

**MEMORANDUM OF AGREEMENT
BETWEEN
LAKE STEVENS SCHOOL DISTRICT
AND THE
LAKE STEVENS EDUCATION ASSOCIATION**

April 1, 2022 revised

The District and the Association agree to this Memorandum detailing the changes and impacts on work day, workload and working conditions for certificated staff due to COVID-19 health and safety requirements and recommendations for the 2021-22 school year.

As the public health situation continues to evolve, the District and the Association will continue to work together to renegotiate the impacts.

If the District is mandated to discontinue in-person learning across the District or pivot to any form of hybrid learning, the parties will follow the 2020-2021 MOAs related to COVID as a foundation and will negotiate any needed updates and/or adjustments.

1. Article 6 Leaves:

- A. In the event an employee, as a result of a **work-related cause**, is required to stay home due to a positive COVID-19 test result, or a quarantine requirement the following shall occur:
 - If the employee is healthy enough to work and the district determines remote work directly tied to their current position is available, the employee will be temporarily assigned to work remotely by the district and will not be required to submit leave.
 - If the employee is not able to work remotely or work due to health reasons cited above, the employee may access paid district COVID-administrative leave. Leave necessitated by exposure at work is limited to ten (10) days per instance for the 2021-22 school year.
 - The paid district COVID-administrative leave days cannot be cashed out nor rolled over at the end of the 2021-22 school year.
- B. The District shall provide an additional three (3) pandemic relief paid sick leave days for 2021-22. These days will be in addition to the twelve (12) annual sick leave days. These days may not be rolled over or cashed out and will be used prior to other accumulated sick leave.
- C. Upon approval of the Human Resources administrator, an employee who has exhausted all their accumulated sick leave and needs leave due to a childcare or school closure impacting their child(ren) may be provided with additional paid COVID leave from the District.
- D. The employee may apply for workers compensation through Labor and Industries (L&I). L&I makes a presumption that any infectious or contagious diseases that are transmitted through respiratory droplets or aerosols, or through contact with contaminated surfaces

was contracted at work unless there is a preponderance of evidence that it was not possible (the individual was on vacation or working remotely).

- E. Any employee who is deemed at “high risk” for COVID-19 will have access to all available leave. At-risk= An employee who is at an age or has an underlying health condition that puts them at high risk of contracting a severe illness (as defined by Centers for Disease Control) from an infectious or contagious disease that is the subject of the public health emergency; AND has obtained a recommendation from a medical provider for removal from the workforce due to their high risk of contracting a severe illness.
- F. In addition, the District will not dispute that any verified case of COVID-19 is “extraordinary or severe” for purposes of employees accessing shared leave.

2. Section 8.07 Workload

Student learning during required quarantine:

- In instances where some students in a teacher’s class are absent for a COVID related reason (illness or quarantine) the teacher will provide assignments just as they would pre-COVID. A teacher may elect to include a student(s) in their class through livestreaming at their sole discretion.
- In instances where an entire class is absent for a COVID related reason (illness or quarantine) the teacher will provide instruction virtually. All students have access to a Chromebook, and teachers will use existing Learning Management Systems. When an entire class or school is required to switch to virtual learning, the first day will be an asynchronous day to allow time to prepare for this change of instruction.

3. Section 8.05 Safe Working Conditions

- A. District wide health and safety protocols have been designed to comply with guidance of all applicable public health agencies. *Appendix A: Health and Safety Protocols for Use for In-Person Instruction* and the **District COVID-19 Safety Plan** provide the guidance and requirements for staff when working on-site within the District. Strict compliance with all relevant District safety and health rules will be an essential function of each employee’s job.

B. Vaccination

The district is required to verify the vaccination status of staff as required by DOH and L&I. The District will not retain copies of actual employee vaccination records (unless specifically requested by the employee) and will not release any personally identifiable vaccination record, unless required by law.

Employees seeking a medical or religious exemption to the Governor’s vaccine mandate for school employees may submit appropriate accommodation forms to the Human Resources administrator and engage in an interactive process to determine reasonable accommodations.

- C. In order to minimize the potential for virus spread/transmission, student congregation

in common areas before school will be limited. Secondary teachers will be available to begin receiving students in their classrooms 15 minutes before the start of the student day. Elementary schools will have clearly marked areas for students to stay distanced and line up. However, if necessary elementary teachers will be available to begin receiving students in their classrooms ten minutes prior to the start of the student day.

The District and Association will meet on April 18 to review current COVID-19 data and discuss the steps necessary to revert on Monday, April 25 to our past practice of having students enter classrooms at the regular start of the student day (CAV 8:00; LSHS 8:05; NLMS 8:10; LSMS 8:30; HL, STC 9:15; ELC 9:30, GW, HC, MP, SKY, SC; 9:35). Breakfast will be eaten in the cafeteria.

4. Elementary Distance Learning Academy (DLA)

A. Section 5.11 Assignment, Vacancy and Transfer:

The District shall fill remote/ distance learning positions by considering certification and in the following priority order:

1. Employees at high medical risk or currently on leave due to COVID-19
2. Employees with immediate family members that are high risk
3. Employees that request the position for any other reason

If two or more employees have equal priority under the conditions above, the District will use District seniority to make the assignment. Once an employee is assigned to a position they will continue in that assignment for the entire year.

Any employee who volunteers to fill one of these virtual assignments shall be considered on leave from their original assignment and shall have the right to return to their original position and/or worksite for 2022-23.

No current employee will be involuntarily transferred to a distance learning position.

B. Working conditions

- a. Employees assigned to the Distance Learning Academy (DLA) may work remotely from home. However, any employee who wishes to work from a district location may request such a work space from their principal.
- b. Schedule: See Appendix B for student facing and teacher facing schedules and details.
- c. The parties will continue to discuss ensuring access to curriculum materials and student manipulatives, materials distribution to students, determining essential standards given potentially reduced instructional time and the impact on report cards, and SBA rules and implementation.
- d. OSPI requires that online learning models offer 70% synchronous time and 30% asynchronous time. Teachers will collaborate with DLA administrator to schedule synchronous time and determine what activities, assignments or projects to assign during asynchronous time.

- e. Evaluation:
 - Any teacher not required to be on a Comprehensive evaluation, will be placed on Focused. Teacher may be moved from Focused to Comprehensive evaluation per process outlined in CBA.
 - The Danielson evaluation model was not designed for distance learning/teaching. Evaluators will observe and gather evidence/artifacts for criteria that align with distance learning. All other criteria that do not align with distance learning will be considered proficient.
 - This same process will be applied to ESA evaluations, if necessary.
- f. Administrative support: The DLA has been assigned a .5 FTE principal. At such times as the principal is not working on any given day or portion of a day, DLA staff may contact Steve Burleigh as the administrative designee if necessary.
- g. DLA staff may make photocopies at a district site(s).
- h. Library access: Elementary DLA students will have access to the MTP Library for book checkout. Students also have access to the district's SORA app which allows access to the Sno-Isle Library e-book collections. Elementary librarians will be sharing their collection of asynchronous library lessons in a shared folder that DLA teachers will have access to for sharing with their classes.
- i. Substitutes: Any substitute who accepts a DLA assignment will be provided with the necessary technology access and a work station at a district site.

C. Student Discipline

Student behavior expectations and PBIS are very similar to a traditional classroom setting, however, student behavior interventions may look very different in a remote learning model. The district shall, on or before September 24th, require that the DLA building principal and the certificated staff meet to collaboratively review, revise, and/or develop a draft of building remote/hybrid learning positive behavior expectations and enforcement of those expectations, including application to special education students. Building-wide positive behavior expectations must include recommended appropriate interventions for students who do not comply with the expectations.

5. Continued Joint Decision-Making:

The District and the Association will continue to meet regularly to review the current health and safety requirements and the instructional model and adjust, as necessary. The District will reexamine the instructional model using Snohomish County Health Department, Washington State Health Department and other relevant state and federal guidelines to inform their decisions. All decisions shall be shared with the Lake Stevens Education Association prior to any public announcement, and time provided to bargain any impacts.

Appendix A: Health and Safety Protocols for Use in for In-Person Instruction

Health and Safety training

- District wide health and safety protocols will be designed to comply with guidance of all applicable public health agencies. Strict compliance with all relevant District safety and health rules will be an essential function of each employee's job.
- Prior to any students being served on-site, all employees will be provided with training regarding the updated District and school safety protocols and procedures.

Face coverings and PPE

- Face coverings (3-ply or surgical or KN95 or 2 layer cloth) are optional in all district facilities in accordance with governmental and health agency guidelines, with the exception of health rooms and isolation rooms. Individuals who choose to continue to use preventative measures to protect themselves will be supported, and harassment or bullying of any kind will not be tolerated.
- The District will provide adequate face coverings to all staff. Staff may choose to provide their own similar quality face covering. Students will provide their own mask. Additional student masks will be available at the office, health room, and classroom should students need them (i.e.: their own mask breaks, they begin exhibiting COVID symptoms at school, post-COVID return to school – days 6-10, etc.).
- Additional PPE will be provided for those in High-Risk environments, upon request (see District Safety COVID plan for Students and Staff).
- All employees, students, and building visitors, who are required to wear a mask, shall properly wear a mask that covers the chin, mouth, and nose, while at any district facility or in any district vehicles or attending any district event. The only exceptions are for those who can document in writing any of the conditions below:
 - those with a disability that would prevent them from wearing or removing a mask
 - those with diagnosed respiratory conditions that would prevent wearing mask, or trouble breathing
 - those who are deaf or hard of hearing and use facial and mouth movements as part of communication
 - those advised by a medical, legal, or behavioral health professional that wearing a mask would pose a risk to that person
- Employees working with medically fragile students who cannot wear a mask for the reasons described above shall be provided all appropriate personal protective equipment (PPE) upon request. If the employee feels they are not being provided adequate PPE they will appeal first to their building COVID coordinator. Appeals will proceed to the Superintendent or their designee.

When experiencing COVID-19 symptoms or tests positive

- Employees experiencing one or more COVID-19 symptoms should not report to work, unless they have a negative COVID test or the symptoms are attributed to another underlying health condition. Employees may choose to request a COVID-19 test from their worksite to confirm they are COVID negative and safe to come to work.
- Any staff or student who reports or exhibits COVID-19-like symptoms while at school is required to immediately isolate from others, wear a well-fitted mask, be sent home, and access diagnostic testing as soon as feasible, regardless of vaccination status.
- A student or staff member who tests positive for COVID-19 is required to isolate, regardless of vaccination status.

- Return to school:
 - The individual may return to school after 5 full days of isolation if their symptoms have improved or they are asymptomatic, AND no fever for past 24 hours without use of fever-reducing medications.
 - When returning after day 5, the individual must wear a well-fitted face covering for days 6-10 of the isolation period, OR test negative after day 5.
 - If the individual is not able to wear a well-fitted face covering and does not test negative, they should continue to isolate through day 10.

COVID-19 testing

- The District will ensure access to timely diagnostic testing for staff and students with symptoms or who were potentially exposed and want to test. This can be done at each school site, at a centralized district site, and/or in partnership with a trusted and accessible community-based testing provider and local public health.
- Tests: Molecular (PCR/NAAT), point of care (POC) antigen, and at-home tests are acceptable.
- The District is responsible for all costs related to testing and shall be provided free to students and staff. In some cases, the district may ask employees to seek reimbursement from their individual insurance provider, provided there is not any out-of-pocket cost to the employee.

Close contact

- Generally, a close contact is someone who was within six feet of a person with COVID-19 for at least 15 cumulative minutes over a 24-hour period during the period of time when the person with COVID-19 was infectious.
- In a PreK-12 indoor classroom, the close contact definition excludes students who were at least three feet away from an infected student when (a) both students were wearing face coverings/masks and (b) other prevention strategies were in place. This exception does not apply to teachers, staff, or other adults in the indoor classroom setting.

District Response Plan-COVID-19 symptoms or exposure

- Staff are required to be notified of exposure following the requirements in [WAC 296-62-600](#) and in L&I guidance ([Reporting and Notification Requirements of HELSA and PPE Usage](#))
- The District shall have a process in place to inform students and families, as well as staff when there are cases or outbreaks in a school.

Physical distancing

- The District will implement and monitor physical distancing requirements as issued by governmental or health agencies.
- Classrooms will be set up with as much physical distancing between students, as possible. It is essential schools layer additional prevention strategies to reduce the risk of disease transmission. This could include requiring further improved ventilation, conducting screening testing of students and staff, etc.
- Maximize distance between students to the degree possible for the following circumstances:
 - When in the cafeteria

- In common areas outside of the classroom
 - During high-risk activities when increased exhalation occurs (e.g., PE, singing, playing instruments, cheering, etc.) These activities should be moved outdoors or to large, well-ventilated spaces when possible.
- Physical distancing between adults and between adults and students should be maximized for the space provided.

Meals

The following procedures will be followed during student mealtimes:

- Students must wash hands or sanitize hands before and after eating
- Clearly marked ENTER and EXIT doors (one way traffic pattern)
- Clearly marked walking pathways within lunchroom
- Maximize distancing when students are getting meals and while eating, whenever possible
- Seat students so all facing in the same direction or diagonally if facing other students
- Ensure ventilation system pulling in fresh air and/or open doors/windows
- Each school will identify additional eating areas beyond cafeteria and/or additional or staggered lunch periods to reduce the number of students in the space at any given time and/or additional seating to allow for increased distancing.
- Student snack breaks may take place in classrooms at teacher discretion.

Indoor Air Quality

- Each school's HVAC system shall be evaluated for adequate outdoor air flow.
- The District will utilize guidance by ASHRAE to evaluate and adjust HVAC systems to provide appropriate air circulation and filtration for the planned occupancy and building use.

Handwashing and Hand Sanitizing:

- Sanitization stations shall be placed in all school offices and district facilities.
- The hand sanitizing products shall meet CDC recommendations.
- The district shall provide facilities and supplies for staff and student hand washing with soap and water.
- For classroom spaces that do not have direct access to sinks for handwashing, a hand sanitizer station will be provided.
- No employee shall be required to supervise students of the opposite gender from the employee's identified gender in bathrooms or locker rooms while handwashing.

Cleaning protocols

- Cleaning protocols will follow guidance described in District COVID-19 Safety Plan.

Meetings

- Large or small staff group activities (meetings, professional development, parent conferences, etc.) will be held virtually unless six (6) feet of distancing is maintained and adequate HVAC is available.

The District and Association will meet on April 18 to review current COVID-19 data and discuss the steps necessary to revert on Monday, April 25 to our past practice of having group meetings in person.

Front office area and Visitors

- Visitors will be allowed on school campus after spring break when they have confirmed their COVID-19 vaccination status or have an approved exemption and have followed any other district volunteer policies.
- Classroom visitors/volunteers will be at the discretion of the employee.
- Parents with students in the Homelink program may come on campus but are required to be fully vaccinated or have an approved exemption and follow all District health and safety requirements.

Supervision for compliance

- The District shall designate a COVID coordinator for each building to oversee employee health and safety. This coordinator shall actively monitor staff and student compliance with safety protocols.
- Employees shall be notified of the name and contact information of this COVID coordinator. No bargaining unit member shall act as such a supervisor.

Employee rights to a safe work environment

- In the event an employee does not believe the district is following guidance from the Department of Health, OSHA, and/or Labor and Industries to adequately protect staff or student safety, the employee shall have the right to report their complaint or concern to the site COVID coordinator, School Safety, Security, and Health Specialist, and/or the appropriate governmental agency.
- The employee has the right to union representation if there are disputes over proper resolution of a safety concern and the Association has the right to be involved in the resolution of any such concerns. The employee also has the right to file a complaint with the Labor and Industries and/or OSHA. The District shall not discriminate or retaliate against an employee who files such a complaint.

APPENDIX B Elementary Remote Learning Schedule

Distance Learning Academy Student Day

Each student will receive at least 240 minutes (4hrs) of Synchronous instruction with their teacher during each school day (Monday-Thursday), and 189 minutes on Fridays. These four hours will be broken into learning blocks throughout the student day. These blocks will vary in length based on the age of the students, instructional targets, support program schedules, etc. Schedules may be adjusted as teachers learn more about delivering effective remote instruction in this model. However, our target of at least four hours of synchronous instruction per day (M-Th) will remain in place regardless of schedule adjustments.

A total school day equals 6 hours and 15 min (375 min). The typical remote learning student day will be

broken down into these categories:

Synchronous Instructional Time	Lunch Break	Recess/ Movement Break	Asynchronous PE/Music Activity	Independent Work Time
4 hours	30 min	15 min	35	55 min

Instruction will be tailored to the age level of the students. The instruction will focus on the Common Core State Standards for each grade level. Synchronous instruction can be delivered in a variety of ways. It does not require that students are viewing the Chromebook screen for the entire four hours each day. However, it does require that the teacher has taught something and provided guidance to students to do an activity, apply new learning, or respond in real time.

How will Synchronous instruction work for students in the remote program? Teachers will have the capacity and responsibility to design instruction that will be most effective for their students. The examples below provide some possible models for delivering this instruction; however, classroom teachers will not be limited to only these examples.

Example #1

Instructional Block (30 - 60 min)

- Whole group instruction (10 - 20 min) -- All students present in the Google Meet while the teacher introduces a new concept or models a skill.
- Students are sent off to work independently (or in a small collaborative group) to apply the new skill. (15 - 25 min). The teacher checks in with individuals or small groups during this time to monitor progress and answer questions.
- Whole group reflection (5 - 15 min) -- All students return to the Google Meet to share what they accomplished and how it demonstrates the learning target for the lesson. The teacher leads a class discussion around the learning target for the day.

Example #2

Instructional Block (30 min)

- Students enter Google Meet where their teacher greets them and assigns them to a small group with a learning target and task. (5 min)
- Students break into their small groups and the teacher, or other support staff, join the groups to provide support and differentiated instruction specific to the needs of each group. (20 min)
- Small group reflection (5 min). The students discuss what they worked on, what progress they made towards the learning target for today and what goals they have for tomorrow and beyond.

Sample Student Day Schedule (Monday-Thursday)

Time	Student Activity
9:35 - 10:15	Entry Task; Attendance; Morning Meeting
10:15 - 11:15	Instructional Block #1 (may include small group work)
11:15 - 11:30	Break/Recess
11:30 - 12:30	Instructional Block #2 (may include small group work)
12:30 - 1:00	Lunch
1:00 - 1:35	PE/Music (Asynch)
1:35 - 2:30	Instructional Block #3 (may include small group work)
2:40 - 3:20	Instructional Block #4 (may include small group work)
3:20 - 3:50	Independent work time and/or small group work (if needed to reach 4 hours of synchronous learning time or student support services – IEP, ELL, LAP, etc.).

Sample Student Day Schedule (Friday)

Time	Student Activity
9:35 - 10:15	Entry Task; Attendance; Morning Meeting
10:15 - 11:15	Instructional Block #1 (may include small group work)
11:15 - 11:30	Break/Recess
11:30 - 12:30	Instructional Block #2 (may include small group work)
12:30 - 1:00	Lunch
1:00 - 1:35	PE/Music (Asynch)
1:35 - 2:25	Instructional Block #3 (may include small group work)
2:25 - 3:50	Early release Friday District-wide

Elementary Remote Teacher Day

Contracted Day -- 8:35 - 4:05

The schedule below lays out the basic requirements of a teacher work day. Teachers will have the flexibility to work with their teammates and principal to design a schedule that works best for their students and the remote school as a whole. Any schedules that are developed would need to coordinate with support staff like resource room teachers and reading specialists so that schedules across the building do not conflict.

Work Day - Monday through Thursday:

Time	Description	Notes
8:35 - 9:35	Planning Time - Non student	Same expectations as the in-person teachers across the district.
Between 9:35 and 3:50	Teachers will have the responsibility to provide at least four hours of synchronous learning opportunities for each student each day (M-Th). This time can be chunked differently based on the age and needs of the students.	See student schedule details above
30 minute lunch	Duty free lunch	
35 min plan time	Teachers will have the same plan time minutes as in-person teachers.	
55 min	If all students receive their four hours of instruction at the same time, then there will be 55 minutes "remaining" in the student day.	<ul style="list-style-type: none"> Teachers can use this time to instruct targeted small groups or individuals, communicate with families, collaborate with colleagues, prepare lessons, or other meaningful work, at their discretion. If students have not all received their four hours of instruction, then the teacher must use a portion of this time to teach the students who still need instructional minutes.
15 min	Time after the student day.	Teacher time -- non student

Work Day - Friday:

9:35-2:25	Student day
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2:25-2:40	Teacher end of day time
2:40 – 4:05	Early release Friday District-wide

- Creating a school schedule that allows for collaboration among colleagues is a priority and needs to be considered when creating and making changes to the DLA schedule.
- The Distance Learning Academy will participate in early release Fridays with the same expectations as in-person schools and staff.
- The Distance Learning Academy may hold two staff meetings per month for 60 minutes beyond the teacher contracted day.

This memorandum of agreement remains in effect until the conclusion of the 2021-22 school year. The collective bargaining agreement remains in full effect, and in addition to this MOA.

Dated this _____ of _____ 2022

 John Balmer
 Assistant Superintendent of Human Resources

 Autumn Morrison
 LSEA President