

1648 RESTART AND RECOVERY

On June 26, 2020, the New Jersey Department of Education (NJDOE) published “The Road Back - Restart and Recovery Plan for Education” (Guidance), a guidance document for reopening New Jersey schools during the COVID-19 pandemic. The Guidance provided school officials with the information necessary to ensure that schools reopen safely and are prepared to accommodate staff and students’ unique needs during these unprecedented times. The NJDOE required school districts in the State to develop, in collaboration with community stakeholders, a “Restart and Recovery Plan” (Plan) to reopen schools that best fits the district’s local needs.

The Guidance requires the following key areas be included in the “Restart and Recovery Plan”:

- A. Conditions for Learning
- B. Leadership and Planning
- C. Policy and Funding
- D. Continuity of Learning

The Guidance requires the Board of Education to adopt certain policies and the Board adopts Policy 1648 to address those policy requirements in the Guidance. Policy 1648 shall only be effective through the current COVID-19 pandemic and will take precedence over any existing Policy on the same or similar subject, unless determined otherwise by the Superintendent.

The Superintendent shall develop procedures for the implementation of district’s “The Road Back – Restart and Recovery Plan for Education”.

A. Conditions for Learning

1. Transportation - Bus Procedures to Reduce the Spread of Contagion

- a. Bus drivers and bus aides are required to wear face coverings at all times.
- b. Students must wear face coverings while ride on the bus. Accommodations for students who are unable to wear face coverings should be consistent with the student’s IEP.
- c. Contracted transportation providers shall be required to clean and sanitize seats, rails and highly touched surfaces. The contracted service provider shall collaborate with the district in establishing cleaning/sanitation protocols that are consistent with social distancing practices. The contracted service provider shall ensure that employees are fully trained in the implementation of the established protocols:

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- d. Subscription busing will not be available for the 2020-2021 school year. Subscription busing is a paid service for families who do not meet the requirements for mandated busing. All other district busing services will remain in place.
 - e. To assist the district in meeting the challenge of ensuring proper social distancing on buses, parents/guardians wishing to waive transportation for their child(ren) are encouraged to contact the Business Office Transportation Unit.
2. Screening, Personal Protective Equipment (PPE), and Response to Students and Staff Presenting Symptoms
- a. Screening and Personal Protective Equipment (PPE)
 1. School staff are required to wear face coverings unless doing so would inhibit the individual's health as verified by the school physician.
 2. Face coverings and gloves will be available to all staff. Other PPE will be available as required.
 3. Students are required to wear face coverings, unless doing so would inhibit the student's health.
 4. Staff members will be required to take their temperature each morning no more than one hour before the start of school. They will enter the temperature reading into a daily form that will include a brief health questionnaire regarding COVID-19 symptoms.
 5. Parents/guardians will be required to take the temperature of their child(ren) each morning no more than one hour before the start of school. They will manually enter the temperature reading into a daily form that will include a brief health questionnaire regarding COVID-19 symptoms.
 6. It is imperative that parents/guardians keep their child home if he/she is experiencing symptoms of illness.
 - a. If it is determined that parents/guardians did not provide accurate information on the form and an ill child arrives at school, all students in the household will be placed on fulltime distance learning until cleared to return to in-person instruction.
 7. Staff will monitor questionnaire responses prior to the start of school and will conduct a visual check for symptoms.
 8. Nurses may conduct spot temperature checks of students upon arrival and throughout the day.

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9. Health checks must be conducted safely and respectfully, and in accordance with any applicable privacy laws and regulations.
 10. Results must be documented when signs/symptoms of COVID-19 are observed.
 11. Screening procedures shall take into account students with disabilities and accommodations that may be needed in the screening process for those students.
- b. Procedures for symptomatic staff and students:
1. Students/Staff who feel ill should stay home and not enter the school building.
 2. The school principal or his or her designee shall establish an isolation space;
 3. Students and staff with symptoms related to COVID-19 shall be safely and respectfully isolated from others. Students should remain in isolation with continued supervision and care until picked up by an authorized adult;
 4. Staff must provide continuous monitoring of symptoms;
 5. The [current Communicable Disease Service](#) guidance for illness reporting shall be followed;
 6. If a staff member becomes aware that an individual who has spent time in a district facility tests positive for COVID-19, the staff members shall notify the principal and the school nurse. The school nurse shall immediately notify local health officials, staff, and families of a confirmed case while maintaining confidentiality;
- c. Preparations for when someone tests positive for COVID-19:
1. The school principal or his or her designee shall establish an isolation space;
 2. Students and staff with symptoms related to COVID-19 shall be safely and respectfully taken to the designated isolation space and isolated from others. Students should remain in isolation with continued supervision and care until picked up by an authorized adult;
 3. The [current Communicable Disease Service](#) guidance for illness reporting shall be followed;
 4. Readmittance to school shall be consistent with [Department of Health guidance and information for schools](#) and Department of Health/Communicable Disease Service's [Quick Reference Guidance on Discontinuation of Transmission-Based Precautions and Home Isolation for Persons Diagnosed with COVID-19](#);

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5. Contact tracing shall be initiated by the Westfield Board of Health with assistance from district staff including records of groups/cohorts, assigned staff, and daily attendance.
- d. Protocols to address a positive case:
1. Students/Staff who feel ill should stay home and not enter the school building.
 2. Any student who presents with any COVID-19 symptom(s) will be safely and respectfully removed from class or upon bus arrival and isolated from others to determine the student's health status. COVID-19 signs and symptoms are:
 - i. Temperature equal to or greater than 100.0 F
 - ii. Fever
 - iii. Chills
 - iv. Cough
 - v. Shortness of breath or difficulty breathing
 - vi. Sore throat
 - vii. Body aches or muscle soreness
 - viii. Nausea, vomiting, diarrhea
 - ix. Congestion, runny nose
 - x. Headache
 - xi. Fatigue
 - xii. Rash
 - xiii. New loss of taste and smell
 - xiv. Pain or pressure in the chest
 3. The school nurse will assess the student, including gathering information from the student's health record and from the parent.
 4. As information is being gathered, the principal will be notified.
 5. When signs/symptoms of COVID-19 are observed during a school day, it will be documented and a record will be maintained per FERPA / HIPAA regulations.
 6. Any student with a temperature equal to or greater than 100.0 degrees F. will be placed in an isolation area and a parent/emergency contact will be notified to come for the student **within 30 minutes**.
 - i. Students with a potential COVID-19 infection must leave the school building as soon as possible. The parent or emergency contact should be available within school hours to come for the child within 30 minutes. The student will exit the building at the closest exit to the isolation area.

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7. A staff person who is experiencing COVID-19 symptom(s) or feeling sick should leave the building and inform the school nurse that they are going home.
 - i. If the staff member is not well enough to drive, the staff member should go to the isolation room. If the staff member cannot drive and cannot be transported home by a friend or family member, an ambulance will be called.
8. Designated isolation areas will be equipped with PPE.
9. Any isolation area that has been occupied by a staff member or student who was thought to have signs/symptoms of COVID-19 will be closed and not used until thoroughly cleaned, sanitized, and disinfected.
10. If a student/staff member is diagnosed with COVID-19, the student/staff member will be allowed to return to school when the following criteria are met:
 - i. The student/staff member has been fever free for at least 24 hours without taking a fever reducing medication **AND** a minimum of 10 days have passed since the start of symptoms and symptoms have improved **OR** the student/staff member has had 2 negative results on COVID-19 tests approved by the FDA at least 24 hours apart.
 - ii. A medical note from the student or staff member's physician clearing the individual to return to school is provided.
11. If the cause of the symptoms is other than COVID-19, the student/staff member upon return to school, must have a medical note from their physician with an alternative diagnosis (for example, strep throat, or influenza).
12. Upon return to school, the student must have a re-entry meeting with the school nurse.
13. If a student or staff member is suspected to have COVID-19, the district will comply with the CDC and New Jersey Department of Health recommendations that the classroom and work areas where the student or staff member was located should be closed off for at least 24 hours prior to being cleaned, sanitized, and disinfected. The district will contact the public health department for current guidance on next step protocols.

14. If a student or staff member is exposed to COVID-19 at home and/or outside of the school building, they should self-quarantine and monitor symptoms for fourteen (14) days from the last date of exposure. Exposure is defined as being within 6 feet of a COVID-19 positive person for 10 minutes with or without wearing a mask.
 - i. Secondary contacts (i.e., classmates, staff, etc.) of an individual who may have been exposed to COVID-19 are not required to self-quarantine unless otherwise advised by the Department of Health.
 - ii. Social distancing, frequent handwashing, and hygiene practices should be reinforced and encouraged.
15. Individuals experiencing symptoms of COVID-19 are encouraged to get tested.
16. Due to the coronavirus disease 2019 (“COVID-19”) pandemic, the State of New Jersey issued an incoming travel advisory, effective June 25, 2020, which recommends that all individuals, including New Jersey residents, entering New Jersey from states with a significant spread of COVID-19 should voluntarily self-quarantine for fourteen (14) days after leaving that state (the “Travel Advisory”). The Board of Education believes it is in the school community’s health, safety and welfare interests to follow the Travel Advisory to prevent the spread of COVID-19.

As of July 31, 2020 there are 36 states on the Travel Advisory list that meet the criteria for quarantine. This [list \(https://covid19.nj.gov\)](https://covid19.nj.gov) is subject to change based on updated data and information on the New Jersey COVID-19 Information Hub. The CDC recommends avoiding all non-essential international travel due to the global COVID-19 pandemic. Persons who travel internationally are recommended by the CDC to stay home, monitor their health, and practice social distancing for 14 days after they return from travel. Parents/guardians and staff members are asked to visit www.nj.gov/governor for the most current travel advisory.

3. Facilities Cleaning Procedures to Reduce the Spread of Contagion

Ventilation Systems

Schools and districts must ensure that their indoor facilities have adequate ventilation, including operational heating, and ventilation systems where appropriate. Recirculated air must have a fresh air component. Open windows must be available if air conditioning is not provided and filter(s) for A/C units must be maintained and changed according to manufacturer recommendations.

Cleaning Procedures

The building principal in consultation with the maintenance supervisor and the building head custodian shall develop a procedure for increased, routine cleaning and disinfection. The procedure shall include cleaning/disinfecting schedules, targeted areas to be cleaned, and methods and materials to be used, and shall address:

a. Cleaning/Disinfecting

1. District custodians will conduct increased cleaning and disinfecting with special attention paid to classroom desks and chairs, door handles and push plates, handrails, bathrooms, light switches, and other frequently touched surfaces.
2. Each building will be cleaned, sanitized, and disinfected on a daily basis. Certain frequently used surfaces will receive more frequent wipe downs.
3. Specialized cleaning equipment will be used, including electrostatic sprayers to more effectively assist in the disinfecting process.
4. The district also will continue to adhere to [existing required facilities cleaning practices and procedures](#).
5. Water bottle filling stations will be available for use; drinking fountains will be turned off.

b. Products used for Cleaning and Disinfecting

1. The Westfield Public School District uses EPA-registered, hospital-grade products which are qualified for cleaning in New Jersey schools.
2. 64H neutral disinfectant, approved for the COVID-19 virus, and 72 hydrogen peroxide are used to clean and disinfect rooms and surfaces
3. All custodial staff have been trained on the proper use of these products.

c. Indoor Air Quality (IAQ)

1. Maintenance staff maintain proper air circulation in all district buildings.
2. HVAC systems have a fresh air component to their operation.
3. Air conditioning unit filters are maintained as per manufacturers' recommendations based on the type of equipment.
4. Staff is encouraged to open windows whenever possible to promote air flow.

d. Facility Staff and Proper PPE

1. The Buildings and Grounds staff is required to wear proper Personal Protection Equipment (PPE) to keep themselves and others safe to work in and around the school properties during any extended school closures.
2. All staff are well versed on the need for washing hands frequently, keeping social distance, and to not come in to work if they are not feeling well. This is for the safety and protection of all staff.

4. Wraparound Supports

Wraparound services ensure that students who are in need of additional academic, behavioral and social-emotional supports that differ from traditional school based services receive appropriate services. Throughout the district, counselors, nurses, Child Study Team members, Intervention and Referral Committees, and 504 Committees will collaborate in determining student and family needs, coordinating services and providing additional resources for students and families.

5. Contact Tracing

Contact tracing is a longstanding practice used to identify those who come into contact with people who have tested positive for many contagious diseases, including COVID-19. Contacts will be notified for potential exposure to COVID-19. Close contact is defined as being within 6 feet of a COVID-19 positive person for 10 minutes with or without wearing a mask.

Local public health officials are responsible for contact tracing. As experienced health care professionals, the school nursing staff will work closely with local public health officials.

School nurses will immediately notify local public health officials if they become aware of a student or staff member who has tested positive for COVID-19 as well as keep them updated on suspected cases. Confidentiality of student and staff information will be upheld.

All school and district administrators, school nurses, counselors, and other identified staff will be provided information regarding the role of contract tracing in keeping school communities safe from the spread of contagious disease. School nurses will assist the local health department in educating the broader school community on the importance of contract tracing.

6. Visitor Procedures for Contagion Prevention

In order to prevent the spread of disease during pandemic recovery and to protect the health and safety of students and staff against infection, no visitors shall be permitted in the schools until pandemic restrictions are lifted. For emergency situations, the principal may admit a visitor if he/she determines that it is necessary. In all such cases, the visitor shall submit to the screening procedure (e.g., temperature and exposure questionnaire) and shall be required to wear a face covering while in the school building.

B. Leadership and Planning

The Superintendent and district administrators, as always, focus on the health and safety of students and staff. The following key areas are included:

1. Scheduling

- a. The district's Plan accounts for resuming in-person instruction and provides steps to shift back to virtual learning models if circumstances change and in-person instruction can no longer be followed.
- b. The district's Plan accommodates opportunities for both synchronous and asynchronous instruction, while ensuring requirements for a 181-day school year are met.
- c. The district recognizes that special populations will require unique considerations to ensure the continuity of learning as well as the health and safety of students and staff within the least restrictive environment. The district continues to ensure students receive individualized supports that meet the requirements of the IEP and 504 Plans.

2. Staffing

- a. The district complies with all applicable employment laws when making staffing and scheduling requirements, including, but not limited to, the Americans Disabilities Act (ADA), the Health Insurance Portability and Accountability Act (HIPPA), and all applicable State laws.

C. Policy and Funding

1. School Funding

a. Purchasing

The district continues to comply with the provisions of the “Public School Contracts Law”, N.J.S.A. 18A:18A-1 et seq.

b. Use of Reserve Accounts, Transfers, and Cashflow

The district shall apply for the approval from the Commissioner of Education, prior to performing certain budget actions, such as withdrawing from the emergency reserve account or making transfers that cumulatively exceed ten percent of the amount originally budgeted.

c. Costs and Contracting

The district follows all New Jersey State laws and regulations applicable to local school districts for purchasing when procuring devices and connectivity or any technology related item.

D. Continuity of Learning

1. Ensuring the Delivery of Special Education and Related Services to Students with Disabilities

a. The district continues to meet its obligations to students with disabilities to the greatest extent possible.

2. Professional Learning

a. The district prepares and supports teaching staff members in meeting the social, emotional, health, and academic needs of all students throughout the implementation of the Plan.

1. Professional Learning

i. The district supports each teaching staff member’s professional capacity to deliver developmentally appropriate standards-based instruction remotely.

2. Mentoring and Induction

i. The district ensures:

a. All novice provisional teachers new to the district are provided induction;

b. One-to-one mentoring is provided to novice provisional teachers by qualified mentors;

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- c. Mentors provide sufficient support and guidance to novice provisional teachers working in a remote environment;
- d. Mentoring is provided in both hybrid and fully remote learning environments and mentors and provisional teachers will agree upon scheduling, structure, and communication strategies to be used to maintain the mentoring experience;
- e. Online collaborative tools will be used for school staff to remain connected to other mentors, new teachers, and administrators to maintain a sense of communal support.

3. Evaluation

- a. The district follows the requirements and best practices with provisional status teachers, nontenured educators, and those on Corrective Action Plans (including extra observations, extra observers, assuring more frequent feedback and face-to-face).

New Jersey Department of Education “The Road Back – Restart and Recovery Plan for Education”

First Reading: August 3, 2020

Adopted: August 3, 2020

1649 FEDERAL FAMILIES FIRST CORONAVIRUS (COVID-19)
RESPONSE ACT

The Federal Families First Coronavirus (COVID-19) Response Act (FFCRA) includes the Emergency Family and Medical Leave Expansion Act (EFMLEA) and the Emergency Paid Sick Leave Act (EPSLA). The EFMLEA expands the Federal Family and Medical Leave Act (FMLA) and the EPSLA provides employees with paid sick leave for specified reasons related to COVID-19.

The provisions of the FFCRA shall apply from April 1, 2020 through December 31, 2020.

A. Emergency Family and Medical Leave Expansion Act (EFMLEA)

1. Definitions - For the purposes of the EFMLEA:

- a. “Eligible employee” means an employee who has been employed for at least thirty calendar days by the employer with respect to whom leave is requested.
- b. “Employer” means public agencies, including school districts, or other units of government, except specific federal agencies, and certain employers with fewer than five hundred employees.
- c. “Qualifying need related to a public health emergency” means with respect to leave, the employee is unable to work (or telework) due to a need for leave to care for the son or daughter under eighteen years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.
- d. “Public Health Emergency” means an emergency with respect to COVID–19 declared by a Federal, State, or local authority.
- e. “Child care provider” means a provider who receives compensation for providing child care services on a regular basis, including an ‘eligible child care provider’ (as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n)).
- f. “School” means an ‘elementary school’ or ‘secondary school’ as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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2. Relationship to Paid EFMLEA Leave

The FFCRA includes the Emergency Family and Medical Leave Expansion Act (EFMLEA) that amended the Federal Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq. to provide leave to an eligible employee because of a qualifying need related to a public health emergency with respect to COVID-19 - (U.S.C. 2612(a)(1)(F)).

a. Leave for Initial Ten Days

- (1) The first ten days of this FMLA leave for an eligible employee shall be unpaid.
- (2) If the first ten days of this FMLA leave are unpaid, an employee may elect to substitute any accrued vacation leave, personal leave, or emergency paid sick leave provided by the EPSLA for the initial ten days under the EFMLEA in accordance with 29 U.S.C. 2612(d)(2)(B).
- (3) An employee may not use sick leave under N.J.S.A. 18A:30-1 for a qualifying need related to a public health emergency. However, an employee receiving sick leave under the provisions of N.J.S.A. 18A:30-1 may only use sick leave because of personal disability due to illness or injury, or because the employee has been excluded from school by the school district's medical authorities on account of contagious disease or of being quarantined for such a disease in his or her immediate household.

b. Paid Leave for Subsequent Days

- (1) An employer shall provide paid leave for each day of leave under the EFMLEA that an employee takes after taking such leave for ten days.
- (2) The paid leave for an employee shall be calculated based on:
 - (a) An amount that is not less than two-thirds of an employee's regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)); and
 - (b) The number of hours the employee would otherwise be normally scheduled to work (or the number of hours calculated under A.2.(b)(4) below).

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- (3) In no event shall such paid leave exceed \$200.00 per day and \$10,000.00 in the aggregate.
- (4) Varying Schedule Hours Calculation – In the case of an employee whose schedule varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken leave under the EFMLEA, the employer shall use the following in place of such number:
 - (a) Subject to A.2.b.(4)(b) below, a number equal to the average number of hours that the employee was scheduled per day over the six-month period ending on the date on which the employee takes such leave, including hours for which the employee took leave of any type.
 - (b) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

c. Employee Notice to Employer

- (1) In any case where the necessity for leave under the EFMLEA for the purpose of a qualifying need related to a public health emergency is foreseeable, an employee shall provide the employer with such notice of leave as is practicable.
 - (a) A request for such leave that is foreseeable shall be submitted to the Superintendent or Superintendent's designee prior to commencing the leave.
 - (b) A need for such leave that is not foreseeable shall be submitted to the Superintendent or Superintendent's designee within one business day of the first day of the leave being taken by the employee.
 - (c) The employee shall provide to the Superintendent or Superintendent's designee the name of the employee's child, the name of the school, place of care, or child care provider that has closed or become unavailable, and a statement that no other suitable person is available to care for the child.

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d. Restoration to Position

(1) The employee shall be restored to the same or equivalent position held by the employee when the leave commenced pursuant to 29 CFR 825.214. The requirement to restore the employee to the same or equivalent position held when the leave commenced does not apply to an employer who employs fewer than twenty-five employees if all four of the following conditions are met:

(a) The employee takes leave under the EFMLEA.

(b) The position held by the employee when the leave commenced does not exist due to economic conditions or other changes in operating conditions of the employer:

i. That affect employment; and

ii. Are caused by a public health emergency during the period of leave.

(c) The employer makes reasonable efforts to restore the employee to a position equivalent to the position the employee held when the leave commenced with equivalent employment benefits, pay, and other terms and conditions of employment.

(d) If the reasonable efforts of the employer under A.2.d.(1)(c) above fail, the employer makes reasonable efforts during the period described in A.2.d.(2) below to contact the employee if an equivalent position described in A.2.d.(1)(c) above becomes available.

(2) Contact Period

(a) The period described under A.2.d. above is the one-year period beginning on the earlier of:

i. The date on which the qualifying need related to a public health emergency concludes; or

ii. The date that is twelve weeks after the date on which the employee's leave under the EFMLEA commences.

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B. Emergency Paid Sick Leave Act (EPSLA)

The FFCRA includes the EPSLA, which provides paid sick time to an employee to the extent the employee is unable to work or (telework) due to a need related to COVID-19. The paid sick time provided by the EPSLA and outlined in B.1. below cannot be taken with any other paid leave time provided by the employer.

1. Definitions

a. For purposes of the EPSLA and this Policy:

- (1) “Employee” means an individual who is employed by a private employer with fewer than five hundred employees and such public agencies including school districts.
- (2) “Employer” means public agencies, including school districts, or other units of government, except specific federal agencies, and certain employers with fewer than five hundred employees.
- (3) “Employ” and “State” have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).
- (4) “Health care provider” and “son or daughter” have the meanings given such terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).
- (5) “Paid sick time” means an increment of compensated leave that:
 - (a) Is provided by an employer for use during an absence from employment for a reason described in any paragraph of B.2.a. below; and
 - (b) Is calculated based on the employee’s required compensation under B.1.a.(6) below and the number of hours the employee would otherwise be normally scheduled to work (or the number of hours calculated under (B.1.a.(7) below), except that in no event shall such paid sick time exceed:
 - i. \$511.00 per day and \$5,110.00 in the aggregate for a use described in B.2.a.(1), (2), or (3) below; and
 - ii. \$200.00 per day and \$2,000.00 in the aggregate for a use described in B.2.a.(4), (5), or (6) below.

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- (6) “Required Compensation” subject to B.1.a.(5)(b) above, the employee’s “required compensation” shall be not less than the greater of the following:
- (a) The employee’s regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)).
 - (b) The minimum wage rate in effect under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).
 - (c) The minimum wage rate in effect for such employee in the applicable State or locality, whichever is greater, in which the employee is employed.

Subject to B.1.a.(5)(b) above, with respect to any paid sick time provided for any use described in B.2.a.(4), (5), or (6) below, the employee’s required compensation shall be two-thirds of the amount described in B.1.a.(6) above.

- (7) “Varying Schedule Hours Calculation” means in the case of a part-time employee described in B.3.b.(2) below whose schedule varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken paid sick time under B.2.a. below, the employer shall use the following in place of such number:
- (a) Subject to clause B.1.a.(7)(b) below, a number equal to the average number of hours that the employee was scheduled per day over the six-month period ending on the date on which the employee takes the paid sick time, including hours for which the employee took leave of any type.
 - (b) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

2. Paid Sick Leave Requirement

- a. An employer shall provide to each employee employed by the employer paid sick time to the extent that the employee is unable to work (or telework) due to a need for leave because:

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- (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
- (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- (4) The employee is caring for an individual who is subject to an order as described in B.2.a.(1) above or has been advised as described in B.2.a.(2) above.
- (5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.
- (6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

3. Duration of Paid Sick Time

- a. An employee shall be entitled to paid sick time for an amount of hours determined under B.3.b. below.
- b. The amount of hours of paid sick time to which an employee is entitled shall be as follows:
 - (1) For full-time employees, eighty hours.
 - (2) For part-time employees, a number of hours equal to the number of hours that such employee works, on average, over a two-week period.
- c. Paid sick time under the EPSLA shall not carry over from one year to the next.

4. Employer's Termination of Paid Sick Time

- a. Paid sick time provided to an employee under the EPSLA shall cease beginning with the employee's next scheduled work shift immediately following the termination of the need for paid sick time under B.2.a. above.

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5. Prohibition
 - a. An employer may not require, as a condition of providing paid sick time under the EPSLA, that the employee involved search for or find a replacement employee to cover the hours during which the employee is using paid sick time.

6. Use of Paid Sick Time
 - a. The paid sick time under B.2.a. above shall be available for immediate use by the employee for the purposes described in the EPSLA, regardless of how long the employee has been employed by an employer.
 - b. Sequencing Leave Time
 - (1) An employee may first use the paid sick time under B.2.a. above for the purposes described in the EPSLA.
 - (2) An employer may not require an employee to use other paid leave provided by the employer to the employee before the employee uses the paid sick time under B.2.a. above.

7. Notice
 - a. Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Secretary of Labor, of the requirements described in the EPSLA.
 - b. Not later than seven days after the date of enactment of this Act, the Secretary of Labor shall make publicly available a model of a notice that meets the requirements of B.7.a. above.

8. Prohibited Acts
 - a. It shall be unlawful for any employer to discharge, discipline, or in any other manner discriminate against any employee who:
 - (1) Takes leave in accordance with the EPSLA; and

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- (2) Has filed any complaint or instituted or caused to be instituted any proceeding under or related to the EPSLA (including a proceeding that seeks enforcement of the EPSLA), or has testified or is about to testify in any such proceeding.

9. Enforcement

- a. Unpaid Sick Leave - An employer who violates B.2. through B.6. of this Policy shall:
 - (1) Be considered to have failed to pay minimum wages in violation of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206); and
 - (2) Be subject to the penalties described in sections 16 and 17 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216; 217) with respect to such violation.
- b. Unlawful Termination - An employer who willfully violates B.8. above shall:
 - (1) Be considered to be in violation of section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)); and
 - (2) Be subject to the penalties described in sections 16 and 17 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216; 217) with respect to such violation.

10. Rules of Construction

- a. Nothing in the EPSLA shall be construed:
 - (1) To in any way diminish the rights or benefits that an employee is entitled to under any:
 - (a) Other Federal, State, or local law;
 - (b) Collective bargaining agreement; or
 - (c) Existing employer policy; or

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- (2) To require financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for paid sick time under the EPSLA that has not been used by such employee.

11. Guidelines

- a. Not later than fifteen days after the date of the enactment of the EPSLA, the Secretary of Labor shall issue guidelines to assist employers in calculating the amount of paid sick time under the EPSLA.

12. Reasonable Notice

- a. After the first workday (or portion thereof) an employee receives paid sick time under the EPSLA, an employer may require the employee to follow reasonable notice procedures in order to continue receiving such paid sick time.
- b. The request for such leave shall be submitted to the Superintendent or Superintendent's designee, who may request documentation from the employee in support of the emergency paid sick leave.
- c. The documentation shall include a signed statement containing the following information: the employee's name; the date(s) for which leave is requested; the COVID-19 qualifying reason for leave; and a statement representing that the employee is unable to work or telework because of the COVID-19 qualifying reason.
- d. An employee requesting to take emergency paid sick leave under the EPSLA or the EFMLEA to care for his or her child must provide the following information: the name of the child being cared for; the name of the school; place of care; or child care provider that closed or became unavailable due to COVID-19 reasons; and a statement representing that no other suitable person is available to care for the child during the period of requested leave.

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13. Regulatory Authorities

- a. The Secretary of Labor shall have the authority to issue regulations for good cause under sections 553(b)(B) and 553(d)(A) of Title 5, United States Code:
 - (1) To exempt small businesses with fewer than fifty employees from the requirements of B.2.a.5. when the imposition of such requirements would jeopardize the viability of the business as a going concern; and
 - (2) As necessary, to carry out the purposes of the EPSLA, including to ensure consistency between the EPSLA and Division C and Division G of the FFCRA.

H.R. 6201: Families First Coronavirus (COVID-19) Response Act
N.J.S.A. 18A:30-1

First Reading: August 3, 2020
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1650 REMOTE LEARNING

In response to State directives regarding reopening school with adequate precautions to prevent the spread of COVID-19, the board shall provide opportunities for fully virtual and hybrid learning (consisting of in-person and remote instruction for all pupils. The Board of Education shall support a program of fully virtual and hybrid learning (consisting of in-person and remote instruction) that:

1. Prioritizes the health, safety, and wellness of students and staff;
2. Maintains the continuity of learning;
3. Facilitates equity and ease of access to communications and resources;
4. Flexibly accommodates the needs and varying circumstances of all learners;
5. Incorporates educators, students, parents/guardians, board members and other community members into the entire analysis and planning cycle.

The virtual learning program may consist of synchronous and asynchronous tools. Synchronous tools provide ways of accessing and providing information that require interaction with others to occur at the same time (i.e., online classrooms, interactive webinars, video conferencing).

Asynchronous tools provide ways of accessing and providing information that does not require interaction with others to occur at the same time (i.e., forums, blogs, email, website links, etc.).

The length of the school day for in-person, fully virtual and hybrid learning programs shall be in accordance with N.J.A.C. 6A:32-8.3, stating that a school day shall consist of not less than four hours, except that one continuous session of two and one-half hours may be considered a full day in kindergarten. District policy 5200 Attendance shall apply and attendance shall be recorded in all educational programs. The attendance and instructional contact time shall accommodate opportunities for both synchronous and asynchronous instruction and ensure that the requirements for a 181-day school year are met.

Additional Anticipated Minimum Standard

The New Jersey Department of Education (NJDOE) Anticipated Minimum Standard provides that, in addition to the methods and considerations explicitly referenced in the NJDOE guidance, *The Road Back: Restart and Recovery Plan for Education*, for scheduling students for in-person, remote, or hybrid learning, parents/guardians may submit, and the district shall accommodate, requests for full time remote learning. Such requests may include any service or combination of services that would otherwise be delivered on an in-person or hybrid schedule, such as instruction, behavioral and support services, special education and related services.

A. Unconditional Eligibility for Full-Time Remote Learning

All students shall be eligible for full-time remote learning. Eligibility shall not be conditioned on a parent/guardian demonstrating a risk of illness or other selective criteria. This includes students with disabilities who attend school in-district or are placed at receiving schools (county special services school districts, educational services commissions, jointure commissions, Katzenbach School for the Deaf, regional day schools, college operated programs, and approved private schools for students with disabilities).

B. Procedures for Submitting Full-Time Remote Learning Requests

Recognizing that planning is required in order to provide continuity in the student's educational program and arranging the appropriate staff and resources, a parent/guardian shall submit a request for full-time remote learning, including requests to begin the school year receiving full-time remote learning and requests to transition from in-person or hybrid services to full-time remote learning during the school year. Procedures for submitting the request are as follows:

1. A parent/guardian who wishes a student to begin the school year with fulltime remote learning must submit a request via an online form at least two weeks prior to the start of school, unless an emergency situation arises.
 - a. For students with disabilities, the district must determine if an IEP meeting or an amendment to the student's IEP is needed for fulltime remote learning.
2. A parent/guardian who wishes a student to transition from hybrid, in-person instruction to fulltime remote learning must submit a request using the ONLINE FORM at least two days prior to the requested start date of fulltime remote learning so that teachers can be notified.
3. The online form will clearly state the information or documentation that the parent/guardian must submit with their request.
 - a. Such documentation shall not exclude any student from the fulltime remote learning option but will be limited to the minimum information needed to ensure proper recordkeeping and implementation of successful remote learning.

Upon satisfaction of these minimum procedures, the district must approve the student's fulltime remote learning request.

C. Scope and Expectations of Full-Time Remote Learning

Any student who has a fully synchronous and asynchronous program will have the same instruction as those students who have a hybrid instructional model and the same expectations for attendance, participation and completion of assignments.

D. Procedures to Transition from Full-Time Remote Learning to the In-Person Educational Program

To allow time for administrators, teachers, and staff to adjust and plan for accordingly (i.e. classroom set up and social distancing), we ask that parents/guardians adhere to the following procedures:

1. To allow for optimal continuity of instruction and the time needed for parents/guardians to make the arrangements to effectively serve the student, a request to transition from all-remote learning to hybrid, in-person instruction must be submitted via an online form at least two weeks before the requested start date of hybrid, in-person learning.

E. Procedures for Communicating District Policy with Families

The Superintendent, district administrators and/or teaching staff members shall provide clear and frequent communication with parents/guardians and shall ensure that communication opportunities are as readily accessible as possible. Communication shall include but shall not be limited to, information regarding:

1. Summaries of, and opportunities to review, the district's full-time remote learning policy and attendance policy;
2. Procedures for submitting full-time remote learning requests;
3. Scope and expectations of full-time remote learning;
4. Procedures for transition from full-time remote learning to in-person services and vice-versa;
5. The district's procedures for ongoing communication with parents/guardians and for addressing parents/guardians questions or concerns;
6. Teaching staff members shall have office hours to address questions and concerns. Teachers shall notify the parents/guardians of their students regarding the time of the office hours and the method of contact (email, text, video or teleconference).