



Book	Policy Manual
Section	Special Update - April 2020 - Continued Operations Amid COVID-19
Title	Continued Operations Amid COVID-19 Implications
Code	00 Memo - Neola, Inc.
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To: Neola Clients

From: Neola Counsel

Re: Continued Operations Amid COVID-19 Implications

Date: April 2020

Continued Operations Amid COVID-19 Implications

The Coronavirus Disease 2019 (COVID-19) pandemic has had a profound impact on Indiana's school corporations and School Board ("Board") operations. To assist you in understanding available options related to continued operations during the pandemic, we wanted to remind you of the existence of policies that will aid boards in adapting to this unique and unprecedented environment.

1. **Policy 0131.1 - Bylaws and Policies.** This Neola template provided the Board with optional language that would allow:

These bylaws and policies may be adopted or amended by resolution at a single meeting of the Board in an emergency. An emergency shall be defined for purposes of this rule as any situation or set of circumstances which the Board has reason to believe will close the schools or jeopardize the safety or welfare of the students or employees of the Corporation.

Note that there was additional language regarding the bylaws or way in which the Board governed themselves that also could have been selected in this bylaw:

The Board may adopt, amend, or repeal administrative rules of order for its own operation by simple resolution of the Board passed by a majority of those present and voting.

If the Board did not adopt the optional language that allows for such action, the current circumstances would satisfy a "compelling reasons" standard to allow the Board to adopt or amend bylaws or policies as necessary in this emergency situation.

2. **Policy 0162 – Quorum.** This policy provides that a majority of the Board must be “present” for a quorum to be present and Board business to be conducted (See definition of “present” discussed in Policy 0167.1, below).
3. **Policy 0164.3 – Emergency Meetings.** This policy provides that if there is a severe and imminent threat to the health, safety, or welfare of the School Corporation, no formal notice to Board members of any emergency meeting shall be required but the press and public must be notified of this meeting. The notice to the news media is required to be made in the same manner as notice is provided to the Board but the public must be notified by posting the notice at the administrative offices of the Corporation and on the Corporation’s website.

Further, the Board may utilize an Emergency Meeting due to the actual or threatened disruption of the operation of the School Corporation. The current coronavirus (COVID-19) pandemic has caused an actual disruption to the operation of the School Corporation. (See also 0165.3 – Notice of Emergency Meetings)

4. **Policy 0167.1 – Voting.** This policy provides that a Board member’s presence includes participation by telephone or other manner of remote access but speaks directly to the provision of Indiana law whereby:

[a] Board member who is not physically present at a meeting of the Board, but who communicates with members of the Board during the meeting by telephone, computer, videoconferencing, or any other electronic means of communication that permits the member to hear and be heard by the Board members and public present at the meeting, may participate in any Board discussion, but may not participate in a vote taken at the meeting and may not be considered to be present at the meeting for purposes of the existence of a quorum.

The minutes of a meeting must state each member who was physically present, each member who participated by using electronic means of communication, and each member who was absent.

Holding Virtual Meetings

Neola’s existing policy templates allow for Board members to participate in the discussion virtually, but prohibits them from voting at a Board meeting or being considered present when determining the existence of a quorum. However, the State of Indiana Executive Order 20-09 provides that strict compliance with regulatory statutes is “preventing, hindering, or delaying necessary action in coping with the emergency.” The order states that provisions of the Open Door Law that require governing bodies to adopt a policy for electronic participation and require any members to be physically present for meetings deemed to be essential have been suspended. Therefore, for the duration of this crisis, all governing bodies may meet by videoconference or by telephone conferencing so long as a quorum of the members participate and any meeting is made available to members of the public and media.

For those that prefer to adopt new policy language providing for virtual Board meetings, we recommend amending Policy 0164.4 - Meeting of the Board Defined. Sample language is provided in the accompanying policy document on Boarddocs. Policy 0165- Notice of Board Meetings has been revised to incorporate language that provides flexibility in Board meeting notices through electronic means in the event of an Executive Order issued by the Governor or guidance provided by the Public Access Counselor.

Revisions have been made to Policy 0167.1 - Voting to provide for participation in discussion, quorum, and voting when permitted to do so remotely pursuant to an Executive Order signed by the Governor or guidance issued by the Public Access Counselor. Additionally, Policy 0167.3 - Public Participation at Board Meetings was revised to allow for the prohibition of public participation at any meeting that must be conducted remotely due to an emergency declared by Federal, State or local officials.

If the Board does not wish to prohibit the public forum portion, the Board may consider providing an alternative method for public input, such as advance communication or something similar.

Moving forward, we will continue to actively monitor all Federal and Indiana directives that may impact Board policies and operations. In the event any directive requires a new or modified policy, we will advise you as quickly as possible. In the meantime, do not hesitate to contact your associate with any questions.

Finally, as a resource to our clients and included with this Memorandum as Appendix A is a list of select Federal and Indiana directives and resources on matters that impact Board operations. Due to the rapidly evolving issues pertaining to COVID-19, be aware that some of the directives listed therein may become outdated quickly and new content is added to those linked pages regularly. Thus, before acting upon any of the directives, be sure to verify that they are current versions of the directives.

Appendix A

Select Federal Directives and Resources

Department of Education

Collection of School Specific Resources

[COVID-19 Information and Resources for Schools and School Personnel](#)

Centers for Disease Control and Prevention

Public Health Information for Schools

[Interim Guidance for Administrators of US K-12 Schools and Childcare Programs](#)

President Trump and the White House Coronavirus Task Force

President's task force

[Task Force/FEMA Guidance](#)

U.S. Department of Labor

Workplace resources

[Employer and Employee Resources](#)

U.S. Department of Labor

Wage and hour resources for the FFCRA

[FMLA Expansion and Emergency Paid Sick Leave Act resources and Posters](#)

Substance Abuse and Mental Health Services Administration

Coping with Stress

<https://store.samhsa.gov/product/Coping-with-Stress-During-Infectious-Disease-Outbreaks/sma14-4885>

Select State Directives and Resources

Indiana Department of Education

School resources

[COVID-19 Resources for Indiana Schools](#)

Indiana Department of Education

COVID-19 Impact on Schools - Frequently Asked Questions

[IDOE COVID-19 Frequently Asked Questions](#)

Purdue University

COVID-19 Resources for Local Governments

[COVID-19 Resources for Local Governments](#)

State Department of Health

Resources from the state health officials

[ISDH - Novel Coronavirus: Novel Coronavirus \(COVID-19\)](#)

Governor Holcomb's Office

Governor's resources for COVID related orders

[Governor Eric J. Holcomb: Governor Holcomb](#)

Center Grove Community School Corp.

One School Corporation's site to help the community during this stressful time – tools for other School Corporations.

[Health Services / Coronavirus \(COVID-2019\)](#)

Department of Local Government Finance

Policy Meetings & Public Meetings based on Executive Orders 20-04 and 20-09.

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[FAQs-for-Open-Door-Law-in-light-of-Covid-19.pdf \(187 KB\)](#)