



KENTUCKY DEPARTMENT OF EDUCATION

Special Superintendents' Webcast

SUMMARY

WEBCAST DATE: SEPT. 1, 2020

CONTENT SUMMARY PUBLISHED IN KENTUCKY TEACHER:

Kentucky superintendents hear Healthy at School update during webcast
By Jim Gaines – September 2, 2020

The Kentucky Department for Public Health (DPH) has updated its guidance to say that students, teachers and staff should wear face masks at all times in school and on buses, except when actively eating or drinking, unless the person has a medical waiver.

To that end, the Kentucky Department of Education's (KDE) flagship [Healthy at School](#) guidance document reflects the new expectation on pages 7-10 and 13. Kelly Foster, KDE associate commissioner in the Office of Continuous Improvement and Support, told superintendents of the updated guidance to help prevent the spread of COVID-19 during the Sept. 1 [Special Superintendents' Webcast](#).

In addition to students, masks are "expected and required" for school employees unless they have a medical condition that prevents it, Interim Commission of Education Kevin C. Brown said. In dealing with students who resist wearing masks, schools should set examples, try persuasion and other techniques before using disciplinary measures, he said.

"We think obviously that should be the last resort," Brown said.

The updated guidance comes as weekly positive COVID-19 tests in Kentucky have tripled to quadrupled since the original Healthy at School guidance was issued in June, said Dr. Connie White, DPH deputy commissioner.

"We are just in a different universe than where we were in June when this was first posted," she said. Case numbers are likely to rise again when in-person classes resume, she said, but if infection rates fall after that, some restrictions may be loosened. The intent of adding extra layers of protection is to help schools avoid future closures as a result of COVID-19 outbreaks, she said.

The change is an official expectation, not an optional best practice Brown said. The state now has a mandate for mask-wearing in public, and KDE officials made clear from the start that

Healthy at School guidance could change depending on the situation, he said. For now, masks are the cheapest and most effective method for mitigating the spread of COVID-19, Brown said.

If infection rates don't decrease by the time most schools resume in-person classes on Sept. 28, further mitigation measures may be necessary, he said.

White said it's a myth that Kentucky forbids masks for children below 1st grade. Guidelines from the U.S. Centers for Disease Control and Prevention state that masks can be worn by children over age 2, and school districts can require masks for preschool and kindergarten students, Foster said. Several districts have added that requirement to the standards already in Healthy at School, she said.

Fabric masks should be at least two-ply, and neck gaiters are acceptable if they have two layers, White said. Medical-grade or N95 masks aren't necessary for the general public, and cloth masks are far more comfortable, she said.

Students can sit closer than 6 feet apart on buses going to and from school, as long as they all remain masked and the bus is loaded from back to front, said Kay Kennedy, education consultant in KDE's Office of Finance and Operations. Passengers from the same household may sit together.

Given limited time and supply of buses and drivers, some leeway was necessary, she said.

But for traveling to sporting events or other extracurricular activities, when students are likely to ride longer and more buses should be free, students should adhere to distancing guidelines, Kennedy said.

Sports Guidance

The Kentucky High School Athletic Association (KHSAA) Board of Control decided on Aug. 20 to allow practice for fall sports to begin on Aug. 24, and for games to start on Sept. 7, upholding a tentative decision from July. On Aug. 28, the Kentucky Board of Education (KBE) voted to send KHSAA a [letter](#) asking for "additional guidance in certain areas," but did not ask KHSAA to change the dates for starting sports, said KDE General Counsel Todd Allen.

There has been no change in the substance of [KHSAA's guidance](#) since its release, but future updates are likely, said KHSAA Commissioner Julian Tackett. Response to KBE and any changes will be up to the Board of Control, he said.

Asked why superintendents who support resuming sports weren't specifically invited to speak during the KBE meeting, Brown said supporters of reopening sports were well-represented on the KHSAA Board of Control and they weren't deliberately excluded from the KBE agenda.

School Feeding Waiver

The U.S. Department of Agriculture on Aug. 31 approved a waiver to allow the extension of school summer food programs, said Robin Kinney, associate commissioner in KDE's Office of Finance and Operations. Kentucky, along with other states, had lobbied for more flexibility on feeding to deal with school shutdowns from COVID-19.

The new standards allow districts to continue under the National School Lunch Program for this school year if they wish, but alternatively would let them extend Summer Food Service Programs through Dec. 31, Kinney said. Details should be sent to school food service directors on Sept. 2, she said.

It is possible, but not guaranteed, that the waiver will be further extended to cover the entire 2020-2021 school year, Kinney said. If it does end on Dec. 31, districts could then return to using the regular National School Lunch Program, she said.

NTI Support

The KDE Division of Innovation has developed a webpage of support services for schools on managing in-person, virtual and blended instruction, said David Cook, KDE's Division of Innovation director in the Office of Continuous Improvement and Support.

The [Non-Traditional Instruction \(NTI\) Support Services](#) page includes a request form for districts to ask for any help they need on NTI, he said.

English Learner Screening

Federal legal obligations for serving English learners and their families are still in force, including the WIDA screening for English learner programs, said Jessica Sanderson, KDE Title III program consultant. The WIDA screening can't be done virtually, so a new guidance document on [English learner programs](#) was released on Aug. 31.

Students can be placed in those programs temporarily until an in-person screening can be done, Sanderson said. But the U.S. Department of Education (USED) does not allow screening extension or waivers: the limit still is 30 calendar days if a student enrolls in an English learner program at the beginning of the school year, or 14 calendar days if they enroll later, she said.

For meetings with parents, districts can schedule face-to-face meetings that follow all COVID-19 precautions, or hold those meetings online, Sanderson said. Standards will be updated as more information comes from USED, she said.

Questions can be sent to [Sanderson](#) or [Erin Sudduth](#), or answered by phone at (502) 564-3791.

QUESTIONS AND ANSWERS ADDRESSED DURING THE WEBCAST:

Agenda Item: KDE COVID-19 Considerations for Reopening Schools – English Learner (EL) Programs

Presenter: Jessica Sanderson, Title III program consultant, KDE Office of Continuous Improvement and Support

There were no questions on this topic.

Agenda Item: Non-Traditional Instruction (NTI) Support Webpage

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

There were no questions on this topic.

Agenda Item: Healthy at School Update

Presenter: Kelly Foster, associate commissioner, KDE Office of Continuous Improvement and Support

Questions on this topic are noted in the next section.

Agenda Item: COVID-19 Updates with the Kentucky Department for Public Health (DPH)
Presenters: Dr. Connie White, DPH deputy commissioner

Question: Is there an acceptable distance by which students can be separated that would not require a mask under the new guidelines?

Answer: Enclosed areas are different depending on ventilation. Research about aerosolization is being conducted to determine how long little droplets can remain in the air. It is important to consider why the expectations are in place – to reduce the spread of the virus. Given these unknowns and the current spread of COVID-19, the Healthy at School document was updated to include the expectation that students remain masked.

Question: Is the new mask guideline a recommendation or a requirement?

Answer: The change in the Healthy at School document is an expectation, not an optional best practice. The expectation is in place with the hope that everyone can resume in-person classes on Sept. 28 and stay there. It has been stated from the beginning that the Healthy at School guidance can and will change based on data. It is possible for mitigation expectations to increase to keep students in school.

Question: Will private schools be required to follow the new Healthy at School masking guidelines? Districts are losing students every day.

Answer: If the governor keeps the mask order in place for when people are out in public, private schools should have to wear masks.

Question: How does the new mask requirement impact band/music? Will they be allowed to remove their mask to play or sing?

Answer: The guidance available for music programs has not changed.

Question: How do you reconcile the opposing guidance of requiring students to wear masks for 7 hours per day, yet no masks are required for football and physical contact with the potential exchange of bodily fluids?

Answer: Masks can interfere with students' ability to breathe while participating in physical activity and exerting themselves. Some programs are using splash shields, which attach to the helmet and help prevent the spread of fluids.

Question: How many states are requiring masks to be worn the entire school day by all students and staff?

Answer: DPH staff will research the question and return with an answer next week. The Council of Chief State School Officers (CCSSO) has been tracking masking policies by state and there is a wide variance on what each state requires.

Question: Why is Kentucky being more stringent than the U.S. Centers for Disease Control and Prevention (CDC) regarding cloth face coverings?

Answer: Kentucky's rate of infection is four times higher than it was this summer, when the Healthy at School document was developed. This is a mitigation strategy that is easy and cost-effective to implement.

Question: How can teachers teach with a mask on?

Answer: The same way surgeons can operate with a mask on. The teacher's voice should be heard through a cloth mask. Furthermore, masking options exist that allow the teacher's mouth to be shown while wearing a mask.

Question: The number of positive cases has quadrupled since April. Has the number of hospitalizations increased in a comparable manner? How much have hospitalizations increased from then to now?

Answer: Hospitalizations have not increased at the same rate, which is likely due to the fact that the positive cases are increasing in younger age groups. Currently, the health care system in Kentucky has been able to keep up with the COVID-19 related hospitalizations.

Question: What is the number of tests? Since the state positivity rate is down, just showing the number of cases is misleading. For example, the University of Louisville just added 20,000 tests last week.

Answer: The number of cases shows us how much the disease has spread. Decreasing the number of cases slows the spread, which is what Kentucky is trying to do.

Question: What evidence is available to show that there are no long-term effects when children wear non-medical masks all day?

Answer: DPH staff are not aware of studies on this topic, as wearing masks is not harmful, unless the child has an allergic reaction to the material. Many children with auto-immune diseases wear masks all day with no harmful effects. This is not something people should be concerned about.

Question: Can you review the district-level requirements for reporting cases? Do districts need their own dashboard?

Answer: District-level reporting is still a work in progress and information will be shared as it becomes available. Districts must report known cases to the local health department, but there is a need to fill the void between when schools know there are cases and when the health department is able to report the data publicly. The best way to reduce the spread of illness is for the public to know how many cases are in the schools in real time. That system is still being developed.

Question: New cases in my county have been on a negative slope since mid-July, with only 5 new cases in 17 days. Our data is not reflective of the state's. Why can we not make our decisions based on local data?

Answer: The virus does not stop at county lines and while that data is good news for the county in question, the situation can still change rapidly if the rest of the state is still increasing in positive cases. Extra mitigation strategies will help the county continue the successful decline in positive cases.

Question: For indoor sports, are spectators required to wear masks?

Answer: Yes, under the statewide mask mandate issued by the governor.

Question: Are 3-ply disposable masks still OK to use?

Answer: Yes. Masks should be at least 2-ply.

Question: Are neck gaiters an acceptable alternative to masks?

Answer: Yes, if the material is folded over to make it 2-ply.

Question: How does the new mask requirement for all students impact preschool and kindergarten students?

Answer: The Healthy at School guidance now requires masks to be worn all day by staff and students in grades 1 and above. Per Healthy at School guidance, preschool and kindergarten students are not required to wear masks, but it is permissible if districts want to require them to wear masks. There is no rule stating that children younger than first grade cannot wear masks. Masks are not recommended for children age 2 and under.

Question: Could districts be provided the same type of mask that medical professionals use?

Answer: Cloth masks are fine for public use if they are clean and 2-ply. Surgical masks are available in retail stores and N-95 masks are not recommended for public use. They are uncomfortable for extended use and must be saved for medical professionals. A cloth mask is soft, comfortable and will limit the spread of the virus.

Question: What is the status of the suggested metric being developed by DPH to assist school districts in making decisions regarding in-person instruction?

Answer: The timeline is unknown currently as the beginning state guidance is under review.

Agenda Item: General Question and Answer Session

Presenters: KDE leadership team and invited guests

Question: Why is there new transportation guidance (one student per seat) for extracurricular activities when the same rules do not apply during the school day?

Answer: For to-and-from school travel, districts would need to implement double or triple runs in order to achieve social distancing on the bus. To reduce the burden on districts, DPH agreed if additional strategies such as face masks, seating charts, temperature verifications and loading back-to-front were implemented, then more students could be seated on the bus than typical social distancing would dictate. The availability of additional buses for extracurricular travel would indicate that seating students in every other row is feasible. Also, extracurricular travel is often longer in duration than the daily to-and-from school.

Question: The U.S. Department of Agriculture (USDA) has approved the summer feeding waiver. When will KDE provide guidance?

Answer: Several waivers were announced on Aug. 31 and information can be found on the School and Community Nutrition COVID-19 [website](#). Districts now have the option to extend their summer food service programs through Dec. 31, 2020. An email was sent to district food service coordinators with detailed information about each waiver and that email will be distributed to superintendents after the webcast. When waivers are announced, KDE reviews the language carefully.

Question: The timeliness of Kentucky High School Athletic Association’s (KHSAA) guidelines are lacking, still in draft form and may be revised based on the Kentucky Board of Education’s (KBE) letter. How and when will this be handled so superintendents have adequate time to plan for events and activities?

Answer: The guidance has been released, though continued updates are likely, just as there are updates to the Healthy at School document. The KHSAA Board of Control has not signaled a delay in starting play. Superintendents should contact Board of Control [members](#) or [Julian Tackett](#), KHSAA commissioner, with questions or concerns. Updates will be communicated in a timely manner.

Question: Why were superintendents who support the resumption of athletics not invited to speak at the recent KBE meeting?

Answer: KDE was only aware that the speakers had concerns about athletics and did not know the content of their presentations. Superintendents who support resuming athletics were well represented during the listening and voting sessions of the most recent Board of Control meeting.

Question: Is a mask required if a staff member is alone in their classroom?

Answer: No, but a mask should be available for when visitors enter the classroom.

Comment: Districts need KDE & KBE to remove the recommendation to postpone in-person classes. Please consider withdrawing that recommendation.

Response: The recommendation is in place because Kentucky is at the height of cases and everyone is trying to reduce the spread of the virus. Districts have the authority to resume classes now, as about 30 already are.

Question: Could districts have clarification on the number of students allowed on buses for athletics opposed to everyday transportation?

Answer: The CDC recommends one per seat, every other row. There is a table on page six of the reopening guidance for [transportation](#) that gives the capacity of various size buses.

Question: How will KHSAA Board of Control (BOC) meet the charge given by KBE and add the additional information before Sept. 7?

Answer: The BOC will decide if they will act based on KBE’s request. Any necessary changes will be made, but Tackett has not heard about any pending changes.

Question: What does the letter KBE submitted to the KHSAA really mean?

Answer: After hearing input from DPH, KHSAA and several superintendents, the KBE issued a letter to the KHSAA BOC on Aug. 31. The letter essentially asked the BOC to consider additional guidance in certain areas. The KBE did not ask or direct the KHSAA BOC to delay the date of play for sports. The letter can be viewed [here](#).

Question: If the numbers stay the same, how much confidence is there that the governor will recommend that districts return to in-person learning?

Answer: KDE cannot speak for the governor, but the consensus is that we want students to be able to return to in-person classes on Sept. 28. Most districts in Kentucky have delayed in-person classes to allow time for positive cases to decrease. If numbers do not decrease by Sept. 28, it is likely that next steps will involve additional mitigation strategies that could offer an extra layer of protection and allow for in-person classes to resume. DPH is encouraging districts to use this

time to promote influenza shots and awareness that vaping makes people five times more likely to contract COVID-19.

Question: How can speech students meet individual education program (IEP) goals while wearing a mask? Can they remove the mask for therapy?

Answer: In the interest of public safety, KDE's Office of Special Education and Early Learning (OSEEL) does not recommend removing masks. Districts could try using clear masks or providing services virtually. If it is not possible, the district should document the services missed and provide compensatory education when they are able.

Question: Now that daycare centers can have groups of 15, can small groups in schools increase to 15?

Answer: KDE is working with DPH to clarify and will share the answer when the information is available.

Question: What support is KDE providing for schools who are conducting in-person classes?

Answer: If districts need support from KDE all they need to do is call us. It is not different than support KDE will provide to districts if they begin in-person classes on Sept. 28. It is the same level of support that KDE always provides.

Question: Can districts count on the Summer Feeding Program funding to last throughout the school year? If there is not an assurance of full-year funding, must districts resume National School Program guidelines?

Answer: The extension currently runs through the end of 2020 and what will happen after that is unknown. If there were not extension districts would have the option of resuming the National School Lunch Program.

Question: When partnering with an outside agency for Summer Feeding Program, should the district or the partner apply?

Answer: It depends on who will be claiming the meals. With the new waivers, priority will be given to school district applications, but non-profits have also contacted School and Community Nutrition about being Summer Feeding Program sponsors.

Question: How do you recommend monitoring student and staff compliance with masking?

What disciplinary actions do you recommend principals enforce?

Answer: Disciplinary measures for students should be the last resort, as there are other ways to promote compliance. It is a community expectation that everyone wears masks all day to reduce the spread of the virus and protect each other. Principals could pursue personnel actions for staff who refuse to wear the required clothing, unless a medical condition prohibits them from wearing a mask.

Question: If districts do not have access to a large amount of buses (our district has 4), can those districts follow the guidance for daily transport when transporting athletes?

Answer: Districts should be as safe as possible with the resources they have available. Consider how much time will be spent on the bus. A 2-hour ride may warrant using an additional bus under contract where a 30-minute ride may not. Exceptions have been made to ideal safety conditions in order to get kids to school. Districts may need to make judgement calls when it pertains to extra-curricular activities.

Question: Can guidance on middle school girls' basketball be provided? Currently there is none and each middle school conference is doing their own thing.

Answer: KHSAA has minimal authority over middle school athletics regarding safety requirements, such as training for coaches. Guidance is being developed, but middle school athletics are locally controlled.

Question: Last week districts received an email from the State School Security Marshal that doors must remain shut. Can DPH work with the Kentucky Center for School Safety to give some form of reasonable guidance and not additional contradictions?

Answer: The CDC had an initial recommendation to open doors and windows when possible to enhance ventilation, which is in conflict with [KRS 158.162](#), which states that classroom doors must be closed and locked during instruction. DPH and KDE have conferred with the State School Security Marshal Ben Wilcox and it was decided that the school security measures must take priority. Doors can be open for ventilation purposes between classes and during non-instructional time. Waivers can be sought from Wilcox's office under certain circumstances. Districts could consider stand-alone air filtration units for classrooms that do not have windows but should ensure that building codes are met.

Question: We have updated our district ventilation system to include bipolar ionization. Can we submit information that will allow us to unmask and follow the previous guidelines?

Answer: Districts are urged to use caution when making such purchases and the benefits are unknown.

Question: Is it permissible for students to be transported by their parents rather than for schools to offer transportation to and from ball games, or are we required to provide transportation? Can we ask that students only ride with their parents?

Answer: If a local school district has a school-sponsored trip such as an athletic contest, there is a responsibility for the school district to provide a safe means of transportation for the student participants. KRS 161.185 requires staff supervision on "school-sponsored" and "school-endorsed" trips. State regulations seem to support the position that a school bus should always be taken when transporting students whether it is to and from school, extracurricular trips, athletic trips, or school sponsored activities. 702 KAR 5:010, Section 3 states "[a]ll vehicles used for the transportation of pupils shall meet the minimum safety standards for Kentucky School buses of the same model year," with certain exceptions. 702 KAR 5:060 (2) allows school districts to use appropriately certificated common carriers to transport school children to or from school-related events. Nowhere in transportation regulations at 702 KAR Chapter 5 is there any allowance for students riding in something other than a school bus as stated in 702 KAR 5:010. If a local school district has a school sponsored trip such as an athletic contest, there is a responsibility of the school district to provide a safe means of transport for the student participants. As such, KDE has historically advised that student safety dictates that transportation to/from school sponsored/endorsed trips always be in school buses with very few and limited exceptions for extraordinary parent/student circumstances. With that said, we recognize that we face extraordinary circumstances with COVID-19. Though school districts may decide not to provide transportation to an away school-sponsored athletic event, this is to be highly discouraged since this is a school-sponsored function and since the statute provides a responsibility to supervise students on these school-sponsored trips. If a school district wants to provide the option to parents to transport their own child (not others) to and

from school sponsored events, this would be permissible. However, parents should understand that providing private transportation is not required and that the school will provide transportation in the event the parent is unable or unwilling to do so. Furthermore, the parent should understand that while he/she is providing transportation, the student will not be supervised by school staff and that the parent assumes all responsibility for supervision as a result of their choice to provide private transportation. For the parents who voluntarily select this option, this will reduce the transportation load for which the district must provide transportation and allow for social distancing. Furthermore, we anticipate that the number of athletes and spectators will be reduced at these events, further decreasing the overall transportation demand for the district. However, the district should be cautious and consult board counsel to discuss the permissibility and liability concerns if the district is considering making private parent transportation mandatory for these school sponsored functions. As indicated above, KDE has consistently advised that making parent transportation mandatory for school sponsored trips is inconsistent with statute and regulation.

Question: How should districts address fire drills, earthquake drills and tornado drills virtually? Should districts give a quiz or have students watch a simulation?

Answer: The drills should be conducted in person as soon as students are in the building. Guidance recommends conducting drills in smaller groups and not the entire building at once. The suicide prevention training is still required by Sept. 15.

Agenda Item: Adjournment

Presenter: Kevin C. Brown, KDE interim commissioner

Discussion:

Brown thanked everyone for the valuable discussion and their hard work on behalf of Kentucky's students.

The next superintendents' webcast is scheduled for Tuesday, Sept. 8, at 2 p.m. ET.