

# Frequently Asked Questions

Archived Questions from March – May 2020

## Table of Contents

Building Uses .....	2
Charter Schools.....	2
Child Care .....	3
Cleaning Supplies & Maintenance .....	3
Communications.....	4
Contracted ODE Educational Programs.....	5
Distance Learning .....	5
Federal Programs.....	11
Governance.....	18
Graduation Pathways 2020 .....	21
Migrant Education .....	28
Navigating Impacts on instruction .....	30
Nutrition and Access to Meals.....	37
Private Schools .....	41
Recording and Reporting on Enrollment and Attendance .....	41
Responding to Homelessness.....	45
School Funding and Grant Programs.....	45
Staff and Employee Considerations .....	48
Students Who Experience Disability .....	53
IDEA Part B: School Age and Early Childhood Special Education (ECSE) Questions .....	56
IDEA Part C: Early Intervention (EI) Specific Questions .....	62
Supporting Health.....	63
Transportation .....	67

# Frequently Asked Questions

Archived Questions from March – May 2020

## Building Uses

### [What are the rules about use of parks? \(March 27\)](#)

A: For public recreational areas that are permitted to remain open subject to [Executive Order 20-12](#), signs requiring social distancing must be posted at all entrances, exits, and in prominent areas. On-site restrooms must have trash cans, and soap and water or hand sanitizer available. Uses of open public recreational areas must strictly adhere to social distancing guidelines.

### [Can we use the State offices during school closure?\(March 27\)](#)

A: No. Pursuant to ORS 433.411(3)(a), (b), (d) and (f), ORS 401.168(1) and ORS 4011.88(1) to (3), and effective March 25, 2020, all state executive branch offices and buildings, to the maximum extent possible, shall close to the public and provide public services by phone and online during regular business hours. To the extent that closure is not feasible, in-person interactions between staff and the public should be by appointment, whenever possible. When public services require in-person interactions, social distancing measures must be established, implemented and enforced, to the maximum extent possible.

### [What if OHA wants to use our building in response to an outbreak?\(March 18\)](#)

A: In the event that the Oregon Health Authority requires use of public buildings (including school buildings) in accordance with a Governor's Executive Order, a district's cooperation and support would be expected. ODE would do everything in its power to ensure effective communication and community safety.

## Charter Schools

### [How does the Governor's Executive Order 20-08 impact my charter school? \(April 7\)](#)

A: On March 17, [Governor Brown's Executive Order 20-08](#) closed all public schools, including those operated by school districts, education service districts (ESDs), and public charter schools through April 28. This order is consistent with the mitigation strategies recommended by the Oregon Health Authority (OHA) and the Center for Disease Control (CDC) with regard to COVID-19, in order to slow the spread of the disease and to protect Oregonians at the highest risk of contracting the disease. This Executive Order includes virtual and non-virtual public charter schools.

Public charter schools must comply with all of the conditions in the [Governor's Executive Order 20-08](#) paragraph 4(a) to (e). One method of compliance is to coordinate with their sponsor district to support the efforts of the district to meet the requirements of the Executive Order. This may include supporting the delivery of distance learning supports, school meals and the provision of child care.

### [Does my public charter school need to provide emergency childcare? \(April 7\)](#)

# Frequently Asked Questions

Archived Questions from March – May 2020

A: Public charter schools should coordinate with their district to ensure emergency childcare services are available within your community. Guidance from the [Early Learning Division](#) will be forthcoming.

## **Can the employees at my public charter school be called in by the sponsor district and assigned to emergency response tasks? (April 7)**

A: It depends on your employment structure, charter contract, and employment offers/agreements. If the employees are solely employees of the charter school governing board, it is unlikely the district has the authority to direct the employees' work. If they are employed by the district, it is possible that the district can direct staff assignments to emergency response activities. Review your contracts.

## **Do public charter schools have to pay all regular employees under Executive Order 20-08? (April 7)**

A: Yes. Please follow other guidance listed under “Staff and Employee Considerations” in the [COVID-19 FAQ section of the ODE website](#).

## Child Care

### **What is the level of expectation to meet child care when we can't get it started? (April 6)**

A: Please refer to the [Emergency Child Care guidance](#) that the Early Learning Division has provided regarding the level of expectation to meet child care needs. [Essential Workers](#) are prioritized to receive Emergency Child Care. This includes first responders, emergency workers, health care professionals, critical operations staff and essential personnel, and other individuals working outside of the home. If there is space available, schools may provide child care for children of staff members. ODE is aware of some circular processes and confusion in executing this directive and is working to update and clarify.

### **Does the child care requirement for first responders only apply to schools that already provide child care on a regular basis?(March 27)**

A: No, it is for any district that can make the effort in coordination with the Early Learning Division. As outlined in [Executive Order 20-08](#), Oregon public schools will provide child care for first responders, emergency workers, health care professionals, and other individuals. In coordination with the Oregon Department of Education, the Early Learning Division will help families who are working on the front lines access child care. You can find more information on the [Emergency Child Care page](#).

### **Can we use our buses to transport kids to and from child care? (March 18)**

A: The [Executive Order 20-08](#) issued by Governor Kate Brown allows for districts to use the State Transportation Grant funding within the State School Fund to provide transportation services for

# Frequently Asked Questions

Archived Questions from March – May 2020

children to and from school based child care. Updated by Executive Order 20-20 which extends these provisions through June 30, 2020.

## Cleaning Supplies & Maintenance

### [Will there be a clearinghouse for schools to access cleaning supplies and how can I access hand sanitizer if we are running out? \(March 18\)](#)

A: School facilities are the responsibility of the local school district and as such they are responsible for cleaning the buildings. Because this is a local control issue, the state does not have systems in place to provide additional supplies to districts.

There are a couple of options for districts to get additional information. The first is the Oregon School Facilities Management Association (OFSMA). This organization provides peer to peer information sharing and resources. Districts can get advice from other districts about how to address potential shortages of cleaning supplies. Another option would be ORPIN. This is the public procurement network that public agencies, including school districts can use. Districts may be able to find cleaning supplies on this network that can help address any potential shortages.

State emergency response staff suggest districts pursue procuring hand sanitizer through your county emergency manager.

## Communications

### [How can ODE help schools communicate to families that schools will be safe for students to return to after the closure? \(March 16\)](#)

The decision to close schools was based on workforce concerns and the overall effort to slow down the transmission rate of COVID-19. ODE continues to follow the guidance of the Oregon Health Authority to ensure student health and safety. When schools re-open, the decision of the Governor will be based on consultation with OHA, ODE, and other K-12 partners as time allows.

As ODE continues to produce answers FAQ's, ones that relate directly to communicating with families will be categorized as such in hopes that they offer you the information you need to convert to communications with your staff, families, and community.

ODE will work with OHA to develop materials for teachers to use with students that are trauma informed and socially-emotionally appropriate to help explain the situation when schools open.

### [What factors will be applied to determine a closure extension? \(March 16\)](#)

A: ODE, OHA, and the Governor's office take in volumes of information from health officials and scientists in determining what course of action to take. The CDC has published "[Considerations for School Closure](#)" which is a helpful general document for school leaders to review and reference.

# Frequently Asked Questions

Archived Questions from March – May 2020

ODE is regularly hearing from superintendents, representatives of teachers and school board members, and other partners regarding the realities in communities across Oregon. This information is being shared with decision-makers and will influence the path forward.

## [How will ODE facilitate good flows of information and be responsive to ongoing questions? \(March 15\)](#)

A: ODE has established a dedicated email address to receive any new questions emerging from the field.

ODE will host regular online meetings with superintendents during the closure and beyond as needed. Superintendents will receive an email with dates/times. ODE will work with COSA to prioritize highest-need topics for these meetings.

## Contracted ODE Educational Programs

[Updated guidance related to Contracted Education Programs are forthcoming.](#)

## Distance Learning

### [Are any of the documents concerning Distance Learning for All Guidance or Graduation Pathways 2020 available in Spanish or other languages? \(May 1\)](#)

A: Our team is working to ensure the documents intended for use with families and community members are translated into the top five languages spoken in Oregon's schools. This includes translation into Spanish, Chinese, Vietnamese, Russian and Arabic.

Many of the documents related to the [Distance Learning for All Guidance](#), including the [Graduation Pathways 2020](#) – a resource in support of this years' graduating seniors – are currently in the process of being translated. When they are available, they will be [linked next to the English version on this page](#). Please check back frequently for updates.

One of these documents, the [Guide for At-Home Learning](#), has already been posted in Spanish, and you can find it under the [Resources for Families link on this same page](#).

[We are only one week into our distance learning. At our high school, we have a large number of students that are not engaged. We have tried email, phone calls, letters....but not getting in touch with them. We are wanting to drive to the home and knock on the door....but obviously have concerns about safety. What are the creative solutions other districts are finding from around the state of getting students engaged in distance learning? \(May 1\)](#)

# Frequently Asked Questions

Archived Questions from March – May 2020

A: There are a few different aspects to your questions. First, physical distancing, use of facial coverings and OHA's guidelines should be followed when interacting with others. Creative approaches that have included organizing "car honking parades", one principal has sung on student lawns, use of youtube videos, and the application of "[two-way communication](#)" tools are encouraged. Districts are also reaching out to community partners that may have established relationships with the family. Teachers often know a student's social group and can reach out to friends of the student to help determine a good way to get in contact.

We don't have hard data about what is or isn't working but do hope each district can sustain efforts to make contact with students and families focusing on connection and food security, followed by engagement in learning.

**[In the Governor's Executive Order 20-20, it sounds like we are expected to continue distance learning through June 30. Is this correct? Our teaching contract ends on June 11. \(May 1\)](#)**

A: There is not an expectation that districts must operate until June 30. The EO was written for the time period to end on that date to ensure that all normal school operations for the 2019-2020 school year were covered. Each district should follow their normal individual school calendars that they have adopted. For many districts that would mean closing for the 2019-2020 school year prior to June 30.

**[Do you have a comparison of the differences between the guidance for high school seniors and that for grades 9-11? \(April 29\)](#)**

A: Yes. We have created a [PDF showing key components of each guidance side-by-side](#).

**[What about students who are immigrants and/or refugees that might have language barriers at home, how are they being supported? \(April 16\)](#)**

A: First and foremost, the focus needs to be on student and family safety (emotional and physical) and secure access to food and shelter. Additionally, there is a lot of fear and distrust among our immigrant and/or refugee population so it is critical that outreach and contact be initiated by people that are known and trusted within the community. Ideally, this may be a teacher or community liaison. This includes honoring home language and culture and considering the strengths and needs of students we name in the introduction and in the equity and access section of this guidance. As educators we have now become guests in the homes and communities of the students and families we serve. We ask that districts work from a place of honoring and harnessing assets including home language, family (siblings and extended family), and culture. And, district leaders should seek out other districts who are doing this well and learn from them.

**[Has there been any conversation allowing a very small number of students \(who are failing or who do not have phone or internet access\) to come to campus? \(April 16\)](#)**

# Frequently Asked Questions

Archived Questions from March – May 2020

A: We are unable to have any physical interaction with students that may jeopardize health and safety (per OHA). After a review by the Oregon Health Authority (OHA), schools may NOT provide instruction to any K-12 students at physical school sites for any reason or for any duration of time-- regardless of size of group or number of students.

The only exception to this guidance will come in the form of ways districts meet the Executive Order 20-08 to provide child care for front line staff, such as health care workers and emergency responders. Two links are relevant in providing childcare: Temp changes to child care rules and this ELD Toolkit for districts.

**Where does Essential Skills fit for the class of 2021? So did you say 11th graders will not have to complete the personalized learning or essential skills requirements to graduate in 2021? (April 16)**

A: Essential Skills and Personalized Learning requirements for the Class of 2021 will be suspended (Career Related Learning Experiences (CRLEs), Extended Application, and Education Plan and Profile). Districts may choose to add local graduation requirements for the class of 2021, including Personalized Learning requirements. **Note: This will require future State Board of Education action and OAR revision.**

**We have foreign exchange students who were required to go back to their country or origin. They use this year as a part of their graduation requirements. Can we apply the Pass/Incomplete option to those students even if they are not seniors, as this is their last time being impacted by our system? (April 16)**

A: Yes.

**For less than 1-credit classes, where district grading software may not accurately reflect a students' mastery or proficiency, can teachers make revisions to accurately reflect student learning? (April 16)**

A: Yes. Teachers' professional judgement counts and will be critical to determining student proficiency. If grading software doesn't reflect student student learning as of the March 13 date, teachers should make changes with clear notes or documentation to support their determination.

**What does "pass" mean? should a criteria be set for this as a whole? (April 16)**

A: In order to approach student progress with care, connection, and continuity of learning, educators will pursue supportive, flexible options to allow students to demonstrate what they know and can do in reference to Oregon's standards. See Question #3 for ODE's Credit Options guidance. If a teacher determines that a student receives a "Pass", it means the student meets or exceeds the minimum criteria for learning as established by the teacher. If a student meets or exceeds the minimum criteria for learning as established by the teacher, credit is earned.

# Frequently Asked Questions

Archived Questions from March – May 2020

## Will districts have flexibility in interpreting the pass/fail or pass/incomplete guidance? (April 16)

A: ODE's guidance will supersede local decision making as authorized by Executive Order 20-08 in response to COVID-19. All of Oregon's districts will assign Pass/Incomplete to students for any coursework completed during the COVID-19 school closure.

## Will counselors also contact students and families, and what about students with no internet? (April 16)

A: Educators (counselors included) are charged with reaching out to students and families through their districts determined processes. Contact is not limited to use of the internet. Phone calls are encouraged. The key focus is making a connection to each student to ensure they and their family have what they need for food and care with learning to follow while complying with the Stay Home Stay Safe expectations.

## Is there a plan to access TV stations for learning as a backup in addition to the school districts' choices? (April 16)

A: This is an option ODE encourages districts to pursue with their local access channels. We are currently researching all of the public television and radio stations to determine how to maximize that as a possible solution.

## Will Governor Brown release another Executive Order altering her “supplemental learning opportunities” to include “Distance Learning for All” or are we good to assume these orders are in alignment with her orders. (April 6)

A: At this time we cannot provide you with an answer as the content of future executive orders by Governor Brown. Having said that, “[Distance Learning for All](#)” is in alignment with the Governor's direction in Executive Order 20-08.

## What if we think our distance learning program is up and running and we want to provide full credit for high school students, we want to take attendance, we are ready to go full speed ahead and think we can do just as well if not better than the online charters? Can we do that? We are ready to start tomorrow with distance learning. Are there any issues with starting tomorrow? (April 6)

A: Review in detail the [planning checklist and tools in the Guidance](#) as it provides many considerations schools need to factor into offering “Distance Learning for All”. And then, yes, you can move forward.

# Frequently Asked Questions

Archived Questions from March – May 2020

**The smaller the district, the less people power to get things ready to roll by April 13. Our district will not be able to pull off getting devices, internet, and teacher training done in the next 8 work days. Realistically, the 21st may be doable. Any flexibility on that? We have fewer than two weeks to launch this new way of working. Is this reasonable to expect? (April 6)**

A: The “Distance Learning for All” Guidance provides a Distance Learning Capacity Framework which is a conceptual framework to help districts assess capacity for distance learning. Remember that distance learning does not always mean online learning. It is designed to provide multiple entry points based on readiness, to inform planning, and to create a trajectory for future progress. We stand at the ready to support your implementation. We understand that every district or community will move at different paces. At ODE, we will meet every district where they are at and ask that you show progress, and make a good faith effort.

**Will Districts be required to submit an implementation plan for distance learning? (April 6)**

A: You will not be asked to submit a written plan and ODE does not intend to collect a plan. We ask that you use the tools provided, assess your starting point, and begin actively implementing what you can by April 13th while continuing to phase in and strengthen what you can offer as resources and conditions allow. We want your efforts focused on doing the best you can to equitably serve your students. We anticipate asking for a user-friendly simple self-report in the upcoming months.

**What is ODE providing in terms of technology for the new Distance Learning for All requirements? (April 6)**

A: The “Distance Learning for All” guidance is intended to support school districts to successfully implement distance learning through a range of effective strategies. ODE recognizes schools are at various entry points in their capacity to provide learning resources for schools and families.

Distance learning does not mean online learning alone. While Distance Learning may include online options for some students, it does not require technology or the internet to result in successful learning. For many of our 197 districts in Oregon, distance learning may not include online experiences. Students engaging in distance learning have access to appropriate educational materials and receive ongoing interaction with their licensed and/or registered teacher(s). It is important to note that distance learning includes multimedia communication and blended learning strategies, not just digital/online learning. Learning may or may not be separated in time (asynchronous vs. synchronous). As schools transition to distance learning, successful approaches will be centered on care and community.

Key elements of distance learning for every student, educator and parent to know:

- Every student regularly connects with their teacher(s).
- Teachers and students prioritize time together to focus on the most important or relevant learning.

# Frequently Asked Questions

Archived Questions from March – May 2020

- Teachers, families, and caregivers work as a team, anchored in partnership. Together, teachers and families co-facilitate learning, design consistent routines, and establish the learning environment.
- Teachers continue to monitor, report and record each student’s progress towards learning goals and standards, encouraging critical problem solving, collaboration, communication and creativity.
- Schools provide multiple, flexible opportunities -- for our high school students in particular – to earn credit on their pathway to graduation.

As a foundation for successful “Distance Learning for All” our students, our schools have a critical responsibility to:

- Continue to focus on student belonging, care, connection, well-being and mental and social-emotional health.
- Actively engage and nurture relationships with students, families, and community.
- Center equity in all outreach and communication efforts with parents and caregivers.
- Encourage, support and provide opportunities for active collaboration and communication between school leaders, teachers and all school staff.

## Can ODE provide translated versions of the summary document? (April 6)

A: Translating the summary document is something we’re committed to get done as quickly as time and resources allow. When it comes to language supports for families, ODE has provided the following guidance: [Supporting Emergent Bilingual Students with Distance Learning](#) and [Resources for Migrant Education and non-English Speaking Families](#).

## We will need guidance for alternative ed programs and our charter schools on the digital learning. (April 6)

A: The “Distance Learning for All” guidance is meant for alternative education and charter school programs as well. Centering on care and connection while providing learning for each and every learner matters. Alternative education programs and charter schools are generally providing differentiated and unique approaches to learning which can and should be brought forward even while we respond and support learning from a distance. You know your communities best and ODE hopes the guidance we’ve provided allows you the room to move forward leveraging your own strengths.

## What are ways instructional assistants and para-professionals can be involved in helping implement “Distance Learning for All”? (April 6)

A: Instructional assistants are powerful resources who can work in concert with licensed instructors in making contact with students and families and help implement the guidance and instructional supports. Many are treasured staff members to the students and can help in providing the necessary

# Frequently Asked Questions

Archived Questions from March – May 2020

care and connection. They can also assist in logging the connections as a reference tool to track the touch points to ensure all students are contacted.

**If we have an online program (which is NOT a charter school) in the district. Can we use it to spin up credit recovery as well as allow them to continue providing their regular online classes? (April 6)**

A: If you already operate an online program, offering credit recovery for seniors in particular is an allowable and much needed path to take. With regard to students who are not completing work, first determine if they are safe and have access to food. The stressors of COVID19 are great and we have created an entire section on [Mental Health and Social Support](#) and can provide guidance to students who struggle to complete their work.

## Federal Programs

**Our sponsor district provides the special education services to our students. How much flexibility do we have if the district's distance learning plan is different than our charter school's plan? For example, if the district decides to add time at the end of the year, can we implement our distance learning program now and then open the school for SPED students in the summer to meet their IEP requirements? (May 1)**

A: Yes, you do have flexibility and you must coordinate with your sponsor throughout the extended closure. Here are key guidance documents for Special Education Services and please do not hesitate to [reach out to Candace Pelt](#).

- [Extended School Closure Special Education Guidance](#)
- [Toolkit for Students with Complex Learning Needs](#)

**Are we still monitoring Federal Programs? (March 20)**

A: The Oregon Department of Education would like to thank districts for their diligent and committed work during this time. The Department believes that districts and schools should be focused on responding to the needs of their students, families, and communities at this time, rather than preparing for and participating in monitoring visits.

Accordingly, given the impact of the COVID-19 pandemic and the Governor's Executive Order 20-08, the Department has cancelled all on-site and desk monitoring scheduled for all federal programs, including for all programs under the Every Student Succeeds Act (ESSA) and the Individuals with Disabilities Education Act (IDEA). This effort is an attempt to alleviate any unnecessary hardship to school districts and the families they serve and allow you to focus your efforts on supporting your students, families, and communities.

Federal Grants include: IDEA Part B, Title Grants under ESSA including: I-A, I-C, I-D, II-A, III, IV-A, IV-B, REAP, RLIS McKinney-Vento, Private Schools, and Foster Care components; and Perkins.

# Frequently Asked Questions

Archived Questions from March – May 2020

This cancellation will continue through the remainder of the 2019-2020 school year. In addition, all trainings, conferences, and on-site technical assistance are cancelled effective immediately.

**If a district has not yet submitted the CIP budget narratives, will federal funds still be frozen as was communicated in the September letter from the Director of Federal Systems? (March 20)**

A: No. The ODE (ODE) is in communication with the USDOE (USDOE) to seek flexibility in meeting this requirement and accommodate districts that are unable to submit their CIP Budget Narratives during the school closure. **However, at this time, if your district can update your CIP Budget Narratives, the USDOE can then approve it for use of funds.**

**Will a district be required to submit changes to an approved budget narrative if, due to the Governor's Executive Order 20-08, the district and/or school is unable to complete planned activities? (March 20)**

A: Generally, yes. If an activity is different than what is stated within the approved CIP budget narratives, then an amendment must be submitted. If the LEA needs more or less funds for an activity already approved within a grant, an overage of up to 10% for any allowable grant activity is automatically approved and no amendment is needed. All activities must be reasonable, allocable, and necessary. A district can elect to revise an approved current year budget narrative to allow for expenditures to support students in the district following the Governor's Executive Order 20-08 or utilize the carry-over process for federal funds. All expenditures are required to follow allowable expenditures guidelines.

**If a district is unable to complete some of the activities described in the 2019-2020 CIP budget narratives (e.g., coaching, mentoring, attendance at professional learning events), will the timeline for these funds be extended? (March 20)**

A: As always, districts have 27 months to expend funds allocated in a fiscal year. That means that any funds allocated for Federal Fiscal Year (FFY) 2019-2020 that are not used by September 30, 2020 will be available to the district through the carry-over application and expenditure process. The Department will allow districts to carry-over all funds that are remaining from the school year 2019-20 allocation due to COVID-19. Currently, there is no flexibility to allow any FFY 2019-2020 funds be able to be expended after September 30, 2021 date. (*EDGAR 34 CFR 76.707, 76.710 and SEC 412 (b) General Educations Provisions Act Tydings Amendment*)

**Will the timeline for use of 2018 - 2019 carry-over funds be extended past September 30, 2020? (March 20)**

A: The ODE, along with all other states, are in communication with the USDOE to extend the period of use past September 30, 2020. At this time, there is no flexibility in the extension of carry-over

# Frequently Asked Questions

Archived Questions from March – May 2020

funds. If this changes, districts will be notified by the ODE of the extension and required activities to claim funds.

**If a district uses federal funds (i.e., Title I) to pay the salaries of staff members, will the district be allowed to use federal funds to pay employees during the Governor's Executive Order to close schools? (March 20)**

A: Yes. If the LEA treats its non-federally funded employees the same as its federally funded employees (2 CFR 200.431(a)), then federally funded staff can continue to be paid as normal despite school closures and work duties not able to be completed. This does not require any amendments to your grants. This includes certified and non-certified staff at both public and non-public schools.

**Does a district have flexibility in the expenditure of Title funds for allowable costs as the district supports the Governor's Executive Order to close schools and offer supplementary services? (March 20)**

A: At this time, the USDOE has not issued specific guidance to states regarding using federal funds outside of their statutory uses. ODE is working closely with other states and national partners and will issue additional guidance should additional flexibility become available.

**Is there an exception to the 15% limit on Title I-A carry-over a district can seek? (March 20)**

A: Title I-A funds are limited to a 15% carry-over each year. ODE can, under current guidance, grant a waiver to this limit once every three years. If a district has already expended this limit waiver in the last 3 years, ODE, at this time, cannot extend the carry-over. However, ODE is seeking a remedy with the USDOE regarding the limit on Title I-A carry-over. *ESSA SEC 1127(a)*

**If a district is scheduled to be monitored for Title I-A during the 2019-2020 school year, will that timeline change? (March 20)**

A: Districts should be focused on responding to the needs of their students, families, and communities at this time, rather than preparing for and participating in monitoring visits. All monitoring scheduled by ODE for the remainder of the 2019-2020 school year will be cancelled. Districts will be notified at a future date regarding resumption or rescheduling of visits.

**What services do Title IC, Migrant students receive even when school districts are closed? (March 20)**

A: Migrant programs offer:

# Frequently Asked Questions

Archived Questions from March – May 2020

- A license with Stride Academy to use in the home for Students K-8. The program covers Language Arts, Reading, Math and Science tied to the Common Core standards. It can toggle between English and Spanish and reports on skills mastered.
- A license with Big Universe for students for Students K-8. This program provides 16,000 titles for electronic books students can access and gives their reading level (Lexile). Students can choose topics they like, and it matches titles to their Lexile. Retell and short comprehension with every story.
- Students 24-hour accident insurance.
- 500 Middle School and High School students an opportunity to attend a Leadership Institute.

**Because we are following the social distancing guidance, our district’s planned professional learning cannot take place. What is ODE’s recommendation for utilizing Title II-A funds when in-person professional learning cannot be the focus? (March 20)**

A: Many districts engage in job-embedded professional learning such as coaching, mentoring, and professional learning communities that require regular contact. ODE encourages districts to consider how virtual tools might be used, where possible and appropriate, to maintain these collaborative learning opportunities.

While travel to external professional learning is restricted, districts might consider shifting the focus to internally supported professional learning and systemic planning. For example, Title II-A allows districts to use funds to support flexible time for collaborative planning and curriculum writing as well as to develop, implement, and improve rigorous, transparent, and fair evaluation and support systems.

Title II-A also allows for the purchase of technology for professional learning purposes, so districts could choose to use some of their II-A funds to ensure that staff are connected to opportunities for professional learning during the school closure. ODE is in communication with USDOE regarding whether these same devices could also be used by teachers to provide instruction to students.

**Are there ways a school/district can provide services to Emergent Bilinguals/English learners during school closure under Title III? (March 20)**

A: Yes. However districts that are operating under Executive Order 20-08 but not offering online school are not required to provide formal services to Emergent Bilinguals/English learners. If online or virtual school is being offered, the LEA must provide services to all target populations including Emergent Bilinguals/English Learners.

Note: The structure and schedule of services may look different from what the school typically offers when meeting in person, but staff must collaborate with general education classroom teachers to ensure the e-learning content and delivery are accessible for all students.

**Will the ELPA Summative window be extended? (March 20)**

# Frequently Asked Questions

Archived Questions from March – May 2020

A: If schools re-open on April 28, ODE intends to extend the ELPA Summative testing window to the end of the 2019-20 school year. If schools re-open, ODE will issue updated guidance.

## **What do districts need to know about ELPA Summative tests that have already been completed? (March 20)**

A: Currently there are no obstacles to delivering scores for already completed ELPA Summative tests following the usual procedures. There is currently no evidence of any threat to the validity and reliability of scores for already completed ELPA tests.

## **What recommendations and/or resources does ODE have regarding consultation with private schools around equitable services? (March 20)**

A: While districts have an obligation to consult in a timely and meaningful way with private schools, ODE is encouraging districts to follow CDC recommendations regarding social distancing. If such consultation is required at this time, ODE recommends that districts utilize technology to facilitate virtual meetings, even if the only option is communication by phone.

## **Will private schools be allowed to carry-over the equitable share from 2019-2020 school year? (March 20)**

A: Guidance from USDOE regarding carry-over states that private schools, “generally should not have any, and certainly not significant, carry-over”. However, ESSA does not prohibit carry-over for private schools and USDOE has indicated that there are circumstances under which carry-over would be appropriate, such as COVID-19. ODE recommends that districts work with applicable private schools to ensure that they have full access to their equitable share as part of the district’s carry-over application.

## **Does the Governor’s Executive Order 20-08 to close K-12 public school also apply to private schools? (March 20)**

A: No. Private schools were not directed to close under the Governor’s Executive Order. However, private schools may consider using the information contained in the Executive Order as guidance in making school closure decisions. Private schools can also review the [Oregon Health Authority webpage](#) and [CDC webpage](#) or consult with local public health officials to make appropriate decisions for their school.

## **Do private preschools and childcare facilities need to close? (March 20)**

A: No. The Early Learning Division — the office within the ODE that supervises daycare centers and preschools — leaves opening and closing to individual providers and programs. The most accurate

# Frequently Asked Questions

Archived Questions from March – May 2020

information to consider when making a closure decision is from both the [Oregon Health Authority](#) and the [Early Learning Division](#).

## **What flexibility is there in use of Title I-A set asides for students experiencing homelessness while students are out of school? (March 20)**

A: Districts are encouraged to contact and get expertise from their McKinney-Vento Act liaison. Districts can use laptops, connectivity hotspots and prepaid cell phones with sufficient minutes for students to access online assignments.

## **For districts and ESDs with McKinney-Vento subgrants, what options are available when action plans and goals cannot be fulfilled due to the Governor’s Executive Order 20-08 to close schools? (March 20)**

A: McKinney-Vento subgrantees will be allowed to revise goals and action plans with the deadline for Year-End Reports delayed to September 30, 2020. Subgrant budgets may be adjusted to include the above flexibilities on use of Title I-A set asides, as well as other authorized McKinney-Vento activities.

## **A 21st Century Community Learning Centers (21st CCLC) Afterschool Program site is able to remain open during the school closure, may staff help with food distribution and childcare? (March 20)**

All activities provided by 21st CCLC staff must align to program goals and the intent of grant. Comprehensive 21st CCLC services may not be possible due to reduced staff availability and students who choose not to participate.

## **If a school/district is unable to provide programming during school closures, can the school/district continue to pay 21st CCLC staff? (March 20)**

A: Yes. Staff may continue to be paid with 21st CCLC grant funds for work, including remote work at the discretion of the local programs, in service to 21st CCLC program goals. Oregon 21st CCLC programs are encouraged to continue to pay all staff for their efforts during the shutdown to alleviate potential financial instability and hardship for employees. Allowable work includes:

- Virtual staff meetings (conference calls, Zoom meetings, Skype, etc.)
- Curriculum work specific to the 21st CCLC program
- Lesson plan development specific to the 21st CCLC program
- 21st CCLC program data entry or validation
- Online professional development
- Systems planning work (e.g., summer programs, evaluation, sustainability, safety, budgeting)
- On-line programming for youth that may be reasonable and necessary
- Services related to providing federally approved afterschool meals or snack programs

# Frequently Asked Questions

Archived Questions from March – May 2020

- Other expectations and associated job tasks listed in job descriptions that are reasonable and necessary during the closure period

Items to be aware of if implementing any of the above:

- Final approval of work and work protocols are the responsibility of sub-grantee local supervisors
- Hours worked should remain commensurate to the need and supervisor approval
- Federal Supplement not Supplant provisions remain in force

## If a program was unable to provide services during the mandatory school closure, will hours have to be added to meet the 300-program hour requirement? (March 20)

A: No. The number of hours a program is closed due to the Governor's Executive Order 20-08 will be adjusted from the 300-hour requirement. The ODE will work with Program Directors once the program resumes to make adjustments to grant documentation. If a program continues to serve students and families during the closure, continue tracking daily hours and the type of work provided.

## What data does my program need to track during school closures? (March 20)

A:

- Maintain records of daily hours and general work type by employee during the period of school closure as determined by the Governor's Executive Order 20-08, as this data may be requested by the ODE. Work logs should be kept for accountability purposes.
- All student and family activities should continue to be tracked via your data reporting tool. As well, it is important that any irregular activities such as food distribution is tracked; these should most likely be coded under "Family Engagement" as you are providing supports to families through this activity.
- If funds are used to support federally approved after school snack or meal programs, track daily meal counts for 2020 Annual Performance Reporting. Please work with district Nutritional Services as there may need to be modifications to this tracking.
- The tracking of any lost program time, lower attendance results, lower expenditure patterns and/or other outcome data will be tracked as part of end of year 2020 Annual Performance Reporting. Reasonable and fair accommodations will be made with regard to any reduction in results within 21st CCLC program goals due to closures resulting from the Governor's Executive Order.

## What is the expectation regarding evaluation and survey completion? (March 20)

A: Survey administration is postponed for students and parents during school closures. All other evaluation and survey requirements must still be met at this time. ODE will notify programs if there are any changes to the current deadlines.

# Frequently Asked Questions

Archived Questions from March – May 2020

## Will there be any virtual PD opportunities for staff during the school closings? (March 20)

A: The Mind the Gap Conference scheduled for April 17-18, 2020 is cancelled until further notice. This includes the ODE facilitated day-long Summer Learning Workshop.

You for Youth (Y4Y) is a USDOE sponsored website with many online professional development resources for 21st CCLC grantees. Specifically, the Y4Y Click & Go's are packed with 21st Century technical assistance in a virtual format.

## If a school/district's 21st CCLC program was scheduled to be monitored this spring, will the Department continue monitoring activities? (March 20)

A: No. Schools and districts should be focused on responding to the needs of their students, families, and communities at this time, rather than preparing for and participating in monitoring visits. All monitoring of programs for 21st CLCC programs, like all other federal programs, is cancelled for the 2019-2020 school year.

## Are there resources available for students in foster care? (March 20)

A: Districts should include foster care students in any activities provided to other students. A resource for older foster care students is Think of Us Town Hall.

## Governance

### Can a district school board vote to close school for the remainder of the school year and follow the latest guidance to move forward and not wait on the State to make a decision? (April 6)

A: If a district is considering this option, they should consult ODE to consider a wide variety of factors including: Instructional time, compliance with FAPE, Division 22 standards, OHA guidance, and Executive Order 20-08.

### How will new changes be handled with regard to Collective Bargaining? (April 6)

A: The Governor's Executive Order 20-08 states, "Continue to regularly pay all employees of public schools. A public school subject to this Executive Order may require school employees to report to work to assist with the provision of supplemental services and emergency management activities." The Governor's exercise of her powers under the state of emergency statutes may impact how existing collective bargaining agreements are administered. School districts may have to delay bargaining on modifications to their agreements given the need to immediately implement the directives of the Governor's Executive Order. School district officials should work with their general counsel and Human Resources staff to evaluate timing considerations for bargaining where traditional bargaining models are infeasible and emergency exceptions to bargaining may apply.

# Frequently Asked Questions

Archived Questions from March – May 2020

The determination of which staff may be needed to work from home or onsite, with appropriate measures in place, sits with the school district leadership. They are receiving direction and requests from the state leadership and local sources. The districts need the support of state and local association leadership to fulfill the responsibilities of the Governor's Executive Order so that they can maintain the flow of state school funding and continue to regularly pay all school district staff.

At this time we have asked school districts to focus on:

- Delivery of "Distance Learning for All"
- Provision of school meals.
- Provision of supplemental services and emergency management services, including but not limited to, the provision of child care for first responders, emergency workers, health care professionals, and other individuals, consistent with any guidance and requirements provided by the Oregon Department of Education.
- Continue to regularly pay all employees.

Schools must adjust to providing the requirements of [Executive Order 20-08](#) (out-of-school "Distance Learning for All", school meals, and emergency child care) by:

- Facilitating telework and work-at-home by employees, to the maximum extent possible. Work in buildings is prohibited whenever telework and work-at-home options are available, in light of position duties, availability of teleworking equipment, and network adequacy. This is clearly not possible for meal preparation and delivery or for the provision of child care. However, in some districts this will be possible for delivery of "Distance Learning for All" and related professional development to support teachers in this new way of delivering education.
- When telework and work-at-home options are not available, school districts, ESDs, and charter schools must designate an employee or officer to establish, implement, and enforce social distancing policies, consistent with guidance from the Oregon Health Authority. Such policies and activities must also address how the school will maintain social distancing protocols to the greatest extent possible for essential visitors and delivery of services.
- Employees in at-risk categories or who have an at-risk member of their household should not be required to physically report to a worksite. They may be assigned duties through telework or work-at-home.

**[When schools experience workforce capacity issues due to illness, does ODE have a threshold in place for shutting down in totality? Do schools hire subs if a teacher gets covid19 and is out of commission for an extended time? \(April 6\)](#)**

A: In the same way that food supplies are an emerging issue, so too might be workforce capacity. In the meantime, if available, hiring substitutes remains a local decision and is a reasonable response. Please write to [ODECOVID19@ode.state.or.us](mailto:ODECOVID19@ode.state.or.us) and put "WORKFORCE" in the subject line to help us track and respond if you begin experiencing workforce capacity issues due to illness.

**[Can a district decide not to close? \(March 27\)](#)**

# Frequently Asked Questions

Archived Questions from March – May 2020

A: No. Governor Kate Brown, Oregon's Superintendent of Public Instruction, announced [an extended statewide school closure](#) for students in Oregon from Monday, March 16 through, Tuesday, April 28.

## [Will school boards be expected/allowed to meet? Can our board hold an electronic meeting where members of the public are not able to physically attend? \(March 27\)](#)

A: Yes. The law allows boards to hold their meetings completely electronically. ORS 192.670. Members of the public must have live access to the meeting (i.e. by a live stream over the internet or an audio or video broadcast). All regular meeting requirements remain in place, including notice, minutes and accessibility. If the board is voting on any issue, OSBA recommends the Chair use roll call type of voting process to ensure each member's vote is accurately captured. Additionally, we recommend that boards explore options to allow the public to provide input to the board and look for ways to remove barriers so that meetings remain accessible to all members of the public.

## [Can the board hold an emergency meeting regarding COVID-19? \(March 27\)](#)

A: Yes. The official guidance regarding COVID-19 is changing rapidly. Schools must make quick decisions, and if the board must make a decision and does not have time to provide 24 hours' notice, an emergency meeting can be held. When an emergency meeting is held, the school must provide as much notice as the emergency allows, and the reason for the emergency must be documented in the minutes. ORS 192.640. All other regular noticing and public meeting requirements must be followed.

## [Can the board go into executive session to discuss closing schools due to COVID-19 virus? \(March 27\)](#)

A: There is not clear statutory authority allowing the District to go into executive session to discuss school closures due to the COVID-19 virus. For that reason, our recommendation is that this discussion be held in open session. The statute that might allow this is ORS 192.660(2)(k) to consider matters relating to school safety or a plan that responds to safety threats made toward a school. Again, because it is unclear whether this statute allows the District to go into executive session for this purpose, Oregon School Board Association would not recommend it if at all possible.

## [Does closure apply to Education Service Districts \(ESD\)? \(March 18\)](#)

A: This closure applies to any schools that the ESDs operate. None of the [19 Education Service Districts](#) are required to close their offices. ESD's will continue to receive funding as if school is in session. They are an important resource to local districts and should remain open, unless local public health authorities provide a different recommendation.

## [Can a district decide not to close? \(March 15\)](#)

# Frequently Asked Questions

Archived Questions from March – May 2020

A: No. Governor Kate Brown, Oregon’s Superintendent of Public Instruction, [announced statewide school closure for students](#) in Oregon from Monday, March 16 through Tuesday, March 31. Update: On April 8, 2020, Governor Brown announced she is extending Oregon’s physical closures for the K-12 and post-secondary education systems through the end of the current academic term and school year. She directed school districts, community colleges, and universities to complete the final weeks of the regular academic year by continuing distance learning and support to students.

## Graduation Pathways 2020

### [Foreign exchange students: how can they finish to get credit? \(May 1\)](#)

A: If the student was still enrolled in your program on March 13, 2020, please follow the new Pathways to Graduation guidance and award credit as appropriate. If the student already withdrew prior to March 13, 2020, awarding credit will be based on local policy.

[Back to top](#)

### [Can we please be allowed to give letter grades? I have seniors who pass/incomplete will harm based on them taking dual credit courses, and counting on this term to boost their GPA. \(May 1\)](#)

A: All of Oregon’s districts will assign Pass/Incomplete to students for any coursework completed during the COVID-19 school closure. Letter grades will not be allowed. The Higher Education Coordinating Commission as well as universities across the globe have made clear that they understand the impact on the Class of 2020. It is our responsibility to provide Oregon’s seniors with graduation pathways that support their collective future. The Higher Education Coordinating Commission is working closely with the postsecondary institutions to ensure that the pass/incomplete grading system that Oregon high schools are employing in Spring 2020 will not disadvantage students in their future competitiveness for admission or scholarships at Oregon public colleges and universities; [please refer to their guidance here](#). Also, [please see their joint statement here](#) signed by the Oregon Community College Association representing Oregon's 17 community colleges; the Oregon Council of Presidents representing Oregon's eight public universities; and the Oregon Alliance of Independent Colleges and Universities representing 15 Oregon private non-profit colleges and universities.

### [Can we award seniors their diplomas in April? \(May 1\)](#)

A: Yes, but there may be unintended consequences. One consequence is with scholarships. For example, students seeking Oregon Promise need to enroll in college within six months of the date they were awarded their diploma. Another would be the impact of not providing career and college readiness guidance.

# Frequently Asked Questions

Archived Questions from March – May 2020

**For seniors, the guidance states that if the student was making progress in a class that we should not penalize, and move to a pass or fail approach as we were over half way through the 2nd semester. However, for the on-line approach (i.e. credit retrieval) is this the same approach? For example, if a student only completed one or two assignments, they may be making progress, but may not have passed the on-line course from a proficiency perspective. We might potentially deem as failing and we would work with that student to progress on the work to show proficiency. (May 1)**

A: If the student was a senior and had completed the assignments up to a passing level by March 13th, then they should receive a “pass”, based on their performance to that date. The district determines what “passing” means in their local context at the March 13th deadline. If they needed to do more work to be at passing level, then the district would work with them to ensure they get those assignments and that previous work to a passing level.

**I could not find any guidance on senior graduation dates in the Graduation Pathways 2020 Guidance. For seniors that were passing before the closure and are now considered done, does that change their graduation date or will it still be the last day of school? If it does change it, how will this impact other programs? (May 1)**

A: Oregon school districts have different calendars and different graduation dates. The guidance issued by ODE does not directly impact those dates. Seniors that earned enough credits to graduate based on the application of the guidance may be considered “done” in terms of needing to earn credits but should continue to be engaged by schools with supports from guidance counselors and to connect with peers and educators. Each district can and should set the date for when the kind of engagement they might offer seniors. This can include information around plans to celebrate seniors through creative or virtual methods.

**I’m a senior halfway through school and short of credits. I must work over the summer and now to support my family financially, how can I get help? (April 16)**

A: We know that many high school students have to work right now and into the summer. It will be essential for districts to harness all creative solutions and options to meet students needing to navigate completing school, family safety, and getting basic needs met. Ideas include work-study credit, developing audio recordings or podcasts that could be engaged with while working (if safe to do so), or encouraging and supporting taking the GED for credit. Oregon regulations allow for multiple Credit Options at OAR 581-022-2025, as well, and ODE is making performance assessment materials available for educators to pursue these flexible credit-bearing options on ODE’s Credit Options webpage.

**How can ODE and/or districts work with Community-Based Organizations (CBOs) to support translation services? (April 16)**

# Frequently Asked Questions

Archived Questions from March – May 2020

A: This crisis illuminates a deeper need to bolster translation services, speed, and quality. Translation services are held and contracted in different ways by ODE and different school districts. In some communities, partnerships with CBOs for translation supports can and should be pursued. Where there are strong and existing contracts with translation service providers, it is a new opportunity for the state and districts to solve how to move more quickly and effectively to provide translations of essential documents.

## **What level of support is there for students who are homeless? How do they access learning without dependable internet? (April 16)**

A: First and foremost, the focus is student safety and access to food. Once that is established, districts are encouraged to contact and get expertise from their McKinney-Vento Act liaison. The following resources can also be helpful:

- Oregon's regional Continuums of Care are networks of state and local programs assisting community members with housing and other services.
- 211-Info connects people with social and health services, shelter and transitional housing, food banks and homelessness assistance.
- Community Action programs in many areas are providing assistance to families and individuals navigating poverty.
- The U.S. Interagency Council on Homelessness has posted recommendations for planning, preparation and mitigation of coronavirus spread.
- School House Connection's website provides excellent resources for schools and early learning programs to address homelessness during this time.

With regard to instruction and engagement, it will require a collective community and district effort to pursue any and all options to meet students needing to navigate completing school, safety, and getting basic needs met. Ideas include work-study credit, developing audio recordings or podcasts that could be engaged with while working (if safe to do so), or encouraging and supporting taking the GED for credit.

## **If a senior (member of the Class of 2020) as a 10th grader failed part of their 10th grade English course and they were going to make it up this trimester, do I go back to their 10th grade year and take that as the pass? (April 16)**

A: Districts will be focusing support and effort to ensure students have the greatest access to learning that will allow them to gain credits required for graduation. In this case, the student would need to make up the 10th grade English course. Given the failing grade and the English credit is required for graduation, the student would need to enroll in credit-recovery or consider an alternate pathway (i.e., flexible Credit Options, additional schooling for the 2020-2021 school year, high school equivalency programs like the GED, etc.).

# Frequently Asked Questions

Archived Questions from March – May 2020

## What about seniors that needed grades for the Oregon Promise 2.50 GPA requirement? (April 16)

A: Student GPAs will be generated based on the “freezing” of grades as of March 13, following the guidance outlined. The Office of Student Access and Completion (OSAC) is allowing students who would have otherwise raised their cumulative, unweighted GPA to 2.50 or higher to be considered for Oregon Promise as a result of school district actions relative to local or state emergency orders.

High school registrars will use the GPA verification system and include the students where it would have been mathematically possible to raise their GPA to the 2.50 limit as MET. The deadline to submit GPA verifications is Friday, July 10.

If a high school does not participate in GPA verification, the high school will need to include a cover letter when providing students with their final high school transcript to submit to OSAC. The cover letter must indicate that it would have been mathematically possible for the student to raise their GPA to the 2.50 limit if they earned letter grades for their final high school term.

Additionally, encourage all seniors to complete the 2020-21 FAFSA or ORSAA as soon as possible (deadline is June 1 for high school seniors) so they are considered for federal, state and institutional financial aid. The Oregon Promise application deadline is June 1, 2020 for students graduating between March 1, 2020 and June 30, 2020. Districts may need to make plans for staff to verify student GPA during summer 2020. School staff can reach out to the staff at OSAC with any questions or for assistance.

## On a semester system, if a senior received an F for the first semester in a year-long senior English course, and the school worked to remediate and the student passed senior English for the 1st semester, when it comes to the 2nd semester of English does the student receive passing credit in senior English for the 2nd semester regardless of what they were receiving as of March 13th? (April 16)

A: No. But this is a student you’ve clearly succeeded with and know how to support. Therefore, we encourage you to place your focus on helping connect and re-engage this student based on their grade as of March 13th.

## Will the final transcript for seniors look any different given the Pass/No Pass grading scale? (April 16)

A: Potentially, yes. And, this will likely be true for student transcripts across the nation as nearly every senior is affected by COVID-19 school closures. Transcripts can reflect Pass/Incomplete indicators without having negative impact for students’ future pathway. Districts should consider how they present student transcripts, including the possibility of attaching a letter that indicates the Pass/Incomplete status, as reflective of the COVID-19 school closure. This practice has also been

# Frequently Asked Questions

Archived Questions from March – May 2020

used by districts in the case of closures for natural disasters, such as the New Orleans Hurricane Katrina

**Does Graduation Pathways 2020 mean students will not take any course third trimester and simply be awarded a pass/no-pass grade, for no work whatsoever, that is commensurate with what was earned first trimester? (April 16)**

A: Yes, students under this guidance in a trimester system are awarded credits based on prior coursework. However, the grade that is utilized should come from the preceding trimester which would be the 2nd trimester, not the first. In some cases, where coursework is offered in the first and third trimester (skipping the 2nd) then yes, you would use the first trimester grade.

**If our students need to complete all three trimesters with passing grade, to earn credit. How do we apply this model? (April 16)**

A: If a student needs credits after applying this guidance, the district needs to use the Distance Learning for All approach to support additional credit attainment. See Question #3 for information regarding flexible Credit Options.

**If we completed our third quarter, can we issue a quarter or partial credit? (April 16)**

A: Yes, ODE supports awarding partial credits at the district's discretion.

**What about the senior who had an F in the grading term at the time of school closure, and they were awarded an Incomplete for that term. And, the student does not demonstrate enough evidence of learning to earn a passing grade for the course by August 31, 2020. (April 16)**

A: The senior would not likely pass the course and credit would not be awarded. If the course and/or credit was required for graduation, the student may need to enroll in credit-recovery or consider an alternate pathway (i.e., additional schooling for the 2020-2021 school year, high school equivalency programs like the GED, etc.). However, in some cases districts may determine that credit should be awarded if there is a larger achievement pattern that deserves consideration. Upon review of the totality of the student's educational experience, if it is determined that credit is justified, the decision should be supported with documentation.

**To clarify, if seniors were passing until March 13, then they are not required to participate in the "Distance Learning for All" plan for the remainder of the semester- other than to engage in College/Career services? (April 16)**

# Frequently Asked Questions

Archived Questions from March – May 2020

A: Yes. Here's a quick distillation of what's in the full guidance on this subject:

- All of our seniors, regardless of credit status, deserve our personal attention, encouragement, and consistent emotional support.
- Reach out to students and their families, by April 30, 2020, to affirm Oregon Diploma 2020 credit requirements have been met. Outline a plan to continue senior's learning and transition to career and college. For seniors on an IEP who are graduating with a regular diploma, this must include notice of termination of IEP services upon commensurate with graduation date or the transition services offered during the closure. Seniors participating in Dual Credit, AP, IB, and other accelerated learning courses should continue and complete these courses to earn the college credit associated with the courses.

## What's going to be available to students to complete work by August? (April 16)

A: For seniors, we are asking districts to keep growing and building any and all supports that will help a senior graduate throughout the summer. This likely means continuing summer school efforts and broadening the access students may have to this kind of sustained learning environment.

## If a student does not finish the whole class course, say in Algebra II, how will they have the knowledge needed to go into the next math class in college? (April 16)

A: One of the strengths of this question is its attention to learning beyond a grade or a credit. To honor this question, we are giving you our best response, even if not fully satisfying. Learning is our natural state and students at all developmental ages are learners. Grades and credits are proxies for learning. Students enter college coursework in transitions that don't match their prior knowledge or methods of learning a subject with how the college offers the same or similar content. The transitions required now for the Class of 2020 asks something of all educators, those sending and those receiving, and of the students to focus on what learning they need to make the critical connections and find their way forward. We also ask community colleges and universities to be creative and caring in addressing the unintended learning gaps that this global crisis is causing.

## Does this guidance support fifth and sixth year seniors as well? (April 16)

A: The guidance pertains to students who were first enrolled in ninth grade in the 2016-2017 school year or earlier; so students who were freshman in years prior to 2016-2017 are also included. This guidance does not apply to students who first enrolled in ninth grade in 2017-2018 or later, unless they have an early graduation plan approved before the Executive Order (EO 20-08) was issued on March 17, 2020.

## How will this impact Oregon Promise? (April 16)

# Frequently Asked Questions

Archived Questions from March – May 2020

A: The Office of Student Access and Completion (OSAC) is allowing students who would have otherwise raised their cumulative, unweighted GPA to 2.50 or higher to be considered for Oregon Promise as a result of school district actions relative to local or state emergency orders. The GPA requirement is still a cumulative, unweighted, 2.50 GPA. However, there will be flexibility provided for students who would have mathematically had the opportunity to raise their GPA to the 2.50 limit if letter grades were assigned for their final high school term.

Please encourage all interested students to apply for Oregon Promise by the appropriate deadline, and submit the 2020-21 FAFSA or ORSAA.

High school registrars will use the GPA verification system and include the students where it would have been mathematically possible to raise their GPA to the 2.50 limit as MET. The deadline to submit GPA verifications is Friday, July 10. Please visit [OregonPromise.org](http://OregonPromise.org) for more information, or contact [OregonPromise@hecc.oregon.gov](mailto:OregonPromise@hecc.oregon.gov) with questions.

## **How does Pass/Fail affect NCAA eligibility and admittance into higher ed? And Is the NCAA also upholding the pass /incomplete or will student athletes need a letter grade? (April 16)**

A: The NCAA has a phone number for high school administrators, OSAA officials, and ODE to answer any questions at 1-877-622-2321. The NCAA Eligibility Center also has a phone line for students and parents at 1-877-262-1492.

Here are few additional resources that might be helpful at this time:

- [NCAA Eligibility Center COVID-19 Response FAQs](#)
- [NCAA Coronavirus resource page](#)
- [Oregon School Activities Association COVID-19 page](#)

## **Will higher education require students from the class of 2020 to take remedial credits upon entering college because they did not finish the entire senior year? (April 16)**

A: We are not in a position to predict how each institution of higher education will respond or what action they may take. However, we are in conversations with many public universities who are pledging care and support to the Class of 2020. We do anticipate there will be flexibility for seniors from higher education. Additionally, colleges and universities across the country are temporarily updating their admissions requirements to accept (without disadvantaging students) Pass/No Pass grades in lieu of letter grades for all courses completed while schools are closed. This ensures the health and safety of our communities remains a priority during the COVID-19 response without penalizing students. Institutions of higher education (e.g., Oregon Higher Education Coordinating Commission, California university and college system, Stanford University, and Harvard University) continue to issue statements outlining these revised admissions policies. The Oregon public universities have committed to ensuring that applicants and prospective students are considered fairly in light of the educational interruption they have endured.

# Frequently Asked Questions

Archived Questions from March – May 2020

**As high school courses move to P/NP grading for the remainder of the academic year during this pandemic, what does the move mean for the grading of high school based college courses offered in partnership with Oregon public institutions? Are the college courses also required to be P/NP? (April 16)**

A: The college course grading, including whether the course will be available for P/NP, is decided on a case by case basis by the college or university. Teachers are allowed to award letter grades for college courses taught in the high school where the college or university partners have retained letter grades in their courses, while the student receives a pass/incomplete on their high school transcript.

**Will the guidance from ODE override local district policy requirements regarding graduation, or will our Boards need to modify our policy locally? (April 16)**

A: ODE's guidance will supersede local decision making as authorized by Executive Order 20-08 in response to COVID-19. Local school boards will not have to modify local policy for the class of 2020.

## Migrant Education

**In the field of Migrant Education, Certificates of Eligibility (COE) are generally signed in person. Can we give that confirmation via email or phone? (April 7)**

A: US Department of Education has allowed for phone interviews to complete COEs.

**If Migrant Education Certificates of Eligibility (COE) are expiring, do we need to wait to see families again? (April 7)**

A: Governor Brown's Executive Order 20-08 requires social distancing which would prohibit family visits. US Department of Education has allowed for phone calls and has given the following directive: In the signature place for the parents there will be a disclaimer stating: No signature was received due to COVID-19.

**What is the impact on Migrant Education summer school and funding? When will we have the final summer allocations? Can we tap into the 21st Century grant for summer school/other programming? Title IA Summer School (SSA), 3 million; can we collaborate? (April 7)**

A: At this time, we see no changes to the summer school funding. When the budget is determined and finalized, we will send out the Summer School allocations. School districts should combine other Federal Funding sources to create productive Summer Schools.

# Frequently Asked Questions

Archived Questions from March – May 2020

**Since STRIDE's contract is not finalized, what are ODE's suggestions about supporting Migrant Education families when many resources are unable at this time? Is this an opportunity to just have a technology funding stream for each MEP, rather than STRIDE for all? Could this fund be used to train up our staff to use existing district programs? Or, to provide Internet Access for our families? (April 7)**

A: We have provided a list of all online programs that families can use for free during school closure. The list includes Stride Academy and Big Universe both of which offer free licenses to all students. Programs are free to use any program that the district has already purchased. Please contact Luis Arias to assist with existing programs with the understanding that it might take him some time to get back to you immediately. Migrant funds can be used to support Internet Access within reason. The guidance we follow is that it needs to be "Necessary and Reasonable".

**Regarding Migrant Education, does Title 1C qualify for a grant extension and if so what is the carry over percentage? (April 7)**

A: Thank you for the question. We are seeking guidance from the Office of Migrant Ed. We will include carry over considerations for pre-school and summer school allocations in my response.

**Can Migrant Education funds be used to buy basics for families: i.e. food, Walmart cards, Winco cards, etc.? (April 7)**

A: Food can be purchased with reason for families. Walmart, Winco food cards cannot be given to families according to the Office of Migrant Education.

**Districts have discontinued After School Programs. Migrant Education families are struggling to figure out how to continue that support. The form and format may change from what was planned. They would like flexibility regarding post assessments and growth reports. Is that possible? (April 7)**

A: Right now we are focused on care, connection, and continuity of learning. Please refer to the statewide guidance on "[Distance Learning for All](#)." We will be advocating for flexibility on all reporting mechanisms when schools reopen.

**In Migrant Education, what about students with disabilities? How can we accommodate and/or modify if we provide online instruction? Or, will we be required to provide alternative instruction for those students? (April 7)**

A: In an emergency situation, where all children are to be served through distance learning for a period of time, serving children with disabilities with distance learning for that same period of time is not a substantial change in placement or material change in services and does not require consent, a prior written notice, amendment, or placement change. The district is simply responding to the

# Frequently Asked Questions

Archived Questions from March – May 2020

Governor's Executive Order to close school buildings and move to distance learning for an extended period of time.

This was not a district or IEP Team decision. This is similar to a contingency plan being created for a student during the time a student is in a juvenile detention center or psychiatric residential treatment facility. The district did not act to place a student in that environment. The district is simply recording within the contingency learning plan the way in which it will provide special education services to the greatest extent possible under the circumstances until the student returns to their typical educational environment. Because the decision to close school buildings was not the district's decision, any distance learning plan developed for a student does not constitute a material change in services or a substantial change in placement. Here are key guidance documents for Special Education Services and please do not hesitate to reach out to Candace Pelt at [candace.pelt@ode.state.or.us](mailto:candace.pelt@ode.state.or.us) as she is meeting regularly with the Special Education Directors.

- [Extended School Closure Special Education Guidance](#)
- [Toolkit for Students with Complex Learning Needs](#)

## Navigating Impacts on instruction

### [How will ODE's Graduation guidance impact college admissions? \(April 9\)](#)

A: The Oregon public universities are committed to ensuring that new students who intend to enroll at our institutions are considered fairly in light of the educational interruption they have endured. No student admitted to our institutions for fall 2020 will have their admission rescinded due to changes in grading policy or the inability to complete their coursework, so long as they still graduate. Students who apply to our institutions are still subject to a review process that focuses on one's ability to succeed in college, but now recognizes that some situations are beyond their control. We look forward to supporting students and high schools through this challenging time, both now and with future graduating classes impacted by the pandemic.

### [We would like to help some of our high school students, especially seniors, access technology by checking out some of our Chromebooks to them. We are asking our library \(which is closed\) to let us borrow hot-spot devices to lend to them if the students don't have internet. How can we do this and remain CIPA compliant since we don't have the capacity to filter those devices? \(April 7\)](#)

A: Building wi-fi access points are typically attached to the building and not mobile devices. However, if a library has mobile hotspot available, it may be possible to remain CIPA compliant through the use of a hot-spot device. ODE would advise that if a district wishes to pursue this, to consult with an ESD/District Network Administrator or Engineer to see if the hot-spot can run its traffic through a single tunnel to the SD/ESD external IP address into the SD/ESD Gateway. If this is

# Frequently Asked Questions

Archived Questions from March – May 2020

possible, then traffic may be routed through the district/ESD filtering systems that meet CIPA compliance. Again, this is best advised by an ESD/District Network Administrator or Engineer.

**How might the telecommuting requirement change now that we are moving from supplemental to “Distance Learning for All”? That is, if we have a teacher who does not have connectivity from their home, can they be required to report to the work site or telecommute from somewhere other than home (unless a member of a vulnerable population)? (April 6)**

A: The Governor’s Executive Order 20-08 states, “Continue to regularly pay all employees of public schools. A public school subject to this Executive Order may require school employees to report to work to assist with the provision of supplemental services and emergency management activities.” The Governor’s exercise of her powers under the state of emergency statutes may impact how existing collective bargaining agreements are administered. School districts may have to delay bargaining on modifications to their agreements given the need to immediately implement the directives of the Governor’s Executive Order. School district officials should work with their general counsel and Human Resources staff to evaluate timing considerations for bargaining where traditional bargaining models are infeasible and emergency exceptions to bargaining may apply.

The determination of which staff may be needed to work from home or onsite, with appropriate measures in place, sits with the school district leadership. They are receiving direction and requests from the state leadership and local sources. The districts need the support of state and local association leadership to fulfill the responsibilities of the Governor’s Executive Order so that they can maintain the flow of state school funding and continue to regularly pay all school district staff.

At this time we have asked school districts to focus on:

- Delivery of “Distance Learning for All”
- Provision of school meals.
- Provision of supplemental services and emergency management services, including but not limited to, the provision of child care for first responders, emergency workers, health care professionals, and other individuals, consistent with any guidance and requirements provided by the Oregon Department of Education.
- Continue to regularly pay all employees.

Schools must adjust to providing the requirements of [Executive Order 20-08](#) (out-of-school “Distance Learning for All”, school meals, and emergency child care) by:

- Facilitating telework and work-at-home by employees, to the maximum extent possible. Work in buildings is prohibited whenever telework and work-at-home options are available, in light of position duties, availability of teleworking equipment, and network adequacy. This is clearly not possible for meal preparation and delivery or for the provision of child care. However, in some districts this will be possible for delivery of “Distance Learning for All” and related professional development to support teachers in this new way of delivering education.

# Frequently Asked Questions

Archived Questions from March – May 2020

- When telework and work-at-home options are not available, school districts, ESDs, and charter schools must designate an employee or officer to establish, implement, and enforce social distancing policies, consistent with guidance from the Oregon Health Authority. Such policies and activities must also address how the school will maintain social distancing protocols to the greatest extent possible for essential visitors and delivery of services.
- Employees in at-risk categories or who have an at-risk member of their household should not be required to physically report to a worksite. They may be assigned duties through telework or work-at-home.

In the same way that food supplies are an emerging issue, so too might be workforce capacity. In the meantime, if available, hiring substitutes remains a local decision and is a reasonable response. Please write to [ODECOVID19@ode.state.or.us](mailto:ODECOVID19@ode.state.or.us) and put “WORKFORCE” in the subject line to help us track and respond if you begin experiencing workforce capacity issues due to illness.

## **The state of WA provided a more robust Zoom account that is FERPA compliant. Can OR provide this resource to our teachers? (April 6)**

A: We have asked ODE’s Chief Information Officer and ODE’s Assistant Superintendent of Finance and Information Technology to investigate this resource and will update when we have an answer.

## **And what can we do if we cannot get hotspots or hubs to loan out (ours are on back order till Mid-May)? Will there be answers to the questions about creating community hotspots and potentially transporting students whose families cannot get them to those access points? Is there a way to allow access to shared hotspots if we conform to the same social distancing requirements as are required for the provision of Child Care? (April 6)**

A: Distance learning does not mean online learning alone. While Distance Learning may include online options for some students, it does not require technology or the internet to result in successful learning. For many of our 197 districts in Oregon, distance learning may not include online experiences. Students engaging in distance learning have access to appropriate educational materials and receive ongoing interaction with their licensed and/or registered teacher(s). It is important to note that distance learning includes multimedia communication and blended learning strategies, not just digital/online learning. Learning may or may not be separated in time (asynchronous vs. synchronous).

ODE has sent a survey to every district. The hope that ODE can use this data in three ways to support your access to technology:

1. Work with philanthropy and business & industry to identify and support needs
2. Work with state procurement contracts to ease purchasing barriers and costs
3. Identify any available state funds and federal stimulus funds to support district purchasing efforts.

## **Ideas for quickly translating documents for parents who speak a different language other than English who are now assisting their children? (April 6)**

# Frequently Asked Questions

Archived Questions from March – May 2020

A: Translating the summary document is something we're committed to get done as quickly as time and resources allow. When it comes to language supports for families, ODE has provided the following guidance: [Supporting Emergent Bilingual Students with Distance Learning](#) and [Resources for Migrant Education and non-English Speaking Families](#).

**When will we know if the entire year is canceled? Can we count on doing distance learning through the end of our school year? Is it possible to come back on June 1 so that we can have a typical end of the year with kindergarten graduation, 8th grade promotion and HS graduation. I think that would mean a lot to our communities. (April 6)**

A: In order to slow the spread of COVID-19 and protect our students and educators, Governor Brown issued Executive Order 20-08 that closed schools through April 28. Our state's response to COVID-19 has responsibly and necessarily evolved with the use of data and knowledge of effective suppression measures. As we continue the effective measures of Governor Brown's "Stay Home, Save Lives" order, we also foresee the strong possibility that our students may not come back through our school house doors this academic year, but that decision remains in the jurisdiction of the Governor. Right now, we cannot predict what is allowable for end of year activities and recognize the impact it will have on time honored celebrations and transitions.

**Is there any way to have students at school? For example, small groups of special education students with small staffs for specially designed instruction? Or small schools with 10 students or fewer per class? (April 6)**

A: After a review by the Oregon Health Authority (OHA), schools may NOT provide instruction to K-12 students at school sites. The only exception to this guidance will come in the form of ways districts meet the [Executive Order 20-08](#) to provide child care for front line staff, such as health care workers and emergency responders. Two links are relevant in providing childcare: [Temp changes to child care rules](#) and this [ELD Toolkit for districts](#).

**Students enrolled in significantly supported classrooms for behavior. Is there any exception to the closure to keep this vulnerable population at school? (March 27)**

A: No. After a review by the Oregon Health Authority (OHA), schools may NOT provide instruction to K-12 students at school sites.

The only exception to this guidance will come in the form of ways districts meet the [Executive Order 20-08](#) to provide child care for front line staff, such as health care workers and emergency responders. Two links are relevant in providing childcare: [Temp changes to child care rules](#) and this [ELD Toolkit for districts](#).

We understand that this can be a difficult time for parents and families while they support students. The Department has created a [parent resource page for parents or caregivers of students who experience disability](#).

# Frequently Asked Questions

Archived Questions from March – May 2020

## Can kids come in to use a computer if they don't have access from home? (March 27)

A: No. The only exception to this guidance will come in the form of ways districts meet the [Executive Order 20-08](#) to provide child care for front line staff, such as health care workers and emergency responders. Two links are relevant in providing childcare: [Temp changes to child care rules](#) and this [ELD Toolkit for districts](#).

## Is it possible to home school my child during Distance Learning for All and the reopening of schools in the fall?

A: During the statewide school closure and reopening of schools in the fall, some families may consider educational alternatives, including home schooling. If a family decides that home schooling is an option for them, they need to do the following:

- Communicate with your school district and let them know of your plans to home school temporarily
- Notify your local Education Service District (ESD) of your intent to home school temporarily. Most ESDs have an electronic form on their [Home School webpage](#). ORS 339.035(2)
- Consider connecting with other parents in your community who are home schooling or connect to a home school network such as [Oregon Home Education Network \(OHEN\)](#)
- Review [Oregon's academic content standards](#) for the appropriate grade(s) to ensure your child(ren) stays on track to graduate
- Maintain communication with your child(ren)'s neighborhood school
- Notify your local ESD when you have re-enrolled your child(ren) in your neighborhood school

If home schooling will be temporary (less than 18 months), the home school testing requirement will not apply. However, for students who need to maintain eligibility to participate in athletics, there may be additional requirements on behalf of the OSAA (*guidance on this forthcoming*).

For high school seniors, home schooling has slightly different implications. Most importantly, there is not a home school diploma. For students who have plans to attend a college or university, check with the institution's registrar and verify admission requirements. One option for home schooled students is to [take the GED test](#) as four-year institutions accept GED scores for admission; local testing centers can offer details regarding availability.

Please [contact Annie Marges](#) with questions regarding temporary home schooling.

## Most districts were at a point to end the third quarter and awarding grades. Is there guidance regarding whether or not district's should award the quarter credit and if so, how should it be awarded? (March 27)

A: Districts vary on how they award credit and this remains a local decision. That being said, thinking creatively in ways that center student learning is always best practice even during school closure.

# Frequently Asked Questions

Archived Questions from March – May 2020

**Could a special education teacher complete evaluations 1:1 with students to complete 3 year re-evals and IEP timelines so there isn't a rush when we re-open? These would be less than 10 people. (March 27)**

A: No. After a review by the Oregon Health Authority (OHA), schools may NOT provide instruction to K-12 students at school sites. The only exception to this guidance will come in the form of ways districts meet the [Executive Order 20-08](#) to provide child care for front line staff, such as health care workers and emergency responders. Two links are relevant in providing childcare: [Temp changes to child care rules](#) and this [ELD Toolkit for districts](#).

We understand that this can be a difficult time for parents and families while they support students. The Department is working to build a parent resource page in the coming days.

**Can we bring small groups of students (10 or fewer) into school to provide instruction or in-person supports, beyond what is directed by the Governor in providing childcare for health professionals and first responders? (March 20)**

A: No. After a review by the Oregon Health Authority (OHA), schools may NOT provide instruction to K-12 students at school sites. The only exception to this guidance will come in the form of ways districts meet the [Executive Order 20-08](#) to provide child care for front line staff, such as health care workers and emergency responders. Two links are relevant in providing childcare: [Temp changes to child care rules](#) and this [ELD Toolkit for districts](#).

**Knowing that migrant education families face unique challenges, can you provide any guidance to Migrant Education programs regarding potential food insecurity, immigration, and language access? (March 18)**

A: It is critical that districts create conditions for migrant education staff to support families and children at this time. Most of the migrant education families are working families and do not have the time to search for the answers regarding food access location. Many migrant families are also experiencing heightened stress and confusion.

In the event that parents and families are working and children are unable to get to the food access points, schools are encouraged to organize with migrant education programs to arrange food transportation so children do not go hungry.

Additional response steps can include Migrant Education directors completing phone calls to survey families informally and coordinating with local organizations.

**What are the impacts for graduating seniors? (April 6)**

A: ODE is working with stakeholders and partners to draft an initial plan that will be forthcoming. We are considering the following factors:

# Frequently Asked Questions

Archived Questions from March – May 2020

- Distance, curriculum packets, phone connections with teachers and students, proficiency-based learning, and online learning requirements
- How to support and what defines “[Distance Learning for All](#)”
- Options for addressing credits and other diploma requirements
- Possible avenues to prioritize instruction in small groups for seniors and high school students
- Statewide assessments
- Temporary rules by the State Board of Education

Please email us at [COVID19@ode.state.or.us](mailto:COVID19@ode.state.or.us) other consideration you want us to be tracking. [Back to top](#)

## [Can districts respond creatively to meet the needs of young people and families? \(April 6\)](#)

A: Yes. In the event of extended school closures, ODE **does** recommend districts encourage students and families to stay engaged by [Distance Learning for All](#) by creatively utilizing online and offline resources. The best starting point is likely to be resources that are already being used in the district and are familiar to students, families and staff. Creative responses to meet community needs and leverage strengths don’t need to be limited to sharing online resources and could include finding ways to support nutrition and find ways to get information to families who might be at a distance or not have digital access.

In the coming days, ODE will be providing a compilation of possible resources for school districts that may be helpful to support student learning and family and community engagement while school buildings are closed.

## [What about the possible impacts on state assessments? \(March 15\)](#)

A: We recognize the very challenging position the loss of instructional time puts on the already delicate balance schools and teachers seek in offering meaningful learning aligned to state standards. We also understand the administrative and communication challenges to help students, families, and teachers navigate state assessment processes under normal circumstances, much less now.

Oregon offers a long testing window for statewide summative assessments from January 7 - June 5. A 7-day closure for students does not yet warrant a change in our statewide summative assessment system.

*The U.S. Department of Education is [offering flexibility and waivers](#) that may be needed in the future. Watch this response for future updates.*

In cases where circumstances directly prevent a school from completing testing within the statewide test window, [Oregon law](#) does include a provision for districts to request an extension to the test window. Finally, districts should be aware that other assessments (SAT, ACT, AP, IB, and others) are not controlled by ODE. Districts should work with their partner organizations to understand how they will respond flexibility in regards to assessments.

# Frequently Asked Questions

Archived Questions from March – May 2020

## With school closures, are there changes to required professional learning for Oregon teachers?(March 15)

A: The [social distancing guidance](#) issued by Governor Brown offers guidance related to settings for professional learning.

The Teacher Standards and Practices Commission is taking the following actions:

1. Required professional development for all Oregon licensed educators will be reduced by 12 units for this current reporting period. This will include requirements for license renewal and Advanced Professional Development Program plans for licensure advancement, subject to any district requirements and collective bargaining agreements.
2. In lieu of the reduced professional development requirements, educators are encouraged to consider independent study of trauma-informed practices and culturally responsive instruction.

The current pandemic further demonstrates our role as educators to support the needs of our students, communities, and each other. Today reminds us of how important our profession is to the sustainability of our communities beyond the classroom. Educators may contact TSPC Executive Director, Dr. Anthony Rosilez for further information.

## Nutrition and Access to Meals

### Can schools create vouchers to be sent to poverty students/families to use at local grocers. (April 7)

A: Schools have a great deal of freedom to respond in creative ways at this time. However, if you want federal reimbursement a voucher program like this isn't currently reimbursable. ODE's Child Nutrition Program will follow-up with USDA to get additional guidance on this or ways it might work at a very local level.

Meanwhile, the Federal Pandemic EBT Program (P-EBT) has been applied for by DHS in conjunction with ODE Child Nutrition Programs. This will be a coordinated effort from ODE to collect student information from the Enrollment System and provide it to DHS to open benefit accounts. The benefits are worth \$5.78 per child per day. For schools in the Federal Nutrition Program, students eligible for free/reduced meals, and all students in non-pricing schools will be receiving funds at their home address. This is an opt-in program, benefit cards need to be activated before use.

### We are concerned that we will not get reimbursed for breakfast and lunch. We are not a summer site, but we are on the Community Eligibility Plan (CEP) for free lunches for all students districtwide. We are doing the math on this and without some type of reimbursement this is concerning. (April 7)

# Frequently Asked Questions

Archived Questions from March – May 2020

A: Ok, when you are on the CEP and you weren't previously "site area eligible" for the Seamless Summer Option (SSO) and Summer Food Service Program (SFSP), you can now take steps to be reimbursed for providing breakfast and lunch.

Your first step is to contact your assigned [Child Nutrition Specialist](#) for more information now that the USDA has approved ODE's waiver to open sites to operate in "Areas in which poor economic conditions exist" during the COVID-19 Emergency. This waiver was approved with an effective date of March 18, 2020 and remains in effect until the end of the COVID-19 emergency.

Sponsors will be required to report the amount of meals served at waived eligibility sites and provide ODE-CNP with their reasoning and method of determining where to operate a meal site using this waiver on a later date.

**We will need help from the state to continue to provide meal service, as our vendors are out of product including simple items like paper bags. It feels like Districts are competing against each other for those resources. We are unable to get products for meals. Can we use whatever we can get from Costco and be reimbursed? (April 6)**

A: ODE has created a three person team. They are reviewing the information that came in from districts regarding the supply chain issues for meals and related supplies. This ODE team may reach back out to districts. They will take this information to the Oregon Emergency Coordination Center (ECC) for problem-solving and ODE will report back to districts.

**If we do not have a lunch program now, do we need to start one during a shutdown period? How can we find out if we qualify for the Summer Lunch Program? (March 27)**

A: School districts that don't currently have a lunch program or that need information on whether they qualify for the Summer Food Service Program are advised to be in conversation with the [Child Nutrition Program](#) staff at ODE and to at least be engaged in communicating with families about how to access meals in their region or to be making plans to offer meals during this important time.

**We do not receive Federal National School Lunch Program (NSLP) funding, but we do provide a free lunch program for our low income families. Our sponsoring district has included charter school students in their meal program during the closure, does that address charter school obligations for providing meals to access State School Fund dollars during closure? (March 27)**

A: If a charter school is in coordination with a sponsoring district and ensuring consistent communication with families regarding how to access meals during school closure, that would satisfy the obligations within Executive Order 20-08.

**Can we feed students throughout the entire closure? (March 20)**

# Frequently Asked Questions

Archived Questions from March – May 2020

A: Yes. USDA is now allowing reimbursement during planned Spring Break dates and unanticipated school closure dates. What follows is more technical information that either a nutrition manager in your district or ODE can help you further digest if needed.

The four important headlines are: a) Sponsors can claim meals offered during spring break, b) SSO and SFSP sponsors can serve and claim breakfast and lunch if/when offered at the same time, c) School Food Authority sponsors of SFSP and SSO sites can claim meals **directly served to children's homes**, and d) Meals can be offered and claimed through the SFSP/SSO or the National School Lunch Program (NSLP)/School Breakfast Program (SBP) if school facilities are closed but schools continue to operate.

Here's the details for each:

1. **Sponsors can claim meals offered during spring break**  
Sponsors have options to qualify for reimbursement by offering meals during school closures. Sponsors may claim reimbursement for meals approved under Seamless Summer Option (SSO) and Summer Food School Program (SFSP) during a scheduled spring break that was canceled or postponed due to a unanticipated school closure resulting from the coronavirus.
2. **SSO and SFSP sponsors can serve and claim breakfast and lunch if/when offered at the same time**  
This was originally approved for SFSP sponsors only. USDA provided approval for SSO sponsors as well.
3. **School Food Authority sponsors of SFSP and SSO sites can claim meals directly served to children's homes**
  - Schools that have been approved for non-congregate feeding through SFSP or SSO may be reimbursed for meals delivered directly to children's homes.
  - Schools electing to deliver meals may serve only children who are in area eligible locations or who are eligible for free or reduced price meals.
  - Schools operating a closed-enrolled site may enroll children who are certified as eligible for free or reduced price meals, and deliver meals only to the enrolled, eligible children.
  - Delivery may include more than one meal, e.g. a breakfast and a lunch, per delivery location as ODE CNP previously received USDA approval to waive mealtime restrictions in SFSP and SSO.
  - Delivery may include meals for multiple days, up to one week at a time.
  - When meals are delivered, children do NOT need to be present at the time of delivery as long as the school has obtained written consent from households that they want to receive delivered meals.
4. **Meals can be offered and claimed through the SFSP/SSO or the National School Lunch Program (NSLP)/School Breakfast Program (SBP) if school facilities are closed but schools continue to operate.**
  - SFSP/SSO option - If school buildings are closed unexpectedly during the school year due to COVID-19, USDA considers this an unanticipated school closure. Even if

# Frequently Asked Questions

Archived Questions from March – May 2020

the district is operating or providing online school, if the building is closed and students cannot attend their physical school location for classes, SFAs and community organizations (COs) may operate SFSP and SSO programs as permitted under program requirements.

- NSLP/SBP option - If an SFA considers a school to be operating and wishes to continue offering NSLP and SBP during such building closures, non-congregate meals can be offered. Schools would continue to claim and be reimbursed for meals based on the eligibility status of the individual student. All other NSLP and SBP requirements would apply.

All of the above guidance can be located here: [COVID-19 Summer Food Service Program \(SFSP\) and Seamless Summer Option \(SSO\) Meal Delivery Using Existing Authority](#)

## [Are there options for the continuity of school meal programs during school closures? \(March 16, updated March 20 with link in first paragraph\)](#)

A: Yes. Governor Brown called for districts to meet this challenge and has charged ODE to help. We have created [a page with links to district websites](#) outlining their plans for feeding children during school closure.

There are options available to continue meal service at school and non-school sites through the Summer Food Service Program or Summer Seamless Option. The Oregon Department of Education Child Nutrition Programs (ODE CNP) encourages sponsors participating in the National School Lunch Program (NSLP) and/or the School Breakfast Program (SBP), Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP) to use Program flexibilities to help ensure that there is no lapse in food security during a closure.

ODE has received approval from USDA on the following waivers:

1. To operate the SFSP or SSO at school sites (meaning any place meals are delivered) during unanticipated school closures. This opens up more sites for sponsors to offer meals for reimbursement. This waiver is in effect through June 30, 2020 or upon expiration of the federally-declared public health emergency, whichever is earlier.
2. To allow for non-congregate meals to be served during unanticipated school closures through SFSP and SSO. This means sponsors can serve meals through Grab and Go like services and be reimbursed for the meals. These meals must be distributed directly to children. This prohibits meal service that would gather people into a room. This waiver is in effect through June 30, 2020 or upon expiration of the federally-declared public health emergency, whichever is earlier
3. To serve meals without mealtime restrictions during the unanticipated school closures. This means that meals provided through SFSP may include a breakfast and a lunch, or a lunch and a snack served at the same meal service and claim both for reimbursement. This waiver is approved by FNS through April 30, 2020.

# Frequently Asked Questions

Archived Questions from March – May 2020

4. To waive the first week site visit for returning SFSP sites that have operated successfully in the previous year. This will reduce the burden of conducting a first week visit at returning SFSP sites. This waiver is approved by FNS through April 30, 2020.

ODE is seeking waivers and/or verification from the federal government to do the following:

- Provide reimbursement for meals served to sites that are not area eligible
- Provide reimbursement for meals that are delivered directly to homes
- Provide reimbursement for meals that are provided when a child is not present

Please review the [December 24, 2019 ODE CNP memo on Meal Service During Unanticipated School Closures](#) for additional information.

Generally speaking, districts should follow their SFSP and SSO processes in accordance with the memo linked above.

Continue to watch for updates to this response, ODE is actively and regularly seeking waivers as well as state resources to ease district efforts to feed our children.

## Private Schools

### [Does Governor's Executive Order Include Private Schools? \(March 23\)](#)

A: The Governor's March 17 order to close public schools through April 28 was executed for the purpose of slowing the spread of COVID 19. While the Governor's order did not include direction to private schools, many private schools across the state had already closed and/or transitioned to distance learning based on the same public health imperative and guidance from the CDC. These actions taken together should serve as strong encouragement for all private education providers to consider similar action. Private schools and education providers seeking further guidance for appropriate social distancing protocols or facility closure decisions, should consult their county public health officer.

## Recording and Reporting on Enrollment and Attendance

### [How should Annual Cumulative ADM be reported? \(May 4\)](#)

A: Annual Cumulative ADM should be reported with normal business rules, as in previous years. All students in your district should have an ADM record that reflects their enrollment while schools were open, and during the time where schools were closed and students were receiving Distance Learning for All or other instructional services from the district. You may submit one record of enrollment for a student with you from the beginning of the school year through the end of the school year, without a differentiation in instruction from March 13 on. Accurately report the ADM Enrollment Date, ADM End Date, and ADM End Date Code (when applicable for students in grade 7 or higher). ADM Session days should include all session days prior to March 13, and all session days counted by the district or school after March 13. Attendance information should accurately reflect attendance

# Frequently Asked Questions

Archived Questions from March – May 2020

taken prior to March 13. However, districts were not required to collect attendance in the usual manner after March 13th, and may report students as present during session days after March 13th.

More information for data submitters can be found on the Data Collection Committee webpage on the ODE district website.

## May school districts enroll students while physically closed? (April 15)

A: Yes. While closed under [E.O. 20-08](#), school districts must enroll resident students who request enrollment. School districts may choose to enroll non-resident students under current laws such as interdistrict transfers. School districts must provide educational services to all enrolled students pursuant to [E.O. 20-08](#) and the [Distance Learning for All](#) students guidance. Public schools will be funded based on 2nd period Cumulative ADM. Weights used to calculate ADMw for purposes of the State School Fund will be adjusted according to state law. If a school district or charter school enrolls new students or a parent withdraws a student, the public school's Cumulative ADM used to calculate State School Funds will not be adjusted for the 2019-2020 school year beyond the 2nd period data collection, which closed December 31, 2019.

## May public charter schools, including virtual public charter schools, enroll students while physically closed? (April 15)

A: Yes. Public charter schools may choose to enroll students based on their school policies, charter agreements and state law. Public charter schools must provide educational services to all enrolled students pursuant to [E.O. 20-08](#) and the [Distance Learning for All](#) guidance. Public schools will be funded based on 2nd period Cumulative ADM. Weights used to calculate ADMw for purposes of the State School Fund will be adjusted according to state law. If a school district or charter school enrolls new students or a parent withdraws a student, the public school's Cumulative ADM used to calculate State School Funds will not be adjusted for the 2019-2020 school year beyond the 2nd period data collection, which closed December 31, 2019.

## Is a public charter school required to continue to enroll students if the public charter school either does not have a cap on enrollment or has not reached its cap? (April 15)

A: Possibly. If a public charter school has a policy which restricts enrollment beyond its cap such as to a particular date range or a lower cap then the public charter school may deny enrollment based on its policy. If a public charter school has no policy further restricting enrollment and wishes to restrict enrollment then the school may either work with its sponsor to amend its charter to restrict enrollment or adopt a policy to restrict enrollment. Regardless of its policies or charter agreement, a public charter school may not discriminate in enrollment pursuant to ORS 338.125(2)(c).

## Does the "3 percent cap" law still apply to virtual public charter school enrollment? (April 15)

A: Yes. School districts have the option to deny a student's enrollment in a virtual charter school if more than 3% of the district's student population is currently enrolled in virtual charter schools

# Frequently Asked Questions

Archived Questions from March – May 2020

located in other districts. Districts should maintain careful record keeping and provide clear communication with families enrolling in virtual charter schools. When a parent gives the school district notice of intent to enroll a student in a virtual charter school and receives a notice of denial, a parent may appeal the decision of a school district to deny a student's enrollment at a virtual charter school to the Oregon Department of Education (ODE). For more information on this process [see this document on our website](#).

**Should districts and public charter schools withdraw a student for attendance (10-day rule) during the extended closure between March 16 and the end of the 2019-2020 school year? (April 15)**

A: No. The "10-day" rule requiring placement of a student on the inactive roll only applies when schools are in regular session days and does not apply during the school closure period as a result of [E.O. 20-08](#).

**May a parent withdraw a student from a public school while the school is physically closed? (April 15)**

A: Yes. Although a school may only drop a student from the active enrollment list if the school has received notice from a parent of the withdrawal or the public school has knowledge (e.g. records request or other formal acknowledgement from the other district/school) that the student is receiving services from another school. Students may also be withdrawn if the student is registered with an education service district as a homeschooled student or to enroll in a private school.

**Will the enrollment or withdrawal of a student from public school impact the school's ADM for purposes of the calculation of State School Funds? (April 15)**

A: No. Enrollment or withdrawal of a student will not impact a school district's or public charter school's ADMw during the time of school closure. State School Fund allocations for the remainder of the 2019-2020 school year will be based on the school district's and charter school's ADM in the 2nd period ADM data collection as of December 31, 2019. The next State School Fund (SSF) reconciliation in May of 2021 will continue to use the 2019-20 2nd period ADM in its final reconciliation. This would include the ADM associated with General Education, English Language Learners and Pregnant and Parenting. ADM reporting for the 2020-21 SSF would follow normal procedures until further notice.

**Is a public charter school required to provide educational services to students who are not currently enrolled in the charter school? (April 15)**

A: No. A public charter is only required to provide [Distance Learning for All](#) to students who are enrolled in the school.

# Frequently Asked Questions

Archived Questions from March – May 2020

## I have students from outside my district whose parents have sent them to live with relatives within my district since the March 13th closure. What do I do? (April 15)

A: Assuming the relative is not a legal guardian or a person in parental relationship to the student, the school district that most recently enrolled the student is still responsible for general education services. You can help by alerting the school district of the student's new location. If the relative is a legal guardian or a person in parental relationship to the student as defined in ORS 339.133 then you must enroll the student as a resident student upon request and begin serving the student.

## Will Annual Cumulative ADM be used for school funding? (April 15)

A: No, ODE will use 2nd period Cumulative ADM for 2019-20 to determine school funding for the remainder of the school year. The next State School Fund (SSF) reconciliation in May of 2021 will continue to use the 2019-20 2nd period ADM in its final reconciliation. This would include the ADM associated with General Education, English Language Learners and Pregnant and Parenting. ADM reporting for the 2020-21 SSF would follow normal procedures until further notice.

## Do we need to report Essential Skills information for our graduates this year? (April 15)

A: No. Essential Skills have been suspended for this year's seniors, defined as students who first enrolled in ninth grade in the 2016-2017 school year or earlier (including 5th or 6th year seniors), and for students who first enrolled in ninth grade in the 2017-2018 school year or later that have an early graduation plan for 2019-2020 that was approved before the Executive Order (EO 20-08) was issued on March 17, 2020.

Due to this suspension, the Essential Skill fields will allow "0 – Not Applicable" to be used for graduation records. If a student has completed their essential skills you can still provide that information in their graduation record, but you will not receive an error for using "0 – Not Applicable" when completing the records

If you choose to enter an essential skills code, you must submit the corresponding essential skills date.

## What may Transportation Grant Funds be used for under EO-08? (April 15)

A: Under EO-08, Transportation Grant Funds may be used for:

- Meal delivery
- Transporting children for child care
- Delivering educational materials (including technology and internet access) under Distance Learning for All Students Guidance
- Salaries of school transportation staff
- Costs of contracted transportation services depending on provisions of individual contracts
- Other allowable expenses under state law and rule

# Frequently Asked Questions

Archived Questions from March – May 2020

## Can a parent choose to hold back a student in their current grade due to the 2020 shortened school year? (April 7)

A: The short answer is possibly. A parent may request this from their local school district but ultimately grade placement is a school district decision. ODE encourages families to put what's unfolding now into context in making this decision. As districts offer "Distance Learning for All" and as students move through learning together with peers, we would generally see more value for students and for the school and school system to move together (even into a new grade) through these times.

## How will attendance need to be tracked or recorded? (April 6)

A: There is no expectation that schools track attendance through previously used mechanisms. Schools should create a system that logs student contact so they can estimate the number of students engaged during this time, and most importantly, understand which students they are not able to reach through "Distance Learning for All". It is important for schools to know which students they need to seek alternative methods to communicate with. This is the key priority for attendance. Accountability related to attendance has been waived for the 2019-20 school year.

## Responding to Homelessness

### What services may be available for students who are experiencing homelessness during school closures? (March 15)

A: Districts are encouraged to contact and get expertise from their McKinney-Vento Act liaison. The following resources can also be helpful:

1. [Oregon's regional Continuums of Care](#) are networks of state and local programs assisting community members with housing and other services.
2. [211-Info](#) connects people with social and health services, shelter and transitional housing, food banks and homelessness assistance.
3. [Community Action Programs](#) in many areas are providing assistance to families and individuals navigating poverty.
4. The U.S. Interagency Council on Homelessness has [posted recommendations](#) for planning, preparation and mitigation of coronavirus spread.
5. [School House Connection's website](#) provides excellent resources for schools and early learning programs to address homelessness during this time.

## School Funding and Grant Programs

### Are we still expected to submit SIA applications? (April 6)

A: A full update on any [changes to the SIA application process is available here](#). The deadline to submit an SIA Grant Application by April 15th remains unchanged while our rationale and orientation

# Frequently Asked Questions

Archived Questions from March – May 2020

to supporting district's in application development has shifted. The Quality Assurance and Learning Panels are cancelled for this year. The SIA team will redirect energy into providing tools, guidance, and support for school districts to hold effective virtual school board meetings that meaningfully allow for public comment and engagement in approving SIA applications and plans, meeting the requirements in the law. SIA applications do not need to be complete in order to be submitted by April 15th, but districts must submit at least a partial application by April 15th.

## **Can the state prioritize federal relief funds to a) increase connectivity, b) purchase digital curriculum/LMS? (April 6)**

A: We are assembling a team to discuss technology and purchasing options that help the implementation of "Distance Learning for All" and will keep you updated with new information.

## **Are we guaranteed ADMw SSF through the end of the fiscal year? (March 27)**

A: Per the Executive Order 20-08, schools shall continue to receive allocations from the State School Fund for the period of closure until April 28, 2020 unless Governor Brown extends the closure, when they meet the five provisions on page 3, Section 4, parts a-e.

## **Will SSA funds still be available for school districts in July of 2020 (March 27)**

A: Economic implications are real and unknown. We are looking for knowns at a time of unknowns. Governor Brown has assembled an economic taskforce to assess and advice on economic implications from taking public health action. One of the biggest variables is an unknown time horizon. ODE's current approach is to be clear-eyed and walk two paths at the same time, keeping work moving that keeps open the possibility for these programs and aims for them to still come to fruition while also navigating the real financial uncertainties and making prudent assessments.

## **Will there be an extension for the SIA plan? (School Funding and Grant Programs) (March 20)**

A: A full update on any changes to the SIA application process [is available here](#).

## **Will we be able to roll over High School Success (M98) funding in the event we are unable to spend them given the short timelines? (March 18)**

A: Current High School Success (M98) funds are two-year funds. Recipients have until June 30, 2021 to expend their current grant funds. A rule change as of last year allows recipients to request an extension for two months after the end of the biennium to allow for summer programming. At this time, no changes are necessary.

## **What is required of districts to receive allocations from the State School Fund during the closure period? (April 6)**

# Frequently Asked Questions

Archived Questions from March – May 2020

A: Knowing that ODE is charged with providing further guidance for each of the directives set forth in [paragraph four of the Executive Order](#), ODE will be working closely with the State Board of Education to consider any temporary rule-making to facilitate implementing these directives.

Districts receiving allocations from the SSF during the closure period must:

- Deliver [Distance Learning for All](#).
- Provide school meals in non-congregate settings through the Summer Food Service Program and Seamless Summer Option, consistent with requirements provided by the Oregon Department of Education and the U.S. Department of Agriculture.
- Pupil Transportation services and equipment may be used by public schools for delivery of meals in non-congregate settings to eligible school sites. These transportation costs are eligible for partial reimbursement per the Administrative Rules for the State School Fund Transportation Grant found in OAR 581-023-0040. The Governor's Executive Order 20-08 permits these expenses as allowable costs eligible for reimbursement during this emergency, or until further notice.

Accounting for these transportation expenses should follow the normal protocol found in the chart of accounts in the Program Budget and Accounting Manual. There is interest to monitor this impact, so please keep track of mileage for these trips associated with providing meals. Provide for supplemental services and emergency management services, including but not limited to, the provision of child care for first responders, emergency workers, health care professionals, and other individuals, consistent with any guidance and requirements provided by the Oregon Department of Education. Public schools may use transportation grant funds from the State School Fund for school district transportation services to support the transportation of children to and from school-based child care.

- Develop plans for the operation of essential, non-educational services, including food services, to students and families.
- Continue to regularly pay all employees of public schools. A public school subject to this Executive Order may require school employees to report to work to assist with the provision of supplemental services and emergency management activities.

## Does extended ADMw help mitigate funding concerns based on decreases in attendance before or after school closures? (March 15)

A: Extended ADMw would help districts experiencing reduced average daily membership due to students being out for extended periods of time. Even if a district's ADMw changes during the 2019-20 school year due to COVID – 19 absences, their ADMw could never dip below the extended ADMw.

District extended ADMw (extADMw) is current ADMw or ADMw of the prior year, whichever is greater. The 2019-20 SY is comparing 2018-19 against 2019-20 ADMw and using the higher of the two for the state school fund payment calculation.

*Watch for further updates to this response. ODE and the Governor's Office are actively working on additional statewide supports and solutions to support schools and employees.*

# Frequently Asked Questions

Archived Questions from March – May 2020

## Staff and Employee Considerations

### [How are schools to define or determine what staff get paid when operating during school closure while meeting the directives of Executive Order 20-08? \(April 6\)](#)

A: The Governor's Executive Order 20-08 states, "Continue to regularly pay all employees of public schools. A public school subject to this Executive Order may require school employees to report to work to assist with the provision of supplemental services and emergency management activities."

The Governor's exercise of her powers under the state of emergency statutes may impact how existing collective bargaining agreements are administered. School districts may have to delay bargaining on modifications to their agreements given the need to immediately implement the directives of the Governor's Executive Order. School district officials should work with their general counsel and Human Resources staff to evaluate timing considerations for bargaining where traditional bargaining models are infeasible and emergency exceptions to bargaining may apply.

The determination of which staff may be needed to work from home or onsite, with appropriate measures in place, sits with the school district leadership. They are receiving direction and requests from the state leadership and local sources. The districts need the support of state and local association leadership to fulfill the responsibilities of the Governor's Executive Order so that they can maintain the flow of state school funding and continue to regularly pay all school district staff.

At this time we have asked school districts to focus on:

- Delivery of "[Distance Learning for All.](#)" including pathways to graduation for high school seniors in alignment with guidance from ODE.
- Provision of school meals.
- Provision of supplemental services and emergency management services, including but not limited to, the provision of child care for first responders, emergency workers, health care professionals, and other individuals, consistent with any guidance and requirements provided by the Oregon Department of Education.
- Continue to regularly pay all employees.

Colt Gill shared more and wrote an [open letter to leaders statewide](#) and given all that we understand we recognize that it is still hard to both care for staff and respond to community needs.

### [Are substitutes considered employees and therefore should be paid? \(March 27\)](#)

A: Substitutes are employees. Refer to your local bargaining agreements on the pay.

### [Could ODE please provide some clarification around what staff are required to come to work and deemed "essential" taking into account the safety and well-being of our employees? What role does the Executive Order play in CBA's? \(April 6\)](#)

# Frequently Asked Questions

Archived Questions from March – May 2020

A: We understand that it is a difficult time to lead and navigate how staff respond given your local CBA and the Governor's Executive Orders. In a recent FAQ, we made our positions clear:

The Governor's exercise of her powers under the state of emergency statutes may impact how existing collective bargaining agreements are administered. School districts may have to delay bargaining on modifications to their agreements given the need to immediately implement the directives of the Governor's Executive Order. School district officials should work with their general counsel and Human Resources staff to evaluate timing considerations for bargaining where traditional bargaining models are infeasible and emergency exceptions to bargaining may apply.

The determination of which staff may be needed to work from home or onsite, with appropriate measures in place, sits with the school district leadership. They are receiving direction and requests from the state leadership and local sources. The districts need the support of state and local association leadership to fulfill the responsibilities of the Governor's Executive Order so that they can maintain the flow of state school funding and continue to regularly pay all school district staff.

At this time we have asked school districts to focus on:

- Delivery of "[Distance Learning for All](#)," including pathways to graduation for high school seniors in alignment with guidance from ODE.
- Provision of school meals.
- Provision of supplemental services and emergency management services, including but not limited to, the provision of child care for first responders, emergency workers, health care professionals, and other individuals, consistent with any guidance and requirements provided by the Oregon Department of Education.
- Continue to regularly pay all employees.

*ODE's understanding is that this is a local decision given these directives.*

**[Governor Brown directed school districts on March 12, 2020 to have staff come back to school on March 30 and 31 to prepare for students returning to school. With the issuance of Executive Order 20-08 , must school districts still bring back staff physically to school on March 30 and 31? \(April 6\)](#)**

A:

## *Initial Closure*

On March 12, Governor Brown initially announced a school closure of two weeks for staff and two weeks and two days for students. This initial closure was in consideration of staffing challenges and health concerns due to the public health threat of coronavirus. This closure was replaced and superseded by [Executive Order 20-08](#). The initial announcement should no longer serve as guidance; districts are no longer required to bring all staff physically onsite on March 30 and 31.

## *Current Closure*

# Frequently Asked Questions

## Archived Questions from March – May 2020

On March 17, all public schools, including those operated by school districts, education service districts (ESDs), and public charter schools were closed through April 28 under Governor Brown's [Executive Order 20-08](#). This order is consistent with the mitigation strategies recommended by the Oregon Health Authority (OHA) and the Center for Disease Control (CDC) with regard to COVID-19, in order to slow the spread of the disease and to protect Oregonians at the highest risk of contracting the disease.

Under this order schools will continue to receive allocations from the SSF during the closure period if they perform the following services:

- Deliver "[Distance Learning for All](#)" to students to the extent practical through independent study and other appropriate options.
- Provide school meals, consistent with requirements provided by the Oregon Department of Education and the U.S. Department of Agriculture. Transportation grant funds from the SSF may be used by public schools for delivery of meals.
- Provide for supplemental services and emergency management services, including but not limited to the provision of child care for first responders, emergency workers, health care professionals, and other individuals, consistent with any guidance and requirements provided by the Early Learning Division. Public schools may use transportation grant funds from the SSF for school district transportation services to support the transportation of children to and from school-based child care.
- Develop plans for the operation of essential, non-educational services, including food services to students and families.
- Continue to regularly pay all employees of public schools. A public school subject to this Executive Order may require school employees to report to work to assist with the provision of supplemental services and emergency management activities. However, this should not be construed to require public school employees in at-risk categories, or public school employees who have an at-risk member of their household, to take action inconsistent with public health recommendations or the advice of the employee's physician.

Simply put, schools are closed for normal operation and, instead, they must pay staff their regular wages to perform new tasks, under new circumstances, in service to their community in unprecedented times. During the closure, schools must provide Distance Learning for All, school meals and emergency child care. Staff must be available to fulfill these obligations to earn their regular wages.

### *Stay Home. Save Lives.*

On March 23, Governor Brown issued [Executive Order 20-12](#), titled "Stay Home, Save Lives." As part of an ongoing effort to mitigate the spread and impact of COVID-19, this order places restrictions on the activities of all Oregonians.

This order does not change the requirements of Oregon's school closure under [Executive Order 20-08](#). However, it may change the way school districts, ESDs, and charter schools go about implementing the requirements under the school closure.

Schools must adjust to providing the requirements of [Executive Order 20-08](#) ("[Distance Learning for All](#)," school meals, and emergency child care) by:

# Frequently Asked Questions

Archived Questions from March – May 2020

- Facilitating telework and work-at-home by employees, to the maximum extent possible. Work in buildings is prohibited whenever telework and work-at-home options are available, in light of position duties, availability of teleworking equipment, and network adequacy. This is clearly not possible for meal preparation and delivery or for the provision of child care. However, in some districts this will be possible for delivery of Distance Learning for All and related professional development to support teachers in this new way of delivering education.
- When telework and work-at-home options are not available, school districts, ESDs, and charter schools must designate an employee or officer to establish, implement, and enforce social distancing policies, consistent with guidance from the Oregon Health Authority. Such policies and activities must also address how the school will maintain social distancing protocols to the greatest extent possible for essential visitors and delivery of services.
- Childcare must be carried out in maximum stable groups of 10 or fewer children (“stable” means the same 10 or fewer children are in the same group each day), and in a classroom that cannot be accessed by children outside the stable group.
- Schools must prioritize the childcare needs of first responders, emergency workers and health care professionals, followed by critical operations staff and essential personnel, consistent with guidance provided by the Oregon Department of Education, Early Learning Division.
- Employees in at-risk categories or who have an at-risk member of their household should not be required to physically report to a worksite. They may be assigned duties through telework or work-at-home.

## Key Points

1. The original school closure was superseded by [Executive Order 20-08](#). There is no requirement for districts to assign all staff to physically return to work on March 30 and 31.
2. [Executive Order 20-08](#) closed schools through April 28. This closure date will be reviewed in April as more is known about the spread of COVID-19 and the effectiveness of mitigation efforts.
3. During the closure schools must pay staff to work differently to provide Distance Learning for All, school meals, and emergency child care.
4. Schools must also adhere to provisions of [Executive Order 20-12](#), titled “Stay Home, Save Lives.” by facilitating telework and work-at-home whenever possible, enforcing social distancing measures when staff must be onsite, and ensuring employees who are at-risk or have household members at-risk are not required to physically report to a worksite.

## Even though we are closed, if we have the capacity to conduct online interviews for positions in schools, can we proceed. (March 18)

A: This is a local decision as long as the process complies with [Governor Brown’s Executive Order and guidance](#).

# Frequently Asked Questions

Archived Questions from March – May 2020

## Does any of the governor’s guidance override our collective bargaining agreements? (March 18)

A: The Governor has declared a state of emergency under ORS 401.165. Her powers under a state of emergency are set out in ORS 443.441 and 401.165 through 401.236. During a state of emergency, the Governor has broad powers to control state agencies and state resources. A significant question is how the Governor’s authority under the statutes set out above interacts with the existing collective bargaining agreements.

The Governor may exercise her powers under the state of emergency statutes in a way that modifies existing collective bargaining agreements. Where there is a conflict between the Governor’s executive order and the collective bargaining agreement, the executive order prevails.

## What guidance or advice can ODE offer for districts navigating work requirements or expectations for staff? (April 6)

A: Through [Executive Order 20-08](#), Governor Kate Brown addressed a number of specific questions school leaders have been asking regarding the implications of school closure. Below we’ve attempted to answer what districts can do, noting that most of the questions in this domain are local decisions within the context of the Executive Order. Districts continue to be advised to work directly with their Human Resource Departments and use your existing Human Resources policies and collective bargaining contracts as guides when implementing the Governor’s Executive Order. As you navigate through the meeting the directives set out by the Governor, work with your local bargaining units to come to agreements that may adjust your existing contracts.

While you navigate what steps to take in an ever-changing reality, please keep in mind the Governor’s directive on ensuring employee safety within Executive Order 20-08:

*Nothing in this Executive Order should be construed to require public school employees in at-risk categories, or public school employees who have an at-risk member of their household, to take action inconsistent with public health recommendations or the advice of the employee’s physician.*

Given this encouragement and the Governor’s directives, ODE would **expect** districts would maintain or even re-deploy staffing to support:

- Nutrition Services
- Transportation Services
- Maintenance, custodial, and building cleaning/sanitizing
- Payroll and other essential business functions
- Answering phones and keeping website information and communications updated, particularly in support of sharing information about meal access, childcare, and caring for first responders and health care providers
- Providing "[Distance Learning for All](#)" to students

# Frequently Asked Questions

Archived Questions from March – May 2020

District employees might, where possible, complete some of the above activities while working remotely in accordance with district policies while complying with all other guidance and directives, including social distancing practices.

Like ODE, ESDs, and other public institutions, school districts have important local policy decisions to make regarding how to handle remote work options, staff requests to take leave or work from a distance based on exposure, concerns of exposure, childcare needs, or being in the identified population of those most vulnerable to COVID-19.

Local districts will also need to work closely with their labor associations through their collective bargaining agreements to deploy needed services.

## **Should custodians and maintenance staff show up for work during this school closure time? (March 16)**

A: At the end of the day, this is a local decision based on the collective bargaining agreement. The Governor and ODE's hope is that custodial and maintenance staff would continue to work and be part of both active planning and cleaning of facilities as they are essential actors at this time. That said, please [follow the general guidance](#) regarding employees who might be more vulnerable and treat them accordingly.

## Students Who Experience Disability

### **I'm concerned about students on IEPs and students with disabilities, what are the additional support for these students and families? (April 16)**

A: Students protected under the Individuals with Disabilities Education Act (IDEA) and Americans with Disabilities Act (ADA) require further consideration under the law. In determining status towards graduation using the Pass/Incomplete status, districts must consider the additional guidance below to ensure our commitment to equity and access for students with IEPs.

#### Seniors with IEPs On Track to Graduate

1. Communicate with the family regarding:
  - Oregon Diploma: Termination of Services
  - Modified or Extended Diploma: Transition Services offered during closure
  - Certificate of Completion: Transition Services offered during closure
2. If the student earns an Oregon Diploma, the district's FAPE obligation to that student will end. The student will no longer receive K-12 educational services, including those prescribed by the IEP.
  - If the parent/guardian wants the student to continue to receive special education services through the originally planned graduation date, the IEP team will need to meet to discuss the continued need for special education services pending graduation. Teams can make a decision, with implications for graduation:

# Frequently Asked Questions

Archived Questions from March – May 2020

- The student continues to require services and will not graduate at this time. The IEP team must develop a plan to provide credit earning options under Distance Learning for All that enables the student to graduate by August 31, 2020. FAPE must continue to be provided until graduation.
- The student no longer requires services and can graduate. Parent retains rights under Procedural Safeguards.

## Additional Considerations for Seniors with IEPs who may Need Credits to Graduate

1. The district must ensure appropriate services and supports were provided before classifying the senior as not on track. At a minimum, this includes:
  - Reviewing IEP records to ensure that district provided FAPE;
  - Gathering evidence from each teacher/course that an appropriately developed IEP was fully implemented. Such documentation shall include, but is not limited to evidence that all:
    - Specially designed instruction (SDI) was delivered as intended by the IEP team, consistent with the initiation, frequency, and duration required;
    - Accommodations, related services and supplementary aids and services were delivered as intended by the IEP team; and
    - Evidence that the IEP team worked towards the measurable annual goals contained within the IEP, including progress monitoring data specific to those goals; and
  - Ensuring that the parent, guardian, or person in a parental relationship was afforded the opportunity to meaningfully participate in the IEP process, including any meetings where student progress towards graduation was reviewed.

*Documentation for requirements in 1a-1c above in which the senior was considered not on track must be provided. If such documentation cannot be provided, the district shall hold that student harmless during the closure.*

### **Will there be an appeal or due process if a student experiencing disability disagrees on the provision of special education services? (April 16)**

A: For students who experience disability and have an IEP, there are several procedural safeguards in place that are protected under federal law. These remain in effect when a district implements “Distance Learning for All”. The closure of schools and the shift to Distance Learning for All ensures that each district has an obligation to the provisions of FAPE for all students protected under IDEA. This will require strong partnership and flexibility as we all work together to meet the needs of our students during this emergency school closure.

### **What about modified diplomas? (April 16)**

# Frequently Asked Questions

Archived Questions from March – May 2020

A: Modified and Extended Diploma options remain available choices for school teams. The Graduation Pathways 2020 guidance includes specific requirements for IEP teams when a student finishes with a modified or extended diploma. Students who are working toward a modified and extended diplomas deserve personalized attention and prioritized support as they may be particularly vulnerable during this time of school closure.

## Will ODE be releasing guidance and providing support specific to EI/ECSE? (April 16)

A: Specific guidance for EI/ECSE has been released in the FAQ (within the Students Who Experience Disability section) and Memo on EI/ECSE services. Also, an entire section on EI/ECSE resources developed by the agency can be found [here](#).

## Regarding students who experience disability, does “Distance Learning for All” require a change of placement? Do we need to make that change on the IEPs? (April 6)

A: In an emergency situation, where all children are to be served through distance learning for a period of time, serving children with disabilities with distance learning for that same period of time is not a substantial change in placement or material change in services and does not require consent, a prior written notice, amendment, or placement change. The district is simply responding to the Governor’s Executive Order to close school buildings and move to distance learning for an extended period of time. This was not a district or IEP Team decision. This is similar to a contingency plan being created for a student during the time a student is in a juvenile detention center or psychiatric residential treatment facility. The district did not act to place a student in that environment. The district is simply recording within the contingency learning plan the way in which it will provide special education services to the greatest extent possible under the circumstances until the student returns to their typical educational environment. Because the decision to close school buildings was not the district’s decision, any distance learning plan developed for a student does not constitute a material change in services or a substantial change in placement. Here are key guidance documents for Special Education Services and please do not hesitate to [reach out to Candace Pelt](#) as she is meeting regularly with the Special Education Directors.

- [Extended School Closure Special Education Guidance](#)
- [Toolkit for Students with Complex Learning Needs](#)

## What guidance is available regarding the implications on students who experience disability? (March 18)

A: The Office of Enhancing Student Opportunities created this separate section of the FAQ for technical support regarding Individuals with Disabilities Education Act (IDEA) and Americans with Disabilities Act (ADA). Ultimately, the goal of supporting students who experience disability during this time is to:

1. Strive for continuity of care once schools reopen,

# Frequently Asked Questions

Archived Questions from March – May 2020

2. Ensure protection from discrimination or discriminatory practices, and
3. Consider individual student-level decisions for supports or changes.

The answers in this FAQ include whether or not district staff still complete special education home visits.

## IDEA Part B: School Age and Early Childhood Special Education (ECSE) Questions

### Is a district and/or school or ECSE program required to continue to provide FAPE to students who experience disabilities during a school closure caused by COVID-19? March 18

A: It would be helpful to read the [guidance from the US Department of Education](#). During closures for schools, districts, and programs due to the COVID-19, where there are no other educational programs or educational services offered to the general student population (or in the case of ECSE, to all students in the program), schools, districts, and programs are not required to provide services to students who experience disability during that period of time, unless such services are specifically required by the student's IFSP or IEP (e.g., Extended School Year services).

Once the school or ECSE program resumes, the district and/or school or ECSE program must make every effort to provide special education and related services to the student in accordance with the student's Individualized Education Program (IEP), Individualized Family Service Plan (IFSP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The Department understands there may be exceptional circumstances that could affect how a particular service is provided.

In addition, an IEP/IFSP Team and, as appropriate to an individual student who experiences a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed to make up for any skills that may have been lost because of an extended school closure.

If a district and/or school can comply with [Governor Brown's guidance](#), then, a district and/or school or ECSE program can continue to provide educational opportunities to the general student population during a school closure (or in the case of ECSE, to some students in the program), the school or ECSE program must ensure that students who experience disabilities also have equal access to the same opportunities, including the provision of FAPE. (34 CFR §§ 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)). SEAs, LEAs, schools, and ECSE programs must ensure that, to the greatest extent possible, each student who experiences a disability can be provided the special education and related services identified in the student's IEP/IFSP developed under IDEA, or a plan developed under Section 504. (34 CFR §§ 300.101 and 300.201 (IDEA), and 34 CFR § 104.33 (Section 504))."

### Must a district and/or school or ECSE program provide special education and related services to a student with a disability who is absent for an extended period of time because

# Frequently Asked Questions

Archived Questions from March – May 2020

## the student is infected with COVID-19, while the schools or ECSE programs remain open?

March 18

A: Yes, and we will provide some guidance below. Also, please refer to guidance from the US Department of Education via the following links. There is rich and important information embedded within them:

- [Questions and answers on providing services to children with disabilities to children with disabilities during the coronavirus disease 2019 outbreak](#)
- [Frequently Asked Questions \(FAQs\) regarding the Family Educational Rights and Privacy Act \(FERPA\)](#)

When a student who experiences a disability is classified as needing homebound instruction because of a medical problem, as ordered by a physician, and is home for an extended period of time (generally more than 10 consecutive school days), an Individualized Education Program (IEP) meeting or Individualized Family Service Plan (IFSP) meeting is necessary to change the student's placement and the contents of the student's IEP/IFSP, if warranted.

Further, if the IEP/IFSP goals will remain the same and only the time in special education will change, then the IEP/IFSP Team may add an amendment to the IEP/IFSP stating specifically the amount of time to be spent in special education.

If a student with a disability is absent for an extended period of time because of a COVID-19 infection and the school or ECSE program remains open, then the IEP/IFSP Team must determine whether the student is available for instruction and requires homebound services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available. In so doing, school and ECSE personnel should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services.

The Department understands there may be exceptional circumstances that could affect how a particular service is provided.

If a student does not receive services after an extended period of time, a school or ECSE Program 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.

## Will students who miss school due to absences beyond school closure (whether they have been identified with the virus or not) require additional services or extended school year services? March 18

A: These determinations will need to be made on an individual basis based upon the needs of the student. Extended School Year services could be considered and offered during times schools are closed related to COVID-19. These plans should be consistent with the student's IEP, regression and recoupment of skills, and school-level support plans.

# Frequently Asked Questions

Archived Questions from March – May 2020

If a student does not receive services after an extended period of time, a school or ECSE Program 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.

## **May an IEP/IFSP Team consider a distance learning plan in a student's IEP/IFSP as a contingency plan during the closure and after district, schools, and EI/ECSE providers reopen? March 18**

A: Yes. IEP/IFSP teams may, but are generally not required to, include distance learning plans in a student's IEP/IFSP that could be triggered and implemented during any unexpected closures, including those due to a COVID-19 outbreak. Such plans would only be required if the IEP or IFSP team determined it was necessary in order to provide the student with FAPE. These plans give the student's service providers and the student's parents an opportunity to reach consensus as to what circumstances would trigger the use of the student's distance learning plan and the services that would be provided during the closure. If developed, such plans may include the provision of special education and related services at an alternate location or the provision of online or virtual instruction, instructional telephone calls, and other developmental or curriculum-based instructional activities, and may identify which special education and related services, if any, could be provided at the student's home. Districts, schools, and programs are not required to create a distance learning plan during the Statewide School Closure announced on March 12, but should implement any such plans that already exist.

## **How will IEP/IFSP goals be measured if a student is out of school for an extended period of time after schools reopen? March 18**

A: The IEP/IFSP Team must meet to review the goals set for each student. If the student was not present to make adequate gains towards a goal, the team could consider modifying the goal, adjusting the timeline for goal attainment, or keeping the current goal while adjusting for services and instruction.

## **How will evaluations be handled within legal timelines if schools or ECSE programs were to be cancelled or closed? March 18**

A: The timeline for evaluation is 60 School Days from the time consent is obtained. Days when schools, districts, or ECSE programs are closed (e.g., during the Statewide School Closure announced on March 12) **do not** count towards the timeline, similar to snow days. If the student is not present during the evaluation window after schools reopen, the district would note the attempts to conduct the evaluation, the reason for the delay beyond the required 60 days, and complete the evaluation when the student returns.

# Frequently Asked Questions

Archived Questions from March – May 2020

## **Should districts, schools, or EI/ECSE programs hold IEP or IFSP meetings during the school closure period? March 18**

A: If a site can comply with [Governor Brown's guidance](#), Each district can make decisions regarding holding meetings previously scheduled. The IDEA does not require meetings during school closures. Any IEP or IFSP meetings scheduled while schools and programs are closed due to COVID-19, if cancelled, should be rescheduled once schools and programs re-open. It will be critical to communicate this information to parents and families.

## **Is it an option to complete initial Individualized Education Programs (IEPs) over the phone? March 18**

A: Parents must be provided with an opportunity to participate in meetings with respect to the identification, evaluation, IEP, and educational placement of the child, and the provision of a free appropriate public education to the child. Districts and programs may offer to hold, and parents may choose to participate in, meetings by alternative means (e.g., phone calls or videoconferencing). Parent participation is outlined in [OAR 581-015-2190](#) and [OAR 581-015-2195](#).

## **How should districts, schools, and EI/ECSE programs address any lapses in required timelines due to the Statewide School Closure announced in response to COVID-19? March 18**

A: If there is a lapse in a timeline, like an annual IEP date, the district should 1) immediately provide services for the student upon re-opening of school, 2) provide the parent with Prior Written Notice describing the impact and reason for the situation, and 3) schedule a meeting as soon as possible to ensure the student's needs are met.

## **For students who experience disabilities who already have compromised immune systems, are there additional precautions that should be taken in the school or ECSE setting? March 18**

A: The Department recommends working closely with parents and health care providers, and using guidance from OHA to support students in classrooms. See the Department's [Communicable Disease Guidance](#) for additional information.

When schools, districts, and ECSE programs are open, they should continue to offer a full day of services (or in the case of ECSE programs, the services offered) and provide the support needed for the student to continue to access educational services during this time.

## **Is there a consideration for Section 504 services that a school district should be making for students who are diagnosed with COVID-19? March 18**

A: Similar to students with an IEP, students eligible for support under Section 504 are protected under ADA from discrimination and exclusionary practices. If a student is diagnosed with COVID-19,

# Frequently Asked Questions

Archived Questions from March – May 2020

the school team would need to meet to review 504 eligibility criteria to determine if accommodations/modifications are necessary. If determined appropriate, the school team would convene a 504 meeting to develop or revise and implement a plan.

## **Are there FERPA and HIPAA privacy issues that school officials should consider when working with health departments and other agencies? March 18**

A: [OAR 581-021-0380\(1\)](#) permits an educational agency or institution to disclose personally identifiable information from an educational record to “law enforcement, student protective services, and health care professionals and other appropriate parties in connection with a health and safety emergency if the knowledge of the information is necessary to protect the health and safety of the student or other individuals.”

## **Will home or hospital instruction for a student with COVID-19 look different than it does for other students who receive home or hospital instruction and how will you coordinate these services? March 18**

A: There is no one specific way for home or hospital instruction to be provided for any student. The delivery of this instruction must be individualized regardless of the underlying cause. The school or ECSE team would need to meet to develop a plan for access to instruction, determine the services that are required, and implement the plan appropriately.

## **For students who may be diagnosed with COVID-19 who also experience a disability, are there FAPE related considerations with bullying that the student may have experienced or may experience after the pandemic is over, and if so, how will these be addressed? March 18**

A: School districts and ECSE programs continue to have an obligation to monitor the individual needs of students and address any issues that stand in the way of the ability of students to receive FAPE. It is important to closely monitor the well-being of students who have previously been bullied and to address the situation through the IEP/IFSP process.

## **If a student with a disability at high risk of severe medical complications is excluded from school or an ECSE program during an outbreak of COVID-19 after the closure, is the exclusion considered a change in educational placement subject to the protections of 34 CFR §§ 300.115 and 300.116 and 34 CFR §§ 104.35 and 104.36? March 18**

A: If the exclusion is a temporary emergency measure (generally 10 consecutive school days or less), the provision of services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available, is not considered a change in placement. During this time period, a student’s parent or other IEP/IFSP team member may request an IEP/IFSP meeting to discuss the potential need for services if the exclusion is likely to be of long duration (generally more than 10 consecutive school days). For long-term exclusions, an LEA or ECSE program must consider placement decisions under the IDEA’s procedural protections of 34

# Frequently Asked Questions

Archived Questions from March – May 2020

CFR §§ 300.115 – 300.116, regarding the continuum of alternative placements and the determination of placements.

Under 34 CFR § 300.116, a change in placement decision must be made by a group of persons, including the parents and other persons knowledgeable about the student and the placement options. If the placement group determines that the student meets established high-risk criteria and, due to safety and health concerns, the student's needs could be met through homebound instruction, then under 34 CFR §300.503(a)(1), the public agency must issue a prior written notice proposing the change in placement. A parent who disagrees with this prior written notice retains all of the due process rights included in 34 CFR §§ 300.500-300.520.

For students who experience disabilities protected by Section 504 who are dismissed from school during an outbreak of COVID-19 because they are at high risk for health complications, compliance with the procedures described above and completion of any necessary evaluations of the student satisfy the evaluation, placement and procedural requirements of 34 CFR §§ 104.35 and 104.36. The decision to dismiss a student based on his or her high risk for medical complications must be based on the individual needs of the student and not on perceptions of the student's needs based merely on stereotypes or generalizations regarding their disability.

## **What activities other than special education and related services may and may not be provided with IDEA Part B funds both prior to and during a COVID-19 outbreak? March 18**

A: IDEA Part B funds may be used for activities that directly relate to providing, and ensuring the continuity of, special education and related services to students who experience disabilities. For example, a district or ECSE program may use IDEA Part B funds to disseminate health and COVID-19 information that is specifically related to students who experience disabilities, to develop emergency plans for students who experience disabilities, or to provide other information (e.g., guidance on coordination of the provision of services in alternate locations as described in Question A-5) to parties who may need such information, including school or ECSE staff responsible for implementing IEPs/IFSPs, parents of eligible students, and staff in alternate locations where special education and related services may be provided. Districts and ECSE programs, however, may not use IDEA Part B funds to develop or distribute general COVID-19 guidance or to carry out activities that are not specific to students who experience disabilities (e.g., general COVID-19 activities for all students and staff). Additionally, districts and ECSE programs may not use IDEA Part B funds to administer future COVID-19 vaccinations to any students, including students who experience disabilities.

## **If a school, district, or ECSE site remains closed, but the school, district, or ECSE site has placed a student in a separate setting and the setting opens, must the LEA still provide transportation to the setting for school age or ECSE students and pay the daily rate to setting for services? March 18**

A: Yes, the goal is to establish and maintain continuity of service for students who experience disability. If the setting where the IEP/IFSP Team recommended placement services opens, the

# Frequently Asked Questions

Archived Questions from March – May 2020

district or ECSE program should work to maintain current services and can comply with [Governor Brown's guidance](#). If there is a lapse in service, the team may need to consider compensatory education.

## IDEA Part C: Early Intervention (EI) Specific Questions

### [Does the Office of Special Education Programs \(OSEP\) allow for a pause in EI IFSP services under circumstances such as a major outbreak? March 18](#)

A: OSEP's Disaster Response Guidance includes health related disasters.

"For students who did not receive early intervention services for an extended period of time, once services resume, the service coordinator and EI providers must determine if the student's service needs have changed, determine whether the IFSP Team should review the student's IFSP to identify whether any changes are needed, and consider whether compensatory services are needed. (20 U.S.C. 1436; 34 CFR § 303.342(b))."

### [Families are canceling and rescheduling initial evaluations sometimes for much later dates due to concerns about COVID-19. What options do we have for conducting initial evaluations? March 18](#)

A: There are two possible options. The first is to enroll the student with an interim IFSP, which allows services to begin immediately, but does not stop the 45-day timeline. The second option is to use evaluation tools that allow for parent reporting and conduct the evaluation using telephone or videoconference.

### [What precautions can be taken prior to home visits? March 18](#)

A: It is important that we all comply with [Governor Brown's guidance](#). That said, EI staff are strongly encouraged to conduct a simple assessment prior to making home visits or having visits into the offices. In the assessment, ask:

- If anyone in the household is currently sick;
- Has anyone in the household been in contact with anyone known to have COVID-19;
- Does anyone in the household have underlying health conditions?

Staff will then work with their supervisors to determine appropriateness of visits based on these responses, the current county health department recommendations, and case specific circumstances.

### [Is it an option to complete initial Individualized Family Service Plans \(IFSPs\) over the phone? March 18](#)

# Frequently Asked Questions

Archived Questions from March – May 2020

A: Parents must be provided with an opportunity to participate in meetings with respect to the identification, evaluation, IFSP, placement of the child and the provision of appropriate EI services and transition to ECSE or other services. Contractors or subcontractors may offer to hold, and parents may choose to participate in, meetings by alternative means (e.g., phone calls or videoconferencing). Parent participation is outlined in [OAR 581-015-2750](#) and [OAR 581-015-2755](#).

**[Can providers offer tele-intervention to families who typically have in-person services? Can this switch happen temporarily without an IFSP review, to avoid disruption in service? March 18](#)**

A: Yes, there is no need to change the IFSP if some visits will be offered via tele-practice. It is advisable to discuss this with the parents and document in meeting notes the reason for change and share those notes with the parent.

**[Can all IFSP Services be provided via tele-intervention? March 18](#)**

A: Yes. EI Providers are encouraged to find creative ways to provide continuity of services in relation to the COVID-19 virus. It is important for staff providing virtual home visits to have experience with this method of service delivery or receive appropriate training. If this option is offered to one family, it must be offered consistently to all families. However, please note that, unless the IFSP specifically requires it, EI services are not required during the Statewide School Closure announced on March 12.

**[Can a shift to virtual services happen temporarily without an IFSP review, to avoid disruption in service? March 18](#)**

A: Yes. This would not require a change to the IFSP. It would be important to discuss with parents, document this in notes, and share those notes with the parents.

**[How do we obtain the parent's signature on the IFSP if the meeting is conducted via phone or videoconference? March 18](#)**

A: During this state of emergency service providers may obtain verbal consent, document the consent and date obtained. Parents can then sign and date the IFSP at the next face-to-face visit.

## Supporting Health

**[What can nurses working in a school setting do during school closures? \(April 30\)](#)**

# Frequently Asked Questions

Archived Questions from March – May 2020

A: Considering that work in school buildings is prohibited when telework and work-at-home options are available, communicate directly with your school nurse to determine appropriate assignments. Your school nurse will know, based on their own individual nursing practice competencies and their assigned students, which nursing services they are able to provide for the district. Refer back to [ODE's FAQs](#) and [Updates to Superintendents and Principals](#) for guidance on school district staffing considerations.

No information provided here should be interpreted as guidance that any individual nurses are permitted to operate outside of their own scope of practice.

Examples\* of school nurse work-at-home tasks associated with COVID-19 response:

- Providing consultation on school district policies and procedures related to communicable disease control, a declared disaster, or a public health emergency.
- Working with school administration to provide evidence-based information to school staff, students, and families to keep them up to date on local, state, and national impact of COVID-19.
- Reaching out to families on community resources (e.g., families of medically complex students, families requiring mental health support).
- Consulting related to prevention/exposure risk reduction with essential personnel (i.e., custodians, food service workers).

Examples\* of school nurse work-at-home tasks associated with traditional nursing services:

- Providing [telehealth services to support students receiving special education services](#), including student IEP, IFSP, as well as Section 504 plans.
- Performing case management tasks, including chart review, audits, and delegation updates.
- Updating acuity assessments based on current progress notes and chart reviews.
- Corresponding with families for updating health records for those not up to date.
- Updating standard procedures, health-related manuals, resources, forms, and training materials.
- Providing remote outreach to families, especially those who require mental health supports.
- Consulting with school administration and staff.

Examples\* of school nurse work-at-home and in-person tasks associated with school-based emergency child care centers:

- Consulting with school administration, staff, and/or child care professionals on all health-related policies, protocols, and plans.
- Providing training and support on first aid and response to health-related emergencies.
- Providing general health education for staff or students.
- Reviewing medications needed at child care and appropriate medication administration training for staff.
- Conducting individual health assessments, as applicable.
- Complete individualized health management plans, as applicable.

# Frequently Asked Questions

Archived Questions from March – May 2020

- Supporting and/or establishing health screenings for students and staff for infection control purposes, such as yes/no questions and temperature checks (please see ODE/OHA Communicable Disease Guidance).

\*The individual RN remains responsible for ensuring their practice is conducted per the scope and standards required by their license. The RN is legally required to refuse an assignment if it is deemed unsafe or outside the RN's area of competency. For more information, contact Sasha Grenier at the Oregon Department of Education at [sasha.grenier@state.or.us](mailto:sasha.grenier@state.or.us) or Corinna Brower at the Oregon Health Authority at [Corinna.E.Brower@dhs.oha.state.or.us](mailto:Corinna.E.Brower@dhs.oha.state.or.us).

## Can you give us guidance on the use of homemade masks or face coverings? (April 16)

A: Homemade masks are not known to be effective in protecting the wearer against infection. Therefore, OHA does NOT recommend that healthcare personnel wear these masks when taking care of sick patients. However, if worn by a sick person, particularly with respiratory symptoms such as coughing or sneezing, they could reduce the spread of the virus.

Essential education workers including nutrition personnel and bus drivers should follow more closely to the guidance for healthcare personnel.

The most effective strategies to prevent infection include the physical distancing measures mandated by the Governor's Executive Orders, along with basic hand hygiene and cough etiquette. Following CDC recommendations, OHA recognizes that use of cloth face coverings may reduce the spread of virus and help prevent those who have the virus but do not have symptoms from passing it to others.

Nonetheless, face coverings do NOT change the need to:

- Avoid all social and recreational activities in which a distance of 6 feet between individuals cannot be maintained;
- Maintain at least 6 feet of distance from others during any necessary trips to grocery stores, pharmacies, or healthcare entities;
- Cover one's cough or sneeze with a tissue and discard it immediately; or cough or sneeze into one's upper sleeve rather than into one's hands;
- Avoid touching one's eyes, nose, mouth, or face;
- Clean your hands regularly and thoroughly with soap and water, or use alcohol-based hand sanitizer if handwashing is not possible; and
- If sick, isolate oneself and stay away from work, family, and friends until 72 hours after both fever and cough have resolved, without the use of fever-reducing medication.

This guidance is dynamic and evolving; we will continue to provide additional clarity if we learn more about best practices in the workplace or specifically to schools. Here's CDC guidance dated April 3rd. Here's OHA guidance issued April 4th.

# Frequently Asked Questions

Archived Questions from March – May 2020

**Concerns are being raised that receiving or exchanging paper packets with students and families would or could create a CORVID -19 contamination with staff and others. Is this a concern I need to worry about? What can I do to assure staff that every precaution is taken for their safety? (April 7)**

A: If the school will be the distribution site, set up a system to maintain social distance. Have “grab and go” packets to minimize contact. Follow CDC’s [Interim Guidance for Administrators of US K-12 Schools and Childcare Programs](#) which has information on maintaining a healthy and safe school environment during this COVID pandemic. While there is a theoretical risk that virus can be present on paper and other surfaces, this risk should be managed by encouraging strict handwashing by both school staff as well as students before touching their faces. This would be true for both educational packets as well as food distribution.

**What is expected from a nurse practicing in a school setting? (March 15)**

A: Nurses can play a vital role in supporting all district personnel in better understanding how to respond and communicate about COVID-19. Nurses could play an important role even while schools are closed. Nurses should consult with their supervisor regarding specific expectations and caring for their own health and well-being.

The [National Association of School Nurse’s Message to School Nurses](#) has provided sound general advice which we’ve re-produced here.

School nurses lead health promotion and disease prevention in schools. School nurses can decrease fears and promote prevention of COVID-19, the flu, and other illnesses.

School nurses can continue to be proactive by advising students, families, and staff to:

1. **Stay home when you are sick.** If possible, stay home from work, school, and errands when you are sick. You will help prevent others from catching your illness. Avoid close contact with people who are sick.
2. **Avoid touching your eyes, nose, or mouth.** Germs spread this way.
3. **Cover coughs and sneezes.** Use a tissue to cover coughs and sneezes, then dispose of the tissue. When a tissue is not available, cough or sneeze into your elbow.
4. **Clean and disinfect surfaces or objects.** Clean and disinfect frequently touched surfaces at home, work or school, especially when someone is ill. Find additional [CDC resources on how to clean and disinfect schools](#).
5. **Wash hands for 20 seconds.** Washing hands often under clean, running water can help prevent the spread of germs. For more guidance see the [CDC: When and How to Wash Your Hands](#). If you cannot wash your hands, use alcohol-based hand sanitizer with at least 60-95% alcohol.

School nurses should:

1. Provide factual updates, as needed, regarding flu rates in the area, COVID-19 and tips to help decrease public fears.

# Frequently Asked Questions

Archived Questions from March – May 2020

2. Consult with primary care providers, local, and state health departments if they observe individuals with symptoms or circumstances that seem to match those related to COVID-19 exposure.

## Can schools share personally identifiable information (PII) with health care providers? (March 15)

A: The [U.S. Department of Education has issued guidance](#) outlining health and safety exemptions allowing schools to share PII with health care providers when necessary. The following excerpt most directly answers this question:

*Although educational agencies and institutions can often address threats to the health or safety of students or other individuals in a manner that does not identify a particular student, FERPA permits educational agencies and institutions to disclose, without prior written consent, PII from student education records to appropriate parties in connection with an emergency, if knowledge of that information is necessary to protect the health or safety of a student or other individuals. 20 U.S.C. § 1232g(b)(1)(I); 34 C.F.R. §§ 99.31(a)(10) and 99.36. This “health or safety emergency” exception to FERPA’s general consent requirement is limited in time to the period of the emergency and generally does not allow for a blanket release of PII from student education records. Typically, law enforcement officials, public health officials, trained medical personnel, and parents (including parents of an eligible student) are the types of appropriate parties to whom PII from education records may be disclosed under this FERPA exception.*

## Transportation

### Should we (charter school) pay 100% of our transportation cost or just the amount needed for payroll since there will be no vehicle operation and maintenance costs? We contract with the school district and get billed each month for transportation. Do we continue to pay the same amount we normally do each month? (May 1)

A: The Transportation Grant in the State School Fund (SSF) will continue to be paid as usual, as it is based on an estimate from the school districts and is reconciled with actual expense data in May of 2021. First, the public charter school can review the contract for transportation to determine if the contract is impacted by the closure. Second, the public charter school should work with the district transportation staff to determine if monthly payments should change. It is possible that all payments should remain the same since transportation can be repurposed during the closure to support meals, instructional materials, child care, technology, and wifi.

### Given Governor’s Executive Order 20-08, what are allowable expenses that can be reimbursed under the Transportation Grant in the State School Fund? (April 7)

A: School districts should first review their contracts with legal counsel to identify what they are responsible to pay when contracted transportation services are not provided due to school closures

# Frequently Asked Questions

Archived Questions from March – May 2020

outlined in Executive Order 20-08. If a district determines they are liable to pay a portion, or the full amount of the contract, this would be considered an allowable expense under the Transportation Grant in the State School Fund. Because of the variety of contracts and agreements around the state, it will be difficult for ODE to provide a universal response or legal advice to address every situation; therefore, this should be a local decision guided by legal review.

There are options to continue some level of transportation service while schools are closed. The Executive Order 20-08 allows the State School Fund's Transportation Grant to be used for providing school meals in non-congregate settings through the Summer Food Service Program and Seamless Summer Option and for delivery of items in Section 4a of Executive Order 20-08, including learning materials, technology, and wifi access. Also, public schools may use the Transportation Grant to support the transportation of children to and from school-based child care.

In addition to the Transportation Grant, additional funds will be provided through the Federal CARES Act. While there will be more information provided in the upcoming weeks, the CARES Act will provide for an Education Stabilization Fund that provides resources to help school districts in the continuity of education services to Oregon's students and addresses challenges created through the current coronavirus emergency. The Act states that "to the greatest extent practicable" districts shall "continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus."

**If a district's contract does not require them to pay their provider during school closure, but the district wants to pay them anyway to assure that the provider can maintain its services in the future, are those payments reimbursable? (April 7)**

A: Within Governor Executive Order 20-08, provisions are provided to extend school closures until April 28, 2020. Based on this Order, school districts must assume that schools will reopen on April 29, 2020, at which time transportation services will be necessary to continue education services. As such, transportation service contractors, similar to school employees, must be maintained in order to ensure these services are readily available when school reopens. Therefore, school districts may use the Transportation Grant in the State School Fund to reimburse these contracts (up to the applicable percentage) through the closure period so long as the contracts can be used to provide transportation services, in accordance to the Order, for delivering meals in non-congregate settings to eligible school sites (meaning any place meals are delivered); transporting children to and from school-based child care; and/or helping facilitate distant learning through the Governor's directive. Additionally, because of the variety of contracts and agreements around the state, it will be difficult for ODE to provide a universal response or legal advice to address every situation; therefore, decisions should be guided by legal review.

**What would be the maximum number of students we could transport at any one time? (April 7)**

A: The maximum number of students transported at any one time would be dependent on the size of the transport vehicle and the current recommendations from either local, state and/or the Centers for

# Frequently Asked Questions

Archived Questions from March – May 2020

Disease Control (CDC) for social distancing. Currently, CDC recommendations advise maintaining a distance of approximately 6 feet from others when possible. The increase in risk that accompanies seating patterns with less distance is a factor that should be carefully considered by decision makers when planning for a return to service.

**We're planning on using bus routes to deliver meals, technology and learning packets. With the latest guidance from Governor Brown, are we still ok to do so? We will practice the six foot rules. (April 7)**

A: Under Executive Order 20-08, the Governor has authorized the use of transportation services to assist in the delivery of meals and childcare. Additionally, the Order, under Section 4a, directs school districts as part of receiving State School Funds, to deliver supplemental education and learning support to the extent practical through independent study and other appropriate options. Under Section 5 of the Order that directs ODE to provide further guidance in the execution of Section 4, the Department has determined that the Transportation Grant, a funding source within the State School Fund, may be used to reimburse transportation services for not only the delivery of meals and childcare as specifically identified in the Order, but also to facilitate the delivery of supplemental and distant learning such as educational learning materials, technology, and wi-fi. Therefore, school districts may use their bus routes to deliver meals, technology, and learning packets to students, and treat it as reimbursable expense through the State School Fund's Transportation Grant.