

Upper Township School District “Return to Learn” Re-Opening Plan 2020-2021

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Mission Statement

The Upper Township School District has developed a comprehensive re-opening plan for the 2020-2021 school year that satisfies and ensures compliance with the anticipated minimum standards detailed in the NJDOE's The Road Back: Restart and Recovery Plan for Education and other criteria. Once approved, this plan will be posted on the district website and will remain accessible to the public for the duration of the school year.

District Demographic Profile: (2018-2019 School Year)

Enrollment:	1435 students
% Female Students:	48
% Male Students:	52
% Economically Disadvantaged:	14
% Students with Disabilities:	16
% English Learners:	1
% Homeless Students:	1
% Students in Foster Care:	1
% White:	92
% Hispanic:	4
% African American:	.6
% Other:	.6
% Two or More Races:	4

Re-opening Committee Information

1. 252 Applicants
2. 113 Committee Members selected from EVERY stakeholder group
3. 13 Sub-Committees
4. Timeline of Work:
 - a. July 1-20: Committee prep/work sessions.
 - b. July 21-27: Admin discusses survey results, reviews frameworks.
 - c. July 23: Committee summaries sent to committee members.
 - d. July 23-26: Second survey sent to stakeholders.
 - e. July 25: BOE receives framework and summaries.
 - f. July 27: Admin reviews framework, new results, makes edits.
 - g. July 27: BOE Meeting (6PM), official adoption of framework.
 - h. July 28: Superintendent communicates framework to public.
 - i. Aug 3: Final Option communicated to the public.
 - j. August 3-31: Admin creates schedules/protocols/procedures.
 - k. August 17: NJDOE, BOE approves the official plan.

UTSD “Return to Learn”

Monday	Tuesday	Wednesday	Thursday	Friday
Eagles (In-Person)	Eagles (In-Person)	Eagles Phillies Ospreys (E-Learning)	Phillies (In-Person)	Phillies (In-Person)
Phillies (Remote)	Phillies (Remote)		Eagles (Remote)	Eagles (Remote)
Ospreys (E-Learning)	Ospreys (E-Learning)		Ospreys (E-Learning)	Ospreys (E-Learning)

Daily Health Screening



ALL students will be screened at home and all staff before entry into the buildings. Specific procedures will be released prior to the start of school.

Face Coverings



ALL students and staff will be wearing face coverings except for designated, supervised breaks. Accommodations will be made for specific circumstances.

Transportation

ALL students will be required to wear a face covering while riding any school bus. Changes in procedures will be implemented to maximize the reduction of cross-contamination.



Social Distancing

To the greatest extent possible, ALL students and staff will be practicing social distancing protocols. To that end, all physical contact and the use of shared supplies and materials will be mitigated.



Healthy Hygiene



ALL students and staff will be practicing healthy hygiene throughout the day; including routine, scheduled hand-washing/sanitizing sessions. PPE will be available for any student or staff in need.

Daily Cleaning



Routine cleaning/disinfecting of high-contact surfaces will remain compliant with CDC guidelines. HVAC systems will be configured to maximize the reduction of cross-contamination.

First day of school for students: **Thursday, Sept. 10**

In-Person Learning: Hybrid-students will receive traditional instruction at school.
Remote Learning: Hybrid-students will receive remote instruction at home.
E-Learning: All-virtual students will receive remote instruction at home.

Re-Opening Planning

1. 2020-2021 School Year:

- a. All students will attend either in-person or remote school for 180 days in accordance with N.J.S.A.18A:7F-9.

2. Fulltime Remote Learning Services:

- a. Policies have been modified to ensure that students are provided with fulltime remote learning services and in accordance with NJDOE guidelines.
- b. At the beginning of the school year, the following options are available to All Students:
 - i. HYBRID: 2 full days of In-Person Learning, 3 full days of E-Learning.
 - ii. All-Virtual: 5 full days of E-Learning.

3. Instructional Contact Time (N.J.A.C. 6A:32-8.3):

- a. Regardless of option for learning, ALL STUDENTS in Grades PK-8 will be provided with at least 4 (four) Hours of active instructional contact time per day.
- b. Active instructional contact time will include a combination of:
 - i. In-Person Instruction.
 - ii. Synchronous Remote Instruction.
 - iii. Asynchronous Remote Instruction.
 - iv. Pre-recorded Remote Instruction.
 - v. Live Remote Instruction (Zoom).
 - vi. Independent Study/Reading/Practice.

4. Transition Between Modes of Instruction:

- a. Regardless of the option that will be in effect on the first day of school staff, students, and parents, will be ready to immediately transition into ANY of the following 3 options:
 - i. 1. Full In-Person Learning.
 - ii. 2. In-Person/Remote Learning.
 - iii. 3. All-Virtual Learning.

5. Pandemic Response Teams:

- a. In addition to the Re-opening Committee, Pandemic Response Teams have been created and will assist in the implementation of the overall plan.

b. Primary School Pandemic Response Team

Principal: Jamie Gillespie
Preschool: Courtney Smith
Kindergarten: Jennifer Garwood
First Grade: Brianna LaCasse
Second Grade: Michelle Inserra
CST Member: Jill Clark
Counselor: Kathy Weatherby
Director of C&I: Adrienne Breitinger
Nurse: Lynn Keyser
Safety Personnel: Allen Matthews
Custodian: Franklin Burchett
Parents: Gina Johnson, Erika Kelley, Michelle Barbieri

c. Elementary School Pandemic Response Team

Principal: Andrea Urbano
Third Grade: Joyce O'Reilly
Fourth Grade: Debbie Krzyk
Fifth Grade: Kate Bender
CST Member: Dia Bell
Counselor: Meredith Swanner
Director of C&I: Adrienne Breitinger
Nurse: VeAnn Nichols
Safety Personnel: Allen Matthews
Custodian: Cheryl Wrigley
Parents: Kristina Smith, Erika Kelley, Michelle Barbieri

d. Middle School Pandemic Response Team

Principal: Jeff Leek
Sixth Grade: Chris Ragan
Seventh Grade: Karen Volpe
Eighth Grade: Todd Thornton
CST Member: Beth Leap
Counselor: Tracey LeFever
Director of C&I: Adrienne Breitinger
Nurse: Michelle Johnson
Safety Personnel: Allen Matthews
Custodian: Brenda Demarest
Parents: Mary Cash, Erika Kelley, Michelle Barbieri

CONDITIONS FOR LEARNING

General Health and Safety

1. **ANY staff member or student identified as having a higher risk for severe illness from COVID-19 has been provided the following accommodations:**
 - a. Ability to teach or learn from home.
 - b. Access to additional PPE of their choice.
 - c. Access to isolated sections of the building.

Classrooms, Testing, and Therapy Rooms

1. **Students will be seated at least 6 feet apart within all classrooms.**
2. **Other Instructional/Non-instructional rooms will comply with social distancing standards to the greatest extent practicable:**
 - a. PK and K classrooms will have plexiglass dividers between desks.
 - b. PK students will nap feet-to-feet.
 - c. ALL student desks will be facing the same direction.
 - d. OT/PT/Speech will have additional PPE available for students and staff.
3. **Limited Use of Shared Objects:**
 - a. The sharing of items between students will be limited as much as possible. If the items must be shared (due to the limited number of manipulatives/toys in each classroom), then **ONLY 2 students** may share an item at the same time.
 - b. Once a student (or 2 students) are finished with that item, it either gets properly cleaned and disinfected or is placed out of circulation and into a rubber container.
 - c. Night custodians will fill each container with a disinfecting solution where items will soak for hours. All items will then be placed on drying racks and before the start of the next day, teachers will place all items back into circulation.

4. Indoor Facilities/HVAC:

- a. ALL indoor facilities are in compliance with DOH/EPA/NJDOE rules and regulations.
- b. The District uses Brookaire high-efficiency quilted filters that are changed on at least a quarterly basis.
- c. HVAC systems operate with 15% outside air exchange unless the temperatures are cooler; systems can tolerate up to 100%.
- d. Daily readings are made for each unit and visual inspections on all parts are conducted at least once a week.
- e. All District buildings are climate-controlled and can be monitored on campus or remotely.

5. Hand-Sanitizing Stations:

- a. ALL classrooms will contain hand-sanitizing stations that contain alcohol-based solutions that meet all DOH/CDC/NJDOE codes and percentages.
- b. ALL main offices, common entrances and exits will contain hand-sanitizing stations that contain alcohol-based solutions that meet all DOH/CDC/NJDOE codes and percentages.
- c. ALL nurse's offices cafeterias, bathrooms and large common areas will contain hand-sanitizing stations that contain alcohol-based solutions that meet all DOH/CDC/NJDOE codes and percentages.
- d. ALL bus drivers and riders will have access to alcohol-based hand sanitizers that meet all DOH/CDC/NJDOE codes and percentages.

6. Hand-Washing Stations:

- a. ALL PK-2 classrooms contain hand-washing stations that include soap, water, and/or alcohol-based solutions.
- b. ALL bathrooms, gyms, cafeterias, science labs, and art rooms have handwashing stations that contain soap, water, and/or alcohol-based solutions.

- c. ALL students will wash their hands BEFORE AND AFTER:
 - i. Lunch/Recess.
 - ii. Gym/Specials (when necessary).
 - iii. Working with manipulatives, microscopes, or other equipment.
- d. Student schedules will contain designated, supervised, hand-washing or sanitizing breaks.

7. Regular Hand-Washing:

- a. ALL students will wash their hands AFTER:
 - i. Using the restroom.
 - ii. Blowing their noses.
 - iii. Coughing or sneezing.
- b. Working with manipulatives, microscopes, or other equipment.
- c. Appropriate signage encouraging hand-washing and hand-sanitizing will be strategically placed throughout each building.

Transportation

- 1. ALL students, drivers and other riders will wear face coverings while on any bus or other District-owned vehicle.**
- 2. Maintaining Social Distancing:**
 - a. Bus pick-ups/drop offs will be staggered to limit large gatherings.
 - b. 1st student on the bus will be assigned the back seat: the last student on bus will be assigned the front seat.
 - c. When exiting the bus, students seating in front will depart off the bus first.
 - d. During parent pick-up, NO adults will be allowed entry into the building; parents and staff will use an App/Bar Code to match students with families.
 - e. PPE will be available to any student or driver in need.
 - f. Appropriate signage encouraging hand-sanitizing will be strategically placed on the bus.

3. Best Practices for Cleaning/Disinfecting:

- a. ALL buses and District-owned vehicles will be deep-cleaned after the last run or at night.
- b. ALL buses and District-owned vehicles will be sprayed/wiped after every run when possible.
- d. ALL cleaning supplies and products will meet all DOH/CDC/NJDOE codes and percentages.

Student Flow, Entry, Exit and Common Areas

1. Policies been modified to include the process and locations of health screenings:

- a. Before leaving the home, ALL parents or guardians will complete a brief, daily, self-assessment (including a temperature reading) via an app on either a phone, iPad or computer.
- b. Once the self-assessment is completed, submitted AND no symptoms of COVID-19 are present at that time, the student is permitted to attend school (with a face covering).
- c. School Nurses and/or other assigned designees will be monitoring submitted assessments; then act accordingly.
- d. By way of survey, the District identified those families in need of a thermometer or any additional assistance.
- e. If upon arrival a child is not feeling well, that child will be immediately screened for COVID-19 in the designated, isolated location (NOT the nurse's office); with the appropriate communication to involved parties to immediately follow.
- f. Upon entering the building for the first time, ALL staff will complete a daily, self-assessment (including a temperature reading).
- g. Once the self-assessment is completed, submitted AND no symptoms of COVID-19 are present at that time, the staff member is permitted to circulate about the building (with a face covering).

2. Physical Guides/Markings for Social Distancing:

- a. ALL student desks will be marked and maintain at least 6 feet from all other desks or tables.
- b. Appropriate signage encouraging social distancing will be strategically placed throughout each building.
- c. Students will eat in the café, other large spaces, and outside while remaining at least 6 feet apart from others.
- d. Students will be grouped and remain in groups for as much of the school day as possible; with teachers moving in and out of the classrooms.
- e. Student gatherings at carpet areas are no longer permitted.
- f. The use of hallway or gym lockers is no longer permitted.
- g. One-Direction hallways will be utilized and marked wherever and whenever possible.
- h. Students will be dismissed in a manner that allows for social distancing whenever possible; with ALL students wearing face coverings.

Screening, PPE, and Response to Students/Staff Presenting Symptoms

- 1. ALL students, staff and visitors will be required to wear face coverings all day (unless doing so would increase health risks) except:**
 - a. When doing so would inhibit the individual's health or safety.
 - b. The individual is in extreme heat outdoors or in water.
 - c. When stated in an IEP that a student is not able to wear a face covering.
 - d. During scheduled, supervised breaks and at least 6 feet apart from others.
 - e. In PK/K classes: (unlikely 3-5 year-olds can wear them ALL DAY).
 - f. When eating or drinking.
 - g. When participating in high-intensity aerobic or anerobic activity.
 - h. When playing an instrument that would be obstructed by the face covering.

2. Policies and procedures for symptomatic students and staff include:

- a. When a student or staff member presents ANY SYMPTOM on the checklist:
 - (1) If seen and cleared by a doctor, person can return to school after 24 hours, without symptoms.
 - (2) If unable to see a doctor, person is self-isolated for 10 days and can return to school if the last 24 hours are fever-free (without medication) AND the person is not presenting any other symptoms.
- b. The Cape May County Department of Health, appropriate staff and families will be immediately notified in the event that an individual tests positive for COVID-19. Such communication will be memorialized and available for future reference and/or contact tracing.
- c. If a student or staff member presents any symptoms of COVID-19 while at school, they will be escorted to one of the supervised isolation rooms and properly cared for until transportation has been secured.
- d. To assist in contact tracing, the following protocols will be in effect:
 - (1) Students will be grouped and remain in groups for as much of the day as possible.
 - (2) Both the nurse's office and isolation rooms will be supervised at all times; each containing an official ledger that memorializes all events and associated details.
- e. Once a student or staff member arrives to school symptom free, they will follow normal protocols for monitoring any signs of sickness. If a person is presenting any symptom associated with COVID-19, the related protocols are immediately enacted.
- f. In compliance with all DOH/CDC/NJDOE guidance, a student or staff member who **TESTS POSITIVE for COVID-19** will be readmitted to school under the following conditions:
 - (1) After 10 days of self-isolation with the last 24 hours fever-free (without medications) AND not presenting any associated symptoms.
- g. In compliance with all DOH/CDC/NJDOE guidance, a student or staff member who **PRESENTS COVID-19 SYMPTOMS (NOT TESTED)** will be readmitted to school under the following conditions:

- (1) After 14 days of self-isolation with the last 24 hours fever-free (without medications) AND not presenting any associated symptoms.
- h. In compliance with all DOH/CDC/NJDOE guidance, a student or staff member who **TESTS NEGATIVE for COVID-19** will be readmitted to school under the following conditions:
- (1) Symptomatic: After 1 day of self-isolation AFTER symptoms go away with the last 24 hours fever-free (without medications) AND not presenting any associated symptoms.
 - (2) Asymptomatic (no COVID-19 in the home): NO self-isolation is needed.
 - (3) Asymptomatic (COVID-19 in Household or Close Contact): after 14 days of self-isolation beginning from the last known exposure with the person who tested positive for COVID-19. IF, a person becomes infected from a household member or close contact, the 14 day self-isolation period begins AFTER the self-isolation ENDS for the household member or close contact.
- i. In compliance with all DOH/CDC/NJDOE guidance, a student or staff member that has recently had **CLOSE CONTACT** with someone who has tested positive for COVID-19 will be readmitted to school under the following conditions:
- (1) After 14 days of self-isolation with the last 24 hours fever-free (without medications) AND not presenting any associated symptoms.
- j. In compliance with all DOH/CDC/NJDOE guidance, a student or staff member that has recently **TRAVELED** to a “hot-spot” within a 14 day period, will be readmitted to school under the following conditions:
- (1) After 14 days of self-isolation with the last 24 hours fever-free (without medications) AND not presenting any associated symptoms.

3. Parent Support and Assistance for Monitoring:

- a. Parents and guardians will be responsible for completing and submitting the daily self-assessment (for EACH child) that monitors for symptoms of COVID-19. If a child presents ANY symptom, he or she will not be permitted to ride the bus or enter school without the proper medical attention and clearance.

Contact Tracing

1. Policies for contact tracing for COVID-19 will include all current protocols and procedures for contact tracing other infections and remain in compliance with ALL CMCDOH recommendations and mandates.

- a. Student A tests positive for COVID-19:
 - i. Student A is in self-isolation for 10 days.
 - ii. Associated teachers, students, and bus driver who were NOT within 6 ft of Student A for 10 or more minutes: only have to monitor for symptoms.
 - iii. Associated teachers, students, and bus driver who WERE within 6 ft of Student A for 10 or more minutes: must self-isolate for 14 days.
 - iv. Associated parties are notified; all contact is memorialized for future reference.

- b. Teacher A tests positive for COVID-19:
 - i. Teacher A is in self-isolation for 10 days.
 - ii. Associated teachers, students, and other staff who were NOT within 6 ft of Teacher A for 10 or more minutes: only have to monitor for symptoms.
 - iii. Associated teachers, students, and other staff who WERE within 6 ft of Teacher A for 10 or more minutes: must self-isolate for 14 days.
 - iv. Associated parties are notified; all contact is memorialized for future reference.

- c. 2 positive tests within 14 days from the SAME Class/Bus:
 - i. School remains open; specific location deep-cleaned.
 - ii. Students and staff in close contact of infected person are excluded from school for 14 days.
 - iii. Specific location MAY be shut down.

- d. 2 positive tests within 14 days from a DIFFERENT Class/Bus:
 - i. Specific locations are shut down and deep-cleaned.
 - ii. Students and staff in close contact of infected person are excluded from school for 14 days.
 - iii. School/District MAY be shut down for 14 days.
- e. Community Outbreak or Increase in Transmission Rates that places the community into the Very High Risk Range:
 - i. School/District is closed for 14 days.

Facilities Cleaning Practices

1. **In addition to existing cleaning and preventative maintenance protocols and procedures, the following actions will be in effect to mitigate the spread of infection:**
 - a. PPE will be available to ALL staff and students.
 - b. ALL classrooms, gathering spaces and main offices will have hand-sanitizing stations and/or sinks for hand-washing.
 - c. Daily, routine cleaning/disinfecting of high-contact surfaces will remain compliant with CDC guidelines.
 - d. Hallway bathrooms will be monitored/cleaned on an hourly basis.
 - e. Playground equipment will be monitored/cleaned on an hourly basis.
 - f. ALL classrooms will be deep-cleaned and disinfected once staff and students have left the building.
 - g. HVAC systems have been configured to maximize the reduction of cross-contamination and will be monitored throughout the day/evening.
 - h. ALL cafeterias and eating spaces will be disinfected after every scheduled lunch and before the next session begins.

Meals

1. **Scheduled lunches in the cafeterias and other large areas where ALL students will be at least 6 feet apart from others will be staggered to allow enough time to properly clean between sessions.**

- 2. ALL meals will be of the grab-n-go variety. Family style, self and buffet services have been discontinued.**
- 3. ALL students will be at least 6 feet apart from others when eating or drinking.**
- 4. ALL students will wash/sanitize hands BEFORE and AFTER:**
 - a. Lunch/Recess.
 - b. Scheduled snack time.
- 5. Other protocols to mitigate the risk of infection:**
 - a. NO food in the classrooms as a general rule.
 - b. Use other large areas/outdoors when possible.
 - c. Possible parent volunteers to assist in supervision.
 - d. Additional staff will be available to assist in cleaning/transitions.
 - e. NO in-class celebrations with food.
 - f. NO food sharing.

Recess/Physical Education/Music/Choir

- 1. Scheduled recess, other outdoor activities and music/choir classes will be staggered to allow enough time to properly clean between sessions:**
 - a. Appropriate signage, tape, flags, and cones will be utilized to maintain social distancing whenever possible.
 - b. Playground equipment will be monitored/cleaned on an hourly basis.
- 2. ALL students will wash/sanitize hands AFTER:**
 - a. Recess.
 - b. PE class or outdoor playtime.
 - c. Before or after using an instrument or microphone.

3. **Scheduled playground time and other outdoor activities will be staggered to allow enough time to properly clean between sessions and maintain social distancing whenever possible.**
4. **Staff and students are NOT permitted to use ANY hallway or gym locker.**
5. **Sharing of equipment will be minimized:**
 - a. The sharing of items between students will be limited as much as possible. If the items must be shared (due to the limited number of manipulatives/toys in the gym), then ONLY 2 students may share an item at the same time.
 - b. Once a student (or 2 students) are finished with that item, it either gets properly cleaned/disinfected or placed out of circulation and into a rubber container.
 - c. Night custodians will fill each container with a disinfecting solution where items will soak for hours. All items will then be dried and before the start of the next day, teachers will place all items back into circulation.

6. Specific Areas for Students

- a. Each cohort of students will travel and remain together.
- b. When appropriate, the PE/Health/Music/Choir teacher will move from room to room.
- c. When possible, specific cohorts of students will NOT be occupying the same space, at the same time, as another cohort.

Extra-curricular Activities and Use of Facilities Outside School Hours

1. **Students participating in extra-curricular activities will adhere to the following:**
 - a. Face coverings will be worn at all times.
 - b. Social distancing will occur as much as possible.
 - c. Groups and clubs will meet in larger areas that allow for more social distancing.
 - d. When necessary, students will wash/sanitize hands before and after an activity.

- e. During the pandemic, NO field trips will be scheduled.
- f. During the pandemic, NO Middle Sports will be scheduled.
- g. During the pandemic, NO after-school busing will be available.

2. Use of facilities by outside organizations:

- a. The use of District facilities by outside organizations will be EXTREMELY LIMITED during the pandemic.
- b. ANY outside organization using District facilities will adhere to, and sign-off on, ALL protocols and procedures designed to mitigate the risk of infection.

Social Emotional Learning

1. To coincide with the protection of physical health and safety, the following actions address how the District will support the social and emotional needs of our staff and students:

- a. During the first four in-service days (all before the official start of school), meaningful opportunities will be scheduled for staff, students and parents to receive vital information, supplies, PPE, and support.
- b. All staff and students will complete a social and emotional health self-assessment that will identify the level of assistance that will be required on an individual basis.
- c. In the beginning of the school year, guidance counselors and other certified staff will initiate contact and schedule regular “check-ins” with students and staff in need of assistance. As a result of those interactions, additional counseling services will be schedules as needed.
- d. In the beginning of the school year, staff will spend quality time with students in reviewing the new protocols and procedures that will be associated with the 2020-2021 school year.
- e. Parents and guardians will be encouraged to review the information at home and immediately inform school officials if they witness any child experiencing a sign of social or emotional stress.
- f. Teachers will share age-appropriate literature, videos, media and/or social stories with students to reduce student anxiety and feelings of isolation.
- g. Classroom and/or building-level reward systems will be initiated to assist students in their transitions back to school.

- h. Amygdala stations, sensory paths, calming corners, and the like will be created and maintained whenever possible to assist students in their transitions back to school.
- i. Throughout the entire school year (both in-person and remote), our Resiliency Team will actively support all services and activities and will continue to become educated with contemporary paradigms and research-based pedagogies.
- j. Information on available community services (food banks, counseling, Perform Care, medical care, etc.) will be provided and accessible on the District website.

Multi-Tiered Systems of Support (MTSS)

1. To coincide with the protection of the physical, emotional and social health of our staff and students, the following actions address how the District will continue to support their academic needs:

- a. I&RS (Intervention and Referral Services)
 - i. Activities that best assist working parents.
 - ii. Expectations that best address behavior issues.
 - iii. Instructional activities targeted to address the learning gaps created from COVID-19.
- b. Basic Skills Instruction
 - i. Improve the consistency of the monitoring and communication of academic progress.
 - ii. Increase access to manipulatives.
 - iii. Use of larger spaces, more 1:1 and small group targeted instruction.
 - iv. Reassignment of teachers to reduce overall class size.
- c. Gifted and Talented
 - i. Students will participate in similar projects and activities: however, in-person competitions will NOT be scheduled.

- ii. Additional assignments and programs will be implemented to reduce the level of boredom for remote learners.

Wraparound Supports

1. **To coincide with the school-based services, wraparound services help to better address the academic, behavioral, and social-emotional needs of our students. To that end:**
 - a. Increased communication with wrap-around services will be actualized and allow for better coordination and economies of scale; ultimately improving access to the available academic, behavioral, social, and health services in Cape May County.

Food Service and Distribution

1. **ALL meals will remain in compliance with the regulations set-forth by the Departments of Agriculture and Health.**
2. **Lunch and breakfast will continue to be available for ALL students in need; based upon the eligibility standards established by State and Federal officials.**

Quality Child Care

1. **To further assist our families during the pandemic, the following actions address how the District will continue to support child care challenges:**
 - a. KEYS (before/aftercare program) WILL operate on the days when in-person instruction will be delivered (Monday, Tuesday, Thursday and Friday).
 - i. AM KEYS will operate from 7 - 9 AM.
 - ii. PM KEYS will operate from 3:45 – 5:30 PM.
 - iii. Daily KEYS will be available for the students who are scheduled for in-person school ON THAT DAY.
 - iv. Activities will occur in the larger spaces of the building that allows more opportunities for social distancing.
 - v. Activities will be planned outdoors as much as possible.
 - vi. ALL staff and students will be wearing face coverings while participating in KEYS.

LEADERSHIP AND PLANNING

Scheduling

- 1. The UTSD will return to school on September 10, 2020 and will operate on the following Hybrid Schedule:**
 - a. Monday and Tuesday
 - i. Eagles will participate in In-Person Learning.
 - ii. Phillies will participate in Remote Learning.
 - iii. Ospreys will participate in E-Learning.
 - b. Wednesday
 - i. ALL COHORTS will participate in E-Learning.
 - c. Thursday and Friday
 - i. Phillies will participate in In-Person Learning.
 - ii. Eagles will participate in Remote Learning.
 - iii. Ospreys will participate in E-Learning.
 - d. Remote and E-Learning will consist of a combination of live instruction, pre-recorded lessons, 1:1 or small group Zooms, student collaboration and independent study/reading/practicing.
- 2. The UTSD Return to Learn Re-opening Plan accounts for any transitions to or from the following instructional formats:**
 - a. Full In-Person Learning: 5 full days of traditional schooling.
 - b. Hybrid Learning:
 - i. 2 full days of traditional schooling.
 - ii. 3 full days of remote schooling.
 - c. All-Virtual Learning; 5 full days of remote schooling.
- 3. During in-person learning, cohorts of students will remain together and move only when necessary to mitigate the risk of infection; teachers will be the ones primarily moving from room to room.**
- 4. Class sizes for in-person learning will range from 8-13 students, with the use of face coverings and maintaining social distancing as much as humanly possible.**

5. **Class sizes for remote learning will range from 8-13 students and will have either the same in-person teacher or another grade-level teacher providing instruction.**
 - a. 1:1 and Small Group Zooms will occur on a daily basis.
6. **Class sizes for E-Learning will range from 12-25 students and each class will be assigned at least one teacher (MS students will have multiple teachers that are Highly Qualified).**
 - a. 1:1 and Small Group Zooms will occur on a daily basis.
7. **Daily attendance will be taken and recorded for ALL cohorts.**
8. **Students testing positive for COVID-19 or in self-isolation protocol will be able to continue their education remotely before returning to in-person school.**

Staffing

1. **In order for schools to open under any conditions, the following modifications have been made regarding staffing:**
 - a. Staff members at a higher risk of infection have been given the option to work as All-Virtual teachers.
 - b. In-person and Remote teachers will provide instruction, on campus, 5 days a week. All-Virtual teachers may or may not provide instruction from on campus.
 - c. Some staff members have been reassigned in order to reduce class size and allow students to maintain social distancing.
 - i. ALL teachers will be provided with the necessary time, tools and training associated with new assignments.
 - d. ALL staff will be provided with the necessary PPE and supplies.
 - e. ALL staff will receive 4 days of in-service, prior to the official start of school, to achieve the following:
 - i. Receive updated information regarding the 2020-2021 school year.
 - ii. Meet and greet their new students and families (1:1).
 - iii. Participate in mandatory PD and training.
 - iv. Classroom set-ups.
 - v. Receive any necessary PPE, technology, or materials.

POLICY AND FUNDING

Purchasing

- 1. In order to reap the benefits of economies of scale and bulk-purchasing, the District has partnered with many vendors who possess state contracts and/or participate in purchasing consortiums to provide the lowest possible pricing.**
- 2. The COVID-19 pandemic has created additional financial burden in the following areas of operations:**
 - a. Instruction.
 - b. Special Education and Related Student Services.
 - c. Facilities.
 - d. Cleaning Supplies and Equipment.
 - e. Staffing.
 - f. Technology.
 - g. Transportation.
- 3. In order to return to school in a safe and healthy manner, the following items were purchased as a direct result of the COVID-19 Pandemic:**
 - a. Cloth and disposable masks for staff and students.
 - b. Face shields.
 - c. Disposable gloves.
 - d. Touchless thermometers.
 - e. Plexiglass dividers.
 - f. Hand-sanitizing stations and solutions.
 - g. Hand-washing stations and solutions.
 - h. Cleaning/Disinfecting equipment, supplies and materials.
 - i. Signage:

- i. Names of teachers/rooms.
- ii. Social Distancing.
- iii. Hand-washing.
- iv. Face coverings.
- v. Traffic flow.

Use of Reserve Accounts, Transfers, and Cashflow

1. The UTSD is considering the use of Reserve Accounts, Transfers, and Cashflow to meet the unanticipated expenses associated with COVID-19.
2. Before ANY withdrawal is made, ALL proper approvals from the Commissioner and/or NJDOE will be received and memorialized.

Costs and Contracting

1. The UTSD will explore all options for participating in the Federal E-Rate program and/or other cooperative contracts available from the State of the New Jersey, NJSBA and various County programs.

Elementary and Secondary School Emergency Relief Fund

1. To ease the financial burden on schools, the NJDOE has leveraged existing and pending federal and state legislation, regulations, and guidance to predict the potential impact on districts and provide targeted assistance. Resources that may be available to schools include:
 - a. The federal “Coronavirus Aid, Relief, and Economic Security” (CARES) Act.
 - b. The Elementary and Secondary School Emergency Relief (ESSER) Fund.
 - c. The Federal Emergency Management Agency (FEMA).
2. The UTSD has been awarded \$117,000 of CARES money that will be used to purchase hardware, software, PPE and/or additional cleaning supplies.
3. The UTSD will make application to FEMA for potential, qualified financial reimbursements.

State School Aid

- 1. The UTSD continues to lose State Aid that will ultimately reconfigure the District over the next 4 years.**

Policy

- 1. Policy 1648: Restart and Recovery Plan will contain edits to the following (see Appendix I):**
 - Transportation.
 - Student Attendance, Dress Code, Homework and Assignments, and Grading.
 - Screening, Personal Protective Equipment (PPE) and Response to Students and Staff Presenting Symptoms.
 - Facilities Cleaning Practices.
 - Wraparound Support Services.
 - Contact Tracing.
 - Scheduling.
 - Staffing.
 - School Funding.
 - Special Education and Related Services.
 - Professional Learning.
 - Career and Technical Education (CTE).
- 2. Policy 1649: Federal Families First Coronavirus (COVID-19) Response Act (see Appendix I):**

Continuity of Learning

Special Education and Related Services

1. **To further assist our special education population, the following actions address how the District will continue to support their educational needs:**
 - a. Necessary evaluations and levels of risk/needs will be prioritized during the pandemic.
 - b. More in-person delivery of services will occur when possible.
 - c. Accommodations will be made for at-risk students not able to wear face coverings.
 - d. Plexiglass dividers will be installed for the delivery of Speech/PT/OT.
 - e. More individual desks will be utilized and less tables when possible.
 - f. Cleaning time for materials will occur OUTSIDE of instructional minutes.
 - g. All necessary PPE and signage will be available.
 - h. Additional modifications and oversight will occur more frequently.
 - i. A better balance between instructional time and intervention will be scheduled and implemented.
 - j. When necessary, virtual benchmarks will be administered and evaluated.
 - k. Information on available community services (food banks, counseling, Perform Care, medical care, etc.) will be provided and accessible on the District website.

Digital Divide: Technology and Connectivity

1. **Regardless of option, ALL STUDENTS will receive a district-owned device/charger/bag to be used for the entire 2020-2021 school year:**
 - a. By way of survey, the District identified those families in need of connectivity and/or devices and accessories.
 - b. The District will provide district-owned devices to ALL students on September 2,3,8 and 9 and prior to the start of school on September 10.

- c. The District has partnered with Comcast to ensure that all internet and WIFI services will be operational for the entire 2020-2021 school year.
- d. To ensure that all devices and remote services remain operational for the entire 2020-2021 school year, teachers and District Technicians will monitor and troubleshoot issues on a daily basis.
- e. By way of survey, the District identified those families in need of connectivity and/or devices and accessories.

Curriculum, Instruction, and Assessments

1. Regardless of option, ALL STUDENTS will receive a robust, high-quality education that is based in equity, standards and research-based instruction that includes:

- a. Plans for Full In-Person/Hybrid/Full Virtual Instruction.
- b. Parent orientations/trainings.
- c. Student orientations/trainings.
- d. Best practices for virtual learning.
- e. Equity in homework/assignments/grading.
- f. Strategies for filling in the gaps due to COVID-19.
- g. Social/Emotional learning in a virtual world.
- h. Synchronous and Asynchronous learning opportunities.

Professional Learning

1. The following measures will be put into effect and addressed during the 2020-2021 school year to promote the advancement of our teachers and their instructional practices:

- a. Teachers will have options to select various professional development opportunities.
- b. PLCs will be scheduled for Zooms.
- c. A regular calendar of meetings will be scheduled.

- d. Trainings will be available regarding online instruction.
- e. Access will be given to rooms during virtual instruction.
- f. PD to support PES needs of staff and students will be scheduled.

Career and Technical Education (CTE)

- 1. Opportunities for career and technical education will be maintained for students, staff and families.**

Appendix I

Policy Revisions

Policy 1648: RESTART AND RECOVERY PLAN

On June 26, 2020, the New Jersey Department of Education (NJDOE) published “The Road Back - Restart and Recovery Plan for Education” (Guidance), a guidance document for reopening New Jersey schools during the COVID-19 pandemic. The Guidance provided school officials with the information necessary to ensure that schools reopen safely and are prepared to accommodate staff and students’ unique needs during these unprecedented times. The NJDOE required school districts in the State to develop, in collaboration with community stakeholders, a “Restart and Recovery Plan” (Plan) to reopen schools that best fits the district’s local needs.

The Guidance requires the Board of Education to adopt certain policies and the Board adopts Policy 1648 to address those policy requirements in the Guidance. Policy 1648 shall only be effective through the current COVID-19 pandemic and will take precedence over any existing Policy on the same or similar subject, unless determined otherwise by the Superintendent.

A. NJDOE Guidance: Key Subject Area 1 (Conditions for Learning)

1. Transportation:

- a. Regardless of social distancing, ALL students will be required to wear a face covering when on a school bus or on any other District-owned vehicle.
 - (1) Accommodations for students who are unable to wear a face covering will be addressed according to that student's particular need and in accordance with all applicable laws and regulations.
- b. The District shall use best practices for cleaning and disinfecting school buses and other District-owned vehicles which include:
 - (1) ALL buses and District-owned vehicles will be deep-cleaned after the last run of the day.
 - (2) ALL buses and District-owned vehicles will be sprayed/wiped after every run when possible.
 - (3) ALL cleaning supplies and products will meet all DOH/CDC/NJDOE codes and percentages.
- c. District-employed school bus drivers and aides shall practice all safety actions and protocols as indicated for other school staff.

- d. If the school district is using contracted transportation services, the contractor shall ensure that ALL District safety actions and protocols are followed by the contractor and its employees and/or representatives.
2. Screening, Personal Protective Equipment (PPE), and Response to Students and Staff Presenting Symptoms:
- a. ALL students, staff and visitors will be required to wear face coverings ALL day except:
 - (1) When doing so would inhibit the individual's health or safety.
 - (2) The individual is in extreme heat outdoors or in water.
 - (3) When stated in an IEP that a student is not able to wear a face covering.
 - (4) During scheduled, supervised breaks and at least 6 feet apart from others.
 - (5) In PK/K classes: (unlikely 3-5 year-olds can wear them ALL DAY).
 - (6) When eating or drinking.
 - (7) When participating in high-intensity aerobic or anaerobic activity.
 - (8) When playing an instrument that would be obstructed by the face covering.
 - b. When a student or staff member presents ANY SYMPTOM on the checklist:
 - (1) If seen and cleared by a doctor, person can return to school after 24 fever-free hours (without medication) AND without symptoms.
 - (2) If unable to see a doctor, person is self-isolated for 10 days and can return to school if the last 24 hours are fever-free (without medication) AND the person is not presenting any other symptoms.
 - c. The Cape May County Department of Health, appropriate staff and families will be immediately notified in the event that an individual tests positive for COVID-19. Such communication will be memorialized and available for future reference and/or contact tracing.
 - d. If a student or staff member presents any symptoms of COVID-19 while at school, they will be escorted to one of the supervised isolation rooms and properly cared for until transportation has been secured.

- e. To assist in contact tracing, the following protocols will be in effect:
 - (1) Students will be grouped and remain in cohorts for as much of the day as possible.
 - (2) Both the nurse's office and isolation rooms will be supervised at all times; each containing an official ledger that memorializes all events and associated details.
- f. Once a student and staff member arrive to school symptom free, they will follow normal protocols for monitoring any signs of sickness. If a person is presenting any symptom associated with COVID-19, the related protocols are immediately enacted.
- g. In compliance with all DOH/CDC/NJDOE guidance, a student or staff member who **TESTED POSITIVE for COVID-19** will be readmitted to school under the following conditions:
 - (1) After 10 days of self-isolation with the last 24 hours fever-free (without medications) AND not presenting any associated symptoms.
- h. In compliance with all DOH/CDC/NJDOE guidance, a student or staff member who **PRESENTS COVID-19 SYMPTOMS (NOT TESTED)** will be readmitted to school under the following conditions:
 - (1) After 14 days of self-isolation with the last 24 hours fever-free (without medications) AND not presenting any associated symptoms.
- i. In compliance with all DOH/CDC/NJDOE guidance, a student or staff member who **TESTED NEGATIVE for COVID-19** will be readmitted to school under the following conditions:
 - (1) Symptomatic: After 3 days of self-isolation AFTER symptoms go away with the last 24 hours fever-free (without medications) AND not presenting any associated symptoms.
 - (2) Asymptomatic (no COVID-19 in the home): NO self-isolation is needed.
 - (3) Asymptomatic (COVID-19 in Household or Close Contact): after 14 days of self-isolation beginning from the last known exposure with the person who tested positive for COVID-19. IF, a person becomes infected from a household member or close contact, the 14 day self-

isolation period begins AFTER the self-isolation ENDS for the household member or close contact.

- j. In compliance with all DOH/CDC/NJDOE guidance, a student or staff member that has recently been in **CLOSE CONTACT** with someone who has tested positive for COVID-19 will be readmitted to school under the following conditions;
 - (1) After 14 days of self-isolation with the last 24 hours fever-free (without medications) AND not presenting any associated symptoms.
- k. In compliance with all DOH/CDC/NJDOE guidance, a student or staff member that has recently **TRAVELED** to a “hot-spot,” will be readmitted to school under the following conditions:
 - (1) After 14 days of self-isolation with the last 24 hours fever-free (without medications) AND not presenting any associated symptoms.
- l. Parent Support and Assistance for Monitoring:
 - (1) Parents and guardians will be responsible for completing and submitting the daily self-assessment (for EACH child) that monitors for symptoms of COVID-19. If a child presents ANY symptom, he or she will not be permitted to ride the bus or enter school without the proper medical attention and clearance.

3. Facilities Cleaning Practices:

- a. In addition to existing cleaning and preventative maintenance protocols and procedures, the following actions will be in effect to mitigate the spread of infection:
 - (1) PPE will be available to ALL staff and students.
 - (2) ALL classrooms, gathering spaces and main offices have hand-sanitizing stations and/or sinks for hand-washing.
 - (3) Daily, routine cleaning/disinfecting of high-contact surfaces will remain compliant with CDC guidelines.
 - (4) Hallway bathrooms will be monitored/cleaned on an hourly basis.
 - (5) Playground equipment will be monitored/cleaned on an hourly basis.

- (6) ALL classrooms will be deep-cleaned and disinfected once staff and students have left the building.
 - (7) HVAC systems have been configured to maximize the reduction of cross-contamination and will be monitored throughout the day/evening.
 - (8) ALL cafeterias and eating spaces will be disinfected after every scheduled lunch and before the next session begins.
- b. The District will continue to adhere to the existing, required facilities cleaning practices and procedures AND will incorporate any new requirements issued by State or local officials.
 - c. A procedure manual will be developed to establish cleaning and disinfecting schedules for schools and school equipment, targeted areas to be cleaned, and methods and materials to be used.

4. Wraparound Supports:

- a. The District's approach to student mental health support services will be impacted by the learning environment in place at the beginning of the school year. If in-person instruction is not feasible, the district will find other ways to assess and monitor students' mental health.

5. Contact Tracing:

- a. Upon notification that a resident has tested positive for COVID-19, the local health department will call the District to determine close contacts to whom they may have spread the virus; being within six feet for a period of at least ten minutes.
- b. The District shall assist the local health department in conducting contact tracing activities, including ongoing communication with the identified individual and/or their contacts.
- c. The District shall ensure adequate information and training is provided to the staff as necessary to enable them to carry out the responsibilities assigned to them.
- d. A staff liaison(s) shall be designated by the Superintendent or designee and shall be responsible for providing notifications and carrying out other components that could help ensure notifications are distributed in a prompt and responsible manner.

- e. The District shall allow staff, students, and families to self-report symptoms and/or suspected exposure.

B. NJDOE Guidance: Key Subject Area 2 (Leadership and Planning)

1. Scheduling:

- a. The District's Plan accounts for resuming in-person instruction and provides the steps to shift back to virtual learning models if circumstances change and in-person instruction guidelines can no longer be followed.
- b. The District's Plan accommodates opportunities for both synchronous and asynchronous instruction, while ensuring the requirements for a 180-day school year are met.
- c. The District recognizes special populations will require unique considerations to ensure the continuity of learning as well as the health and safety of students and staff within the least restrictive environment.

(1) Special Education and English Language Learners (ELL).

- i. The District shall provide educators with professional development to best utilize the accessibility features and accommodations tools made available through technology-based formats in accordance with this Policy.
- ii. The District shall continue to ensure students receive individualized supports that meet the requirements of the IEP and 504 Plans.

2. Staffing:

- a. The District shall comply with all applicable employment laws when making staffing and scheduling requirements, including, but not limited to, the Americans Disabilities Act (ADA), the Health Insurance Portability and Accountability Act (HIPPA), and all applicable State laws.
- b. As District adjusts schedules, teaching staff members must maintain quality instruction for students pursuant to the minimum requirements set forth in NJDOE regulation.

C. NJDOE Guidance: Key Subject Area 3 (Policy and Funding)

1. School Funding:

a. Purchasing

- (1) The District may likely need to purchase items not needed in the past and may experience increased demand for previously purchased goods and services to implement the Plan. The District shall continue to comply with the provisions of the “Public School Contracts Law”, N.J.S.A. 18A:18A-1 et seq.

b. Use of Reserve Accounts, Transfers, and Cashflow

- (1) The District shall apply for the approval from the Commissioner of Education, prior to performing certain budget actions, such as withdrawing from the emergency reserve account or making transfers that cumulatively exceed ten percent of the amount originally budgeted.

c. Costs and Contracting

- (1) The District shall follow all New Jersey State laws and regulations applicable to local school districts for purchasing when procuring devices and connectivity or any technology related item.

D. NJDOE Guidance: Key Subject Area 4 (Continuity of Learning)

1. Ensuring the Delivery of Special Education and Related Services to Students with Disabilities:

- a. The District shall continue to meet their obligations to students with disabilities to the greatest extent possible.

2. Professional Learning:

- a. The District shall prepare and support teaching staff members in meeting the social, emotional, health, and academic needs of all students throughout the implementation of the Plan.

- (1) The District shall grow each teaching staff member’s professional capacity to deliver developmentally appropriate standards-based instruction remotely; when necessary.

3. Mentoring and Induction:

- a. The school district shall ensure:
 - (1) All novice and provisional teachers new to the District be provided induction information and materials.
 - (2) One-to-one mentoring will be provided to novice and provisional teachers by qualified mentors.
 - (3) Mentors will provide sufficient support and guidance to novice and provisional teachers working in a remote environment;
 - (4) Mentoring is provided in both hybrid and fully remote learning environments. Mentors and provisional teachers will agree upon the scheduling, structure, and communication strategies to be used to maintain the mentoring experience.
 - (5) The use of online collaborative tools for school staff to remain connected to other mentors, new teachers, and administrators to maintain a sense of communal support will be implemented.

4. Evaluation:

- a. The District has considered the requirements and best practices with provisional status teachers, non-tenured educators, and those on Corrective Action Plans: including extra observations and multiple observers to ensure more frequent feedback and face-to-face dialogue.

5. Career and Technical Education (CTE)

- a. The District shall implement innovative learning models for new learning environments regarding CTE.
- b. The District shall ensure students have access to appropriate industry-recognized, high-value credentials.
- c. The District will ensure students are provided the opportunity to participate in safe work-based learning, either remotely (simulations, virtual tours, etc.) or in-person.

Policy 1649:

FEDERAL FAMILIES FIRST CORONAVIRUS (COVID-19) RESPONSE ACT

The Federal Families First Coronavirus (COVID-19) Response Act (FFCRA) includes the Emergency Family and Medical Leave Expansion Act (EFMLEA) and the Emergency Paid Sick Leave Act (EPSLA). The EFMLEA expands the Federal Family and Medical Leave Act (FMLA) and the EPSLA provides employees with paid sick leave for specified reasons related to COVID-19.

The provisions of the FFCRA shall apply from April 1, 2020 through December 31, 2020.

A. Emergency Family and Medical Leave Expansion Act (EFMLEA)

1. Definitions - For the purposes of the EFMLEA:

- a. “Eligible employee” means an employee who has been employed for at least thirty calendar days by the employer with respect to whom leave is requested.
- b. “Employer” means any employer with fewer than five hundred employees.
- c. “Qualifying need related to a public health emergency” means with respect to leave, the employee is unable to work (or telework) due to a need for leave to care for the son or daughter under eighteen years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.
- d. “Public Health Emergency” means an emergency with respect to COVID–19 declared by a Federal, State, or local authority.
- e. “Child care provider” means a provider who receives compensation for providing child care services on a regular basis, including an ‘eligible child care provider’ (as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n)).

- f. "School" means an 'elementary school' or 'secondary school' as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

2. Relationship to Paid EFMLEA Leave

The FFCRA includes the Emergency Family and Medical Leave Expansion Act (EFMLEA) that amended the Federal Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq. to provide leave to an eligible employee because of a qualifying need related to a public health emergency with respect to COVID-19 - (U.S.C. 2612(a)(1)(F)).

a. Leave for Initial 10 (ten) Days

- (1) The first 10 days of this FMLA leave for an eligible employee shall be **UNPAID**.
- (2) If the first 10 days of this FMLA leave are unpaid, an employee may elect to substitute any accrued vacation leave, personal leave, or emergency paid sick leave provided by the EPSLA for the initial ten days under the EFMLEA in accordance with 29 U.S.C. 2612(d)(2)(B).
- (3) An employee may not use sick leave under N.J.S.A. 18A:30-1 for a qualifying need related to a public health emergency. However, an employee receiving sick leave under the provisions of N.J.S.A.18A:30-1 may only use sick leave because of personal disability due to illness or injury, or because the employee has been excluded from school by the school district's medical authorities on account of contagious disease or of being quarantined for such a disease in his or her immediate household.

b. Paid Leave for Subsequent Days

- (1) An employer shall provide paid leave for each day of leave under the EFMLEA that an employee takes after taking such leave for 10 days.
- (2) The paid leave for an employee shall be calculated based on:
 - (a) An amount that is not less than two-thirds of an employee's regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)); and

- (b) The number of hours the employee would otherwise be normally scheduled to work (or the number of hours calculated under A.2.(b)(4) below).
- (3) In no event shall such paid leave exceed \$200.00 per day and \$10,000.00 in the aggregate.
- (4) Varying Schedule Hours Calculation: In the case of an employee whose schedule varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken leave under the EFMLEA, the employer shall use the following in place of such number:
 - (a) Subject to A.2.b.(4)(b) below, a number equal to the average number of hours that the employee was scheduled per day over the six-month period ending on the date on which the employee takes such leave, including hours for which the employee took leave of any type.
 - (b) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

c. Employee Notice to Employer

- (1) In any case where the necessity for leave under the EFMLEA for the purpose of a qualifying need related to a public health emergency is foreseeable, an employee shall provide the employer with such notice of leave as is practicable.
 - (a) A request for such leave that is foreseeable shall be submitted to the Superintendent prior to commencing the leave.
 - (b) A need for such leave that is not foreseeable shall be submitted to the Superintendent within one business day of the first day of the leave being taken by the employee.
 - (c) The employee shall provide to the Superintendent the name of the employee's child, the name of the school, place of care, or child care provider that has closed or

become unavailable, and a statement that no other suitable person is available to care for the child.

d. Restoration to Position

- (1) The employee shall be restored to the same or equivalent position held by the employee when the leave commenced pursuant to 29 CFR 825.214. The requirement to restore the employee to the same or equivalent position held when the leave commenced does not apply to an employer who employs fewer than twenty-five employees if all four of the following conditions are met:
 - (a) The employee takes leave under the EFMLEA.
 - (b) The position held by the employee when the leave commenced does not exist due to economic conditions or other changes in operating conditions of the employer:
 - i. That affect employment; and
 - ii. Are caused by a public health emergency during the period of leave.
 - (c) The employer makes reasonable efforts to restore the employee to a position equivalent to the position the employee held when the leave commenced with equivalent employment benefits, pay, and other terms and conditions of employment.
 - (d) If the reasonable efforts of the employer under A.2.d.(1)(c) above fail, the employer makes reasonable efforts during the period described in A.2.d.(2) below to contact the employee if an equivalent position described in A.2.d.(1)(c) above becomes available.
- (2) Contact Period
 - (a) The period described under A.2.d. above is the one-year period beginning on the earlier of:
 - i. The date on which the qualifying need related to a public health emergency concludes; or

- ii. The date that is twelve weeks after the date on which the employee's leave under the EFMLEA commences.

B. Emergency Paid Sick Leave Act (EPSLA)

The FFCRA includes the EPSLA, which provides paid sick time to an employee to the extent the employee is unable to work or (telework) due to a need related to COVID-19. The paid sick time provided by the EPSLA and outlined in B.1. below cannot be taken with any other paid leave time provided by the employer.

1. Definitions

a. For purposes of the EPSLA and this Policy:

(1) "Employee" means an individual who is employed by a private employer with fewer than five hundred employees and public employers with at least one employee.

(2) "Employer" means a private person or entity that employs fewer than five hundred employees and public employers that employ at least one employee.

(a) "Covered employer" includes any person engaged in commerce or in any industry or activity affecting commerce that:

- i. In the case of a private entity or individual, employs fewer than five hundred employees; and
- ii. In the case of a public agency or any other entity that is not a private entity or individual, employs one or more employees.

(b) "Covered employer" also includes:

- i. Any person acting directly or indirectly in the interest of an employer in relation to an employee (within the meaning of such phrase in section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(d)); and

- ii. Any successor in interest of an employer; and any “public agency”, as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).
 - (c) “Covered employer” also includes any “public agency” as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).
- (3) “Employ” and “State” have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).
- (4) “Health care provider” and “son or daughter” have the meanings given such terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).
- (5) “Paid sick time” means an increment of compensated leave that:
- (a) Is provided by an employer for use during an absence from employment for a reason described in any paragraph of B.2.a. below; and
 - (b) Is calculated based on the employee’s required compensation under B.1.a.(6) below and the number of hours the employee would otherwise be normally scheduled to work (or the number of hours calculated under (B.1.a.(7) below), except that in no event shall such paid sick time exceed:
 - i. \$511.00 per day and \$5,110.00 in the aggregate for a use described in B.2.a.(1), (2), or (3) below; and
 - ii. \$200.00 per day and \$2,000.00 in the aggregate for a use described in B.2.a.(4), (5), or (6) below.
- (6) “Required Compensation” subject to B.1.a.(5)(b) above, the employee’s “required compensation” shall be not less than the greater of the following:
- (a) The employee’s regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)).

- (b) The minimum wage rate in effect under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).
- (c) The minimum wage rate in effect for such employee in the applicable State or locality, whichever is greater, in which the employee is employed.

Subject to B.1.a.(5)(b) above, with respect to any paid sick time provided for any use described in B.2.a.(4), (5), or (6) below, the employee's required compensation shall be two-thirds of the amount described in B.1.a.(6) above.

- (7) "Varying Schedule Hours Calculation" means in the case of a part-time employee described in B.3.b.(2) below whose schedule varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken paid sick time under B.2.a. below, the employer shall use the following in place of such number:
 - (a) Subject to clause B.1.a.(7)(b) below, a number equal to the average number of hours that the employee was scheduled per day over the six-month period ending on the date on which the employee takes the paid sick time, including hours for which the employee took leave of any type.
 - (b) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

2. Paid Sick Leave Requirement

- a. An employer shall provide to each employee employed by the employer paid sick time to the extent that the employee is unable to work (or telework) due to a need for leave because:
 - (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
 - (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

- (3) The employee is experiencing symptoms of COVID–19 and seeking a medical diagnosis.
- (4) The employee is caring for an individual who is subject to an order as described in B.2.a.(1) above or has been advised as described in B.2.a.(2) above.
- (5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID–19 precautions.
- (6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

3. Duration of Paid Sick Time

- a. An employee shall be entitled to paid sick time for an amount of hours determined under B.3.b. below.
- b. The amount of hours of paid sick time to which an employee is entitled shall be as follows:
 - (1) For full-time employees, eighty hours.
 - (2) For part-time employees, a number of hours equal to the number of hours that such employee works, on average, over a two-week period.
- c. Paid sick time under the EPSLA shall not carry over from one year to the next.

4. Employer's Termination of Paid Sick Time

- a. Paid sick time provided to an employee under the EPSLA shall cease beginning with the employee's next scheduled work shift immediately following the termination of the need for paid sick time under B.2.a. above.

5. Prohibition
 - a. An employer may not require, as a condition of providing paid sick time under the EPSLA, that the employee involved search for or find a replacement employee to cover the hours during which the employee is using paid sick time.
6. Use of Paid Sick Time
 - a. The paid sick time under B.2.a. above shall be available for immediate use by the employee for the purposes described in the EPSLA, regardless of how long the employee has been employed by an employer.
 - b. Sequencing Leave Time
 - (1) An employee may first use the paid sick time under B.2.a. above for the purposes described in the EPSLA.
 - (2) An employer may not require an employee to use other paid leave provided by the employer to the employee before the employee uses the paid sick time under B.2.a. above.
7. Notice
 - a. Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Secretary of Labor, of the requirements described in the EPSLA.
 - b. Not later than seven days after the date of enactment of this Act, the Secretary of Labor shall make publicly available a model of a notice that meets the requirements of B.7.a. above.
8. Prohibited Acts
 - a. It shall be unlawful for any employer to discharge, discipline, or in any other manner discriminate against any employee who:
 - (1) Takes leave in accordance with the EPSLA; and
 - (2) Has filed any complaint or instituted or caused to be instituted any proceeding under or related to the EPSLA (including a proceeding that seeks enforcement of the EPSLA), or has testified or is about to testify in any such proceeding.

9. Enforcement

- a. Unpaid Sick Leave - An employer who violates B.2. through B.6. of this Policy shall:
- (1) Be considered to have failed to pay minimum wages in violation of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206); and
 - (2) Be subject to the penalties described in sections 16 and 17 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216; 217) with respect to such violation.
- b. Unlawful Termination - An employer who willfully violates B.8. above shall:
- (1) Be considered to be in violation of section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)); and
 - (2) Be subject to the penalties described in sections 16 and 17 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216; 217) with respect to such violation.

10. Rules of Construction

- a. Nothing in the EPSLA shall be construed:
- (1) To in any way diminish the rights or benefits that an employee is entitled to under any:
 - (a) Other Federal, State, or local law;
 - (b) Collective bargaining agreement; or
 - (c) Existing employer policy; or
 - (2) To require financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for paid sick time under the EPSLA that has not been used by such employee.

11. Guidelines

- a. Not later than fifteen days after the date of the enactment of the EPSLA, the Secretary of Labor shall issue guidelines to assist employers in calculating the amount of paid sick time under the EPSLA.

12. Reasonable Notice

- a. After the first workday (or portion thereof) an employee receives paid sick time under the EPSLA, an employer may require the employee to follow reasonable notice procedures in order to continue receiving such paid sick time.
- b. The request for such leave shall be submitted to the Superintendent, who may request documentation from the employee in support of the emergency paid sick leave.
- c. The documentation shall include a signed statement containing the following information: the employee's name; the date(s) for which leave is requested; the COVID-19 qualifying reason for leave; and a statement representing that the employee is unable to work or telework because of the COVID-19 qualifying reason.
- d. An employee requesting to take emergency paid sick leave under the EPSLA or the EFMLEA to care for his or her child must provide the following information: the name of the child being care for; the name of the school; place of care; or child care provider that closed or became unavailable due to COVID-19 reasons; and a statement representing that no other suitable person is available to care for the child during the period of requested leave.

13. Regulatory Authorities

- a. The Secretary of Labor shall have the authority to issue regulations for good cause under sections 553(b)(B) and 553(d)(A) of Title 5, United States Code:
 - (1) To exempt small businesses with fewer than fifty employees from the requirements of B.2.a.5. when the imposition of such requirements would jeopardize the viability of the business as a going concern; and
 - (2) As necessary, to carry out the purposes of the EPSLA, including to ensure consistency between the EPSLA and Division C and Division G of the FFCRA.