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NSEA Files Petition to Require Schools to Follow Strict Health and Safety Criteria

NSEA Seeks Declaratory Order from State Board of Education; Requests interventions and protocols be adopted as specific safety criteria under which Nebraska schools will operate and remain open until the risk of COVID-19 transmission is abated.

November 19, 2020 – STATEMENT FROM NSEA PRESIDENT JENNI BENSON:

Our state public education system is facing a crisis of historic proportion due to an unprecedented surge of COVID-19.

Between November 7 and November 13, on average, 124 patients with confirmed COVID-19 and 38 patients with suspected COVID-19 were reported as newly admitted each day to hospitals in Nebraska. On November 17, the White House Coronavirus Task Force issued a report indicating Nebraska has 101 or more new cases per 100,000 population, which is the sixth highest infection rate in the country. Nebraska is also in the red zone for test positivity, indicating a rate at or above 10.1 percent, with the fourth highest rate in the country. Nebraska had 735 new cases per 100,000 population, compared to a national average of 294 per 100,000.

The uncontrolled transmission of the virus has put the Nebraska school system in crisis. Gubernatorial and Nebraska Department of Education recommendations regarding use of face coverings continue to be largely ignored by many school districts. School buildings, classrooms and education programs are closing on a daily basis largely due to a shortage of teachers. The current situation in many school districts is not sustainable.

If schools are required to close again, there will be long-term harm to children. Closure will lead to severe learning loss and will be particularly damaging for students with heightened behavioral needs. Schools provide a stable and secure environment for developing social skills and peer relationships. Social interaction at school among children in grades PK-12 is particularly important for the development of language, communication, social, emotional and interpersonal skills. Extended school closures deprive children who live in unsafe homes and neighborhoods and offer an important layer of protection from neglect as well as physical, sexual and emotional maltreatment and abuse. Schools are essential to meeting the nutritional needs of children with many consuming up to half of their daily calories at school. When schools are closed, children lose access to important opportunities for physical activity. Schools play a critical role in supporting the whole child, not just their academic achievement.

Unless immediate and meaningful action is taken by the State Board to identify the mitigation strategies that must be undertaken by all schools under its jurisdiction, irreparable harm will occur to our state's education system, educators, students and state as a whole.

The Nebraska State Board of Education is the constitutional body charged with the responsibility and authority to provide "enlightened professional leadership, guidance, and supervision of the state school system . . .". NDE Rule 10 requires that schools maintain "safe, healthful, and sanitary conditions within school building(s) and on the school

grounds.” State statute authorizes the Board to make studies, investigations, and reports for formulation of policies, making plans, and for evaluating school programs. **The Board must do exactly that if we are to keep our schools open and provide a safe learning environment for students and staff in this pandemic.**

State statute also provides that the State Board has authority to interpret its own policies, standards, rules and regulations and, upon reasonable request, hear complaints. **Therefore, NSEA has filed with the State Board a Petition for a Declaratory Order under NDE Rule 62 requesting that the State Board declare the following interventions and protocols be adopted as specific safety criteria under which schools will operate and remain open until the risk of COVID-19 transmission is abated.**

1. All children in grades 3-12 must wear face coverings - with medical caveats - as well as teachers, administrators, staff and volunteers. If tolerated, masks should be used for children between three years of age and third grade.
2. Designate a staff person to be responsible for responding to COVID-19 concerns. Staff, students, parents and volunteers should know who this person is and how to contact the designated staff member if they become sick or are around others diagnosed with COVID-19. The designated staff person should also be aware of state and local regulatory agency policies related to school guidelines and will serve as the contact with local health authorities and monitor illness among school faculty, staff and students. A backup person should be identified who can fill this role if the designated person becomes unavailable due to illness or other reason.
3. Establish and maintain communication and cooperation with local and state authorities to determine current levels of community mitigation.
4. Review local, state and organization guidelines for schools. Review your facility plans including the size of the building, all points of entry and air handling systems to understand and implement recommended state and local guidelines and the considerations detailed in this Order.
5. Schools are encouraged to continue to use and develop strategies for online and other remote education technologies.
6. Develop strategies to reduce the potential for mass exposure of cases occurring in schools that include social distancing of all persons, defined and consistent groups of students and staff who remain together with limited interaction to others, considerations to reduce the maximum number of people allowed in a building based on social distancing and implementation of mask wearing requirements for indoor activities.
7. ALL sick children and adults will stay home; and, quarantine will be observed by those with COVID-19 infected persons at home.
8. All children and adults with confirmed infection will not be allowed to return to school until completing the DHM-defined period of isolation.
9. Schools and public health authorities will work together to rapidly report, assess and act on frequent per school absenteeism, influenza and other disease reporting health measures.
10. Address the increased behavioral health and emotional needs of students and the mental health of teachers, staff and volunteers.

The petition further requests that the Board direct that studies, investigations and reports be prepared regarding the transmission of the virus in the school systems under its authority and take such remedial action as is necessary to enforce these safety accreditation standards.

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