



Louisiana Association
of Public Charter Schools

School Reopening Standards & Guidance

New 2020 State Laws Guide



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Note: LAPCS' 2020 New Laws Guide is not legal advice. Its goal is to provide summaries of recently enacted laws and regulations impacting Louisiana's public charter schools. Charter school leaders should read the laws and policies in full and consult an attorney before taking any action.

BESE's Reopening School Facilities Guidelines

(Minimum Standards)

[BESE Bulletin 126, §§103, 4101-4105](#)

Governing Standards

- **Minimum Standards:** State minimum health and safety standards developed in coordination with the La. Dept. of Health (LDH) using guidance provided by the Centers for Disease Control (CDC); standards can be modified by BESE as appropriate and necessary.
- **Controlling Reopening Authority:** The Governor establishes the statewide phase(s) of reopening; if a local governing authority of a parish or other municipality has established a more restrictive phase of reopening, the LEA located within that parish or municipality must conform to the more restrictive requirements.
- **School Policy:** Prior to the beginning of the 2020-21 school year, each local school board/charter school governing authority must adopt policies in accordance with the BESE's minimum standards.

Minimum State Guidelines for 2020-21 School Year

Group Sizes: The maximum group size that may convene indoors in a single room, irrespective of room size, or outdoors: Phase 1: 10 individuals; Phase 2: 25 individuals; Phase 3: 50 individuals

- **Static Groups:** Younger students (e.g. students in grades 2 or lower) who are unable to wear face coverings or maintain a physical distance from other students or adults should be assigned static groups for as long as possible. Composition of a static group may change if students are able to maintain a physical distance of at least six feet from others in a classroom or indoor setting, to the greatest extent possible.
- **SPED Services:** Students with disabilities must continue to receive special education and related services in the least restrictive environment. Service providers must be factored into a school's group size limitations.

Transportation: School buses must not exceed the following maximum bus manufacture capacity and passenger seating requirements (includes adults):

- **Phase 1: 25% capacity;** 1 passenger per seat and every other seat must remain empty (members of same household may sit in the same or adjacent seat)
- **Phase 2: 50% capacity;** passengers dispersed to greatest extent possible
- **Phase 3: 75% capacity;** passengers dispersed to greatest extent possible

Physical/Facility Standards

- **Indoors:** Must convene in a room enclosed by a wall or partition. If using a large room for more than one group, each group must be separated within the larger space by a wall or partition.
- **Outdoors:** Physical barriers not required but groups should be separated.
- **Entry-Exit:** To the greatest extent possible, limit crowding at entry/exit points and maintain maximum group sizes and physical distance recommendations.
- **High-Touch Surfaces:** High-touch surfaces must be cleaned multiple times per day, including bathrooms.

If a particular room is used by more than one group in a single day, high-touch surfaces in the room must be cleaned before and after use by each group.

- **Staff Safety Supplies:** School employees must be provided adequate access to hygienic supplies (soap, hand sanitizer with at least 60% alcohol, disinfectant wipes or spray, paper towels, and tissues). Face coverings should be provided when needed.

Health Monitoring:

- **Isolation Areas:** Each school must establish an area used to isolate anyone (students and adults) showing signs of being sick. Isolation area must be cleaned after it is occupied by any sick student or adult.
- **Arrivals:** Each student and adult must be assessed for symptoms of COVID-19 upon arriving at school facility, including temperature checks.

- **Student Handwashing:** Students must wash or sanitize their hands:
 1. Upon arrival at school
 2. At least every two hours
 3. Before and after eating
 4. Before and after using outdoor play equipment
 5. Before exiting the school facility

Face Coverings: While inside the school facility, all adults and students in grades 3-12 must wear a face covering to the greatest extent possible and practical within the local community context.

- As explained by BESE: face coverings can be made of many different types of materials (paper, cloth, etc.); face coverings can include masks and neck coverings that can be moved to cover the nose and mouth but plastic face shields alone do not count as they are not enclosed coverings.
- Students in grades PreK-2 may wear a face covering while inside the school facility. Children under two years old and individuals with breathing difficulties should not wear a face covering.
- Face coverings should be provided when needed.

Face Covering Defined -- a piece of material used to cover both the nose and mouth for the purpose of forming a barrier to droplets or airborne particles that are coughed, sneezed, or exhaled when talking. Face coverings are meant to protect both the wearer of the face covering and surrounding individuals

Student Programming Determination:

Student placement determinations (distance or in-person education programming) should be made in consultation with the parent or custodian and should take into consideration a student's unique academic, social, emotional, familial, and medical needs.

Essential Visitor Compliance: Essential visitors must comply with the school's and state's minimum health and safety standards.

- **Essential Visitors are** individuals who must enter schools in order to conduct visit in accordance with Louisiana law or policy (including but not limited to individuals who conduct official class or teacher observations or provide essential student supports and services).

Exceptions: *Medical or disability impact exceptions to any of the state's minimum standards should be addressed on an individual basis by the LEA in accordance with local policies.*

*Be Sure to Review LDE's [Strong Start 2020 Website](#) for All Other School Guidelines and Resources

Act 9: COVID-19 Liability Limitation for Schools

School COVID-19 Liability Protection

- Notwithstanding any other provision of law to the contrary, [...] **charter school governing authorities**, and the officers, employees, and agents thereof **shall not be held liable for any civil damages for injury or death resulting from or related to actual or alleged exposure to COVID-19** or acts undertaken in the effort to respond or adapt to the COVID-19 public health emergency.
- There shall be no cause of action related to a person contracting COVID-19 at a public or nonpublic school, other public or nonpublic **school facility**, on a public or nonpublic **school bus**, or at a public or nonpublic **school sponsored event**, which is based on the actions or failure to act by school officers, employees, or agents in response to the COVID-19 public health emergency.

Right to Workers' Comp

This Section shall not affect the right of any person to receive benefits provided under the Louisiana Workers' Compensation Law.

COVID-19 Specification

The provisions of this Section shall be limited to claims related to the COVID-19 public health emergency.

Immunity Terms

[...] charter school governing authorities, and the officers, employees, and agents thereof **may not avail themselves of the immunity provided by this Section if**

- The action or failure to act was in violation of a policy, rule, or regulation adopted by the... charter school governing authority **OR**
- Was in violation of any procedure mandated by law or by rule or regulation adopted by a federal or state agency in accordance with the Administrative Procedure Act, **AND**
- Such action or inaction is determined to be grossly negligent or wanton or reckless misconduct.

BESE Minimum Standards Requirement

A public school governing authority shall not adopt a policy, rule, or regulation that imposes a lesser standard than what is prescribed in a rule or regulation adopted by BESE.

(See New BESE Standards, [Bull. 126 §§ 4101-4105](#)).

School Employee Updates

Act 272: Annual Mandatory Reporter Training Certification

- **New Annual Online Training Requirement:** Updates the Children’s Code requirement for all teaching or child care providers to annually complete an online mandatory training course provided by the Dept. of Children and Family Services (DCFS) between June 1 and August 31 each year.
 - Employers are to retain a copy of course certification completion for all teaching and child care provider employees, as well as maintain a list of eligible employees that have not complied with the training requirements.
- **Applies to Charter School Staff:** “Teaching or Child Care Providers” are any person who provides or assists in the teaching, training, and supervision of a child, including any public or private teacher, teacher’s aide, instructional aide, school principal, school staff member, bus driver, coach... or any individual who provides such services to a child in a voluntary or professional capacity.” - [Children’s Code art. 603](#).
 - This new annual training and certification requirement applies to charter schools.
- **Online Training Portal:** Check this [DCFS website](#) for information on setting up an online portal to take the newly required annual training.

Act 122: Mandatory Reporting for Child Pregnancy

This new law requires mandatory reporting for suspected abuse when a child under the age of 13 years old is pregnant.

Act 337: Rehiring Retired TRSL Teachers

New law to permit a retiree who returns to active service with an employer covered by TRSL on or after July 1, 2020, who has been retired 12 months or longer to choose between the following two options:

1. Have an earnings limitation of 25% of his/her final average compensation; OR
2. Suspend his benefit and begin to accrue a supplemental benefit for the duration of service after retirement.

Curriculum Updates

Act 204: Dual Enrollment

New Dual Enrollment Grant: Creates a uniform statewide dual enrollment program and establishes the Dual Enrollment Innovation and Equity Grant, which includes a portion of funds allocated from the Higher Education Initiatives Fund.

- The Board of Regents, in consultation with BESE, is to adopt rules and regulations pertaining to the implementation of the dual enrollment program and manage grant allocations.
- However, school boards are not prohibited from developing and continuing an interinstitutional articulation and transfer agreement with a public postsecondary institution relative to dual enrollment.

Act 238: Individual Graduation Plans

LWC Job Information for Students: When developing and reviewing students' Individual Graduation Plans, students shall be provided with information developed by the Louisiana Workforce Commission (LWC) regarding the top twenty high-demand jobs (in the state and in the student's region) with the highest typical annual salary.

- Students are also to be shown how to access information on the [LWC's website](#) for job listings and educational programs that qualify the student for such jobs.

Act 259: Sports Injury Programs for High School Student Athletics

Sports Injury Management Program Update: Each high school athletic program must have a sports injury management program and must now include the following updates:

- **Emergency Plans:** Have a comprehensive emergency action plan for each sport located on the school's campus, which must be reviewed annually by appropriate personnel designated by the athletic director's office prior to the start of each sport season; plans must follow the best practices of the American College of Sports Medicine (ACSM) and the National Athletic Trainers' Association (NATA);
- **Certification Clarifications:**
 - Athletic trainers must be certified athletic trainers;
 - Each coach certified by the Coaches Education and Certification Program must receive annual training in accordance with the National High School Coaches Association and the La. High School Coaches Association;
- **Climate Best Practices:** Schools participating in interscholastic athletics must follow best practices for any activity that does not occur in a climate-controlled facility, per the guidelines of the ACSM and the NATA regarding the heat acclimatization and wet bulb globe temperature policy; and,
- **Certified Trainer Protocols:** Have a protocol for licensed athletic trainers, if utilized by the school, to be available for practices or games to assist in the management of emergency and nonemergency care for participants.

Students with Disabilities

Act 1: The April Dunn Act

Posthumously honors Special Education Advocate, April Dunn, by renaming **Act 833 of the 2014 legislative session** in her honor. This law permits Individualized Education Program (IEP) teams to determine grade level promotion for a student with an exceptionality under certain circumstances and prohibits use of certain students' standardized test results in school and district accountability system calculations.

Act 206: Dyslexia Definition

Dyslexia shall now be defined in Louisiana, in accordance with the federal definition, as "an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in phonological processing, which affects the ability of an individual to speak, read, and spell." For purposes of this law, "phonological processing" means the appreciation of the individual sounds of spoken and written language.

Public Law Updates

Act 211: School Building Records Exception to the Public Records Act

Exempts the blueprints and floor plans of the interior of a public school building or facility from the Public Records Law. Further protects the disclosure of school crisis and management plans and clarifies that a school's blueprints and floor plans that are part of a public bid process are to be deemed confidential and cannot be disclosed to persons other than those responsible for the bidding or construction of the project.

Act 302: Open Meetings Exception for Declared Disasters or Emergencies

Electronic Meeting Exception: Codifies in statute an exception to Open Meetings Law to permit public bodies (e.g. charter school boards) to meet electronically, instead of in person, whenever the governor declares a state of emergency or disaster that impacts the school's geographic area.

Definition: "Meet electronically" means a meeting occurring via teleconference or video conference.

- "Teleconference" shall mean a method of communication which enables persons in different locations to participate in a meeting and to hear and otherwise communicate with each other.
- "Video conference" shall mean a method of communication which enables persons in different locations to participate in a meeting and to see, hear, and otherwise communicate with each other.

Exception Requirements: In order to utilize this new exception, the following conditions must be met:

1. **School Impact:** (i) The declared emergency or disaster must impact the geographic area of the board's jurisdiction, and (ii) the nature of the emergency or disaster would cause an in-person meeting to be detrimental to the health, safety, or welfare of the public;
2. **Agenda Limitations:** The presiding officer must certify on the meeting notice that the agenda is limited to one or more of the following:
 - Matters that are directly related to the board's response to the disaster or emergency and are critical to the health, safety, or welfare of the public;

- Matters that if delayed will cause curtailment of vital public services or severe economic dislocation and hardship; and/or
- Matters that are critical to continuation of the business of the public body and that are not able to be postponed due to a legal requirement or other deadline.

3. 24-Hours Notice Electronic Meeting Requirements:

- The notice and agenda for the meeting, which shall be (i) posted on the website of the public body, (ii) emailed to any member of the public or the news media who requests notice of meetings of the public body, and (iii) widely distributed to every known news media outlet that broadcasts or publishes news within the geographic area within the jurisdiction of the public body;
- Detailed information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda, which information shall be posted on the website of the public body, emailed to any member of the public or the news media who requests notice of meetings of the public body, and widely distributed to every known news media outlet that broadcasts or publishes news within the geographic area within the jurisdiction of the public body.

4. Public Comment Requirements:

- Provide a mechanism to receive public comment electronically both prior to and during the meeting.
- Properly identify and acknowledge all public comments during the meeting and maintain those comments in the board's record of the meeting.
- Ensure that each person participating in the meeting is properly identified.

Taylor Opportunity Program for Students (TOPS) Updates

[Act 6: TOPS Awards at NWLA Technical Community College](#)

Eliminates TOPS fixed rate provisions for Northwest Louisiana Technical Community College to permit funding at the same amount as other technical community colleges.

[Act 225: TOPS Tech for Veterans](#)

For the 2020-21, 2021-22, and 2022-23 academic years, an individual who was honorably discharged from a branch of the US Armed Forces from a military installation in Louisiana shall be eligible to receive a TOPS-Tech Award, provided s/he meets all of the following requirements: (a) had at least three years of military service prior to discharge; (b) is a citizen of the United States; (c) established Louisiana domicile within one year after discharge from military service, provided domicile was established on or after January 1, 2020; (d) earned a 17 or higher score on the ACT or an equivalent concordant value on the SAT; and, (e) enrolls in an eligible college or university within one year after notification of eligibility for the award.

[Act 346: TOPS Qualifications \(COVID-19\)](#)

Makes certain TOPS qualification modifications for the 2019-20 academic year as a result of school, ACT, and Jump Start disruptions due to the COVID-19 pandemic.

Louisiana Department of Education (LDE) Updates

[Act 58: Education Excellence Fund Timelines](#)

Creates a new deadline for LDE to submit Education Excellence Fund (EEF) expenditure plans to the House and Senate Education Committees for approval by November 15 of each year.

[Act 154: FBI Criminal Background Reporting to LDE](#)

Adds LDE as an authorized entity to receive criminal background information from the FBI for any person who has submitted a fingerprint pursuant to state law for criminal background checks and for the FBI to retain fingerprint information in its “rap back system” for the purpose of future search submissions.

[Act 180: Early Childhood Care and Education Commission](#)

Reestablishes the Early Childhood Care and Education Commission to study and make recommendations relative to creating a vision for the future of early childhood and to make recommendations relative to the vision and framework.

[Act 245: COVID-19 School Exemptions](#)

Codifies in statute the various K-12 statutory exemptions declared by Governor John Bel Edwards for the 2019-20 school year due to the COVID-19 pandemic.

Minor Children Regulations Updates

[Act 65: Vaping-Vehicle Prohibition with Minor Child](#)

Adds the use of any activated aerosol or vapor to the list of prohibited smoking devices (tobacco, cigar, marijuana, etc.) by the operator or any passenger in a motor vehicle when a minor child is also present.

Note [La. R.S. 32:295](#) was [updated in 2019](#) as it relates to age requirements for rear-facing, forward-facing, and booster seats, as well as prohibiting children younger than 13 from sitting in the front seat of a vehicle.

Other Liability Limitations

Act 123: Nonprofit Liability Limitation for Disclosing Employee Information in Good Faith

- Limits the liability for a nonprofit organization that discloses in good faith information to a prospective employer about a former employee of the organization that is reasonably believed to be accurate regarding the sexual misconduct, sexual abuse, sexual harassment, sexual trafficking, sexual assault, or other sexual offenses by the former employee.
- See Also, [La. R.S. 17:81.9](#) for current school liability protections when disclosing in good faith information related to a current or former employee's instances of sexual misconduct with students.

Act 336: COVID-19 Limitation of Liability (Gross Negligence or Wanton or Reckless Misconduct Standard)

In the Course of Business Operations Liability Limitation:

- No natural or juridical person (e.g., charter school operators), state or local government, or political subdivision thereof shall be liable for any civil damages for injury or death resulting from or related to actual or alleged exposure to COVID-19 in the course of or through the performance or provision of the person's, government's, or political subdivision's business operations unless the person, government, or political subdivision failed to substantially comply with the applicable COVID-19 procedures established by the federal, state, or local agency which governs the business operations and the injury or death was caused by the person's, government's, or political subdivision's gross negligence or wanton or reckless misconduct.

In the Course of Hosting a Meeting or Event Liability Limitation:

- No natural or juridical person, et al., shall be held liable for any civil damages for injury or death resulting from or related to actual or alleged exposure to COVID-19 in the course of or through the performance of hosting, promoting, producing or otherwise organizing, planning or owning a tradeshow, convention, meeting, association produced event, corporate event, sporting event, or exhibition of any kind, unless such damages were caused by the gross negligence or willful or wanton misconduct.

Workers' Compensation and Intentional Act Exception:

- An employee whose contraction of COVID-19 is determined to be compensable under the Louisiana Workers' Compensation Law shall have no remedy based in tort for such exposure against his employer, joint employer, borrowed employer, statutory employer, any other person or entity listed in R.S. 20 23:1032(A)(1)(b), and any other person or entity potentially liable pursuant to the Louisiana Workers' Compensation Law unless the exposure was intentional as provided by R.S. 23:1032(B).
- Notwithstanding the rights of employees as provided by R.S. 23:1032(B), employees who contract COVID-19 and are not covered by the Louisiana Workers' Compensation Law shall have no remedy in tort for such exposure against their employer, joint employer, borrowed employer, statutory employer, any other person or entity listed in R.S. 23:1032(A)(1)(b), and any other person or entity potentially liable pursuant to the Louisiana Workers' Compensation Law unless the exposure was caused by intentional act.

Act 362 Covid Liability (Similar to Act 336)

Notwithstanding any other provision of law to the contrary, no natural or juridical person, state or local government, or political subdivision thereof, shall be liable for damages or personal injury resulting from or related to an actual or alleged exposure to COVID-19 in the course of or through the performance or provision of the person's, government's, or political subdivision's business operations unless the person, government, or political subdivision failed to substantially comply with the applicable COVID-19 procedures established by the federal, state, or local agency which governs the business operations and the injury or death was caused by the person's, government's, or political subdivision's gross negligence or wanton or reckless misconduct. If two or more sources of procedures are applicable to the business operations at the time of the actual or alleged exposure, the person, government, or political subdivision shall substantially comply with any one applicable set of procedures.

- This Section shall not apply if the damages that resulted from or are related to the actual or alleged exposure to COVID-19 are shown by the evidence to be the result of gross negligence, willful misconduct, or intentional criminal misconduct.
- This Section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under the Louisiana Workers' Compensation Law.

Resolutions

[HCR 20: Study Resolution for Bus Driver Compensation Schedule](#)

Urges and requests BESE to study the compensation schedule for school bus operators.

[HR 34: Jump Start Data Sharing Study](#)

Urges and requests LDE, the La. Workforce Commission, the Board of Regents, and the La. School Boards Association to jointly prepare and submit a report to the House Committee on Education concerning the status of data-sharing agreements and related efforts underway to obtain and analyze data needed for evaluation of the Jump Start program.

[SCR 23: COVID-19 School Exemptions](#)

Acknowledges that certain education laws and regulations for the 2019-20 school year were suspended by the Governor as a result of the COVID-19 pandemic.

[SCR 62: Stop the Bleed School Training Program](#)

Urges and requests BESE, through LDE, to develop and implement a traumatic injury response program (commonly referred to as a “Stop the Bleed” program) to ensure that each city, parish, or other local public school in the state is prepared to respond to a traumatic injury emergency.

[SCR 63: Continuous Learning Task Force](#)

Urges and requests BESE to create a continuous learning task force to assist LDE in developing guidance for Louisiana educators to meet the immediate need of supporting learning outside of our normal practice (a designee of LAPCS is recommended to be included in the taskforce).

[SCR 72: 2020-21 Statewide Assessments](#)

Urges and requests BESE to review the necessity to suspend all statewide assessments for the 2020-21 school year, due to the impact of the school closures caused by COVID-19.

New Federal Laws

Title VII Employment Protections for LGBTQ Employees:

- The Supreme Court of the United States has officially ruled that the employment discrimination protections of Title VII of the Civil Rights Act of 1964, which bars discrimination on the base of sex, race, color, national origin, and religion, extends to gay, lesbian, and transgender employees.
- Meaning, *employees cannot be disciplined, fired, or rejected for a job position “on the basis of sex,” which the Court now concludes includes one’s sexual orientation and/or gender identity.*
- This judicial precedent and Title VII apply to charter schools as employers.

Title IX Regulations Update:

- The U.S. Department of Education has [released NEW Title IX guidelines and regulations](#), including new rules for how K-12 schools address issues of sexual harassment in school activities and programs.
- Please review this [Summary of Major Provisions](#), which, for example, requires K-12 schools to respond whenever an employee provides notice of sexual harassment. These new rules take effect on August 14.
- Each [LEA is required under federal law to have a Title IX coordinator](#) and to have their name and contact information identified on the LEA’s website and made known to staff and students, along with a statement that the school does not discriminate on the basis of sex in the education programs or activities it operates, and that it is required by Title IX not to discriminate in such a manner.



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LAPCS is a nonprofit membership organization that serves as a voice for charter schools in Louisiana. We work in partnership with charter schools and the community to support, promote, and advocate for high-quality charter schools that provide educational choice to families statewide.

