

# Classroom Learning and Safe Schools for Employees and Students (CLASSES)

*A Pathway to Bringing Students Back to Schools*



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# Classroom Learning and Safe Schools for Employees and Students (CLASSES)

## *A Pathway to Bringing Students Back to Schools*

California teachers and classified employees want nothing more than to be back in our physical classrooms and school sites and know first-hand there is no equal substitute to regular, in-person learning. California's schools are the heart of their communities. For many of our most vulnerable and underserved populations, they are lifelines. The educational, social and emotional needs of California's students, particularly those who often lack the technological and additional education support to sustain distance learning, are of paramount concern.

The last year has brought unprecedented challenges to California's students, families, and our educational and economic systems. School employees have made extraordinary contributions to our students and our communities: classified employees have continued to serve on the frontlines, distributing millions of meals to needy families, conducting contact tracing, reconfiguring school ventilation systems, and providing childcare to essential workers; and teachers have adapted and overhauled curriculum for distance learning and have worked tirelessly with students and families to ensure continued engagement and education. Our collective work has been essential to the education, health and safety of millions of Californians.

As COVID-19 continues to mutate and threaten our communities with new variants that are more contagious and possibly more lethal<sup>1</sup>, we remain committed to finding a path to safely return to in-person instruction. This path must be safe for the entire school community: students, staff, and school families. As CDC researchers concluded, the path back to in-person instruction requires an accompanying commitment to reducing community transmission of the virus. Safe conditions extend beyond the walls of our school sites.

### **The Legislature and Governor should consider the following:**

- Preventing transmission in school settings will require addressing and reducing levels of transmission in the surrounding communities through policies to interrupt transmission.
- Multi-layered mitigation measures in schools must require:
  - universal face mask use,
  - increasing physical distance by dedensifying classrooms and common areas,
  - using hybrid attendance models when needed to limit the total number of contacts and prevent crowding,
  - increasing room air ventilation, and
  - provide and expand screening testing to rapidly identify and isolate asymptomatic infected individuals.
- Staff and students should continue to have options for online education, particularly those at increased risk of severe illness or death if infected with COVID-19.

California's decisions made today will determine community COVID-19 conditions, health equity, and the safe operation of schools to provide in-person instruction and services to students and families. The path toward reopening schools for in-person instruction will involve substantial implementation, but together we can get students back to school campuses.

# Community Health: In-Person Instruction Thresholds

Purple	Red/Orange	Yellow
No LEA in a county in Purple Tier that is not already open for in-person instruction should be permitted to open for additional students in-person while the county is in the Purple Tier.	LEAs in counties in the Red or Orange Tiers should be permitted to open for in-person instruction, but not required to do so, if they meet the vaccination requirements and comply with the mitigation strategies below.	LEAs in counties in the Yellow Tier should be required to open for in-person instruction if they meet the vaccination requirements and comply with the mitigation strategies below.

**Purple Tier is not Safe.** The Purple Tier indicates widespread COVID-19 risk in our communities. The January 14 CDPH Consolidated Schools Guidance allows for schools to re-open if they are below 25 cases per 100,000, which is nearly 4 times the purple baseline rate. The guidance from last summer indicated that elementary waivers should not be granted if a county was at double the baseline case rate, 14 cases per 100,000.

**Red and Orange Tiers.** Although the Red Tier is above the recommendations from the World Health Organization, schools may be able to safely re-open for in-person instruction if all of the layered mitigation strategies outlined in this document are in place. Some communities have already agreed to open in the Orange Tier, and the state should honor those agreements.

**Yellow Tier.** This tier represents the lowest level of transmission and schools should be required to open when they are in yellow, provided that all the mitigation strategies outlined below are in place.

**Health Inequity Persists:** California's most vulnerable and hardest-hit communities continue to face serious health inequities with double-digit test positivity rates reaching as high as 19.1% per the state's Health Equity Metric. Latinx, Black, and Pacific Islander communities have been disproportionately affected by COVID-19. Health equity statistics for each county can be found here: <https://covid19.ca.gov/equity/>.

The administration created the health equity index to measure COVID-19 transmission by census tracts compared to the county. The Health Equity Metric should be integrated into decision-making regarding in-person instruction to ensure improved conditions for our communities and families hardest hit by COVID-19.

**LEAs that are already open for in-person instruction.** LEAs that are already open (under the CDPH definition) should be required to meet all of the mitigation strategies outlined below, including asymptomatic testing minimums for staff and students in order to protect the school and community and prevent the “yo-yo effect” of schools opening and closing. LEAs must also comply with the triggers for closing campuses in the CDPH Guidance. The state must prioritize vaccinations for employees who are already working in-person at LEA work sites, especially employees in school communities most impacted by the pandemic.

**Flexibility for Parents.** Until the pandemic subsides, parents should continue to have the option to keep their children at home to participate in distance learning, and LEAs must ensure that these students also receive targeted support when necessary.



# Vaccinations

The Moderna and Pfizer vaccines developed to mitigate the effects of COVID-19 are astoundingly effective, with rates of preventing infection at approximately 95 percent after two doses. Other vaccine options are on the way. When combined with the other layered mitigation strategies outlined in this document, the vaccine presents an extremely effective defense from COVID-19 disease.

As safety of the entire school community is paramount, **the state must prioritize vaccinations for employees who are already working in-person at LEA work sites, especially employees in school communities most impacted by the pandemic.** Local health officials and LEAs must ensure employees working in-person have the opportunity to receive the vaccine as soon as possible.

Additionally, an LEA that wishes to offer in-person instruction to additional students—for instance, phasing-in select grades or classrooms—must **first ensure all employees required to report in-person have been provided the opportunity to be vaccinated before students return to campus.**

# Mitigation Strategies

A multi-layered approach offers the best protection for students and staff returning to in-person learning. The following are mitigation strategies that are critical to preparing a campus to re-open for in-person instruction and to safeguard the health and safety of students, their families and staff once a campus is open.


## **Prioritization for Students in Need - Phased-in Approach**

In-person instruction should be phased in starting with our lowest grades and struggling students. Add more student groups as conditions improve. By limiting the number of students that are on campus at any one time, LEAs can strategically plan for classroom and school-site capacity to allow for six feet of distance between students and between students and school employees.

## **Asymptomatic Testing**


Testing is an essential layer of the mitigation strategies. Regular testing allows those with and without symptoms to learn if they have the virus so they can protect the school community and their own families. Staff, students and school families could be infectious without even realizing they have the virus and might unknowingly expose others. People can be most contagious before symptoms begin. Up to 45% of people with COVID-19 never experience symptoms. 30%-60% of infected people are potential “silent spreaders.” Early identification and isolation of COVID-19 cases without symptoms through regular testing helps prevent outbreaks by checking if the mitigation strategies are working and improving understanding of infection risks in schools.

## Testing Cadence




**Purple Tier**

Asymptomatic PCR testing once per week for in-person students and staff and symptomatic and response testing.




**Red Tier**

Asymptomatic PCR testing bi-weekly (every two weeks) staggered for in-person students and staff and symptomatic and response testing.



**Orange Tier**

Asymptomatic PCR testing monthly staggered for in-person students and staff and symptomatic and response testing.



**Yellow Tier**

Symptomatic and response testing for in-person students and staff.

## Health/Safety Standards

The latest guidance from the California Department of Education and the COVID-19 Emergency Temporary Standards from the Division of Occupational Safety and Health (DOSH), better known as Cal/OSHA, have provided valuable information to protect the health and safety of school employees. While the guidance and safety requirements are robust, there are several areas that require further development to safely reopen schools for in-person instruction, including cleaning standards, physical distancing and masking requirements, and appropriate ventilation.

**Safe and Hygienic Schools:** Currently, schools struggle to meet basic standards of cleanliness due to budget constraints. The need to ensure schools are safe and clean is even more critical in a pandemic. New standards must be created and state funding allocated to meet necessary hygienic standards. These standards must:

- provide guidance for disinfection/surface cleaning of high touch areas, elevators, restrooms, locations where bodily fluids exist, public spaces, high traffic areas, and enclosed spaces;
- address cleaning frequency, methods and equipment/materials required that are consistent with California public health and CalOSHA recommendations;
- ensure appropriate staffing levels to ensure public and occupational health standards are met;
- schools must meet specified cleanliness standards prior to reopening and maintain a level of 85% or higher during the school year; and
- consider school assets, student enrollment, and adjustments for level of use.

California should implement the Association of Physical Plant Administrators (APPA) Level 1 Custodial Standard, which calls for a minimum of one custodial staff per 8,500 square feet of space in order to achieve safe and hygienic facilities.

**Physical Distancing:** All school employees, students, visitors, and others on school grounds and school buses shall be separated from other persons by at least six feet.

**Compliance:** School personnel play a major role in screening students, parents and staff who enter school facilities including classrooms, cafeterias and buses. Therefore, safety standards and funding must be provided to schools to ensure:

- six feet of distance between staff, students & staff, and desks at all times;
- monitoring and screening, including regular temperature checks;

- student management on school buses to ensure distancing and masking protocols are met; and
- appropriate staffing levels to ensure public safety.

**Masking Requirements:** Face coverings must be required for all students, school staff and visitors in indoor environments, on school buses, and other areas of the school as stated in the CDPH guidance. A face shield is an acceptable alternative for children who are unable to wear face coverings. Employers shall provide disposable 3-ply surgical masks for employees, and ensure face coverings are available, clean and undamaged. Employers must also ensure each LEA site maintains adequate supply of surgical masks sufficient for students and staff at each site.

**Appropriate Ventilation:** AB 841 (2020) establishes the School Reopening Ventilation and Energy Efficiency Verification and Repair (SRVEVR) Program to provide grants to local educational agencies to reopen schools with functional ventilation systems. Most school facilities are older and require updated ventilation and air filtration to ensure sufficient ventilation and air filtration in all school classrooms and shared workspaces with verification by a certified TAB technician and in accordance with CDPH guidance for K-12 schools, CDPH-referenced American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) guidelines, and the state's School Reopening Ventilation and Energy Efficiency Verification and Repair Program (*SRVEVR Program*). To ensure proper ventilation is maintained throughout the school year, all classrooms should be equipped with a carbon dioxide monitor in accordance with the requirements in the state's *SRVEVR*.

**Students with Disabilities.** In-person instruction plans must address the needs of the most vulnerable. Increased resources are desperately needed to ensure safe and adequate supports for students with special needs. Students with moderate to severe disabilities require and deserve additional attention and care. Districts should receive the funding necessary to provide a safe and supportive learning environment for high-need student populations.

## COVID-19 Emergency Paid Sick Leave

In recent months, California has experienced an increase in the spread of COVID-19 in the workplace that has resulted in school employee illnesses and some deaths. Current law is inadequate because temporary stop gap measures have expired, forcing employees who need to support their family to come to work sick or leave sick family members at home. Significant research has shown job-protected paid sick leave is critical in mitigating the spread of disease, and unless California takes action, COVID-19 cases will continue to needlessly spread in workplaces.

Since the federal government is providing funds, the California Legislature must take immediate action to expand emergency paid sick days and paid family and medical leave protections to ensure workers can utilize this time before exhausting their own personal paid leave:

- All California workers with a COVID-19 diagnosis can take time off from work to recover without losing their job or pay.
- All California workers ordered to quarantine or self-isolate are able to do so without losing their job or pay.
- All California workers who need to care for a family member who has COVID-19 or must self-isolate or quarantine due to COVID-19 are able to do so without losing their job or pay.
- All California workers who need to care for a child or dependent family member whose normal school or care is unavailable due to COVID-19 are able to do so without losing their job or pay.
- All California workers are able to receive the COVID-19 vaccine and recover from its side effects without losing their job or pay.

## MOU Requirement

California law secures protections for safe working conditions that protect students, staff, and their families. Government Code Section 3543.2 requires public school employers to bargain over certain subjects such as wages, hours of employment, and other terms and conditions of employment. These subjects explicitly include “safety conditions of employment,” providing that employers can only make changes to mandatory subjects of bargaining if they have negotiated and reached agreement with the exclusive representatives. The mitigation strategies in this document must be implemented with the input and agreement of the employees providing these services and their exclusive representatives. It is important for the Legislature to ensure that LEAs comply with existing law related to bargaining requirements.

## Funding to Implement Mitigation Strategies

We oppose the use of Prop-98 dollars for non-instructional purposes related to pandemic response, as those funds are needed for instructional purposes. We urge the state to use available discretionary federal funds (ESSER, GEER or future federal funding) or General Fund dollars for these purposes. These funds should be provided to all LEAs to implement the mitigation strategies discussed above to re-open for in-person instruction.

### Funding to Prioritize Equity

Recognizing that communities of color have been disproportionately impacted by the pandemic, the state must utilize an equity-based funding model that prioritizes the distribution of resources to those communities. We must work to mitigate the impact of COVID-19 in Black and Latinx communities in particular who are disproportionately impacted by high COVID-19 death rates (Black death rate 12% higher than statewide; Latinx death rate 20% higher), high rates of unemployment filings, and low vaccination rates. We support targeting funding consistent with the Local Control Funding Formula, including Supplemental and Concentration grants.

## Enforcement, Accountability and Transparency

The January 14, 2021 CDPH Consolidated Schools Guidance and Cal/OSHA Emergency Temporary Standards (ETS) include clear and practical requirements for LEAs to follow to protect the health and safety of students and staff. In order for the guidance and standards to be effective, they must be enforced. When LEAs are held accountable for these standards, students, parents, and employees have assurances that campuses are prepared for students to return.

We encourage the Legislature and the Governor to ensure the appropriate agencies have the resources necessary to enforce these protective measures. Just like school employees are held accountable for our work in supporting students, LEAs must be held accountable for protecting students and staff.

The January 14, 2021 CDPH Consolidated Schools Guidance also requires LEAs to develop COVID-19 Safety Plans and to report the following information:

- In-person instruction that is provided full-time, including whether provided for all grades served by the local educational agency or private school or only certain grade spans.



- In-person instruction that is provided only part-time (hybrid model), including whether provided for all grades served by the local educational agency or private school or only certain grade spans.
- In-person instruction and services are provided only pursuant to the Guidance Related to Cohorts issued by the California Department of Public Health.
- No in-person instruction and services are provided (distance learning only).

Without this information, students, parents, employees, and communities are blind to what is going on in their communities and across the state in terms of LEA COVID-19 response. It is critical that all LEAs comply with these reporting requirements. The state must implement appropriate enforcement of these reporting requirements and immediately publish this data on [schools.covid19.ca.gov](https://schools.covid19.ca.gov) to ensure the availability of this information to all Californians.