



## Human Capital Considerations: Flexibilities and Opportunities for the Fall

The mission of the Nebraska Department of Education is to lead and support the preparation of all Nebraskans for learning, earning, and living. As Nebraska schools begin the complicated transition into the fall, it is critical to address many human capital considerations. *The purpose of this document is to outline questions encountered and to highlight flexibilities and opportunities.*

### Foundational Values:

- **Equity** - We must ensure our students, especially those who have been historically underserved, maintain access to high quality teaching.
- **Quality** - While flexibility and innovation must be pursued, we must not back down from our standards for quality.
- **Flexibility** - We must pursue flexibilities in regulations and innovations to ensure students have access to high quality teaching.
- **Safety** - Learning cannot occur if the school community does not feel safe in their environment.
- **Decisive** - Given the size and scope of the challenge, we must move deliberately and make tough choices. We will make mistakes, and we will adapt quickly as variables on the ground change.

### Where do we even start?

- The [Launch NE](#) Operations Section offers a process to engage multiple stakeholders in scenario planning.
  - Given the fluctuation of the pandemic, we are asking schools to prepare for [three scenarios](#):
    - In-person learning - teachers and students physically in schools
    - Remote learning - teachers and students not in school buildings
    - Hybrid learning - a mix of in-person and remote learning
  - Through scenario planning, schools are able to determine the staffing needs to meet student learning needs.
- Utilize the newly-revised [Nebraska Teacher and Principal Performance Standards](#) as the foundation for educational decisions.

### We've heard isolation and quarantine used interchangeably. What's the difference between quarantine and isolation? What's considered a close contact?

- **Close contact:** an individual who has been within 6 feet (2 meters) of a person who tested positive or someone with the following symptoms: fever of 100.4 F. or above or sudden onset of a cough or sudden onset of shortness of breath, for at least 10 minutes.
- **Quarantine:** persons with exposure to someone who tested positive or someone with the following symptoms: fever of 100.4 F. or above or sudden onset of a cough or sudden onset of shortness of breath, or international travel, should

remove themselves from situations where others could be exposed/infected, and self-monitor for symptom development.

- **Isolation:** persons who have tested positive or who develop symptoms consistent with COVID-19 (fever of 100.4 F. or above, or a sudden onset of a cough or sudden onset of shortness of breath) should eliminate contact with others.

Nebraska Department of Health and Human Services, [Directed Health Measures from September 1, 2020](#)

### **How do we know when to quarantine educators? What's the procedure? Is quarantine always necessary?**

For pre-K-12 teachers, para-educators and other certificated and non-certificated staff employed by schools and ESUs (Educational Workers); who have had close contact with a person whom has tested positive, or has had close contact with a person whom has a test pending and is symptomatic, or has had close contact with a person whom has one or more of the following symptoms: fever of 100.4 F or above or sudden onset of a cough or sudden onset of shortness of breath or sudden loss of taste or smell, Educational Workers may meet the following Conditions while performing their duties of their employment with schools and ESUs In Lieu of Quarantine\*:

- appropriately wear a face covering or mask for 14 days following exposure **AND**
- practice social distancing **AND**
- self-monitor twice daily for fever and other symptoms listed above for fourteen days and have no symptom development

Please consult your local health department for further COVID-19 guidance on each situation. Schools should also perform and document temperature and symptom checks prior to starting work each day and retain documentation for local health departments.

*\*If symptom development occurs within the 14 day quarantine period or Conditions In Lieu of Quarantine, please refer to Isolation instructions.*

Nebraska Department of Health and Human Services, [Directed Health Measures from September 1, 2020](#)

### **What professional learning should I consider for my staff?**

- Rule 10 **Section 007.07** requires 10 hours of Professional Development per year. Schools may consider their professional learning hours being used to address instructional delivery changes and models of teaching being used specifically during the 2020-21 school year and COVID context. There are no limitations per Rule 10 regarding the use of virtual professional development.

- Schools should consider including information on effective teaching and school leadership specifically related to COVID-19 contexts in professional learning hours.
- Schools should consider utilizing the *Virtual Professional Learning Series* found on the [www.launchne.com](http://www.launchne.com) website to fulfill Rule 10 Professional Development requirements.

For more information, please see the “Teaching and Learning in the 2020-21 School Year: Professional Learning” on Launch NE [Continuity of Learning](#) page.

### **What could schedules for our schools look like?**

Consider what will be feasible to create in conjunction with health guidance. The [Launch NE](#) Operations Section offers some resources to help conceptualize the types of schedules your district may choose to consider.

- Decision points for COVID Comeback Models - staffing considerations: <https://www.erstrategies.org/cms/files/4532-covid-decision-points.pdf>
- Elementary School focus with staff considerations: <https://www.erstrategies.org/cms/files/4536-comebacke1.pdf>

### **What supports are available for educators who must quarantine or isolate due to exposure, and who live with someone with a health condition putting them at greater risk?**

[Nebraska Accommodation Project](#) is designed to provide temporary housing for any Nebraskan as a result of COVID-19 exposure.

NAP provides short term housing for quarantine and/or isolation locations outside of anyone's usual household in order to protect a household member with a health condition that puts them at high risk from exposure to COVID-19.

Rooms, meals, and laundry services are offered to any Nebraskan that needs a place for self-quarantine and/or self-isolation away from home. All housing facilities have access to medical care if needed.

### **Is it possible for teachers to continue teaching while quarantined?**

Yes. Please see information above on considerations for teachers providing instruction remotely.

### **How do districts work through ADA compliance and other matters involving employment or labor law?**

Districts should follow their HR policies, bargaining agreements, and consult with local health officials and district legal counsel/HR experts for guidance.

**What if a teacher lives with another person who may be immunocompromised or is in a risk group for contracting COVID? Or what if a teacher simply does not feel safe or comfortable returning?**

Districts should follow their HR policies, bargaining agreements, and consult with local health officials and district legal counsel/HR experts for guidance.

**Does “emergency sick leave” start over again with the 2020-21 school year? Do we need to provide staff members with an additional 80 hours of sick leave pay without docking their sick leave bank?**

Districts should follow their HR policies, bargaining agreements, and consult with local health officials and district legal counsel/HR experts for guidance. More information about federal policy on emergency paid sick leave can be found [here](#).

**We may need to rearrange staff to fill gaps. Can we use some of our “specials” teachers to fill core positions? Put another way, can media specialist, art teachers, PE teachers who are not endorsed cover classes for the long term?**

Media Specialist Reassignment

Rule 10, section **006.01A** requires each school to have a library media area available (open) to students during the entire school day. This applies to each individual school building. If the attendance center is closed, then naturally the media center is not available to students.

Rule 10, Section 007.04A requires that K-12 school systems and secondary school systems have a properly endorsed media specialist. The regulation then delineates the staffing of the media position based on the number of students enrolled.

- Therefore if the school is in session and it assigns the Media Specialist (NSSRS Code 2223) to a teaching position (1160), the school would not be in compliance with Rule 10 Regulations.
- If a school building decides to utilize the media specialist, because of their NE Teaching Certificate, to be responsible for classroom instruction in an area separate from the media center, *the school system shall self-report to the Accreditation staff for monitoring purposes.*

For remote learning situations, it is possible to have the Media Specialist supervise students while being physically present in the media center location.

Teachers Providing Instruction outside of Endorsed Area

Rule 10, Section 007.01A requires a minimum of 95 percent of teachers in the elementary grades be assigned to areas for which they are properly endorsed. This measurement is computed by FTE.

- If a school system drops below the 95% allotment per Rule 10, the school system shall self-report to the Accreditation staff for monitoring purposes.

Rule 10, Section 007.02A requires a minimum of 90 percent of teachers in the middle level grades be assigned to areas for which they are properly endorsed. This is measured by FTE and it should be noted that there are allowances in Section 007 regarding staff with elementary and secondary endorsements.

- If a school system drops below the 95% allotment per Rule 10, the school system shall self-report to the Accreditation staff for monitoring purposes.

Rule 10, Section 007.03A requires at least 80 percent of the instructional units offered in secondary schools are assigned to teachers having proper certification and content endorsements.

- Schools utilizing staff to teach courses outside of their endorsement area which ultimately drops the computation below the 80% requirement, must self-report to the NDE to explain the context of not meeting the regulation and steps to be taken to ensure the non-compliance does not happen for a second consecutive year.

Rule 10, Section 014.06 Effect of Violations on Public School Systems, addresses the process of consultation and uncorrected violations. While COVID 19 related noncompliance will include flexibility, it is important to note that the Accreditation Section will continue to document the corrective actions needed for non-COVID related violations.

### **Can a school system assign a CTE instructor to another subject or class period?**

- The CTE teacher may not be properly endorsed to teach another class section, core content or otherwise, and therefore would count against the school's allotted percentages. (Elem 95% / MS 90% / HS 80%)
- If the CTE instructor is an employee of an educational entity other than the school system, they must obtain the appropriate NE licensure. Many CTE instructors are specifically licensed with a Career Ed and/or Postsecondary Courses Only.
- Schools should avoid "cancelling" courses. Cancelling courses does not provide equitable opportunities for all students to have access to learning required for high school graduation or courses that enhance the student's chosen program of study.
- Cancelling courses directly impacts the amount of Instructional Hours (specifically smaller schools whose master schedule depends on all courses being offered once per day for the entire school year.)
- At least 80 instructional units of career and technical education is required for high school programs (Rule 10, Section 004.04B6)

More information on CTE-specific considerations is posted on Launch Nebraska.

## **Can we use a general education teacher to fill a special education teacher position? What implications does this have?**

Special education matters can be complex. Please contact the Office of Special Education at NDE to troubleshoot and problem solve. The office can be reached at 402-471-2471 or [amy.rhone@nebraska.gov](mailto:amy.rhone@nebraska.gov)

Generally, in order to be eligible for IDEA reimbursement for a special education teacher/provider, the individual must have an endorsement in special education.

In situations where the individual is not special education endorsed, the district may use state/local funds for reimbursement. Per NDE Rule 24-004.04, Individuals holding a regular Nebraska certificate may apply to add a provisional special education endorsement. Information on provisional endorsements specific to special education can be found on page 6 [here](#)

## **What are flexibilities schools can pursue to address potential teacher shortages brought on by COVID-19?**

In addition to the options above:

### *Local Substitute Teaching Permit:*

Due to the pandemic, there may be effects on the supply of certified teachers. Please remember there is an option for potential substitute teachers to apply for a local substitute teaching permit. This permit allows for 90 full-time days in the same school system; however, if needed, additional days may be authorized by the Commissioner.

- School systems who have utilized a substitute teacher throughout the first semester and need to hire the same person for the second semester and/or beyond the 90-days permitted, shall submit a written request to the NDE Educator Certification Office.

### *Conditional Permits*

The NDE understands there may be difficulties with submitting a passing score for the Praxis II content test. Depending on the situation, the NDE wants to work with applicants who are still waiting to take a test at home or have scheduled a test for a date after the start of the school year. Please note the following information is only valid for applications received prior to September 1, 2020.

For new applicants who have not presented a passing content test score and have been offered a position in a Nebraska school system, a conditional permit with an expiration date of May 31, 2021, may be issued. A request from the hiring Nebraska school district would need to be provided for the conditional permit to be issued.

For all other applicants who have not presented a passing content test score, been offered employment in a Nebraska school system and previously held a conditional or provisional permit because they were missing a passing content test score, a conditional permit with an expiration date of May 31, 2021, may be issued. As with new

applicants, a request from the Nebraska school district would need to be provided for the conditional permit to be issued.

A conditional permit becomes void after it expires, after a new certificate or permit is issued, or if it is determined that the applicant does not meet the requirements for issuance of a Nebraska certificate or permit.

Applicants who are not able to add an endorsement (school counselor, school librarian, superintendent, etc.) due to a content test may be issued a provisional endorsement to their regular certificate or issued a conditional permit. Each situation will be handled on a case-by-case basis as each application is unique.

If your situation fits in one of the scenarios mentioned, please contact your school district first as it will need to request the conditional permit. For all other questions, please email [nde.tcertweb@nebraska.gov](mailto:nde.tcertweb@nebraska.gov)

For applicants who have not presented a passing content test score, been offered employment out-of-state and want to use their Nebraska certificate as a means of obtaining a certificate for a different state, the NDE will offer a refund for the application fee and encourage them to apply for a certificate in the state they have been employed.

More information on the Praxis tests and ETS's COVID-19 response including the Praxis Tests at Home option can be found on their website at <https://www.ets.org/praxis>.

**We already faced substitute shortages before this time. What can we do now to ensure we have an adequate sub pool? Can substitute requirements be relaxed so as to allow more people to be considered as subs if districts so choose?**

- First refer to [NAC Chapter 21: Regulations For the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools](#) Section 005.25 Local Substitute Teaching Permit Requirements.
  - “Each applicant for a Local Substitute Teaching permit must:
    - 005.25A Fulfill the requirements in Sections 005.01A through 005.01H of this chapter;
    - 005.25B Have at least sixty (60) semester hours of college credit with credit in education-related coursework; and TITLE 92 CHAPTER 21 19
    - 005.25C Submit a written request for the issuance of such permit from the superintendent or the governing body of the school system or Local Substitute Teacher Consortium in which the applicant intends to substitute teach.”

*Utilizing Student Teachers*

- Consult NDE [Rule 20: Regulations for the Approval of Teacher Education Programs](#). Section 005.03A2a notes:
  - 005.03A2a **The institution (of higher education) shall have a clear statement of policies and procedures relating to clinical practice** which shall be made available, together with the Standards for Professional

Practices Criteria in 92 NAC 27, to all persons involved in the clinical practice experience.

- 005.03A2c **The institution shall engage with school partners on a regular and ongoing basis to develop and communicate the roles and responsibilities of candidates**, college supervisors, cooperating educators, and other school personnel; to provide opportunities for school partners to provide input to the program regarding candidate placements, candidate performance, and program improvement; and to develop opportunities for faculty and school-based educators to work collaboratively to enhance candidate development.
- 005.03A2c1 **The institution shall negotiate written agreements delineating the roles and responsibilities of candidates in clinical practice**, college supervisors, and the cooperating educators.
- Teacher education programs and school systems can create agreements around the use of student teachers as substitute classroom teachers; however, student teachers must be willing to work in that capacity and hold a local substitute teaching permit.

#### *Local Substitute Consortia*

Rule 21 Reference - 002.19 Local Substitute Teaching Consortium means a group of school systems that have an agreement for the purpose of managing the placement of a group of Local Substitute Teaching Certificate or permit holders. A list of the school systems included in the consortium shall be provided to the Teacher Certification office when applications for Local Substitute Teaching certificates or permits are submitted for use in the consortium. Examples of substitute consortia include

<https://www.wsc.edu/nenta> <https://www.peru.edu/senta/>

#### **Other considerations or ideas for substitute teachers:**

1. Districts could be encouraged to determine new creative ways to look at substitute teacher opportunities to attract people in their own communities or in the area who haven't considered it before because of certain barriers. An example of creative thinking might be to create days for substitute teachers that would be only 1/2 days.
2. Districts could reach out to colleges in the area to ask about students who have enough hours to become a substitute teacher.
3. If a district knows it will need a long-term substitute teacher, they could work with neighboring districts with a distance-learning option.
4. Districts could ask the regular classroom teacher to "pre-record" their lessons so an actual substitute teacher would not be needed.
5. Consider hiring a full-time substitute teacher.

## Other Staffing Considerations

- If you do not have a full time school nurse, consider allocating/prioritizing funding to hire one. Alternatively, work with local healthcare providers on a response protocol in the event of student illness.
- Consider using CARES Act funding to supplement your human capital or for additional training. For more information see NDE's [CARES Act page](#).
- Training for Custodial Staff - For more information, see "[FACILITIES Supporting Considerations](#)"
  - Would it be possible to contact a medical facility/hospital in the area to learn about disinfecting and sanitizing protocols used that could transfer to schools?
  - Would it be possible to receive training for custodial staff to learn from the local health department of effective disinfecting and sanitizing protocols?
  - What are some local resources responsible for larger numbers of people to tap into regarding the protocols that could be learned or transferred? E.g. higher education, doctors' offices, arenas, county buildings, corporate offices, etc.
  - Would it be possible to connect with other school districts to learn the protocols being used?
  - Would it be possible to provide training to custodial staff at an ESU, bringing custodial staff from all schools together and having a representative from a disinfecting type company show techniques to use when cleaning school facilities?
  - Could videos of effective and proper cleaning be sought out or created to be used to teach the custodial staff at the school? They could and should be reviewed monthly in the beginning of return and could be phased out as the techniques are mastered. Cross-contamination should be addressed.
  - Consider reviewing the Conditions for Learning/facilities page on Launch Nebraska.