

FEDERAL and MISSOURI STATE GUIDANCE on COVID-19

This section is our best guidance on the current status of COVID-19 Regulation and Legislation.

Overview

While guidance continues to evolve, the Federal government is offering waivers for many requirements associated with meal programs, student attendance, and testing¹. DESE provides additional guidance on school funding and has begun applying for a number of the Federal waivers².

School Funding³

At this time, all Missouri school district funding will be maintained in the event of extended closure.⁴ However, prop C money may not reach appropriated levels⁵

School Nutrition

DESE received two waivers that will allow schools to serve meals through summer feeding program structure and allow for “grab-and-go” or delivered meals.

Bus driver delivery of meals can be funded by the district.

Testing Requirements

Testing requirements are waived at both the national and state level in Missouri.

Attendance

School district funding will be maintained. The attendance numbers used to calculate funding will be drawn from the previous year’s attendance.

DESE will use attendance as a reportable item, rather than a scored item on the 2020 APR if reporting it would negatively impact a district’s classification.

Students with Disabilities

IEP and 504 teams are not required to meet in person while schools are closed.

If there is some form of distance education, students with disabilities must also have access to an education program. If a school district closes and provides no educational services to the general student population, then a school would not be required to provide services to students with disabilities during that same period of time.

School Calendar & Student Teaching

The Commissioner of Education has the power to waive instruction time requirements and DESE is setting up an online form to collect waivers across the state.

DESE waived all requirements for student teaching.

School Closure

Governor Parson in conjunction with the Department of Health and Senior Services ordered that schools remain closed through April 6, 2020.

Warrenton and Wright City have closed for the remainder of the school year.

Arkansas, Kansas, Minnesota, New Hampshire, West Virginia and Wisconsin have all closed or suspended in-person learning state-wide.

¹ The Department offered to assist with other concerns such as carryover requirements of title 1 funding.

² <https://dese.mo.gov/sites/default/files/Webinar-FAQ-3-13-2020.pdf>

³ <https://dese.mo.gov/sites/default/files/am/documents/FAS-20-002.pdf>

⁴ “Whenever there has existed within the district an infectious disease, contagion, epidemic, plague or similar condition whereby the school attendance is substantially reduced for an extended period in any school year, the apportionment of school funds and all other distribution of school moneys shall be made on the basis of the school year next preceding the year in which such condition existed.” (§ 163.021.1(4), RSMo.)

⁵ <https://dese.mo.gov/sites/default/files/am/documents/FAS-20-002.pdf>

FERPA Application to Distance Teaching

Many districts have asked teachers to continue educating students while self-isolating using a variety of online resources. Sites and applications like Google Hangouts or Zoom allow teachers to broadcast themselves via video and share documents to students working in their homes. Some of these also allow students to participate via video to ask questions or provide answers to teacher questions. On top of providing the video instruction, some teachers are being asked to record these sessions and provide access to students and parents. When teachers start saving these recordings, it begins to implicate the Family Educational Rights and Privacy Act.

FERPA applies to “education records” which are defined as any records or documents retained by a district relating to a student. When an education record has been created, the district has obligations to keep that information confidential unless they get a specific release from the parents or guardians of the student. These confidentiality issues become most complicated when more than one student is included on that record. Therefore, when teachers are being asked to record and potentially post videos that feature several students, they should be seeking guidance from their district on what the appropriate steps are to guarantee that FERPA is being followed.

Teachers do not need to be concerned about being personally liable for a FERPA violation because FERPA only applies to districts as a whole. There is no individual liability for FERPA violations and parents cannot file lawsuits against teachers, or even districts, related to FERPA issues.

FAMILIES FIRST CORONAVIRUS RESPONSE ACT:

Paid Sick Leave Provisions

The Federal law provides for up to 10 days of paid sick leave for full-time workers and paid sick leave commensurate with hours worked for part-time employees.

- Becomes effective **April 1, 2020**
- Applies to all MNEA members regardless of the length of employment.
- Leave is available for immediate use and may be used prior to any existing paid leave.
EMPLOYERS ARE PROHIBITED from requiring employees to use other leave first.
- There are restrictions: Person has a quarantine order, advised to self-quarantine by a healthcare provider, seeking a diagnosis due to symptoms, the person is experiencing any other condition specified by Federal health authorities OR caring for a person with the above conditions.
- If an employee has COVID-19 symptoms, diagnosed with COVID-19, or is individually quarantined, **the rate is full pay capped at \$ 511 / day.**
- Maybe used to allow the employee to care for sick or individually quarantined family members.
- If the employee is caring for a family member or if an employee is caring for children because of school or daycare closures, **the rate is two-thirds (%) of pay capped at \$200/ day.**

Family & Medical Leave Act (FMLA) Expansion

If an employee cannot work or telework FMLA is expanded to provide up to 12 weeks of paid leave for the employee to care for a "son or daughter". The definition is broad and includes biological, stepchildren, foster children, child of a domestic partner, legal ward, or if the adult is acting in loco parentis. Eligibility:

- Must have been employed for 30 days (FMLA usually requires 12 months).
- The first 10 days an employee should utilize the Sick Leave Provision above. FMLA applies after.
- After 10 days pay must be AT LEAST 2/3rds of employees pay. Capped at \$200 per day, \$10,000 overall.
- Must provide notice of leave if practicable.
- Job restoration is required.
- Can also be utilized to care for a sick or individually quarantined family member at 2/3rds pay rate.