

NEA Issue Guidance: Assignments and Staffing During COVID-19

The pandemic has brought about fundamental changes to the way schools teach and support students. It has redefined how we see schools as providers of food and other basic goods and services for our most vulnerable students and their families. It has amplified the critical need for equitable funding and resources for communities that are majority Native, Black, people of color as well as isolated and rural. The pandemic has also created an urgent need for additional social and emotional supports for all students. These needs, and the policies and structures that districts adopt to address them, have a direct impact on staffing needs and educator work assignments.

This NEA guidance offers suggestions for ongoing labor-management conversations related to changes in assignments and staffing. All suggestions in this guidance document should be considered in relationship to your local context.

The 'Big Questions'

With COVID stubbornly persisting as we enter another new school year, these questions about staffing and assignments and the issues they raise remain relevant:

- Are staffing levels adequate to provide regular instruction, meet the needs of special education students and students with disabilities, and offer support to vulnerable, struggling, or disengaged students?
- Are staffing levels adequate to identify and provide needed social and emotional supports for students?

- How are employees assigned when it is necessary to quarantine a classroom or building?
- How are substitutes deployed to assist in the classroom?
- How are employees assigned to assist in the classroom or perform other tasks to support students during the pandemic?
- Are staffing levels adequate to clean and disinfect buildings, improve ventilation, administer COVID-19 testing and tracing, and take other necessary actions to reduce the spread of the virus?
- Are educator jobs being protected?

The in-depth topics addressed below will help answer these questions and offer key considerations when addressing assignments and staffing through formal collective bargaining, informal collaborative discussions, or other forms of labor-management engagement.

Class sizes and caseloads

Smaller class sizes and caseloads are critical for student success and recovery efforts will be delayed, if not derailed, if these issues go unaddressed. In addition, school districts can use American Rescue Plan funds to lessen the burden on employees and can prioritize staffing.

Consider:

- Familiarizing yourself with recommended ratios for school health professionals and adding staff to ensure that every student has access to physical and mental health supports.
- Adding staff to ensure manageable class sizes and caseloads. When increasing staffing, districts should make every effort to diversify the workforce by increasing educators of color to reflect the make-up of the student body and community.

- Adopting a workload analysis model that more accurately addresses the demand met by special education teachers, paraeducators and specialized instructional support personnel (SISP), in lieu of a traditional caseload model.
- Providing dedicated time for special education teachers and paraeducators to work with general education teachers to adapt remote learning lessons to meet the requirements documented in students' IEPs.
- Providing special education teachers and SISPs (such as occupational therapists, speech/language pathologists, social workers, counselors, audiologists, etc.) dedicated time to address the backlog of initial evaluations and reevaluations under the confines of IDEA timelines.
- Limiting the number of different courses that teachers are assigned to teach and treating a course that is taught both online and in-person as separate preparations (i.e., two distinct courses).
- Avoiding situations where teachers are required to provide remote and in-person instruction concurrently.

Sample Contract Language

If a special education teacher or related service provider is unable to meet the required IEP minutes on their caseload, a conversation with the administrator will be initiated to examine the workload demands. The examination should include the allocation of time for direct instruction, indirect services, inclusionary practice responsibilities, and IEP management. The educator and the administrator will collaborate on a mutually agreed upon plan to ensure that there is enough time to adequately meet the IEP requirements of each student on the caseload.

Social and emotional supports

For students, the pandemic has not only disrupted their academics, but also their lives outside of school, taking a heavy psychological and emotional toll. For students of color and those from low-income families, the pandemic has worsened existing inequities in physical health and safety, mental health, and learning opportunities.

In response, schools must adopt practices that nurture the whole child and intentionally integrate social and emotional learning (SEL). This includes building capacity for trauma-informed teaching and learning, and engagement related to racial and social justice issues.

Schools must have adequate staff and dedicated time to identify and provide social and emotional supports to students with pandemic-related trauma. During pandemic recovery and beyond, schools must prioritize the mental health and wellness of both students and staff. It must be noted that students of color have the dual burden of processing the impact of racial violence towards people of color in some level of isolation, potentially without the additional supports they've needed.

Consider:

- Hiring more school nurses, social workers, counselors, and psychologists. Training employees to recognize and help address the difficult emotions experienced by both students and staff.
- Building in time to integrate SEL into the school day.
- Implementing safe and proven best practices for home visits and wellness checks.
- Partnering with community organizations to provide mental health and social services to students outside of school.

- Adding clubs and activities that support social and emotional health.
- Providing supplemental contracts to employees to tutor students and provide other 1:1 support.

Substitutes and classroom monitors

Teachers cannot be expected to constantly forgo their planning time, collaboration time, and office hours to cover classes when other staff are not present. To avoid this, some school districts are relying on temporary workers or volunteers to monitor the classroom. But using community partners, volunteers, or temporary services to replace educator and staff positions, should be avoided. Students deserve highly qualified and trained educators who are knowledgeable about the lesson content, classroom management, and pedagogy to ensure productive classroom time and continued student learning.

Consider:

- Establishing terms and conditions for internal substitute assignments, covering classes, and assisting in the online classroom during fully remote or hybrid instruction.
- Advocating for additional paraeducators and other employees, such as special education teachers or Title I teachers, to assist in the classroom for concurrent instruction.
- Training additional ESPs to assist in the classroom to maintain their hours and provide career growth opportunities.
- Adding administrators to the pool of district employees who can be involuntarily assigned to cover or monitor a class.
- Ensuring that every substitute receives an information packet on the operation of the specific school to which he or she has been assigned, including health and safety procedures.

- Providing substitute coverage for teachers and other staff required during IEP meetings scheduled during instructional time.

Temporary and alternative assignments

ESPs should be allowed to perform available temporary or alternative assignments when their regular duties have been suspended or their hours reduced.

Consider:

- Ensuring ESPs maintain full pay and benefits if their regular work is unavailable by providing training to assist with other duties. This might include helping in the classroom; assembling and distributing meals; compiling learning packets; assisting with technology-related instruction; contacting families of students who are frequently absent or have stopped attending; assisting with small group instruction; troubleshooting technical issues; and conducting virtual or in-person wellness checks or home visits.
- Paying employees their regular rate of pay or increasing the compensation of employees who are reassigned to work in higher-paid classifications.
- Providing necessary training for ESPs who take on temporary work beyond their regular duties to maintain their pay and benefits.
- Establishing agreements that prohibit or avoid involuntary assignments, that don't displace other employees and retain employees' right to return to their original assignments upon resumption of normal school operations.
- Affording employees reasonable flexibility in scheduling and performing their work.

Sample Contract Language

During the term of this agreement, a bargaining unit member may be temporarily assigned to provide services outside the employee's normal job description if work within the employee's job description is reduced or unavailable, provided:

- *Duties, that are not reasonably related to employees' jobs, shall be assigned on a voluntary basis.*
- *An employee may only be assigned to perform work for which the employee is appropriately trained, licensed (if applicable) and prepared to perform.*
- *The assignment shall not, without the employee's agreement, exceed the hours normally assigned to such employee. The employee shall receive the contractual rate of pay for any additional hours and applicable overtime pay.*
- *The employee's temporary assignment may not result in displacing any other bargaining unit member.*
- *An employee shall not without appropriate compensation be assigned job duties associated with job classifications with a higher rate of pay than the employee's rate of pay.*
- *An employee shall not suffer a decrease in pay if assigned job duties associated with job classifications with a lower rate of pay than the employee's rate of pay.*
- *The employee retains the right to return to the employee's original assignment upon resumption of normal school operations.*
- *The employee is afforded reasonable flexibility in scheduling and performing their work.*
- *Any home visits or visits made to care centers by unit members shall be*

on a voluntary basis and consistent with public health guidelines and the terms of this agreement.

District Administration, in collaboration with the Association, will create and implement a pickup and/or delivery system for the distribution of school supplies, curricular materials, and the necessary technology, to include mailing if necessary. The system will be communicated to all itinerant/building staff and students/families. All extra time provisions outlined in the collective bargaining agreement will continued to be followed.

COVID-19 mitigation

As schools reopen for in-person instruction, required compliance with health and safety protocols and ongoing mitigation efforts remain paramount. Rudimentary staff training is insufficient. Schools need employees to perform the tasks necessary to keep schools safe and keep them open.

Consider:

- Adding and training staff to ensure implementation of COVID-19 mitigation strategies for:
 - Cleaning and disinfecting buildings during and beyond the school day.
 - COVID-19 testing and contact tracing of students, staff, and anyone who enters a school building or worksite.
 - Improving ventilation, including monitoring and maintaining HVAC systems where they exist.
 - Maintaining handwashing stations and replenishing soap, hand sanitizer, and other supplies.
 - Staffing COVID-19 isolation rooms.

- Coordination with community partners to ensure that there is adequate and appropriate PPE for all staff members and students.

Job and wage protections

The pandemic has highlighted the critical role public schools play in our society. This role cannot be performed if education jobs are cut.

Consider:

- Maintaining contractually assigned hours.
- Recalling laid-off employees and restoring reduced hours before soliciting non-employee volunteers.
- Maintaining full pay and benefits for ESPs if their regular work is unavailable by training them to assist with other duties.
- Compensating employees for performing higher paying work and providing additional student supports beyond the normal workday.
- Restricting the use of contracted services.
- Reimbursing employees for expenses arising from new and different assignments.
- Providing paid leave, separate from sick leave, if an employee needs to be quarantined or an employee or member of their family contracts COVID or is sick from a vaccination.

Sample Contract Language

In addition to their regular rate of pay, in lieu of the requirement of documenting, submitting, and getting approval for the mileage for each trip made, bargaining unit members will be paid a [\$] stipend for any day(s) day they use their personal vehicles to make wellness checks.



COVID-19

Additional Information

Additional COVID-19 related resources and materials are available at nea.org/advocating-for-change/covid.

Bargaining and advocacy guidance on the safe and equitable use of ESSER funds can be found in the [NEA.org Resource Library](#).

For additional information, contact:

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