

**Frequently Asked Questions on COVID-19**  
(updated April 1, 2020)



|                                    | Question   | Answer  |
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| <b>180 Days</b>                    | What is the final determination regarding the 180 day requirement? Will LEAs need to extend their school year?   | Act 13 of 2020 waives the requirement of 180 days or 990/900/450 hour of instruction for the 2019-20 school year. PDE will provide a simplified form for LEAs to use to report their total days/hours. School entities will not be penalized for providing less than a 180-day school year. Completed forms will be deemed approved. PDE guidance strongly encourages LEAs to adjust their calendars as appropriate (e.g. use snow days, Act 80 days, extend the school year, etc.) to provide as much instruction as possible, but LEAs are not required to do so. <a href="https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx">https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx</a>   |
| <b>Assessments - PSSA/Keystone</b> | What is the determination regarding mandated testing requirements for this current school year?  | PDE has cancelled all state assessments for the 2019-20 school year (PSSA, Keystone Exams, PASA, NOCTI and NIMS) pursuant to emergency authority and Act 13. PDE's actions are supported by the USDOE's action granting PA's request for waivers from such federal assessment. See PDE's FAQ at <a href="https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx">https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx</a>   |
| <b>Board of Directors</b>          | What should LEAs do with regard to holding committee or board meetings during the shutdown period?   | The federal Coronavirus Task Force has recommended that gatherings of ten or more people be avoided. See PSBA's guidance on options for remote participation in school board meetings. <a href="https://www.psba.org/wp-content/uploads/2020/03/PSBA-Guidance-on-Remote-Board-Meeting-Attendance.pdf">https://www.psba.org/wp-content/uploads/2020/03/PSBA-Guidance-on-Remote-Board-Meeting-Attendance.pdf</a>  |
| <b>Early Intervention</b>          | Are pre-school Early Intervention services suspended during the school closure?  | As is the case for LEAs in K-12 education, providers of Preschool Early Intervention services are expected to make a good faith effort to provide continuity of services during the period of school closure.   |
| <b>Employee Issues/Concerns</b>    | Can employees be required to work during the time schools are closed?  | Yes, subject to any limitations on the physical presence of school staff imposed by applicable orders of the governor or other officials with such authority. In addition to the educators needed to remotely deliver continued education services during the closure, schools should explore ways that other staff also can continue to perform useful work even though students are not present, whether on site or from home if that capacity exists.  |
|                                    | Can employees who are at home be required to work from home?   | Yes. However, the usefulness of working from home will depend on the nature of the employee's job and whether the technology and other tools needed to perform it are available at home.  |
|                                    | If employees are allowed or required to work from home, are there overtime and other Fair Labor Standards Act (FLSA) issues to worry about?  | Yes. To ensure compliance with the federal Fair Labor Standards Act (FLSA) and related state laws, it is important to keep in mind the distinctions between exempt and nonexempt employees. Generally, employees who are nonexempt from the minimum wage and overtime requirements are paid only for hours worked, and the FLSA requires that employers keep track of those hours and pay overtime wages for hours of work that exceed 40 hours in one week. If the employer is not confident that the hours worked at home by nonexempt employees can be accurately tracked, allowing or requiring hourly employees to work from home may be legally risky.  |
|                                    | Will the state be willing to place a moratorium or delay requirements for Act 45 hours?  | Act 13 of 2020 extends for one year the deadline for all professional educators with active certification to complete Act 48 or Act 45 requirements.  |
|                                    | Will there be an extension of deadlines for administrators who have to get their fingerprint clearance done during this time when most/all businesses being closed?  | The Federal government has not waived clearance deadlines or allowed for an extension. The PA Department of Human Services opened 43 Clearance Sites as of Monday, March 30 to perform fingerprinting for the FBI Clearance. Available sites are listed at <a href="https://www.identogo.com/locations">https://www.identogo.com/locations</a> .  |
|                                    | What guidance should we provide employees that were furloughed prior to the passage of Act 13?   | If there were furloughs in your school entity prior to Act 13 you may have had employees that applied for Unemployment Compensation. Provisions of Act 13 now require you to provide no more or no less compensation than otherwise would have been provided to each employee. Given the proximity of the passage of Act 13 to furloughs it is unlikely that any individuals received UC benefits. Therefore, there are two options available to individuals who have submitted claims. The first is to withdraw their claim with reason provided. In this case the reason would be the passage of Act 13, which guarantees their pay. The second option is referred to as the "do nothing option," which means that individuals would not submit any bi-weekly claims, which would result in not UC benefits being paid and the original claim expiring in one year. |
|                                    | As we continue to pay employees during the school closure and if we decide to add days to our calendars prior to June 30, what do we do with employees that will be potentially working above their agreed-to amount for the year? | If professionals exceed the number of bargained-for work days for their annual salary, either the CBA would require additional payment or the district and the union would have to agree on how those persons would be paid for extra work. For nonexempt employees who are salaried who exceed their bargained-for work days or hours, the same result might occur under the CBA and there would have to be an examination of any FLSA issues. Nonexempt hourly employees should be paid for their hourly work. If they are paid when not working, it is possible those hours might be rescheduled and worked as pre-paid, but there would need to be an examination of the FLSA.  |
|                                    | Will COVID-19 acquired on the job equate to a workers comp claim?  | Employees who believe they have contracted an infectious disease on the job, such as a pandemic influenza, may file a claim for workers' compensation. For the claim to be compensable under workers' compensation coverage, the illness must arise out of, or be obtained in the course and scope of, an employee's work. Further, the illness must be caused by conditions specific to the work performed. The burden to show that the illness is work-related falls on the employee. It is likely that most employees will have difficulty proving where they caught COVID-19 in light of the pandemic status of this virus. Employees would need to show that something that the district required the employees to do made them particularly susceptible to the virus.   |
|                                    | What should LEAs do regarding completion of Instructional I/II evaluations to meet teacher effectiveness requirements and regulations?   |   |
|                                    | What if an observation of professional practice has not been completed for an educators evaluation?  | At this point, there has been no specific guidance provided or decision made on this topic, however, it is reasonable to assume that this issue will be addressed in the future to acknowledge the inability to conduct evaluations during this timeframe.  |
|                                    | Will there be any special considerations for Temporary Professional Employees? What happens in an evaluation can not be performed in they are in their last year - will they still meet criteria for tenure?                       |   |
|                                    | Should school entities continue to pay contractors (particularly busing contractors)?  | Paying a contractor during the period of school closure is a local decision, however, Act 13 of 2020 allows school entities to re-negotiate their transportation contracts, focusing on personnel and fixed costs, to continue paying the contractor during the closure if they choose to do so. If a school entity does renegotiate its contract, the contractor must provide weekly proof that it has maintained its complement of employees in place as of March 13, 2020 and has not furloughed anyone. If a school entity renegotiates the contract and pays the contractor pursuant to the provisions in Act 13, the school entity will receive transportation subsidy payments in 20-21 at the normal rate (regardless of the fact that schools were closed for a period of time).   |
|                                    | What happens when employees refuse to participate/attend (even if deemed essential) due to COVID-19 concerns?  | LEAs should address these issues on a case-by-case basis after consultation with a solicitor.   |
|                                    | How will school employees retirement procedures be impacted by school closures?  | Act 13 of 2020 provides that no employee of any school entity who was employed as of March 13, 2020 shall receive more or less PSERS credit or contribute more or less than the employee would otherwise have contributed had the pandemic of 2020 not occurred. See Act 13 guidance from PSERS <a href="https://www.psers.pa.gov/About/Documents/Information%20for%20Employers%20and%20Members%20Regarding%20Act%2013%20of%202020.pdf">https://www.psers.pa.gov/About/Documents/Information%20for%20Employers%20and%20Members%20Regarding%20Act%2013%20of%202020.pdf</a>   |
|                                    | Are building principals and secretaries considered "essential" personnel when there are no students or teachers in school?   | PDE has issued guidance on this topic suggesting that those employees designated as essential is a local decision that should take into account the context of school and community needs. School administration however has been cited as one example of essential employees, along with food preparation, and distribution staff, information technology and continuity of operations staff. <a href="https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx">https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx</a>  |
|                                    | Are custodial staff required to report to work?  | PDE has issued guidance on this topic suggesting that those employees designated as essential is a local decision that should take into account the context of school and community needs. Examples of essential responsibilities may include, but are not limited to, school administration, food preparation, and distribution staff, information technology and continuity of operations staff (e.g. payroll and building operations). <a href="https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx">https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx</a>   |

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|                             | What does it mean when an employee who is a member of the PA National Guard is placed on "state active duty"?   | Pennsylvania's Military Code entitles state and local government employees to 15 days paid leave for purpose of performing active or other duty as members of the Reserve Components of the United States Armed Forces, which includes the Reserve and the National Guard. State workers are entitled to an additional 15 days under certain circumstances when serving as members of the Reserve Components. Members of the National Guard are sometimes placed on "state active duty," a non-federal status, usually in connection with a disaster emergency of some kind. The Military Code entitles state and local government workers who are placed on "state active duty" to paid leave for the duration of their activation. The governor's March 6, 2020 emergency proclamation authorizes the appropriate officials to place members of the National Guard on state active duty as necessary to respond to the emergency.   |  |
|                             | May a district send employees home if they display influenza-like symptoms during a pandemic?   | Yes. The Centers for Disease Control and Prevention advises employees who become ill with symptoms of influenza-like illness at work during a pandemic to leave the workplace. Typically, advising workers to go home is not a "disability-related" action if the illness is akin to seasonal influenza. Additionally, this would likely be permitted under the Americans with Disabilities (ADA) if the illness is serious enough to pose a "direct threat." Generally, districts may ask such employees if they are experiencing influenza-like symptoms with the understanding that the confidentiality of such information must be maintained. If the pandemic influenza becomes severe, even if these inquiries are deemed disability-related under the ADA, they may be justified by a reasonable belief, based on objective evidence, that the severe form of pandemic influenza poses a direct threat.  |  |
| <b>Facilities</b>           | Can schools keep playgrounds, basketball courts, etc. open for community use during the closure?  | No. Pursuant to Governor Wolf's order, playgrounds, basketball courts and other recreational or community facilities should not be kept open.   |  |
|                             | Can schools still be used as polling locations for the primary?   | The Governor has signed in to law legislation moving the 2020 primary to June 2, 2020. The Act allows for the consolidation of polling stations, but at this time there is no guidance regarding the use of school buildings as election polling places.  |  |
| <b>Financials- Payments</b> | Should school districts start to put plans in place for moving to home-based learning? If so, is there any emergency funding that will be available to help equip those families that do not currently have internet access in their homes?         | Act 13 of 2020 requires school entities make a good faith effort to plan to offer continuity of education through alternative means during the period of closure. In providing continuity of education, PDE's guidance provides some options, including planned instruction and enrichment and review. Per PDE, these options can take a variety of forms, including online/digital learning opportunities; non-digital learning opportunities (e.g., materials sent home with students); and other approaches designed in partnership with local IUs and regional PATTAN centers. The decision to employ one or more of these methods is made at the local level based on feasibility, availability of resources, access and equity considerations, and in accordance with aggressive social distancing guidance. <a href="https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx">https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx</a> .  |  |
| <b>Food Service</b>         | How should a SD document meals served under a waiver?   | Per the USDA guidance, separate meal counts and records must be maintained for meals served under a COVID-19 waiver. To receive reimbursement, total meals must be reported to the State agency for submission to FNS.  |  |
|                             | Are all meal pattern requirements still in practice for any meal served under the waiver?   | Per USDA guidance, the meals must meet the regular menu planning requirements of the SFSP or SSO. Offer versus serve will not apply and all meals must be unitized, meaning a complete reimbursable meal that meets the requirements of the menu planning method used, including milk, must be distributed. Shelf-stable milk may be used. USDA commodity foods may also be used. Additionally, the federal Families First Coronavirus Response Act provided for additional meal pattern flexibility, permitting waivers to be granted if the standards cannot be achieved due to a supply chain disruption due to COVID-19.  |  |
|                             | What employees can a SD use to serve meals?   | School entities may use essential staff to ensure students have access to meals.  |  |
|                             | To what extent must SDs that are <50% FRL track eligibility when providing meals? What are guidelines for how to direct these meals to low-income students?   | PDE recently obtained a waiver from USDA to utilize recent and local level determinants for approving area eligibility, such as local unemployment claims data and justification of local needs (loss of jobs, business closures, etc.). As a result, effective immediately, LEAs and Community Organizations (COs) may request approval from PDE for sites to operate as "area eligible" based on current, local economic data. Sites approved by PDE as COVID-19 area eligible sites may provide meals under the SSO or SFSP to all children in the community for free. However, LEAs and COs must obtain approval from PDE and must follow program requirements in place.  |  |
|                             | Do students need to be present for the provision of meals?  | USDA guidance has recently been updated to indicate that students do not need to be present for the provision of meals under the waiver.  |  |
| <b>Online Learning</b>      | If an LEA implements alternative instructional plans (online or student work sent home) during the closure, will it count as school days? Or will we be making up these days in June?   | Act 13 requires districts to make a good faith effort to offer continuity of education through alternative means during the period of closure. In providing continuity of education, PDE's guidance provides some options, including planned instruction and enrichment and review. <a href="https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx">https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx</a>   |  |
|                             | Will there be any statewide pricing for online learning platforms like those offered through CAOLA if we end up having to move to a fully remote model?   | PDE is making online course content available through Edgenuity and Odysseyware available at no cost to all LEAs. LEAs should contact their local Intermediate Units for information on this opportunity.   |  |
|                             | If the colleges involved in our College in the High School programs are granting credit to their college students through online instruction, will PDE approve our schools delivering the same courses and count for instructional days and credit? | At this point, there has been no specific guidance provided or decision made on this topic, however, it is reasonable to assume that this issue will be addressed in the future in light of the challenges created as a result of the COVID-19 outbreak.  |  |
| <b>Other</b>                | Will filing deadlines be pushed back for PIMS, PURTA, fed stuff, other stuff?   | At this point, there has been no specific guidance provided or decision made on this topic, however, it is reasonable to assume that this issue will be addressed in the future in light of the challenges created as a result of the COVID-19 outbreak.  |  |
|                             | What is in the federal Families First Coronavirus Response Act?   | The Families First Coronavirus Response Act is federal legislation to address the COVID-19 outbreak, which includes the requirement that schools provide 2 weeks of paid sick leave and up to 12 weeks of paid family and medical leave for employees affected by COVID-19. The Act also provides for blanket waivers to ensure that students eligible for free and reduced-price lunches are able to receive meals during school closures.   |  |
|                             | How can we comply with state audits and compliance monitoring?  | Many elements of audits by the Bureau of School Audits under the Department of the Auditor General and monitoring by Division of Federal Programs, Division of Food and Nutrition and other state agencies are conducted by collecting information electronically prior to any on-site visits at schools. School entities can continue to collect data and documentation to provide to auditors and compliance monitors electronically, to the extent it is possible for staff to access that information virtually. Please communicate with auditors and compliance monitors regarding your school entity's situation; they will likely work with your school entity to reschedule on-site visits during the current closures.   |  |
|                             | May districts share health information with public health authorities that request health information about employees or students?  | Public health authorities use protected health information (PHI) to identify, monitor and respond to disease, death and disability among populations. To achieve this goal, they recognize the importance of protecting individual privacy while maintaining the quality and integrity of health data. To accomplish the public health objectives and to meet certain other societal needs (i.e., administration of justice and law enforcement), the HIPAA Privacy Rule expressly permits PHI to be shared for specified public health purposes. Accordingly, districts may disclose PHI, without individual authorization, to a public health authority that is legally authorized to collect or receive such information for the purpose of preventing or controlling disease, injury or disability. Under FERPA, the federal law that protects the privacy of student education records, parents and eligible students must provide consent before a district discloses personally identifiable information (PII) from an educational record. However, there is an exception that allows such disclosures, without prior written consent, of PII from student education records to appropriate parties in connection with an emergency, if the knowledge of that information is necessary to protect the health or safety of a student or other individuals. Typically, public health officials are the types of appropriate parties to whom such disclosures under this exception may be made. |  |
| <b>School Closures</b>      | What is the legal authority of the governor to order schools to be closed?  | Pennsylvania's Emergency Management Services Code gives the governor extensive and sweeping powers in the event of a disaster emergency, which went into effect when Governor Wolf signed a "Proclamation of Disaster Emergency" on March 6, 2020. The Code provides, "Under this part, the Governor may issue, amend and rescind executive orders, proclamations and regulations which shall have the force and effect of law." The proclamation further delegates extensive emergency powers to the heads of specified commonwealth agencies, including the secretary of education. The proclamation authorizes the secretary of education: "in his sole discretion, to suspend or waive any provision of law or regulation which the Pennsylvania Department of Education is authorized by law to administer or enforce, for such length of time as may be necessary to respond to this emergency."  |  |

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|                              | What does "closed" mean?  | This has been a point of some confusion. Early announcements simply said schools would be closed or shut down for 10 days, without further explanation. Some school officials report being told by officials at PDE that this meant a complete shutdown, without any educational activity. Informal guidance issued by The Pennsylvania Department of Education (PDE) on March 15, 2020, clarifies that this means only that students will not come to school for in-person classes. School districts are not required to provide instruction during the closure but have the option of providing educational services by other means, such as online instruction and/or materials sent home with students, and may implement continuity of education plan to the extent feasible. This is a matter of local decision.   |  |
| Special Education            | How will the closure affect special education timeline requirements—mainly for annual IEP meetings (usually held one day short of a calendar year), IEP meetings following an evaluation or re-evaluation (30 days after ER/RR date), or ER/RR dates (60 days after parent permission)? | School entities may be able to hold IEP or Section 504 Service Agreement meetings through virtual means or conference calls during the period of closure. Schools should ensure that accommodations are made to ensure that communication and participation is provided in the native language or mode of communication needed by the parent/guardian. School entities should consult with their school solicitor, PDE, PaTTAN, and/or the local intermediate unit for additional guidance on postponing meetings when necessary or providing accommodations for participation. If a meeting is postponed, documentation should be created for communication to the parent/guardian and the reason for the delay, and filed with the appropriate IEP or Section 504 Service Agreement.   |  |
|                              | Must accommodations/504 plans be addressed in online learning environments?   | Per PDE's guidance, when a school is closed because of COVID-19 response efforts and does provide educational services to the general student population, districts/schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP or Section 504 plan.<br><br>Once school resumes, a child's IEP team (or appropriate personnel under Section 504) must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost during the closure within a reasonable timeframe.<br><a href="https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx">https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx</a>  |  |
|                              | Do timelines for the completion to paperwork/evaluations still apply during the closure?  | At this point, there has been no specific guidance provided or decision made on this topic, so LEAs should do their best to meet the timelines they can in the light of the school closures; however, it is reasonable to assume that this issue will be addressed in the future in light of the challenges created as a result of the COVID-19 outbreak.  |  |
| Transportation               | Do school districts still need to transport nonpublic school students?  | Governor Wolf's order requires that all schools—including private, parochial and nonpublic—be closed. Additionally, PDE guidance is clear that nonpublic transportation will not be provided.<br><a href="https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx">https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx</a>   |  |
| <b>Act 13 of 2020</b>        |   |  |  |
| Effective Date               | When does Act 13 take effect?   | Act 13 of 2020 was signed into law on Friday, March 27 and became effective immediately. The provisions of the Act apply only to the 2019-20 school year and are as a result of the World Health Organization declaring a global pandemic on March 11, 2020. The Act, and the requirements within in expire at the end of the fiscal year—on June 30, 2020.  |  |
| 180 Days                     | Are school districts required to add days at the end of the year?   | The 180-day requirement has been waived, and PDE's guidance clarifies that schools are not required to adjust calendars. However, schools will be required to report their total days and hours for the 2019-20 school year on a simplified form, and completed forms will be deemed approved.<br><a href="https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx">https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx</a>  |  |
| Charter School Tuition       | Are school districts required to pay tuition for new charter school enrollment during the school closure?   | No, Act 13 of 2020 clarifies that during the period of school closures pursuant to the COVID-19 pandemic, school districts must continue to pay charter school tuition for those students that were enrolled in the charter school on March 13, 2020.  |  |
|                              | Can cyber charter and charter schools enroll new students during the school closure period and do school districts have to pay tuition for new charter enrollees during this time   | Cyber charter schools are required to be closed during this time period, just like other school entities. Just like all other school entities, cyber charter schools should be prioritizing the provision of continuity of education to their students. During the period of the closures, Act 13 states that school districts are not responsible to pay tuition for new students a cyber charter school enrolls after March 13 and throughout the length of the closure. Following the period of school closure, school districts would be required to pay charter school tuition for the students enrolled in the cyber charter school as of that date.   |  |
| Continuity of Education Plan | Can a district attempt to deliver Planned Instruction for their Continuity of Education Plan and switch to Enrichment and Review if they are unable to execute the Planned Instruction?   | Act 13 of 2020 requires school entities make a good faith effort to plan to offer continuity of education through alternative means during the period of closure. In providing continuity of education, PDE's guidance provides some options, including planned instruction and enrichment and review. Per PDE, these options can take a variety of forms, including online/digital learning opportunities, non-digital learning opportunities (e.g., materials sent home with students); and other approaches designed in partnership with local IUs and regional PaTTAN centers. The decision to employ one or more of these methods is made at the local level based on feasibility, availability of resources, access and equity considerations, and in accordance with aggressive social distancing guidance. Act 13 requires school entities to develop and submit continuity of education plans. We are not aware of anything in the law or PDE guidance that prevents districts from making changes to their plans, and should a plan need to be changed, we urge school entities to communicate the change to parents and students with as much advanced notice as possible.<br><a href="https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx">https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/AnswersToFAQs.aspx</a> |  |
|                              | What email address or link should districts use to upload their Continuity of Education Plan to PDE?  | LEAs should submit continuity of education plans to PDE using the following email address: RA-EDContinuityofEd@pa.gov  |  |
|                              | Our district contracts with an independent contractor to provide transition classrooms in our buildings. Is the contractor required to provide the continuity of education plan for the transition classrooms?  | The district's Continuity of Education Plan may where appropriate include the contractor's services to the district.   |  |
|                              | Does the Continuity of Education Plan need to be approved by the local School Board?  | Act 13 does not explicitly require a school entity's Continuity of Education Plan to be approved by the school entity's governing body. However, it is recommended that the governing body review the plan prior to its submission to PDE and posting on the school entity's website.  |  |
| Employee Issues/Concerns     | Does the term "compensation" in Act 13 include salary and benefits?   | Act 13 of 2020 states that no employee should receive any more or any less "compensation" than the employee would otherwise been entitled to receive had the pandemic not occurred. It is our understanding that the term "compensation" is broad and includes both salary and benefits.   |  |
|                              | Does the new school code bill require districts to pay all employees during the closure or just teachers and principals?  | Act 13 of 2020 refers broadly to require payment to school employees employed as of March 13, 2020; it does not differentiate among types of employees, requiring payment to employees beyond teachers and principals. Compensation guarantee does not apply to such intermittent employees who do not have a "normal" amount of compensation or hours of work that can be determined, the treatment of these employees will be fact specific.   |  |
|                              | Are substitutes considered employees and are we required to pay them?   | Act 13 of 2020 refers broadly to require payment to school employees employed as of March 13, 2020; it does not differentiate among types of employees. The compensation guarantee does not apply to such intermittent employees who do not have a "normal" amount of compensation or hours of work that can be determined. Treatment of substitutes will be fact specific. We encourage school entities to check with their school solicitor about how to implement this provision based on the unique circumstances of each school entity.   |  |
|                              | Does Act 13 require that we pay coaches or other employees an additional amount pursuant to a supplemental contract or other agreement?   | Act 13 of 2020 refers broadly to require payment to school employees employed as of March 13, 2020; it does not differentiate among types of employees. We encourage school entities to review all contracts and to check with their school solicitor about options for implementing this provision based on the unique circumstances of each school entity.   |  |

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|                                     | Does Act 13 requires that we pay part-time employees or 10 month employees that are hourly?   | Act 13 of 2020 refers broadly to require payment to school employees employed as of March 13, 2020; it does not differentiate among types of employees. In many cases these employees would be paid; the determination to be considered is if they would have earned the compensation. We encourage school entities to check with their school solicitor about how to implement this provision based on the unique circumstances of each school entity.   |  |
|                                     | Are employees who are regularly scheduled to work more than 40 hours be paid at overtime for those extra hours. Or would it be paid as straight time since they are not actually working?   | School entities should ensure that they are paying school employees that have worked overtime for the hours they have worked. Employees are not entitled to continuation of overtime hours unless that overtime was guaranteed. Regarding overtime hours not worked as a result of the school closures, school entities should make decisions in consultation with their school solicitor.  |  |
|                                     | What if a school employee was expected to begin work on March 16? Are we required to pay that employee under Act 13?  | Act 13 of 2020 specifically requires payment to those school employees employed as of March 13, 2020; however, there is no prohibition of paying an employee that was expected to begin work on March 16. Additionally, school entities should consider whether the new employee will be working as part of the school entity's Continuity of Education Plan during the closure. If so, the employee should be paid. School entities should review this scenario with their solicitor to determine if payment is required.  |  |
|                                     | Are we required to pay employees who are on an uncompensated approved leave of absence?   | No. Act 13 does not affect leave of absence. Employees who are on leave that has been requested and approved do not have the right to change their status due to the current crisis. We encourage School entities to check with their school solicitor in situations such as this.  |  |
|                                     | Our District had indicated to essential hourly staff for the first two weeks of closure that they would be given leave time credit for any hours they were required to report to work since all hourly employees are being paid. Is this permitted?                                 | We encourage school entities to check with their school solicitor.  |  |
|                                     | Does Act 13 prohibit school districts from paying employees that will be needed to provide compensatory education and extended year services? If we need support from these employees after the closure would they be entitled to additional compensation?                          | Act 13 is clear that school employees must be paid for the time of the school closure. Act 13 does not specifically address the implications for employees that may be needed for the provision of compensatory education or extended school year services, however, it does state that "no employee of a school entity who was employed as of March 13, 2020, shall receive more or less compensation than the employee would otherwise have been entitled to receive from the school entity had the pandemic of 2020 not occurred, had the minimum instructional day requirement not been waived...or had the Secretary not take action" under this Act. As the duration of school closure is not yet known, nor the implications for this group of employees, this is an issue that school entities should monitor over the next several weeks and discuss with their school solicitors.   |  |
|                                     | Without PSSA, Keystone, and SPP data, how will teacher and principal evaluations be formulated for the 2019-2020 school year?   | Act 13 states that student performance data can be waived by the Secretary as a component of teacher and principal evaluations for 2019-20. As evaluations are not required until the fall, guidance on this issue may not be a high priority at this time, but we anticipate it will be forthcoming from PDE.  |  |
|                                     | Many districts need to have staff return to their buildings to plan lessons and retrieve devices and materials to move forward with a Continuity of Education Plan. Is there any guidance on how to administer the social distancing guidelines when staff return to the buildings? | School entities are encouraged to follow CDC and PA Department of Health recommendations regarding social distancing. School entities should institute a strict social distancing protocol if staff must return to the building to prepare lessons and materials pursuant to a Continuity of Education Plan. Ensuring that staff access to the building is staggered to minimize the number of people in the building at a given time and that employees always maintain six feet of separation while working in the building are recommended.  |  |
| <b>Finances Payments</b>            | Will the State continue to provide normal payment schedule to Districts for their subsidies or should Districts be prepared to look for loans as necessary?   | Act 13 of 2020 requires the state to provide the same amount of subsidy payments, reimbursements and allocations school entities would have been entitled to receive had the pandemic not occurred. Act 13 does not apply to federal subsidy. At this point, we do not anticipate any disruption to the normal subsidy payment schedule.  |  |
|                                     | How does the federal stimulus bill (CARES Act) interact with Act 13?  | The \$2 trillion federal stimulus bill, the CARES Act, designates about \$31 billion to states for education. Of that amount a portion is available for k-12, and will be disbursed to states shortly. One of the provisions of the CARES Act states that to be eligible to receive a portion of the funding under the Act, "a local educational agency, state, institution of higher education, or other entity that receives funds under "Education Stabilization Fund", shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus." This language is far broader than the language in Act 13. While additional guidance will be needed to determine the extent to which there is any flexibility in the CARES Act regarding, in particular, payment to contractors, we encourage you to reach out to your school solicitor as we await more information about how much of this federal funding Pennsylvania will receive, how it will be prioritized and allocated to school entities. |  |
| <b>Protective Gear and Cleaning</b> | What are the specific recommendations for appropriate cleaning materials and protective clothing and gear recommended by the CDC?   | The current understanding is that the CDC recommends that employees performing cleaning in a COVID-19 infected area or suspected COVID-19 infected area should be wearing gloves, a gown, and a mask during cleaning activities. These garments do not have to be surgical grade as used in hospitals, but they must provide protection (both from the cleaning materials and possible COVID-19 exposure in those areas where there has been an infection or one is suspected) to the employees performing the cleaning. In addition, LEAs should be aware that CDC recommendations are not the same when COVID-19 is not believed to be present in the geographic location. We are seeking further guidance and examples of the gear that could be used to meet this requirement and working to address concerns regarding difficulty in obtaining these materials.  |  |
|                                     | Will districts receive any state or federal financial relief for expenses related to the school closures such as extra cleaning supplies, overtime for custodians, etc.?  | At this point, the state has not allocated any additional funding for increased district expenses due to the closure. The federal government recently passed a \$2 trillion stimulus bill, which directs nearly \$31 billion to education. Of that amount, a portion is dedicated to k-12 education. It remains to be seen how much additional funding will be directed to Pennsylvania and if any will be allocated for this purpose.  |  |
| <b>Transportation Contractors</b>   | If districts are contracting with their transportation contractors to deliver lunches and instructional materials to students, do they need approval from PDE to do so?   | PDE approval is not required. This is a local matter that must be negotiated between the school district and the transportation contractor.   |  |
|                                     | If districts have a contracted transportation service, are the contractor's employees considered school employees?  | No. The employees of contracted school transportation services are not school employees, and school entities are not required to pay them during the school closure. However, Act 13 of 2020 allows school entities to re-negotiate their transportation contracts, focusing on personnel and fixed costs, to continue paying the contractor during the closure. If a school entity does renegotiate its contract, the contractor must provide weekly proof that it has maintained its complement of employees in place as of March 13, 2020 and has not furloughed anyone. If a school entity renegotiates the contract and pays the contractor pursuant to the provisions in Act 13, the school entity will receive transportation subsidy payments in 20-21 at the normal rate (regardless of the fact that schools were closed for a period of time). To be eligible to receive the normal transportation reimbursements for next year, a school entity must continue to pay transportation contractors pursuant to existing or re-negotiated contracts.                                    |  |
|                                     | When doing your state report, and if you pay your contractors as if the pandemic didn't happen, would you report the days that you paid your contractor during the closure even though the buses were not running?  | We expect further guidance from PDE on how to report data for the time period of school closures at a future date.  |  |
|                                     | Does the transportation language cover for just buses or also include the van drivers who are contracted by the same contractors?   | We believe the language in Act 13 is intended to include all school transportation contractors.   |  |
|                                     | Regarding paying our transportation contractor. It appears that when the ETRAN report is completed for the 2019-2020 school year we will use 180 days to calculate allowable costs. Is that correct?  | We expect further guidance from PDE on how to report data for the time period of school closures at a future date.  |  |

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|  | <p><b>If we renegotiate our transportation contracts, that's still considered continuing to pay our contracts and will not have a negative impact on our subsidy, correct?</b></p>                                   | <p>Correct. Act 13 of 2020 allows school entities to re-negotiate their transportation contracts, focusing on personnel and fixed costs, to continue paying the contractor during the closure. If a school entity does renegotiate its contract, the contractor must provide weekly proof that it has maintained its complement of employees in place as of March 13, 2020 and has not furloughed anyone. If a school entity renegotiates the contract and pays the contractor pursuant to the provisions in Act 13, the school entity will receive transportation subsidy payments in 20-21 at the normal rate (regardless of the fact that schools were closed for a period of time).</p> |  |
|  | <p><b>What documentation do we need to obtain from Bus Contractors that they are staying complement?</b></p>   | <p>Act 13 does not specify the form of documentation that must be provided from a transportation contractor with which a school entity has renegotiated a contract; however, the intent is to ensure that the contractor maintains the employees and is making payments on fixed cost items such as buses it had as of March 13, 2020. School entities that are considering renegotiating their contractors for the period of closure should work with their solicitor to determine what information to require from the contractor on a weekly basis.</p>  |  |
|  | <p><b>If we would like to continue to pay our transportation contractors, are we required to renegotiate their contracts, or may we simply pay them at their current rates</b></p>                                   | <p>Act 13 does not prohibit a school entity from paying a school transportation contractor at the current rate during the school closure.</p>   |  |
|  | <p><b>If transportation contracts are renegotiated to ensure fixed costs are maintained, does this apply to daily pupil transportation to/from school only? What about costs for athletic &amp; field trips?</b></p> | <p>Act 13 does not specify what can or should be included if a school entity decides to renegotiate a transportation contract for the period of closure. The Act focuses on personnel and fixed costs and the intent is that the contractor maintains the employees it had in place as of March 13, 2020. This is up to each individual school entity that wishes to renegotiate a contract.</p>  |  |
|  | <p><b>In order to maintain full transportation subsidy, is the school district required to renegotiate the contract?</b></p>   | <p>There is no requirement under Act 13 that a school entity renegotiate or pay a transportation contract during the period of school closure; however, if a school entity seeks to ensure that 2020-21 transportation subsidy is not impacted by the school closure, school entities should continue to pay the transportation contractors pursuant to the language in Act 13.</p>   |  |
|  | <p><b>If we renegotiate transportation contracts and pay them less - will this reduce our subsidy next year?</b></p>   | <p>No. Act 13 states that a school entity that renegotiates and pays a transportation contract (and receives weekly reports from the contractor ensuring that none of the contractor's employees have been furloughed) will receive 2020-21 transportation subsidy that is not impacted by the school closures this year. There is no requirement that the amount a school entity pays a transportation contractor during the closure is the same amount they would have paid had the closures not occurred.</p>  |  |
|  | <p><b>What if the transportation contractor already furloughed drivers?</b></p>  | <p>Act 13 requires that for a school entity to receive 2020-21 transportation subsidy that is not impacted by the school closures this year, it would need to renegotiate and continue paying the transportation contract, and the contractor would need to provide weekly documentation that it had not furloughed any employees as of March 13, 2020.</p>   |  |
|  | <p><b>What about school districts that operate their own transportation programs?</b></p>  | <p>School entities that operate their own transportation programs are required by Act 13 to pay school employees, which would include their bus drivers. As such, Act 13 states that these school entities will receive 2020-21 transportation subsidy that is not impacted by the school closures this year.</p>   |  |