

II. LETTER OF AGREEMENT:

LETTER OF AGREEMENT
between the
KALAMAZOO PUBLIC SCHOOLS
and
KALAMAZOO EDUCATION ASSOCIATION
November 18, 2020

RE: Board Proposal No. 7 with Respect to the Preparedness Plan

Introduction

A. As the Board presented at the bargaining session on Tuesday, August 4, 2020, the Board is proposing a conservative return-to-school Preparedness Plan. The District is using the Michigan Safe Schools Return to School Roadmap ("Roadmap") as its guidance. The taskforce on education that created this plan including many top educators in the state as well as experienced medical personnel involved with epidemiology and pediatric medicine. The following protocols will be included in the District's Preparedness Plan.

LETTER OF AGREEMENT

This Letter of Agreement ("LOA") is entered into on a one-time, non-precedent setting basis for the 2020-2021 school year (except as otherwise indicated herein) as part of the District's Preparedness Plan which was presented for approval at the Board of Education meeting on August 13, 2020 in compliance with the August 15, 2020 deadline under the then in effect Governor's Executive Order No. 2020-142.

I. INSTRUCTION OPTIONS.

A. Phases 4, 5 and 6. The District has offered virtual remote learning options. Except for the issue of Equity Cohorts, the District anticipates that it will continue in a remote learning environment through the second trimester. When the District returns to in-person instruction, the District may implement a hybrid model. This LOA is intended to outline the safety protocols for a hybrid model. They will be considered minimum safety protocols for in-person instruction relating to in-person instruction involving Equity Cohorts.

All elementary students will move to a trimester schedule, to match secondary students and to keep times consistent for families. An elementary trimester schedule is being proposed as a permanent feature of the Master Collective Bargaining Agreement.

The parties reserve their legal positions regarding disputes over whether or not virtual programs constitute a prohibited subject of bargaining under Section 15(3) of the Public Employment Relations Act, or over whether there is any outsourcing, privatization or improper use of non-bargaining KEA employees to perform bargaining unit work.

B. If during the hybrid model, the region falls back into Phase 1, 2 or 3 of the Safe Start Plan, the District will follow the executive orders and guidelines in providing full remote instruction as provided in the Roadmap.

II. EQUITY COHORTS.

The District anticipates initiating in-person instruction for kindergarten through 5th grade students who satisfy the established criteria. It is anticipated that teachers will continue to teach remotely, but various job classifications may be asked to assist with the Equity Cohorts, such as for example school nurses. At a minimum, safety protocols for in-person instruction will follow the Tier 2 hybrid model as outlined in this LOA. In addition, Equity Cohorts will also apply the following safety protocols.

A. Section 504, IEP and Equity Cohort Students. Students subject to IEPs and Section 504 Plans that may require in-person instruction will be subject to review through the IEP/504 process and IEP/504 teams which will evaluate safety protocols for the students and staff members providing services to these students. If in-person instruction is part of the IEP Plan, Section 504 Plan, or implemented for any student in a contemplated "equity cohort," at a minimum the safety protocols for in-person instruction will be subject to the safety protocols that will apply to the Tier/Trimester 2 hybrid model, but the teams may determine that stricter safety protocols are required.

B. For Hygiene in Section II B of this LOA, the following will apply to the K-5 Equity Cohorts and control over the provisions in Section II B:

1. Students will incorporate bathroom breaks every 20 minutes with supervised handwashing by learning Hub Leader.
2. Disinfectant wipes will be in each classroom, and staff will wipe down desks, tables and any other surfaces during handwashing breaks.

C. For Spacing, Movement and Access in Section II C of this LOA, the following provisions will apply to Equity Cohorts and control over the provisions in Section II C:

1. Students in Kindergarten through 2nd grade will be limited to 10 students per classroom.
2. Students in 3rd through 5th grade will be assigned to large spaces to increase social distancing such as cafeteria, gymnasium, library and computer labs.

D. The parties agree to meet and confer on stricter safety protocols tailored to the needs of a particular cohort with due consideration for the safety of students and staff and the District's available resources.

III. HYBRID MODEL.

If the District decides to move to a hybrid model, the District will not do so unless the region is in Phase 5 or 6 of the Safe Start Plan. The District will not move to Tier/Trimester 3 full in-person instruction until the District's region is in Phase 6 of the Safe Start Plan.

SAFETY PROTOCOLS FOR TIER/TRIMESTER 2 HYBRID MODEL.

A. Personal Protective Equipment. The District will adopt all the required and strongly recommended protocols for Personal Protective Equipment ("PPE") as detailed on page 22 of the Roadmap

and as required by the State of Michigan Department of Health and Human Services (MDHHS) and Kalamazoo County Health Departments:

- Staff facial coverings must always be worn by staff except for meals. Facial coverings may be homemade or disposable level-one (basic) grade surgical masks. Any staff member who cannot medically tolerate a facial covering must not wear one. Any staff member that is incapacitated or unable to remove the facial covering without assistance, must not wear a facial covering. [Deleted per KEA 10/13/2020 LOA proposal]
 - Pre-K-5 and special education teachers should consider wearing clear masks.
 - Homemade facial coverings must be washed daily.
 - Disposable facial coverings must be disposed of safely at the end of each day.
- Facial coverings must be worn by pre-K-12 students, staff, and bus drivers during school transportation. Facial coverings may be homemade or disposable level-one (basic) grade surgical masks.
- Facial coverings must always be worn in hallways and common areas by pre-K-12 students in the building except for during meals. Facial coverings may be homemade or disposable level-one (basic) grade surgical masks.
 - Homemade facial coverings must be washed daily. **If it is clear a student is not able to wash their mask daily, an effort will be made to assure they are provided a disposable mask.**
 - Disposable facing coverings must be disposed of at the end of each day.
- Facial coverings must be worn in classrooms by all students grades 6-12.
- All students in grades K-5 must wear facial coverings, unless students remain with their classes throughout the school day and do not come into close contact with students in another class. **Students will be encouraged to wear masks in the classroom regardless of close contact. Non-compliance with mask wearing will be documented and available for building administration to review in the event of an infection. Special Educators and KEA bargaining unit members, tutors, and paraprofessionals not exclusively assigned to a single classroom shall be encouraged to employ enhanced PPE such as face shield in addition to a mask.**
- Facial coverings should be considered for K-5 students and students with special needs in classrooms. **Students will be provided positive behavior support to encourage mask wearing and build up stamina for mask wearing.**
- Facial coverings should be considered for pre-K students and students with special needs in hallways and common areas. *Staff who work with these students without masks will be provided upon request a N95 mask (or equivalent), latex gloves and face shields.*
- Staff members will be expected to follow these guidelines. If a staff member cannot medically tolerate a facial covering, and upon providing medical documentation, the District will engage an interactive process to consider possible accommodations.

- Students who refuse to wear facial coverings for non-medical reasons will be sent home and offered to participate in the virtual options. Students who have medical conditions that prevent them from wearing a facial covering will be processed through Section 504 and/or IEP procedures.

B. **Hygiene.** The District shall adopt all required and strongly recommended protocols for Hygiene as detailed on pages 22 and 23 of the Michigan Return to School Roadmap:

- Soap, hand sanitizer, paper towels, tissue and hand washing instructions will be posted in all restrooms and classrooms. *Whenever possible handwashing stations and/or hand sanitizer will be provided in the classroom.*
- Students and teachers will have scheduled handwashing with soap and water every **three hours**.
- Sharing of personal items and supplies, such as writing utensils will be restricted. Students will be required to keep personal items separate and in individually labeled cubbies, containers or lockers. **Students will be provided positive behavior support to encourage them not to share personal items.**
- Classroom materials limited to small groups and disinfect between use.
- Portable hand sanitizing stations will be set up throughout the school buildings.

In addition, the following guidelines will be followed:

- Frequently-touched surfaces, including light switches, doors, benches **and bathrooms**, will undergo cleaning more frequently, at least every four hours, with either an EPA-approved disinfectant or a diluted bleach solution if there are students in person for education services.
- Libraries, computer labs, arts and other hands-on classrooms will undergo cleaning after every class period with either an EPA-approved disinfectant or a diluted bleach solution.
- Student desks must be wiped down with either an EPA-approved disinfectant or a diluted bleach solution after every class period. Elementary classrooms, in which the students are contained in the classroom throughout the entire school day, desks and tables will be wiped at least twice per day.
- Playground structures must continue to undergo normal routine cleaning but with the use of an EPA-approved disinfectant.
- Staff members who clean must wear gloves, mask and face shields when performing all cleaning activities.

C. **Spacing, Movement and Access.** **The parties agree** to adopt all strongly recommended protocols for Spacing, Movement and Access as detailed on page 23 of the Roadmap **except** for 1) There may be a few class rooms where 6 feet spacing is not possible; 2) it is not possible to restrict cohort of students to isolated hallways or areas that can be monitored; and 3) it is not possible to have staff monitor arrival and dismissal to discourage congregating and ensure students go straight from the vehicle to their classrooms and vice -versa. Other than these exceptions, the District will adopt the following protocols for spacing:

- Whenever possible, space desks six feet apart in classrooms. Class sizes should be kept to the level afforded by required spacing requirements.

- In classrooms where large tables are utilized, space students as far apart as feasible *with the goal of spacing students if possible six (6) feet apart or limited to a single student at the table. To accomplish this spacing goal, teachers will pack up and remove any personal furniture and belongings, and assist with designating any excess furniture that will need to be removed.*
- As feasible, arrange all desks facing the same direction toward the front of the classroom, maintaining six feet of spacing between teachers and students as much as possible.
- Teachers should maintain six feet of spacing between themselves and students as much as possible.
- Family members or other guests are not allowed in the school building except under extenuating circumstances determined by district and school officials.
- Post signage to indicate proper social distancing.
- Floor tape or other markers should be used at six-foot intervals where line formation is anticipated.
- Provide social distancing floor/seating markings in waiting and reception areas.
- Post signs on the doors of restrooms to indicate proper social distancing and hand hygiene techniques.
- Adult guests entering the building should be screened for symptoms, wear a facial covering, and wash/sanitize hands prior to entering. Strict records, including date and time, should be kept of non-school employees or other visitors entering and exiting the building.

The District will adopt the following recommended protocols for Spacing, Movement and Access as detailed on pages 23-24 of the Roadmap:

- For classrooms that have windows that can be opened, they will be open as much as possible, weather permitting.
- **Buildings will be actively ventilated for three hours prior to and three hours after use of the building.**
- To the extent feasible, special instruction like art, music and library will be brought to the classrooms.
- Under the Tier/Trimester 2 hybrid model, the District proposes to divide students into two different cohorts who will alternatively receive two days instruction per week.
- Efforts will be made to keep six feet distance between persons in the hallways.
- The District will consider staggered movements at incremental intervals to minimize the number of persons in the hallways.
- Where possible, physical education will be held outside and social distancing of six feet will be practiced.
- Traffic flows will be directed in only one direction if possible. If not possible, hallways will be divided with either side following the same direction.
- Entrances and exits will be kept separate to keep traffic moving in a single direction.

D. **Screening Students and Staff.** The District proposes to adopt all required, strongly recommended and recommended protocols for Screening Students and Staff as detailed on page 24 of the Michigan Return to School Roadmap:

- Schools must cooperate with the local public health department regarding implementing protocols for screening students and staff.
- Every school should identify and designate a quarantine area and a staff person to care for students who become ill at school.
- Students who become ill with symptoms of COVID-19 should be placed in an identified quarantine area with a surgical mask in place until they can be picked up. **Identified school staff caring for these sick children will have access to, if available, N-95 or KN95 mask, latex gloves and face shields,** with the exception of students with special needs requiring aerosolized procedures in which an N95 mask is required.
- Symptomatic students sent home from school should be kept home until they have tested negative or have completely recovered according to CDC guidelines.
- Staff should conduct daily self-examinations, including a temperature check, prior to coming to work. If they exhibit any respiratory or gastrointestinal symptoms, or have a temperature of 100.4 or greater, they should stay home and report their illness to the building principal.
- A monitoring form (paper or electronic) for screening employees should be developed.
- Families are **strongly recommended** to check their child's temperature at home every morning using oral, tympanic, or temporal scanners; students with a temperature of 100.4 or greater should stay home and consider coronavirus testing if symptoms of COVID-19 are present.
- Families are **strongly recommended** to monitor their children for symptoms of COVID-19. The presence of any symptoms, including cough or shortness of breath, should prompt the family to keep the student home from school and to follow up with a primary care provider. **Families will be strongly recommended to keep children home if a member of their household tested positive for COVID 19 in the last 14 days.**

E. **Positive Tests Among Staff and Students.** The District proposes to adopt all required and strongly recommended protocols for Responding to Positive Tests Among Staff and Students as detailed on pages 25-26 of the Roadmap:

- All schools, public and private, must cooperate with the local public health department if a confirmed case of COVID-19 is identified, and in particular, must collect the contact information for any close contacts of the affected individual from two days before he or she showed symptoms to the time when he or she was last present at the school.
- Notify local health officials, staff, and students immediately of any possible case of COVID-19 while maintaining confidentiality consistent with the Americans with Disabilities Act (ADA) and other applicable federal and state privacy laws. **Disclosure of a positive test is an employee directive. Results shall be shared with Human Resources Compliance Officer Daniel Emmons and the health department liaison, who is Nkenge Bergan, Director of Student Services.**

- o The **Kalamazoo County** Health Department will initiate contact tracing, following regular public health practice. Anyone who was within close contact of the case (less than six feet apart for 15+ minutes) will be asked to self-quarantine for up to 14 days after exposure. Local health officials, depending on the situation, may identify other contacts who require quarantine. Schools can help the local health department by collecting data and contact information of those exposed. **Staff must cooperate with the Kalamazoo County Health Department officials as a condition of employment. Families are strongly recommended to cooperate. At all times, all parties shall comply with a lawful order of a Health Official.**
- o Note: Schools should provide staff with guidance on confidentiality laws and statutes that protect student and staff health information. Student communicable disease related information is protected health information. Even if a family/ student acknowledges and publicly discloses a positive test, school staff and officials must not participate in discussions or acknowledge a positive test, **except +this shall not include reporting employee health information to Human Resources Compliance Officer Daniel Emmons, health department liaison, Nkenge Bergan, or a Public Health Official pursuant to a lawful order to do so. Nor shall it prevent an employee from reporting knowledge of a positive test result of a student or their immediate household to their immediate supervisor or a Public Health Official pursuant to a lawful order to do so.**
- Employees with a confirmed case of COVID-19 should only return to the workplace after they are no longer infectious. **Documentation must be provided to Human Resources Compliance Officer Daniel Emmons.** ~~Local health officials will pre-v--i-de instructioR-a-bout rettm to work, using the most current guidelineG from the CDC for this determination. [Deleted per KEA 10/13/2020 LOA proposal]~~
- Cleaning staff should wear a surgical mask, gloveu, and a face shield ~~when performing cleaning of these areas. [Deleted per KEA 10/13/2020 LOA proposal]~~
- If possible, smaller areas such as individual classrooms should be closed for 24 hours before cleaning to minimize the risk of any airborne particles.
- For employees who test positive for COVID-19 or must quarantine because of a COVID-19 related issue, the District will not deduct any paid sick days for the first 10 business days that the employee is eligible for benefits under the Emergency Paid Sick Leave Act (ESPLA). After exhausting any paid sick leave under the EPSLA, employees can utilize their paid sick days and family medical leave and leave of absence provisions contained in the parties' collective bargaining agreement.

F. **Athletics and Extracurricular Activities.** The District will comply with guidance set forth by the Michigan High School Athletic Association ("MHSAA") **and the Kalamazoo County Health Department.** Extracurricular activities will be dependent on the instruction tier and ability to follow Tier/Trimester 2 safety protocols.

IV. PHASE 6.

A. For full school instruction in Phase 6, the District will follow the Roadmap's recommendations for hygiene and responding to Positive tests among staff and students.

V. EXECUTIVE ORDERS AND *STATE AND COUNTY HEALTH GUIDELINES.*

The District will comply with all recommendations and guidelines of the *MDHHS and* Kalamazoo County Health Department and will comply with any of the Governor's executive orders that are currently in effect or that may be issued in connection with the COVID-19 pandemic.

VI. AMENDMENT.

The parties recognize the likelihood and necessity to modify the provisions of this Letter of Agreement based on additional concerns that may come to light and/or based on changed circumstances and are agreeable to continue negotiations and to meet and confer to make any necessary changes, which may involve less restrictive safety protocols or more restrictive safety protocols and which will be memorialized in a mutual written agreement or amendment to this Agreement. Safety protocols will be a standing agenda item for contract review.

KALAMAZOO PUBLIC SCHOOLS

Jan 15, 2021
Dated: ----- 2020

By: 
Sheila Dorsey-Smith (Jan 15, 2021 18:20 EST)

Its: Assistant Superintendent of Human Resources

**KALAMAZOO EDUCATION
ASSOCIATION**

Jan 15, 2021
Dated: ----- 2020

By: 
Amanda Miller (Jan 15, 2021 17:05 EST)

Its: KEA President

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Final Audit Report

2021-01-15

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