

Frequently Asked Questions from July 9, 2020 Superintendent Meeting



West Virginia DEPARTMENT OF
EDUCATION

Calendar Guidance

1. Can we begin remote learning prior to September 8, 2020?

No, all students should begin instruction on September 8, 2020. If we begin remote learning or virtual school courses earlier then it becomes an equity issue due to some students' access.

2. Why can't we extend the closure date beyond June 1, 2020?

You can extend the closure date beyond June 1, 2020 to your last scheduled day on your previously approved calendar.

3. Are we required to have Faculty Senates in the school calendar?

West Virginia Code §18-5-45 requires six, two-hour blocks of time for faculty senates within the employment term. Schedule the six, two-hour blocks of time and try to get as close as possible to the designated months.

4. Can early release minutes per day be waived from counting against our accrued time?

Yes, the focus is on safety and ensuring as much instructional time as possible. Counties should make certain that there is full opportunity for student learning and engagement throughout the scheduled school day.

Personnel

1. Will payroll be delayed as a result of the September 8, 2020 start date for students?

The majority of counties have developed revised calendars that will not result in a delay in the start of the teacher's pay schedule. Counties need to be mindful of unexpected gaps in teacher pay when determining the first day of the employment term for professional and service employees. The West Virginia Department of Education will communicate any relief available from the statutes creating these gaps if and when it is granted.

2. What constitutes an immuno-compromised employee?

When an employer receives a request for accommodation from an employee who claims he or she is immuno-compromised, an employer must consider this request under the ADA, and engage in the interactive process to provide reasonable accommodations, barring undue hardship.

As with any accommodation request, employers may: (1) ask questions to determine whether the condition is a disability; (2) discuss with the employee how the requested accommodation would assist him or her and enable him or her to keep working; (3) explore alternative accommodations that may effectively meet his or her needs; and (4) request medical documentation, if needed.

Medical documentation should drive all decisions about whether an employee is compromised and whether the compromised medical condition requires accommodation. The appropriate questions are (1) how the disability creates a limitation; (2) how the requested accommodation will effectively address the limitation; (3) whether another form of accommodation could effectively address the issue; and (4) how a proposed accommodation will enable the employee to continue performing the “essential functions” of his or her position (that is, the fundamental job duties).

3. What constitutes “being exposed” to COVID-19 and how should we respond?

The West Virginia Department of Education and the West Virginia Department of Health and Human Resources are developing guidance documents and protocols for counties to follow when students or staff have been diagnosed or exposed to COVID-19.

4. What is the leave process due to a COVID-19 diagnosis or required quarantine?

The West Virginia Department of Education has advised that a diagnosis of COVID-19, just as with any other diagnosis of illness, will require the use of personal (sick) leave. We have also advised that if the employer directs an employee to go home because of a potential exposure in the workplace, the use of personal leave should not be required and the employee should work from home to the extent possible.

School employees are entitled to 80 hours of paid sick leave under the Emergency Paid Sick Leave Act (EPSLA) provisions of the Families First Coronavirus Response Act (FFCRA) for certain COVID-19 related conditions. This leave is in addition to other leave entitlements earned by county employees. Employers may not require employees to use provided or accrued paid vacation, personal, medical, or sick leave before the emergency paid sick leave.

County school business officials received additional information about FFCRA leave.

5. Are counties required to supply personal protective equipment (PPE) to teachers and students?

If students are required to wear face coverings, the county/school is obligated to provide them. When counties require employees to wear face coverings or masks, the West Virginia Department of Education encourages the county to procure an adequate supply of face coverings or masks for use by teachers and service employees; however, teachers and service employees may always choose to wear their own face coverings or masks.

Virtual School/Personnel

1. How does a county determine which teachers are placed in a “virtual” job? Do I account for seniority or medical needs?

Counties may utilize existing staff to offer virtual school courses. Counties may offer the option to teach virtual courses to teachers who present valid medical evidence of a disability that requires an accommodation achievable when teaching virtual courses. (Note: A county may require virtual school teachers to be present in the school building. Virtual teachers do not necessarily work from home.).

When considering staffing and scheduling for the upcoming school year, assigning a teacher to provide a blend of in person and virtual instruction throughout the day or to provide all instruction virtually is not considered a transfer so long as the teacher is assigned to teach in the same school and teach the same subject. Additionally, previous superintendent interpretations have held that a principal has the discretion to unilaterally assign a teacher to teach two or more periods in his/her second certified field without posting the job.

2. With the increased number of students who will be moving to virtual school, does it make sense to assign each county a WVEIS school number just for virtual school?

No, virtual students will remain enrolled in their home school.

3. If we are in a remote learning situation, are teachers expected to be in their classrooms within their assigned building?

At this point, the answer is yes. Even if students do not return to school either statewide or in a particular county/region on September 8, 2020, teachers will be expected to be present at the school building coordinating the remote learning. This response is subject to change with evolving health directives.

Child Nutrition

1. Will we be required to continue our summer feeding programs until September 8, 2020?

Summer Feeding will run through August 31, 2020 then the school year program will begin September 8, 2020. The West Virginia Department of Education is seeking waivers from the USDA for the period of September 1-7, 2020 for anyone who wants to provide summer meals during that time period.

2. When does the summer feeding waiver for non-congregate feeding end?

The current non-congregate waiver for summer meals ends on August 31, 2020. The West Virginia Department of Education is seeking waivers from the USDA for the period of September 1-7, 2020, for anyone who wants to provide summer meals during that time period. The West Virginia Department of Education will provide an update on this as soon as possible. Beginning on September 8, 2020, the USDA National School Lunch Program (NSLP) waivers can be activated. These are available statewide for the entire school year. These will be similar to operations during the pandemic until now, however, there are some differences and they are to be implemented with student enrollment and site-based claiming models in mind. There are challenges with this. We will have to plan on going back to utilizing the student's free, reduced or paid status for billing and claiming meals. CEP counties and schools may find this transition to occur with more ease than partial or non-CEP counties. The NSLP waivers are not designed to allow schools to operate as community feeding sites. The West Virginia Department of Education is exploring further options and flexibilities with the USDA. The Office of Child Nutrition has provided copies of these waivers to county child nutrition teams in the Microsoft Teams Account ("Child Nutrition – COVID-19").

3. Will we feed only on scheduled instructional days when students are in person?

Food services will be required on all instructional days regardless of whether students are in the school buildings, virtual schools or engaging in remote learning. County boards of education are required to make meal service available to enrolled students who will be receiving instruction remotely or virtually. This includes school systems that will be operating on a rotating schedule – with students reporting to the building in rotation. Students not assigned to report certain days a week should still have the option to receive meals on those days when remote learning is being completed. The USDA has allowed for waivers which enable school systems to serve and claim meals for off-site consumption. The Office of Child Nutrition is available for ideas and suggestions to manage this process. Some ideas include:

- » Consider preparing and serving reimbursable multi-day meal packs one day a week for all five days for students enrolled in 100% remote/virtual school.
- » Use a pre-order function to help with inventory management and preparation.
- » Daily pick-up service at designated times at the child's assigned school hub.

