

Frequently Asked Questions on COVID-19 School Closures



	Question	Answer
180 Days	With the waiver of the 180 day requirement, are LEAs expected to add days to the end of June (in addition to local holidays and make-up days) and any days that cannot be made up by that time will be waived?	Per PDE's guidance, LEAs that fail to meet the 180 day or 990/900/450 hour requirements as a result of COVID-19 will not be penalized. PDE will provide a simplified form for LEAs to use to report a shortfall in days/hours. PDE has indicated that LEAs are strongly encouraged to adjust their calendars as appropriate (e.g. use snow days, Act 80 days, extend the school year, etc.) to provide as much instruction as possible. PDE will develop additional guidance on this critical topic, and LEAs experiencing a shortfall in days/hours will be able to report their total days/hours on a PDE-developed form. Completed forms will be deemed approved. https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx
	The PDE guidance indicates that districts must try to make up the days by June 30. Will LEAs have to remain in session until June 30 to make up any lost school days from the closure?	
Assessments - PSSA/Keystone	If this last longer than expected, what about the Keystone exams since the students might not get all the instruction needed to cover the material and they won't be in the course next year?	Per PDE's guidance, the U.S. Department of Education has acknowledged that certain assessment requirements might not be practical given the COVID-19 pandemic. As such, U.S. Department of Education will consider waivers such as: 1) a one-year waiver of the assessment requirements for those schools impacted by these extraordinary circumstances, 2) a one-year waiver for an impacted school to not factor the 95% participation rate into its Academic Achievement Indicator and 3) a one-year waiver to exclude the Regular Attendance indicator from PA's accountability system. PDE is monitoring emerging Federal guidance, work with other states to advocate for flexibility, and will pursue appropriate waivers to the fullest extent allowable as soon as U.S. Department of Education guidance is clarified. See PDE's FAQ at https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx
	What is the status of this year's PSSA?	
	Schools are supposed to be uploading their student information to have labels for the Spring Keystone. Will there be an extension to the deadline?	
	Will PSSA and Keystone testing be cancelled for this year? When is a decision on this anticipated?	
Board of Directors	Are there any considerations to not having the PSSA test?	
	What should LEAs do with regard to holding committee or board meetings during the shutdown period?	The federal Coronavirus Task Force has recommended that gatherings of ten or more people be avoided. See PSBA's guidance on options for remote participation in school board meetings. https://www.psba.org/wp-content/uploads/2020/03/PSBA-Guidance-on-Remote-Board-Meeting-Attendance.pdf
Early Intervention	Are pre-school Early Intervention services suspended during the school closure?	Yes. PDE's guidance states that Preschool Early Intervention programs should suspend all services to children and families in alignment with public K-12 closures. If the Preschool Early Intervention administrative offices are open while Preschool Early Intervention services are suspended, referrals to Early Intervention should continue to be managed by the program; once services resume, referrals can proceed. https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx
Employee Issues/Concerns	Can employees be required to work during the time schools are closed?	Yes, subject to any limitations on the physical presence of school staff imposed by applicable orders of the governor or other officials with such authority. In addition to the educators needed to remotely deliver continued education services during the closure, schools should explore ways that other staff also can continue to perform useful work even though students are not present, whether on site or from home if that capacity exists.
	Can employees who are at home be required to work from home?	Yes. However, the usefulness of working from home will depend on the nature of the employee's job and whether the technology and other tools needed to perform it are available at home.
	If employees are allowed or required to work from home, are there overtime and other Fair Labor Standards Act (FLSA) issues to worry about?	Yes. To ensure compliance with the federal Fair Labor Standards Act (FLSA) and related state laws, it is important to keep in mind the distinctions between exempt and nonexempt employees. Generally, employees who are nonexempt from the minimum wage and overtime requirements are paid only for hours worked, and the FLSA requires that employers keep track of those hours and pay overtime wages for hours of work that exceed 40 hours in one week. If the employer is not confident that the hours worked at home by nonexempt employees can be accurately tracked, allowing or requiring hourly employees to work from home may be legally risky.
	Will the state be willing to place a moratorium or delay requirements for Act 45 hours?	At this point, there has been no specific guidance provided or decision made on this topic, however, it is reasonable to assume that this issue will be addressed in the future to acknowledge the inability to accumulate credits during this timeframe.
	Will there be an extension of deadlines for administrators who have to get their fingerprint clearance done during this time when most/all businesses being closed?	At this point, there has been no specific guidance provided or decision made on this topic, however, it is reasonable to assume that this issue will be addressed in the future to acknowledge the inability to complete all aspects of the clearance process during this timeframe.
	What guidance should we provide employees regarding unemployment compensation?	Employees affected by a business closure, reduction in hours, or a medically or government directed quarantine or isolation should be encouraged to file for unemployment compensation (UC) benefits if no other compensation, such as paid leave, is available to them. Employees should be aware that they cannot receive both UC benefits and paid leave, as it may result in an "overpayment" that requires them to return benefits. See https://www.uc.pa.gov/COVID-19/Pages/default.aspx
	If we continue to pay employees during the school closure and decide to add days to our calendars prior to June 30, what do we do with employees that will be potentially working above their agreed-to amount for the year?	If professionals exceed the number of bargained-for work days for their annual salary, either the CBA would require additional payment or the district and the union would have to agree on how those persons would be paid for extra work. For nonexempt employees who are salaried who exceed their bargained-for work days or hours, the same result might occur under the CBA and there would have to be an examination of any FLSA issues. Nonexempt hourly employees should be paid for their hourly work. If they are paid when not working, it is possible those hours might be rescheduled and worked as pre-paid, but there would need to be an examination of the FLSA.
	Will COVID-19 acquired on the job equate to a workers comp claim?	Employees who believe they have contracted an infectious disease on the job, such as a pandemic influenza, may file a claim for workers' compensation. For the claim to be compensable under workers' compensation coverage, the illness must arise out of, or be obtained in the course and scope of, an employee's work. Further, the illness must be caused by conditions specific to the work performed. The burden to show that the illness is work-related falls on the employee. It is likely that most employees will have difficulty proving where they caught COVID-19 in light of the pandemic status of this virus. Employees would need to show that something that the district required the employees to do made them particularly susceptible to the virus.
	What should LEAs do regarding completion of Instructional I/Instructional II evaluations to meet teacher effectiveness requirements and regulations?	
	What if an observation of professional practice has not been completed for an educators evaluation?	At this point, there has been no specific guidance provided or decision made on this topic, however, it is reasonable to assume that this issue will be addressed in the future to acknowledge the inability to conduct evaluations during this timeframe.
	Will there be any special considerations for Temporary Professional Employees? What happens is an evaluation can not be performed in they are in their last year - will they still meet criteria for tenure?	
	Should SDs continue to pay contractors (particularly busing contractors)?	At this point, there is nothing that would alter the terms of those contracts, so those should be followed, as written. If a district wanted to change the terms of those contracts, it would also need to follow the process within the contract to do that, and would require school board approval. To address transportation specifically, there is currently nothing that would allow you to claim state subsidy for days in which the buses did not run. Any additional guidance or changes to this information will be provided.
	Are there guidelines to be promulgated by PDE or other governmental agencies, to assist district administrators in changing non-educational contracts with vendors and transportation contractors that may not have been negotiated on a daily basis?	
	What happens when employees refuse to participate/attend (even if deemed essential) due to COVID-19 concerns?	LEAs should address these issues on a case-by-case basis after consultation with a solicitor.
	Several questions about PSERS credits, vesting, etc. and how this will work with the school closures.	At this point, there has been no specific guidance provided beyond the current law, however, it is reasonable to assume that this issue will be addressed in the future to acknowledge the challenges associated with the COVID-19 school closures.
	Will the state reimburse school districts in the event teachers work with students during the time school is closed and then the state also requires the teachers to make up the days?	As of this time, this has not been discussed.
	Will the state provide funding for any LEA employees in which a bargaining unit agreement requires a specific number of working hours in any given school year but employees are not able to work the required CBA number of hours due to school closures?	As of this time, this has not been discussed.

Employee Issues/Concerns	Are building principals and secretaries considered "essential" personnel when there are no students or teachers in school?	PDE has issued guidance on this topic suggesting that those employees designated as essential is a local decision that should take into account the context of school and community needs. School administration however has been cited as one example of essential employees, along with food preparation, and distribution staff, information technology and continuity of operations staff. https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx
	Are custodial staff required to report to work?	PDE has issued guidance on this topic suggesting that those employees designated as essential is a local decision that should take into account the context of school and community needs. Examples of essential responsibilities may include, but are not limited to, school administration, food preparation, and distribution staff, information technology and continuity of operations staff (e.g. payroll and building operations). https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx
	What does it mean when an employee who is a member of the PA National Guard is placed on "state active duty"?	Pennsylvania's Military Code entitles state and local government employees to 15 days paid leave for purpose of performing active or other duty as members of the Reserve Components of the United States Armed Forces, which includes the Reserve and 400 Bent Creek Blvd., Mechanicsburg, PA 17050-1873 n (717) 506-2450 n (800) 932-0588 n www.pbsa.org the National Guard. State workers are entitled to an additional 15 days under certain circumstances when serving as members of the Reserve Components. Members of the National Guard are sometimes placed on "state active duty," a non-federal status, usually in connection with a disaster emergency of some kind. The Military Code entitles state and local government workers who are placed on "state active duty" to paid leave for the duration of their activation. The governor's March 6, 2020 emergency proclamation authorizes the appropriate officials to place members of the National Guard on state active duty as necessary to respond to the emergency.
	May a district send employees home if they display influenza-like symptoms during a pandemic?	Yes. The Centers for Disease Control and Prevention advises employees who become ill with symptoms of influenza-like illness at work during a pandemic to leave the workplace. Typically, advising workers to go home is not a "disability-related" action if the illness is akin to seasonal influenza. Additionally, this would likely be permitted under the Americans with Disabilities (ADA) if the illness is serious enough to pose a "direct threat." Generally, districts may ask such employees if they are experiencing influenzalike symptoms with the understanding that the confidentiality of such information must be maintained. If the pandemic influenza becomes severe, even if these inquiries are deemed disability-related under the ADA, they may be justified by a reasonable belief, based on objective evidence, that the severe form of pandemic influenza poses a direct threat.
Facilities	Can schools keep playgrounds, basketball courts, etc. open for community use during the closure?	No. Pursuant to Governor Wolf's latest order, playgrounds, basketball courts and other recreational or community facilities should not be kept open.
	Can schools still be used as polling locations for the primary?	As of right now, discussions are ongoing at the state level regarding how to conduct a primary election amid the COVID-19 outbreak.
Financials- Payments	Should school districts start to put plans in place for moving to home-based learning? If so, is there any emergency funding that will be available to help equip those families that do not currently have internet access in their homes?	PDE's guidance has outlined some options for continuity of education during the school closures, such as FIDs for districts or schools with approved plans, online/digital learning opportunities and non-digital learning opportunities (e.g. the use of materials sent home with students). A school entity's decision to employ one or more of the above methods of continuity of education is a local decision to be made based on feasibility, availability of resources, access and equity considerations and the need for social distancing. Additionally, whatever decision is made, school entities must ensure full access to learning for all students, with particular attention to FAPE for students with disability and ESL services for English learners. Intermediate units are developing additional guidance, resources and supports for LEAs that wish to implement continuity of education plans. Those resources will be ready no later than March 20.
Food Service	How should a SD document meals served under a waiver?	Per the USDA guidance, separate meal counts and records must be maintained for meals served under a COVID-19 waiver. To receive reimbursement, total meals must be reported to the State agency for submission to FNS.
	Are all meal pattern requirements still in practice for any meal served under the waiver?	Per the USDA guidance, The meals must meet the regular menu planning requirements of the SFSP or SSO. Offer versus serve will not apply and all meals must be unitized, meaning a complete reimbursable meal that meets the requirements of the menu planning method used, including milk, must be distributed. Shelf-stable milk may be used. USDA commodity foods may also be used. If availability of milk or other meal components becomes an issue, FNS will work with the State agency to provide the needed waivers or flexibility.
	What employees can a SD use to serve meals?	School entities may use essential staff to ensure students have access to meals.
	To what extent must SDs that are <50% FRL track eligibility when providing meals? What are guidelines for how to direct these meals to low-income students?	Per the USDA guidance, this will depend in large part on how the SFA intends to provide meals. The waiver request should describe their method of meal distribution. For example, meal distribution sites might be located in areas that are easily accessible to low-income children while avoiding identification of individual children as low income.
	Do students need to be present for the provision of meals?	Yes. USDA guidance suggests that students must be present for the provision of school meals under the waivers.
Online Learning	If an LEA implements alternative instructional plans (online or student work sent home) during the closure, will it count as school days? Or will we they making up these days in June?	Per PDE's guidance, if an LEA elects to provide continuity of education during school closure, schools may offer opportunities in varying degrees of intensity, from enrichment and review to full instructional days (which includes meeting all required coursework and FAPE for students with disabilities and ESL services for English Learners), in accordance with aggressive social distancing guidance. When schools are providing full instructional days for all students, that time can count toward the 180-day requirement. Although enrichment and review do not count toward day/hour requirements, schools are strongly encouraged to provide as many instructional opportunities to students as possible during the closure. https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx
	If the colleges involved in our College in the High School programs are granting credit to their college students through online instruction, will PDE approve our schools delivering the same courses and count for instructional days and credit?	At this point, there has been no specific guidance provided or decision made on this topic, however, it is reasonable to assume that this issue will be addressed in the future in light of the challenges created as a result of the COVID-19 outbreak.
Other	Will filing deadlines be pushed back for PIMS, PURTA, fed stuff, other stuff?	At this point, there has been no specific guidance provided or decision made on this topic, however, it is reasonable to assume that this issue will be addressed in the future in light of the challenges created as a result of the COVID-19 outbreak.
	What is in the federal Families First Coronavirus Response Act?	President Trump has signed the Families First Coronavirus Response Act into law. The law includes comprehensive measures to respond to the COVID-19 outbreak, including the requirement that employers with 500 or fewer workers are provided with 2 weeks of paid sick leave and up to 12 weeks of paid family and medical leave for employees affected by COVID-19. The bill also provides for blanket waivers to ensure that students eligible for free and reduced-price lunches are able to receive meals during school closures.
	How can we comply with state audits and compliance monitoring?	Many elements of audits by the Bureau of School Audits under the Department of the Auditor General and monitoring by Division of Federal Programs, Division of Food and Nutrition and other state agencies are conducted by collecting information electronically prior to any on-site visits at schools. School entities can continue to collect data and documentation to provide to auditors and compliance monitors electronically, to the extent it is possible for staff to access that information virtually. Please communicate with auditors and compliance monitors regarding your school entity's situation; they will likely work with your school entity to reschedule on-site visits during the current closures.

	May districts share health information with public health authorities that request health information about employees or students?	Public health authorities use protected health information (PHI) to identify, monitor and respond to disease, death and disability among populations. To achieve this goal, they recognize the importance of protecting individual privacy while maintaining the quality and integrity of health data. To accomplish the public health objectives and to meet certain other societal needs (i.e., administration of justice and law enforcement), the HIPAA Privacy Rule expressly permits PHI to be shared for specified public health purposes. Accordingly, districts may disclose PHI, without individual authorization, to a public health authority that is legally authorized to collect or receive such information for the purpose of preventing or controlling disease, injury or disability. Under FERPA, the federal law that protects the privacy of student education records, parents and eligible students must provide consent before a district discloses personally identifiable information (PII) from an educational record. However, there is an exception that allows such disclosures, without prior written consent, of PII from student education records to appropriate parties in connection with an emergency, if the knowledge of that information is necessary to protect the health or safety of a student or other individuals. Typically, public health officials are the types of appropriate parties to whom such disclosures under this exception may be made.
School Closures	What is the legal authority of the governor to order schools to be closed?	Pennsylvania's Emergency Management Services Code gives the governor extensive and sweeping powers in the event of a disaster emergency, which went into effect when Governor Wolf signed a "Proclamation of Disaster Emergency" on March 6, 2020. The Code provides, "Under this part, the Governor may issue, amend and rescind executive orders, proclamations and regulations which shall have the force and effect of law." The proclamation further delegates extensive emergency powers to the heads of specified commonwealth agencies, including the secretary of education. The proclamation authorizes the secretary of education: "in his sole discretion, to suspend or waive any provision of law or regulation which the Pennsylvania Department of Education is authorized by law to administer or enforce, for such length of time as may be necessary to respond to this emergency."
	What does "closed" mean?	This has been a point of some confusion. Early announcements simply said schools would be closed or shut down for 10 days, without further explanation. Some school officials report being told by officials at PDE that this meant a complete shutdown, without any educational activity. Informal guidance issued by The Pennsylvania Department of Education (PDE) on March 15, 2020, clarifies that this means only that students will not come to school for in-person classes. School districts are not required to provide instruction during the closure but have the option of providing educational services by other means, such as online instruction and/or materials sent home with students, and may implement continuity of education plan to the extent feasible. This is a matter of local decision.
Special Education	How will the closure affect special education timeline requirements—mainly for annual IEP meetings (usually held one day short of a calendar year), IEP meetings following an evaluation or re-evaluation (30 days after ER/RR date), or ER/RR dates (60 days after parent permission)?	School entities may be able to hold IEP or Section 504 Service Agreement meetings through virtual means or conference calls during the period of closure. Schools should ensure that accommodations are made to ensure that communication and participation is provided in the native language or mode of communication needed by the parent/guardian. School entities should consult with their school solicitor, PDE, PaTTAN, and/or the local intermediate unit for additional guidance on postponing meetings when necessary or providing accommodations for participation. If a meeting is postponed, documentation should be created for communication to the parent/guardian and the reason for the delay, and filed with the appropriate IEP or Section 504 Service Agreement.
	Must accommodations/504 plans be addressed in online learning environments?	Per PDE's guidance, when a school is closed because of COVID-19 response efforts and does provide educational services to the general student population, districts/schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP or Section 504 plan. Once school resumes, a child's IEP team (or appropriate personnel under Section 504) must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost during the closure within a reasonable timeframe. https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx
	Do timelines for the completion to paperwork/evaluations still apply during the closure?	At this point, there has been no specific guidance provided or decision made on this topic, so LEAs should do their best to meet the timelines they can in the light of the school closures; however, it is reasonable to assume that this issue will be addressed in the future in light of the challenges created as a result of the COVID-19 outbreak.
Transportation	Do school districts still need to transport nonpublic school students?	Governor Wolf's order requires that all schools—including private, parochial and nonpublic—be closed. Additionally, PDE guidance is clear that nonpublic transportation will not be provided. https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx
	Will PDE division of transportation reimburse schools based on the 170 days or 180 days?	As of this time, this has not been discussed.