

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

**June 23, 2020  
10:00 A.M.**

**MEETING SUMMARY**

*In attendance on phone conference:* Jessica Voltolini, Tony Podojil, and member representatives from 61 school districts.

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

**ODE Stakeholder Call – 6/22/2020**

**Reset & Restart-Education Planning Guide for Ohio Schools and Districts**

- Health Requirements Release
- Masks, Transportation, Cleaning Requirements

Tony shared that during a meeting on Friday of last week, John Richard shared, following a call with the Governor's office, that the health requirements were not yet ready for release. He stated, they were going to be working on those over the weekend.

He did indicate that they were considering the merits of a code system that would provide some type of leveling guidelines for the health and safety rules. Depending on the conditions in your district or region, the COVID-19 guidelines would follow (see example).

We are anticipating these codes to be part of the guidelines that will come out as recommendations, not requirements. You would then work with your local Health Department as you put your final plans together to reopen.

We will keep everyone updated as we learn more from the Governor's office and after the 2pm press conference.

New guidelines need to be provided before July 1, so we hope to see them this week.

**Example:**

- No COVID-19 issues, best scenario, you will work with your local health Department and would be free to open under the most judicious guidelines provided. Basically, limited social distancing guidelines, open normally.
- There would be several levels and depending on the level your district is in there would be more guidelines and recommendations with social distancing up to and including closing of schools.

**Q.** Will there be more flexibility with the codes?

**A.** There have been several changes to the restart document. It has shifted from specific health and safety requirements to guidance. Superintendents will have much more local control at the local level with this new concept. We have not seen anything specific, but everything that we are hearing is that there is going to be a lot more flexibility.

## **SB320**

Some background, the House has wrapped up and is in summer recess. They were in session until after midnight on June 11<sup>th</sup> and are now back in the districts. They do not have any current plans to return. That same week, on the 9<sup>th</sup>, Senator Hoffman introduced SB320 and had its first hearing during committee, the same day that we were working on getting SB319 amended and HB164 done. SB320 basically says no public official can dictate when school can open/reopen as that is a local decision.

The Senate is back this week, their final session before summer recess is tomorrow at 1:30. After session there is an Education Committee hearing on SB320 because the Senate wants to hear from Superintendents about whether or not they support SB320.

The Alliance will need to take an official position on SB320 even though there is no political path for it to become law until after summer break. However, our Executive Committee does not meet until tomorrow morning. I do not think that the Alliance is planning on testifying tomorrow so we need to hear your thoughts on SB320.

**Q.** Does anyone have any thoughts so far on SB320?

**A.** I have no interest in being a medical professional and making decisions on the spread of this virus in schools so as much as I'm about local control I need guidance from the health Department to work under.

**A.** I am concerned that this could be very open ended and expose our districts to enormous liability if we make a decision to open and we have an outbreak that is traced to our school, so I appreciate having a local control but I've got some real hesitation about what's in this bill.

**Q.** If I heard you correctly they can certainly give local control but if they come out with a bit of a formula level one, level two, Level 3, etc. based on prevalence, am I assuming that is the prevalence of COVID? Is the County Health Department the ones that would say your prevalence of COVID so you are at level X, how do we determine what prevalence would look like?

**A.** We are waiting to get the details from the state because that is our understanding that ODE, the Department of Health, and the Governor's office is trying to finalize stages before they release the reopening guide. We certainly do not want to have liability on the school boards because we need professionals in the medical field to assist in these decisions

**Q.** Does that mean that as the Alliance, we need to prepare testimony to respond to Senator Hoffman's bill?

**A.** That is the decision we need to discuss. The Alliance is asking what your thoughts are on the stand you want to take as a group.

**A.** I think we should avoid opposition. I think testifying as an interested party and simply layout point by point the concern that we have as per our discussion this morning is favorable.

**A.** I agree I would never want our board or myself to make decisions on what medically speaking is the best thing to do but I don't know that I see the harm in supporting a bill that gives us local control when we have the ability then to work hand in hand with our local health Department to make those decisions even if it's not required by law.

**Q.** I am not sure that all the local health departments are approaching or even approving plans or want to make decisions. Can local commissioners make a decision if the Department of Health does not make something a rule or is it still just the guideline and it still falls back on the Superintendent? Some of the health commissioners never even saw some of the documents

coming out of ODE due to breaks in communication in that Department and how would we know if we even had current information.

**A.** I would agree with the concern in consistency for the 88 counties to have updated and current information.

**Q.** How can we help with the process, the health department is hesitant to say and I keep getting answers like that looks like a good plan or, we think that is okay? I mean it is not definitive so how can we help push that process?

**A.** The rules will help because if the rules indicate that you need to work with your County Health Department, then that County Health Department must follow that rule so that would clear these issues.

**Q.** Isn't that already in the order, the last two most recent school closure orders say in there that you have the ability to work with the health department and then the last bullet point on the first page is that any interpretation of the order is left to the discretion of the local health department?

**A.** They have with respect to the existing school building closure order and that order expires on Tuesday.

**Comment:** If this is only going to be guidance and not requirements why are we waiting on them, we have done enough surveys with the parents and if they don't want to come to school they have an option of doing online learning. So, if they are not going to be requirements what are we waiting for and why are we not just planning to open based on our local data with what our parents want? I think it would be helpful through HB320 if we all had a school start date rather than starting on random dates as in August or after Labor Day or all year school, give us a starting point then plan accordingly locally.

**Comment:** It is very different by county; some counties are saying they are not going to give approval, or you can check in with us but you are not going to get a stamp of approval from us. It is different based on the amount of cases in your county, its all different situations and based on these things I think it's the responsibility of our health Department to give us the support and guidance we need to help us do this, we're not health officials, not doctors, we are educators.

**Comment:** I think the biggest concern I have with going down this road is if their guidelines should have social distance guidance (not requirement) and things are in place which would cause us not to be within those guidelines, such as kids on the bus, guidance is one to a seat but were choosing to go ahead and kind of ignore those guidelines with two to a seat based on our parent survey, and do that ourselves, if we have something happen, how are we going to be able to defend the decision we made?

**Q.** Does anyone have a direct line to contact any of the cosponsors of the bill to find out if there is any guidance on what they are really looking for with introducing this?

**A.** It is helpful for you to connect to your Senator. I think this is a strategy to put pressure on the governor's office to make schools reopen because they are hearing from parents across the state saying schools need to open, my kids on. It certainly would not hurt to reach to Senators, even the ones not the cosponsors to see what their thinking.

**Comment:** Interested party is where we would land in Warren County. I think if the state had levels and then those levels would allow you to make local decisions with your health Department that would be excellent. Our health Department would appreciate that and so would we and that would allow us to be on the same page. There would be some alignment to some levels and that level should be based on some medical data that's legit data that we can actually

all point at and say we see that trend and there's some kind of timeline and so that we can shift from if it's rolling closures across districts at times that's fine.

**Comment:** I am thinking about, with regard to the code system and comparison to my current level, what then happens when the code changes? Your analogy, from green to yellow what would be the protocol? I think total local control under those circumstances would be difficult, so we are going to need to have some guidance based on science and what happens at each level.

## **Legislative Planning**

- HB164 – Blended Learning vs Remote Learning

HB164 has a section on blended learning. ODE is saying that if you turned in your plans under blended learning you now have to redo these under the remote language in 164 because legal is indicating that you can have only one set of plans either blended or remote. However, HB164 does not say that, it just says you have to have “a” plan, it doesn’t say you can’t have more than “a” plan, so we're trying to work with the Department on clarity. We are trying to be sure those that have turned in a plan will not have to rewrite something on remote.

We believe this is an unintended consequence of that interpretation of the law change with a temporary flexibility based on the conversation we had with Paolo and ODE yesterday. It sounds like they are trying to make sure the district can do everything they need to do next year and have as much flexibility as they need with respect to remote learning and blended learning so it's definitely an issue that Paolo is aware of and is working with his team on. He specifically said the focus is on doing what makes the most sense. We offered to work with them and we need legislative clarity immediately in the fall because it was never intended for districts not to have the option of remote and/or blended depending on the unknown circumstances schools face next year.

**Q.** I believe there is a deadline with the blended learning and if we need to change direction we need to know before that deadline passes. Do we know the deadline?

**A.** I think the deadline was moved to July 31<sup>st</sup> and I'll get the exact date and send it to everyone.

## **Preschool**

The emergency preschool rules went into effect June 9th regarding the health and safety requirements and is in effect now through the middle of October. The rules are effective for 120 days and the Governor does have the authority to extend for an additional 120 days. The biggest question was, is there any flexibility regarding LRE concerning the new ratio and there essentially is not.

We have communicated to Paolo, John Richard, Scott Hunt and Devin Babcock and the Governor's office about this being an issue for ODE licensed preschool programs.

We wanted to get an idea of what everybody is going to be doing with respect to emergency rules or not doing moving forward regarding the emergency rules.

## **Comments:**

**A.** With the number of students that were serving and I know other folks are much larger than us and we were going through the ESC but I don't see any way that we can serve typical students in the setting with the restrictions that are in place so our tentative plan is to just serve our special education students. I do not think that is necessarily a good thing because obviously that

inclusive model is very important for special education students, but I do not see how we can serve our typical students.

**A.** We have a similar issue in that least restrictive environment issue comes into play if I am in a Special Ed only classroom and I do not have typical peers. If the law says you can only have 9 kids in a classroom and I have to have an LRE and I've got to keep them balanced that would mean I would have to double my staff. I would need more classrooms and funding for this.

**Q.** Following up on that, what is the likelihood that if the governor comes out with health requirements back on the school district to make decisions locally that they would also rescind this emergency rule?

**A.** It would be the only way to get the Executive order rescinded if they did it as part of the new reopening guidance.

There is some financial support available to GFS licensed providers that they are going to try to make available for school districts as well. I do not know if any ODE providers got an update either through ODE or GFS or OCCRRA which is an early childhood stakeholder association with respect to a July grant program for funding.

**Q.** Were you able to get any clarification on whether there actually are punitive consequences with funding or other things if you do not have the ratio of typical to special education students?

**A.** I was able to clarify that there weren't any changes to the legal requirements with respect to LRE and IDA, so I did not want to ask the chief legal counsel what happened if the ratios were not followed. I am assuming parents would have access to due process with respect to whatever rules are not followed.

## **Funding**

- FY20 Budget – HB164 Reduction Amendment
- CARES Distribution
- Costs Associated with PPE

Paolo said he had no information to share on Monday on funding. We are going to set up a meeting with Senator Dolan because the longer we wait the harder it will be to adjust our budgets. Paolo said on our weekly call yesterday with the Department that they are having conversations considering additional resources to help with covering the cost that you have from a sanitation perspective in order to prepare your building to reopen. We do not know where that help would come from, but it is being discussed.

## ***Next Conference Call:***

The next call will be **June 30, 2020, at 10 AM by phone conference, if needed.**

The meeting adjourned at 11:00 a.m.