

Memorandum of Understanding
between
Highline Education Association
and
Highline School District

Continuing Impacts of the COVID-19 Pandemic
Effective School Year 2021-22

The Highline School District (District or HSD) and the Highline Education Association (Association or HEA) have developed this Memorandum of Understanding (MOU) to address the ongoing impacts of the COVID-19 pandemic on school district operations and related certificated instructional staff working conditions. As we begin the 2021-22 school year, the District and the Association continue to be guided by the following commitments.

- We will work as collaboratively as possible and strive to maintain open channels of communication in multiple forms, including but not limited to; impact bargaining, weekly Labor/Management Problem-Solving meetings, frequent District-level Safety Team meetings, and various regular and ad hoc meetings between HEA leadership and HSD Cabinet members;
- We will prioritize the health and safety of staff, students and community through strict adherence to the laws, regulations and guidance applicable to PreK-12 schools, such as that from Labor & Industries (L&I), Office of the Superintendent of Public Instruction (OSPI), the Governor's Office, Washington Department of Health (DOH), and Public Health-Seattle & King County (PHSKC);
- Consistent with the Governor's Proclamation regarding the Child and Youth Mental Health Crisis, HEA and HSD will continue to explore and prioritize additional ways to support students' social-emotional and mental health;
- As regulations and guidance from governmental agencies change, we will monitor, adjust, and respond to these changes through the communication channels identified above;
- We will prioritize frequent communication and feedback mechanisms to allow staff, students, and community to feel confident about the measures put in place to promote safe, effective delivery of in-person instruction.

This MOU reflects current agreements. As additional changes and challenges are identified, we will address them via the appropriate collaboration and communication channels outlined above.

Part I: Health & Safety

- 1. Priority Commitments:** Staff and student safety is the top priority of both HEA and HSD in the reopening of schools for the 2021-22 academic year. District-wide health and safety protocols will remain consistent and current with current laws, regulations, and legal guidance applicable to PreK-12 schools. Evolving guidance will be addressed using a problem-solving or impact bargaining process. Strict compliance with all relevant District safety and health rules will be an essential function of each employee's job.

School safety teams should develop plans to implement the Health & Safety provisions outlined below. If, based on that plan, a school needs additional support, there is a process for building principals to reach out to their ILED for additional assistance, resources and support.

2. Safety Plan Development: Each school building will have a worksite-specific Safety Plan which describes the modifications and protocols being adopted to limit, control and mitigate COVID-19 exposure for a safe and healthy work environment at that building. A detailed template for the School Safety Plans has been developed, and will continue to be updated, by the District Safety Team. Layered prevention strategies remain essential to safe delivery of in-person instruction and to help prevent COVID transmission in schools. A school's Safety Plan will be developed in conjunction with District operations staff and, based on current knowledge and public health guidance, will include, but not be limited to, modifications or protocols for the following topics:

- a. Building access points and walking patterns;
- b. Use of shared spaces for adults and students (e.g., offices, bathrooms, locker rooms, staff rooms), shared equipment (e.g., copy machines, refrigerators), and shared teaching materials (e.g., manipulatives, textbooks, technological devices);
- c. Building access for volunteers, visitors and other guests;
- d. Staff and student screening, isolation and supervision if symptomatic at the school site;
- e. Communication and responses regarding staff or student exposure events consistent with District protocols;
- f. Responses to staff or student breaches of safety protocols;
- g. Availability and access to all personal protective equipment (PPE) required for an employee's assignment, including alternative equipment necessary to accommodate student or staff disabilities;
- h. Cleaning schedules and protocols between student or staff use of shared spaces (including classrooms, bathrooms, etc., and access to sanitizing supplies);
- i. Ventilation and air quality status for rooms in which staff and/or students are expected to work;
- j. Classroom furniture necessary to implement current public health requirements;
- k. Student and staff expectations for handwashing and use of sanitizer;
- l. Protocols for lunches and recess;
- m. Plans for physical distancing in classrooms, lunchrooms, playgrounds, and other shared spaces that promote safety and facilitate effective contact tracing.
- n. Reporting mechanisms for concerns regarding plan content and compliance; and
- o. Communication of the building plan and anticipated timing of updates to the plan.

3. Plan Communication: The Safety Plans from the 2020-21 school year are considered to be still in place, with the updates that have been made since they were initially published. Any new changes will be communicated to staff during District Initiative Days (DID). Continued updates or amendments to the Plans will occur as scientific knowledge about the coronavirus grows and guidance from public health authorities is modified. Such changes to the site-specific plan will be reviewed by the school's safety committee for building-based implementation details and communicated to staff and students as soon as they are adopted and in effect. Communications with staff, student and families will be available in the home language of the targets of the communication.

4. Plan Training: All staff, including substitutes, will be required to complete training on each of the elements in the Plan relevant to the employee's assignment, including opportunities

for walk-throughs. All students, including those who enroll after the first day of returning to school, will be taught to comply with each element of the Plan relevant to students. Such instruction shall include, but not be limited to, opportunities to increase and assess student understanding of the protocols before and upon return to school buildings. Substitutes receive materials for asynchronous safety training upon hire.

- 5. Plan Responsibility:** Each work site shall have an administrator and an HEA-appointed safety representative (COVID co-captains) who will share responsibility for monitoring, adjusting, and training on the Plan implemented at each site. Necessary updates and modifications to the Safety Plan shall be shared with each site's safety committee (Section 4.8.O of the CBA) prior to publication to staff and students in order to solicit feedback, improvements, and ideas for successful implementation.

When a staff member has a concern with Safety Plan implementation or when there is a safety problem at the site, they should follow the steps below:

- A. For imminent/emergency safety concerns, notify a building administrator of the problem immediately. Follow up via email if the initial notification was verbal. For many individual problems, the administrator may be able to resolve the problem immediately.
- B. For system problems that are not imminent safety concerns, or if an issue was not immediately resolved through Step A, notify the principal and the HEA COVID co-captain (and the administrative COVID co-captain if that is not the principal) via email in order to problem-solve solutions to the issue. These concerns should be tracked on a building-based log of safety concerns. The log should minimally include: the name of the staff member submitting the concern, the nature of the concern, the outcome/resolution, the date submitted and the date resolved. The building safety committee should regularly review the safety concern log and may be involved in the problem-solving conversations at their regularly scheduled meetings.
- C. If the problem cannot be resolved at the building level, the concern should be escalated to the district level by completing a "Safety Concern Form" to be developed by HSD Human Resources and accessible via Frontline. Notification of form availability and a link to Frontline will be distributed via an administrative packet.

- 6. Compensation for Building Safety Committee Members and COVID Co-Captains:** Five (5) hours paid on an extra-service contract at the extra-duty rate for the HEA COVID Co-Captain and a \$100 stipend for members of school safety committees (including the COVID Co-Captain). School Safety Committees should meet at least monthly.

- 7. Personal Protective Equipment (PPE):** HEA and HSD will continue to jointly monitor and make any necessary updates to the HSD PPE spreadsheet/chart that defines school-specific scenarios and tasks determined by the DOH, L&I, and OSPI, where they fall within each of these risk categories, and what PPE is required for each category/level. If the recommended three-foot physical distancing for students within a classroom is not possible due to room size/capacity, the building administrator will engage the teacher in a conversation regarding additional PPE and/or other layers of health & safety precautions. HSD will ensure that appropriate PPE is readily available for staff and students.

HEA and HSD have agreed that staff can request additional levels of PPE. If a particular context presents unique circumstances which may warrant additional PPE in quantity and/or type staff should email their request and rationale for additional PPE to both Building COVID Co-Captains.

- If the request is warranted and the PPE is already available in buildings, COVID Co-Captains authorize the request from the building supply.
- If the request is warranted and the PPE is not available in the buildings, the Administrator COVID Co-Captain will complete a work-order requesting new PPE to be supplied to the school.
- If the COVID Co-Captains believe the request is not warranted, they will provide the staff member with the rationale for denial and an opportunity to submit an appeal.

8. Responding to COVID Cases and Outbreaks and Working with Public Health: HSD will strictly follow all health and safety provisions outlined by OSPI, DOH, and L&I, and HEA/HSD will continue to jointly monitor current guidance and adjust as changes are made. The District will maintain a protocol that will be used to respond to cases and outbreaks. District Health Services Team will work in conjunction with Public Health and building administrators to perform required contact tracing, staff and family notifications, and other appropriate responses, including potential deployment of Highline's COVID testing team. Tests are available to any staff or student who may have been exposed to COVID. Testing is not mandatory.

The District will maintain a "Dashboard" available on the district website to document positive cases of COVID and close contacts. Aggregated data will be shared for the district and by building. If a staff member has a question or concern about the data shared on the Dashboard, they are encouraged to discuss it with their building administrator.

9. Ventilation: All classrooms and other workspaces potentially used to support in-person learning have been evaluated for ventilation. All spaces being used for in-person work, school, or other activities meet or exceed safety requirements. In buildings where ventilation is dependent on opening windows and/or doors, school-based safety plans and site training should include guidance and support on alternatives in the event of inclement weather and unhealthy air quality; including procuring additional supports, such as HEPA air cleaners to supplement ventilation.

The District will ensure regular monitoring of ventilation systems. In the event that a classroom and/or school building's air quality falls below the standard, building administration, custodial and maintenance staff, will work with operations to take the corrective action(s) needed to get back to or above standard.

If unusual circumstances give rise to a ventilation concern, a staff member may request a ventilation review by Facilities to determine if ventilation enhancements or a room change are warranted. The staff member should send a request to both Building COVID Co-Captains to have the building custodian submit a work order for this review. Reviews will be completed as soon as possible, but no later than one week after submission of the work order.

10. Physical Distancing: Consistent with current Department of Health guidance, district and building leadership will make every reasonable effort to maintain physical distance of three feet or more between students and staff in classroom settings while allowing for full-time, in person learning for all students. In the following circumstances, the District will maximize distance between students to the degree possible: for all students when masks cannot be worn, such as when eating lunch; in common areas outside of the classroom; and during high-risk activities when increased exhalation or aerosolization occurs. If the recommended three-foot physical distancing for students within a classroom is not possible due to room

size/capacity, the building administrator will engage the teacher in a conversation regarding additional PPE and/or other layers of health & safety precautions.

- 11. Initial Class Size Adjustments:** Prior to the first student day of school, building schedules will be monitored by ILEDs in collaboration with Human Resources for class sizes in excess of the contractual “soft-cap” and/or where three-foot distancing cannot be maintained, and schedules will be adjusted to the greatest extent possible to proactively minimize overloads and promote three-foot physical distancing. Building leaders will ensure that HSD Human Resources is aware of situations in which class size exceeds the maximum occupancy guidelines for a classroom. In the event proactive adjustments to class size cannot be made, a school team that includes HEA representation, will develop a plan to provide safety mitigations (e.g., additional PPE, ventilation enhancements, CO₂ monitors, alternative teaching spaces), given the number of students.
- 12. Remote Meeting Access:** The District and the Association recognize that, with the return to in person work, space continues to be an issue both in the central office and in schools, and that many people are concerned about large, in-person meetings spaces where the recommended six-foot physical distancing between adults cannot be maintained. The parties agree that a remote option for adult-only meetings and professional learning should be provided whenever practicable, and expect employees to follow HSD’s [Meeting Guidance for Fall 2021](#) until further notice. In the event a certificated staff member believes this guidance is not being followed due to remote options being unavailable when safe physical distancing cannot be maintained, they should bring their concern to the attention of both HEA and HSD COVID Co-Captains at their worksite using the process outlined in Section 5 above, starting at Step B.

Part II: COVID-related Reassignments & Leaves

- 1. Assignments:** The District will maintain existing staff assignments to the greatest degree possible during the crisis. Requests for alternative assignments will be considered under the Americans with Disabilities Act (ADA), the Washington Law Against Discrimination (WLAD) and the Health Emergency Labor Standards Act (HELSEA) for employees with legally-recognized disabilities or high risk worker status.
- 2. Leaves:** If alternative assignments are not available or if an employee is unable to fulfill their professional responsibilities, the District will work with affected employees to identify available paid and unpaid leave, insurance benefits, and other governmental benefits available under law or this Collective Bargaining Agreement. The employee may elect to combine all these leaves in a manner that is most generous in providing leave for the duration of any incapacitation or unavailability.
- 3. Temporary Remote Work:** Certificated staff may be allowed to shift to temporary remote work during quarantine for work-based exposure or illness on a case-by-case basis as outlined below. In the event that implementation of this provision places an undue burden on the system, and/or if public health guidance on quarantine requirements changes, HEA and HSD will utilize the Problem-Solving Process to develop an appropriate solution.
 - a. Classroom teachers: If a teacher is required to quarantine as the result of a school-based exposure that leads to a classroom quarantine or a switch to temporary remote

instruction for a single class, they may continue to teach remotely, from quarantine, for the duration of the quarantine. Teachers who are not required to quarantine in these scenarios would continue to work in-person even while teaching remotely. If a teacher is required by the district to quarantine but their students are still in person, and the teacher is well enough to continue teaching remotely, they may choose to do so with a proctor supervising their in-person students or through other viable options. Arrangements to allow teachers to continue working remotely in this situation will be coordinated by HSD Central Office.

- b. Other certificated staff: If a certificated staff member is required by the district to quarantine, but the staff member is well enough to continue working remotely, they may work with their direct supervisor to develop plans to work remotely on a temporary basis, with notification provided to HSD Human Resources. If remote work is not an option for a particular employee in this situation, the alternative would be for the District to provide up to three days of administrative leave, pending a COVID test. If the employee tests negative, they may return to work; if the employee tests positive, they may file an L&I claim under HELSA and/or access any other available leaves, as referenced above.

Part III: Student Quarantines

Due to the ongoing impacts of the COVID 19 pandemic, there will be times when individual students, individual educators, or entire classrooms will need to be remote for periods of time due to exposure and necessary quarantine or illness.

- 1. Individual Quarantine:** When individual students need to access learning remotely due to quarantine and/or illness, teachers will use their professional judgement, based on their knowledge of students and their families, to determine the best specific plans and strategies to engage and support students in both academic and social-emotional learning during remote instruction.

Temporary remote learning for individual students will include:

- a. Assigned work to be completed by the student via Seesaw, Google classroom, iReady, curricular workbooks or online activities, or other asynchronous learning activities as determined by the teacher.
- b. Periodic check-ins on a mutually agreed schedule between the teacher and student/family to take place via email, phone, text, Zoom, Seesaw, or Google classroom to facilitate student participation and progress. The expectation is that these will take place during the regular teacher workday, unless otherwise agreed between teacher and student/family.

Temporary remote learning may also include synchronous participation in large-or small-group class sessions via Zoom, Google classroom, or another approved platform, on a schedule determined by the classroom teacher. There is no requirement nor expectation that teachers will provide concurrent instruction on a regular school schedule for temporary remote learning. However, synchronous learning opportunities, such as peer-peer interaction and small-group instruction, may be offered when the teacher determines it facilitates effective learning for both in-person and temporarily remote students.

In order to facilitate a smooth transition for students to temporary remote learning if/when needed, the teacher will:

- a. Continue to use Seesaw/Google classroom at least once per week while in-person to maintain student fluency on these platforms.
- b. Maintain a collection of asynchronous lessons and assignments that can be easily and quickly available for students to access remotely.
- c. Reach out to the family of a student assigned to temporary remote learning in order to determine the student's ability to participate in various kinds of educational activities during their period of quarantine/illness.

Educators are encouraged to work collaboratively whenever possible to support each other in meeting the needs of students accessing temporary remote instruction.

- 2. Classroom or School Quarantine:** In the event a classroom quarantine is necessary, all students in the class will be assigned to temporary remote learning, utilizing either the HSD Elementary Remote Learning Program Model for elementary or the Continuous Learning 2.0 model, following the live instruction schedule, for secondary.

In the event a school quarantine is necessary, all students at that school will be assigned to temporary remote learning, utilizing either the HSD Elementary Remote Learning Program Model for elementary or the Continuous Learning 2.0 model, following the live instruction schedule, for secondary. All staff at that school will be temporarily assigned to work remotely.

- 3. Quarantine Impacts – Secondary & Elementary:** In the event that more than a few individual students are quarantined, a teacher may opt for a class to switch to temporary remote instruction for the duration of quarantine. The majority of instruction will take place synchronously, under the Continuous Learning 2.0 model, following the live instruction schedule. Asynchronous learning evidenced through platforms will indicate attendance for students attending remotely.

During this time, students will access instruction remotely from home if they are quarantining or ill. If students are not required to quarantine, they will access remote instruction from school. The in-person students will be supervised by the classroom teacher, if the teacher is not required to quarantine, or by a proctor if the teacher is also in quarantine.

- 4. Teacher Quarantine:** Provisions related to classroom teacher quarantines are addressed in the Leaves & Reassignment segment above.

Part IV Vaccination Requirement

1. The District will adhere to all State mandates and requirements concerning the vaccination of employees. State law currently requires all District employees to be fully vaccinated against COVID-19 no later than October 18 as a condition of continued employment. Accordingly, employees must provide verification to the District of having received the first dose of a 1-shot regimen vaccine or the second dose of a 2-shot regimen vaccine by October 4 (14 days prior to when the employee will be considered fully vaccinated). In accordance with the State mandate, any one of the following forms of verification will be recognized as evidence of compliance: a) a Centers for Disease Control (CDC) COVID-19 Vaccination Record Card, b) written verification from a licensed physician attesting to

the employee's COVID-19 vaccination, c) verification from the State COVID-19 immunization data base, or d) for an individual who was vaccinated outside of the United States, a reasonable equivalent of any of the above.

2. For compliance purposes, the vaccination status of employees will be maintained confidentially by the District's designated COVID-19 records staff in a secure section of District personnel records. The District will not disclose the vaccination status of an employee unless required by law.
3. In accordance with the State mandate, an employee may seek a medical or religious exemption to the vaccination requirement. When determining whether to grant such an accommodation, the District will adhere to state and federal law. Such employees will be required to provide appropriate documentation of a medical condition or religious objection to vaccination. Exemptions will be considered based on individual case-specific facts. If an exemption is granted, the employee may be required to meet additional District requirements including, but not limited to, periodic COVID-19 testing, utilization of additional PPE, adherence to physical distancing guidelines beyond those otherwise applicable to employees, and/or other measures designed to protect the health and safety of all employees. If accommodations are necessary for the employee to perform the essential functions of the job, then consistent with prevailing law, the District will make a determination as to whether such accommodations are reasonable or an undue hardship.
4. If an employee requests an exemption that is not granted by the District, the individual may request an unpaid leave for the 2021-22 school year. HSD Human Resources will develop a process to impartially evaluate such requests.
5. HEA and HSD agree to utilize the impact bargaining and/or Labor-Management Problem Solving process to negotiate the impacts of any revision or update to the vaccination requirement that adds booster shots to the definition of "fully vaccinated."



Dr. Steve Grubb
Chief Talent Officer
Highline School District

9/8/21

Date



Dr. Sandra Hunt
President
Highline Education Association

Date