



August 13, 2020

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Honorable Governor Newsom,

We write to you today on behalf of the more than 310,000 educators of the California Teachers Association (CTA), as well as the 8.4 million students that we serve. When California first began the stay-at-home orders, we listened. We have been paying attention to the daily briefings and practicing physical distancing, wearing face coverings, washing hands, and talking with our families, friends, fellow educators, and students about doing the same.

This moment in our history will define who we are as Californians and as Americans. It will define how we value our students, our communities, our families, and our essential workers. As you know, our education workforce is predominantly women (73.3%). Many of the women are also breadwinners and caretakers of their own children and often their parents.

At a recent press briefing, when you were asked about requiring teachers to conduct distance learning in their own classrooms, you emphatically said, "...I don't believe anyone should be forced to put their life and health at risk, period. Full stop." At that moment, you really heard us as professional educators and caretakers to our families and our students. We appreciate that and we thank you.

Our position from the beginning has been simple: California cannot physically open schools for in-person instruction unless it is safe. The politicization of school reopening and in-person instruction cannot allow us to stray from this core principle and from the science that drives it. Unfortunately, we fear that is what is happening.

For our students and educators, "safe schools" applies to all schools whether they are on the county watch list or not. "Safe schools" applies to school districts seeking waivers from adhering to CDPH guidance and those that are seeking to comply.

Fluctuating between online classes and varying degrees of hybrid classes is a plan that leaves the future in doubt during a time when it would be beneficial to prioritize stability. While in theory it sounds good to try to get society in general back to as close to "normal" as possible, we've now had quite a few months to understand the additional turmoil that is created as we close down, open up, and close down again.

Given the exponential increase in COVID-19 cases, the record number of deaths in just the last month and the growing number of counties on the state watch list, we believe the state must take all precautions and preventative action to protect students, educators and our communities.

Across the country, there have been documented cases of schools opening for in-person instruction without proper safety measures, causing immediate outbreaks among students and staff. Schools in Georgia and Mississippi closed one to two days after opening with more than 800 students now in quarantine. And now, with the growing research regarding cases of children who have been infected with COVID-19, we can NO LONGER SAY kids aren't likely transmitters. In fact, one study shows coronavirus cases among children and teenagers in California increased 150% in the last month, far outpacing the national average. Recent research also reveals striking differences between children of color and white children. A study published in the *Journal of Pediatrics* shows that while just about 7% of white children tested positive, 30% of Black children and more than 45% of Latinx children tested positive. The median age of kids who tested positive was 11 years old.

In the July CDPH guidance, we appreciate that you recognized the need to test educators and classified staff who will be expected to return to the classroom and worksites. However, counties have yet to demonstrate their capacity to periodically test this new group of essential workers. We have seen no evidence that districts in those counties are planning to test their educators and classified staff or have comprehensive plans for student and educator safety. How can we grant waivers and open schools for in-person instruction with all these unknowns?

Educators want desperately to be back in school with their students doing the work they love, but there is too much at stake to ignore science, facts, and safety. We understand the desire for in-person instruction. However, the elementary waiver may unintentionally create greater inequity. The pandemic has disproportionately impacted low income, Black and Brown communities. A *Los Angeles Times* analysis of statewide data found that for every 100,000 Latino residents, 767 have tested positive. For every 100,000 Black residents, 396 have tested positive. By comparison, 261 of every 100,000 white residents have confirmed infections. The outcome of the waiver policy is likely to further exacerbate inequity in our state, resulting in wealthier white communities with fewer incidents of transmission and the ability to implement smaller class sizes and physical distancing receiving in-person instruction through the waiver process, while low-income, Black and Brown communities receive distance learning as they struggle to acquire the devices and connectivity to access public education.

Although the state budget prevented education cuts and provided a version of ADA hold harmless, many local districts and communities don't have the necessary resources or capacity to maintain even the most basic prevention measures of six-foot physical distancing and limiting contacts, much less the other important preventative actions such as personal protective equipment (PPE), testing and tracing, or adequate ventilation and cleaning supplies. Three months ago, we advocated for ADA hold harmless not because we didn't want to go back to classrooms, but because we wanted stability in school funding in order for schools to plan for the safest and most effective ways to educate students during this crisis, which is, at this point, through distance learning.

We recommend the following:

Governor, as you have stated publicly many times – and we agree with you – science will drive all decision making. We are asking that you to re-evaluate the state’s COVID-19 metrics and the county variance and attestation process.

- We are concerned that the 8% positivity benchmark is too high. We recommend California follow the World Health Organization criteria of 5% for 14 days. Other states such as New York, Illinois, and Massachusetts have hit the WHO goal. The Harvard Global Health Institute report recommends less than 3%, which New York and Massachusetts also meet.
- Re-evaluate the science on children catching and transmitting the virus. New studies are being published each day. This week’s CDC MMWR (Morbidity and Mortality Weekly Report) reported on hospitalization rates among children. It found that one in three hospitalized children with COVID-19 had to be admitted to the ICU. Children are at risk for severe COVID-19 conditions.
- Re-commit to the state goal of 15 contact tracers per 100,000 in the attestation process. Counties must update and provide their attestations to the state. If the benchmarks are not met, pull back the county variances. Many counties made promises about their testing and tracing capacity as a condition of reopening and in many instances those benchmarks have not been met. For example, the media reported that Merced County stopped tracing all together in June. If contract tracing is going to work, having rapid results and enough contact tracers who are bilingual and trusted community partners is essential.
- With the growing body of science-based evidence regarding the impact of COVID-19 on children, to avoid the yo-yo effect, and until there is clear evidence that the virus transmission is very low with accessible and timely testing of school employees, all counties should open in a distance learning model and waivers should be suspended.
- Increased monitoring and enforcement of CDPH school guidance across the state. In addition, any school districts that open for in-person instruction should be monitored by members of your COVID strike team to ensure compliance.

We also recommend the following public policy to help make school employees, students, and parents feel safer:

- The attestations are a good model for safety compliance for all schools. We recommend that the attestation model currently required as part of the waiver process that mandates districts to describe in detail every action taken to address student and staff safety for in-person instruction be used by all school districts, charter schools, and private schools to ensure they are adhering to CDPH guidance. We urge the CDPH to issue additional guidance requiring attestations before any school opens for in-person instruction. School district plans, as well as the attestations, should be posted on the school district’s website.
- Provide clarifying guidance that requires in-person instruction to have small stable cohorts of instruction that minimize contacts, physical distancing of no less than six feet, and good air ventilation to decrease exposure risk.

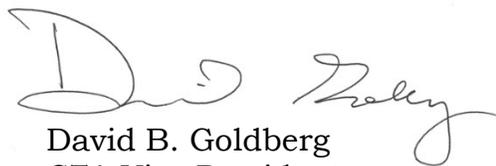
- Work with educators to provide clarification around various implementation issues, including initial-normed and triennial-normed assessments of Special Education students, as well as initial and ELPAC assessments of English Learners.
- Convenient and free testing sites for school staff, students, and their families in neighborhoods and in locations that are familiar and trusted by residents, including schools. Provide extra testing resources to schools in areas with high COVID-19 rates and work with counties to ensure test results are notified to patients within 48 hours. All sites should also offer critically important flu vaccinations.
- Collectively bargained agreements before school opening – whether for in-person instruction or distance learning – are key, as they are tailored to local needs and include safety standards and accessible testing.
- Illness and Injury Prevention Plans must be updated for each campus and work location before schools reopen. Cal/OSHA is already stretched thin and opening schools before plans are collaboratively planned and adopted could put staff at risk.
- Statewide, uniform training for school employees on safety protocols and procedures. Schools shouldn't have to recreate local training when it could be offered virtually through CDPH and Cal/OSHA.
- Bargaining units and their state affiliate should be notified immediately when a school district applies for a waiver.

We write this letter in the spirit of cooperation. We recognize these are extremely difficult times and there are no easy solutions. We know this must be a collective effort, in which we are all partners. We stand with you in calling for additional federal assistance to states, schools and communities. We appreciate your attention to these concerns. **We look forward to continuing to work with your office and the legislature as the state strives to keep Californians safe and our economy resilient through this pandemic.**

Sincerely,



E. Toby Boyd
CTA President



David B. Goldberg
CTA Vice President



Leslie Littman
CTA Secretary-Treasurer