

Supplemental Guidance for Superintendents: Child Care for Essential Persons

Background

This guidance is issued pursuant to Governor Scott's directive to Vermont's public supervisory unions and school districts (SU/SDs) and independent schools. This directive requiring Vermont schools to dismiss by end of day on March 17, 2020 will last through April 6, 2020 (the "Closure Period") – but may be extended for a longer period as needed.

Governor Scott's directive will task local districts with three key components to support the State response:

- Food and special needs services for children;
- Collaborating with the state to provide childcare options for healthcare workers and others essential to the response; and
- Systems for ensuring maintenance of education during the initial dismissal; and a continuing education plan if schools are dismissed for an extended period.

To prepare for the potential for an extended dismissal, each district must have a Continuity of Education Plan that includes:

- Meal service for those who need it;
- Services for children with disabilities and special needs;
- Working with the state to provide district-based options that meet the childcare needs of healthcare workers and other Vermonters essential to the response (EMS, Fire, LEO, National Guard personnel, etc. as defined further below.

Under the Governor's directive, schools will remain operational for administrators, teachers and staff to sustain essential services and to plan and implement continuity of education. The Vermont Department of Health has provided "social distancing" guidance that districts should use to ensure a healthy workplace.

Supplemental Guidance

Regulatory Framework

During the Closure Period ordered by the Governor, the following Emergency Operating Guidelines supersede the [Childcare Licensing Regulations: Center Based Child Care and Preschool Programs](#), only with respect to the [provision of child care for children age 5 and above within public schools during the Closure Period](#):

- Superintendents may adopt local procedures consistent with the Governor's directive and Guidance regarding the COVID-19 pandemic.
- Superintendents have latitude in the creative use of facilities and activities occurring at their facilities.

- Cross-sector partnerships, including with both approved childcare and business sectors, are encouraged.
- Superintendents are responsible for adherence to the [General Guidance](#) for children and staff in schools and associated buildings.

Funding

In order to facilitate reimbursement to the SU/SD when/if supplemental funding is identified, please track expenses incurred by the SU/SD in the provision of childcare to essential persons. The Agency fully anticipates that SU/SDs will be reimbursed for provision of services under the Governor's order.

Enrollment

The priority should be identifying the needs of healthcare, public safety, and other Essential Person employees and ensuring that your program will serve those needs to the extent possible. The AOE is working on suggestions for how districts might capture this information. If you already have a plan in place to do so, please move forward with that. Otherwise, we will get you some suggestions as soon as possible.

With any excess capacity and at the superintendent's discretion, the SU/SD services can be extended to others, including other school staff. It will be left to the decision of each SU/SD to determine which other students will be enrolled in childcare, so long as priority is given to individuals included in the Essential Persons list. As of March 18, 2020, the list includes the following:

- Staff and providers of childcare and education services (including custodial and kitchen staff and other support staff) for children of other Essential Persons, including custodial and kitchen staff, for staff and providers who cannot do their work remotely;
- Providers of healthcare including but not limited to workers at clinics, hospitals, Federally Qualified Health Centers (FQHCs); nursing homes, long-term care and post-acute care facilities, respite houses, VNAs; designated agencies, emergency medical services;
- Criminal justice personnel including those in law enforcement, courts, and correctional services;
- Public health employees;
- Firefighters;
- Vermont National Guard personnel called to duty for this response; other first responders;
- State employees determined to be essential for response to this crisis by the State Emergency Operations Center; at this time, all State of Vermont employees are considered Essential Persons
- Active duty military staff
- Pharmacy staff
- Foster families with children through grade 8.
- 2-1-1 call center staff

- Critical infrastructure / utility workers - electrical, plumbing, telecommunications, water/ wastewater operators and staff
- State, Municipal, and Commercial Public Works or Sanitation crews
- Grocery and food supply workers
- Supply chain, postal, and delivery drivers
- Manufacturers of medical devices, equipment, testing equipment, and supplies
- Fuel distribution workers

This list will be updated frequently as this situation evolves. Superintendents are urged to check regularly if they have questions about qualifying persons.

Age Considerations

Where feasible, children younger than five should be provided childcare at a licensed center-based childcare provider. The Governor directed childcare centers across the state to close normal operations but encourages continued operation exclusively where needed to provide childcare services for workers who are essential to Vermont's ongoing effort in community mitigation of COVID-19.

For assistance with this directive, please contact CDD's licensor on duty line: 1 (800) 649-2642 option 3 or email the Licensor on Duty at ahs.dcfddchildcarelicensing@vermont.gov.

Children of essential workers who are in kindergarten to eighth grade should be provided childcare at school. If the district or supervisory union has a school based PreK program, childcare for PreK children of essential workers should be provided onsite.

Employment and Compensation

During the Closure Period, educators and staff are required to report to work. It is up to the Superintendent's judgment whether the reporting location for individual employees will be a physical report to school/other location or a remote work assignment such as home. It is recognized that schools have broad responsibilities under this order to provide child care and continuity of education, and Superintendents should work with educators and staff to implement individual work assignments in a way that balances workload in fair manner.

In order to comply with VDH guidance, anyone with medically documented serious physical or mental health issues shall not be required to be in or physically report to school buildings or other congregate settings, including in particular the following:

- Educators or staff with compromised immune conditions or other health conditions that would put them at unreasonable risk,
- Educators or staff who reside with someone with a compromised immune condition,
- Educators or staff suffering from anxiety and related mental health conditions,
- Expectant educators or staff,
- Educators or staff with infants, and
- Educators or staff over 60.

Superintendents may require staff and educators to utilize personal and sick leave in accordance with the SU/SD's collective bargaining agreement.

Timeline

- Childcare for Essential Persons should be in place as soon as can be implemented on and after March 18, 2020.
- Nutrition services for enrolled students should be in place as soon as can be implemented on and after March 18, 2020. Please connect directly with AOE's Child Nutrition staff for implementation assistance.
- Schools are closed statewide through April 6, 2020, although staff are required to report to work as noted above. Many districts and SUs have understandably been focusing on immediate continuity of education plans between March 18 and April 6.
- Continuity of education plans for possible school dismissal after April 6 should be developed and submitted to Deputy Secretary Heather Bouchey (heather.bouchey@vermont.gov) by April 6, 2020.

Best Professional Judgement

A superintendent will not be subject to routine licensing violations based on actions the superintendent takes in complying with the Governor's emergency orders, so long as those actions are informed by sound professional judgment.