



STATE OFFICIALS ANSWER LOCAL DISTRICT INQUIRIES NYSSBA HOLDS SECOND WEEKEND WEBINAR WITH TOP STAFF

Today, NYSSBA held the second of its Question and Answer webinars with state education officials. Today's webinar included Interim Commissioner Tahoe and Deputy Secretary of Education Fuller. Below, please find an outlined compilation of questions answered during the session.



Deputy Secretary Fuller: School closure will continue to be done on a two week basis (regionally rather than statewide) based on the circumstances each is facing at the time...the governor is deciding based on "data and science" and will make determinations in a way that should give districts adequate planning time.

Commissioner Tahoe: The State Education Department (SED) is trying to find additional money and flexibility for districts to purchase local technology (Chromebooks, etc.) -Smart Schools Bond Act board will expedite approval of any applications they receive.

Title 1 funds can be used to meet the crisis and Title 5 funds are designated specifically for rural areas. According to the commissioner, it's worth being in contact with the State Education Department about additional revenue that may have been secured.

The continuity of instruction is being left up to individual districts. All districts should be reaching out to students to be sure instruction is happening-not easy to find all kids but calling them eases student anxiety. SED isn't mandating interactive video instruction, however.

Will spring break cancellation mean districts will exceed 180 days or (not having Regents exams could districts end the school year earlier if they've done 180 days remotely?) Deputy Sec. Fuller: Cancelling spring break kept kids inside-not looking for schools to go beyond 180 days. We're at 130-135 right now. The governor is aware of this issue and is not looking for schools to exceed 180 total days. No Regents exams gives schools an extra week without instruction-so perhaps we'll end up trading the spring break week for that week (letting out early so that districts aren't pressed financially to pay for a week that's not in their budget.)

Initial Spec Educational evaluations of children who may have a disability should be done by teletherapy still within the 60 calendar day timeline (for students referred for a spec ed evaluation.) No flexibility has been granted by the federal government and there has been no federal waiver. However, the 60 days begins from parent consent, so the evaluation can be

delayed if the parent says it can wait (given the circumstances.) This needs to be a conversation about the legitimate reasons for a delay. If they give consent, perfect. Otherwise, it can be done by teletherapy as best as can be done-but must be done. That teletherapy evaluation can result in a determination that an additional evaluation(s) must be done when school begins again;-but the initial evaluation has to be completed.

How will summer special educational services be done and paid for? SED is working on federal aid to pay for compensatory services. Providing compensatory services is not automatic just because the student missed time during the normal year. This is a separate evaluation. Some will need it due to the layoff but it's not automatic. Districts will need to document services and student progress or regression. So perhaps more students will be eligible for programming over the summer and into next year, as there may be more regression than usual. SED will expedite applications and there is an established funding stream for those services.

The governor is currently considering the implications of the crisis on tenure decisions and teacher evaluations. (Can they be done by video, should decisions be delayed, etc.) These are currently under consideration. The administration is not looking to add additional stress to districts or teachers.

Do schools pay bus companies while not using them and if they do, does it constitute a gift of public funds? Beyond meal delivery-(The federal CARES Act suggests contractors should continue to be paid.) Some schools are saying they can't pay them, as it constitutes a gift. The administration's response is that it doesn't want to rush into decisions that will cost money. Districts are varied in whether they're paying or not. For now, this appears to be a local decision.

The governor's office is also gathering information about whether districts should pay hourly employees that didn't in fact work during the cancelled spring break (and who wouldn't have normally been paid for that week. No determination has been made at the state level.

A decision about the timing of school elections and local school budget votes hasn't been made and is currently under consideration. SED is trying to provide information to the governor's office in order to inform the decision (relaying potential adverse consequences.) The governor's office is aware of the importance of the issue.

Schools are neither a business nor a not for profit, so by definition are exempted from the ban on new construction. School construction projects can proceed provided appropriate protections are in place for the safety of workers. If the school district determines the project is vital, it can proceed (with cleaning, social distancing, etc. in place.)

Economic forecast for future aid payments: Dep. Sec. Fuller "We're in an extreme situation." The federal government should provide additional assistance. New York State has had one of the worst economic impacts from the pandemic in the nation. There is no guarantee that there won't be cuts. It's important that people contact their federal representatives to ensure federal aid comes. Otherwise (if revenue doesn't rebound) there is the possibility of aid cuts.

Is the Executive Order's statement that schools should attempt to retain staff a prohibition on lay-offs? The governor's office hasn't determined that yet.

Is free child care for health care workers permitted or required? Dep. Sec. Fuller: "We haven't specifically said schools must provide it for free. One of the success stories is how districts have partnered with existing providers. Our intent is to make sure child care and its cost wasn't an impediment to health care workers doing what needs to be done. We haven't heard that health care workers have said they can't afford it currently." Dan Fuller's presumption was that whatever arrangements districts have made to this point are working well. SED will be looking at the sufficiency of lesson plans as schools are out longer than originally anticipated.

State officials lauded everyone at the district level for meeting this challenge.

Stay safe and strong, friends,
Dave

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Executive Director