

Side Letter of Agreement
Between
The Mt. Diablo School Psychologist Association (MDSPA)
And
The Mt. Diablo Unified School District

The Mt. Diablo School Psychologist Association (MDSPA) and the Mt. Diablo Unified School District (MDUSD or the “District”), hereafter, the Parties, agree to the following provisions regarding the closure of all District schools due to the COVID-19 pandemic, while on a distance learning program, effective October 19, 2020. This is no longer effective after June 30, 2021.

MDUSD and MDSPA agree that assessment of students to determine eligibility for special education and to determine the educational needs of students is mandated during the COVID-19 pandemic as directed by the California Department of Education, United States Department of Education and guidance from the Office of Civil Rights.

- 1) MDUSD and MDSPA agree that while not all assessment requires testing, and many students may be appropriately assessed using a combination of record reviews, curriculum based assessment, informal assessments, interviews, questionnaires, observation and testing via virtual platforms, for some students, in-person testing is necessary. The School Psychologist completing the assessment will make the determination regarding how the student will be assessed. Psychologists will conduct in-person or face-to-face testing *only* when remote or tele-assessment measures are not feasible for a student (such as when no valid data can be gathered via remote platform) and when face-to-face testing can be done within a safe manner using the following procedures:
 - a) At least one clean-room with necessary technology will be available on sites for the school psychologist to use for testing. The clean-room can be used by the school psychologist for in-person (face-to-face) testing with the student, or for student use during remote testing when a student is capable of using remote assessment platforms but does not have access to reliable technology and/or a quiet controlled space at home in order to do so. The clean-room will be cleaned and high touch surfaces sanitized before and after use. The student will be accompanied by only one parent/ guardian. Both the student and the one parent/ guardian will be asked to complete a health screening survey prior to coming onto campus, sign in, wear a mask, and follow safety protocols while on campus. The district will coordinate with sites for establishing clean-room locations for access to technology and these efforts will be coordinated by the district with designated sites.
 - b) Prior to Arrival at School
 - i) Staff complete the information on the google survey at least three days in advance of testing indicating they will be completing in-person assessment. Special Education staff will confirm with school sites that they are aware of the upcoming assessment within one day of receiving the information.
 - ii) No more than two testing sessions can be completed each day in a designated testing room. The room should allow for at least six feet of distancing between assessor and student.
 - iii) Parent/guardian will complete the visitor health screener and will be notified they must follow Public Health Guidelines for physical distancing, facemasks and hygiene.

Current county guidelines require face coverings and the parent/guardian will be advised of this by the assessors, but PPE will also be available at the District's expense for students/ parents that show up to appointments without a mask. Restrooms will be open, clean, and available for adults and children.

- c) Upon arrival at school:
 - i) All staff and District personnel shall be expected to follow Public Health Guidelines for physical distancing, facemasks and hygiene, plus additional measures as listed below
 - ii) All staff will use the daily sign in forms at the site or online sign in form to document they have completed the daily health screening at home.
 - iii) Assessors should meet parents in a designated meeting spot and escort them to the testing room. Parent and student will also sign in for contact tracing purposes
 - iv) Testing will be completed in a designated testing room with an established route for entrance and exit
 - v) Each test room will have a sneeze guard/testing barrier, a bottle of District approved disinfectant to be used for office space and for testing materials, and gloves. Itinerant members will be provided with portable sneeze guards/testing barriers.
 - vi) Each assessor will be provided a reusable face shield or goggles upon request.
 - vii) Windows should be kept open to the extent practicable (weather/smoke dependent)
 - viii) If an appropriate setting is available outdoors, the assessor can make the determination to use the outdoor setting for conducting testing. The setting must be free from distractions and provide a confidential environment able to accommodate six foot physical distancing while also minimizing the impact on the validity of test results.

- d) Upon arrival
 - i) The testing room should be kept free of clutter to facilitate efficient and regular cleaning.
 - ii) Room will be cleaned and sanitized by custodial staff between students - only two students per day.
 - iii) Staff are to wash and/or sanitize hands between students.

- 2) MDUSD and MDSPA agree that for the period of distance learning, school psychologists may perform in person testing, following guidelines from federal, state and local health agencies, along with MDUSD procedures. If the member is not comfortable with in-person assessment, arrangements will be decided in consultation with the Lead Psychologist and the Chief, Pupil Services and Special Education to trade assessments or other equivalent work with another assessor to maintain workload balance. No member will be required to perform in-person assessments.

- 3) MDUSD and MDSPA agree that for the period of distance learning, Behavioral Health Specialists (BHS), School Psychologists working in the Counseling Clinic, and School Psychologists providing related counseling services may perform in-person or face-to-face services *only* when remote or Telehealth services are not feasible for a student, and are in compliance with guidelines from federal, state and local health agencies, along with MDUSD procedures. No member will be required to perform in-person-services. BHS and Counseling Clinic Psychologists/School Psychologists who need to meet with students on campus for

face-to-face services will be provided the same clean conditions for face-to-face assessments listed above, including health screening.

- a) BHS and Counseling Clinic Psychologists/School Psychologists who provide face-to-face services near a student's home or in the community must have the student complete the health screening, may not go into homes, and must determine that community contact with the student is assessed to be safe (per student's emotional/behavioral status) and confidential. Members will notify their site administrator prior to the session.
- b) Informed consent shall be reviewed with a statement about COVID-19 risks inherent to meeting in person and be consented by client and guardian prior to meeting.
- c) Each BHS and Counseling Clinic Psychologist/School Psychologist will determine the delivery model for service.
- d) Each therapy space will be provided with a sneeze guard/testing barrier and each therapy space will have a bottle of District approved disinfectant. Itinerant members will be provided with portable sneeze guards/testing barriers.
- e) Each BHS and Counseling Clinic/School Psychologist providing in person therapy will be provided a reusable face shield or goggles.

4) All members will be provided with their own bottle of district-approved disinfectant to use at their sites.

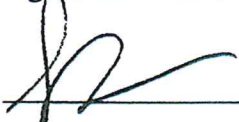
5) All members will continue to be allowed flexibility in their schedules and work locations when completing tasks as long as all required tasks are able to be completed independently. Members will continue to be able to work remotely for documentation (note writing, utilization review paperwork, opening paperwork, etc.), remote testing, test scoring, report writing, billing, consultation with families and staff, meetings, and all virtual service contacts that support their roles, responsibilities, and services being delivered using approved remote on-line platforms. Members will be provided with access to District student record platforms needed for data review and inclusion in psychoeducational reports (i.e., Clever, iReady, report cards, etc.).


This agreement is non-precedential and applies to the specified dates only.

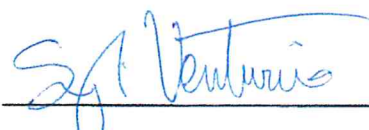
This side letter is an addendum to the Distance Learning Phase MOU signed 8-3-20.

Nothing in this agreement shall preclude the parties from modifying this MOU by mutual written agreement by both parties.

Violations of this Side Letter shall be subject to the grievance article of the Collective Bargaining Agreement between the parties.


_____, 10/19/20
For MDSPA Date


_____, 11.3.2020
For MDUSD Date


_____, 10-19-20
For MDSPA Date


_____, 11-3-20
For MDUSD Date

