To: Members of the Assembly Education Committee
From: Pat Wright, NJPSA Executive Director and Debra Bradley, NJPSA Government Relations Director
Re: Continued Concerns and Priorities on The Road Back: Restart and Recovery Plan for Education
Date: July 17, 2020

Thank you for your steadfast advocacy on behalf of New Jersey’s school children. As you consider issues related to school reopening, we wanted to share NJPSA’s initial review of the recently released NJDOE report, *The Road Back: Restart and Recovery Plan for Education*. We commend the NJDOE for its outreach to our association and other stakeholder organizations in its process and for attempting to strike a difficult balance between nationally-based health care standards with the need for local implementation flexibility. Despite, this effort, we continue to have the following concerns and priorities as schools grapple with the development of school reopening plans:

1. **Clear, universal requirements on health and safety practices must be the foundation for school reopening in all districts.** Although the Restart Report relies upon the CDC “guidelines” as the basis for school operations, policies and planning for the fall, it does permit varied interpretations and implementation of the CDC guidelines across school districts and within a variety of circumstances within a school setting and school district. This may be necessary, but it is problematic. Health and safety standards must be the bar every district must meet to allow students to enter the school house door. The standard should be the same across districts, not defined by the characteristics of a school location. By utilizing a minimum standards approach, the NJDOE does allow flexibility to districts, but this comes at the cost of varied interpretations across school districts which may lead to variations in safety practices across schools. This allows health inequity to occur across school districts based upon resources, staffing capacity and context, an unacceptable outcome. It this is to continue to be the case, the public needs to know and accept this as the conditions of school reopening.

2. **Realities of staffing and resources will determine a school district’s ability to actually reopen and the extent of its safeguards and offerings to its student population.** The additional health and safety costs that will be borne by school districts are true mandates for reopening. PPE, increased cleaning and maintenance costs, staffing, technology, physical barriers for social distancing are all new costs that districts must fund with limited state and federal aid, assuming these products are available within the supply chain.
National estimates state that each student will require an additional $490.00 to cover PPE costs alone. The Restart Report acknowledges this reality and offers potential avenues for districts to pursue for some reimbursement (FEMA), but districts must find the money to purchase these items to open their doors in the first place. The NJDOE did not address the joint request of the education community (LEE) to pursue state-level purchasing for districts on commonly needed health and safety items.

3. **The public needs to understand that a school’s ability to reopen is contingent on its realities of staffing, funding and resources to meet health and safety minimum requirements.** Unfortunately, the Restart Report did not help manage public expectations within this context. State leadership must do so with parents and the public this summer in order to build partnerships and develop realistic plans for school reopening this fall. In the event a local district determines that it is unable to safely reopen, that district will need back-up and support from the state level including the NJDOE, Governor’s office and the Legislature. Science and data have been critical factors in state-level decision-making throughout this public health crisis. Let that continue to be the case. As school districts assess their ability to provide a safe and healthy setting for students and staff based upon local conditions, these decisions should be similarly supported with the public.

4. **Legislative advocacy to increase funding for schools is critical.**
   As the State Budget is considered, the current status of schools and the requirements of this Restart Report must be fully analyzed and addressed in the final state aid figures for schools. Schools serve as a community hub providing for instruction, food distribution, student wellness and safety, technology and more. Even with the availability of CARES Act funding to most districts based upon Title I eligibility (41 districts receive no aid), the reality is schools need enhanced funding to reopen safely. Federal advocacy is critical as well this summer as Congress works on another stimulus package which will hopefully address additional school costs related to the virus and technology needs. **If schools do not receive this necessary funding, we will not be able to reopen safely.**

5. Despite many unrealistic recommendations within the document, the Restart Report creates a *defacto* duty of care that school districts must meet to ensure student safety, according to its provisions. For example, the Report discusses hand-washing schedules for preschool students, staff visual checks to screen students upon admittance to school for symptoms, mask wearing, and hygiene in a variety of settings during the school day. If a district is unable to ensure that schools meet that standard due to limited staffing or resources, (as unrealistic as some of the recommendations are within a typical school setting
or age group), there is a concern about school liability. **We recommend that this issue be explored and potential legislation be developed to address the myriad of liability issues within schools that this Restart Report creates about school operations during this public health crisis.** If schools are being told they must reopen “in some capacity”, this liability protection is necessary, especially in the current context of uneven resources across districts. Other states including the California Legislature are currently considering such legislation.

6. **The Restart Report recognizes the critical need for collaboration between public health agencies and schools in the establishment of protocols, policies, procedures and appropriate roles.** However, in practice, there has been uneven collaboration between education and health agencies at the state level as evidenced by the lack of clear universal health guidelines from the NJ Department of Health specifically adapted to schools. At the local level, resources and staffing vary widely for public health agencies and our members report a wide range of responsiveness from local public health officers to schools. While the Report encourages administrators to consult with local health officials before making health and safety decisions, often these officials are unwilling or unable to make a judgement call on a school-based issue. This situation needs to be addressed to ensure clear lines of communication, role definition, response and procedures if schools and local health departments are to work collaboratively on behalf of students and staff. Critical areas for statewide collaboration include contact tracing, reporting practices when students or staff are symptomatic and follow-up notifications and roles.

7. **In the section on Conditions of Learning, the Restart Report does identify 10 areas of critical school operations and offer a range of school options for implementation of the anticipated minimum standards in these operations.** This section is critical as it defines the “floor” for school health and safety statewide based upon such CDC standards as social distancing, handwashing, cleaning and disinfecting, screening of students and staff, support for individuals with higher risk levels through reasonable accommodations, and promoting behaviors that reduce community spread. This section does provide a broad outline of parameters for districts to develop their local plans based upon the unique characteristics of their facilities, resources, and school communities.

However, many of the proposed options within this section are unrealistic for many schools or for implementation with some age bands of children. These include:
a. **Transportation**
   Student transportation poses a major, yet critical challenge in delivering students that have socially distanced from home to the school house door. Entering a school bus is now the first point of access to the school system and to other students. This triggers the school’s obligation to ensure the health and safety of all students at this first point of contact through possible screening measures and social distancing on the bus. Issues of school bus capacity in a socially distanced route, resulting increases in the number of routes, screening procedures before entering the bus, hand sanitizers on the bus, expensive partitions that may not be available or legally authorized by the NJ Motor Vehicle Commission, ventilation, mask wearing and monitoring, staffing, bus driver safety, and cleaning schedules between routes must all be locally determined. Significant costs are attached to these items which may make the proposed solutions in the report mere words on paper, not realistic options for districts.

b. **Classroom Capacity and Configurations**
   The configuration of all instructional and non-instructional spaces will be a challenge for districts facing limited budgetary resources and increased costs. Space partitions, spit guards, and needed face masks will cost districts if these supplies are even available. Although CDC guidance suggests that parents can provide students with face coverings, the reality is that NJ schools will need to have an ample supply of child sized masks on hand for any student who needs one. The size and characteristics of the school facility, its ventilation system, and outdoor spaces will define the number of students the district will be able to have return to school in the fall and the options for scheduling. These are complex issues which will require a variety of approaches for elementary, middle and high schools to consider.

c. **Requirements for Younger Students**
   NJPSA understands that it may be important to return our youngest students to school for learning as soon as we can safely do so. We fully endorse the importance of hand-washing for students and staff during the school day as a critical safeguard against the spread of disease and Covid-19 in particular. The Early Childhood requirements for hand-washing (p. 19) will however consume a great deal of time in the instructional day. Social distancing requirements will also impact instructional approaches in preschool as circle time, nap time and shared projects will violate social distancing restrictions. Mask wearing may be challenging with younger students over long periods of time. Educators will need to develop new instructional approaches to address these issues in each classroom.
d. **Student Flow, Entry, Exit and Common Areas**

Schools will need to consider staggered schedules, multiple entrances and exits, and locations for initial screening at school (if this does not occur on a school bus). School and district leaders need to ensure that these expanded points of access do not negate the school security goals they have worked hard to achieve in recent years in school security plans. Lockers will need to be cleaned and scheduling will need to incorporate the location of lockers to minimize unnecessary student exposure to other students when visiting lockers or passing in hall ways. This will be very challenging to do and many districts will likely close off access to lockers and locker rooms. Additionally, existing legal requirements such as monthly fire and security drills will need to be conducted while meeting the social distance requirements, adding a new element of complexity to the work of our members.

e. **Meals and Cafeteria Use**

The Restart Plan contains solid recommendations restricting meals to boxed lunches and grab and go options, eliminating family style, self-service and buffet meals. School leaders and their school community will have to determine what the safest locations are for meals- a socially distanced cafeteria with staff monitoring or individual classrooms. Some districts may choose a shortened school day with lunch being sent home with the student.

f. **Recess and Physical Education**

Due to the potential limits of the instructional day, the size of the student population present, and the extent of the school’s playground equipment and outdoor spaces, recess will need to be staggered to permit safe, socially distanced recess with time for cleaning at each interval. Schools may offer shortened school days. Due to these challenges, the current legislation requiring daily recess should be revisited and potentially waived for districts unable to meet this requirement due to the impact of the Covid-19 public health crisis. A temporary suspension of the requirement could be enacted until the health emergency is declared over by the Governor. Similarly, the statutory requirement to provide physical education may need to be modified in practice in order to protect students. Challenges of social distancing and mask wearing during physical activities must be safely addressed and statewide guidelines developed. The Restart Report references the closing of locker rooms to ensure student safety. This indicates that the issue requires a modified instructional approach and additional state guidance since a statutory requirement exists.
8. Staffing Considerations

School districts may face significant staffing gaps when school reopens in the fall. Some staff members may have health risks that preclude their return to an in-person school environment absent a Covid-19 vaccine. We have also heard that others may be planning retirement in light of current circumstances. Additional staff may be needed due to increased needs for cleaning, student monitoring and student health services. The NJDOE has pro-actively worked on addressing obstacles to certification to increase the candidate pool for districts. However, as districts survey staff members on their plans to return, further measures may be necessary. In addition, a statewide approach to staffing/personnel issues related to health concerns, exposure to the virus, quarantine, reasonable accommodation and similar issues would be beneficial to all school districts.

9. Continuity of Learning

The DOE has provided guidance and resources to address the needs of all students and help districts achieve the goal of equitable and standards-based instruction for all students. Educators have done an amazing job of moving quickly to a totally virtual learning environment. They are now using lessons learned from that experience along with the guidance in this section to develop both hybrid and virtual learning environments. The need to address technology deficits is essential to both models of instructional delivery. The NJDOE, state leadership and district leaders must work collaboratively to ensure that every student in New Jersey has free access to the internet and the appropriate learning device. Governor Murphy’s announcement of a new initiative to close the digital divide through federal, state and philanthropic sources is a positive step forward.

The Restart plan focuses heavily on the importance of accelerating learning while addressing student learning gaps through the use of on-going and targeted formative assessments. The DOE also points to the use of the DOE Instructional Units developed by the NJ educators and posted on the NJDOE website. These can serve to help districts identify priority standards and move teachers toward the use of common student learning objectives. The Department references the use of collaborative planning time and the Connected Action Roadmap process to help create equitable and aligned instructional opportunities for all students.

The Restart Plan also encourages districts to prioritize the return of certain populations of students such as younger students, English Language Learners and students with disabilities who may benefit more significantly from in
person instruction. Parents have struggled to meet the high need levels of these students at home.

Career and Technical Education (CTE) guidance is also provided. CTE requires unique hands-on learning experiences, work-based learning (WBL) and access to industry-recognized credentials. The DOE must continue to share best practices and available resources to help districts ensure delivery of an effective CTE program.

To achieve continuity of learning, Prek-12 educators and administrators must be provided the time and resources for collaborative quality professional learning. It is critical that districts have funding to support the growth of educators and school leaders. This is a time where all educators need to employ new and innovative ideas to keep students engaged in learning whether in the classroom or virtually. Quality professional learning is an essential tool to make that happen. Insufficient funding may be a barrier. Without quality professional learning, student learning will suffer.

10. Tight Timelines for Collaborative Planning
NJPSA appreciates the efforts of the NJDOE in obtaining input from the educational field as it developed its Restart Report. However, the late issuance of this Report at the end of June has left districts with a very short timeline to do the important planning work needed to develop its reopening plan. This is particularly challenging since district and school level committees need to be broad-based, quickly formed and meet regularly. The public must be notified of the district’s plan four weeks before the district's planned reopening. While the NJDOE has acknowledged that the district has control of its calendar, public pressure to begin some form of school operations in early September will be strong. In the event a district needs to extend its reopening time frame to “get it right”, we urge legislative support of the district with the public since all districts have been placed in a difficult timeline for planning and reopening.

11. Budgeting Flexibility
In addition to the need for increased funding, districts need flexible options within their budgeting practices. Legislation like S-2507 (Gopal, Greenstein) that permits school districts to utilize capital reserve account funds for certain expenditures during a declared public health emergency, including expenses related to the state of emergency and virtual instruction, are important mechanisms to support districts. An expansion of this flexibility to permit the use of emergency reserve funds during a public health emergency or state of emergency would be helpful to districts as they respond to increased costs in a school reopening.
12. **Need for Continued Dialogue, Collaboration and Guidance**

NJPSA must commend the Legislature and the NJDOE for its outreach to our association and our members as we have grappled with our students’ educational needs during this crisis. As schools and districts prepare for reopening pursuant to the Restart Report, the CDC guidelines as modified by the Report, and state and federal laws impacting schools, we welcome an ongoing dialogue and collaboration on the complex issues we will face in reopening our schools. Prompt, clear and consistent statewide guidance is something we have been seeking throughout this period and we renew that request as we move into new, uncharted territory.

Thank you for your commitment to our students, our educators and our schools.