



## ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF (ESSER) ACT CLASSROOM COVERAGE – FREQUENTLY ASKED QUESTIONS (FAQs)

### 1. What is the Elementary and Secondary School Emergency Relief (ESSER) Act?

The [Elementary and Secondary School Emergency Relief \(ESSER\) Act](#) is part of the education stabilization fund of the [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#). Funding is awarded by the United States Department of Education (US DOE) to local educational agencies to address the impact that COVID-19 has had, and continues to have, on elementary and secondary schools.

### 2. What is the role of the Florida Department of Education (FL DOE) in the disbursement of ESSER funding?

The Florida Department of Education (FL DOE) is responsible for the distribution of funds intended to help school districts safely reopen schools, measure and effectively address significant learning loss, and take other actions to mitigate the impact of COVID-19. The District must submit a request for funding to FL DOE and provide assurances that these funds will be allocated during the period of availability for allowable uses.

### 3. Are there multiple rounds of ESSER funding available?

Yes, the Florida Department of Education (FL DOE) is currently allocating funds in three distinct phases; see [FL DOE PowerPoint presentation for more](#).

### 4. Why is ESSER funding being used to compensation employees for classroom coverage?

SPALC, TALC, and the District have agreed to increased compensation for missed planning, classroom coverage, and the use of paraprofessionals to provide classroom coverage. These agreements are memorialized in several Memorandums of Understanding (MOUs). ESSER funding is non-recurring and there is a recognized short term need to provide classroom stabilization.

### 5. Where can I find more information about these agreements?

[The District website contains](#) ample information about all agreements reached between SPALC, TALC, and the District. Bargaining sessions are currently being live streamed on [the District YouTube Channel at LeeSchoolsTV](#).



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### **6. What communications has been provided to employees to inform them of these agreements?**

*In addition to internal communications, distributed to confidential staff, SPALC, TALC, and the District have sent out joint communications and MOUs to all affected employee groups and administrators. Island Coast FEA has provided a [Helpful Hints page](#), which was recently updated, on their website: [islandcoastfea.org](http://islandcoastfea.org).*

### **7. Is there a plan to provide more communication to employees?**

*Yes, the SPALC and TALC Labor/Management Committees will continue to review unique situations as they arise and have created this brief Frequently Asked Questions (FAQ) sheet to support employees as they attempt to mitigate the impact of COVID-19. This FAQ may be updated as additional questions or concerns arise and will include a "last updated" date at the bottom for reference purposes.*

### **8. What agreement is in place for support staff?**

*SPALC and the District reached an agreement in an MOU signed in August of 2021; see [FY22 SPALC COVID MOU \(3\)\(d\)\(1\)](#).*

*On Thursday, February 17, 2021, SPALC and the District reached an agreement to amend the FY22 SPALC COVID MOU to increase the compensation for paraprofessionals and helping teachers from an additional \$30.00 per day to an additional \$100.00 per day. Once executed, an updated MOU will be shared with all support staff and administrators.*

### **9. What agreement is in place for instruction staff?**

*TALC and the District reached an agreement on February 11, 2022, which is effective retroactively to January 12, 2022, that addresses changes to [TALC Contract Article 10.04](#). This agreement is memorialized in the [FY22 TALC ESSER Classroom Coverage MOU](#).*



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### 10. Is there an order of operations for providing classroom coverage?

*In order to ensure that the needs of students are met, Academic Services has recommended that schools attempt to address classroom coverage needs due to vacant positions or employee absences by first attempting to secure the services of a Guest Teacher.*

*If unavailable, then a highly qualified Paraprofessional or Helping Teacher may volunteer for this temporary change in assigned duties. Staffing & Talent Management has provided schools with a list of eligible employees, based upon highly qualified status.*

*If the school is still not able to provide appropriate classroom coverage, then instructional staff may volunteer to provide classroom coverage.*

*If no volunteers are available and all other attempts to provide classroom coverage have been unsuccessful, then the school may begin an involuntary rotation of instructional staff; see [TALC Contract Article 10.03](#).*

### 11. How should a school identify volunteers?

*Schools are encouraged to send out a request for volunteers on a regular basis (e.g. at the start of each semester, at the start of each quarter, at the start of each month) rather than attempting to secure volunteers on a weekly or daily basis.*

*Employees who have chosen to be included on the volunteer list may be called upon to provide classroom coverage.*



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### **12. If there are multiple volunteers, how should a school decide who provides classroom coverage?**

*Schools are encouraged to operate with the interest of student achievement at the forefront of all decision making. Equity amongst employees remains a key consideration, however there are limited circumstances where this might be difficult to achieve. Schools should consider the following factors: student safety, continuity of instruction, employee certification, employee seniority, availability of employees, availability of educational supports, legal compliance (e.g. IEPs, 504s, etc.) and employee work load.*

### **13. What is being done to solicit feedback and to address the unique concerns of individual schools and employees?**

*District staff are soliciting feedback from school-based administrators and confidential staff. Union representatives from SPALC and TALC are also collecting feedback from school or site-based building representatives.*

*Unique concerns are being brought to the attention of the SPALC and TALC Labor/Management Committees and are being reviewed by representatives of the unions, Human Resources, Business Services, and Academic Services.*

*There are a number of unique situations that have arisen already that are related to student needs, facility limitations, and other factors that are not easily accounted for or predicted when seeking an agreement for nearly 100 different schools, servicing roughly 95,000 students. Your patience is greatly appreciated as we continue to work towards our shared interests of student achievement, employee morale, equity, and manageability.*



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### **14. Who is eligible to receive compensation for instruction during missed planning or classroom coverage? Was there a change in who is eligible?**

*Classroom Instructional Staff and Non-Classroom Instructional Staff, as defined in Appendix C of the TALC Contract, may be eligible to receive compensation for instruction during missed planning or classroom coverage.*

*During TALC Bargaining Sessions, TALC and the District identified ambiguity and inconsistent application of existing contract language. This language was clarified by the [ESSER Classroom Coverage MOU](#), which went into effective on January 12, 2022, and there was explicit direction provided about employee eligibility for compensation.*

### **15. Are Special Instructional Staff eligible to receive compensation for instruction during missed planning or classroom coverage?**

*Special Instructional Staff, as defined in Appendix C of the TALC Contract, are not eligible for compensation for instruction during missed planning or classroom coverage. TALC and the District recognize the specialized skill sets of these employees and the critical need to have appropriate staff on hand for student emergencies.*

*Additional conversation about compensation for coverage is underway in the Special Instructional Labor/Management Committee. TALC and the District recognize that Special Instructional Staff often provide coverage for others working within the same position and that there is a need to address overall workload of employees in these positions, based upon recommended ratios provided by appropriate professional groups at the state and national level.*



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### **16. How is compensation determined in situations involving a co-teacher absence or vacancy?**

*Situations involving co-teachers are unique and may require reference to the TALC Labor/Management Committee for additional discussion. If you are unsure about how to apply the language in the MOU to these situations, please be sure to speak to your school-based administrators. School-based administrators can contact the appropriate parties directly for guidance. Individual employee questions or concerns may be referred back to school-based administrators.*

### **17. Are all employees covered by the TALC Contract entitled to one planning period per day?**

*Yes, the TALC Contract states that all employees are entitled to 330 minutes of planning per week with a minimum of 40 consecutive minutes per day and 60 total minutes per day. School-based calendar committees are responsible for ensuring that school schedules provide each employee with this time, as well as minimum of 25 minutes for a duty-free lunch. Flexible scheduling may be appropriate in the event of an unplanned emergency.*

*Instructional staff should not be required to work through their lunch and will not be eligible for additional compensation for doing so. An employee may choose to work through their lunch, however being asked or directed to do so may result in a grievance.*

*Non-classroom Instructional Staff and Special Instructional Staff should have a designated planning period to allow them to complete administrative tasks associated with their assigned duties. Flexible scheduling may be appropriate, however there should be a documented schedule of planning time to help establish clear and consistent expectations.*

*Additional information can be found in [TALC Contract Article 7 \(Work Schedule\)](#) and [Article 13 \(Participatory Decision Making\)](#).*





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### **18. Is there a distinction between how compensation is provided to employees working at Elementary and Secondary Schools? Why?**

*Yes, existing contract language included a distinction regarding compensation for employees working at Elementary and Secondary Schools. TALC and the District discussed unique work requirements of employees serving at different locations and ultimately agreed to retain this distinction for the time being.*

*There is an opportunity for modification or amendment of the MOU for FY23 (2022-2023 school year) and the parties have identified shared interests related to equity, manageability, employee retention, and employee morale. Information will be shared with all impacted employees prior to any changes being implemented.*

### **19. Is there a distinction between how compensation is provided for short-term (daily) coverage and long-term (semester) coverage?**

*Yes, in an effort to acknowledge the difference between semester coverage, which may include additional planning and grading requirements, the parties agreed to a difference in pay for long-term coverage of thirty (30) consecutive days or more. This difference in pay is consistent with an increase in compensation provided to Long-term Guest Teachers.*

### **20. How does this agreement impact roster verification?**

*This agreement does not impact existing rules and requirements in place for roster verification. The accuracy of information reported is of the utmost importance, since it may impact the District's eligibility for state funding.*

*In addition, there are requirements regarding the reporting of out of field instructors that must still be observed. Failure to follow these requirements may result in audit findings.*



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### **21. If I have questions about the timeliness or accuracy of payment for instruction during missed planning or classroom coverage, who should I contact?**

*Your site-based administrators are your primary point of contact for questions or concerns about the timeliness or accuracy of payment for instruction during missed planning or classroom coverage. Please contact them prior to reaching out to your Payroll Specialist, or TALC Representative.*

*Please be aware that the Secretary to the Principal at your school, your Payroll Specialist, and your TALC Representative may be inundated with questions or concerns at this time. Rest assured that you will be paid for the instruction you have provided during missed planning or classroom coverage you have provided. Staffing shortages and unexpected absences are common at all locations across the District. Appropriate staff are working diligently to provide you with a response as quickly as possible.*

**Please check back later for updates. In the meantime, thank you for your continued service to the students of Lee County.**