

**Memorandum of Understanding Between  
The Puyallup School District (PSD)  
and The Puyallup Education Support Professionals Association (PESPA)  
9/30/20 (revised 11/16/20)**

The purpose of this Memorandum of Understanding is to commemorate in writing an understanding between the Puyallup School District #3 (District) and the Puyallup Education Support Professionals Association (Association or PESPA) related to the 2020-21 school year and the COVID-19 pandemic.

**Background**

On July 24, 2020, the Tacoma-Pierce County Health Department (TPCHD) provided guidelines for Pierce County school districts, recommending starting the 2020-21 school year in a distance learning model, with a clarifier that small groups of onsite instruction could be scheduled, in accordance with health and safety recommendations.

On July 28, 2020, the Puyallup School District announced its students would begin the 2020-21 year in a full time continuous (distance) learning model. The District's final Continuous (Distance) Learning 2.0 plan was approved by the School Board on August 17, 2020.

The District is committed to returning students to a full-onsite or hybrid instructional model as soon as it is safe to do so. Additionally, the TPCHD has advised the District to be prepared to transition back and forth as often as needed between student instructional models (full distance learning, hybrid, or fully onsite) throughout the duration of the COVID-19 pandemic.

Therefore, during the 2020-21 school year, while the District is in a full Continuous Learning 2.0 and/or Hybrid (distance learning) model, this agreement shall apply.

**Agreement**

The District shall follow all Washington State, Office of Superintendent of Public Instruction (OSPI), Labor and Industries (L&I), Department of Health (DOH), Tacoma Pierce County Health Department (TPCHD), and Center for Disease Control (CDC) recommendations with respect to protecting the health and safety of students and employees in response to the unprecedented and ongoing COVID 19 Pandemic/Crisis. The Superintendent will base his final decisions based on recommendations from these agencies.

**1. Instructional Model:**

For the 2020-21 school year, the Puyallup School District is planning to start the year in a full-time continuous learning 2.0 (distance) instructional model. There are also potential stages for in-person/online hybrid models that would allow education to shift at any time between remote, hybrid and full in-person learning. The model of reopening schools, including all potential hybrid learning models, will prioritize health and safety.

The instructional model will be re-evaluated as needed based on data from health authorities to identify opportunities for improvement. Transitions between instructional models will be determined by the Superintendent, based on guidance and direction from OSPI, the Governor, and state and local health authorities.

As the public health situation continues to evolve the District and the Association will continue to work together on preparing for efficient and effective transitions moving between these stages. When moving to a model increasing in-person instruction, employees will have at least ~~10 working days~~ two working Mondays to prepare prior to implementation.

In preparation for the instructional model shift, Principal directed professional learning on these Mondays will only be focused on preparing and for effective and safe



implementation of the new model.

## **2. Evaluations**

Evaluations for the 2020-21 school year shall be completed in accordance with the CBA, with the understanding that some employees are working under changing conditions that are somewhat unfamiliar.

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## **3. Recording Lessons**

As employees record live tutoring sessions, said recordings may be reviewed if needed, in response to misconduct concerns. Employees shall be held harmless for unintended use by others, provided the tutoring lesson was not shared or posted inappropriately by the employee. During these special COVID-19 circumstances, recordings may be used as evaluation evidence with permission of the employee.

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To ensure a safe environment in a distance learning model, employees shall not have one-to-one video meetings with students unless a parent/guardian, other employee and/or administrator has been invited to the meeting. The Administrator/parent/other employee is not required to attend but must have the opportunity to join. The parties recognize that some Special Education staff have unique roles in which one-to-one video meetings may be needed. In such cases, employees will note such one-to-one meetings on their calendars for transparency to their supervisors, and such meetings will only be scheduled during school hours. If one-to-one meetings are needed outside of school hours, administrators and families will be notified by the employee.

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No disciplinary or adverse action will be taken against any employee for events, behaviors or actions that occur in a student's home/participation location during virtual lessons, nor will an employee be negatively evaluated for any such event.

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No disciplinary or other adverse action will be taken against any employee on the basis of a web or social media posting made by sources other than the employee.

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## **4. Special Services**

If remote learning procedures are unable to adequately meet IEP and/or IDEA requirements as determined by the IEP team, Special Services staff will need to provide in-person support for individual students prior to the District moving to a hybrid model. If this occurs, certificated Special Services staff will create schedules that support the needs of students onsite.

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## **5. Face Coverings**

- a) The District shall provide 2 cloth face coverings to all employees.
- b) For as long as the health authorities deems them necessary, all employees, students, and building visitors shall properly wear an appropriate face covering that covers the chin, mouth and nose while in any district vehicle or on any district property.
- c) Employees may choose to provide their own face covering, as long as it meets the health authority's criteria and is worn appropriately. All personal face coverings must not be offensive to any person or create a workplace disruption or interruption to the educational process.
- d) Clear, plastic face shields may be worn by an employee if pre-approved by HR as a medical accommodation, for additional protection along with a face covering, or for specific positions in which wearing a cloth covering limits the ability for the employee to perform their job responsibilities (i.e.: ASL Interpreter).
- e) Employees shall properly wear face coverings at all times while onsite, except for when the employee is alone in their classroom or personal office space.
- f) Students without a verified medical, legal, or behavioral reason or recommendation from the IEP team must wear a face covering while on the bus or in a school building. Students may need occasional reminders. If students refuse to properly wear a face covering, and reasonable attempts have been exhausted, as determined by the student's teacher, the student may be excluded by the teacher from the individual classroom and instructional or activity area for all or any portion of the balance of the school day in accordance with Federal and State laws, if applicable, or until the Principal or designee and teacher have conferred.



- g) Employees working with students who cannot wear a face covering shall be provided all appropriate personal protective equipment (PPE), including but not limited to medical grade masks, face shields, gowns, and gloves, as described by the health authorities.
- h) Employees shall have access to appropriate PPE at their worksite. Employees will notify the building COVID Coordinator when additional PPE is needed to help ensure supplies are readily available before exhausted.

#### 6. Health Screenings

For as long as the health authorities deems necessary:

- a) Prior to entering any school facility or vehicle each day, visitors, students and employees will self-attest (via online/app or in writing) to screening questions per the CDC specific to COVID-19.
- b) No student, visitor or employee will enter any school facility or vehicle if they display any COVID-19 symptoms.
- a) Staff will have a shared responsibility to assess the well-being of students throughout the day, and to assist with student temperature checks on campus. If daily temperature checks are required for all students, all employees and building administration will work together to ensure students wear face coverings, maintain appropriate physical distancing, have completed attestations, etc. while temperature checking occurs for each student as they enter the school or classroom each morning.
  - i. In other instances where an individual needs to have their temperature checked on campus, the check will either be self-performed, or performed by health room staff. ~~While in a full-time distance learning model, health room staff will check student temperatures daily when participating in small group instruction onsite.~~
- b) Employees assisting with health screenings shall be provided all appropriate equipment and medical grade PPE by the District, as described by health authorities, and training on how to safely conduct health screenings.
- c) Each building will communicate its plan for screening students, staff and any visitors who arrive at other times throughout the day which will be shared with staff and families ~~prior to the opening of school.~~

#### 7. Physical Distancing

For as long as the health authorities deems it appropriate, students and employees must abide by physical distancing requirements.

- a) In special circumstances when employees must perform tasks that cannot be accomplished with physical distancing, the district shall provide appropriate PPE and training.
- b) Prior to employees or students being onsite, the District shall determine the number of students that may be in a classroom or other facility while observing physical distancing, based on recommendations from the health authorities. Questions about classroom configurations and maximum occupancy may be discussed with the building principal.

#### 8. Handwashing / Hand Sanitizing

The District shall provide adequate facilities and supplies, including access to hot water and hand sanitizer, for staff and student hand washing / hand sanitizing, as required by health authority guidelines.

#### 9. Cleaning

The District shall provide appropriate custodial support and cleaning supplies to disinfect high touch surfaces and restrooms throughout the day. Employees will regularly wipe their own desk/workspace, and as a courtesy to others using the space after them, will wipe down work room/conference room counters/tables after using them. Students will be asked to wipe their desk top surfaces after each use.

#### 10. HVAC / Air filters

The District will adjust HVAC systems to allow for maximum continuous air flow and outside air to all spaces. Additionally, HVAC filters will be changed four times each year.



#### 11. Front Office Areas

In office areas where students/visitors may enter, appropriate signage, floor marking and directions will be posted, to help ensure health authority recommendations for physical distancing, one-way traffic, etc. are communicated and adhered to.

#### 12. Meetings

Employees who are gathering for meetings must adhere to health authority recommendations for physical distancing, cleaning, wearing face coverings, etc. Employees who are deemed "at increased risk" (per #14 below) may choose to attend meetings remotely even when present on campus, if needed.

#### 13. Training and Professional Learning

All staff shall receive training on COVID-19 health and safety precautions prior to the employee's first day working on site.

#### 14. Employees who are "at increased risk"

The CDC *currently* recognizes two categories of individuals who may need to take extra precautions due to being "at increased risk" for severe illness from COVID-19:

Employees age 65+ and employees with the following serious health conditions: cancer, chronic kidney disease, COPD (chronic obstructive pulmonary disease), immunocompromised state (weakened immune system) from solid organ transplant, obesity (body mass index [BMI] of 30 or higher), serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies, pregnancy, sickle cell disease, smoking, and/or type 2 diabetes mellitus.

- a) For as long as the health authorities deem it appropriate and the CDC recognizes these specific serious Health Conditions as "at increased risk," the District will allow accommodations for employees who meet the definition of "at increased risk."
  - i. Appropriate accommodations may include leaves of absence, approval to work remotely, or other appropriate modifications.
  - ii. Unless required by the health authorities, employees will not be required to provide personal health information, but will be required to sign an affidavit for the District affirming they are age 65+ and/or they are currently diagnosed with one of the serious health conditions noted in Section 16, per the CDC.
  - iii. Falsification or misrepresentation of information will be subject to discipline per District policy 5281.
  - iv. Accommodation requests to work remotely will be granted, permitted the following expectations are met daily:
    - a) The essential functions of the position must be able to be performed by the employee remotely.
    - b) The employee is expected to be working remotely from their home, unless approval to work in another remote location is approved in advance by Human Resources.
    - c) If students are participating in instruction or support on campus, the employee will be provided reasonable notice and:
      - i. may be required to work collaboratively with additional staff to accommodate onsite instruction and supervision and/or be assigned alternate work by the district, while continuing to work remotely, or
      - ii. may be required to be on site to work directly with students (other accommodations other than remote work may be applicable for employees at "increased risk"), or
      - iii. may request to take leave for a period of time.
    - d) The employee must ensure a professional work setting and optimal learning environment for students through the use of appropriate background content when live-streaming, free from all distractions.
    - e) The employee must have appropriate space, lighting, power, Wi-Fi coverage, phone reception, etc. to be able to work effectively and without interruption or delay.
    - f) The employee is expected to fulfil all professional responsibilities. This includes being available to administrators and colleagues as needed (except when actively tutoring), responding to emails and



electronic communications/questions by the following workday, and being readily available to students and staff during their work hours.

- g) The employee must follow the required check out procedure for all equipment, prior to removing equipment from their school. The employee shall be responsible for any damage or loss incurred to district property while using it offsite. Employee laptops are excluded from the above requirements as the issues are addressed under a separate policy.

Violations of these expectations, concerns of unprofessionalism while teaching remotely, and/or violations of district policies may result in the district revoking the employee's ability to work remotely.

#### 15. Employees who "might be at an increased risk"

The CDC currently recognizes that employees with the following health conditions *may* be at increased risk for severe illness from COVID-19: Asthma (moderate-to-severe), cerebrovascular disease (affects blood vessels and blood supply to the brain), cystic fibrosis, hypertension or high blood pressure, immunocompromised state (weakened immune system) from blood or bone marrow transplant, immune deficiencies, HIV, use of corticosteroids, or use of other immune weakening medicines, neurologic conditions, such as dementia, liver disease, ~~pregnancy~~, pulmonary fibrosis (having damaged or scarred lung tissues), ~~smoking~~, thalassemia (a type of blood disorder), and/or type 1 diabetes mellitus. For these conditions, the CDC recommends a variety of precautions the employee can take to reduce risk: adherence to physical distancing, following proper hygiene and hand washing guidelines, wearing cloth face coverings, etc.

- a) For as long as the health authorities deems it appropriate and the CDC recognizes these health conditions as "might be at increased risk" for employees, if workplace accommodations are requested by the employee:
  - i. The District will engage in the interactive ADA process with the employee to review appropriate accommodation options, which may include leaves of absence, other appropriate work place/schedule modifications, or (in rare cases) approval to work remotely (and if granted, the expectations in section 14(a)(iv) will apply).
  - ii. The employee will be required to provide personal health information, including a medical inquiry form completed by their health care provider, affirming the specific nature of illness and how the illness impacts the employee's work responsibilities.
  - iii. If the employee refuses to engage in the interactive ADA process, or fails to provide required documentation, the District will not be able to consider accommodations.
  - iv. The District will review all feasible accommodation options.
  - v. Falsification or misrepresentation of information will be subject to discipline per District policy 5281.

#### 16. Isolation of students and staff with COVID-19 symptoms

Students and employees who display COVID-19 symptoms shall be immediately removed from the school/classroom setting.

- a. The District shall follow health authority guidelines for closure of spaces or facilities as well as any required notifications after a positive test, including notifications (in alignment with HIPPA requirements) to those at the worksite who were exposed/in close contact as well as those at the worksite who were not considered exposed/in close contact.
- b. The district shall provide an isolation room for students to wait for their parents/guardians. This room shall be designated specifically for this purpose.
- c. Health room staff may assist with screening and supervision and shall be provided appropriate medical grade PPE for working with suspected or confirmed COVID-19 patients.
- d. A student who is sent to the isolation room must be cleared by the District's Health Services Coordinator and/or school nurse before being allowed to return to school.

#### 17. Supervision for compliance



The building's COVID Coordinator will assist in monitoring student and employee health and safety related to COVID-19. Employees are encouraged to report to the Coordinator any person in violation of appropriate health and safety protocols. The Coordinator will inform administration who will address the issue while keeping the identity of the person making the report confidential. Repeated violations shall be reported to Human Resources for additional follow up. There will be no reprisal for individuals reporting truthful information.

#### 18. Childcare

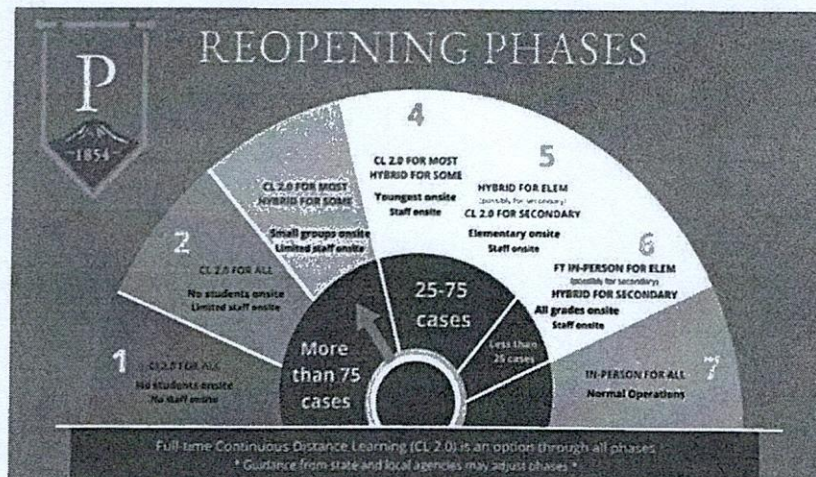
For as long as the Governor's proclamation deems necessary, employees with children ages 0-18 whose childcare or school are closed due to COVID-19 reasons, may make a request to Human Resources to work remotely while the District is in a full-time continuous (distance) learning model. The request will be granted, permitted the expectations outlined in section 14(a)(iv) are met daily. The employee must provide the name and age of their child, as well as the name of their school/childcare that is closed. Falsification or misrepresentation of information will be subject to discipline per District policy 5281. Once the instruction is moved to a hybrid model, employees may request to take leave for the period of time their child's school/childcare is closed.

#### 19. Leave entitlements

In addition to contractual leave entitlements, including shared leave, qualifying employees may be granted access to state and federal leave enhancements available related to COVID-19. Employees will be allowed to use existing contractual leave concurrently with other leave program amounts up to their regular rate of pay.

#### 20. Work Flexibility During DOH High Activity Level:

In alignment with the DOH's "Decision Tree for Provision of In-Person Learning Among Public and Private K-12 Students During COVID-19," when the COVID-19 activity level for Pierce County is HIGH (currently defined as >75 cases/100K/14 days), limited staff will be required to work onsite. When in this HIGH activity level (which is currently defined as phases 2 and 3 on the District's reopening phase dial below), employees may elect to work remotely from home (while abiding by the parameters and expectations set forth in section 16(a)(iv)) unless required to be onsite working with students, or may elect to work onsite. When the activity level returns to moderate (25-75 cases/100K/14 days), the District will provide 5 working days' notice for employees to return to work onsite.



#### Duration

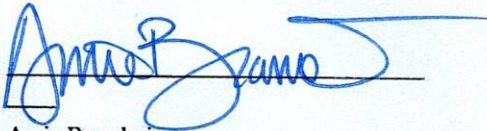
The parties agree to meet on an as needed basis to resolve any issues that arise from this MOU, or any other impact from the COVID-19 pandemic.

This MOU shall remain in effect throughout the 2020-21 year, while the District is in a Continuous Learning 2.0 and/or Hybrid (distance learning) model. In the event new, binding guidance or legislation comes into effect during this time, the parties shall meet to bargain the impacts.



All other provisions of the collective bargaining agreement shall remain in full force and effect. This MOU is not precedent-setting and is intended to address the specific and unprecedented health emergency presented by COVID-19.

For the District:

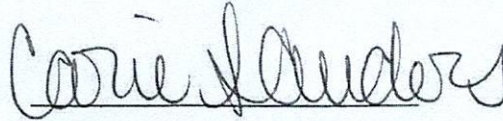


Amie Brandmire

Assistant Superintendent of Human Resources

Date: 11/17/20

For the Association:



Carie Sauders

PESPA President

Date: 11-17-20

