



California County Superintendents
Educational Services Association



Small School Districts' Association

February 5, 2021

Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

Speaker Anthony Rendon
State Capitol, Room 219
Sacramento, CA 95814

President pro Tempore Toni Atkins
State Capitol, Room 205
Sacramento, CA 95814

Subject: Expanding In-Person Instruction in California's Schools

Dear Governor Newsom, Speaker Rendon and President pro Tempore Atkins:

On behalf of the undersigned statewide educational organizations, we write to lend support to your ongoing discussions on how to safely reopen schools for in-person instruction. We embrace the dialogue occurring statewide between school board members, administrators, school employees, parents, local communities and policymakers. With our students in mind, we share the common goal of safely reopening our schools.

The circumstances of the past 11 months have not been good for our most vulnerable students. The opportunity gap widens by the day. Low-income communities and communities of color are among the hardest hit by this pandemic, yet their campuses remain shuttered. The mental health of students (and educators) continues to worsen. Reports of suspected child abuse have plummeted while students are in distance learning. If schools do not have a path to in-person instruction this spring, California will face an exponentially steeper road to reopening in the fall.

As educational leaders, we are ready to focus our collective efforts on a strategy that safely reopens schools for in-person instruction.

Safety is non-negotiable.

To build the trust necessary to reopen schools, safety and in-person instruction must be one and the same. The careful implementation of mitigation strategies (e.g., facial

masks, distancing, screening) provides a careful and effective pathway forward as community transmission rates fluctuate. If policies are not grounded in the scientific research and data on school reopenings, we unnecessarily exacerbate the inequities caused by school closures.

A growing body of research demonstrates that layered mitigation strategies are highly effective in preventing in-school transmissions, even when community prevalence is high. Among 100,000 students and staff in North Carolina, contact tracing revealed just 32 in-school transmissions over nine weeks, despite considerably high rates of community spread. There were no cases of student-to-staff transmission. Similarly, just seven cases of in-school transmission occurred among 5,500 students and staff during a 13-week period among K-12 schools in rural Wisconsin. Zero staff were believed to have contracted COVID-19 at school. "Key mitigation strategies, studied in multiple settings and used successfully in schools nationally and internationally, allow for safe in-person instruction," according to the California Department of Public Health in their most recent guidance on school reopening.

These findings reflect the experience of hundreds of thousands of California's students and educators who have been in-person since last fall.

A reopening plan that fails to open schools is no reopening plan at all.

For students falling behind in distance learning, the only policy worse than the status quo would be new laws that needlessly stop schools from reopening or staying open. We caution policymakers against proposals that stall access to in-person instruction for our most vulnerable students, including mandatory access to vaccines for educators before reopening, despite the current scarcity of doses; mandating additional collective bargaining over safety measures required by state and local health departments; COVID-19 testing requirements for students and staff that are financially and operationally unsupported by the state; inflexibility on layered mitigation strategies, including previously approved safety plans; and a ban on reopening schools in Purple Tier jurisdictions despite mitigation strategies and safety plans approved by health officials.

Focusing on what it takes to reopen safely.

Ultimately, the focus of this letter is to state what *will* reopen schools safely. We start with areas of strong agreement among educators:

- A bright line for mandating when and how schools must resume in-person instruction;
- A phase-in approach to returning to in-person instruction, starting with students in the lowest grades and those who are struggling;
- Prioritizing vaccine access for school employees, with added priority being given to employees already working in-person;
- Prioritizing equity by distributing associated mitigation funds through the Local Control Funding Formula with adjustments in proportion to supplemental and concentration grants;

- Requiring all students and staff to wear masks, and supplying personal protective equipment;
- Opposing the use of Proposition 98 General Fund dollars for non-instructional purposes related to pandemic response.

Establish clear and consistent public health standards for when and how schools must reopen.

Given the evidence that schools in the Purple Tier can safely provide in-person instruction using rigorous mitigation strategies, there is no reason to postpone reopening until they reach the Red, Orange or Yellow Tiers. We support the current state guidance, finding it is safe for elementary grades to reopen, with appropriate mitigation strategies, when below the threshold of 25 cases per 100,000.

We further support a statewide health metric that triggers school reopenings as community conditions allow for a safer local path to reopening. The state must take an unequivocal stance in ensuring all students have access to in-person learning where it determines that local health conditions allow a return to the classroom. A reasonable starting point is mandating, at a minimum, the return of small cohorts for our students with the greatest need before expanding to lower and upper grades. This allows schools to build their capacity to implement safety strategies and allows communities to build their trust in those strategies.

Prioritize vaccinations; do not require them.

We implore the state to continue prioritizing educators for vaccinations, with a specific focus locally on those educators participating in in-person instruction. However, school reopening should not be conditional on every school employee having access to a vaccine. As recently noted in comments by the director of the Centers for Disease Control and Prevention: "Vaccinations are not a prerequisite to be able to safely reopen schools." Even after vaccines are available, mitigation measures are still necessary to prevent the transmission of the virus. We need to continue working with state and local leaders to ensure our employees have access to vaccinations as soon as possible but it should not become an additional barrier for school reopening given the reality of challenges with the supply and distribution of vaccines.

Honor existing local agreements and safety plans.

Many school districts in California have locally negotiated agreements allowing for in-person instruction using COVID-19 mitigation strategies that are appropriate for their community. In these districts, local conversations with stakeholders including labor partners, parents, local health officers and others guided school reopening plans that are tailored to mitigate against the pandemic's presence in the region. The mitigation strategies adopted by a large, urban district in Santa Clara County are inherently different from the strategies employed by a small, rural district in Kern County. Both may be appropriate and safe based on local health conditions.

Locally negotiated agreements include details such as testing cadences, physical distancing protocols, ventilation improvements, and daily symptom screening. The state should allow LEAs currently providing in-person instruction to continue under their previously-approved safety plans. Requiring these districts to recreate, bargain/re-bargain and implement more restrictive mitigation strategies could force these schools to revert to full distance learning.

Testing protocols, like all mitigation strategies, must be decided locally with the approval of local health officers.

While asymptomatic testing may be a useful means for some communities to build trust, a statewide mandate for asymptomatic testing is not supported by public health science and certainly not an appropriate use of Proposition 98 funds. As under current law, a local testing plan should ultimately be decided by the Local Health Officer (LHO) and school district, supported by scientific evidence.

COVID-19 testing plans previously approved by an LHO should not be disrupted. As stated in our letter dated January 19, 2021, our organizations have deep concerns about the ability of schools to meet optional testing cadences supported by the CDPH and required to be eligible for the incentive grants proposed by the governor's Safe Schools for All plan. If the optional CDPH cadences were to become mandatory, the requirement would exacerbate the ability of California schools to open and/or remain open. Currently, most LEAs are providing surveillance testing for staff only and few are testing students. While operating under the CDPH guidance of July 20, 2020, there is little evidence of COVID transmission in schools.

Ramping up testing to cover all staff and students will require an unrealistic amount of infrastructure, staffing, new billing operations, private and state lab capacity, testing contracts, collection and transportation of tests. Ultimately, the demand for asymptomatic testing needs to be determined by health experts (the LHO) alongside the schools that operationalize those testing requirements.

New bargaining requirements do not increase safety and do not reopen schools.

No new statutory or public health requirements should either suggest or require additional collective bargaining. The unnecessary expansion of collective bargaining will stall reopenings, close schools that have been open, and impede in-person instruction in the fall. Throughout the state, schools are successfully offering in-person instruction after reaching an agreement with their labor, parents, and community partners. The Educational Employment Relations Act (EERA) is already clear in its requirements of when bargaining must take place. Any new requirement pertaining to school reopening should align with the language used in the January 14, 2021 CDPH guidance: "For local educational agencies whose employees collectively bargain," the LEA must submit "evidence of consultation with labor, parent, and community organizations, as either recommended or required under applicable CDPH guidance."

Thank you again for prioritizing the needs of our students and their families as California navigates these challenging times. Our organizations look forward to working with you

to set a path that empowers schools to address the needs of our students by safely reopening our schools.

Sincerely,



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Association of California School
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Vernon Billy
Chief Executive Officer &
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California School Boards Association



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cc: Tony Thurmond, State Superintendent of Public Instruction
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