

**ALLIANCE FOR HIGH QUALITY EDUCATION  
COVID-19 Committee  
Conference Call**

**August 4, 2020  
10:00 A.M.  
MEETING SUMMARY**

*In attendance on phone conference:* Tony Podojil, Jessica Voltolini, and member representatives from 53 school districts.

Tony Podojil convened the meeting by phone conference at 10:00 a.m.

**State Health Requirements – COVID19**

Fall Sports and Student Activities

- OHSAA and Governor's Response

The Governor's office and OHSAA were sent a copy of a letter, also sent to the Alliance members prior to this call, that stated the position the Alliance and Ohio 8 were taking on athletics for the fall. Districts have expressed confusion over the new order that came out over the weekend about fall contact sports due to the requirement to conduct testing 72 hours prior to a competitive event. There are several of the County Departments of Health that have been sending out separate guidance on this ruling that has added to the confusion.

Districts are finding it difficult to coordinate their decisions on athletics when they continue to receive contradicting recommendations/rules from their own health departments and the order from the Ohio Department of Health. Some districts were told that the guidance from the county is a recommendation, which they can choose to follow or not, but the guidance from the ODH is an order. We hope the Governor will have some clarification on this issue later today.

- OHSAA Playoff Sign-off Agreement

**Q. How is everybody dealing with the OHSAA Playoff sign-off agreement? Has that been run past legal yet or has everybody decided to sign and send that in?**

A. Some districts have passed this to legal and feel that it is ok, as long as they will be having sports in the fall.

**Q. How would our hospital system or testing sites be able to return the test back to us in a timely manner and does anyone know the cost involved? Who is paying for the test, family's insurance or is it the school's responsibility?**

A. The rapid response testing cost anywhere from \$150 to \$200 a test. We will need clarification on who pays and the legal aspect of the testing.

- Staffing/HR Concerns
- Parent/Community Legal Challenges to District Decisions Regarding Opening.

As districts open, they are concerned with having enough staff to meet the demand for in classroom instruction. They are also concerned with the parent community groups that have begun asking for in class instruction or beginning to think about mounting a legal challenge to whatever the district decides. Many of the parents have voiced concerns to the school boards, filed petitions, and/or participated in rallies.

**Q. Has anyone had this happen in your district? Have parents gone to the board? Can you offer suggestions on how you have handled this challenge?**

A. Franklin County may have 6 rallies today in different school districts about not going back to school. Some districts have been told they will see some rallies as well but have not as of yet. Several districts have not had any issues, one has parents filing a petition on the internet to allow extra-curricular activities. Those mounting a legal challenge believe the bottom line is that everyone should be physically present in school every day, with a regular athletic schedule.

**Q. What would they be suing us for?**

A. We understand it would be a class action, potentially with the argument being, unless the Governor closes schools, the state constitution ensures a free and efficient system of schools and in their opinion that means in person instruction.

**Q. Do most districts have a NEOLA policy about infectious diseases? It is short and talks about board of health regulation, but the tone of the policy is that you would follow and honor the board of health guidance regarding community spread. What does that mean policy mean to us in this situation?**

A. That policy is probably just another tool that you can refer to when your complying with state or local department of health guidance. You can point out that it has always been part of the district policies.

**Q. Most districts have a policy like this, but we are all getting different legal opinions. Is this policy something that most school districts have? Is there some way that there could be an opinion in a greater capacity than just district by district? We all have different attorneys so we get different responses, is there anyone that has attorneys that work together so that they can come to a common agreement on our behalf?**

A. Jessica will reach out to the Ohio Council School Board of attorneys, it is a group of school law attorneys, but it is a subgroup of OSBA. She will contact legal services there and see if the attorneys can look at this all together.

**Q. Is there a sense statewide, if the districts that are going remote, are going remote because of a recommendation from their health department only or if there's other additional reasons?**

A. Jessica's thoughts are it is a combination of the individual health departments and the state color coded advisory alert system.

**Q. Do you have any indication of what the percentage is remote versus in person right now statewide?**

A. Looking at the number of districts vs. the size of the districts and impacted students right now we know most of the Ohio 8 districts are going back remotely.

**Q. Has anyone decided to disregard the recommendation, other than the fact that people want to be open, and how do you justify that?**

A. We are in a split County and because of the difference in data, we have opened the conversation on whether we go against that recommendation. It really is based on the individual health commissioner's perspective. Some districts are working with local hospitals on daily data to make decisions. Some are removing the state-wide system from their plans.

**Q. What is the opinion of no sports if schools are in full remote?**

A. Some districts will have sports, others will not. Some will have modified sport activities due to space.

**Q. When we talk about extracurriculars are we including art classes, band, etc. because some districts do not have the physical space for art or clubs with the distancing requirement?**

A. One district shared that they have been doing athletics all summer. The reason they would not do extracurricular with the kids in school was the issue of physical spacing, also the procedures of having students in the same small confined space for long periods of time. They feel the mental health and wellness piece for kids is important. Some believe that if you are not in school the athletic program should be suspended. Others believe we are in school even if only remotely so everything should be offered. There is a risk no matter which direction a district goes because kids will still get together out of the home or staying isolated can cause problems.

**Q. Legally if we did offer opportunity for kids to come together and extracurriculars but not allowing them in the building will that put us in a more difficult position?**

A. It is just going to come down to the legal opinion of your school district and your liability insurance coverage that is going to determine whether you have an option to have it or not.

**Q. It is similar across the state that districts do not have the capacity to test children? How would we identify concerns of any true symptoms other than sending them home and hearing from a parent? How do we take care of the absences if we have to go by symptoms?**

**A.** Health Departments have said they do not have the capabilities to test and it would be at least 7 days before getting a result. Several other districts were told the same.

**Q. We were told to come up with our own contact tracing teams, how can we do that when we will not be provided with the information why someone is at home?**

**A.** The state needs to clarify their intent with this risk level system and assignments and its impact on schools. Districts do not have the ability to contact trace.

**Q. Is it true that the Governor's office said that they never intended for the risk assigned to the County to be aligned with how schools are operating?**

**A.** I think some health commissioners do believe we should be aligned to it and even put guidance out saying that.

**Q. Did the Governor want the risk level color system to be used in school decisions?**

**A.** The Governor, on a call this weekend, was very clear that the risk level color system was not to be tied to school decisions. He was told that it is confusing to schools and local health Departments and that the local health departments are inconsistent in their recommendations across the state. State level alignment would help.

### **ODE Guidance Documents**

- Preschool - Restoring Current Ratios
- Funding – CARES ACT Fund Distribution- Reporting

### **Preschool - Restoring Current Ratios**

The State Board is holding a special meeting next week to adapt those changes and decide when they will go into effect, which we expect to happen Monday. We will be able to discuss this on Tuesday's call.

### **Funding**

- CARES ACT additional Fund Distribution
- HB606 and HB308

Liability issues and sovereign immunity components are a big concern for everybody. Tony talked to Diane Grendell yesterday, the sponsor of HB606, all the liability billing bills are in the House. With a new House Speaker, we hope to see those start moving once they reconvene in September. Tony also reached out to Senator Dolan this morning about two bills that the Senate had sent to the House and both have emergency clauses in them and if passed would give

districts some additional protections. HB606 was amended and sent back to the House so the only action the House has to take on HB606 is to vote to concur with the Senate changes. They are looking into extending the date for HB606 past the end of this calendar year.

SB308 has also been sent over to the House but has not had any hearings so it is likely that HB606 will be the vehicle.

Speaker Cupp was elected speaker last Thursday afternoon. We are awaiting clarity around who is going to be on the leadership team and what impact the change in speakership will have on Committee Chairmen, Vice Chairs, and such for the House. Jessica will keep everyone posted.

The update on funding is the additional 100 million dollars for schools and then the announcement of a \$50,000,000 matching broadband connectivity grant program for schools. Jessica talked to the director of broadband for the state yesterday there is going to be additional details on the grant program, hopefully, by the end of the week. They want to open the application window for those matching grants next week so as soon as we have clarity on how that will work Jessica will send the information via email.

HB197 flexibility will expire in December of this calendar year, we will be working with the House and the Senate on additional COVID related possibilities for school after Labor Day and get some of those HB197 flexibilities extended.

***Next Conference Call:***

The next call will be **August 11, 2020, at 10 AM by phone conference, if needed.**

The meeting adjourned at 11:13 a.m.