



KENTUCKY DEPARTMENT OF EDUCATION

Superintendents' Webcast

SUMMARY

WEBCAST DATE: JULY 21, 2020

CONTENT SUMMARY PUBLISHED IN KENTUCKY TEACHER:

Memorandum signed waiving leave limits; more KDE guidance released
By Jim Gaines – July 22, 2020

Lt. Gov. Jacqueline Coleman, who also serves as secretary of the Education and Workforce Development Cabinet, has signed a memorandum from Interim Commissioner of Education Kevin C. Brown that is the first step in giving local school boards more flexibility in offering emergency leave for school district employees affected by COVID-19.

The memo waives the normal 3-day limit on emergency leave, Brown said at the end of the July 21 [Special Superintendents' Webcast](#). Brown will recommend an emergency regulation to the Kentucky Board of Education that, if approved, will provide local school districts with the flexibility to grant additional emergency leave similar to that granted under Senate Bill 177, which expired with the end of the 2019-2020 school year.

New Guidance on Special Circumstances

At the start of the webcast, Brown reiterated that the [Healthy at School](#) guidance from KDE and the Kentucky Department for Public Health still is the flagship document for reopening schools this fall. Although it's not a regulatory document, its standards on wearing cloth masks, social distancing, temperature checks, cleaning and contact tracing still are mandatory.

The document is [available](#) in six languages, including Chinese, thanks to translation help from the University of Kentucky and Jefferson County Public Schools, said KDE Interim Communications Director Toni Konz Tatman.

KDE's [COVID-19 webpage](#) has links to all guidance issued since May 15, including three documents released this week, she said.

The documents, "[COVID-19 Considerations for Reopening Schools for Exceptional Learners and Preschool Students](#)" and "[COVID-19 Considerations for Reopening Schools: Compensatory Education and Extended School Year Services](#)," provide guidelines, but there are "not a lot of simple answers" on reopening schools for students who have unique individual challenges, said

KDE Associate Commissioner Gretta Hylton of the Office of Special Education and Early Learning.

For students who need teachers or staff closer than 6 feet, the document provides recommendations for personal protective equipment (PPE). Schools also should consult with their local health departments, said Veronica Sullivan, division director in KDE's Office of Special Education and Early Learning.

Regardless of how schools choose to deliver instruction, school districts must provide free, appropriate public education (FAPE) to students with disabilities, said Sylvia Starkey, division director in KDE's Office of Special Education and Early Learning. When that is not possible, the remedy is compensatory education. It is not a punishment for districts. The goal of compensatory education services is to place the student in the position he or she would have otherwise been in had there not been a denial of FAPE, she said.

Attendance and Remote Learning

School districts will take attendance of students attending in-person classes this year, but funding has been decoupled from attendance numbers, said David Cook, division director in KDE's Office of Continuous Improvement and Support.

Instead of reporting attendance, schools will record student participation through Infinite Campus, he said. Participation must be recorded every day but can be entered on a weekly basis.

Standards are outlined in the guidance document "[COVID-19 Considerations for Reopening Schools: Daily Participation and Non-Traditional Instruction](#)." An emergency regulation lays out four options for recording remote participation, Cook said. The state will collect that data from districts in October 2020, January 2021 and July 2021.

Talks on how, or whether, to hold assessment testing in the spring are underway on several levels, Brown said. The big question is whether the U.S. Department of Education is interested in waiving assessments this year, he said, and if there is a waiver, there likely will be some form of alternative assessment. He said he will leave that decision to incoming Commissioner of Education Jason Glass, who arrives in mid-September.

Town Hall on School Reopening

The state will hold a virtual town hall on reopening schools from 2-4 p.m. ET on July 23, co-hosted by KDE, Lt. Gov. Coleman and the Cabinet for Workforce Development, Brown said. The town hall is geared toward school staff but is open to the public. It will be available to watch on the KDE [Media Portal](#).

Among the speakers will be Kentucky Department for Public Health (DPH) Commissioner Dr. Steven Stack, who will talk about how contact tracing has improved since the spring, Brown said. With good record-keeping and contact tracing, a positive COVID-19 test may only require pinpoint quarantines or closing a particular school instead of an entire district.

Mask Waivers

If a student has a medical waiver for wearing a face mask but is in class with other medically fragile students, that doesn't mean the unmasked student should be kept out of the classroom, Hylton said. It would require extra precautions in distancing and sanitization.

Similarly, accommodations should be sought for students who can't wear masks instead of automatically moving them to all-virtual learning, said KDE Interim General Counsel Todd Allen.

Though Kentucky guidelines only require masks on children in 1st grade and above, local school districts can be more restrictive, mandating them for kindergarten and pre-K students as well, Brown said. Kentucky is "somewhere in the middle" when it comes to states' COVID-19 restrictions, he said.

Dr. Connie White, DPH deputy commissioner, said her office is getting calls from doctors whose patients are demanding medical exemptions from wearing a face mask, but she said there are very few legitimate cases of people who can't wear one. Students with mild asthma definitely need to wear masks because they're at higher risk of serious COVID-19 infection, she said.

Parents of other students won't typically be notified if a student has a medical exemption from mask-wearing, Allen said. Instead, schools should take extra precautions to distance students who are unable to wear a mask for medical reasons to protect both the student unable to wear a mask, as well as those wearing masks.

If a parent asks why a particular student isn't wearing a mask, school administrators can say that a small number of people have medical exemptions, Allen said. They can say what steps the district has taken to keep students who aren't wearing masks away from other students, he said.

"I think they need to be prepared to communicate with parents about that, without identifying any specific student or medical condition of that student," Allen said.

Tighter COVID-19 Restrictions

Gov. Andy Beshear's rollback on July 20 of public gathering sizes from 50 people to 10 covers social gatherings, not business or government activities such as classes, Brown said.

Also on July 20, Beshear said that people who visit states with a COVID-19 positive test rate of 15% or more should self-quarantine for 14 days. Teachers who visit any of the nine states Beshear named will be expected to do so, White said. Most of Kentucky's recent COVID-19 outbreaks are linked to people who recently traveled to beaches, she said.

The federal Families First Coronavirus Response Act (FFCRA) provides for some paid leave due to COVID-19 quarantine, so school personnel may be eligible for leave under the FFCRA as well as accrued leave under local school district policy, Allen said.

Responding to some confusion over the 10-day standard for COVID-19 isolation and 14-day quarantine, White said the 10-day period is in response to a positive test for the virus. That person would need to be isolated for 10 days with no symptoms before returning to school, she said.

But if someone has potentially been exposed to COVID-19, they would need to quarantine for 14 days to see if symptoms appear, White said.

QUESTIONS AND ANSWERS ADDRESSED DURING THE WEBCAST:

Agenda Item: New KDE Guidance – Exceptional Learners and Preschool Students and Compensatory Education and Extended School Year Services

Presenters: Gretta Hylton, Veronica Sullivan Sylvia Starkey

Question: Must school-based preschool programs follow childcare guidelines and maintain a class size of 10?

Answer: KDE recommends using the [room capacity calculator](#) to determine the class size.

Question: What precautions should schools take if a student has medical waiver from the mask requirement and is in a classroom with medically fragile students? Who can attend school in that classroom?

Answer: Students should not be excluded from school if they do not or cannot wear masks, but extra precautions should be taken when medically fragile students are involved. In this situation, districts must be vigilant about everyone else following the safety expectations found in the [Healthy at School flagship document](#).

Question: If a student has a medical waiver from the mask requirement, is it legal to move that student to a 100% virtual learning environment?

Answer: KDE advises against excluding students from in-person learning due to the inability to wear a mask. The school should determine how to provide the requested accommodation.

Question: If students wash hands before and after, can they still use sand or sensory bins in preschool?

Answer: KDE does not recommend the use of sensory bins if the contents cannot be cleaned. Schools may consider using individual sensory bins.

Question: If virtual instruction is the parent's choice, can the family require physical therapy and occupational therapy services be provided in the home?

Answer: Guidance from the U.S. Department of Education states this is a district decision, depending on the safety of staff and students. Districts are encouraged to work with local health departments when making this determination.

Question: Preschool teachers must assist in feeding for all preschoolers. Do they have to wear a gown and face shield during each meal with the group, or does this apply only when feeding children with unique health needs?

Answer: Wearing gowns and face shields is a recommendation, not a requirement. Districts may consult with local health departments to determine the safest way to assist with feeding, depending on the needs of individual students.

Question: The U.S. Centers for Disease Control and Prevention (CDC) recommends that children under age 2 not wear masks, but KDE guidance only requires masks for students in first grade and above. May districts mandate masks for preschool and kindergarten students?

Answer: Districts can set more prescriptive mask requirements.

Question: School policy states that if a student chooses remote learning, they must continue until the second semester. Is this a violation of least restrictive environment (LRE)? A parent has requested the option of choosing when to attend in person and when to attend virtually.

Answer: No, virtual learning only pertains to a change of location and does not affect LRE. If there are services that a district can only offer in person, such as orientation and mobility services, and the parent refuses for their child to be on-site for services, the choice must be documented in admissions and release committee (ARC) minutes and compensatory education must be provided moving forward.

Question: Can ARC meetings be held virtually to limit the number of people entering school buildings?

Answer: Yes, that is encouraged if the family can meet virtually.

Question: If the ARC agrees a related service is required to provide a free and appropriate public education (FAPE), but the parent refuses to participate, should districts continue to document the attempts?

Answer: Yes. An ARC should be held and all attempts should be documented, as well as services missed.

Question: Can you please clarify the time requirement for preschool? The statute requires a minimum of 2.5 hours four days a week OR a program that meets community needs.

Answer: There are three options for preschool. District may provide service through a standard half-day for five days per week, a half-day for four days per week or a locally designed program approved by the commissioner. Preschool schedules should align with district plans for reopening.

Question: May teachers sanitize while students are in the classroom? For example, can manipulatives be sanitized between center rotations?

Answer: There is no recommendation precluding the practice, but caution is urged when selecting cleaning products. Schools should ensure nothing used will cause irritation to students. Individual manipulatives are encouraged when possible.

Question: Is it a violation of FAPE or LRE to require a student to stay virtual for the semester when they elect it?

Answer: No, but district must be sure to provide services as outline in the individualized education program (IEP).

Question: Can a state-funded preschool classroom have some students attend only half-day and some attend full day, or must districts offer full-day for all students if it is provided for some?

Answer: KDE will research the issue and provide the information as it becomes available.

Question: Must districts allow parents to pick and choose which services their children receive via teletherapy? This is not normally an option during in-person instruction. For example, a parent wants specially designed instruction and occupational therapy services but does not want speech therapy.

Answer: Prior written notice must be given if services will not be provided for any reason. Any service provided to students without a disability must be an option for students with disabilities.

Agenda Item: New KDE Guidance – Daily Participation and Non-Traditional Instruction

Presenter: David Cook, Director, KDE Office of Continuous Improvement and Support

Question: Will district record tardiness each day for students attending in person?

Answer: KDE will research the issue and provide an answer in forthcoming communication.

Agenda Item: New KDE Guidance – Procurement of PPE and Supplies

Presenter: Kay Kennedy, Program Consultant, KDE Office of Finance and Operations

There were no questions on this topic.

Agenda Item: COVID-19 Updates with the Kentucky Department for Public Health (Healthy at School)

Presenter: Connie White, M.D., Deputy Commissioner

Emily Messerli, DNP, APRN, DPH immunization branch manager

Question: Should districts enforce the governor’s quarantine recommendation when teachers visit other states? Should those teachers only attend staff activities virtually?

Answer: The expectation from the governor’s office is that anyone who has been out of state will self-quarantine for 14 days. Districts should consult with local health departments to determine next steps if a staff member has travelled out of state.

Question: Does the rule about being fever-free for 72 hours apply only to those with symptoms of or a diagnosis of COVID-19 or does it apply to all fevers this year?

Answer: The CDC is releasing new guidance on fevers which is being researched by the DPH. New information will be communicated with districts as it becomes available.

Question: What is the difference between a 10-day and a 14-day quarantine if someone tests positive for COVID-19 or is exposed to COVID-19?

Answer: The two time periods apply to different circumstances and reasons for isolating or quarantining. If someone tests positive for COVID-19, they must isolate for 10 days and be symptom-free to ensure they have recovered from the illness and are no longer contagious. A 14-day quarantine applies to those who have been exposed to the virus, because it can take up to 14 days for symptoms to present.

Agenda Item: General Question and Answer Session

Presenter: KDE Leadership Team

Question: How will the new reduction in group sizes in Kentucky impact schools? Will classes all have to have fewer than 10 individuals?

Answer: The governor's order applies only to social gatherings, not business entities or governmental activities. Professional learning and local board meetings are not social, so schools should follow [Healthy at Work Guidelines](#) when conducting those and similar activities.

Question: What are the options for signatures when conducting virtual meetings? Districts need to know what is legal and cost effective.

Answer: [Guidance](#) on this topic has been released from the Office of Special Education and Early Learning and will be recirculated to superintendents.

Question: Should districts enforce the governor's quarantine recommendation when teachers visit other states? Should those teachers only attend staff activities virtually?

Answer: The expectation from the governor's office is that anyone who has been out of state will self-quarantine for 14 days. Districts should consult with local health departments to determine next steps if a staff member has travelled out of state.

Question: Can a school or district restrict a teacher from coming to work if they traveled out of state? If so, how long? Would the staff member use personal time for quarantine due to travel?

Answer: KDE will research the questions and provide a response in subsequent communication. Districts are encouraged to read the [Families First Coronavirus Response Act: Questions and Answers](#) provided by the U.S. Department of Labor on this topic.

Question: Are there specific guidelines for after-school care?

Answer: If you are servicing school-aged children from your building, schools should treat it like an extension of the school day and follow [Healthy at School](#) guidelines. If children come from another school, they should have a temperature check before entering the building.

Question: When does KDE anticipate discussions will begin regarding state assessments for Spring 2021?

Answer: Discussions have begun with the Southern Regional Education Board and the Council of Chief State School Operators. Georgia has already submitted a waiver of state assessments from the U.S. Department of Education, though it is unknown what type of diagnostic assessments districts and schools may need to administer to students in lieu of high-stakes testing. It is unlikely any waiver would mirror the 2019-2020 testing waiver. Kentucky is researching the issue and will provide additional information as it becomes available.

Question: If a child has an exemption for wearing a mask, will parents of other children in the class be notified? Parents have asked about this.

Answer: Districts typically do not provide notifications of medical accommodations made for other students.

Question: Is a graduation ceremony planned for August considered a social event?

Answer: It is social but could be considered a governmental activity hosted by a school. KDE will discuss the plan with the district leader who submitted the question.

Question: When a student has been granted a medical waiver and can be in a classroom without a mask, how should districts handle the question of student health and safety when parents of other kids in the same areas/classrooms have questions?

Answer: The school could acknowledge that there is a small group of students with medical exemptions from wearing masks and explain the taken to ensure the safety of the students in those classes.

Agenda Item: Adjournment

Presenter: Kevin Brown

Discussion:

Brown informed the group that the waiver allowing districts to grant unlimited emergency leave due to COVID-19 was signed. Brown thanked everyone for their hard work on behalf of Kentucky's students.

The next superintendents' webcast is scheduled for Tuesday, July 21, at 2 p.m. ET.