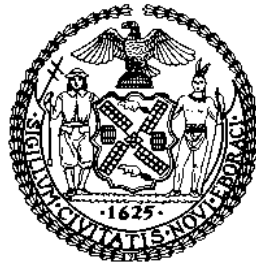


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**THE COUNCIL OF THE CITY OF NEW YORK**

**COMMITTEE REPORT OF THE HUMAN SERVICES DIVISION**

Jeffrey Baker, *Legislative Director*  
Andrea Vazquez, *Deputy Director*

**COMMITTEE ON EDUCATION**

Hon. Mark Treyger, *Chair*

**September 3, 2020**

**RESOLUTION NO. 1410-A**

By Council Members Treyger, Cumbo, Chin, Constantinides, Levin, Reynoso, Rivera, Brannan, Cohen, Kallos, Gjonaj, Lancman, Ampy-Samuel, Vallone, Rose, Menchaca, Cabrera, Salamanca, Rosenthal, Richards, Moya, Holden, Cornegy, Levine, Gibson, Ayala, Adams, Van Bramer, Maisel, Koslowitz, Torres, Dromm, Grodenchik, Louis, Lander and Rodriguez

**TITLE:**

Resolution calling on the Department of Education to only open school buildings that have met the health and safety standards prescribed in the UFT 50-item checklist and

implement a medically recommended mandatory randomized COVID-19 testing program for adults and students in all school buildings as agreed upon by the administration and the labor organizations representing school personnel including UFT, CSA, and DC37

## **Background**

The first human cases of COVID-19, the disease caused by the SARS-CoV-2 virus (coronavirus), were reported in December 2019 in Wuhan City, China.<sup>1</sup> Since then, the coronavirus has infected millions of people across the world with John Hopkins University of Medicine reporting that there were over 25 million cases of coronavirus and nearly 860,000 coronavirus deaths globally as of September 2, 2020.<sup>2</sup> While the first case of coronavirus in New York State (NYS) was reported in New York City (NYC) on March 1, 2020, there has been over 435,000 coronavirus positive cases and over 25,000 coronavirus related fatalities across the state as of September 1, 2020.<sup>3</sup>

## **New York State Guidance on School Reopening**

Recognizing how quickly the coronavirus spreads,<sup>4</sup> during the onset of the first case reaching NYS, Governor Andrew Cuomo took measures to curb the spread including requiring non-essential businesses, organizations, and institutions to close its buildings, with many choosing to operate remotely. While the Governor signed an executive order on March 16 to close school

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<sup>1</sup> World Health Organization (WHO). “Coronavirus disease 2019 (COVID-19) Situation Report – 94,” April 23, 2020. Accessed at: [https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200423-sitrep-94-covid-19.pdf?sfvrsn=b8304bf0\\_2](https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200423-sitrep-94-covid-19.pdf?sfvrsn=b8304bf0_2).

<sup>2</sup> John Hopkins University of Medicine. “Covid-19 Dashboard by the Center for Systems Science and Engineering at John Hopkins University,” Sept. 2, 2020. Accessed at: <https://coronavirus.jhu.edu/map.html>.

<sup>3</sup> New York City Emergency Management, “NYC Covid-19 Senior Leadership Brief,” Aug. 27, 2020.

<sup>4</sup> The coronavirus primarily spreads from person to person through respiratory droplets emitted when an infected individual sneezes or coughs.

buildings for two weeks by March 18, 2020,<sup>5</sup> NYC's public school system closed its school buildings to students on March 16, 2020, shifting the City's 1.1 million students to fully remote learning.<sup>6</sup> On April 7, 2020, Governor Cuomo signed Executive Order No. 202.14, which extended and directed schools to stay closed through April 29.<sup>7</sup> The Governor's final action with relation to keeping school buildings closed was on May 17, 2020, when he signed Executive Order No. 202.28 which mandated that all schools in the state would remain closed for the remainder of the 2019-20 school year.<sup>8</sup> Additionally, the Governor set forth a four phase re-opening plan for the state, with phase four permitting the reopening of higher education and pre-K to grade 12 schools.<sup>9</sup>

One of the most pertinent questions facing every school district in the country is whether or when school buildings will reopen for in-person instruction the 2020-2021 school year. Reopening options have ranged from fully reopening school buildings to a hybrid model which mixes in-person learning and remote learning and finally, full remote instruction. There has been contentious debate in the city from educators, parents, students and advocates about how and if NYC public school buildings should reopen.

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<sup>5</sup> Governor Andrew M. Cuomo Press Release. "Governor Cuomo Signs Executive Order Closing Schools Statewide for Two Weeks." March 16, 2020. Accessed at: <https://www.governor.ny.gov/news/governor-cuomo-signs-executive-order-closing-schools-statewide-two-weeks>.

<sup>6</sup> Mayor Bill de Blasio Press Release. "New York City to Close All School Buildings and Transition to Remote Learning," March 15, 2020. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/151-20/new-york-city-close-all-school-buildings-transition-remote-learning>

<sup>7</sup> Executive Order No. 202.4 (signed March 16, 2020) ordered all schools in New York State until April 1. Executive Order No. 202.11 (signed March 26, 2020) extended the school closure until April 15. Executive Order No. 202.14 (signed April 7, 2020) extended the school closure until April 29. Executive Order No. 202.18 (signed April 16, 2020) extended the school closure until May 15. See <https://www.governor.ny.gov/executive-orders>.

<sup>8</sup> *Id.*

<sup>9</sup> The State of New York. "Phase Four Industries." Accessed at: <https://forward.ny.gov/phase-four-industries>.

## New York State Board of Regents and State Education Department

The New York State Board of Regents conducted four virtual regional reopening task force meetings between June 15 and June 24.<sup>10</sup> From these meetings, the Regents in collaboration with the New York State Education Department (NYSED) created a framework to provide schools “with the flexibility they will need to develop and implement creative solutions to their unique, local circumstances.”<sup>11</sup> This framework, which was released on July 13, 2020, considered in-person instruction, remote instruction and a combination of the two.<sup>12</sup> The framework was incorporated into guidance that include actions that schools are required to take and best practice recommendations.<sup>13</sup> Topics covered include:

- Health and safety;
- Facilities;
- Nutrition
- Social-emotional well-being;
- School schedules;
- Budget and fiscal;
- Attendance and chronic absenteeism; and
- Technology and connectivity.<sup>14</sup>

Schools had to meet the requirements as outlined by the Regents and NYSED, and also ensure that plans met the requirements as outlined by the State’s health officials.

## New York State Department of Health

On July 13, 2020, the New York State Department of Health (DOH) issued *Interim Guidance for In-Person Instruction at Pre-K to Grade 12 Schools During the COVID-19 Public*

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<sup>10</sup> New York Education Department. “School Reopening Plans.” Accessed at: <http://www.nysed.gov/reopening-schools/school-reopening-plans>.

<sup>11</sup> New York State Education Department. “Recovering, Rebuilding, and Renewing: The Spirit of New York’s Schools Reopening Guidance.” Accessed at: <http://www.nysed.gov/common/nysed/files/programs/reopening-schools/nys-p12-school-reopening-guidance.pdf>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

*Health Emergency*.<sup>15</sup> This guidance document, which covers public and private schools, their employees, students, contractors and parents/guardians of students, provides context for individual school districts in developing reopening plans for this fall, in conjunction with the NYSED guidance issued on the same day.<sup>16</sup> The guidance indicates that every school district was required to submit their reopening plans for approval to both DOH and NYSED.<sup>17</sup> Each district developing their plans, at a minimum, had to cover the following criteria:

- Reopening of school facilities for in-person instruction;
- Monitoring of health conditions;
- Containment of potential transmission of COVID-19; and
- Closure of school facilities and in-person instruction, if necessitated by widespread virus transmission.<sup>18</sup>

The guidance covers not only aspects of in-person learning, but also transportation, ventilation, contact tracing, food services and an additional range of items that districts must consider and incorporate into their school reopening plans.<sup>19</sup> Plans were due to the State by July 31.<sup>20</sup>

Finally, the Governor also imposed an infection rate threshold that would determine if schools were permitted to resume in-person learning in September.<sup>21</sup> Schools in a region can reopen if that region’s “daily infection rate remains below 5 percent or lower using a 14-day average since unPAUSE was lifted.”<sup>22</sup> Schools will close “if the regional infection rate rises above

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<sup>15</sup> New York State Department of Health. “Pre-K to Grade 12 Master Guidance.” Accessed at: [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Pre-K\\_to\\_Grade\\_12\\_Schools\\_MasterGuidance.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Pre-K_to_Grade_12_Schools_MasterGuidance.pdf).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Governor Andrew M. Cuomo Press Release. “Governor Cuomo Announces New Data-Driven Guidance for Reopening Schools.” July 13, 2020. Accessed at: <https://www.governor.ny.gov/news/governor-cuomo-announces-new-data-driven-guidance-reopening-schools>.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

9 percent, using a 7-day average, after August 1.”<sup>23</sup> On August 7, 2020, Governor Cuomo announced that schools across the entire state were permitted to resume in-person learning in September based on infection rates in each of the State’s regions.<sup>24</sup>

### **New York City Department of Education’s Reopening Plan**

On Wednesday, July 8, 2020, Mayor de Blasio and Chancellor Carranza unveiled their school reopening plan, “Blended Learning,” for NYC public schools.<sup>25</sup> The plan called for blended learning, a combination of onsite instruction and remote learning for students.<sup>26</sup> The plan also detailed the use of Personal Protective Equipment (PPE) and social distancing requirements for schools. According to the plan, all schools will be provided PPE at no cost to the individual school this including face masks, hand sanitizer and disinfectant; every school will be deep cleaned each night with electrostatic sprayers; HVAC inspection and improvement; and isolation rooms for those students that become sick.<sup>27</sup> In releasing these plans, the Mayor also announced that, if 3% or more of New Yorkers who are tested for COVID-19 are found to have the virus after school buildings are reopened, school buildings will close again, and 100% of learning will be remote for every student.<sup>28</sup> The schedule released with the plan is as follows<sup>29</sup>:

- July 8: All principals provided with scheduling options
- July 8: School budgets released to principals
- July 15: Parent portal opens for families to sign up for fully remote instruction
- July 16: First virtual Family Information Session

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<sup>23</sup> *Id.*

<sup>24</sup> Governor Andrew M. Cuomo Press Release. “Governor Cuomo Announces That, Based on Each Region's Infection Rate, Schools Across New York State are Permitted to Open This Fall.” August 7, 2020. Accessed at: <https://www.governor.ny.gov/news/audio-rush-transcript-governor-cuomo-announces-based-each-regions-infection-rate-schools-across>.

<sup>25</sup> ABC 7 Eyewitness News. “Reopen News: Mayor, chancellor outline NYC Schools reopening plan for fall.” July 8, 2020. Accessed at: <https://abc7ny.com/new-york-city-schools-reopen-school-nyc-coronavirus/6306451/>.

<sup>26</sup> New York City Department of Education Elected Official Briefing – Schools Reopening Plan, July 8, 2020.

<sup>27</sup> *Id.*

<sup>28</sup> New York City Department of Education. “Update for Families on Health and Safety Protocols.” August 3, 2020. Accessed at: <https://www.schools.nyc.gov/about-us/news/chancellor-s-message-for-families>.

<sup>29</sup> ABC 7 Eyewitness News. “Reopen News: Mayor, chancellor outline NYC Schools reopening plan for fall.” July 8, 2020. Accessed at: <https://abc7ny.com/new-york-city-schools-reopen-school-nyc-coronavirus/6306451/>.

- August 7: Deadline for families to opt for fully-remote instruction and staff to submit medical accommodation.

In a DOE survey of parents on learning preference, launched in late July, DOE reported that approximately 264,000—or 26%—chose full remote learning.<sup>30</sup> When surveyed earlier in the summer on their learning preference, DOE received approximately 400,000 responses— 75% of which indicated a desire to return to in-person learning.<sup>31</sup> Finally, on July 16, the Mayor announced that the City would be providing free childcare for 100,000 children in the fall to “provide relief for families who cannot stay home or find alternate care for their children on days they are not in school buildings.”<sup>32</sup> The Mayor and Chancellor set a school reopening date of September 10, 2020.

On Tuesday, September 1, 2020, Mayor Bill de Blasio, Chancellor Richard Carranza and United Federation of Teachers (UFT) president, Michael Mulgrew, announced a delay to the reopening of NYC public schools.<sup>33</sup> According to the deal reached, the 2020-21 school year will be moved from Thursday, September 10 to Wednesday, September 16 in which all students will begin remote instruction to be introduced to online learning for the year.<sup>34</sup> In-person learning in school buildings will begin for hybrid learning students on Monday, September 21.<sup>35</sup> Teachers will report to buildings on September 8 as originally scheduled and will have six total citywide professional development days to coordinate, collaborate and prepare for blended learning.<sup>36</sup> Finally, with respect to testing, there will be a medical monitoring program where random monthly

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<sup>30</sup> New York City Department of Education. “Update on Family Learning Preference Survey.” August 18, 2020. Information on file with committee staff. *Note: In the remote learning survey, DOE made the no response - default choice blended learning. Therefore there is an unknown bias towards blended learning (source: City Council Data Analytics Team).*

<sup>31</sup> *Id.*

<sup>32</sup> Mayor Bill de Blasio Press Release. “Mayor de Blasio Announces Free Childcare for 100,000 Students in the Fall.” July 16, 2020. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news.page>.

<sup>33</sup> Mayor Bill de Blasio Press Release. “Mayor de Blasio, Chancellor Carranza, and Labor Reach Agreement to Reopen New York City Schools.” September 1, 2020. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/627-20/mayor-de-blasio-chancellor-carranza-labor-reach-agreement-reopen-new-york-city-schools#/0>.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

testing will be conducted of school community members in a process approved by City health care experts and the UFT’s medical advisors.<sup>37</sup> This is in addition to the City’s free medical testing program for all NYC residents.

The hybrid schedule set forth below includes five models to be adopted by NYC public schools—two of these models are exclusively for District 75 schools.<sup>38</sup>

**Student Group Rotation Models**

*Model 1: Alternating days with rotating Mondays, two in-person student groups*

This model is available for elementary, middle, and high schools.<sup>39</sup> It assumes that a school can accommodate 50 percent of its student population who participate in in-person learning.<sup>40</sup> In this model, there are two in-person student groups and one fully remote student group.<sup>41</sup> Students in this model will receive in-person learning for the same two days each week and alternating Mondays which results in five days of in-person instruction for each student over the course of two weeks.<sup>42</sup>

**Model 1 Student Rotation Chart<sup>43</sup>**

Week	Monday	Tuesday	Wednesday	Thursday	Friday
	Group D (All-Remote)				
One	Group A	Group A	Group B	Group A	Group B
Two	Group B	Group A	Group B	Group A	Group B

Week	Monday	Tuesday	Wednesday	Thursday	Friday
	Group D (All-Remote)				
One	Group A	Group A	Group A	Group B	Group B
Two	Group B	Group A	Group A	Group B	Group B

<sup>37</sup> *Id.*

<sup>38</sup> New York City Department of Education. “School Scheduling Models.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/district-school-reopening-plan-submission-to-nysed/school-scheduling-models>

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* New York City Department of Education. “School Scheduling Models.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/district-school-reopening-plan-submission-to-nysed/school-scheduling-models>.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> New York City Department of Education Elected Official Briefing – Schools Reopening Plan, July 8, 2020.



*Model 2: One to two days per week in alternating weeks, three in-person student groups*

Model 2 is available for elementary middle and high schools, although it is “Chancellor Recommended” for middle schools.<sup>44</sup> This model assumes that a school can accommodate one third of its students who participate in in-person learning.<sup>45</sup> This model has a three-week cycle that will repeat.<sup>46</sup> For each group there will be one consistent day of the week that students attend in-person learning with Monday and Tuesday rotating between groups. Students will receive in-person instruction 1-2 days per week for a total of 5 days every 3 weeks.<sup>47</sup>

Model 2 Student Rotation Chart<sup>48</sup>

Week	Monday	Tuesday	Wednesday	Thursday	Friday
	Group D (All-Remote)				
One	Group A	Group B	Group A	Group B	Group C
Two	Group B	Group C	Group A	Group B	Group C
Three	Group C	Group A	Group A	Group B	Group C

*Model 3: Six day rotation with one to two days per week, three in-person student groups*

This model is only available to middle and high schools, and it assumes that a school can accommodate one third of its students participating in in-person learning.<sup>49</sup> In this model, there are three in-person student groups and one fully remote student group.<sup>50</sup> This model uses a six day

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<sup>44</sup> New York City Department of Education. “School Scheduling Models.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/district-school-reopening-plan-submission-to-nysed/school-scheduling-models>.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> New York City Department of Education Elected Official Briefing – Schools Reopening Plan, July 8, 2020.

<sup>49</sup> New York City Department of Education. “School Scheduling Models.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/district-school-reopening-plan-submission-to-nysed/school-scheduling-models>.

<sup>50</sup> *Id.*

rotation schedule, allowing students to receive in-person learning two days and remote learning four days in a six day cycle.<sup>51</sup>

Model 3 Student Rotation Chart<sup>52</sup>

<b>Model 3A</b>					
Mon.	Tues.	Wed.	Thurs.	Fri.	Mon.
Group D (Remote)					Group D
Group A	Group B	Group C	Group A	Group B	Group C

6-Day Rotation

<b>Model 3B</b>					
Mon.	Tues.	Wed.	Thurs.	Fri.	Mon.
Group D (Remote)					Group D
Group A	Group A	Group B	Group B	Group C	Group C

6-Day Rotation

*Model 4: Every other week, two in-person student groups*

This model is available to District 75 schools only.<sup>53</sup> It assumes that a school can serve at least half of its students who participate in in-person learning.<sup>54</sup> In this model, there are either two or three in-person student groups and one fully remote student group.<sup>55</sup> This model has students in school every other week, with a potential for some groups to be in-person five days a week every

<sup>51</sup> *Id.*

<sup>52</sup> New York City Department of Education Elected Official Briefing – Schools Reopening Plan, July 8, 2020.

<sup>53</sup> New York City Department of Education. “School Scheduling Models.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/district-school-reopening-plan-submission-to-nysed/school-scheduling-models>.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

week dependent on student need.<sup>56</sup> Students will receive in-person instruction for five days every other week.<sup>57</sup> An optional third group will receive in-person instruction every week in-person.<sup>58</sup>

Model 4 Student Rotation Chart<sup>59</sup>

**Model 4A**

Week	Mon.	Tues.	Wed.	Thurs.	Fri.
	Group D (Remote)				
1	Group A	Group A	Group A	Group A	Group A
2	Group B	Group B	Group B	Group B	Group B

**Model 4B**

Week	Mon.	Tues.	Wed.	Thurs.	Fri.
	Group D (Remote)				
Group C					
1	Group A	Group A	Group A	Group A	Group A
2	Group B	Group B	Group B	Group B	Group B

In-Person Instruction

*Model 5: Two to three days per week (rotating Monday), two in-person student groups*

Like model 4, model 5 is available to district 75 schools only.<sup>60</sup> In this model, there are two in-person student groups and one fully remote student group, and a potential for a fully in-person group.<sup>61</sup> Students will receive in-person learning on two consecutive days per week—Tuesdays and Wednesdays for one group and Thursday and Fridays for the other group—with groups alternating Mondays.<sup>62</sup> These students will participate in remote learning for non-in person

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<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> New York City Department of Education Elected Official Briefing – Schools Reopening Plan, July 8, 2020.

<sup>60</sup> *Id.*

<sup>61</sup> New York City Department of Education, “School Scheduling Models.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/district-school-reopening-plan-submission-to-nysed/school-scheduling-models>.

<sup>62</sup> *Id.*

days. An optional third group will receive in-person instruction consistently in-person.<sup>63</sup> Students who receive two in person instruction days per week will receive additional in-person time on alternating Mondays.<sup>64</sup>

Model 5 Student Rotation Chart<sup>65</sup>

**Model 5A**

Week	Mon.	Tues.	Wed.	Thurs.	Fri.
	Group D (Remote)				
1	Group A	Group A	Group A	Group B	Group B
2	Group B	Group A	Group A	Group B	Group B

**Model 5B**

Week	Mon.	Tues.	Wed.	Thurs.	Fri.
	Group D (Remote)				
	Group C				
1	Group A	Group A	Group A	Group B	Group B
2	Group B	Group A	Group A	Group B	Group B

In-Person Instruction

Notably, all of the models allow for a group of students to engage in complete remote learning, and on days when students aren't engaging in in-person learning, it is expected that they are learning remotely.<sup>66</sup> Additionally, school administrators were permitted to request an exception to the proposed programming models for the following reasons:

- The recommended models are not feasible given space, staffing, family choice and expected in-person attendance.

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<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> New York City Department of Education Elected Official Briefing – Schools Reopening Plan, July 8, 2020.

<sup>66</sup> New York City Department of Education. “School Scheduling Models.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/district-school-reopening-plan-submission-to-nysed/school-scheduling-models>.

- Schools have unique programmatic needs that must be addressed, to better meet the needs of the community and the proposed exception has staff and parental support.<sup>67</sup>

### DOE Safety Precautions

Mayor de Blasio and Chancellor Carranza introduced a list of safety precautions the administration would take to safely reopen schools.<sup>68</sup> First the DOE committed to not reopening (and closing) school buildings if the percent of positive coronavirus tests in NYC exceeds three percent using a seven day rolling average.<sup>69</sup> The administration also committed to providing nursing coverage for schools serving kindergarten through 12<sup>th</sup> grade through a NYC Health + Hospitals nursing contract for 400 full-time onsite nurses.<sup>70</sup> Notably, DOE's more than 2,000 early childhood care programs and new Learning Bridges childcare programs will receive two layers of nursing coverage including 100 contracted nurses to provide geographic coverage and additional tele-health nursing providers that will be available to staff through a hotline.<sup>71</sup> Recently, the administration announced that they encourage schools to use outdoor space for classes that require additional spacing based on public health guidance.<sup>72</sup> DOE also committed to providing schools with supplies to protect students and staff from COVID-19, including soap, hand sanitizer, disinfectants, and thermometers.<sup>73</sup>

### *DOE's Building Safety Measures*

In addition to the aforementioned plans, in its Health and Safety Plan, DOE set forth several building safety measures it would take to make school buildings safer.<sup>74</sup> These measures include

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<sup>67</sup> *Id.*

<sup>68</sup> New York City Department of Education. "School Scheduling Models." Accessed at: <https://www.schools.nyc.gov/school-year-20-21/return-to-school-2020/health-and-safety>.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

allowing schools to modify or reconfigure spaces to comply with physical distancing rules, and requiring schools to have a designated isolation room to utilize if a student exhibits COVID-19 symptoms.<sup>75</sup> The DOE is currently improving ventilation in school buildings including repairing windows, repairing HVAC systems, and replacing air filters in buildings with central HVAC systems.<sup>76</sup> The Department also announced that throughout the school year it would do the following:

- Provide adequate cleaning and disinfection supplies or plan to procure those supplies.
- Require deep cleanings to be completed on a nightly basis, including with the use of electrostatic sprayers.
- Improve HVAC systems to ensure proper ventilation.
- Set-up enhanced cleaning in classrooms, bathrooms, and for high touch areas such as doorknobs and shared equipment such as laptops.
- Provide teachers with cleaning supplies for classrooms.<sup>77</sup>

#### *DOE's Testing and Tracing Plan*

The DOE also announced a testing and tracing protocol to prevent the spread of the coronavirus in schools.<sup>78</sup> DOE staff will be asked to take a COVID-19 test before the first day of school, and school staff will be given priority access for free testing at 34 city-operated testing sites with expedited results.<sup>79</sup> DOE is also requiring individuals from the school community to stay home if they feel sick and if they have symptoms that are consistent with COVID-19.<sup>80</sup> If a student feels sick while in school they will be isolated until they are picked up from school, and staff who exhibit COVID-19 symptoms will be asked to leave the school building promptly.<sup>81</sup>

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<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

The following scenarios and protocols were set forth by DOE which will warrant a classroom or school closure:

**DOE’s Scenario Planning for Classrooms and full School Closures<sup>82</sup>**

<b>Conclusion of Investigation</b>	<b>During Investigation</b>	<b>Post Investigation</b>
<b>A.</b> One confirmed case	Close Classroom	Classroom remains closed for 14 days; students and staff in close contact with positive case self-quarantine for 14 days.
<b>B.</b> At least 2 cases linked together in school, same classroom	Close Classroom	Classroom remains closed for 14 days; students and staff in close contact with positive cases self-quarantine for 14 days
<b>C.</b> At least 2 cases linked together in school, different classrooms	Close school	Classrooms of each case remain closed and quarantined, additional school members are quarantined based on where the exposure was in the school (e.g., the locker room);
<b>D.</b> At least 2 cases linked together by circumstances outside of school (i.e., acquired infection by different setting and source)	Close school	School opens post investigation, classrooms remain closed for 14 days
<b>E.</b> At least 2 cases not linked but exposure confirmed for each one outside of school setting	Close school	School opens post investigation, classrooms remain closed for 14 days
<b>F.</b> Link unable to be determined	Close school	Close school for 14 days

When a student is quarantining at home, DOE expects that they participate in remote learning if they are healthy enough to do so.<sup>83</sup> If a school building is closed, the school will inform families that the schools will reopen by 6pm on the night before about the status of reopening the following morning.<sup>84</sup> DOE will not reopen school buildings unless public health experts inform them that it is safe to do so.<sup>85</sup>

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<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

## DOE Key Dates Timeline<sup>86</sup>

- June 12 – Return to School Survey 2020 launched
- Week of June 22 – Schools are asked to conduct building walkthroughs with their School Leadership Teams to evaluate building capacity
- July 8 – DOE announces preliminary school reopening plan for 2020-2021 school year
- July 14 – DOE launches a series of family and student information sessions
- July 16 – Mayor announces free childcare for 100,000 students the fall
- July 23 – DOE announces new guidance to schools regarding physical education, arts, and the program model exception process
- July 31 – DOE announces test and trace protocols for the 2020-2021 school year in partnership with the Department of Health and Mental Hygiene (DOHMH), Health + Hospitals, the NYC Test + Trace Corps
- August 3 – DOE sends families an update on criteria to open schools and keep them open, what happens if someone gets sick, and overall health and safety protocols for every school
- August 6 – DOE asks families that have opted for full remote learning if they wish to change their decision
- August 13 – The Mayor and Chancellor announce that there will be a nurse in every school building on the first day of school

## Issues and Concerns

There have been growing concerns about the DOE's decision to reopen school buildings on September 10, 2020 with many skeptics questioning if it is safe to do so. Notably, as previously mentioned, the Department pushed the reopening of school buildings back 10 days. NYC is the only large school district in the nation planning to reopen its school buildings this fall.<sup>87</sup> Los Angeles, for example, is planning to begin the school year remotely, and the district announced a projected \$150 million contact and trace system for its 500,000 students and 75,000 employees.<sup>88</sup> On the other hand, advocates question if New York City has enough funding to ensure that school

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<sup>86</sup> Department of Education Intergovernmental Affairs Elected Officials Updates. Information on file with committee staff.

<sup>87</sup> Christina Vega, "NYC teachers union ups the pressure to delay school reopening, demanding COVID-19 tests for students and staff," Aug. 19, 2020. Accessed at <https://ny.chalkbeat.org/2020/8/19/21376206/nyc-teachers-union-demanding-covid-tests>.

<sup>88</sup> *Id.*



buildings have appropriate cleaning supplies and protective gear to last beyond the first month of school.<sup>89</sup>

Additionally, it took massive public pressure for DOE to close school buildings and even when buildings closed for students on March 16, 2020, the department did not close buildings for staff until March 23. While it is challenging to determine where staff contracted the coronavirus, as of June 22, 2020, 79 DOE employees, including 31 teachers, 28 paraprofessionals, two administrators lost their lives to coronavirus-related illness.<sup>90</sup> For example, the DOE is currently being criticized for its airflow test in which custodial staff place toilet paper at the end of a stick to determine air flow in classrooms.<sup>91</sup>

In addition to the aforementioned issues and concerns, major school unions raised additional concerns about DOE's reopening plan.

#### *Concerns Raised by the Council of School Supervisors and Administrators*

On Wednesday, August 12, 2020, the Council of School Supervisors and Administrators (CSA), sent a letter to Mayor de Blasio and Chancellor Carranza urging a delay to the planned September 10 reopening of NYC public school buildings. In the letter, the CSA contends that more time before the start of in-person learning will allow basic questions to be answered. Some of those questions include: i) when will nurses be hired for schools in need; ii) how will school communities be notified of repairs to ventilation systems; iii) when will schools receive PPE equipment and

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<sup>89</sup> Christina Vega and Amy Zimmer, "Toilet paper on a stick? It's just one way to test ventilation in NYC schools," Aug. 26, 2020. Accessed at <https://ny.chalkbeat.org/2020/8/26/21403495/tissue-paper-test-ventilation-nyc-schools>

<sup>90</sup> New York City Department of Education, "COVID-19 Reporting." Accessed at: <https://www.schools.nyc.gov/school-year-20-21/district-school-reopening-plan-submission-to-nysed/school-scheduling-models>

<sup>91</sup> Christina Vega and Amy Zimmer, "Toilet paper on a stick? It's just one way to test ventilation in NYC schools," Aug. 26, 2020. Accessed at <https://ny.chalkbeat.org/2020/8/26/21403495/tissue-paper-test-ventilation-nyc-schools>

other safety equipment; and iv) when will guidance be issued to address students with disabilities and special needs.<sup>92</sup>

Finally, the letter addressed the approval time for individual school plans. Individual school plans were due the week of August 10, and by the time plans are approved, school leadership teams would “have less than 15 working days to prepare for the arrival of students without much of the necessary guidance and training in place.”<sup>93</sup>

### *Concerns Raised by the United Federation of Teachers*

In response to the CSA letter, the UFT issued a statement on August 12, on “the need to delay reopening of school buildings.”<sup>94</sup> On August 20, the UFT released its own school safety plan.<sup>95</sup> The checklist include topics such as PPE and safety supplies; ventilation; nurses; signage; and food.<sup>96</sup> In developing this checklist, the UFT stated that any school building “that fails to meet these guidelines should be off-limits to children, parents and teachers until the problems are corrected.”<sup>97</sup> The UFT also “vowed to go to court or take a job action — including a strike — if the city attempts to reopen any school building that does not meet the criteria in a safety plan created by the union.”<sup>98</sup> Additionally the union also urged both teachers and children, when possible, to immediately get a COVID-19 antibody test.<sup>99</sup> In releasing their plan, the UFT contends

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<sup>92</sup> Letter on file with committee staff.

<sup>93</sup> *Id.*

<sup>94</sup> United Federation of Teachers, “UFT on the need to delay reopening of school buildings.” August 12, 2020. Accessed at: <https://www.uft.org/news/press-releases/uft-on-need-delay-reopening-school-buildings>.

<sup>95</sup> United Federation of Teachers, “UFT School Health and Safety Reports.” Accessed at: <https://www.uft.org/sites/default/files/attachments/coronavirus-school-checklist.pdf>.

<sup>96</sup> *Id.*

<sup>97</sup> United Federation of Teachers. “Teachers union, medical experts, elected officials, and parent and community groups: Individual schools deemed unsafe must remain closed. August 19, 2020. Accessed at: <https://www.uft.org/news/press-releases/teachers-union-medical-experts-elected-officials-and-parent-and-community-groups-individual-schools>.

<sup>98</sup> United Federation of Teachers, “UFT threatens actions if unsafe school buildings open.” August 20, 2020. Accessed at: <https://www.uft.org/news/news-stories/uft-threatens-actions-if-unsafe-school-buildings-open>.

<sup>99</sup> United Federation of Teachers. “Teachers union, medical experts, elected officials, and parent and community groups: Individual schools deemed unsafe must remain closed. August 19, 2020. Accessed at:

that “those who cannot get such a test or test negative for antibodies will need to get a test for the active coronavirus in the 10 days before their school reopens and those who test positive will attend school remotely.”<sup>100</sup>

## **Conclusion**

Today’s hearing will provide an opportunity for students, parents, teachers, unions and other educational stakeholders to raise their concerns about DOE’s reopening plan.

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<https://www.uft.org/news/press-releases/teachers-union-medical-experts-elected-officials-and-parent-and-community-groups-individual-schools>.

<sup>100</sup> *Id.*

Res. No. 1410-A

Resolution calling on the Department of Education to only open school buildings that have met the health and safety standards prescribed in the UFT 50-item checklist and implement a medically recommended mandatory randomized COVID-19 testing program for adults and students in all school buildings as agreed upon by the administration and the labor organizations representing school personnel including UFT, CSA, and DC37.

By Council Members Treyger, Cumbo, Chin, Constantinides, Levin, Reynoso, Rivera, Brannan, Cohen, Kallos, Gjonaj, Lancman, Ampry-Samuel, Vallone, Rose, Menchaca, Cabrera, Salamanca, Rosenthal, Richards, Moya, Holden, Cornegy, Levine, Gibson, Ayala, Adams, Van Bramer, Maisel, Koslowitz, Torres, Dromm, Grodenchik, Louis and Lander

Whereas, On March 1, 2020, New York City (NYC) announced its first case of coronavirus disease 2019 (COVID-19) as a result of infection with severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2); and

Whereas, On March 3, 2020 New York State announced the first case of COVID-19 community spread leading to 1,000 people asked to quarantine after an infected resident attended a service in a congregate space in Westchester County;

Whereas, The Centers for Disease Control reports that SARS-CoV-2 primarily spreads from person to person through respiratory droplets emitted when an infected individual sneezes or coughs; and

Whereas, On March 11, 2020, the World Health Organization declared the rapid spreading of the SARS-CoV-2 causing the disease COVID-19 a global pandemic; and

Whereas, To curb the spread of the coronavirus, NYC's public school system closed its school buildings to students on March 16, 2020, and on March 23, 2020 to teachers, shifting the City's 1.1 million students to fully remote learning for the remainder of the 2019-20 academic school year; and

Whereas, As of June 22, 2020, 79 Department of Education (DOE) employees, including 31 teachers, 28 paraprofessionals, two administrators, as well as other members of the school

community, including bus drivers and other school staff, lost their lives to coronavirus-related illness; and

Whereas, As of August 25, 2020 NYC reported 23,666 deaths due to COVID-19; and

Whereas, On August 20, 2020, New York City Emergency Management reported that there were over 22 million COVID-19 positive cases globally and nearly 230,000 COVID-19 positive cases in NYC; and

Whereas, School districts in other states, including Georgia and Indiana, that opened their school buildings in August 2020 had to close their buildings due to widespread transmission of COVID-19; and

Whereas, In June and July 2020, many colleges and universities, including the City University of New York, announced that they will provide online instruction for the fall 2020 semester to curb the spread of COVID-19; and

Whereas, On August 31, 2020 SUNY Chancellor Jim Malatras issued an order to shut down the SUNY Oneonta campus for two weeks and asked students and professors to go to full time remote learning for two weeks after the number of positive cases exceeded the threshold of number positive cases that would trigger a campus shut down; and

Whereas, On July 31, 2020, the City announced that it would reopen its school buildings in September with a hybrid schedule that includes a combination of onsite instruction and remote learning for students; and

Whereas, New York City is the only large school district in the country that is planning to reopen its school buildings this fall; and

Whereas, The City's school reopening plan has not yet ensured that every school building in the City has been deemed safe and equipped with enough supplies and staff to curb the spread of the virus; and

Whereas, Families can choose to opt their children out of in-person learning and into fully remote learning; and

Whereas, Teachers can apply to teach remotely if they have underlying health conditions, but cannot if a family member has co-morbidities; and

Whereas, The de Blasio Administration has introduced a list of safety precautions it plans to take to reopen schools, including providing personal protective equipment (PPE) and cleaning supplies to all schools, providing access to a full-time nurse in every school building, and closing (or not reopening) school buildings if the infection rate of positive COVID-19 cases in NYC reaches three percent or above; and

Whereas, The de Blasio Administration has also stated that the City will prioritize free COVID-19 testing and expedite results for school staff, that the NYC Test + Trace Corps will investigate confirmed cases of COVID-19, and that the DOE will implement cleaning and quarantines when confirmed cases are reported in a school; and

Whereas, However, several news outlets, school administrators, teachers, and parents have reported that the implementation of such plans and protocols may be inadequate, and that the de Blasio Administration has not provided clear guidance or sufficient resources to school-based staff; and

Whereas, On August 12, 2020, the City's school administrators, represented by the Council of School Supervisors and Administrators, delivered a letter to the de Blasio Administration

questioning the lack of adequate planning for school buildings to reopen and requesting a delay to the start of in-person learning; and

Whereas, During an August 19, 2020 press conference, United Federation of Teachers (UFT) president Michael Mulgrew, representing the teachers of the City, indicated that while teachers prefer and want in-person learning, individual school buildings should not reopen on September 10, 2020 unless they meet stringent health and safety standards proposed by the union; and

Whereas, The UFT proposed a three-point health and safety plan that would require that each school: pass the UFT's comprehensive safety review on PPE, ventilation, school nurse staffing, eating areas, and hallway movement; have a COVID-19 building response team responsible for implementing the procedures needed to keep the virus at bay and to isolate and deal with it quickly if there is a case; mandate that every child and adult be tested for the virus before entering a school building whether it be an antibody or diagnostic test and create a system of random, repeated COVID testing of every school community; and

Whereas, The number of families opting to have their students receive fully remote instruction in the fall continues to grow, hitting 366,553 on September 1, 2020, and as of that date, approximately 15% of teachers requested to teach remotely; and

Whereas, According to a poll released on August 20, 2020 by The Education Trust–New York, across New York State, only 47% of Black parents and 61% of Latinx parents reported that their child will attend in-person instruction this fall where given the option, versus 74% of White parents; and

Whereas, According to the same poll, for families who are choosing to have their children learn from home, concerns of contracting COVID-19 were reported to be a major factor in their decision-making; and

Whereas, On September 1, 2020 the administration reached an agreement with labor organizations representing school personnel including UFT, CSA, and DC37 requiring all New York City public school buildings remain closed to students until September 21, while final safety arrangements are completed, including the assignment of a school nurse to every building, ventilation checks and the presence of sufficient protective and cleaning supplies; and a system of random, monthly testing of every school community to detect asymptomatic spread; and

Whereas, The agreement also mandates that the decision on whether to re-open a school building to students will be based on the UFT 50-item safety checklist, including social distancing of student desks, the availability of masks and face shields, and a room-by-room review of ventilation effectiveness; and

Whereas, School buildings or rooms that do not meet safety standards will remain closed; and

Whereas, The agreement also called on teachers working in school buildings that have been classified as safe to report to school buildings on September 8 to work with their colleagues to plan and develop strategies for the blended remote/in-person instruction that will be the learning method for the overwhelming majority of the city's public-school students; and

Whereas; After consulting with independent medical and public health experts, the epidemiologists assured that pre-school COVID-19 testing is useful but that the results soon go out of date and instead recommended, as much more effective, that the administration implement a mandatory robust system of repeated random COVID-19 testing of adults and students;



Whereas, All of the terms of the agreement were incorporated in an amendment to the city's reopening schools plan submitted to the state; now, therefore, be it,

Resolved, That the Council of the City of New York calls on the New York City Department of Education to only open school buildings that have met the health and safety standards prescribed in the UFT 50-item checklist and implement a medically recommended mandatory randomized COVID-19 testing program for adults and students in all school buildings as agreed upon by the administration and the labor organizations representing school personnel including UFT, CSA, and DC37.

LS # 16127  
9/2/20; 6:03 p.m.