

This email is going to all PFT Members

January 11, 2022

Dear PFT Members,

PFT has been in communication with the district daily to ensure staff and student safety as COVID-19 cases are rising. We have also been in close communication with the California Federation of Teachers (CFT) and have received additional information from School Services of California (SSC).

Case Reporting and Notification

There is an updated [SDCOE Decision Tree](#) for your reference. PUSD will be notifying close contacts via a written letter. However, phone call notifications will be limited due to the volume of cases. PUSD is continuing to comply with CalOSHA requirements to notify PFT of positive cases and close contacts within our bargaining unit. If you have any questions or concerns about protocols in a specific case related to your classroom, please contact PFT at (858) 674-2800.

Testing

The Governor provided home test kits for students, which our district recently received and distributed to families. (Per CFT, some districts in the state have not yet received their home test kits for students). PFT has asked CFT to advocate for the state to provide test kits for teachers and other staff members. We are also working with the district to find ways to ensure teachers have access to testing when needed, without appointment delays and without having to purchase our own home test kits.

Classroom Coverage/Unfilled Absences

To mitigate unfilled teacher absences, Teachers on Special Assignment (TOSA)s have been deployed to provide classroom coverage. Examples of TOSAs include: XPloration teachers, RtI TOSAs, Tech Coaches, Curriculum TOSAs, PPAP Consultants, etc. Principals, Assistant Principals, CTE Ed Specialists, Counselors, and some district office administrators have also been supporting classroom teaching. If you cover a classroom during your prep period (secondary) or if you cover a class or group of five or more students for more than 30 minutes (elementary), you will be compensated at the current teacher hourly rate (\$39.68). Absent other options, principals typically *ask* if a teacher is willing to cover a class. However, especially at this challenging time, a teacher could be *directed* to cover a class during the workday. In either case, you should fill out a timesheet for your principal to submit to PSS for approval and payment. Please contact PFT with any specific questions or concerns.

On-campus vs. Virtual Instruction

PUSD recently communicated that returning to virtual learning is NOT an option available to school districts in our state. PFT has confirmed with both CFT and SSC that this is essentially the case. Below is some specific information from the California Dept. of Public Health (CDPH) and SSC if you are interested. Let us know if you have any questions or need support.

In Unity,^[1]_[SEP]Kelly

Excerpt from the [CDPH K-12 FAQ](#):

19. Under what circumstances should temporary school closure be considered due to excessive COVID-19 cases?

California is unequivocally committed to preserving the safety and success of in-person instruction at K-12 schools. A temporary school closure due to COVID-19 should be a last resort and considered only after all available resources have been exhausted in an attempt to preserve in-person education. In such a circumstance, continuity of instruction for students will be critical. For information regarding provision of independent study, visit the [CDE website](#). Temporary school closures should be considered only after conferring with local health officials. There is no specific case threshold at which the State recommends an immediate temporary closure of a classroom or school. Instead, the process should be guided by local epidemiology, with particular attention paid to concern for in-school transmission. Operational factors may also be considered, including the ability to maintain sufficient teaching staff to provide in-person instruction.

From School Services of CA

Q. What options do local educational agencies (LEAs) have, if any, to close schools given the surge in COVID-19 cases?

A. Unsurprisingly, we have received many questions this week related to school closure options in the midst of the Omicron variant, and it feels like déjà vu from exactly a year ago when COVID-19 positivity rates were also escalating. We recognize the pressures school leaders face in this situation and that any consideration of physically closing schools is one that you approach with great care and with the safety of your students and staff at the forefront. To answer these questions, it's important to remember that LEAs must abide by minimum instructional day requirements—180 school days for school districts and 175 school days for charter schools. This is in addition to [requirements](#) for minimum instructional minutes, which vary by grade span.

Emergency Days

With this in mind, if an LEA decides it must close schools completely, one option that may be available is to utilize emergency days already built into or added to the school calendar. Sometimes also known as “snow days,” this option would allow an LEA to immediately close schools for a certain number of days and make up the days later in the school year, as determined based on the school calendar. As such, the LEA retains the number of days in the school year, and there is no need to seek a J-13A waiver to protect against loss in attendance based funding or instructional time.

J-13A Attendance and Instructional Time Requests

While the J-13A process is still available for losses in attendance and instructional time resulting from extraordinary conditions such as fire, flood, or earthquakes, recent changes in statute significantly narrow the availability of the J-13A process for impacts related to COVID-19. Under [Education Code Section \(EC §\) 41422](#), from September 1, 2021, to June 30, 2022, LEAs may not use the J-13A process to mitigate losses of average daily attendance (ADA) based funding “if the school closure was due to impacts from COVID-19,” with only a few exceptions. LEAs may pursue approval of a J-13A to avoid losses of attendance-based funding for students with disabilities whose Individualized Education Program does not provide for independent

study and for closure of community day schools related to COVID-19. In addition, a J-13A request may be filed for school closures necessitated by a COVID-19-related staffing shortage. In the event of a school closure due to a severe staffing shortage, J-13As may be submitted if the following conditions are met:

- Unable to provide in-person instruction due to staffing shortages as a result of staff quarantine due to COVID-19*
- Exhausted all options for obtaining staff coverage*
- Consulted with the county office of education and the State Superintendent of Public Instruction in determining that staffing needs cannot be met through any option*

It should also be noted all J-13A requests must now include a plan to offer independent study to all impacted students within ten days after the first day of the qualifying event. Additional information about J-13A requests submitted during the 2021-22 school year is available on the California Department of Education's [website](#).

Remote Instruction

If an LEA is considering pivoting to remote instruction, then this must be done within the construct of the independent study statutes, which makes shifting to 100% remote learning problematic. Previous Fiscal Report articles have detailed independent study requirements (see "[Budget Trailer Bill Reinforces Independent Study for Quarantines](#)" in the September 2021 Fiscal Report), and the important detail to reinforce here is that students and parents must opt-in to independent study by completing a required learning agreement. Per EC § [51747](#) and [51749.6](#), students may not be required to participate in independent study, including remote learning, and must retain the option for in-person instruction. With the exception of students participating in independent study either due to quarantine for exposure to, or infection with, COVID-19 pursuant to local or state health guidance or COVID-19-related school closure, students participating in independent study who do not have the option of in-person instruction cannot generate ADA for funding purposes. Students that must isolate or quarantine because of COVID-19 should already be captured by an LEA's independent study plans for these situations. To the extent that LEAs have not already captured signed learning agreements for students that must isolate or quarantine because of COVID-19, all independent study agreements need to be completed within 30 days of the commencement of independent study.

We recognize the tremendous and never-ending challenges that all LEAs face amidst the pandemic, and we remain hopeful that 2022 will soon improve. All of us at School Services of California Inc. remain here to assist you the best that we can.

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