

Special Called Board of Education Meeting

April 16, 2020 2:00 PM

<https://youtu.be/dc4Wj3QteDM>

I. Call to Order

II. Approval of Agenda

III. Items for Action

- A. Board Policy 1.8011 Emergency Closings - First Reading
- B. Board Policy 1.8011 Emergency Closings - Second Reading
- C. Board Policy 5.1151 Telework During Emergencies - First Reading
- D. Board Policy 5.1151 Telework During Emergencies - Second Reading
- E. Board Policy 5.3051 FFCRA Leave - First Reading
- F. Board Policy 5.3051 FFCRA Leave - Second Reading

IV. Items for Information

- A. Proposed Draft Resolution to Suspend Policies

V. Items for Discussion

VI. Adjournment

Oak Ridge Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Emergency Closings	Descriptor Code: 1.8011	Issued Date: 04/28/14
		Rescinds: I-50	Issued:

1 General

2 The Board authorizes the Superintendent to close schools in the event of hazardous weather, a public
3 health emergency, or any other emergency which presents a threat to the safety of students, staff
4 members or school property.¹

5 As soon as the decision to close schools is made, the Superintendent/designee will notify the public
6 media and request that an announcement be made.

7 If school is not in session or is dismissed early due to snow or inclement weather, the
8 Superintendent/designee in consultation with the principal(s) of the impacted school(s) shall determine
9 if all scheduled activities in which students are involved shall be postponed or cancelled.

10 **EMPLOYEE RESPONSIBILITIES**

11 In the event of an emergency that requires closure of a school building, group of schools, or the entire
12 district, the Superintendent/designee is authorized to continue to pay employees who are not able to
13 physically report for duty as a result. These employees shall receive their regular wages. Such payments
14 shall not exceed the number of days budgeted for each employee.

15 **ESSENTIAL EMPLOYEES**

16 During such emergencies, the Superintendent/designee may designate certain employees as essential.
17 Such employees shall work as directed by the Superintendent/designee, whether that is by physical
18 appearance at work or teleworking under Policy 5.1151. Essential employees must use leave to be
19 excused from work absent special permission as determined by the Superintendent/designee.

Legal References

1. ~~TCA 49-6-3004(e)(1); TRR/MS 0520-1-3-.02(1)(b)~~

Legal References

2. TCA 49-6-3004(e)(1); TRR/MS 0520-01-03-.02(1)(b)

Cross References

- Emergency Preparedness Plan 3.202
Telework During Emergencies 5.1151

Oak Ridge Board of Education

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Telework During Emergencies 5.1151

Click here to choose a school board.

Monitoring: Review: Annually, in January	Descriptor Term: Telework During Emergencies	Descriptor Code: 5.1151	Issued Date:
		Rescinds:	Issued:

1 *General*

2 Teleworking is a work arrangement where designated employees are allowed to perform their normal
3 duties and responsibilities through the use of hardware and software at an alternate location from their
4 normal work site.

5 The ~~Director of Schools Superintendent or designee~~ may require an employee to telework if the duties
6 and responsibilities of the position are required during times of emergency. An employee's
7 participation in the program will be determined by the length and duration of the emergency and will
8 be both initiated and ended at the discretion of the ~~supervisor and/or the Director of~~
9 ~~Schools Superintendent or designee.~~

10 **WORK ENVIRONMENT**

11 Employees approved for telework shall maintain a dedicated and safe work environment.

12 An employee who teleworks shall not allow anyone other than district employees to utilize district
13 provided services or equipment. Employees shall keep remote work and information confidential, in
14 accordance with district policies, procedures, and applicable privacy laws.

15

Cross References

Emergency Closings 1.8011

Click here to choose a school board.

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Monitoring: Review: Annually, in January	Descriptor Term: FFCRA LEAVE	Descriptor Code: 5.3051	Issued Date: Click here to enter a date.
		Rescinds:	Issued:

1 *General*¹

2 Under the Families First Coronavirus Response Act (FFCRA), this policy will be in effect from April 1,
3 2020 until December 31, 2020.

4 The ~~Director of Schools Superintendent~~/designee shall post notice of FFCRA requirements and create
5 any necessary administrative procedures. Employees should seek clarification from ~~[insert title of~~
6 ~~employee]~~ the Human Resources office if they have questions regarding the total amount of leave and
7 pay available to them.

8 **PAID SICK LEAVE**

9 Employees are entitled to up to two (2) weeks of paid sick leave if they are unable to work or telework
10 because the employee:²

- 11 1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- 12
- 13 2. has been advised by a health care provider to self-quarantine related to COVID-19;
- 14
- 15 3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
- 16
- 17 4. is caring for an individual subject to or advised to quarantine or isolate due to COVID-19. The
18 individual must be someone with a personal relationship to the employee;
- 19
- 20 5. is caring for his/her son or daughter whose school or place of care is closed, or person who
21 regularly provides child care is unavailable, for reasons related to COVID-19 and no other
22 suitable person is available to care for the child during the requested period of leave. Son or
23 daughter is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child
24 of a person standing *in loco parentis*, who is under 18 years of age; or 18 years of age or older
25 who is incapable of self-care because of a mental or physical disability; or
- 26
- 27 6. is experiencing any other substantially similar condition specified by the Secretary of Health
28 and Human Services, in consultation with the Secretaries of Labor and Treasury.

29 This paid leave may be taken if there is work available for the employee to complete and the employee
30 is unable to work or telework for one of the above reasons. Such leave is in addition to any paid leave
31 that an employee may already be entitled to (e.g. existing sick leave). Employees are not required to
32 exhaust any other paid leave benefit in order to utilize this new category of paid sick leave.

1 EXPANDED FMLA LEAVE

2 Full-time or part-time employees who have been on the payroll for thirty (30) calendar days prior to the
3 beginning of the leave are eligible for expanded FMLA leave (EFMLEA). This includes employees who
4 were laid off or terminated after March 1, 2020, who had worked for the district for at least thirty (30)
5 of the prior sixty (60) calendar days and were subsequently rehired or otherwise employed by the
6 district.³

7 Under the FFCRA, an employee qualifies for EFMLEA leave if the employee is unable to work or
8 telework due the need to care for his/her son or daughter because of a school or child care facility closure
9 or because the person who regularly provides child care (i.e. this could include a family member or a
10 neighbor) is unavailable for reasons related to COVID-19.⁴ In these circumstances, a son or daughter is
11 defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing
12 *in loco parentis*, who is under 18 years of age; or 18 years of age or older who is incapable of self-care
13 because of a mental or physical disability.

14 Qualifying employees may take twelve (12) weeks of EFMLEA leave.⁵ The amount of leave available
15 may be impacted by any prior use of FMLA.⁶

16 The first ten (10) days of EFMLEA leave shall be unpaid, however, an employee may choose to take
17 any existing leave benefit during this time. After ten (10) days, EFMLEA leave is paid at two-thirds
18 (2/3) the rate of the employee's regular rate of pay, unless he/she chooses to utilize accrued sick leave
19 or annual leave to cover those days or the amount is capped per federal law.⁷

Legal References

1. Families First Coronavirus Response Act, Pub. L. No. 116-127, §§ 3102, 5101, et seq, (2020)
2. 29 CFR § 826.20(a); 29 CFR § 826.21; 29 CFR § 826.30(a)
3. 29 CFR § 826.30(b); Coronavirus Aid, Relief, and Economic Security Act (CARES Act), § 3605 (2020)
4. 29 CFR § 826.20(b)
5. 29 CFR § 826.23
6. 29 CFR § 826.23(b); 29 CFR § 826.70
7. 29 CFR § 826.24

Cross References

Sick Leave 5.302
Family and Medical Leave 5.305

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Sick Leave 5.302
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Resolution in Support of the Emergency Suspension of Board Policies (Draft)

WHEREAS, TCA 49-2-203 authorizes local boards of education to govern their respective districts, including adopting, revising, and suspending local board policies;

WHEREAS, on April 2, 2020, Governor Bill Lee signed Public Chapter 652 which removed the requirement for TCAP testing and allowed the State Board of Education to promulgate necessary rules to address issues created by COVID-19 in the 2019-2020 school year;

WHEREAS, on April 9, 2020, the State Board of Education revised several rules and policies in response to COVID-19 effective only for the 2019-2020 school year;

WHEREAS, changes made by the State Board of Education conflict with certain current local board policies;

NOW, THEREFORE BE IT RESOLVED, that the Oak Ridge Schools Board of Education hereby suspends the following policies or provisions of its policies for the remainder of the 2019-2020 school year, including but not limited to those identified below, to the extent that they conflict with Public Chapter 652 or State Board of Education policies or rules and regulations for the 2019-2020 school year:

- 1) Policy 4.600 – Grading System
 - a) Students taking courses for high school credit shall receive no grade lower than the grade they earned in the course as of March 13, 2020. Additionally, Students taking post-secondary courses are not required to participate in the associated exam in order to receive GPA weighting for Spring 2020.
- 2) Policy 4.604 – Credit for Prior Courses
 - a) Students taking courses for high school credit in middle school must successfully complete the course in order to receive credit toward high school graduation.
 - b) The requirements for the following are waived:
 - i) Comprehensive examination

- 3) Policy 4.605 – Graduation Requirements
 - a) For the class of 2020, graduation requirements are modified as follows:
 - b) Only 20 credits are required to graduate per State Board Education Rule 0520-01-03-.11;
 - c) The requirements for the following are waived:
 - i) ACT/SAT
 - ii) Civics exam
 - iii) EOC exams
 - d) Students scheduled to receive an occupational diploma in the 2019-2020 or 2020-2021 school year shall only be required to demonstrate one year of work experience.
- 4) Policy 4.700 – Testing Program
 - a) Students shall not be required to take TCAP exams for the spring 2020 semester.
- 5) Policy 5.109 – Evaluation
 - a) Level of overall effectiveness scores shall not be generated for educators in the 2019-2020 school year.
 - b) Pre-kindergarten and kindergarten teachers shall not be evaluated using the growth portfolio model for the 2019-2020 school year.
 - c) Any observations required by State Board of Education Policy 5.201 that were not completed during the 2019-2020 school year as a result of COVID-19 are not required.
 - d) No student data from this year shall be allowed to negatively impact a teacher.
- 6) Policy 5.802 – Qualifications and Duties of the Director of Schools
 - a) The Director of Schools may request an extension from the State Board of Education to report information that would impact educator licensure (e.g. alleged employee misconduct, discipline of employees for actions that violate the teacher code of ethics, etc.).
- 7) Policy 6.200 – Attendance
 - a) Students may not be penalized for non-attendance of online courses.
 - b) Non-attendance of online courses shall not count as unexcused absences and shall not be recorded. Further, students shall not be counted truant for failure to attend online courses.

BE IT FURTHER RESOLVED that the Director of Schools shall consult with the Board as feasible and appropriate and shall timely report to the Board regarding implementation of board policies in alignment with Public Chapter 652 and updated State Board Policies and Rules and Regulations.

BE IT FURTHER RESOLVED that the Director of Schools will consult with the Board if he/she determines that additional policies or provisions of policies not contained in this resolution are found to conflict with current State Board rules or policies.

BE IT FURTHER RESOLVED that the Director of Schools may apply for any waiver or extension that ensures consistency with this resolution, board policies, and Public Chapter 652 or the State Board of Education policies or rules and regulations implemented to effectuate Public Chapter 652.

BE IT FURTHER RESOLVED that the Director of Schools shall inform the Board of any waiver or extension request made pursuant to this resolution.

BE IT FURTHER RESOLVED that execution of this Resolution is conclusive evidence of the Board's approval of this action and of the authority granted herein.

Adopted and approved this _____ day of _____.

By: _____
Board Chair

Attest: _____
Superintendent of Schools