

RSD17 COVID-19 Policy and Regulations Addendum 2020-21

The Regional School District 17 Board of Education recognizes that the COVID-19 pandemic has prompted changes in laws, rules and guidance that both affect Board policy and school district operation, and require the Board and the administration of RSD 17 Schools to implement certain changes consistent with such laws, rules and guidance.

In light of these circumstances, it is the policy of the Board to provide for temporary amendments to certain existing Board policies and administrative regulations, and to enact or authorize Board policies and administrative regulations on new topics, to the extent appropriate and/or required by applicable laws, rules and guidance regarding the COVID-19 pandemic. Such amendments and additions are guided by the need to (1) safeguard the health and safety of students and staff while continuing to educate students in accordance with state law; (2) adhere to all applicable laws, rules and guidance; and (3) preserve flexibility for the Board and the Administration to account for further changes related to the COVID-19 pandemic. The changes or additions to current RSD17 policy language are highlight in red in this addendum.

The Board recognizes the importance of developing health and safety protocols to protect the health and safety of students, staff, and the community during the COVID-19 pandemic. Compliance with such protocols shall be mandatory for all individuals while on school property or participating in a school-sponsored activity, unless a legally recognized exemption or exception applies. Failure to comply with such health and safety protocols may lead to disciplinary action for students and staff, and exclusion from school property or the school-sponsored activity for members of the community, in accordance with applicable laws, rules, regulations, and/or Board policies.

The COVID-19 Policies and Regulations shall remain in effect up to and including June 30, 2021, unless otherwise noted in the individual policy or unless the Board or the Administration (as appropriate) shortens or extends the term of any COVID-19 Policy and Regulation through appropriate Board or administrative action. Absent any further Board or administrative action (as appropriate), effective July 1, 2021, the COVID-19 Policies and Regulations shall be repealed automatically and the Board's policies and administrative regulations in effect prior to the enactment of the COVID-19 Policies and Regulations shall be reinstated.

Legal References:

Connecticut General Statutes § 10-221

Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together, Connecticut State Department of Education (June 29, 2020)

Policy Regarding Green Cleaning Programs (Series 1000, new language)

Pursuant to subsection (a)(2)(A) of section 10-231g of the Connecticut General Statutes, any disinfectant, disinfecting cleaner, sanitizer or any other antimicrobial product approved by federal law may be used by the Regional School District No. 17 Board of Education.

Legal References:

“Guidance Regarding ‘Green Cleaning’ Requirements and Coronavirus/COVID 19,” Department of Administrative Services (March 5, 2020), available at <https://portal.ct.gov/-/media/>

Use of Schools Facilities (Series 1000, Policy #1330)

Due to the COVID-19 pandemic, the Superintendent may limit or restrict the use of school facilities by community and other groups based on the guidance of federal, state, and local health authorities and consistent with applicable law.

In order to use school district facilities, any organization or individual requesting such use must agree to abide by all health and safety protocols in place by the school district at the time of use, including but not limited to protocols relating to cleaning of the facilities, signage, and health screenings of individuals requesting access to the facilities.

Legal References:

“Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,” Connecticut State Department of Education (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>

Visitors in Schools (Series 1000 Policy #1250)

Upon arrival, all visitors must comply with any and all applicable building security procedures, including but not limited to utilizing security buzzers for access, complying with requests for photo identification, reporting directly to and signing in and out at the visitors’ reception area of the school office, prominently displaying visitors’ badges or other identification required for visitors to the school buildings, limiting access to those areas of the buildings and grounds for which the visitors/observers have authorized access, and complying with directives of school officials at all times. *All visitors permitted into school buildings or on school grounds must comply with all school health and safety protocols in place at the time, including any health screening protocols. Due to the COVID-19 pandemic, the Board may limit or restrict visitors based on the guidance of federal, state, and local health authorities*

Legal References:

“Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,” Connecticut State Department of Education (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>

Legal References:

“Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,” Connecticut State Department of Education (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>

School Volunteers, Student Interns and Other Non-Employees (Series 1000, Policies 1110.1 & 1212)

All school volunteers (including student interns or other non-employee working in the schools) must be approved in advance by the building principal or other administrative designee. The school district, acting through the appropriate building administrator or his/her designee, reserves the right to discontinue or disallow the services of any volunteer at any time at the discretion of the administration. *All volunteers must comply with all school health and safety protocols in place at the time, including any health screening protocols. Due to the COVID-19 pandemic, the Board may limit or restrict volunteers based on the guidance of federal, state, and local health authorities.*

Legal References:

“Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,” Connecticut State Department of Education (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>.

Student Attendance, Truancy and Chronic Absenteeism (Series 5000, Policy 5113)

The Board will comply with any and all guidance issued by the State Department of Education regarding attendance requirements, including during periods of hybrid/remote learning, and regarding attendance requirements of students who choose not to participate.

Additional changes to this policy may be necessary if additional guidance from the State Department of Education is released.

The first nine (9) days of absence will be excused upon receipt of a signed note from the student’s parent/guardian, a signed note from a school official that spoke in person with the parent/guardian regarding the absence, or a note confirming the absence by the school nurse or by a licensed medical professional, as appropriate. *For any absence due to student illness, the signed note must include the specific symptom(s) exhibited by the student so that the District can monitor trends that would suggest the spread of COVID-19.*

Legal References:

Connecticut State Department of Education, Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>

Connecticut State Department of Education, Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>

Health Assessments/Screenings and Oral Health Assessments (Series 5000, Policy 5141.3)

Required Health Assessments

The Board recognizes that, due to the COVID-19 pandemic, “well” child appointments (“Health Appointments”) with qualified health care practitioners have been subject to cancelation and may be limited in availability prior to and during the 2020-2021 school year. Due to the unavailability of Health Appointments, there may be barriers for a student to obtain a required health assessment even if the student’s parents or guardians make every attempt to schedule the Health Appointment.

The Board is permitted to deny attendance to a student who fails to obtain health assessments required by law and Board policy. However, during the 2020-2021 school year given the unavailability of Health Appointments due to the COVID-19 pandemic, the Board is prioritizing keeping students in school where possible. The Board recognizes that being present in the classroom is especially important during the 2020-2021 school year due to the cancellation of classes in the spring of the 2019-2020 school year. Accordingly, the District administration, when appropriate, will work with parents and guardians to have a Health Appointment scheduled as soon as possible rather than deny attendance to a student. In addition, as set forth herein, the Board has provided for temporary flexibility regarding the submission of required health assessments in light of the COVID-19 pandemic.

Prior to enrollment in the District *or as soon as possible thereafter*, each student must undergo a health and oral health assessment *in grade seven and in grade ten*.

Legal References:

State of Connecticut Department of Education, Memorandum from Dr. Miguel A. Cardona, Commissioner of Education, to Superintendents of Schools, regarding “Health Assessments for 2020-2021 School Year.”

Student Discipline (Series 5000, Policy 5131a)

For purposes of this policy, references to “school” and “classroom” shall include physical educational environments, as well as virtual educational environments, whether synchronous or asynchronous, which occur on Internet-based platforms that allow students to engage in remote learning.

Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion:

Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke, including but not limited to violating school or district health and safety protocols developed in connection with the COVID-19 pandemic, such as, but not limited to, physical distancing and mask-wearing requirements is prohibited.

Hearing Notice and Rights of the Student and Parent(s)/Guardian(s) and Hearing Procedures

If a hearing regarding suspension and/or expulsion is to take place, the date, time, place and nature of the hearing, including whether the hearing will be held virtually via video conference, will be communicated.

The hearing may be conducted virtually, via video conference, at the direction of the Board, in the event school buildings are closed to students, or if individuals are provided limited access to school buildings as a result of the COVID-19 pandemic. Any virtual hearing must provide the student his or her due process rights.

Transportation (Series 3000, Policy 3541)

Parents and/or guardians are responsible for ensuring the safety of their children up until the point when students board the school bus or other school-provided transportation, and after students get off the bus after school. This responsibility includes the selection of walking routes to/from any bus stop and/or the school building and the provision of supervision that is appropriate to the student's age, maturity and conditions along the walking route and/or at the bus stop at all times. *Compliance is required with COVID-19 related safety precautions, including, but not limited to the requirement of wearing a mask/face-covering to board the bus and for the duration of the bus ride.*

Given that bus pick up times may vary, the Board expects that parents and/or guardians will ensure that their children arrive at the bus stop in advance of any scheduled pick up time. *Bus pick up/drop off times and routes may change during the school year in connection with the COVID-19 pandemic and changing public health conditions. The Board will notify all parents and guardians in advance of such changes.*

Student Use of the District's Computer Systems and Internet Safety (Series 6000, Policy 6141.321)

During the COVID-19 pandemic, the Board and the Administration recognize that technology is integral to the delivery of instruction if the district implements any form of digital or remote learning. The district may therefore provide students with remote access to some or all of the district's computer systems so that students may access the district's virtual learning environment. Such access, if granted, is provided solely for education-related purposes. Use of the district's computer systems will be allowed only for students who comply with district policies and procedures concerning computer system use, and demonstrate the ability to use the computer systems in a considerate and responsible manner.

These computer systems are expensive to purchase, install and maintain. As the property of the district, these computer systems must be carefully handled and their integrity preserved for the benefit of all. Therefore, students will be required to adhere to a set of policies and procedures. Violations may lead to withdrawal of the access privilege and/or disciplinary measures in accordance with the Board's student discipline policy.

Students are prohibited from:

Sending any form of a harassing, threatening, or intimidating message, at any time, to any person (such communications may also be a crime).

Accessing or attempting to access any material that is obscene, *obscene as to minors*, or contains child pornography.

The Administration will take measures to assure the **digital** safety and security of students when using e-mail, chat rooms, **distance learning platforms**, and other forms of direct electronic communications; to prohibit unauthorized access, including “hacking” and other unlawful activities by minors online; to prohibit unauthorized disclosure, use, and dissemination of personally identifiable information regarding students; to educate minor students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber-bullying awareness and response; and to restrict students’ access to online materials **that are obscene or obscene as to minors or contain child pornography, to the extent practicable when students are using Board-owned computers or devices and Board-provided Internet access.**

Legal References:

Conn. Gen. Stat. § 53a-193

Use of Private Technology Devices by Students (Series 6000, Policy 6141.321)

The Regional School District No.17 Board of Education may permit students, using their privately owned technology devices, to access the Board’s computers and instructional technologies; communications and data management systems; informational technologies and the Internet; and any other technology resources used by the school district and accessible by students. Additionally, it is the expectation of the Board of Education that students who access these resources while using privately-owned technology devices will act at all times appropriately in ways which are fully in accord with applicable policies concerning technology use as well as all local, state, and federal laws.

The Board technology resources shall only be used to access educational information and to promote learning activities both at home and at school. Students are expected to act at all times appropriately in ways which are fully in accord with applicable policies concerning technology use as well as all local, state, and federal laws when using the Board technology resources. Failure to do so will result in the consequences outlined herein and in other applicable policies (including, but not limited to, the Safe School Climate Plan, the Student Discipline Policy and the Use of Computers Policy).

Privately-owned technological devices may not be used during instructional time, except as specifically permitted by instructional staff **or unless necessary for a student to access the district’s digital learning platform or otherwise engage in remote learning during the COVID-19 pandemic.**

On school property, at a school-sponsored activity, while in use for a remote learning activity, or while being used to access or utilize the Board’s technology resources, the use of any such device for an improper purpose is prohibited.

A student’s privately owned technological device may be searched **if the device is on Board property or in a student’s possession at a school-sponsored activity and** if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Any such search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and gender of the student and the nature of the infraction.

Students are responsible for the safety and use of their privately owned technological devices. If a privately owned technology device is stolen, lost, or damaged **while the device is on school property or during a school-sponsored activity**, a report should be made to the building principal, who will investigate the loss in a manner consistent with procedures for stolen or damaged personal property.

Students and parents should be aware that the Board is not liable for any privately-owned technological device that is stolen, lost, or damaged

Families First Coronavirus Response Act Leave Series 4000 (New)

In light of the global pandemic, and pursuant to the recently passed Families First Coronavirus Response Act (“FFCRA”), the Regional School District No. 17 Board of Education (the “Board”) is amending its policy on FMLA and adopting a sick leave policy as explained below. These amendments relate to the Emergency Paid Sick Leave Act (“EPSLA”) and the Emergency Family and Medical Leave Expansion Act (“EFMLEA”), and are effective from April 1, 2020 through December 31, 2020, or until further notice from the Board.

Under the FFCRA, an employee qualifies for leave under the EPSLA if the employee is unable to work (or unable to work remotely) because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for EFMLEA leave if the employee is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19. The first two (2) weeks of EFMLEA leave are unpaid, while the remaining ten (10) weeks are paid as set forth below.

For Qualifying Reasons (1)-(4) and (6): A full-time employee (individual working forty (40) hours per week) is eligible for eighty (80) hours of EPSLA leave. A part-time employee is eligible for the number of hours of EPSLA leave that the employee works on average over a two (2) week period.

For Qualifying Reason (5): A full-time employee (individual working forty (40) hours per week) is eligible for an aggregate total of up to twelve (12) weeks of EFMLEA leave, so long as the childcare need exists for the duration of leave. A part-time employee is eligible for such leave for the number of hours that the employee is normally scheduled to work over that period. Employees may use their EPSLA leave concurrently with the first two (2) weeks of unpaid EFMLEA leave.

For EPSLA Leave Reasons (1), (2), or (3): Employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate.

For EPSLA Leave Reasons (4) or (6): Employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate.

For EPSLA leave reason (5) and EFMLEA leave: Employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate. While the first two (2) weeks of EFMLEA leave is unpaid, an employee may use paid

EPSLA leave to receive compensation during that period. If the employee opts not to use EPSLA leave for this purpose, the employee would be eligible to receive \$200 per day and \$10,000 in the aggregate for weeks 3 through 12 of EFMLEA leave.

Determination of an employee's eligibility for leave, including intermittent leave, will be made on a case-by-case basis and in accordance with the FFCRA, implementing regulations, and additional guidance provided by the United States Department of Labor.

EPSLA & EFMLEA COORDINATION WITH OTHER LEAVE

Sequence of Available Leaves

An employee may, but is not required to, use EPSLA leave during the first two (2) weeks of the unpaid portion of the EFMLEA leave period.

EPSLA Leave Adds to Existing Leave Benefits

EPSLA leave is in addition to other accrued leave provided pursuant to the relevant collective bargaining agreement or Board policy.

Effect of Use of Prior Federal FMLA Qualifying Leave on Eligibility for EFMLEA Leave

An employee's eligibility for EFMLEA leave depends on how much FMLA leave the employee has already taken during the twelve (12) months immediately preceding the start of EFMLEA. Any employee employed by the Board for at least thirty (30) days may take a total of 12 workweeks for EFMLEA leave during the applicable period. If an eligible employee has taken some, but not all, of twelve (12) workweeks under the federal FMLA during the 12-month period immediately preceding a request for EFMLEA, the employee may take the remaining portion of leave available. If the eligible employee has already taken twelve (12) workweeks of federal FMLA leave during this 12-month period, the employee may not take additional EFMLEA leave.

REQUIRED DOCUMENTATION FOR EPSLA, EFMLEA, AND FMLA LEAVES

EPSLA Leave:

- All employees seeking EPSLA leave must provide the following: Employee's name; Date(s) for which leave is requested; Qualifying reason for leave; and a statement that the employee is unable to work because of the qualified reason for leave. This statement may be oral or written.
- In addition, employees must provide the following depending on the reason for taking EPSLA leave: If an employee is taking EPSLA leave due to a quarantine or isolation order, the employee must identify the governmental entity that issued the order. If an employee is taking EPSLA leave because a health care provider advised the employee to self-quarantine, the employee must identify the health care provider. If an employee is taking EPSLA leave to care for a child whose school or place of care is closed, the employee must identify the name of the child being cared for, the name of the school or childcare provider that is closed or unavailable, and represent that no one else will be taking care of the child.

EFMLEA Leave

- o If an employee is taking EFMLEA leave to care for a child whose school or place of care is closed, the employee must identify the name of the child being cared for, the name of the school or childcare provider that is closed or unavailable, and represent that no one else will be taking care of the child.

Other FMLA Qualifying Leave

All existing certification requirements under the federal FMLA remain in effect if an employee is taking leave for one of the existing qualifying reasons under the federal FMLA. For example, if an employee is taking leave beyond the two (2) weeks of EPSLA leave because the employee's medical condition for COVID-19-related reasons rises to the level of a serious health condition, the employee must continue to provide medical certifications under the federal FMLA as required by the Board.

Legal References:

Families First Coronavirus Response Act, Pub. L. 116-127 §§3102, 5102, 134 Stat. 178 (2020).
Paid Leave Under the Families First Coronavirus Response Act, 29 CFR § 826 (2020).

Personnel/Employment and Student Teacher Checks (Series 4000 Policies: 4112.5, 4112.5(a) & 4112(b))

On March 17, 2020, Governor Lamont issued Executive Order No. 7E, authorizing the Department of Emergency Services and Public Protection ("DESPP") to suspend temporarily the availability of required fingerprinting. Via Executive Order No. 7M, Governor Lamont authorized commissioners and certain other government officials to extend, as necessary to respond to the COVID-19 pandemic, statutory or regulatory time requirements pertaining to their jurisdiction for a period not to exceed 90 days. Pursuant to Executive Order No. 7M, on April 21, 2020, Commissioner Cardona ordered a deferral, for a period of up to 90 days, of fingerprinting requirements while such fingerprinting was unavailable. Commissioner Cardona also stated that, once DESPP resumed collection and processing of fingerprints for criminal history records checks, districts must require that applicants hired during the deferral period be fingerprinted within 30 days of the time DESPP resumes such activities (60 days for student teachers). According to DESPP's website, as of June 15, 2020, fingerprinting services resumed by appointment only. Therefore, any applicants/employees whose fingerprinting requirements had been deferred must be fingerprinted by July 15, 2020. At present, new hires and student teachers scheduled for the fall will not be affected, given the reinstitution of fingerprint processing. However, in the event that fingerprinting is again suspended at some point during the 2020-2021 school year, this policy is revised to state that all timelines apply unless an order of the Governor or the Commissioner of Education provides otherwise.

Criminal Records Check Procedure

Each person hired by the district shall be required to submit to state and national criminal record checks within thirty (30) calendar days from the date of employment. Each student who is enrolled in a teacher preparation program, as defined in section 10-10a of the Connecticut General Statutes, and completing his or her student teaching experience with the district, shall be required to submit to state and national criminal record checks within sixty (60) calendar days from the date such student begins to perform such student teaching experience.

Criminal Records Check During the COVID-19 Pandemic

The timelines regarding state and national criminal record checks may be modified by the district in accordance with any executive order issued by the Governor or any order issued by the Commissioner of Education that is related to the COVID-19 pandemic or public health emergency and in effect at the time a person is offered a position or hired by the district or a student teacher is offered a position or begins to perform his or her student teaching experience within the district. Notwithstanding any such modifications, the provisions of this policy remain in effect. If any timelines are so extended or deferred, the district will continue to perform background checks to the greatest extent practicable and in accordance with applicable law.