

# BEST PRACTICES

In School Personnel

## CRISIS MANAGEMENT

S C H O O L



- The Impact of COVID-19 on PK-12 Recruitment
- Top Legal Questions Post COVID-19
- Supporting Learning & District Operations in a Pandemic



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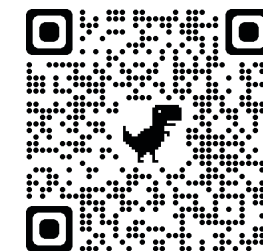
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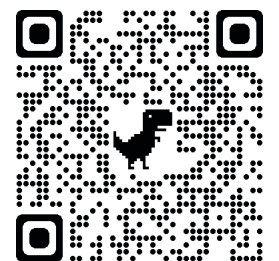
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# LIVING IN A VIRTUAL WORLD: INNOVATIONS TO SUPPORT LEARNING & DISTRICT OPERATIONS IN A PANDEMIC



by Dr. Andrea Anthony, Assistant Superintendent of HR & Student Services;  
Rutherford County Schools; Murfreesboro, TN

Human Resources' impact on supports for learning and operations has never been more evident than it is now, during this global pandemic. It all begins with intentional pursuit of innovative plans and models of change that will be efficient for management and student learning. We must be actionable to move forward with technology and digital strategies to meet the needs of our human-centered culture. HR leaders' roles have changed with the pandemic. This has accelerated the evolution of the HR profession and created a focus on HR leadership. HR has been fundamental in helping schools understand the value of empathy and resilience in professional contexts and its contribution to overcoming the pandemic crisis. Pandemic modifications have been the catalyst of changes such as safety at work and remote working. During the pandemic, priority has been given to strengthening our well-being programs on mental and physical health.

The pandemic has disproportionately affected minority populations and attention is needed to ensure diversity, equity and inclusion. As HR leaders, we must educate our organization to understand the realities of diverse experiences. This includes proactively equalizing the playing field. HR brings diverse voices to the table and to the decision-making processes. We must provide equal access to all opportunities. We must help our organization act for what is right and foster civil discourse. Diversity, equity and inclusion are paramount, and a school system workforce must mirror the students they serve and be equally diverse.

All the HR processes have been impacted by the pandemic and we aim to simplify these processes and procedures. Impacted areas include the "new normal" of recruitment and talent acquisition, onboarding and training strategies and engagement. Recruitment outside of the local talent pool can provide access to higher-

quality candidates. We must translate our existing employee engagement model into a virtual world for onboarding, training and support.

The coronavirus pandemic has caused disruption to the work and lives of many, and HR must catalyze transformation and motivate shifts to reinvent the workplace. HR must reimagine how it fosters talent and delivers services. HR leaders continue to be taxed to motivate employees toward a vision amid pandemic ambiguity, all the while providing clarity and a calm communication message—social capital. HR is integral in a system's success: ensuring the talent is in the right places and the right time to do the right things. Managing talent requires fundamental shifts during a pandemic. HR can keep its finger on the pulse of engagement through feedback and surveys.

Incidence of panic, depression and anxiety has only increased during this pandemic. HR will need to expand support on everything from financial counseling to EAP services, nutrition and exercise. Policy development has been necessitated to help guide the system through rules and practices. These provide clarity and consistency of message and must be developed with stakeholder input. We must remind our employees that we are all in this together. This mantra helps to build morale and reminds employees of help being easily accessible. We must examine all issues through our employees' lens. The pandemic crisis presents a choice, an opportunity for change.

The lack of innovation spells stagnation and HR has a critical role in creating an innovative culture. We must understand the process of innovation and hire differently. Brainstorming is the first step in this process, and we must lead by example. A culture of welcoming feedback from employees, students and stakeholders in developing strategies is essential. We can create our own think tank team, have regular times scheduled to brainstorm pressing issues. When hiring, we must remember to look at the candidate's soft skills. These would include collaboration, innovation and being a change agent. Reflective interview questions on this topic should be incorporated. Employers can ask the candidates to share an example of a time when they came up with a great idea and the implementation steps that were taken. There should be an assigned space that allows employees to get out of their work

space to collaboratively work on issues and provide face to face interaction. A dashboard with updated data is a great way to visualize progress toward continuous improvement. Don't forget to empower your frontline employees who are closest to the issues and whose ideas need to be recognized, even if it is submitted through a digital suggestion box.

Being an innovative employee means you are open to risk. Employee engagement can help gauge innovation and provides a great metric. You can survey your employees and ask to what extent is your system open to new ideas and if they are well-received. HR must measure ideas in the innovation process pipeline and monitor their implementation status. The amount of time spent on innovation is crucial. Consider asking your employees how much time they spend on innovation and, as a system, you will want to ensure it is enough to bring about new ideas. Return on investment is another measurement tool in the process. This could be as easy as tracking student achievement and growth due to a scheduling suggestion made.

Because creating a culture of innovation is crucial to attracting and keeping talent in this day of teacher shortages, innovation is part of our HR strategic-planning process. I have found innovation requires leaders to encourage employees and capture their hearts. This is what we instill in our teachers that you must capture their hearts before you can help students achieve. HR leaders spend time actively managing and driving innovation by modeling it. Holding employees accountable for encouraging innovation makes a big difference. This can be acquired through formal targets and metrics in performance evaluations. Having the topic of innovation on your HR agenda at regular leadership meetings is key. This sends an important signal to employees about values on innovation.

New ideas encourage more new ideas and strategically placed HR networks generate a cycle of innovation. Allowing people with different kinds of knowledge and strengths of tackling problems to cross-fertilize ideas is essential. Our HR network is developed by finding pockets of employees with the right mind-sets for innovation. Then, we combine these people with different approaches to innovation based upon their strengths. It is best to ensure a mix of employees with different levels of seniority and skills, as well



as performance. Next, establish network goals and objectives, as well as targets for success. The third step is to define additional supports needed and establish a tracking criterion for management. For instance, a strategy is to annually survey your HR team. The team should be able to indicate that trust and engagement are mind-sets that most closely correlate with strong performance on innovation. There are no silos in a team approach. We must attract and retain the most innovative employees and constantly improve their skills while creating a culture of innovation. Let me be clear, the lone inventor is a myth. A skilled HR team has the skills/strengths to take ideas through an innovation process to bring them from concept to reality. Driving creativity and innovation requires a supportive culture that supports a student-focused environment that is value driven. Ensuring operating strategies are developed through interactions with all stakeholders (students, parents, community members, employees, support staff, etc.) is paramount.

By building sustainability into the implementation process, we help ensure that a quality improvement project will achieve its goals over the long term. A sustainable innovation will take root and have an enduring impact, even after the initiative is no longer receiving special attention and extra resources. Staff, organization and process are key factors that we found to contribute to our innovation sustainability. Obtaining support from district leaders is a critical factor for ensuring innovation is successful and sustainable. As the HR leader, you take the role of champion to help build commitment to achieve the defined goal, inspire participants to get involved and allow frontline personnel to dedicate the time needed to create, monitor and improve care processes. The champion of change and innovation has never been more crucial than now in our virtual pandemic world.



Dr. Andrea Anthony began her secondary education career 26 years ago and is continuously recognized for her leadership and vision. She has served as a curriculum and instruction assistant principal, director of her district's K-12 summer schools, an executive principal for 12 years and her district's coordinator of secondary education. She works in the fourth largest school district in TN with 46,000 students and 5,300 employees. Dr. Anthony is involved with her local university's EPP team, recruitment and job fair team, and the state's retention team to recruit and retain effective CTE teachers.



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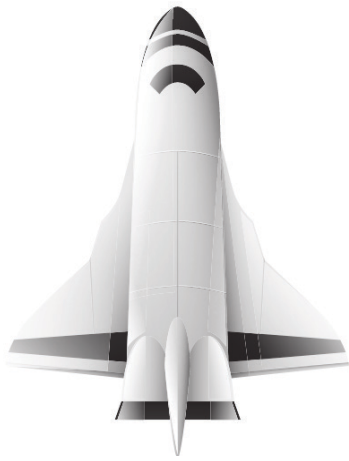
# FAILURE IS NOT AN OPTION

by Curt Ellis, Assistant Superintendent of HR;  
Saline Area Schools; Saline, MI

The launch to our 2019-20 school year was just as flawless as that of the fateful Apollo 13 flight. Our preparation was solid, the launch was good and the flight from August through March had us right on track to achieve all of our goals and objectives. However, on March 13, 2020 we experienced our own explosion of sorts when health department officials directed us to cease in-person learning.







On April 11, 1970 Apollo 13 launched from Cape Canaveral, Florida with the intention of taking astronauts James Lovell, Jack Swigert and Fred Haise to the moon. This was not the United States' first foray into space, in fact Lovell and Haise were scheduled to become the fifth and sixth men to walk on the moon. However, at approximately 9:08 p.m., just about five hours after they had left the safety of earth, an explosion rocked the spacecraft, disabling the regular supply of electricity, water, light and oxygen. It was at that exact moment that Commander Lovell uttered the line made famous by actor Tom Hanks in the movie Apollo 13, "Houston, we have a problem." At that precise moment in time, landing on the moon was no longer the mission objective. Instead, the focus immediately shifted to safely returning the astronauts to earth where they could be reunited with their families and friends.

You are probably asking yourself, why am I receiving a history lesson on space exploration from 51 years ago? Well, it is probably safe to say that we all experienced an "Apollo 13-like" moment last March when COVID-19 became a reality in the world of K12 education.

The launch to our 2019-20 school year was just as flawless as that of the fateful Apollo 13 flight. Like the National Aeronautics and Space Administration (NASA) astronauts had prepared for their mission, approximately 5,200 students had reported to school in August ready for their mission. As students often are at that time of the year, they were ready to be nurtured, supported and challenged. And just as the NASA leadership had meticulously planned and rehearsed for the flight, our district leadership had planned to serve our students by establishing a cadence of professional development, training and goal setting for the 500 or so adults who are employed expressly to serve the needs of our students. Our preparation was solid, the launch was good and the flight from August through March had us right on track to achieve all of our goals and objectives. However, on March 13, 2020 we experienced our own explosion of sorts when health department officials directed us to cease in-person learning. Just as the flight engineers at Mission Control in Houston spent time trying to ascertain what was still working on the spacecraft, our district administration spent the next few days working with our faculty and staff trying to determine what parts of our instructional model still worked in a virtual environment. In the same way everyone associated with Apollo 13 had to come to grips with the fact that their mission had changed, our students, parents, faculty and staff had to come to grips with the fact that our mission had changed too.

*In the same way everyone associated with Apollo 13 had to come to grips with the fact that their mission had changed, our students, parents, faculty and staff had to come to grips with the fact that our mission had changed too.*

Apollo 13 left earth with the intention of landing on the moon. Circumstances mandated an adjustment. Our school district began the year focused upon student growth, academic achievement and test scores (among other things) and circumstances forced us to change as well. While those things will always be important, our faculty and staff rallied around the concept that staying connected with our students was the first and most essential ingredient to success. The social justice work we had engaged in as a district over the previous 12 months became even more focused, as the need to ensure all of our students had access to food as well as on-line

learning became an even higher priority. As a cohesive staff, we collectively came to the realization that the finest curriculum on earth was worthless unless our students were cared for and engaged. Because of circumstances beyond our control, we had to adjust and our faculty and staff have continued to work tirelessly for our students ever since.

*As a cohesive staff, we collectively came to the realization that the finest curriculum on earth was worthless unless our students were cared for and engaged.*

As we continue to process and deal with the adjustments and opportunities associated with the pandemic, I encourage you to think back upon your decision to pursue education as a career. For some, it's an occupation, a job. For others, it's a vocation, a calling. But for most, the driving force was an intrinsic motivation to make a positive impact in the lives of others. Therefore, it is essential for all of us to remember that COVID-19 has NOT compromised our ability to make a difference. Instead, our current status has only magnified the opportunity, and it is up to us to seize the moment.

As the support staff and crew of Apollo 13 struggled to return the spacecraft safely to earth, Flight Director Gene Kranz famously stated, "Failure is not an option." Others in flight control continued to doubt, focused on problems instead of solutions and at one point a NASA director said "This could be the worst disaster NASA has ever experienced." Upon hearing this, Director Kranz replied, "With all due respect sir, I believe this will be our finest hour." For those who view COVID-19 and the resultant changes as perhaps the worst disaster in public education, I encourage you to remember the words of Gene Kranz - "Failure is not an option." And, with the right frame of mind, this too can be our finest hour.



*Curt Ellis, CHRS is the Assistant Superintendent of Human Resources with Saline Area Schools. After working in the field of interscholastic athletics for 20 years, Curt became the Assistant Superintendent of Human Resources for Saline Area Schools in September of 2011. In 2012, Curt was honored by the Michigan High School Athletic Association with the Allen W. Bush Award, recognizing 15 or more years of service and unusually frequent and significant contributions to the MHSAA. A Saline resident for more than 40 years, Curt received both his bachelor's and master's degrees from Eastern Michigan University. Curt and his wife Monica have 2 children - Caitlin (Bowling Green State University, 2017) and Grant, (Grand Valley State University, 2019).*



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The Virtual Study Group includes four 90-minute virtual sessions, facilitated by trainers who have both completed their pHCLE and who use the Human Capital Leaders in Education (HCLE) Professional Standards in their current organizations. Participants will receive links to all recorded sessions, a copy of the Certification Reading Reference Guide and instructions on additional independent learning.

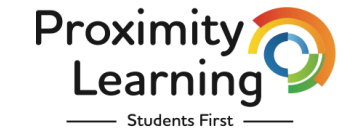
### Virtual Study Groups:

- August 2021
- November 2021

### Upcoming Testing Windows:

- June 1-25, 2021
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# MEETING THE SOCIAL, EMOTIONAL AND MENTAL HEALTH NEEDS OF A DISTRICT DURING A PANDEMIC

by Anne-Marie Zellers, Lead Counselor for Student Support Services;  
Midway ISD; Woodway, TX

**P**osttraumatic growth is defined as “positive psychological change experienced as the result of the struggle with highly challenging life circumstances”. What could be more challenging for educators than navigating a year in the midst of a pandemic? If uncertainty breeds anxiety, it is understandable how beginning a new school year in the midst of a pandemic could lead to increased fear and worry for some educators and students. Taking a proactive approach to meeting the social, emotional and mental health needs of faculty, staff and students, Midway ISD created a COVID-19 “Safe Start Task Force”. There were four working groups in the task force that developed plans addressing a myriad of issues associated with COVID-19. One of the four working groups, Health and Safety, began researching and planning for not only the physical health of the district, but the social, emotional and mental health as well.

Prior to the first day of school, the Office of Student Support Services sent a survey to all MISD staff. The purpose of the “Teacher and Staff Needs Assessment” was to gauge the current mental and emotional status of staff and to create supports and resources based on the responses received. Of the 192 staff that responded to the survey, 140 staff stated they felt some level of anxiety about starting a school year during a pandemic, 60 staff members stated a need for more self-care resources and support dealing with compassion fatigue and 50 respondents requested a monthly check-in from someone in the Student Support Services department. Utilizing “Educator Wellness: Equipping Staff to Return to School”, produced by the Texas Education Agency, district social workers and counselors created presentations on self-care, compassion fatigue/burnout and presented the information to campuses throughout the district. Additional resources shared with district employees included self-care handouts, a list of community counselors and a “Panther Pause” quarterly newsletter that promoted self-care and mental wellness as well as links to local support agencies and the Employee Assistance Program. Student Support Services staff, which includes social workers, district mentors and an LPC, also provided a monthly check-in with any staff member who requested the support. The check-ins included notes of encouragement, small food items, mental health and wellness tips, monthly emails, assistance getting connected with local supports and even faith-based support from local church partners if requested.

Research has found that children who were provided access to their peers or who were reunited with their peers experienced stronger resiliency. Midway ISD, after careful consideration of CDC and state health guidelines, feedback from parents and consideration of the importance of social supports, made the decision to bring students back to school in August. Recognizing that students may also be experiencing fear and

anxiety about returning to school during a pandemic, MISD partnered with local colleges to increase mental health supports by adding social worker and counselor interns on each campus. Considering that students were impacted in different ways by COVID-19, counseling groups were created to discuss grief and loss, anxiety and stress. Midway Middle School even had a counselor intern that provided pet therapy for struggling students. In early August, to help their children feel less anxious about a new school year, parents were provided a list of resources which included the following topics: changes due to COVID-19, activities for back to school, de-stressing during COVID-19, coping skills during COVID-19, grief and COVID-19 and additional COVID-19 resources and updates. Virtual parent information nights with mental health and wellness resources were made available throughout the year as well.

The Psychological First Aid Guide for Field Workers states that trauma survivors with good social supports tend to cope better and heal faster from trauma. Living in the midst of a COVID-19 pandemic can feel traumatic for students, staff and families. Giving space, place and time can help individuals process their emotions and reduce feelings of anxiety and isolation. Connecting students and staff with community support, faith-based support, outside agencies and mental health support, was valuable in treating the symptoms of fear and anxiety and meeting the social, emotional and mental health needs of district employees, students and families in Midway ISD.



*Anne-Marie is a certified school counselor, a Licensed Professional Counselor, and recently completed a Post-Master’s certification in trauma and disaster response. She earned both her Bachelor’s and Master’s Degrees from the University of Mary Hardin-Baylor, and has worked in education with adolescents for 24 years. She has been an adjunct professor of psychology for more than ten years, has written curriculum for a school counselor certification program and has presented on mental health in a variety of settings. In her current role, Anne-Marie is the Coordinator for Student Support Services at Midway ISD and is also a site supervisor for LPC and school counselor interns. She and her husband have four daughters ages 13 to 31.*

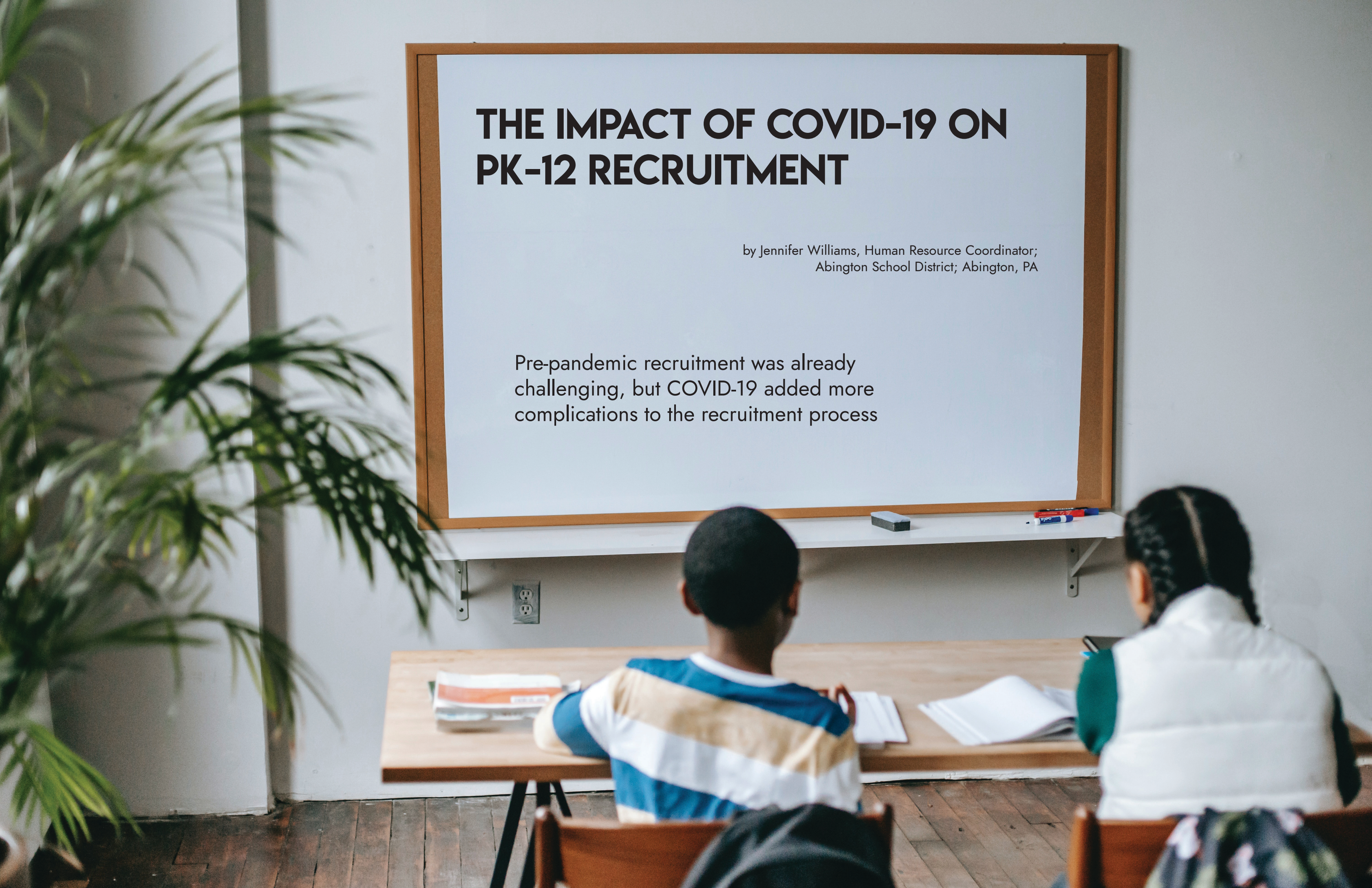




# THE IMPACT OF COVID-19 ON PK-12 RECRUITMENT

by Jennifer Williams, Human Resource Coordinator;  
Abington School District; Abington, PA

Pre-pandemic recruitment was already  
challenging, but COVID-19 added more  
complications to the recruitment process





Five years from now, you may take an old winter coat out from the back of the closet and pull a face mask from the pocket. It will be a tangible reminder of the time when the sky fell and face masks, social distancing and virtual instruction were the norm. For school administrators, the COVID-19 tsunami crashed to shore in the height of recruitment season. Career Fairs were poorly put together or outright cancelled. New teacher candidates had little, if any, in-person teaching experience. Districts had to hire new teachers without ever meeting the candidates in-person. Recruitment as school personnel administrators knew it, was unrecognizable.

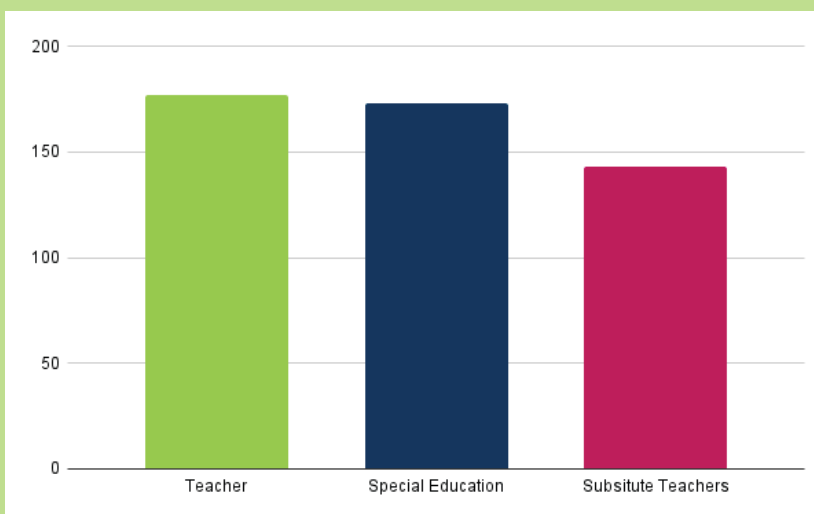
In early 2021, 300 districts responded to AASPA's Survey on PK-12 Recruitment. Districts serving less than 250 to more than 50,000 students responded, with two-thirds of them representing suburban or urban school districts. Despite the diversity of survey respondents, many themes were consistent among the results. Pre-pandemic recruitment was already challenging, but COVID-19 added more complications to the recruitment process. At the beginning of the 2020-2021 school year, universities and colleges were already graduating fewer students from their teacher preparation programs in comparison to five years ago. Anecdotally, districts saw the pandemic accelerate educators' decisions to retire who previously saw themselves teaching a few more years. The convergence of fewer graduating teachers and an increase in retirements compromised a district's ability to staff classrooms.

COVID-19 made uncertainty a staple of daily life, and districts reported that after one year into the pandemic, uncertainty still prevailed. More than one-third of districts were unsure of what their funding for the 2021-2022 school year would look like. More than 24% were unsure what positions they would be recruiting for in the upcoming school year. The pandemic has left districts in a state of ambiguity. The numbers are nearly equal regarding districts predicting whether they would need to increase, decrease or maintain their 2020-2021 teaching staff levels.

The level of uncertainty does not seem to be going away any time soon. A clear majority of districts have committed to offering both in-person and virtual instruction for the 2021-2022 school year, but nearly the same number of districts do not know if they will be expanding their staff to teach those virtual classes for the 2021-2022 school year. Districts cannot make staffing decisions until parents decide which method of instruction they will choose for the upcoming school year. The US Food and Drug Administration (FDA) is committed to expanding authorization for use of COVID-19 vaccines. Each authorization for younger age groups may give families more comfort to send students back to in-person learning. Districts are faced with the complexities of staffing a building with fluctuating numbers of in-person student enrollment.

Recruiting for an unknown future comes with challenges. Most districts are planning to attend some type of virtual career fair, either sponsored by a university or college or their own hosted event. In the year since COVID-19 swept across the country, virtual fairs have evolved on many different platforms. While in-person career fairs have always been a staple of the recruitment season, many districts have found the virtual fairs to be more convenient. Multiple recruiters can interview candidates from the comfort of their home, and there is no need to make an investment in materials and travel.

#### TOP 3 POSITIONS MOST CONCERNED ABOUT HIRING



While uncertainty was a main theme among the respondents in their educator hiring needs, a clear majority prevailed on the need for more substitute teachers. COVID-19 has created a unique situation where educators who are exposed or get to COVID-19 must isolate or quarantine for a minimum of ten days. Substitute teachers had to pivot from covering a class for a day to being tasked with teaching students in-person and virtually for an extended timeframe. Districts were already strained providing technology training to existing staff, when they realized substitutes also needed the training. Due to the pandemic, enhanced training was needed to provide effective education in a hybrid world.

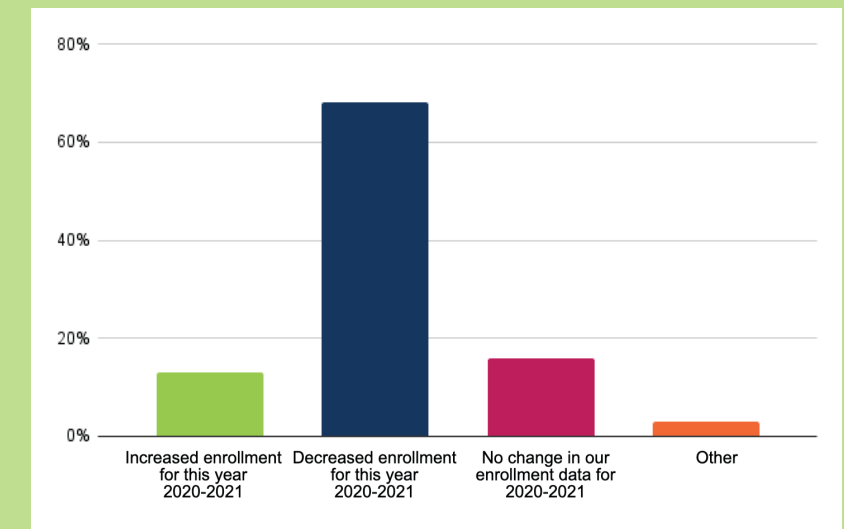
Back to the winter of 2026 when you're holding the old, crumpled face mask from your coat, the challenges and uncertainties of recruiting for the 2021-2022 school year may still be in effect. One constant will remain, districts will always be seeking the best and brightest educators to provide exceptional education to our students with the school personnel administrators leading the search.

I encourage you to view the results of the PK-12 Recruitment survey at [www.aaspa.org](http://www.aaspa.org). Summary data is available to the public. Detailed response data is available to AASPA members only. To access the Members Only detailed survey, you will need to log in to the AASPA website and look under Member Benefits.

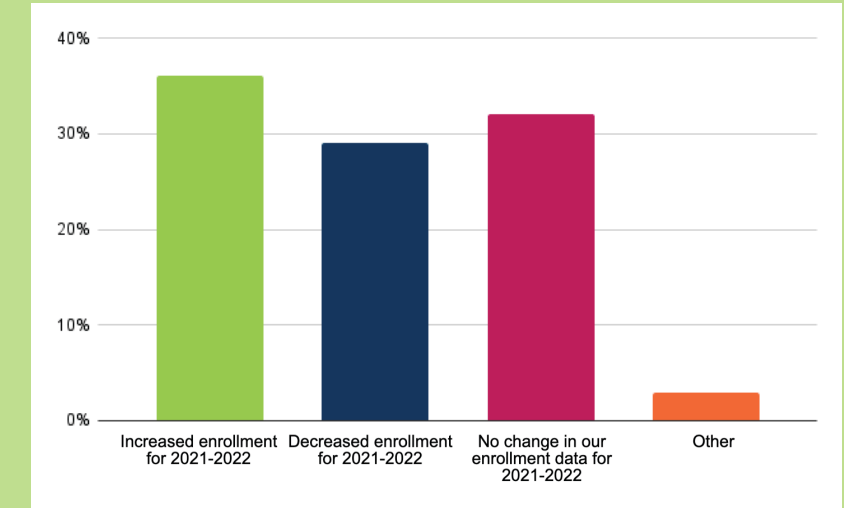


*Jennifer Williams has served as the Coordinator of Human Resources for the Abington School District, a suburban Philadelphia school district, for nine years. She has worked in the Human Resources fields of health care, banking and architecture. Ms. Williams relies on her more than 20 years of HR experience to serve as the Secretary of the Eastern PA Association of School Personnel Administrators and as a Board Member of the School District Insurance Consortium. She is also a member of the Legislative Committee for AASPA and the PA Department of Education Aspiring to Educate program.*

#### DISTRICT ENROLLMENT 2020– 2021



#### DISTRICT ENROLLMENT 2021– 2022



# SOCIAL-EMOTIONAL INTELLIGENCE LEADERSHIP IN TIMES LIKE THESE!

by Shelly Norris, Executive Director of Educator Quality;  
Clovis Municipal Schools; Clovis, NM



Social-Emotional Intelligence is defined as the ability to identify, manage and express emotions constructively, control impulses, express empathy, persevere when things get difficult and challenging, communicate and relate effectively with others, work collaboratively in groups, negotiate and resolve differences in a win/win manner. (K12thoughtfulnesslearning.com). Moreover, social-emotional intelligence describes one's own introspective view of themselves as well as their extrospective views and interactions with those around them. In a nutshell, social-emotional intelligence encompasses how "in tune" we are with ourselves and how "in tune" we are about the needs of others.

How timely and ironic that over the past year, leaders from a diversity of educational arenas have been placed in multiple "demand by default" situations, in order to address the added stressors brought on by the Covid-19 Pandemic! These extraneous stressors have had varying impact(s), as well as short and long-term implications for individuals and entire organizations. Additionally, these events have poised educational leaders to urgently "pull out all the stops" from their "social-emotional leadership toolkits" by requiring them to discover, exercise and model some of their most intensive social-emotional intelligence strengths ever!

In the context of learning and resource application, Lesly (2015), best qualifies the function of the toolkit as a resource for "Putting theory into practice". As leaders consider the notion of putting theory into practice through the social-emotional toolkit lens, it is imperative that leadership introspectively and extrospectively reflects upon who they are as a leader. A leader who is able to view themselves through both the introspective and extrospective lens is able to engage with others from a place of humility, empathy and relationship building.

In summary, the leader who demonstrates strong social-emotional intelligence engages in two basic, yet critical, "Social-Emotional Toolkit" behaviors. They continually engage in reflection by asking themselves and their constituents,

1. "Are my behaviors and actions serving as a positively impacting influence upon my own growth and the growth of the organization?" and
2. "Am I following the Golden Rule by treating others the way I wish to be treated?"



*Dr. Shelly Norris currently serves as the Executive Director for Educator Quality for Clovis Municipal Schools in Clovis, New Mexico. Prior to this role, she served as a school principal for eighteen years, pioneering and leading New Mexico's first-established fine arts magnet school, from 2001-2019. Shelly's favorite professional pastimes include providing leadership development workshops/clinics to educators and engaging in reading and writing research, relative to leadership. Additionally, Shelly was recently a nominee for 2021's New Mexico's Women of Influence Award.*



# 3 TOP LEGAL QUESTIONS FOR HUMAN CAPITAL LEADERSHIP IN EDUCATION POST CORONAVIRUS

Experts answer burning questions about COVID-19 and how this will affect human capital leadership in education for 2021-2022

With education in the forefront and vaccines on the rise, schools should be on their way to getting back to some form of normalcy for the 2021-2022 school year. What challenges has COVID-19 created and will continue to create for school employers. Managing your workforce for the upcoming year in the midst of a continued teacher shortage will remain difficult. AASPA has put together a group of experts to answer your questions on COVID-19 and managing the school workforce in the year ahead.



# 1

## How should a school employer respond to a teacher who does not want to return to onsite work due to fear of contracting the Coronavirus?

Now that the COVID-19 vaccine is available to any person over the age of 12, the Biden Administration has made clear it will focus on ensuring that all public schools are prepared for safe, in-person instruction throughout the 2021-2022 school year. To that end, the Administration indicated that the most recent round of ESSER funding from the American Rescue Plan is directly tied to a return to in-person instruction (and 20-percent must go directly to addressing lost learning). Shortly thereafter, the U.S. Centers for Disease Control eased its expectations for masking and distancing among vaccinated groups. Although the CDC did not formally revise its guidance for schools, the CDC has signaled that it will update its guidance for the 2021-2022 school term to reflect our evolving understanding of the protective effect of widespread vaccination. The response to each of these announcements was mixed, with some educators celebrating loosened restrictions and others publicly expressing concerns about returning to onsite work with the same loosened restrictions.



### A Difficult Position

Taken together, these announcements have put public school districts in a difficult position. On the one hand, schools are expected to reopen for in-person instruction next year and to do so as close to “normal” as possible and many school communities are resistant to continuing the stringent precautions (such as universal masking) that were commonplace during the 2020-2021 school year for schools that were open for hybrid or in-person instruction. On the other hand, schools cannot reopen and effectively serve students without a present and motivated staff.

Fortunately for school employers, it is generally reasonable and lawful to establish the expectation that employees will physically return to work and provide in-person instruction. However, for staff members with disabilities who ask to be allowed to continue working remotely, employers must engage in an

interactive process that involves reviewing the disabled employee’s disabling condition, his/her request for accommodations and the employee’s specific duties.

### Managerial Authority

Schools have the general authority to establish the worksite, duties and attendance obligations for their employees. However, some employees may have physical or mental impairments that qualify as disabilities under the Americans with Disabilities Act and similar state laws. If a disability will prevent the employee from performing the essential functions of their position, the employee may seek “reasonable accommodations” to assist the employee in performing those duties when school reopens.

### Reasonable Accommodations and Undue Hardship

A reasonable accommodation is assistance or changes to a position or workplace that will enable an employee reasonable accommodations to qualified employees with disabilities, unless doing so would pose an undue hardship. Undue hardship means that the accommodation would require significant difficulty or expense.

Although job or schedule restructuring is one of the possible accommodations under the Americans with Disabilities Act Amendments Act of 2008, an employer is not required to reallocate the essential functions of a job. See, e.g., *Minnihan v. Mediacom Communs. Corp.*, 779 F.3d 803 (8th Cir. 2015). To that end, an accommodation that would cause other employees to work harder, longer or be deprived of opportunities is not mandated under the Americans with Disabilities Act of 1990.

Still, some employees may request to continue teaching remotely. Schools should factor in the reasonableness of remote learning and instruction based on the facts and circumstances unique to that employee’s position. After all, teaching AP English is different than teaching

band. However, physical attendance in the classroom could be considered an essential function of an educator’s job, as it is a necessary component of effective instruction and classroom management.

### Conclusion

An employer may generally expect it’s employees to physically attend work at the jobsite of its choosing. However, school employers must be mindful of the obligation to consider individual requests for accommodations made by employees with disabilities. When an employee with a disability seeks to work remotely as an accommodation, that request may be denied if physical attendance is an essential function of the employee’s job or if other employees would be required to work harder in order to compensate for a co-worker working remotely. This is likely the case for most educators, and school employers should go into the next school year confident that federal law will not undermine their ability to provide in-person instruction.



*Karen Haase is a partner in the law firm of KSB School Law, where she focuses her practice exclusively on representing public school districts and related entities. She holds degrees from Hastings College, Kansas State University and the University of Nebraska College of Law and has taught at the high school, community college and university levels. Karen has been practicing school law for 23 years. She is the author of numerous articles published in various professional journals. She has presented at many national conferences on personnel evaluation and management as well as special education, FERPA and other school law topics. Karen has been married to her high school sweetheart for 30 years and has two children. KSB attorneys are licensed in Nebraska, Iowa, South Dakota, Colorado and Wyoming. Karen is licensed in all of these states except Colorado.*



*Jordan Johnson is a school lawyer in the law firm of KSB School Law, where he focuses his practice exclusively on representing public school districts and related entities. Jordan grew up in South Dakota and graduated from the University of Nebraska College of Law. Jordan has focused much of his work at KSB on the big and ever-changing federal laws and published cases that apply to schools, in particular under the IDEA, FERPA, Section 504 and the ADA. Jordan is married to Kaylynn and has three daughters.*

# 2

## What are the main points to remember with regards to FMLA and managing leaves associated with the COVID-19 virus for 2021-2022 school year?

With the shifting guidance related to COVID-19 health and safety protocols coming from the Centers for Disease Control (CDC), the Equal Employment Opportunity Commission (EEOC), the U.S. Department of Labor, other federal agencies and officials, state and local governments, and health care institutions and professionals, it may be confusing and difficult for school district to know how best to manage workplace rules and leaves of absence connected to the coronavirus. The Families First Coronavirus Response Act (FFCRA) expired on December 31, 2020, so make sure to take down any posters related to the FFCRA that appear on the school district’s bulletin boards or website. And while some school districts voluntarily extended the leave provisions for emergency paid sick leave (EPSL) and emergency expanded FMLA leave related to childcare (EFMLEA), such leave should not be characterized as “FFCRA” leave for the simple reason that the parts of the law related to EPSL and EFMLEA have expired and are no longer applicable to public school systems. Some states have provided their own version of EPSL consistent with the FFCRA, but here again, the school district should not characterize such leave as “FFCRA” leave.

Regarding the relationship between the coronavirus and FMLA, an employee who has been diagnosed with COVID-19 does not qualify for FMLA leave because (perhaps counterintuitively) the coronavirus does





not constitute a “serious health condition” as currently defined in the FMLA regulations unless the employee is admitted to the hospital. The same is true if an employee is caring for an FMLA-covered family member (parent, spouse or child) who has been diagnosed with COVID-19 or is exhibiting symptoms commonly associated with the coronavirus: FMLA does not apply unless the family member is admitted to the hospital. Accordingly, whatever policy the school district adopts with respect to granting leave to employees who are exhibiting symptoms associated with the coronavirus, who test positive for COVID-19, or are needed to care for a family member with such symptoms or who tests positive should be designated as leave pursuant to the school district’s own leave policy and not as FMLA leave unless the employee’s or covered family member’s virus regrettably turns into a serious health condition. If the school

district is unionized, leave provisions related to COVID-19 may need to be negotiated with employees’ collective bargaining representatives. And, as always, the school district should check with legal counsel regarding any state laws that may apply.

Of course, the surest way to minimize the transmission of the coronavirus in school buildings, ensure that employees do not pose a direct threat to the health and safety of others in the workplace, and thereby prevent the need for leave due to COVID-19 in the first place is to convince all employees to follow the advice of the CDC and other federal governmental authorities—as well as the vast majority of health care professionals nationwide—by becoming vaccinated against the coronavirus.



*Scott Macdonald has been practicing labor relations and employment law since 1987, and human resource management since 1997. The scope of his work includes employee and labor relations, HR compliance and best practice audits, employee handbooks, HR/Personnel policies and procedures, EEO and affirmative action, recruitment and selection, FMLA implementation and administration, job description development, employee benefits design and administration and HR information systems/technology. He brings substantive knowledge and expertise in human resource management in both the private and the public sector. Scott served as the Director of HR for several school districts and has consulted to numerous school systems across the United States. Scott holds a Bachelor’s degree with Honors in Political Science and Philosophy as well as a Juris Doctor degree from University of North Carolina at Chapel Hill. In 2003, Scott earned his Senior Professional in Human Resource Management Certification. He is a frequent presenter/trainer for the American Association of School Personnel Administrators, at state conferences, and for private and public sector employers*

# 3

AASPA asked our members: are you requiring vaccinations for your school employees? If yes, how are you tracking this information.

We are not requiring vaccinations for our school employees. However, getting vaccinated is encouraged. In the fall, we signed a memorandum of understanding with our unions that indicated that once a vaccine was readily available, people would have to get vaccinated to continue to access COVID leave in lieu of using a sick day when quarantined. In order to track this information, we have asked our employees to share a copy of their vaccination card once they receive their dose(s). We need to know who is fully vaccinated when contract tracing and determining if a person needs to quarantine when they are a potential close contact. As of today, we have documentation that 90% of our employees are fully vaccinated and another 5% are awaiting their second dose.

*Dr. Beth Dalton, Assistant Superintendent for Human Resources , Kildeer Countryside CCSD 96, Buffalo Grove, IL*

We are not requiring vaccinations. However, we did offer a vaccination clinic which 87% of our employees and subcontractors took advantage of. We are requiring them to submit proof of vaccination once obtained and storing in a separate medical file for each employee for reference in the event of a prolonged contact issue.

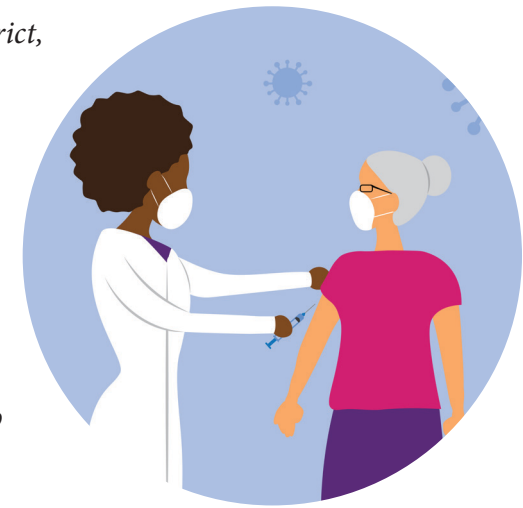
*Michelle Dargon, Director of Human Resources & Labor Relations, Woonsocket Education Department, Woonsocket, RI*

We are not requiring vaccinations for our school employees. We did offer three clinics to assist with school employees obtaining their vaccinations if they wanted one, but were very specific not to track who was receiving one and who wasn’t. It is completely voluntary.

*Mimi Kelly, Director of Human Resources, Indianola Community School District, Indianola, IA*

No, we are not requiring employees to get the vaccination. We offered multiple vaccine clinics at the District offices for employee convenience. We are encouraging all staff to get the vaccine, as we will no longer be providing Emergency Paid Sick Leave as of June 30, 2021. We are not tracking employees who receive the vaccine. The Pasco County Health Department provided vaccination record cards and retained vaccine authorization paperwork.

*Kim Carroll, Director, Office for Human Resources & Educator Quality, Pasco County Schools, Pasco, FL*



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# RECIPROCITY & RECRUITMENT: MOBILITY IN THE TEACHER WORKFORCE

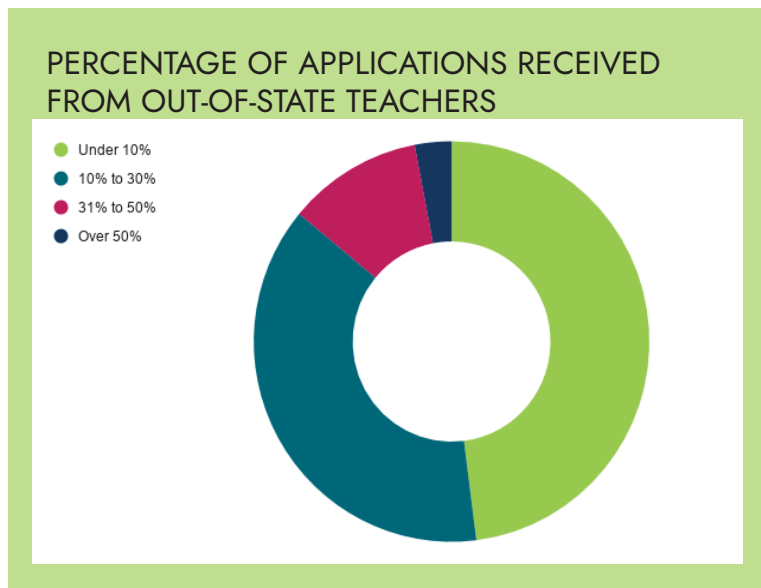
by Sue “Ze” Anderson-Brown, Executive Director of Human Resources;  
Burlington School District; Burlington, VA



The implication of state-set boundaries for the validity of teaching licenses creates natural barriers for any teacher who wishes to consider moving across state lines. According to the National Center for Education Statistics, 83 percent of all teachers teach in the same school they taught in the year before, this leaves only seventeen percent of all other teachers being considered as a potential “New Hire.” Reciprocity can be a complicated subject, especially for a receiving school district.

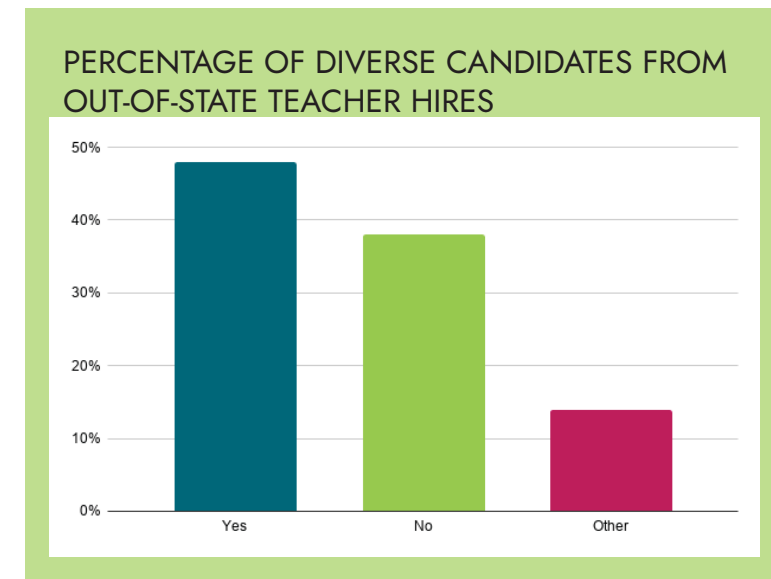
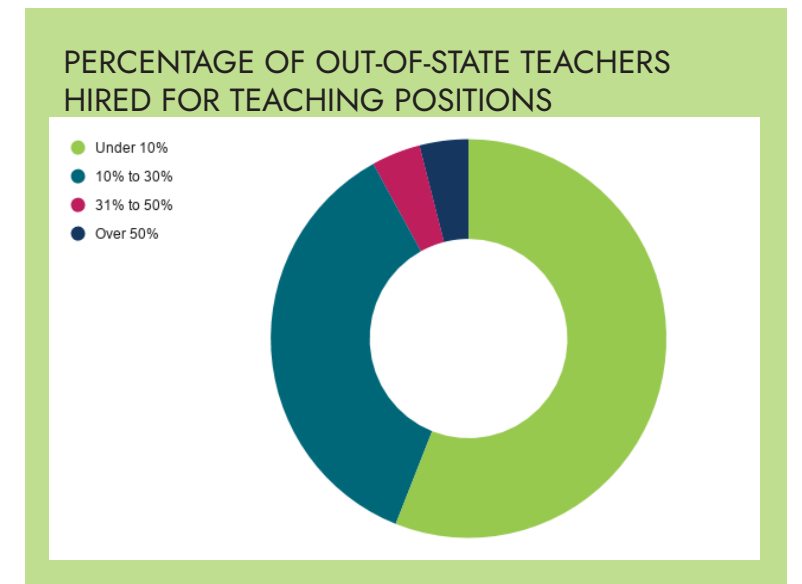
AASPA’s Legislative and Governmental Committee has been focusing on the potential unification of Teachers’ license reciprocity. This winter, a Reciprocity and Recruitment Survey was sent out to the AASPA membership. The committee received 73 responses to the survey. Three responding states equaled seventy-one percent (71%) of all responses. Illinois held the largest percentage, thirty-two (32.88%) or 24 respondents, followed by Missouri with twenty-three (23.29%) or 17 respondents. Followed by Arizona with fifteen percent (15%) or 11 respondents.

The survey asked respondents, “What percentage of out-of-state teachers applied for a position in the respondent’s district for the 2019-2020 school year?” Of all respondents, forty-eight percent (48%) report “under ten percent” (10%). Thirty-eight percent (38%) of



respondents reported out of state applications of ten to thirty percent (10%-30%), while eleven percent (11%) report thirty-one to fifty percent (31%-50%), and three (3%) of respondents reported receiving over fifty percent (50%) of their out-of-state applications.

In addition, the survey asked respondents, What percentage of out-of-state teachers were hired for positions in The respondent’s district for the 2019-2020 school year? Of all respondents, fifty-six percent (56%) reported “under ten percent” (10%). Thirty-six percent (36%) of respondents reported out of state teacher hires at ten to thirty percent (10%-30%), while only four percent (4%) of respondents reported thirty-one to fifty percent (31%-50%) hire rate, which also tied with respondent reporting four percent (4%) of respondents reported receiving over fifty percent (50%) of their hires from out-of-state teachers



The survey also drilled down into the hired out-of-state teachers by asking, “Was any of the respondent’s out-of-state hires a diverse candidate?” Of all the respondents, forty-eight percent (48%) reported that their out-of-state hires were diverse, while thirty-eight percent (38%) reported their out-of-state hires were not diverse teachers. The remaining fourteen percent (14%) indicated other reasons or no answers to the question.

Sixty-four percent (64%) of the respondents provided their thoughts on reciprocity related to their ability to recruit, hire and retain licensed teachers in their districts. Some respondents stated that they relied on reciprocity to recruit staff. Other respondents stated that universal

reciprocity would help with recruiting and would also support teachers with an easier transition if they elect to move to another state. Finally, multiple respondents stated that reciprocity is critically important when seeking a diverse staff. The action items taken away from this survey is that there is work to be done to move this indicative forward by having AASPA focus its advocacy work towards improving a universal system.



For over twenty years, Susan “Ze” Anderson-Brown, MBA, SHRM-CP, PHCLE, has been a noteworthy leader as a human resources professional. You may know her from her past work on AASPA’s membership committee and her work as Chair of the Legislative and Governmental Committee and a foundering member and past president of Vermont’s Chapter of Vermont School Human Resources Professionals Association. She earned a Masters in Business Administration from Clarkson University and holds professional certifications from the Society of Human Resources, and AASPA/Battle Kids. Currently, she is the Executive Director of Human Resources for the Burlington School District in Burlington, Vermont.



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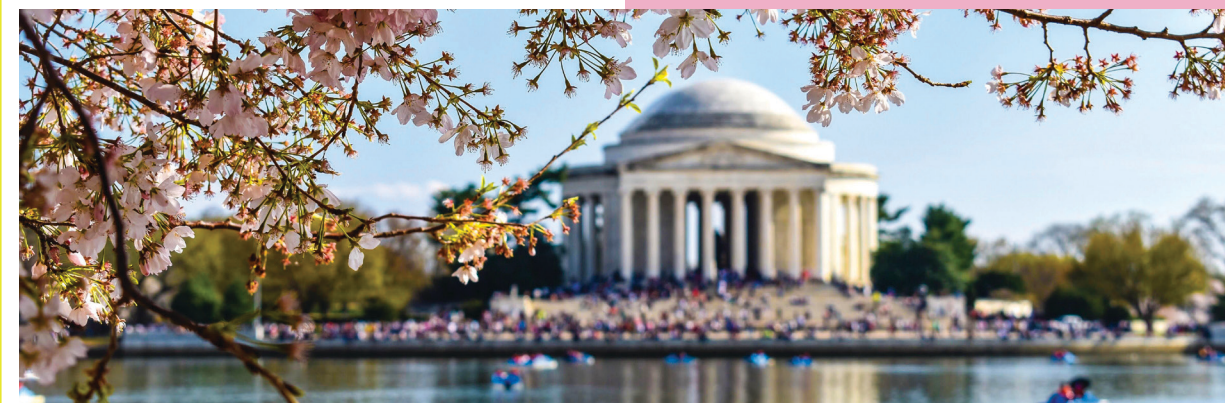
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