



## COAC Talking Points on Fully Re-Opening Schools

School districts have successfully responded to the safety and health challenges for staff and students during the COVID-19 pandemic by vigilantly adhering to mitigation, testing, and contact tracing regulations put forth by local, state, and federal governments and health departments.

**School districts remain committed to fully reopening schools for all students and staff and have been actively planning and advocating for regulations that would allow them to fully reopen safely since going remote in March of 2020.**

Board of Education members have invested long hours in working collaboratively with district leadership to thoughtfully develop and implement re-opening plans, to continuously monitor those plans and to communicate them out to their communities. The best interests and safety of their students and staff is at the forefront of all decisions.

### **Background information on what schools must do to comply with current law and regulations:**

#### **Executive order 202 -Declaring a Disaster Emergency in New York (Issued 1/31/20 in effect until 9/7/2020)**

Allowed the Governor to close down schools in March, 2020 and required the continuance of instruction in a fully remote environment, making sure that eligible students also had the meals that they needed and providing avenues for child care for families of essential workers. **Every level of staffing, including, transportation, food service, maintenance and operations was directly impacted.**

In June, 2020, Executive Order 202, was amended for schools to allow special education services to be provided during the summer months, but that districts and staffs had to follow both State and Federal guidelines. Subsequently, a steady stream of executive orders followed continuously modifying school operations.

#### **Executive Order 202.45 - (Issued 6/6/2020 to continue until amended or extended by a future order).**

Allowed for schools to open for instruction in September, "subject to the adherence to Department of Health issued guidelines and directives" which were posted and remain on the NYSDOH website and have not been modified. They include both Mandatory and Best Practice information. The Monroe County DOH provides direct linkage to this document. **It should be noted that the Monroe County DOH does NOT recommend the use of barriers as a sufficient alternative to the 6' social distancing requirement nor do they recommend that "bandanas" are sufficient for masking. While best practice is not the same as mandatory, not following these recommendations, could put districts at risk if they choose to not follow them.**

#### **Executive Order 202.61 (Issued 9/9/2020- present)**

Require that school districts report, on a daily basis, "all COVID-19 testing and diagnoses among students, teaching staff and any other employees or volunteers."

#### **Executive Order 202.68 (Issued 10/6/2020, rescinded 1/2021)**

The order designated red, orange, and yellow zones based on a countywide rate determination for COVID-19 micro-clusters. These designations determined who would need to shut down and what testing would be required in order for reopening options and include school districts.

**Through testing protocols, school districts were able to determine that the rates of infection in schools was much lower than the community rate. After the superintendents advocated through the county health department and the Governor's office, the Governor allowed, schools to remain open within the color designations with those testing protocols in place.**

In January 2021, the Governor removed the color zone testing requirements. All other COVID requirements remained in place.

#### **Executive Order 202.69 (Issued 10/14/2020- present)**

Stated the "director of budget is authorized to withhold any funds appropriated in the FY20 budget to or for, directly or indirectly, a public, nonpublic school or school district and/or to a locality for the period of time that such a school district, school or locality is found to be in violation of EO 202.68". This resolution remains in effect for the entirety of the disaster to allow for penalties for violating the social distancing and masking regulations.

## **Frequently Asked Questions:**

**Q.** Are all school districts/BOCES required to abide by the Governor's Executive Orders?

**A.** Yes. Executive Orders are temporary modifications to existing laws that the Governor put in place to respond to the "Disaster Emergency" caused by the pandemic. They have the full force of the law and school board members and school district superintendents must comply.

**Q.** Do school districts/BOCES have to comply with the guidance materials supplied by the Federal, NYS and Monroe County Departments of Health?

**A.** Yes. The Governor's Executive Orders explicitly define the CDC, the DOH and County Health Departments as the agencies to supply the guidelines for schools. In order to re-open schools for any in-person instructions from PreK-12, plans had to be submitted and approved through both the NYS DOH and the NYSED. Those guidelines had both mandatory and recommended best practices contained within them and school districts were required to submit their plans in alignment with that guidance. It is still the guidance that is listed on the website with the explicit note that "*district superintendents are accountable for staying current with any updates to local, state and federal requirements and incorporating those changes into their operations.*" Guidance and guidelines are NOT recommendations but requirements.

**Q.** Now that the color zones testing requirements are lifted do schools have flexibility to change their reopening plans?

**A.** In January, the Governor's removed the color zone testing requirements for schools. No other flexibility was granted to schools regarding any other regulations. All other requirements remained in place.

**Q.** Don't studies show that schools are the safest place for kids?

**A.** Yes. Our school districts have worked incredibly hard in order to make schools one of the safest environments for their students and employees. But, it is because they have followed the guidance and the regulations explicitly, that schools are safe. On top of that, they have become masters at mitigation; of keeping track of infection rates, contact tracing and employing every strategy available to them to make sure that schools continue to be safe even during the peaks of COVID. IF schools had not followed all of these protocols, schools could be in a very different place.

There are also studies that show, that while schools have maintained lower rates of infection than in their general communities, once the rate of hospitalizations increases, it is harder to discern whether or not a school is contributing to the community spread.

## **What is needed for school districts to fully reopen schools:**

- A decrease in the social distancing requirement is needed. Classrooms were designed for desks with a typical distance of 4'6" between them or about 28 desks. Current requirements limit desks to half that amount. Districts do not have the space to return all students to school and meet the current requirements.
- Transportation requirements would need to be altered to allow two students per seat and a greater number of students per bus.
- Time is needed to clean kitchens and re-establish supply chains for consumables and food. In the beginning of a normal year at least 2 weeks are required for set-up and ordering. How suppliers have been affected by extended closures and/or changing consumer demands during the year long pandemic remains an unknown.

- Consistent and widely available publication of the guidance so that parents and community can see what schools must abide by so that both can work better together.
- Timely information on the infection rates related to the reintroduction of sports, especially high risk sports so as to be able to monitor when to bring back other extracurricular activities like performance arts, music, robotics and others.
- Full access and availability to provide staff vaccinations for all that want them. Districts are asking to be qualified as POD (Points of Distribution) sites. Workforce availability currently is unpredictable due to infection rates in the community and the limited availability of substitutes. Shortages of both bus drivers and personnel for the classroom have been intensified by the pandemic.

**Please Note:**

The CDC issued new guidance for school reopening on February 12, 2021. The guidance is in line with what NYS is currently requiring. (Please see attached sheet regarding the newest information from the CDC on K-12 operational strategies).

To date, we have not heard whether the NYDOH will issue any changes due to the clarified CDC recommendations.