning load and help you get your district ready for a fantastic 2021-2022 school year. Happy Summer and thank you for your membership in SLRMA!

Recent Updates from the Newsroom Available on SLRMA.org

New Federal Guidance

Qualified Immunity: A Powerful Defense Against Student’s Constitutional Violations

LG v. Columbia Public Schools Meyer et. al.
(8th Cir. 2021)

April 2021

In ***LG v. Columbia Public Schools Meyer et. al.***, a federal appellate court dismissed a suit against a school resource officer (“SRO”) invoking the doctrine of qualified immunity. The SRO escorted LG, a high school student, from the school office to a room where two police officers were waiting to question her about an off-campus sexual assault. The SRO left the room during the questioning. LG later sued the SRO, alleging that the SRO conducted an unreasonable seizure by detaining her, in violation her Fourth Amendment rights. Find out why the Eighth Circuit held that the doctrine of qualified immunity protected the SRO from this alleged constitutional violation by reading our summary of the case and the Court’s opinion at www.slrma.org



Recent Updates from the Newsroom (Cont.) Available on SLRMA.org



Federal Appellate Court Holds Constitutional Right Created by Collective Bargaining Agreement

Cheli v. Taylorsville Community School District (7th Cir. 2021)

May 2021

A U.S. Appellate Court gave direction as to when district employees have a property right in their jobs. In *Cheli v. Taylorsville CUSD*, the Seventh Circuit held that a school district employee was denied a “property right” secured by the Fourteenth Amendment, without due process. The court found due process violation because the district failed to employ the dismissal procedures outlined in its collective bargaining agreement. This case reminds districts that if their collective bargaining agreement contains a “reasonable cause” provision, it must provide due process to its employees, including notice of reasons for action as well as an opportunity to be heard.

According to a Federal Appellate Court, Geographic and Socioeconomic Factors are Permissible Criteria for Admissions to Public Magnet Schools

Boston Parent Coalition for Academic Excellence v. Boston Schools Committee (1st Cir. 2021)

June 2021

When the pandemic halted the administration of entrance exams for Boston’s public magnet schools, the District developed new admissions criteria. In addition to grades, admission would also consider a student’s residential zip code and socioeconomic status, with lower-income students receiving priority. A group of white and Asian parents challenged the constitutionality of the new standards, alleging that they deprived their children equal protection under the law. Read our summary of the case and the court’s opinion at www.slrma.org to learn how the new standards were deemed facially neutral and valid admission criteria to cause underrepresented races to be less underrepresented.



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SCHOOL LEADERS RISK MANAGEMENT ASSOCIATION

Reopening: In-Person Instruction After COVID-19 Disruption Self-Audit Checklist and Best Practices for School Districts

SLRMA seeks to assist districts to develop policies that appropriately address reopening considerations in light of CDC and DOE guidance. This self-audit checklist is designed to be used by district-level staff in collaboration with school-level staff and administrators who carry out compliance obligations. The checklist should be used to evaluate, review, and make changes as needed to existing policies – or create new ones – to ensure that the educational environment appropriately supports and protects students, faculty, and staff.

This checklist does not address a district's obligations with respect to all applicable legal requirements. Rather, the checklist is an overview of issues to consider and incorporates best practices. Part I of the checklist focuses on the development and implementation of a district's reopening policy, and Part II relates to a district's efforts to support all students and ensure the school environment is free from discriminatory harassment. Districts must stay informed and regularly update their policies and processes in light of evolving COVID-19 and reopening guidance. Districts should also consult their board attorney periodically regarding legal developments. This checklist is not intended to constitute legal advice.

I. In-Person Instruction Policy

The district should have a written policy that addresses requirements and expectations regarding current in-person learning. The policy should incorporate federal guidance, state and local law or other requirements/guidance; reflect input from a wide array of stakeholders; outline the actions the district has taken to support safe in-person instruction; outline student responsibilities to support safe in-person instruction; and specify how to report violations of the policy. The policy should also cross-reference other applicable district or state policies.

Districts should consult their board attorney to ensure that the policy complies with legal requirements.

A. Policy Development	<u>Yes</u>	<u>No</u>
<ul style="list-style-type: none"> ◆ Does the policy incorporate federal guidance and state and local law, as required? 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> ◆ Does the policy reflect a plan informed by community data in order to assess appropriate in-person learning approaches? 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> ◆ Is the policy the result of collaboration with and feedback from a diverse array of community stakeholders? <p><u>Note:</u> DOE’s COVID-19 Handbook Volume 1 indicates that at minimum, districts should engage administrators, teachers, specialized instructional support personnel (e.g., paraprofessionals), related service providers, early childhood education and after-school providers, school counselors, school social workers, school psychologists, and nurses, as well as custodial personnel, transportation personnel, food personnel, and family services representatives. Unions, service and instructional support providers may also be integral partners. While not listed by the DOE, parents and possibly other community leaders should be engaged.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> ◆ Does the policy indicate that it is subject to change based on evolving guidance related to COVID-19? 	<input type="checkbox"/>	<input type="checkbox"/>

(e.g., district website, school webpages, parent/guardian and student emails)?	<input type="checkbox"/>	<input type="checkbox"/>
◆ Must students and parents/guardians sign a form to acknowledge they have read, understood, and agree to comply with the policy (and any related policies referenced in the policy)?	<input type="checkbox"/>	<input type="checkbox"/>
<i>B. Purpose and Scope</i>	Yes	No
◆ Does the policy state that the requirements reflect the district's efforts to ensure the safety of the school environment for in-person learning?	<input type="checkbox"/>	<input type="checkbox"/>
◆ Does the policy state that it applies to all students who attend schools in person?	<input type="checkbox"/>	<input type="checkbox"/>
◆ Does the policy state that it applies to all students who attend district-sponsored, in-person events?	<input type="checkbox"/>	<input type="checkbox"/>
◆ Does the policy address the extent to which it applies to faculty and staff? <u>Note:</u> For example, while students may not be required to be vaccinated, state or local law or district preference may require employees to be vaccinated, subject to the reasonable accommodations provisions of Title VII and the ADA (e.g., medical or religious exemptions).	<input type="checkbox"/>	<input type="checkbox"/>
<i>C. Key prevention strategies</i> Does the policy outline requirements or expectations regarding the following key prevention strategies?	Yes	No
◆ Universal and correct wearing of masks?	<input type="checkbox"/>	<input type="checkbox"/>
◆ Physical distancing? Note: Address all physical spaces, including but not limited to classrooms, cafeteria, hallways, auditoriums, buses or other transportation	<input type="checkbox"/>	<input type="checkbox"/>

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Download the complete checklist at SLRMA.org

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