



# A NEW WAY FORWARD

Update Regarding the 2021-22 School Year

Jefferson County Board of Education  
September 14, 2021

# Guiding Principles



## HEALTH AND SAFETY

We commit to doing everything possible to ensure the health, safety, and well-being of our students, staff, and community. Every decision we make will be in accordance with the Kentucky Department of Education (KDE), Kentucky Department for Public Health, Louisville Metro Department of Public Health and Wellness (LMDPHW), and Centers for Disease Control and Prevention (CDC) guidelines for reopening schools.



## HIGH-QUALITY INSTRUCTION

We commit to providing our students with high-quality instruction across all platforms in order to ensure that every student has the opportunity to learn and grow.



## FLEXIBILITY

We commit to remaining flexible in these highly uncertain times. We will be ready to adapt to new public health circumstances in accordance with expert guidance in order to safeguard our students, staff, and community.

# Guiding Principles



## **EQUITY**

We commit to fostering an environment that supports the physical, emotional and social health of our students, with a focus on removing barriers and building a system that equips all students with the tools to be successful.



## **ACCURATE AND TIMELY COMMUNICATION**

We commit to ensuring that students, employees, and families have the information they need to remain safe, and we will keep all stakeholders up to date with important information throughout the school year.



## **COMMUNITY TRUST**

We commit to building community trust through our actions. Every decision will be made with all stakeholders in mind and will be guided by students, employees, families, and experts.

# Masks

- Senate Bill 1 says that the Kentucky Board of Education (KBE) cannot impose mask mandates, and makes the previously passed administrative regulation “null, void, and unenforceable.”
- JCPS mask mandate will still be in place, since our Board approved it independent of the KBE regulation, and thus is not impacted by the action of the General Assembly.

# Plans

- School districts must submit to KDE the COVID-19 School Operations Plan in place on the effective date of the legislation, as well as any subsequent versions.
- JCPS completed the Operations Plan, approved by the Board on July 27, and will submit a revised plan that includes the new vaccine/diagnostic testing requirement and a plan to work on Test to Stay proposal.

# Test to Stay

- Within 14 days of the effective date of the new law, the Kentucky Department of Health must develop a “Test to Stay” model school plan that may be implemented, in whole or in part, by districts to minimize the impact of quarantining.
- Model plan will provide guidance for districts to implement an on-site testing option for non-symptomatic students as an alternative to quarantining.
- Plan will include guidance for contact tracing and quarantining based on masking, non-masking, and vaccination.
- Local Health Departments will support districts with implementation.

# Remote Instruction

- A district may assign students at the school, grade, classroom, or student group to remote instruction due to significant absences of staff/students due to COVID.
- With prior Board authorization, the decision to assign to remote instruction assigned to the Superintendent. It shall be no longer than what is necessary to alleviate student and staff absences due to COVID.
- Remote instruction limited to 20 days and cannot be assigned to whole district.
- Students assigned to remote instruction shall receive the minimum daily instruction and required content standards.
  - Remote instruction days shall not count against student attendance days and are in addition to the 10 statutorily-permitted Non-Traditional Instruction (NTI) days.

# Attendance

- Districts may substitute 2018-2019 or 2019-2020, for attendance data for 2021-2022.
- Attendance data will be used for 2022-23 SEEK calculations.
- Current year data will be used for:
  - Property assessments
  - District tax rates levied
  - Equivalent tax rates based on tax levies
  - Exceptional Child and Limited English Proficiency student counts
  - State equalization
- Districts will continue to enforce compulsory attendance and reporting requirements



## **When Using NTI**

When a district uses a student attendance day under NTI due to COVID or utilizes remote instruction, all certified staff and any classified staff designated by the district shall be required to perform duties on-site during the student attendance day, unless they are quarantined and working remotely.

# Substitute Teachers

- Classified staff employed by the school district may perform classroom instructional activities without direct supervision of a certified staff member.
- Classified staff serving in that capacity must have 64 hours or college credit; or a high school diploma and 4 years of education, childcare, or subject area experience.
- Home/Hospital instruction may be provided by a classified staff member.
- Kentucky State Police and Cabinet for Health and Family Services shall prioritize school district application background checks.

# Retirees

- A retired teacher who returns to employment with a school district may continue to draw their KTRS benefits and be paid.
- Separation of service will be a one month requirement.
- Limitations on critical shortage areas that may be filled with retired teachers is increased to 10% of total active members employed by the district.
- This section expires January 15, 2022.
- Federal pandemic funds may be used for hiring retired teachers.
  - Any of these provisions deemed to be in conflict with federal law will be voided or adjusted.
  - Similar provisions permit the reemployment of classified employees, including to serve as substitute teachers under Senate Bill 1.

# Instructional Year

- Students shall receive 1062 instructional hours during the school year, which is the existing statutory requirement.
- The 1062 instructional hour requirement may be met using fewer than the the statutorily required 170 student attendance days.
- Districts may add time to the instructional day, not to exceed 7 instructional hours per day.
- Districts cannot schedule time on Saturdays.
  - Graduations may be scheduled before the last day of instruction.
  - Certified and Classified staff must complete all contractual days.

- JCPS will submit an updated COVID-19 School Operations Plan to KDE that includes the new vaccine/diagnostic testing requirement and a plan to work on the Test to Stay Proposal. The existing JCPS mask mandate will stay in place.
- Superintendent plans to fully utilize the flexibility in SBI to declare a critical shortage and hire a significant number of retirees.

## JCPS Actions

JCPS is recommending a requirement for each employee to select if they will be vaccinated or participate in COVID testing no later than October 14, 2021.

The provisions of the proposed vaccine or testing requirement are that:

- JCPS employees shall be fully vaccinated against COVID-19, subject to the accommodation provisions of Title VII and the ADA;
- Employees who are not fully vaccinated shall undergo COVID-19 testing, subject to Title VII and ADA accommodation provisions, at a minimum of once every other week and no more than once a week;
- The District will provide free COVID testing and time to be tested with classroom coverage when necessary;
  - Employees may choose to arrange their own testing through a licensed medical provider;
  - An employee shall not be penalized if the District fails to provide free COVID-19 testing or necessary classroom coverage; and
  - Compliance with this requirement is a condition of employment with JCPS.

## JCPS Actions

The Superintendent also recommends that the Board give him authorization to temporarily assign students to remote instruction, in accordance with the provisions of Senate Bill 1 (SS). The temporary assignment to remote instruction:

- Shall be no longer than is necessary to alleviate student and staff absences due to COVID-19;
- May be provided to a particular school(s), grade(s), classroom(s), or group(s) of students;
- Shall be for up to, but no more than, 20 days;
- Shall provide students at least the minimum daily instruction required by law.

# FEEDBACK & QUESTIONS