



New Mexico School Boards Association

POLICY SERVICES ALERT

To: All Superintendents and Board Members

Date: July 2, 2020

Policy Services (PS) has received inquiries as to whether there will be policies developed concerning the guidance related to Coronavirus mitigation and opening of schools for 2020-21. There has been a change to the Federal law, specifically the Families First Coronavirus Response Act that will require a temporary change (through December 2020) in application of the Family Medical Leave Act (FMLA). PS will provide the information on this law in the near future.

There have been State emergency declarations regarding stay at home, closing schools and other public and private facilities, wearing masks and social distancing. As you may have noted, there have been no required policy changes relative to the implementation of these actions. Planning before policy is always the road to successful development of both permissive and mandatory directions given in policy.

Policy Services and the Role of Policy

PS is a compliance driven service. Normally, it is the role of PS to recommend policy and procedures to implement legal requirements and directives that effect the operation and administration of public schools. Policy is prepared to provide the position of the Board and to give direction to the Superintendent on issues that are repetitive and for which there has been previous discussion and consideration. In anticipation of emergency issues that may or may not require policy development, member districts of PS have a specific policy that applies when there is no policy on an issue. Policy **CHD, Administration in the Absence of Policy**, provides: "The Superintendent shall have the authority to implement action if a situation should develop that is not covered by established Board policy. It is the Superintendent's duty to inform the Board of any such action and of the need to develop an official policy." Perhaps implied is if policy is needed.

The policy **CHD** therefore, applies for current planning for the opening of schools. Opening of schools is not a policy issue currently. If there are policies needed or

should a current policy be problematic, they should be considered either after the plan is developed or when the issue arises. Currently, schools are being given “guidance” on when and how to open schools when the emergency school closing and other emergency declarations are rescinded. This is because the details of opening schools require the work of those who are on the site to be opened. Each school district and even each school is unique in some aspect related to providing an environment for education considering the infectious nature of the Covid Virus. The actions necessary to the opening and operation of schools are going to require special knowledge. Using state and federal guidance, districts are going to have to improvise plans based upon their available transportation, building construction, classroom size, space in hallways, student numbers, availability of technology, student size and activity, and ability to maintain cleanliness standards, just to mention a few things that will have to be considered and their use adjusted as data indicate success or failure. This requires the expertise of the school superintendent who knows the schools and his team of administrators, teachers and other employees, bringing together a plan that can be modified with community input and brought to the Board for review just like any other procedure, curriculum change, or handbook. Since it will not be a policy, the superintendent can adjust and modify the plan as needed to accommodate the guidance and other issues that will arise.

The point of the plan for this emergency is clearly to minimize the risk of infection to each student, employee, parent, and community member while providing educational opportunity and nutrition to the children of the school district. It is not something that a state or federal agency can do, nor what a mandate of policy can accomplish, it is what local educators can plan for.

To get started on the plan:

Affirm the Superintendent’s authority under policy to develop a plan for the opening of school subsequent to the school closing and pandemic mandates being lifted.

- Authorize budget expenditures and personnel expenses needed for the planning.
- Determine the time for submission of the proposal and the Boards review of the Superintendent’s recommended plan.
- Do not be pushed by an arbitrary opening date but pay attention to contracts.
- Once the plan is in place, evaluate the effectiveness of accomplishing the goal of minimizing the transfer rate of the virus and allow the administration to make adjustments to the plan.
- Then, if the plan raises issues of conflict with current policies, Policy Services would, upon request, review the conflict and offer policy advice on resolving any issues.

There are a multitude of “guidance” documents on the internet which give options on how to social distance, screen for illness, serve meals and manage transportation to minimize viral transmission. Local conditions will determine what parts of that guidance the schools will be able to implement to accomplish minimizing viral transmission and still provide a setting for education to take place.

Please call or email if you have any questions regarding this Policy Alert.

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