

Memorandum of Understanding Between
Toppenish Education Association
And Toppenish School District
Tentative Agreement Document

Whereas COVID-19 continues to create a public health emergency and the Office of the Superintendent of Public Instruction has issued requirements for the 2020-2021 school year that substantially affect the wages, hours, and working conditions of Association members;

And whereas it is the duty of the District to provide safe and equitable learning conditions for all students. The parties agree to the following:

I. Student and Staff Health Precautions

1. **Cloth face coverings (DOH guidelines):** All employees, students, and building visitors shall wear a cloth face covering while at the worksite. **For staff, cloth facial coverings must be worn by every individual not working alone at the location unless their exposure dictates a higher level of protection under Department of Labor & Industries safety and health rules and guidance. Cloth face coverings should not be worn by:**
 - those with a disability that would prevent them from comfortably wearing or removing a face covering
 - those with respiratory conditions that would prevent wearing face covering, or trouble breathing
 - those who are deaf or hard of hearing and use facial and mouth movements as part of communication
 - those advised by a medical, legal, or behavioral health professional that wearing a face covering may pose a risk to that person
 - a. **The District shall provide at no cost appropriate PPE to employees based upon L&I guidelines.**
 - b. Employees may choose to provide their own face coverings **that meet DOH guidelines. If it can be done safely following current guidelines, staff and students will be able to arrange mask free times as scheduled by the building.**
 - c. **In the event that a cloth face covering cannot be worn, due to the above listed reasons, a protective face shield shall be worn.**
2. **Health Screenings: Check for signs of illness for all staff and students upon entry each day. Staff and students with any illness must stay home. No student or employee will enter any school facility or vehicle if they display any COVID-19 symptoms or do not have a mask on.** Health screening forms must be provided in the home language of students' families/ guardians.
 - a. Employees assisting with health screenings shall be provided all appropriate PPE by the District, as described by the DOH, CDC, and L&I.
(This could create a supervision issue and will potentially lead to a lack of social distancing)

- b. In the event a TEA member is used to assist in screening, time will be allocated for that member to remove/change PPE before interacting with students.
- c. **Employees in a high-risk categories** as described by the Centers for Disease Control shall **only** be required or expected to assist with health screenings **as mutually agreed upon or if it is part of their traditional job duties/responsibilities.**

Physical Distancing: Practice physical distancing (six feet) within each group of students as much as possible. Create space between students and reduce the amount of time they are close with each other. Your ability to do this will depend on students' ages and developmental and physical abilities. Select strategies to increase physical distancing that will work for your school and the space available. Not all strategies will be feasible for all schools. Think creatively about all opportunities **including alternative scheduling and limiting the number of students in a classroom** to increase physical space between students and limit interactions in large group settings.

Handwashing: Wash hands often with soap and water for at least 20 seconds. Children and adults should wash hands when they arrive at school, before meals or snacks, after outside time, after going to the bathroom, after nose blowing or sneezing, and before leaving to go home. If soap and water are not readily available, use a CDC approved hand gel/sanitizer with at least 60 percent alcohol and preferably fragrance-free.

5. It is agreed that current CDC/OSPI/DOH/etc... guidelines will be in place and followed in regards to staff/student exposure/symptoms/test in a working document (Appendix A) that will be reviewed by TSD-TEA as guidelines are revised. If CDC/DOH guidelines are contradictory, those guidelines that are more stringent will be adhered to.

6. It is agreed that current CDC/OSPI/DOH/etc... guidelines will be in place and followed in regards to Yakima County and Toppenish City data determining the stages of reopening in a working document (Appendix B) that will be reviewed by TSD-TEA as data changes.

- 3. **Meetings:** In order to provide a safe environment for staff, meetings, including professional development, will **follow social distancing** and be held as prescribed by current County/DOH/State guidelines. **Arrangements for virtual attendance will be flexible as social distancing and group size guidelines/requirements evolve.**
- 4. **Sanitation of facilities:** The district shall provide **cleaning materials for students and/or staff** to disinfect all surfaces used by students in between use by different students. Between classes teachers and/or students will wipe down common surfaces, and high touch items, outside of the allotted lunch/PLC/prep time. **Custodial staff will clean and disinfect high-touch surfaces each night after students leave.**
- 5. **Training and professional development:** All staff shall receive professional development and training on COVID-19 health and safety precautions prior to the first student contact day. Employees hired after the start of school shall receive this training prior to their first day with students. This training **will** be scheduled on a previously

scheduled district or building directed **Optional Day**. **If scheduled/completed at another time, employees shall be paid at the contracted timesheet rate.** This training may not be scheduled on a teacher-directed day or during teacher-directed time.

6. **Employees in high-risk categories:** Employees in high-risk categories as defined by the CDC **will self-identify and complete a form with HR** no later than **3** weeks before the first contracted workday. Employees do not have to provide personal health information but may be required to sign an affidavit **and/or provide a health care providers note** affirming that they are in a high-risk category. The District will make every reasonable effort, including offering out-of-endorsement waivers, to allow these employees to work remotely or with a limited number of students. **In the event that alternative work arrangements cannot be made, employees who choose to remove themselves from a worksite will be provided access to available employer-granted accrued leave or unemployment benefits.**

Follow CCL Section 7. In building, In district, If two or more have qualifications, seniority will be followed.

Due to COVID, elementary positions may be posted district wide and not by building. These positions will be based solely on seniority.

7. **Supervision for compliance:** The district shall designate a supervisor to monitor employee health and safety. Prior to any employees' first workday, employees shall be notified of the name and contact information of this supervisor. No bargaining unit member shall act as such a supervisor **unless this is part of regular job description/duties.**

II. Scheduling, Remote Instruction, and Paraeducator Support

1. **Split or alternate shifts:** In the event that limited facilities, or some other COVID-19 related reason requires the district to schedule students on alternate days or on am/pm shifts, each day shall be part of the 180-day contract.
 - a. All students assigned to a teacher shall count towards the bargained class size or caseload. **In the event that a teacher is placed on an alternative online assignment using Edgenuity/Odysseyware, the bargained class size for ALE (CATS Remote) will be used.**
 - b. **Employees** shall **not** be required to provide separate remote instruction on days when they are providing in-person instruction, **unless it is part of their contracted 7 hour day.**
 - i. **Students and families who elect to receive some or all instruction remotely shall have equitable access to their teacher, the curriculum and instruction.**

2. **Remote Assignments:** In the event that an alternative assignment becomes available, employees in high risk categories who have submitted a formal request to TSD HR will be considered first and may be given out-of-endorsement waivers if needed. No remote assignment will be awarded to any member unless it has been first offered to all employees in high-risk categories who have submitted a formal request and who are willing and able to perform the job duties/responsibilities associated with this new assignment.

3. **Remote instruction during long-term closures:** The district shall provide the Association with its plan for remote instruction (Continuous Learning 2.0) no later than two weeks prior to the first contracted workday of the 20/21 school year. The Association and the District will collaborate to ensure that the Continuous Learning 2.0 plan prioritizes the needs of students and staff.

4. To provide teachers with additional time to prepare to teach during COVID, the following shall be implemented for the 2020-2021 school year: The PreService Day (8.24.20) shall be teacher directed. One of the Optional Days prior to the start of school (either 8.19.20 or 8.20.20) shall be split between Health/COVID training and teacher directed time. The Early Release schedule for 9.25.20 shall be teacher directed.

5. Distance Learning 2.0: While instruction is taking place 100% online (no students in buildings), teachers will follow the agreed upon expectations (see Appendix C) As conditions change according to Appendix B, TEA and TSD will coordinate moving from the different stages.

TEA members will also follow the approved schedule agreed upon by TEA and TSD, with Principal input for individual building needs.

III. Student Success

1. Age appropriate education on COVID & building health and safety protocols civic responsibilities (how your actions affect others in your community) shall be taught first week of school and reviewed periodically. This should include, but is not limited to, how to maintain safe physical distancing, how to properly wear/clean your mask, wash hands, etc...in all areas of the school property.
2. Extra-curricular opportunities and clubs for students will be determined on a case-by-case basis and will follow current contract language regarding submitting yearly plans. All activities/clubs will follow OSPI, WIAA, and DOH guidelines
3. District will be committed to student and staff safety and education as top priorities.

4. **Safety and Discipline:** The District will be committed to student and staff safety and education as top priorities, therefore students and staff shall be required to follow all safety protocols.
- a. These expectations shall be enforced equitably across the district.
 - b. The district shall provide face coverings for all staff and students that arrive without one (or arrive with a soiled/inappropriate face covering). No student shall be permitted to enter any school facility unless they are wearing a face covering, except as permitted by the DOH.
 - c. Students new to the district after the start of the school year will also be provided time with a **building/district appointed employee** for instruction health and safety protocols as described above.
Students who willfully and knowingly violate safety protocols **are subject to progressive discipline.** Building teams will meet to define expectations and how to teach those along with potential consequences using OSPI COVID guidelines and current legislation regarding discipline. TEA and District leadership will cover progressive discipline during the COVID training.
 - i. If a student intentionally disperses droplets (cough, sneeze, spit, etc...), that student will be placed in a COVID room, quarantined for 14 days or until a negative test is received.
 - d. COVID updates shall be added to staff and to the student-handbook and the disciplinary action matrix for each building:

IV Leaves

If showing signs/symptoms of COVID and all instruction is online, every attempt will be made to allow the employee to continue working from home without first exhausting their sick and/or personal leave. In the event that leave must be taken, the following options are available: EPSLA, Sick Leave, FMLA, PFMLA, Sick Leave Share

V. Evaluations

For the duration of this MOU, employees **on a focus form** will carry over their most current summative rating. All other employees **will follow current contract language.** In the event an in-person observation can not take place due to COVID restrictions, employees with a previous TSD evaluation will carry over their rating. Provisional employees will collaborate with their evaluator to determine rating.

Duration

This MOU shall remain in effect through the 20/21 school year or **until DOH and OSPI allows for traditional activities.** In the event new, binding guidance or legislation **becomes available the superintendent or designee and co-presidents or**

designee agree to discuss whether it will alter the MOU. In the event both parties agree it will alter the MOU, then the parties shall meet to bargain the impacts as soon as possible, preferably within five (5) days.

NOTE: This MOU does not replace the current CBA, but works in tandem with for COVID related issues.

Terri Winckler
Bargaining Chair

Shawn Myers
Assistant Superintendent/HR

Katie Haynes
TEA Co-President

Neal Pendlebury
TEA Co-President

Appendix A

IF	Impact On...		Impact On Work	Leave Options	Notes
	Staff	Students			
	Excluded from on-site work until...	Excluded from on-site school until...			
Signs of Suspected or Confirmed COVID19	1. 72 hours have passed since the resolution of fever without a fever-reducing medication (Tylenol, Ibuprofen) AND	1. 72 hours have passed since the resolution of fever without a fever-reducing medication (Tylenol, Ibuprofen) AND	Work Remotely? Entire class? Morning of?	1. EPSLA 2. Sick Leave 3. FMLA 4. WA PFMLA 5. Sick Leave Share	Test Required for Signs? If they have signs then test negative?

OSPI Guidance Page 21	2. Have improvement in respiratory symptoms (cough, shortness of breath), AND	2. Have improvement in respiratory symptoms (cough, shortness of breath), AND			
	3. At least 10 days have passed since symptoms first appeared, AND	3. At least 10 days have passed since symptoms first appeared, AND			It is agreed that current CDC/OSPI/DOH/etc ... guidelines will be in place and followed in regards to staff/student exposure/symptoms /test in a working document that will be reviewed by TSD-TEA as guidelines are revised and updated.
	4. Have been cleared by the Health Services Nurse to return to work	4. Have been cleared by the Health Services Nurse to return to work			
	OR a health care provider has certified the employee to return to work AND	OR a health care provider has certified the student to return to school AND			
	72 hours have passed since the resolution of fever without a fever-reducing medication (Tylenol, Ibuprofen)	72 hours have passed since the resolution of fever without a fever-reducing medication (Tylenol, Ibuprofen)			

IF	Impact On...		Impact On Work	Leave Options	Notes
	Staff	Students			
Exposure (close contact) to	Excluded from on-site work until...	Excluded from on-site school until...			

someone with COVID 19	14 days after the last day they were in close contact with the person with COVID 19	14 days after the last day they were in close contact with the person with COVID 19	Work Remotely? Entire class? Morning of? Leave option	1. EPSLA 2. Sick Leave 3. FMLA 4. WA PFMLA 5. Sick Leave Share	Exposure/Close Contact is defined by CDC as...Any individual who was within 6 feet of an infected person for at least 15 minutes starting from 2-days before illness onset OR
OSPI Guidance Page 21	OR a Doctor's note that clears employee to return to work	OR a Doctor's note that clears student to return to school			for asymptomatic people, two days prior to positive test
	Should monitor health for signs of fever, cough, shortness of breath & other COVID symptoms	Should monitor health for signs of fever, cough, shortness of breath & other COVID symptoms			Exposure is to some with COVID...meaning someone who has tested positive. Not simply showing a symptom

Appendix B

Stages (Red through Blue)	Possible Community Assessment Indicators	School Delivery Models
Toppenish Public Schools	<ul style="list-style-type: none"> Possible vaccine or herd immunity conditions met State or local guidance permits full school reopening 	<ul style="list-style-type: none"> Full day experience (On 4-day schedule) for all students with continued safety and cleaning measures
Toppenish Public Schools	<ul style="list-style-type: none"> Local viral trends improve, revealing a lower level of community transmission and other associated health indicators <ul style="list-style-type: none"> E.g. <26 cases/100k/14 days, stable or decreasing hospitalization rate, stable 	<ul style="list-style-type: none"> PK-12th Grade: AM/PM 4 Day Hybrid Learning: Full day elementary and Hybrid secondary. Overtime and if physical space allows consider full time in-person learning for secondary students (transition stage for blue level) Full-day experience for specific special education (self-contained may need to stay on

	<p>or decreasing test positivity rate</p> <ul style="list-style-type: none"> ○ Consult with local health officials 	<p>an AM-PM schedule), English Language and opportunity/performance gap students</p> <ul style="list-style-type: none"> ● Comprehensive cleaning, screening and safety measures ● All teachers will be required to teach from the building (Unless alternative assignment is available and paperwork has been initiated)
<p>Toppenish Public Schools</p>	<ul style="list-style-type: none"> ● Viral trends stabilize, signified by a moderate level of community transmission and other associated health indicators <ul style="list-style-type: none"> ○ E.g. 50-75 cases/100k/14 days, stable hospitalization rate, stable test positivity rate ○ Consult with local health officials ○ 125+/100k Toppenish at 2.5% infection rate. 	<ul style="list-style-type: none"> ● Comprehensive Distance Learning 2.0 for 6th-12th grade students and secondary high needs students in small classes(RTI Periods)-no more than 10. ● Consider adding hybrid for secondary students if limited transmission and continued decline in viral trends ● PK-5th Grade: AM/PM Hybrid 4 Day Learning experience for ALL GRADE SCHOOL STUDENTS ● Comprehensive cleaning (All cleaning staff will be trained and certified by the district in dealing with biological hazards), screening, and safety measures will be in place for all workspaces. ● All teachers will be required to teach from the building (Unless alternative assignment is available and paperwork has been initiated)
<p>Toppenish Public Schools</p>	<ul style="list-style-type: none"> ● Viral trends continue to demonstrate a high level of community transmission <ul style="list-style-type: none"> ○ E.g. >75-399 cases/100k/14 days ○ Consult with local health officials ○ 225+/100k Toppenish at 2.5% infection rate. 	<ul style="list-style-type: none"> ● Students in self-contained programs (e.g. STEP, Life Skills, DD, Behavior, Preschool Sped) served a full day or part-day on-site in small cohorts. The District will support and include self contained teachers for in-person teaching. Self-contained teachers will start A/B Hybrid schedule as soon as safely and logistically possible. ● Options for limited in-person learning in small groups/cohorts of students for the highest need and those farthest away from educational justice. As this occurs, some teachers may be required to teach on-site. ● Those students involved in skill centers will follow their guidelines. ● CTE/Visual Arts extracurricular activities/clubs are permitted for specific courses. May initially start online/virtual and move to in-

		<p>person (5 students or fewer per room). Safety precautions MUST be in place and followed.</p> <ul style="list-style-type: none"> • Teachers/staff will be strongly encouraged to teach from the building. • Teachers will be held accountable to standards agreed upon between union and district. Evaluators-PLC's and the Union will assist teachers that are having a hard time adapting to the online method, or that need help with the technology issues of this style of teaching. (Appendix C) • Comprehensive cleaning, screening, and safety measures will be in place so that teachers who choose to teach on-site feel safe.(All cleaning staff will be trained and certified by the district in dealing with biological hazards)
<p>Toppenish Public Schools</p>	<ul style="list-style-type: none"> • LOCAL DATA (City level) will be used in making decisions. • While cases are greater than 400 positive/100k/14 days 	<ul style="list-style-type: none"> • Comprehensive Distance Learning 2.0 for all students • Buildings closed to students and most staff. Teachers will have access to their rooms for supplies and are free to teach from their class if they choose.

This document can be included in the portion subject to constant evaluation and update between the Union and the District.

Ideal Situation: Self-contained will divide their classes into AM-PM groups, with the higher students scheduled during the CORE half so that when gen-ed returns it is easy to move them into inclusion. The higher need students will be taught during the RTI portion of the day. This allows for a thorough cleaning between students.

Appendix C

Appendix C: Teacher expectations during Remote Learning

Standard expectations:

Lesson plans on Monday morning by 8:00

Attendance daily at end of class/day

Parent contact for incomplete work, behavior issues, attendance(or causing the contact to be made)

PLC/Department meetings

RTI:

Small groups of 4-7 kids (up to 10 with conference including teacher)

Skill based (content)

Set/consistent schedule for families

Core:

Essential standards-based

Use adopted curriculum

Daily lessons either live or prerecorded, but with teacher on camera delivering instructions/support or lessons

SEL:

Generation Wellness

Second Steps

Restorative Practices

Relationship building

PAWS/Advisory curriculum

Inclusion Specialists, Psychs, Coaches, Counselors, Nurse (1), Specialists: see direct supervisor for duties adhering to the current CBA and Laws..