

American Rescue Plan Act Elementary and Secondary School Relief Fund (ESSER III) Safe Return to In-Person Instruction Local Educational Agency Plan Template

Background on ESSER

The American Rescue Plan Act (ARP) signed into law on March 11, 2021, provided nearly \$122 billion for the Elementary and Secondary School Relief Fund (ESSER). ARP ESSER, also known as ESSER III, funds are provided to State educational agencies in the same proportion as each State received under Title I-A of the Elementary and Secondary Education Act (ESEA) in fiscal year (FY) 2020. The U.S. Department of Education (ED) published Interim Final Requirements (IFR) on April 22, 2021 requiring Local Educational Agencies (LEAs) receiving ESSER III funds to submit an LEA Plan for the Safe Return to In-Person Instruction and Continuity of Services. If an LEA had already developed a plan for safe return to in-person instruction and continuity of services prior to the enactment of ARP that meets the statutory requirements of section 2001(j) but did not address all of the requirements in the IFR, the LEA must revise and post its plan no later than six months after receiving its ESSER III funds. This applies even if an LEA has been operating full-time in-person instruction but does not apply to fully virtual schools and LEAs.

The IFR and ARP statute, along with other helpful resources, are located here:

- April 2021 IFR: <https://www.govinfo.gov/content/pkg/FR-2021-04-22/pdf/2021-08359.pdf>
- ARP Act text: <https://www.congress.gov/117/bills/hr1319/BILLS-117hr1319enr.pdf>
- Centers for Disease Control and Prevention (CDC) COVID-19 School Operation Guidance: https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/operation-strategy.html#anchor_1616080023247
- ED COVID-19 Handbook Volume I: <https://www2.ed.gov/documents/coronavirus/reopening.pdf>
- ED COVID-19 Handbook Volume II: <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>
- ESEA Evidence-Based Guidance: <https://oese.ed.gov/files/2020/07/guidanceeusesinvestment.pdf>
- ED FAQs for ESSER and Governor's Emergency Education Relief (GEER): https://oese.ed.gov/files/2021/05/ESSER.GEER_FAQs_5.26.21_745AM_FINALb0cd6833f6f46e03ba2d97d30aff953260028045f9ef3b18ea602db4b32b1d99.pdf

Purpose of the Template

The IFR issued by ED outlines several requirements for all LEAs that receive ESSER III funds, including that LEAs have in place a plan for ensuring safety during in-person instruction (either in-progress or planned) as well as ensuring continuity of services should the LEA or one or more of its schools be required to close temporarily for COVID-19-related public health reasons in the future. LEAs who had a plan in place by March 11, 2021, which incorporated opportunity for public comment and was posted publicly have six months from the date their ESSER III Assurances were completed to update and revise the plans to meet those requirements. Examples of previous plans that may be allowable would be a completed Cal/OSHA or Assembly Bill 86 plan, as long as it meets the requirements previously stated. LEAs which did not have a statutorily compliant plan in place as of March 11, 2021, must create and post this plan within 30 days of completing their ESSER III Assurances.

If you have questions as to which category applies to your LEA, please contact EmergencyServices@cde.ca.gov. Plans are required for all LEAs, regardless of operating status, unless an LEA is fully virtual with no physical location. All plans must be reviewed, and, as appropriate, revised, at least every six months to incorporate new or revised CDC guidance and other changed factors.

This template has been created to assist LEAs in the creation of these plans and to ensure all required elements are met. The following requirements and assurances pertain to both the statutory requirements and the IFR published by ED. LEAs may provide any additional information they believe are helpful in assessing their plan. If you have any questions, please contact EmergencyServices@cde.ca.gov.

LEA Plan for Safe Return to In-Person Instruction and Continuity of Services

LEA Name:

Delano Union School District

Option for ensuring safe in-person instruction and continuity of services:
has developed a plan

1. Please choose one:

The LEA had a plan, as of March 11, 2021, that is already compliant with the ARP statute and will review and, as appropriate, revise it every six months to take into consideration the additional requirements of the IFR; or

NOTE: If your LEA already has a compliant plan as of March 11, 2021, and has assured such by checking the box above, then you may skip questions 2-4 and complete the Assurance and Contact sections.

The LEA has amended/created a plan compliant with the IFR using this template and has posted/will post it within 30 days of completing the ESSER III Assurances.

NOTE: If checking the box above that you are using this template to meet the 30 day plan requirements, you must respond to each question in the template.

Please note whether the LEA has a compliant plan and include a link to the plan, or acknowledge that the LEA is submitting a new plan and will post it within 30 days of receiving funds.

Delano Union School District has a compliant plan that is posted at <https://www.duesd.org/domain/510>. DUSD revised the plan effective February 2024.

2. The LEA will maintain the health and safety of students, educators, and other school and LEA staff, and the extent to which it has adopted policies, and a description of any such policies, on each of the CDC's safety recommendations, including: universal and correct wearing of masks; modifying facilities to allow for physical distancing; handwashing and respiratory etiquette; cleaning and maintaining healthy facilities, including improving ventilation; contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments; diagnostic and screening testing; efforts to provide vaccinations to school communities; appropriate accommodations for children with disabilities with respect to health and safety policies; and coordination with State and local health officials.

Describe how the LEA will maintain, or continue to maintain, health and safety policies and procedures. Include a description of any adopted policies and procedures regarding the CDC's safety recommendations (or available LEA website links to such policies). Include descriptions of appropriate accommodations adopted and coordination efforts conducted with outside State and local health officials. Please include or describe current public health conditions, applicable State and local rules and restrictions, and other contemporaneous information that informs your decision-making process.

As required by Cal-OSHA, Delano Union School District has adopted a COVID-19 Prevention Plan ("CPP") based on the revised template issued by Cal-OSHA in June 2023. This CPP is attached and hereby incorporated into this ESSER III Safe Return to In-Person Instruction and Continuity of Services Plan.

On January 9, 2024, the California Department of Public Health ("CDPH") updated the K-12 Guidelines. On May 11, 2023 the Centers for Disease Control and Prevention "CDC" updated the Guidance for COVID-19 prevention in K-12 Schools. Delano Union School District will continue to adhere to CDC and CDPH guidance and guidelines, and

shall continue to establish and enforce local policy, regulations, and procedures according to the most current updates.

3. The LEA will ensure continuity of services, including but not limited to services to address students' academic needs and students' and staff social, emotional, mental health and other needs, which may include student health and foodservices.

Describe how the LEA will ensure continuity of services in case isolation, quarantine, or future school closures are required, including how the LEA will meet the needs of students with disabilities and English learners.

In the event that future school closures are required, Delano Union School District will implement distance learning for all impacted students, consistent with board policies, administrative regulations and negotiated agreements, in order to maintain continuity of services for all students. DUSD conducted distance learning from March 2020 to June 2021, and the resources, equipment, and training exist to implement distance learning on short notice for impacted school sites. During the period of closure, students with disabilities and English learners will receive in-person instruction at alternative locations through a cohort model, to the extent this can be accomplished consistent with the health and safety needs of students and staff.

4. The LEA sought public comments in the development of its plan and took those comments into account in the development of its plan.

Describe the LEA's policy or practice that provided the public with an opportunity to provide comments and feedback and the collection process. Describe how any feedback was incorporated into the development of the plan.

Public Hearing notice published in Bakersfield Californian on February 13, 2024, notifying parents of opportunity to access plan and provide input. The draft plan was posted on the District website on February 9, 2024. The adoption of this plan was included as an agenda item for the regular meeting of the Board of Trustees on February 27, 2024; the public had an opportunity to address the plan during public comments. Constituent elements of the plan, including the COVID-19 Prevention Plan and the policies, regulations, and agreements incorporated therein, were developed/adopted with direct participation from employee representatives and/or with opportunities for public comment at regularly scheduled board meetings. The District Employee Safety Committee includes representatives from both the certificated and classified bargaining units, and is responsible for developing and maintaining the Illness and Injury Prevention Plan, COVID-19 Prevention Plan, and Respiratory Prevention Plan (reviewed and adopted by the Board of Trustees, with opportunities for public comment).

In addition, the LEA provides the following assurances:

- The LEA has made (in the case of statutorily compliant plans) or will make (in the case of new plans) its plan publicly available no later than 30 days after receiving its ARP ESSER allocation.

o Please insert link to the plan:

<https://www.duesd.org/domain/510>

- The LEA sought public comment in the development of its plan and took those public comments into account in the development of its plan.

- The LEA will periodically review and, as appropriate revise its plan, at least every six months.

- The LEA will seek public comment in determining whether to revise its plan and, if it determines revisions are necessary, on the revisions it makes to the plan.

- If the LEA revises its plan, it will ensure its revised plan addresses each of the aspects of safety currently recommended by the Centers for Disease Control(CDC), or if the CDC has revised its guidance, the updated safety recommendations at the time the LEA is revising its plan.
- The LEA has created its plan in an understandable and uniform format.
- The LEA's plan is, to the extent practicable, written in a language that parent can understand, or if not practicable, orally translated.
- The LEA will, upon request by a parent who is an individual with a disability, provide the plan in an alternative format accessible to that parent.

The following person or persons is/are the appropriate contact person for any questions or concerns about the aforementioned plan.

Please list name(s), title(s), address, county, and contact information for the person or persons responsible for developing, submitting, and amending the LEA plan.

Rick Chavez, Director of Safety and Security, 1405 12th Avenue, Delano, Kern County, California, 93215, 661-721-5000

COVID-19 Prevention Procedures (CPP) for 2023-2024

Delano Union School District

Safe return to In-Person and continuity of Service Plan

This CPP is designed to control employees' exposures to the SARS-CoV-2 virus (severe acute respiratory syndrome coronavirus 2) that causes COVID-19 (Coronavirus Disease 2019) that may occur in our workplace.

Date: February 7, 2024

Authority and Responsibility

The Superintendent and Health Services Director have overall authority and responsibility for implementing the provisions of this CPP in our workplace. In addition, all managers and supervisors are responsible for implementing and maintaining the CPP in their assigned work areas and for ensuring employees receive answers to questions about the procedures in a language they understand.

All employees are responsible for using safe work practices, following all directives, policies and procedures, and assisting in maintaining a safe work environment.

Application of the Delano Union School District Injury & Illness Prevention Program (IIPP)

COVID-19 is a recognized hazard in our workplace that is addressed through our IIPP, which will be effectively implemented and maintained to ensure the following:

1. When determining measures to prevent COVID-19 transmission and identifying and correcting COVID-19 hazards in our workplace:
 - a. All persons in our workplace are treated as potentially infectious, regardless of symptoms, vaccination status, or negative COVID-19 test results.
 - b. COVID-19 is treated as an airborne infectious disease. Applicable State of California and Kern County Public Health Department, Dr. Lyons, Public Health Officer orders and guidance will be reviewed when determining measures to prevent transmission and identifying and correcting COVID-19 hazards.
2. Training and instruction on COVID-19 prevention is provided:
 - a. When this CPP was first established.
 - b. To new employees.
 - c. To employees given a new job assignment involving COVID-19 hazards and they have not been previously trained.
 - d. Whenever new COVID-19 hazards are introduced.
 - e. When we are made aware of new or previously unrecognized COVID-19 hazards.
 - f. For supervisors to familiarize themselves with the COVID-19 hazards to which employees under their immediate direction and control may be exposed.

Appendix A COVID-19 Training Roster will be used to document this training.

3. Procedures to investigate COVID-19 illnesses at the workplace include:
 - a. Determining the day and time a COVID-19 case was last present; the date of the positive COVID-19 tests or diagnosis; and the date the COVID-10 case first had one or more COVID-19 symptoms.

Appendix B Investigating COVID-19 Cases will be used to document this information.

- b. Effectively identifying and responding to persons with COVID-19 symptoms at the workplace. Employees can privately report positive COVID-19 test results to human resources and the director of health services.
 - c. Encouraging employees to report COVID-19 symptoms and to stay home when ill. Employees are provided with a one-page guide that will help them answer questions about COVID-19 symptoms, exposures and positive test results. The director of health services is available for employees to consult with on any matters related to COVID-19.
4. Effective procedures for responding to COVID-19 cases at the workplace include:
- a. Immediately excluding COVID-19 cases (including employees excluded under CCR, Title 8, section 3205.1) according to the following requirements:
 - i. COVID-19 cases who develop COVID-19 symptoms with a fever will not return to work
 - ii. COVID-19 cases who develop COVID-19 symptoms will not return to work
 - a. at least 24 hours have passed since a fever of 100.4 degrees Fahrenheit or higher has resolved without the use of fever-reducing medication.
 - iii. Regardless of vaccination status, previous infection, or lack of COVID-19 symptoms, a COVID-19 case must wear a face covering in the workplace until 10 days have passed since the date that COVID-19 symptoms began or, if the person did not have COVID-19 symptoms, from the date of their first positive COVID-19 test.
 - iv. Elements i. and ii. apply regardless of whether an employee has been previously excluded or other precautions were taken in response to an employee's close contact
 - b. Reviewing current [California Department of Public Health \(CDPH\)](#) guidance has transitioned its isolation guidance for COVID-19 from a five-day isolation period to now instead focus on symptoms to determine when to end isolation. Effective January 9, 2024 individuals who test positive for COVID-19 and have symptoms are to stay home until the individual has not had a fever for 24 hours, without using fever reducing medications, AND other symptoms of COVID-19 are mild and improving. It is recommended that those who test positive mask when indoors around other people for 10 days after becoming sick or testing positive. This masking time period can be reduced with two sequential negative tests at least one day apart.
 - c. If removal of an employee would create undue risk to a community's health, Delano Union School District may submit a request for a waiver to Cal/OSHA in writing to rs@dir.ca.gov to allow employees to return to work if it does not violate local or state health official orders for isolation, quarantine, or exclusion. In such cases, describe the effective control measures that will be implemented and maintained to prevent transmission in the workplace, including providing isolation for the employee at the workplace and, if isolation is not feasible, the use of respirators in the workplace.
 - d. Upon excluding an employee from the workplace based on COVID-19, Delano Union School District will provide excluded employees information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws. This includes any benefits available under legally mandated sick leave, workers' compensation law, local governmental requirements, and the Delano Union School District leave policies and leave guaranteed by contract. The district will follow all collective bargaining agreements and laws.

Testing of Close Contacts

COVID-19 tests are available at no cost, during paid time, to all of our employees who had a close contact in the workplace. If a close contact has symptoms, CDPH recommends the individual test and mask right away. When the close contact does not have symptoms but is at higher risk of severe COVID-19 infection and would benefit from treatment, CDPH recommends testing within five days. These employees will be provided with the information outlined in paragraph (4)(f), above.

Exceptions are returned cases as defined in CCR, Title 8, section 3205(b)(11).

Notice of COVID-19 cases

Employees and independent contractors who had a close contact, as well as any employer with an employee who had a close contact, will be notified as soon as possible, and in no case longer than the time required to ensure that the exclusion requirements of paragraph (4)(a) above, are met.

When Labor Code section 6409.6 or any successor law is in effect, Delano Union School District will:

- Provide notice of a COVID-19 case, in a form readily understandable to employees. The notice will be given to all employees, employers, and independent contractors at the worksite.
- Provide the notice to the authorized representative, if any of:
 - The COVID-19 case and of any employee who had a close contact.
 - All employees on the premises at the same worksite as the COVID-19 case

Human Resources will send out exposure notifications when the district is aware of COVID-19 cases. Appendix B will be used to document positive COVID-19 cases.

Face Coverings

Employees will be provided face coverings to all individuals upon request and:

When required by orders from the CDPH. This includes spaces within vehicles when a CDPH regulation or order requires face coverings indoors.

- During outbreaks and major outbreaks.
- When employees return to work after having COVID-19 until 10 days have passed since the date that COVID-19 symptoms began or, if the person did not have COVID-19 symptoms, from the date of their first positive COVID-19 test, or after a close contact. Please refer to the section in this FAQ on CDPH's Isolation and Quarantine Guidance.

Face coverings will be clean, undamaged, and worn over the nose and mouth.

The following exceptions apply:

1. When an employee is alone in a room or vehicle.
2. While eating or drinking at the workplace, if indoors, the supply of outside or filtered air has been maximized to the extent feasible.
3. While employees are wearing respirators required by the employer and used in compliance with CCR, Title 8 section 5144.
4. Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person. Such employees shall wear an effective non-restrictive alternative, such as a face shield with a drape on the bottom, if the condition or disability permits it.
5. During specific tasks which cannot feasibly be performed with a face covering. This exception is limited to the time period in which such tasks are actually being performed.

If an employee is not wearing a face covering due to exceptions (4) and (5), above, the COVID-19 hazards will be assessed, and action taken as necessary.

Employees will not be prevented from wearing a face covering, including a respirator, when not required by this section, unless it creates a safety hazard.

Respirators

Respirators will be provided for voluntary use to employees who request them and who are working indoors or in vehicles with more than one person. Employees who request respirators for voluntary use will be:

- Encouraged to use them.

- Provided with a respirator of the correct size.
- Trained on:
 - How to properly wear the respirator provided.
 - How to perform a user seal check according to the manufacturer's instructions each time a respirator is worn.
 - The fact that facial hair interferes with a seal.

The requirements of CCR, Title 8 section 5144(c)(2) will be complied with according to the type of respirator (disposable filtering facepiece or elastomeric re-usable) provided to employees.

Ventilation

For our indoor workplaces we will:

- Review CDPH and Cal/OSHA guidance regarding ventilation, including the CDPH Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments. Delano Union School District will develop, implement, and maintain effective methods to prevent transmission of COVID-19, including one or more of the following actions to improve ventilation:
 - Maximize the supply of outside air to the extent feasible, except when the United States Environmental Protection Agency (EPA) Air Quality Index is greater than 100 for any pollutant or if opening windows or maximizing outdoor air by other means would cause a hazard to employees, for instance from excessive heat or cold.
 - In buildings and structures with mechanical ventilation, filter circulated air through filters at least as protective as Minimum Efficiency Reporting Value (MERV)-13, or the highest level of filtration efficiency compatible with the existing mechanical ventilation system.
 - Use High Efficiency Particulate Air (HEPA) filtration units in accordance with manufacturers' recommendations in indoor areas occupied by employees for extended periods, where ventilation is inadequate to reduce the risk of COVID-19 transmission.
- Determine if our workplace is subject to CCR, Title 8 section 5142 Mechanically Driven Heating, Ventilating and Air Conditioning (HVAC) Systems to Provide Minimum Building Ventilation, or section 5143 General Requirements of Mechanical Ventilation Systems, and comply as required.

In vehicles, we will maximize the supply of outside air to the extent feasible, except when doing so would cause a hazard to employees or expose them to inclement weather.

Reporting and Recordkeeping

Appendix B **Investigating COVID-19 Cases** will be used to keep a record of and track all COVID-19 cases. These records will be kept by [Dr. Jason Kashwer, Assistant Superintendent of Human Resources and personnel technician, Maria Navarro and retained for two years beyond the period in which it is necessary to meet the requirements of CCR, Title 8, sections 3205, 3205.1, 3205.2, and 3205.3.

The notices required by subsection 3205(e) will be kept in accordance with Labor Code section 6409.6 or any successor law.

Appendix A: COVID-19 Training Roster

Date training completed: Training is ongoing.

Person that conducted the training: Dr. Jason Kashwer, Assistant Superintendent of Human Resources and Linda Hinojosa, RN, Director of Health Services

Employee Name	Signature
On File in Human Resources	

Appendix B: Investigating COVID-19 Cases

All personal identifying information of COVID-19 cases or persons with COVID-19 symptoms, and any employee required medical records will be kept confidential unless disclosure is required or permitted by law. Unredacted information on COVID-19 cases will be provided to the local health department, CDPH, Cal/OSHA, the National Institute for Occupational Safety and Health (NIOSH) immediately upon request, and when required by law.

Date COVID-19 case (suspect or confirmed) became known: [enter information]

Date investigation was initiated: [enter information]

Name of person(s) conducting the investigation: [enter name(s)]

COVID-19 Case Summary

Name	Contact Info	Occupation	Location	Last day and time present	Date of positive test and/or diagnosis	Date of first symptoms

Summary of employees, independent contractors, and employees of other employers that came in close contact [CCR Title 8, section 3205 does not require recordkeeping for close contacts. These tables are included to assist employers in keeping track of which close contacts they have notified to meet the notice requirements.]

Name	Contact Info	Date notified	Date offered COVID-19 testing (employees only)

Summary notice of a COVID-19 case (employees, employers, independent contractors) – during the infectious period and regardless of a close contact occurring.

Name	Date notified

Summary notice of a COVID-19 case (authorized representative of the COVID-19 case and employee who had close contact).

Name	Date notified

What were the workplace conditions that could have contributed to the risk of COVID-19 exposure?
[enter information]

What could be done to reduce exposure to COVID-19?
[enter information]

Was the local health department notified? Date?
[enter information]