

October 1, 2020

Memo To: Gravenstein Union School District Board of Trustees

From: David Rose, Superintendent

Subject: Waiver Application

I wanted to share some information relevant to the Board's Study Session on October 1, 2020, intended to help guide our decision regarding a waiver application. The opportunity for California schools to apply for this waiver is the result of the development of scientifically-based prevention strategies and practices, declining rates of COVID-19 infections, increased testing capacity, and the increased availability of and advances in medical care and treatment options.

**What precautions will GUSD put in place?:** The waiver application consists of a self-certification process that focuses on strategies that prevent the spread of COVID-19 that schools must have in place in order for their waiver to be approved. The strategies and actions that schools must adopt are from the California Department of Public Health (CDPH, [California Department of Education Stronger Together: A Guidebook for the Safe Reopening of California's Public Schools](#)) and the California Division of Occupational Safety and Health (Cal/OSHA, [Guidance for Schools and School-Based Programs](#)). CDPH also provides additional guidance for us in this document: [CDPH COVID-19 and Reopening In-Person Learning Framework for K-12 Schools in California, 2020-2021 School Year](#). These documents also reference and use guidance from the Centers for Disease Control and Prevention (CDC).

GUSD has been learning about and implementing these strategies and actions since the initial suspension of in-person instruction last March. The draft of our [waiver application](#) contains a description of the actions we have taken and will take in order to fulfill the mandate of implementing the safety precautions recommended by the CDPH, Cal/OSHA, and the CDC.

**Is there parent interest?:** Based on our parent survey from the end of June, 2020 (504 responses), 84.7% of our parents would like to have some form of in-person instruction for their children (50.8% preferring in-person only, 33.9% indicating a preference for a mix of in-person and virtual instruction).

Currently, schools throughout the state, country and around the globe are providing in-person instruction opportunities for their students, some with infection rates that are higher than the current Sonoma County rates. The timeline for Sonoma County to move into the "red tier" that allows in-person instruction without a waiver will require 14 consecutive days of meeting the infection rate benchmarks. Instruction allowed in the red tier is subject to the same precautions and mandates that exist for schools if a waiver is granted.

**Liability concerns:** As we consider participating in the waiver process, a critical consideration is our liability insurance coverage. School insurance providers, including RESIG, do not provide liability coverage for school districts at any time for claims associated with communicable diseases. If it is claimed and substantiated that a student or visitor to one of our school sites contracted any communicable disease, including COVID-19, due to our negligence in following industry adopted safety protocols, we would not have RESIG support in settling that type of claim.

**Additional operating costs:** According to our waiver application, we would be committing to providing increased custodial support as well as free COVID-19 testing for all students and staff that will be participating

in person (Additional custodial support: \$2,500 monthly. \$16,500 for an initial round of testing, and \$36,950 per month thereafter, assuming 2 positive tests per month). GUSD would consult with our health insurance carriers to cover the costs of staff tests, and would work with GPA to discuss parent donations to defray some of the cost for student testing. If neither of those financial support options can provide funding, GUSD would be paying approximately \$129,850 to provide three months of in-person instruction.

**What would the schedule look like?:** The details of what our exact instructional schedule that will provide in-person instruction is yet to be determined. If it is decided that GUSD will apply for a waiver, we will have enough basic information from the application and our current MOUs with GUTA and GUCE to give a general description of in-person instruction to parents. Given that general description, we would then survey parents to determine how many students would be returning to campus for in-person instruction. Once we know how many students to plan for, staff and administration can then develop a detailed schedule that complies with all of the prevention and precaution provisions that are detailed in our waiver application. Regardless of the details of that plan, there will be allowances for students to continue with distance learning only, as well as flexibility in making assignments for staff pursuant to current MOU language.

**Additional Information:**

**Current Data:**

- Current data from the California Department of Public Health indicates that the daily new case rate in Sonoma County is 8.4 cases per 100,000 population (adjusted to 7.8 for tier assignment), down from 15.9 at the end of August.
- The current positive test rate in Sonoma County is 4.0%, down from 6.5% at the end of August.
- In order to move from the “purple tier” to the “red tier,” our case rate per 100,000 needs to be between 4 and 7 daily new cases (currently 7.8); our current positive test rate is already in the orange tier at 4.0%, which requires a positive test rate between 2 and 4.9 percent.
- The population figure being used by Sonoma County for calculations is 507,832, and according to the Sonoma County COVID-19 data site, 43 new positive cases were reported for 9/27/20, which yields a rate of 8.5 per 100,000, or 1.7 per 20,000 for that day.
- Of the 27 zip codes in Sonoma County, 95472 has the lowest active case rate; approximately 65% of our students reside outside of our attendance area.
- As of 9/30/20 in our county, 0.26% of the population has an active case, about 1 person out of every 400 people.
- Based on the Sonoma County COVID-19 website data, we have the following data points:

<b>Date Span (14 day periods)</b>	<b>Average Daily New Cases per 100,000</b>	<b>Average Daily New Cases</b>
7/2 - 7/15	10.6	53.9
7/16 - 7/29	10.8	54.9
7/30 - 8/13*	18.8	95.6
8/14 - 8/27	19.8	100.4
8/28 - 9/10	15.4	78.0
9/11 - 9/24	9.9	50.1
9/25 - 9/30 (6 days)	10.4	52.6

\*No data reported for 8/3

### **Waiver Status:**

- The ability to apply for a waiver to provide in-person instruction is different than the current allowance for small group in-person interactions, intended to support high needs students, that are currently permissible for all schools (no waiver needed).
- The Sonoma County case rate is now less than 200 per 100,000 in population (129.3) as of 9/26. This means that the California Department of Public Health has determined that the virus rates in Sonoma County are such that districts can apply for a waiver to the suspension of in-person instruction.

### **Liability:**

- Our insurance carrier, RESIG, does not provide coverage for any claims due to diseases caused by a virus.
- If a student (or any visitor) can substantiate that they contracted a virus while on one of our campuses due to our negligence in following the safety precautions, GUSD would be liable for any damages.
- If a staff member contracts COVID-19, new legislation allows them to make a disability claim without a challenge to the source of the infection.
- GUSD has an annual retainer with School and College Legal, in the amount of \$15,600 (less any service charges incurred to date since July 1), to support us in defending any claim that might be lodged.

### **Employee Unions:**

- It is anticipated that as we consider the length of time to continue DL and as we go through the waiver process, we will need to engage our employee union groups at the negotiating table and they will have a voice in determining if and how in-person instruction could be safely offered.
- Current MOU language:

### **3.0 IN-PERSON LEARNING**

The COVID-19 pandemic has caused federal, state, and local public health officers to issue orders and guidance impacting the educational operations of the District in order to minimize health and safety risks associated with COVID-19 infection and illness. As a result of the orders and guidance issued by federal, state, and local public health officers, any in-person learning offered by the District during the pandemic shall be offered consistent with all of the provisions below. Pursuant to Resolution 200813 ([Appendix E](#)), GUSD will begin the 2020/2021 school year with Distance Learning as the primary mode of instruction, through at least October 2, 2020. The parties agree to collect state and county health department updates and use that information to plan instruction after October 2, 2020. During this period of Distance Learning, GUSD will apply for waivers to allow small group in-person instruction for short periods of time during the suspension of in-person instruction. Small group instruction will be scheduled at the request of a unit member or members. GUSD will also support requests for independent study from GUSD families for the 2020/2021 school year.

### **Adherence to Health Guidelines and Orders**

3.01 The District shall adhere to the most current COVID-19 guidelines and orders issued by the Centers for Disease Control and Prevention ("CDC"), California Department of Public Health ("CDPH", [Appendix A](#)), California Department of Education ("CDE"), California Department of Industrial Relations Division of Occupational Safety and Health ("Cal-OSHA"), and Sonoma County Department of Health Services ("SCDHS").

3.02 Where there is a conflict between the various guidelines or orders, the District shall adhere to the most restrictive of either the CDPH or SCDHS guidelines or orders in order to minimize potential health and safety risks for all unit members, students, and their families.

3.03 The Parties agree to meet as soon as possible to negotiate the impact and effects of any revisions or updates to the guidelines in section 3.01.

**Safety Guidelines:**

-Please see the draft GUSD [waiver application](#) for details; GUSD staff has participated in a variety of training programs to support appropriate cleaning, disinfecting, social distance spacing, ventilation, health and hygiene, health screening, scheduling, traffic flow, and response to symptomatic individuals practices pursuant to CDC, CalOSHA, and public health department (state and county) guidelines.

-In anticipation of additional cleaning and disinfecting, GUSD has begun recruiting for part-time temporary custodial help.

**Testing:**

-GUSD has contacted Dr. Jabari Reeves with RTW Health Services and has received a quote that will provide FDA-approved testing services for our students and staff (testing will be on saliva samples, not swab testing). The quote includes testing all students and staff before returning to in-person instruction, and then continuing to test: staff weekly and students once every two weeks.

**Contact Tracing:**

-Superintendent Rose has completed a training course and received a Certificate of Contact Tracing Proficiency and a staff member from each site will be completing the same course so that GUSD staff is prepared to support all Sonoma County Department of Health Services contact tracing efforts.