

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

HOUSE EDUCATION COMMITTEE HEARING

STATE CAPITOL
MAIN CAPITOL BUILDING
MAJORITY CAUCUS ROOM 140
HARRISBURG, PENNSYLVANIA

TUESDAY, AUGUST 4, 2020

IN RE: PENNSYLVANIA SAFELY REOPENING SCHOOLS
DUE TO COVID-19

BEFORE:

HONORABLE CURT SONNEY, MAJORITY CHAIRMAN
HONORABLE JAMES ROEBUCK, MINORITY CHAIRMAN (V)
HONORABLE VALERIE GAYDOS (V)
HONORABLE MARK GILLEN
HONORABLE BARBARA GLEIM
HONORABLE DAVID HICKERNELL (V)
HONORABLE MIKE JONES (V)
HONORABLE JOSHUA KAIL (V)
HONORABLE JERRY KNOWLES (V)
HONORABLE JASON ORTITAY
HONORABLE MICHAEL PUSKARIC (V)
HONORABLE MEGHAN SCHROEDER (V)
HONORABLE MIKE TOBASH
HONORABLE JESSE TOPPER

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BEFORE (cont'd.)

HONORABLE CAROL HILL-EVANS
HONORABLE MARY ISAACSON
HONORABLE PATTY KIM
HONORABLE MAUREEN MADDEN (V)
HONORABLE STEPHEN McCARTER (V)
HONORABLE DAN MILLER
HONORABLE GERALD MULLERY

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STAFF MEMBERS ALSO IN ATTENDANCE:

**ALAINA KOLTASH, REPUBLICAN CAUCUS
CHRISTINE SEITZ, REPUBLICAN CAUCUS
DANIEL GLATFELTER, REPUBLICAN CAUCUS
CHRISTINE CRONE, REPUBLICAN CAUCUS
CHRISTOPHER WAKELEY, DEMOCRATIC CAUCUS**

**JEAN M. DAVIS, REPORTER
NOTARY PUBLIC**

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1 P R O C E E D I N G S

2 * * *

3 MAJORITY CHAIRMAN SONNEY: Good morning,
4 everyone, and welcome to the House Education Committee's
5 public hearing. At this time I'll call the meeting to
6 order.

7 I'm Curt Sonney. I'm the Majority Chairman of
8 the House Education Committee. And today Representative
9 Patty Kim will be the Acting Minority Chair for this
10 hearing.

11 I'd like to remind everyone that this meeting is
12 being recorded and members and guests should please silence
13 their cell phones and any other electronic devices.

14 In addition, there are committee members that are
15 present here and there will also be members that will be
16 joining us on the virtual platform. So we'll begin by,
17 starting to my right, asking members to introduce
18 themselves.

19 REPRESENTATIVE GLEIM: Hello. This is
20 Representative Barb Gleim from the 199th in Cumberland
21 County.

22 REPRESENTATIVE ISAACSON: Representative Mary
23 Isaacson, 175th District, Philadelphia.

24 REPRESENTATIVE MILLER: Representative Dan
25 Miller, Allegheny County.

1 REPRESENTATIVE MULLERY: Representative Jerry
2 Mullery, Luzerne County.

3 REPRESENTATIVE TOPPER: Representative Jesse
4 Topper, Bedford, Fulton, and Franklin Counties.

5 REPRESENTATIVE ORTITAY: Representative Jason
6 Ortitay, 46th District, Allegheny, and Washington Counties.

7 REPRESENTATIVE GAYDOS: Representative Gaydos,
8 44th District, Allegheny County.

9 REPRESENTATIVE KAIL: Representative Josh Kail,
10 15th District, Beaver and Washington Counties.

11 REPRESENTATIVE KNOWLES: Representative Jerry
12 Knowles from Schuylkill, Berks, and Carbon Counties.

13 MAJORITY CHAIRMAN SONNEY: Also joining us online
14 are Representative Puskaric, Chairman Roebuck,
15 Representative Hickernell, and Representative Madden.

16 I don't know if I missed anyone. I will send a
17 note to Alaina or Chris and I'll make sure that you are
18 recognized as being present.

19 Our public hearing today is focused on safely
20 reopening our K-12 schools which were closed statewide on
21 March 16th, 2020. We held our first hearing on this topic
22 on June 17th where we heard from representatives from
23 traditional public schools, brick-and-mortar charter
24 schools, and non-public schools. And today is simply a
25 continuation of that hearing.

1 Tomorrow we'll be holding another public hearing
2 with representatives of the Pennsylvania School Board
3 Association, the Pennsylvania Association of School Business
4 Officials, the Pennsylvania Association of School
5 Administrators, and the Pennsylvania State Education
6 Association to discuss legislative flexibilities that may be
7 needed this fall.

8 In addition to the testifiers today, we also
9 received written testimony from the Pennsylvania Chapter of
10 the American Academy of Pediatrics, the Pennsylvania School
11 Bus Association, the Keystone Christian Alliance, and the
12 Education Law Center.

13 I'd also like to announce that we are planning to
14 hold a joint public hearing with the Senate Education
15 Committee on August 19th at 1 p.m. to hear from the
16 Department of Education and the Department of Health.

17 I'd like to thank all of the testifiers in
18 advance for taking the time to be with us here today. I
19 look forward to hearing your testimony.

20 Chairman Roebuck, I don't know if you have any
21 opening remarks that you would like to give.

22 MINORITY CHAIRMAN ROEBUCK: (No response)

23 MAJORITY CHAIRMAN SONNEY: We're having a little
24 difficulty so we'll proceed and he will have an opportunity
25 here when we get to the questions.

1 So on today's panel we have Gary Niels, Executive
2 Director of the Pennsylvania Association of Independent
3 Schools; Donna Westbrook-Martin, Executive Director of the
4 ACLD Tillotson School; Sherri Landis, Executive Director of
5 the ARC of PA; Lori Kelley, Pennsylvania Association of
6 School Nurses and Practitioners; Brian Hayden, CEO of PA
7 Cyber Charter School; and Dr. Richard Jensen, CEO of Agora
8 Cyber Charter School.

9 I think the way that we're going to proceed this
10 morning is I'm going to have the first four testify and
11 we'll break for members' questions. And then we'll have the
12 two cybers testify and then we'll continue on with
13 questions.

14 I'd also like to announce that Representative
15 Schroeder is also attending online and Representative
16 Knowles. And Representative Hill-Evans is in person here.

17 So, Gary.

18 MR. GARY NIELS: Yes.

19 MAJORITY CHAIRMAN SONNEY: Are you ready?

20 MR. GARY NIELS: I am.

21 MAJORITY CHAIRMAN SONNEY: You may begin.

22 MR. GARY NIELS: Can you hear me?

23 MAJORITY CHAIRMAN SONNEY: Yes.

24 You may begin.

25 MR. GARY NIELS: Well, Chairman Sonney, Chairman

1 Roebuck, and members of the House Education Committee, I'm
2 extremely grateful for this opportunity to talk with you.

3 Let me tell you first a little bit about
4 Pennsylvania Association of Independent Schools. It's been
5 around since 1949. We have been accrediting schools on
6 behalf of the State for all those years. And we currently
7 accredit 110 schools across the state, which is about 40,000
8 students in the state of Pennsylvania. And we also accredit
9 some schools in Delaware.

10 We have a remarkable variety of schools, nursery
11 through 6th, nursery through 8, pre K-6, pre K-8, pre K-12,
12 boarding schools, Quaker schools, Catholic schools, Jewish
13 schools, Montessori schools, non-sectarian schools. We have
14 in our Association some of the most remarkable institutions
15 in the world that are known around the world. And I think
16 the State of Pennsylvania should be very proud of that.

17 But the fact is is that most of our schools are
18 small to mid-sized schools. They struggle with tuition and
19 maintaining tuition at a relatively affordable cost. The
20 biggest drivers are faculty salaries and benefits and
21 financial aid.

22 Our schools want their student bodies to be a
23 wide cross-section of students.

24 I was on the phone the other day with one of our
25 schools in Philadelphia and they told me that the goal of

1 their school was to have their student body represent the
2 same cross-section as the city of Philadelphia.

3 But this is a challenge because it involves a
4 significant amount of financial aid. And I would be remiss
5 in this incredible opportunity that I have to speak with you
6 if I didn't let you know how much we are appreciative of
7 both the EITC and the OSTC programs that the state provides
8 so that a wide cross-section of students who normally would
9 never have the opportunity to attend one of these schools is
10 able to attend.

11 I want to be brief in my remarks. And I know
12 you're really most interested in knowing about the
13 challenges that our schools are facing in light of the
14 COVID-19. And, indeed, I'm on the phone every day with
15 heads from our schools across the state who are really
16 struggling and have been working tirelessly since this whole
17 thing hit without any breaks to continue to provide
18 education for their students.

19 The No. 1 thing that I think our school heads
20 worry about is not only students being infected at school,
21 faculty members being infected at school. Those are the
22 things that are tantamount on their minds -- and the
23 responsibility they bear in the decisions about whether to
24 go all virtual or to have some in-class and some virtual but
25 what they wish more than anything is that they had some

1 legal protection in their roles as school heads. They worry
2 about not only the health of their community but also about
3 some legal action that could very well put them and the
4 school in significant jeopardy as a result of the fact that
5 someone who is at school contracting COVID while they were
6 attending the school.

7 Their wish would be having some kind of legal
8 immunity. And we know right now that that discussion is
9 going on in the Federal level. Who knows whether that will
10 take place or not, but we wish that the state would provide
11 some legal immunity as well.

12 No. 2, PPE. I'm sure you've heard this many
13 times. But again for small or mid-sized schools to provide
14 all of the emergency medical supplies, with supplies to
15 protect their faculty and students in the best possibility
16 environment, this costs a lot of money. The recent school
17 safety and security awards were very much appreciated but
18 quite frankly for many of our schools that money was really
19 kind of a drop in the bucket.

20 You know, I want you to know that regarding the
21 whole CARES Act and the ESSER Fund, we very much support any
22 funding that can be provided to Title 1 schools.

23 I personally headed a school in Pittsburgh that
24 was comprised of only African-American students with a gross
25 family income of less than \$25,000 a year. So I fully

1 support Title 1 funding of schools. But our hope had been
2 that the ESSER Fund could also provide some support for
3 other non-public schools as well. And we know how that
4 went.

5 But the long and the short of it is any support
6 that the Governor can provide for our schools in order to
7 provide safety and security measures for their students and
8 their faculty would be greatly appreciated.

9 Thirdly, many of our schools have developed
10 elaborate and meticulous plans to follow the CDC guidelines,
11 using the guidelines from the Pennsylvania Department of
12 Education to be able to arrange for school to be as safe as
13 possible. And part of that plan is sometimes for staggered
14 starts and finishes to the school so that the schools are
15 not inundated with students at the beginning of school for
16 bus dropoff and the same thing at the end.

17 So their plan was to try to stagger times
18 throughout the start of school and the end of school so that
19 they can get small groups of students in pods out before the
20 next group.

21 One of the challenges that they are facing now is
22 that they are hearing very mixed reports from bus services
23 from when they exist in schools that -- public schools that
24 may go all virtual at the start. They are hearing mixed
25 reports from bus services as to whether or not they are

1 going to be able to provide any service at all and indeed
2 whether or not they can even service these safety plans that
3 these schools have developed.

4 So anything that the state can provide by way of
5 affirmation that bus service will be provided to non-public
6 schools and our independent schools, even if the local
7 public school decides to go all virtual, would be greatly
8 appreciated.

9 Fourthly and lastly, when the Governor shut down
10 all the schools in the state in March, we have no qualms
11 with that decision but what was completely absent from any
12 instruction was any references to our boarding schools. We
13 have 15 boarding schools in our Association, absolutely
14 magnificent places. And many of these schools are frankly
15 all -- frankly, all of these schools have international
16 students. So that night they were really panicked when the
17 order came for the schools to be shut down, for schools to
18 be shut down immediately. They knew that they could not
19 shut down because there was no way that students could get
20 home. So they had to continue to provide residence for
21 these boarding school students, meals. They did go to
22 virtual learning so students were in their dorms and in
23 classrooms just like the other students. But there was a
24 complete absence of recognition of the fact that there were
25 boarding schools in the state. We scurried about to try to

1 find out whether or not they would be violating anything
2 from the Governor's order and really took some comfort in
3 our own interpretation of the fact that they were providing
4 essential services for students.

5 So really what we are asking -- and I've had a
6 brief conversation with some people at the Pennsylvania
7 Department of Education -- is that when orders are issued,
8 whether from the Department of Education or the Governor's
9 Office or wherever, that there be some inclusion and
10 recognition of the fact that there are boarding schools in
11 the state as well.

12 Finally I just want you to know how much I
13 appreciate this opportunity. Our independent schools would
14 like to participate in decisions. Although we appreciate
15 our independence and that's very important to the nature of
16 our schools from the beginning to the end, we also know that
17 in other states, independent schools, non-public schools,
18 have participated in some of the decision-making about
19 reopening. New York and Connecticut are two states where
20 the representatives of their associations are participating
21 in some of the decision-making.

22 So anything that can be done to help us to
23 partner and to represent the unique voice of our schools is
24 very helpful, and this kind of opportunity is certainly a
25 step in that direction.

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So I thank you very much for this opportunity.

MAJORITY CHAIRMAN SONNEY: Thank you.

I assume that you would be able to be available for questions after the other testifiers?

MR. GARY NIELS: Yes, sir. I will stay on.

MAJORITY CHAIRMAN SONNEY: Thank you.

Next will be Donna Westbrooks-Martin, Executive Director of ACLD Tillotson School.

If you're ready, Donna, you can proceed.

MS. DONNA WESTBROOKS-MARTIN: Thank you.

Good morning, Chairman Sonney, Chairman Roebuck, and the members of the House Education Committee. Thank you so much for inviting the Alliance of Approved Private Schools to speak with you today. We appreciate your efforts to understand the issues that our schools are having with the reopening of school this year.

I am Donna Westbrooks-Martin and I am the Executive Director of the ACLD Tillotson School. And I'm also the Vice President of the Alliance of Approved Private Schools.

The ACLD Tillotson School is an approved private school located in the southwestern region of our state in the area of Baldwin just outside of Pittsburgh . We are one of 33 approved private schools. I'd like to give you a little bit of background about approved private schools.

1 We are a unique set of schools and it's important
2 to really know who we are. Our approved private schools
3 serve students who are unable to receive an appropriate
4 education in their regular public school environment. The
5 APSS were created as a part of an act of legislation in the
6 early 1960s.

7 Pennsylvania's 33 approved private schools are
8 located across the Commonwealth of Pennsylvania. And we
9 educate more than 4,000 students ranging in ages from 2 to
10 21 years.

11 This act of legislation formed a unique
12 partnership with the State, our school districts, and the
13 approved private schools. And this unique partnership is
14 what allowed approved private schools to become an integral
15 part of the continuum of Special Education supports and
16 services for students with disabilities. This continuum
17 which is mandated by Federal and State law continues to
18 ensure that all eligible students receive a free appropriate
19 public education.

20 So APSS historically serve -- provide services
21 for underserved populations. We reduce the years of
22 educational placement failure and we reduce truancy, dropout
23 rates, and graduate students with disabilities.

24 Our schools are unique to the populations that we
25 serve. We serve students ranging with various -- with a

1 variety of disabilities, whether it is cognitive
2 disabilities, whether it's autism spectrum disorders,
3 students who have complex learning disabilities or are
4 medically fragile or even those with complex behavioral
5 needs.

6 We serve these students but we are schools. We
7 educate students just like any other school in the
8 Commonwealth of Pennsylvania. And like other schools who
9 educate students, we are planning for the reopening of our
10 school for the 2020-21 school year.

11 Now, it's important to realize that we are not
12 School Districts. We are not local education agencies or
13 other school entities and we are not non-public schools. We
14 are APSs and our schools partner with our partner School
15 Districts to help place students in educational programs
16 that meet their needs. So our School Districts refer
17 students to our schools when they feel that they are unable
18 to provide an appropriate education for their students.

19 The tuition for our schools is paid through
20 public monies, with the State paying 60 percent of the
21 tuition and our School Districts paying 40 percent. So we
22 are a hybrid. We aren't a traditional school. We are
23 approved private schools.

24 So I really stress this point because it's
25 important to understand that during the pandemic, our

1 schools, like any other schools, have had to make a shift.
2 We had to utilize resources to meet the very challenging
3 needs of our students. We stepped up to that task, but it
4 required our schools to shift quickly and to be creative and
5 to make sure that our students were accessing learning just
6 like anyone else.

7 We really had to make sure that they were
8 accessing learning materials and resources to stay connected
9 with school and their classmates as well as other supports
10 in their school community.

11 So our APSs utilized technology to provide a
12 continuity of education for our students. And we often
13 provided our families with Chromebooks, laptops, and iPads
14 with which they could access their child's education. When
15 we could not reach them through technology, we mailed
16 educational materials to families who didn't have technology
17 or access to the Internet.

18 We really did create unique ways in which
19 students and families could stay connected to school
20 personnel in an effort to support them during this very,
21 very difficult time. It was really, really new. It was
22 really, really hard but we did it.

23 Like traditional schools, we are also looking at
24 additional costs and needs to reopen for the 2020-21 school
25 year. We appreciate the State acknowledging our partnership

1 with the public schools and including us in some of the
2 grant opportunities to assist with such things as the
3 purchase of personal protective equipment. It would be
4 really helpful if the grant notices spelled out explicitly
5 who could apply for such grants so that there is no
6 confusion as to whether or not our approved private schools
7 could apply.

8 Our challenges are many. Our group really gets
9 together to support each other. The Alliance of Approved
10 Private Schools really works together to support each other
11 and to make sure that we are all successful in meeting the
12 needs of our students.

13 So as we continue to grapple with the challenges
14 of reopening our schools, I wanted to share with you some of
15 our concerns. And while our challenges are many, these are
16 just seven of the most important of our concerns that seem
17 to be most challenging for our groups.

18 So first, our school directors are concerned
19 about the best manner in which to reopen schools safely and
20 still serve the educational needs of the students with
21 severe disabilities for whom hands-on education is required.

22 So our teachers are working with our -- teachers
23 and staff are working with our students in very close
24 proximity and we want to make sure that our students and our
25 staff remain safe and healthy.

1 There's a concern about students and staff having
2 appropriate technology and Internet connectivity for a
3 blended model of education. So some of our schools are
4 opening part of the week and in-person and some of the --
5 and part of the week is done through online learning, while
6 some of our other schools are opening completely. And so
7 this is a concern for us because as we transition to a full
8 remote model of teaching for periods of time when it's
9 necessary, our students sometimes don't have access to the
10 technology and the Internet which is needed.

11 Interestingly enough, sometimes our teachers and
12 our staff also need help with this as well.

13 Of course, safety is a major concern for our
14 families and our students and our staff. We are concerned
15 about the ability to purchase the appropriate amount of
16 personal protective equipment for our staff and our
17 students. As you know, most of our students in approved
18 private schools with their complex supports and needs need
19 full assistance with things like feeding, toileting, and
20 behavior supports. And again, we are in close proximity
21 with them and we want to make sure everyone is protected so
22 that they can stay safe and healthy.

23 All in all, our schools need masks and shields
24 and gloves and clothing coverings and we need to do this
25 quite a bit. We need to have quite a bit of this equipment,

1 as a number of the items that I listed, like feeding and
2 toileting and things like that, happen several times a day
3 for a lot of our children.

4 Some students in our programs will have
5 difficulty understanding the importance of the precautions
6 needed to keep them safe. So we are concerned that the
7 students' ability to follow directions around wearing a mask
8 and social distancing will be difficult, especially during
9 extended periods of time, simply based on their cognitive
10 ability or their mental health challenges.

11 We are also concerned about cleaning supplies.
12 Can we at least get them? Where do we get them? Do we have
13 the funds to purchase them? Not just to reopen the school
14 year but to keep our schools clean throughout the school
15 year.

16 Directors are also concerned about liability
17 issues just as we have heard before for our students and for
18 our staff, particularly when someone becomes ill in our
19 school. And last but not least, we are concerned about the
20 capacity to support our changing staffing patterns as the
21 COVID-19 pandemic changes.

22 As you can see, we have a number of concerns but
23 we are working really hard to open our schools and in a way
24 that keeps our students, our staff, and our families safe at
25 all times. That really is our priority.

1 Thank you again for the invitation to speak with
2 you this morning.

3 MAJORITY CHAIRMAN SONNEY: Thank you.

4 You will also be able to stay online for
5 questions after the other two testifiers; is that correct?

6 MS. DONNA WESTBROOKS-MARTIN: Yes.

7 MAJORITY CHAIRMAN SONNEY: Thank you.

8 Next would be Sherri Landis, Executive Director
9 of The Arc of PA.

10 Sherri, you can begin whenever you're ready.

11 MS. SHERRI LANDIS: Thank you, Chairman Sonney
12 and Chairman Roebuck, for the opportunity to provide
13 testimony regarding reopening schools safely in the
14 Commonwealth. I'm honored to speak before you today.

15 My name is Sherri Landis. I'm the Executive
16 Director of The Arc of Pennsylvania. We are a member of The
17 Arc of the United States, the largest disability rights
18 organization in the nation, advocating for and serving
19 people with intellectual and developmental disabilities and
20 their families.

21 In addition, we are part of the Special Education
22 Coalition, made up of organizations from across the state
23 representing families of children with disabilities who are
24 receiving Special Education services.

25 The purpose of the coalition is to connect

1 families with the information and resources they need for
2 the upcoming school year and hopefully provide guidance to
3 the school districts. Families are desperately seeking
4 information on what their school districts will do and how
5 it will impact their child with disabilities.

6 My testimony today addresses the high-level
7 issues families have raised as they seek to learn more about
8 their school districts reopening plans and the impact on the
9 Special Education services their children will be receiving
10 in the 2020-2021 school year.

11 While all students saw massive changes as schools
12 moved to online instruction, for students receiving Special
13 Education services, this disruption caused many setbacks in
14 their learning and caused major disruption in their
15 individual education plans.

16 Many students found online learning difficult and
17 related services such as therapies and individualized
18 instruction nonexistent. For students with medical
19 complexities, behavioral and mental health concerns, and
20 students with significant impact of disability, the
21 reopening of school in the fall brings fear and trepidation.

22 Our work with the Special Education Coalition has
23 shown that parents and families across the Commonwealth
24 still have not received clear guidance on how their
25 district's reopening plan will specifically address the

1 needs and concerns of their child with disabilities.

2 To ensure that School Districts account for the
3 unique needs of students who receive Special Education
4 services, we recommend the following:

5 One, assure that students with disabilities
6 continue to receive instruction with their non-disabled
7 classmates. Purposeful steps need to be taken by school
8 officials to ensure that students with disabilities are not
9 needlessly segregated from their non-disabled peers in the
10 name of social distancing.

11 While families recognize that schools must take
12 every precaution necessary to ensure the health and safety
13 of all students, recommendations should not restrict
14 students with disabilities from interacting with
15 non-disabled students or receiving an inclusive education.
16 Even remote learning offers opportunities to students to
17 participate in small groups with their school-age peers and
18 social gatherings that are managed remotely.

19 Two, assure effective instruction by providing
20 teachers and other school personnel with the information
21 they need and the opportunity to develop the skills needed
22 to provide adequate instruction. Teachers and support staff
23 must account for the unique learning needs of students who
24 receive Special Education services when formulating their
25 plans on delivery of instruction during the different

1 phases, specifically remote learning.

2 Schools must be prepared to fully offer students
3 with disabilities the education supports and services in
4 their Individual Education Plan which is guaranteed under
5 the Individuals with Disabilities Education Act. Most
6 importantly, establish a shared understanding of how
7 progress will be monitored to ensure that all children are
8 learning.

9 It should be the priority that services offered
10 in a remote learning format are delivered online with
11 consistency and follows the student's IEP. We strongly
12 encourage every district to follow PBE's guidance on
13 compensatory services.

14 School Districts in consultation with IEP teams
15 must make an individualized determination whether and to
16 what extent compensatory services may be needed as a result
17 of the extended school closure. Parents are critical
18 members of IEP teams and are to be included in this
19 decision-making process.

20 We are also supporting House Bill 2611 which
21 allows for every student who is 20 or 21 years old before
22 the school closure in March to be eligible for at least a
23 six-month extension of school eligibility.

24 Three, establish positive communication and
25 engagement with families prior to the start of school.

1 Schools must provide clear methods for communicating with
2 families and in ways that meet the needs of families and
3 family schedules to ensure that families know how to request
4 interpretation and translation of those communications.

5 As schools begin to return to the classroom in
6 different ways, it is essential that school administrators
7 consider the recommendations detailed above and allow
8 families with students with disabilities to be part of the
9 reopening planning process. Students with disabilities
10 cannot be an afterthought when school reopens.

11 Thank you for the opportunity to provide
12 testimony to you today and share the concerns of the
13 families of students with disabilities across the state.

14 MAJORITY CHAIRMAN SONNEY: Thank you.

15 The next testifier will be the last one before we
16 begin the questions and then we'll follow up after that with
17 the cyber schools. I'd also like to announce that
18 Representative Jones and McCarter have joined us online.
19 And joining us in person are Representative Gillen and
20 Representative Tobash.

21 The next testifier will be Lori Kelley from the
22 PA Association of School Nurses and Practitioners.

23 Lori, if you're ready, you can begin.

24 MS. LORI KELLEY: Hello and thank you for having
25 invited me.

1 I am here as the President of PASNAP, the
2 Pennsylvania Association of School Nurses and Practitioners,
3 an association representing 1,200 certified school nurses
4 and nurse practitioners throughout Pennsylvania. PASNAP's
5 leadership has been diligently following all of the updates
6 issues by the CDC and the Pennsylvania Department of Health
7 as well as the Pennsylvania Department of Education and
8 other recognized experts. With this we continue to have
9 concerns and questions as schools throughout the
10 Commonwealth of PA prepare to open.

11 While some school districts may be planning to
12 open remotely, others are planning on welcoming students
13 into the classrooms for in-person instruction. This is the
14 ideal. In-person instruction benefits the students in
15 countless ways. We recognize the importance of having our
16 children back in the classroom. However, this recognition
17 is coupled both with a real concern that in doing so it may
18 be at the cost of inadvertently compromising the safety of
19 our children, their families, and the health of our teachers
20 and staff. While we want to see children back in the
21 classrooms, we dread the thought that those actions might
22 result in one of our medically fragile students becoming ill
23 and hospitalized or that a child might be asymptomatic but
24 bring the virus home to their family, grandparents, or their
25 caretakers.

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In order to minimize the risks, we need to ensure that safety measures are consistently being followed, not only at school but in the homes of the entire school community before the students and district employees even leave their houses.

Parents and guardians need to be aware of the symptoms of COVID-19, checking their child's temperature and making sure they are not sending a sick child on the school bus to school. Transportation budgets will undoubtedly need an increase in funding in response to the need to safely social distance students on buses.

School districts will need to increase the money spent on custodial personnel and supplies, not to mention the costs incurred in providing PPE to the health room staff and other protective equipment needed by teachers and ancillary staff, as well as students who arrive at school or the bus stop without the required face coverings.

As the frontline workers in the educational setting, certified school nurses are the advocates for the health and safety of their students as well as school staff. The Pennsylvania School Code sets a minimum ratio of one certified school nurse per 1,500 students. By meeting this quota, districts will meet staffing requirements, even though this results in many schools across the state not having a nurse in their building on a daily basis.

1 Every school across the Commonwealth needs a
2 licensed medical professional there all day every day. This
3 will ensure the skilled nursing assessments and medical care
4 will properly be performed when needed by persons with the
5 body of knowledge unique to school health who are licensed
6 and qualified to do so. Certified school nurses in schools
7 will improve the child's presence in the building while
8 mitigating the risks to classmates, teachers, and staff.

9 The school's nurse will be seeing everyone,
10 children and adults alike, that present at school with
11 symptoms of COVID-19. This alone elevates their risk.
12 Couple this with the fact that they will be providing this
13 care without many of the safety measures that are present in
14 traditional medical settings to protect their professionals
15 from contagions.

16 Odds are that some school nurses will be exposed
17 to the virus. Some will need to isolate or quarantine.
18 Without necessary backup staffing on hand, schools may have
19 their nurse suites unattended, being unable to provide care
20 for students, thus potentially leading to more prolonged
21 school closures. Until the issue of reliable school nurse
22 staffing and coverage is addressed, the likelihood of
23 schools being without school nurses available to care for
24 the many students of Pennsylvania in the fall will be a
25 foreseen reality.

1 Every school building with students needs to have
2 a school nurse, not only to care for the student with a
3 fever and COVID-19 symptoms until a caregiver is able to
4 come pick them up, but also to deal with the students with
5 diabetes, students with seizures, students with medications,
6 and students displaying injuries or illnesses other than
7 COVID-19.

8 The PA School Code mandates that students in
9 designated grades have varied health screenings annually
10 such as vision and hearing. These screens are typically
11 done en masse, potentially exposing students to risk in the
12 age of COVID-19. Nurses are concerned about the logistics
13 of completing these screenings safely. We ask that special
14 consideration be given to the difficulty in safely
15 conducting these screenings. We are asking for a temporary
16 waiver that would remove the connection between completing
17 these screenings and reimbursement for health services.

18 While caring for the general student population
19 in the COVID-19 world will present a challenge for certified
20 school nurses, caring for medically fragile children is much
21 more concerning given that they are much less able to fight
22 off the Corona virus and, in all likelihood, their becoming
23 ill may end with hospitalization. Not only does social
24 distancing become even more important but also the necessity
25 of every staff member and student adhering to mitigating

1 strategies, facial coverings and hand hygiene. An increase
2 in the number of certified school nurses and substitute
3 nurses are even more important in taking care of the
4 students with chronic illnesses.

5 PASNAP advocates not only for our children in
6 schools, but for the school nurses we represent. We ask
7 that you advocate for them as well. We ask you to support
8 school nursing to optimize the health, education, and safety
9 of the students in Pennsylvania as they prepare to return to
10 school.

11 Thank you very much for the opportunity to
12 testify. I do appreciate your willingness to hear us.

13 MAJORITY CHAIRMAN SONNEY: Thank you.

14 We'll move to members' questions.

15 Representative Topper.

16 REPRESENTATIVE TOPPER: Thank you, Mr. Chairman.

17 Going back to Mr. Niels and possibly as well,
18 Ms. Westbrook-Martin, do you share the same concern as Mr.
19 Niels in terms of transportation? Does that affect the APS
20 in any way? Are you concerned if schedules align and making
21 sure that, you know, there's transportation from your
22 partnering school districts available?

23 MS. DONNA WESTBROOKS-MARTIN: Absolutely. We
24 worry about transportation as well, whether or not it is
25 going to be made readily available to our students. And if

1 that transportation is made available, do they have the
2 capacity to keep children safe and healthy while
3 transporting them to our school? So, yes, we do have those
4 same concerns.

5 REPRESENTATIVE TOPPER: Then I guess my question
6 for both of you would be, what is it -- from our standpoint,
7 what does it look like if everything is going to work well?
8 In other words, what do you need? We're hearing that, you
9 know, if a school district says, look, we're going to go
10 completely virtual to begin, then perhaps transportation
11 will not be made available. But what happens if there's
12 conflicting schedules? Is there anything that you're
13 looking at right now? I mean, obviously none of us are
14 dealing with an ideal world or with ideal situations. What
15 is the most ideal in terms of when it comes to
16 transportation? Is it just each individual partnering
17 School District kind of trying to be flexible working the
18 best they can? Is there anything you need from us? What
19 does it look like to make you comfortable about being able
20 to make sure students are able to get to where they need to
21 be?

22 MR. GARY NIELS: Well, I know -- I was a school
23 head for 16 years in Pittsburgh and I do know that public
24 school bus transportation often struggles with the number of
25 bus drivers they have available and therefore, if they have

1 a shortage of bus drivers, they have to consolidate routes
2 and all kinds of things like that.

3 I mean, our ideal scenario is that buses could
4 serve school staggered, staggered starting and end times. I
5 also understand that that may be completely unrealistic.
6 What I really want to see happen is that if a public school
7 district goes all virtual that the public school buses are
8 still serving our independent schools. That's what I want
9 to see happen. And if they can serve staggered times, well,
10 that's wonderful. I don't like to hear -- because I don't
11 think the regulations are such that they can tell the
12 private or non-public schools we're not serving you because
13 this public school is not in school now, they are doing all
14 virtual. I don't believe that that's the way the
15 regulations work.

16 REPRESENTATIVE TOPPER: Because I would imagine
17 that when we're talking about -- one of the concerns that
18 we've had with staggered start times, even with public --
19 traditional public K-12, I mean that cost would be
20 astronomical. But, you know, I can also understand that we
21 have to figure out a way to make sure that students get from
22 Point A to Point B.

23 My second question is -- and this could be for
24 anybody -- in regards to liability. You know, I mean, I
25 think we've all known that school districts from the dawn of

1 time have been somewhat petri dishes for any kind of germs
2 or infections or, you know, viruses that can run through,
3 especially through elementary schools.

4 Is there any kind of protection that any of you
5 have now that you want to see expanded upon or you want to
6 look at specifically in relation to COVID-19? Again, in
7 terms of liability protections. In other words, there has
8 to be something on your insurance riders now, I would
9 assume, in regards to infections, correct?

10 MR. GARY NIELS: Well, I mean, I know our schools
11 have been seeking legal counsel in how best to clarify to
12 their parents and their families that they have done
13 everything possible to make the schools as safe as possible.
14 But we all know that no school can guarantee that their
15 conditions are perfectly healthy, that everybody will be
16 fine. There's no guarantee of that.

17 My understanding is that right now we are
18 completely legally vulnerable. Obviously, if there's
19 negligence involved, that's a whole different story. But if
20 a school has done obviously responsibly everything they can
21 to implement the CDC guidelines and use the PA Department of
22 Education guidelines and they feel like they have
23 implemented these and still someone gets sick, which we all
24 know is very possible, I believe that they are still
25 vulnerable in those situations legally.

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REPRESENTATIVE TOPPER: All right.

Thank you, Mr. Chairman.

MAJORITY CHAIRMAN SONNEY: Thank you.

Next is Representative Mullery.

REPRESENTATIVE MULLERY: Thank you, Mr. Chairman.

And I'm going to pick up right where
Representative Topper left off.

Mr. Niels, you referenced in your written
testimony that you have a lack of understanding as to why we
have not acted to provide COVID-19 immunity for schools
seeking to reopen. What exactly is it that you're looking
for? I mean, you have to have a specific ask. You're here
before the Education Committee. What immunity are you
looking for?

MR. GARY NIELS: Well, it's my understanding that
there was some discussion about this in the House; am I
correct?

MAJORITY CHAIRMAN SONNEY: I would say that is
correct.

MR. GARY NIELS: And I think we didn't understand
why that immunity wasn't granted to our schools. We simply
don't know why that wasn't. I think many of your schools
are scratching their heads and saying why? You know, we're
doing everything we can responsibly. Why wasn't it passed?

REPRESENTATIVE MULLERY: So is it safe to say

1 then that you're just looking for a blanket immunity to
2 cover you for any student or visitor to your school that
3 claims to have contracted the virus while on school
4 property?

5 MR. GARY NIELS: I mean, I think the term blanket
6 immunity suggests that, you know, a school can be negligent
7 and still be covered. No, I don't think that is what I'm
8 asking for. I'm asking for some kind of stated immunity.
9 I'm not a lawyer at all but that would -- when a school has
10 been responsible and done everything they can and students
11 still contract a virus that they would be protected from
12 legal action against the school.

13 REPRESENTATIVE MULLERY: Taking your response
14 then a step further, if what you're seeking then is simply
15 immunity from non-negligence types of claims, then whether
16 or not your school is following local and state health
17 orders, whether or not they are compliant with CDC
18 guidelines is going to be very important, not only for the
19 potential plaintiff but for the school as a defendant. Who
20 would you like or who do you anticipate would be responsible
21 for coming in, conducting inspections, I would think in
22 exchange for immunity? They would have to be pretty
23 consistent in your and in public schools throughout the
24 Commonwealth to ensure that there's compliance and that
25 there hasn't been any type of gross negligence.

1 Certainly you indicate that you would be
2 responsible for policing yourself, correct?

3 MR. GARY NIELS: Yes, I believe that's the case.
4 I mean, that's one of the things that we have advised our
5 schools to do, even though the Pennsylvania Department of
6 Education, the specifics of their guidance is not
7 specifically applicable to non-public schools. We have
8 encouraged our schools to follow these very closely and to
9 use them in their guidelines so that in fact if anything did
10 happen, I mean obviously they want to optimize health and
11 safety, No. 1. But No. 2, if anything legally did happen
12 they could point and say they not only followed CDC but also
13 Pennsylvania Department of Education. And by the way, some
14 of our schools have been inviting their local Health
15 Department officials to come in and to check to see that
16 they are abiding by their guidelines as well.

17 You know, they are doing everything they can.

18 REPRESENTATIVE MULLERY: That's great in the
19 areas where we have local Health Departments. But I think
20 in about 90 percent of the state, we don't.

21 MR. GARY NIELS: Right.

22 REPRESENTATIVE MULLERY: Are you also seeking
23 workers' compensation immunity or would you be seeking
24 workers' compensation immunity for your school employees?

25 MR. GARY NIELS: That's a good question. I don't

1 think I'm knowledgeable enough to be able to answer that
2 question. I'm sorry.

3 REPRESENTATIVE MULLERY: Just one last question
4 on a totally separate topic.

5 Do you have any up-to-date data regarding
6 enrollment changes at your member schools? So in response
7 to COVID, have you seen a spike in enrollment or a dramatic
8 reduction in enrollment?

9 MR. GARY NIELS: I think all of our schools are
10 on eggshells wondering how that's going to play out
11 especially since in both Pittsburgh and Philadelphia the
12 public schools have announced that they are going all
13 virtual. They don't know whether that means that students
14 are going to (unintelligible) from public schools and look
15 for private schools or they don't know if they go all
16 virtual, will students and parents leave their school. They
17 are really all wondering every day what's going to happen
18 with all of that.

19 REPRESENTATIVE MULLERY: But as of today, you
20 don't have any data to share with us?

21 MR. GARY NIELS: As of today, I don't have. I
22 mean, I understand that a number of these schools, their
23 enrollment numbers right now match what their enrollment
24 projections were under healthy circumstances. But they also
25 recognize that families could very well -- families are

1 still waiting to know exactly what they are going to do on
2 opening day as to whether or not they stay in the schools or
3 not.

4 So I don't know the answer, no.

5 REPRESENTATIVE MULLERY: Thank you.

6 MR. GARY NIELS: Sure.

7 REPRESENTATIVE MULLERY: Thank you, Mr. Chairman.

8 MAJORITY CHAIRMAN SONNEY: Representative Miller.

9 REPRESENTATIVE MILLER: Thank you, Mr. Chairman.

10 Mr. Niels, what percentage of your schools have
11 enough PPE for the first semester?

12 MR. GARY NIELS: That's a good question.

13 I'm not sure. I'm not sure of the answer to
14 that. I know that I'm on a weekly Zoom call with our small
15 and mid-sized schools, which is about 35 or 40 of our
16 schools. And every one of them is talking about funding and
17 how concerned they are about they don't have enough money
18 for this, they don't have enough money for that. They also
19 don't have access during shortages of supplies so that is a
20 real concern.

21 REPRESENTATIVE MILLER: Now, Mr. Niels -- I'm
22 sorry. Can you repeat that?

23 MR. GARY NIELS: I would say certainly at least
24 half if not more.

25 REPRESENTATIVE MILLER: Okay. And I'm asking

1 obviously because as Executive Director, I'm trying to
2 understand how much information you have.

3 On a similar question. How many of your schools
4 or do you have a number or percentage from your schools that
5 reflect the amount of teachers who are saying to their
6 schools that they are not comfortable or want to pursue
7 other HR leaves that they may have instead of coming back in
8 person? Can you give me any data on that?

9 MR. GARY NIELS: I would say 100 percent of our
10 schools are in the midst of that struggle right now. Does
11 that answer your question?

12 REPRESENTATIVE MILLER: Thank you, sir. Yes.
13 Thank you.

14 Ms. Westbrooks-Martin, similar question for you.
15 Of the approved private schools, to the best of your
16 knowledge, how many of them have PPE to last this semester?

17 MS. DONNA WESTBROOKS-MARTIN: So I would say that
18 approximately -- I would say probably 70 percent do. But
19 the more challenging piece for us is continuing to have that
20 beyond the first semester of school. So we have issues
21 around access. We have issues around when we do have
22 access, the quantity in which we are able to purchase.
23 That's an issue as well as making sure that we have the
24 continued resources to continue to get them throughout the
25 school year.

1 REPRESENTATIVE MILLER: And, ma'am, in relation
2 to the teachers and your support staff, your
3 paraprofessionals, your PCAs, that make up a variety of, I'm
4 sure, all of the facilities that are in the alliance, how
5 many of them are running into the same challenges with staff
6 and teachers expressing the desire to not be in person or
7 wanting to take leaves or perhaps just not wanting to come
8 back in person somewhat?

9 MS. DONNA WESTBROOKS-MARTIN: So that's a really
10 hard question to answer at this point simply because we are
11 -- as we listen to see what your partnering school districts
12 are doing with regards to their return to school, that has
13 an impact on the decisions that the various approved private
14 schools are making. So at this late in the game, not all of
15 us are at a place where we have a final decision but I
16 believe once a final decision is made, you will start to see
17 some changes in staffing patterns.

18 So for example, at our school, we are working
19 with our staff around a full reopening, five days a week for
20 students to return. A week ago, we had completed a survey
21 asking how confident you were of your school to keep you and
22 your families safe. We had 70 percent of our staff say that
23 they were confident or confident with reservations. A week
24 later I have three openings that I am going to have to fill
25 to open the school year. So I think as the pandemic changes

1 and the virus changes and our school districts make
2 different decisions, that number changes. That's part of
3 the challenge.

4 REPRESENTATIVE MILLER: Thank you, ma'am.

5 And my last quick question to Ms. Landis, I do
6 appreciate you mentioning my House Bill 2611, which I do
7 appreciate, but I'm wondering in a broad sense, given your
8 focus on individuals who are taking part in Special
9 Education in the state, how are you -- how much are you
10 concerned as to whether or not (unintelligible) was provided
11 in the spring and whether or not there has been information
12 communicated that the challenges in Special Education found
13 in the spring will not be there in the fall?

14 MS. SHERRI LANDIS: So, you know, we're always
15 concerned. I mean, we have had conversations, you and I,
16 Representative Miller, on the issue of, you know, school
17 districts really sometimes struggling to meet the
18 (unintelligible) requirements. We know that there's a
19 terrible regression. I mean, there's a terrible regression
20 amongst the typical developing students so for our Special
21 Education population, regression is even a bigger concern.
22 So I have serious concerns on how school districts are going
23 to meet the needs of students with IEPs, especially in a
24 remote learning atmosphere. I'm not sure how it's going to
25 be done. I think that students who are getting ready to age

1 out are going to be really at a disservice because I'm not
2 sure how transition services are going to be rendered on a
3 remote learning basis. I mean, we are terribly concerned.
4 This is a struggle for all families in the state on a good
5 day. Throw in a pandemic and it's a real crisis.

6 REPRESENTATIVE MILLER: Thank you, Mr. Chairman.

7 MAJORITY CHAIRMAN SONNEY: Representative
8 Isaacson.

9 REPRESENTATIVE ISAACSON: Thank you, Mr.
10 Chairman.

11 First, this is going to go to
12 Ms. Westbrooks-Martin and Ms. Landis following up on
13 Representative Miller's questions.

14 What are you doing to coordinate for your PPE
15 needs and cleaning needs with the Department of Health as
16 well as the Department of Education considering the special
17 needs that both of your entities serve? Whoever wants to go
18 first.

19 MS. SHERRI LANDIS: So I'll let Donna answer that
20 because Donna actually represents, you know, brick and
21 mortars.

22 I mean, we're just really working with the
23 families on what reopening looks like. Of course, we have
24 significant concerns on, you know, PPE and health because
25 many of our student population have, you know, health issues

1 as well.

2 So I'll let Donna handle the brick and mortar.

3 MS. DONNA WESTBROOKS-MARTIN: Sure. So our
4 member schools in the alliance have -- we've been working
5 with the Department of Education or the Bureau of Special
6 Education for supporting guidance around access to PPE. And
7 what we find is that it's different in different locations
8 and it's different according to the supplies that you need.
9 But what we've done really well is to work hard as an
10 alliance to be a support to each other. And when we find
11 that we have resources, we share amongst the group. And
12 that's pretty much where the majority of our support is
13 coming from with the actual attainment, actually obtaining
14 the equipment that we need.

15 The Bureau of Special Education has been very
16 supportive in terms of helping us to identify our plans for
17 reopening, what guidance we should be leaning on, and also
18 utilize the CDC guidelines in terms of actually obtaining
19 the equipment. We are doing the best we can with the
20 resources that we have and access to whomever we have and
21 then sharing that information amongst the alliance.

22 REPRESENTATIVE ISAACSON: So there's no reaching
23 out to the Department of Health, considering your testimony
24 here. You talk about the assistance with feeding and
25 toileting and other supports that you need. Obviously, in

1 the middle of a pandemic of this contagious disease, you
2 want to make sure that not only staff but the students are
3 kept safe with having to have such interactions. I highly
4 suggest that you reach out to the Department of Health since
5 they are coordinating a lot of the PPE that Pennsylvania has
6 received from the Federal Government.

7 And then finally I have a question for Laura
8 Kelly. With regard to your testimony, you talked about in
9 the School Code, we see a ratio of certified nurses per
10 1,500 students. Do we need to change this ratio with regard
11 to dealing with schools that are going in-service in school
12 participation so that students have access to certified
13 nurses, especially, if I recall correctly, the Department of
14 Education in our last hearing spoke about the nurses being
15 the point person for information gathering and reporting to
16 the Department of Ed of what is going on in their schools
17 with regard to the COVID.

18 MS. LORI KELLEY: Thank you for the question,
19 ma'am.

20 The National Association of School Nurses at this
21 point is recommending one school nurse per building. So my
22 answer to the question is, in order to best meet the needs
23 of our students particularly in the times of the pandemic, I
24 think it would be prudent to follow the National Association
25 of School Nurses guidance that the best practice is one

1 certified school nurse per building, at least one certified
2 nurse per building.

3 REPRESENTATIVE ISAACSON: As opposed to the per
4 student that it is now?

5 MS. LORI KELLEY: Yes, ma'am. Thank you.

6 REPRESENTATIVE ISAACSON: All right. Thank you
7 very much.

8 MS. LORI KELLEY: Sure.

9 REPRESENTATIVE ISAACSON: Thank you, Mr.
10 Chairman.

11 MAJORITY CHAIRMAN SONNEY: Representative Kim.

12 REPRESENTATIVE KIM: Thank you, Mr. Chairman.

13 And thank you for all those who gave your
14 testimonies today. This may not be a question for you guys
15 specifically, maybe more for public schools.

16 But in my district, I'm getting a lot of our
17 parents who have to work and then have their kids who are
18 going to be learning remotely. My concern is more of the
19 people with intellectual disabilities as well as, you know,
20 elementary school students. You cannot leave them at home
21 by themselves while trusting that they are going to do their
22 online work. Are you getting feedback from parents? What
23 are some of your alternatives? If not, what are some of
24 your recommendations?

25 Thank you.

1 MS. SHERRI LANDIS: Thank you, Representative
2 Kim.

3 I mean, for the families, I mean, we're asking
4 for the school districts to realize if a student has an aide
5 in their school, then they should have an aide while they
6 are home, too. The aide should be able to come to the
7 house. We're asking for the exact same services that they
8 would receive in the school building to be done remotely at
9 home because this is a concern. I mean, we have a concern
10 that the parents who are working and the students who are
11 learning remotely that there is once again a gap in
12 education services. So we're really saying to the School
13 District, look, if you supplied the services in school,
14 those same services need to be supplied at home learning as
15 well.

16 MS. DONNA WESTBROOKS-MARTIN: Likewise, in our
17 private schools, what we learned from our time from March
18 until the end of this past school year is that it's very
19 challenging to work with the group of students that we have
20 in our schools. If a parent is not available to assist, it
21 is quite challenging in an on-line environment.

22 Some of the things that we've done to be creative
23 with some of this is to really create some flexibility in
24 the workday or the school day for our students when they are
25 in an on-line program so that the work is done and the

1 teaching and instruction occurs in a way that can more align
2 with the family structure and to be as supportive as
3 possible.

4 We've worked tirelessly to try to do as much
5 one-on-one instruction while in an on-line environment. And
6 we've also worked really hard to supply as much support as
7 we can in the home when we were able to minus any kind of
8 mandates or anything like that. But it is quite
9 challenging. So that is why we are saying you seeing, you
10 know, a number of our approved private schools either
11 opening for the full five days or at least in a hybrid
12 model, some starting the school year in a distance learning
13 kind of environment with the understanding that they will
14 transition to being physically in front of students as
15 quickly as possible, because we know that the populations of
16 students that we work with on a day-to-day basis really need
17 to have teachers near them, we need to do that in a way that
18 is safe and healthy for everyone.

19 MS. SHERRI LANDIS: And I think we need to take
20 into consideration, you know, additional training for
21 teacher s and paraprofessionals. I mean, they are not
22 necessarily the experts of on-line learning. So I mean,
23 we're asking that the School Districts really start offering
24 additional training, especially for paraprofessionals. I
25 mean, The Arc of Pennsylvania has an initiative through the

1 Bureau of Special Education called the Include Me Initiative
2 which was part of the Gaskin Settlement for inclusive
3 education in Pennsylvania. And we work with teachers in
4 School Districts to provide technical assistance on
5 inclusive, you know, instruction, you know, how to make sure
6 that those students with special needs are not put in the
7 classroom in the basement beside the boiler room.

8 So we've been -- during the closure, we have
9 shifted our actual hands-on technical assistance to provide
10 online e-learning modules for both the teachers,
11 paraprofessionals, and parents. So when we did these
12 e-learning modules, we had to take into consideration that
13 parents are now the teachers. We're trying to provide that
14 across Pennsylvania but, you know, we have 501 School
15 Districts and it's very hard to reach every single district
16 to provide that technical assistance.

17 So we're also looking at, you know, making sure
18 that the School Districts realize that there are resources
19 out there. There's (unintelligible). There's PAN. There's
20 other organizations that can help them, if it's on-line
21 learning or a hybrid model that the students are being
22 reached. We are having a meeting on Thursday -- actually,
23 the school nurses will be there as well -- that we are
24 assembling the school stakeholders as well as the family
25 advocate groups for us to come to the table to say let's

1 talk about reopening. How are we meeting the needs of
2 students with disabilities? So, I can give you an update on
3 the result of that meeting if you would like. I know I had
4 an earlier conversation with Representative Miller that, you
5 know, it's -- we're hopeful that this group continues to
6 meet even after the crisis of COVID because it's oftentimes
7 looked as the parent advocacy groups being the adversaries
8 to the school officials and vice versa. So we don't want to
9 be adversaries anymore. We need to be team members to make
10 sure that every student with an IEP needs are met.

11 REPRESENTATIVE KIM: Thank you for that.

12 I think both of you are talking about creativity,
13 flexibility, and everything is not on you guys. You guys
14 are doing your best. I know you guys are stressed out. And
15 I'm just going to put out there, you know, I'm working with
16 my School Districts for emergency classrooms for students
17 who have absolutely nowhere to go, elementary schools. And
18 churches are stepping up. Their fellowship halls are empty
19 during the day. So we have people with background checks
20 whose clearance may be retired teachers. I mean, we can
21 spend some time helping the children do online classes, not
22 the whole day but, you know, part of the day. Give them a
23 snack. We all have to step in to make this work. It's not
24 permanent. This is only temporary but all hands on deck. I
25 commend what you guys are doing.

1 Thank you for all your hard work. I know we're
2 going to get through this together.

3 Thank you, Mr. Chairman.

4 MAJORITY CHAIRMAN SONNEY: Thank you.

5 Representative Jones.

6 REPRESENTATIVE JONES: Yeah. I have a couple
7 questions for Ms. Kelly here.

8 I want to be clear. My questions might sound
9 like they are a little bit loaded or cynical and they are
10 not. I want to make sure I understand. You used the phrase
11 that you are terribly concerned about this situation, which
12 I think we all are. But I want to kind of dig into a little
13 bit as to why that specifically is the concern here because
14 I think it has some relevance as to how we strategize and
15 move forward.

16 My question, I guess, is our concern around the
17 help -- let me start quickly with a premise that if I had an
18 extremely -- I recognize we have children who are very
19 vulnerable. Maybe they have had a kidney transplant or they
20 have been real ill. There's a lot of scenarios. I would
21 think as a parent, if I had a very vulnerable child, I would
22 not even be considering sending them to school.

23 In my instance, they may not have been in a
24 public school setting to begin with. I certainly would not
25 trust school-age children to be diligent in distancing and

1 wearing masks to protect the very vulnerable child.

2 And my thinking is -- and you can feel free to
3 challenge that. But I would think that the most vulnerable
4 children we would strongly recommend -- and if schools have
5 liability issues that we haven't addressed, maybe even
6 require that they not be there. So if you assume that the
7 most vulnerable are out of the equation for the most part
8 and they accommodate them through some form of remote
9 learning, I'm looking at, I believe -- and correct me if I'm
10 wrong -- the CDC -- I'm on their website here -- it looks to
11 me like they came out with guidance back on July 23rd
12 suggesting that we should open schools for many of the
13 reasons they were talking about here.

14 There's tremendous risk to children and downside
15 if we don't open the schools, but I'm struck by something.
16 The statistic here as of July 17th, it's reported that
17 children and adolescents under 18 years old account for
18 under 7 percent of COVID-19 cases and less than .1 percent
19 of COVID-related deaths. And it goes on to say that for the
20 last -- it says, so far in this pandemic, children which I
21 assume it appears to be the 18 and younger, so that would be
22 all of our kids, we're talking about so far in this
23 pandemic, that's less than each of the last five flu
24 seasons.

25 So why are we terribly concerned? I'm not

1 trivializing it. And it's -- is it because of the children
2 who seem to be at even less risk than they are in a typical
3 flu year, which I don't think we're going -- I certainly
4 hope this is not a new normal that we operate this way
5 indefinitely. Are we terribly concerned for some other
6 reason, via teachers or children bringing it home to parents
7 or grandparents?

8 And if it's the latter, how does keeping them
9 home all day versus sending them to school -- is the concern
10 that they are going to pick it up from other children and
11 take it home? Is that the reason for the concern? Because
12 it seems to be an extremely low risk to the children
13 themselves other than the most vulnerable students and
14 teachers who I assume would not want to be there in the
15 first place.

16 So what is the risk relative to schoolchildren?
17 We're not talking about nursing homes here. That's totally
18 different. What is the risk to schoolchildren that warrants
19 these extreme measures when the past five flu seasons have
20 tragically killed more of our children than COVID has?

21 MS. LORI KELLEY: Thank you for the opportunity
22 to answer that question.

23 First, we can't deny students access to schools.
24 That would be against the Individuals with Disabilities
25 Education Act. There are many medically fragile children in

1 the public schools. They are not mostly in other settings.
2 We have neuro-typical kids who deal with diabetes and asthma
3 that are in school that are medically fragile that are
4 educated very appropriately in the public school setting.

5 I don't think that the child's medical
6 consideration is the only consideration parents need to look
7 at when they are looking at educating their child. The
8 family situation is also very important to their decision as
9 to whether they send their child to school.

10 Many families may feel like they don't have a
11 choice but to send their child. As many of the testifiers
12 and questions have indicated, parents are concerned about
13 child care as well. And if they have to go to work to feed
14 their child, the only option to send their child in may be
15 the one that they choose with great concern on the parents'
16 part.

17 I am grateful that my children are grown and I'm
18 not faced with those decisions. So the argument that most
19 medically frail children won't be in the buildings, I don't
20 think that that is necessarily an accurate argument.

21 As far as children being less likely to have
22 severe effects from the illness, I am very grateful that
23 that certainly seems to be the case. However, children are
24 certainly likely to spread the contagion. There have been
25 instances, for instance, the schools in Georgia opening,

1 showing spread within the school district. There is concern
2 about children catching it from asymptomatic spread at
3 school and bringing it home to vulnerable parents or
4 grandparents at home. And if their caretakers aren't well,
5 then the children themselves aren't well.

6 If a child contracts the virus due to
7 asymptomatic spread and takes it home to a vulnerable parent
8 and that parent gets it and succumbs to the illness, that
9 child's health and wellness and safety is thereby
10 compromised. I think the issue is very complex about
11 children's wellness. It's not just based on whether they
12 are hospitalized for COVID. It's also based on the health
13 of the community and the family.

14 So the concern there is it is also for the staff.
15 If the staff has to quarantine or isolate or becomes ill,
16 there is no staff to educate the children. So again, it may
17 be an indirect impact, but it is definitely a large impact.

18 I think there's a lot of area for concern but I
19 do appreciate the opportunity for answering that question.

20 REPRESENTATIVE JONES: Thank you.

21 I appreciate it as well. And I certainly share
22 some of the concerns, particularly, you know, with the
23 vulnerable family members and staff and so fourth.

24 One quick follow-up. In the first scenario --
25 and I apologize. You used a better term than I did. I

1 guess I referred to it as some of the more medically
2 vulnerable children. As you said, oftentimes there's no --
3 you know, that they are in school and should be and so
4 forth. Is there anything -- I would assume that those --
5 that those vulnerabilities exist in every school year or is
6 there something that to your knowledge is unique about
7 COVID?

8 In other words, if I had a very vulnerable
9 student, I assume they would not want to get a severe case
10 of the flu or any number of other illnesses that tend to be
11 sort of breeding grounds in schools or is that not a risk
12 that exists every year to some extent or is there something
13 unique about COVID just specific to the children, not the
14 taking it home to others? Is there anything unique about it
15 to your knowledge? Maybe you don't know the answer to that.

16 MS. LORI KELLEY: Sure. There's no vaccine for
17 COVID available. Flu is dangerous to those children, but
18 parents are able to protect them from the flu by vaccinating
19 them. I think if there was a vaccine for COVID, that would
20 be a game changer. I pray to God that happens sooner rather
21 than later. But that is the one thing that is unique to
22 COVID that makes vulnerable children even more vulnerable.
23 Immunization rates are extraordinarily important.

24 My school district, in fact, is having a flu
25 clinic to improve the numbers of students who are vaccinated

1 from the flu so that we are not compounding one spread of
2 infectious disease on another. So that is the one thing
3 that I would say makes COVID stand out beyond all of the
4 other infectious diseases that these children would be
5 vulnerable to.

6 REPRESENTATIVE JONES: Thank you. I appreciate
7 that.

8 MS. LORI KELLEY: Sure.

9 REPRESENTATIVE JONES: It's a great point.

10 Thank you.

11 MS. LORI KELLEY: You're welcome.

12 MR. GARY NIELS: Representative Jones, one of the
13 things that I wanted to mention also that I hear from the
14 parent network is so much uncertainty about the inflammatory
15 condition that is now emerging in children who apparently
16 carry COVID and didn't even manifest any typical COVID
17 symptoms. I know parents are frightened to death of this
18 inflammatory response that seems to have emerged later on,
19 even after the children who may have carried it are well.

20 So there seems to be a lot of ambiguity also.

21 REPRESENTATIVE JONES: Thank you for that. I
22 appreciate it.

23 MS. DONNA WESTBROOKS-MARTIN: If I may add.

24 Hearing from our staff and our families who are confident in
25 our school's ability, they are still afraid of the unknown

1 right now. And so without having a lot of answers to a lot
2 of questions, that's where a lot of their fear lies.

3 REPRESENTATIVE JONES: I think that's definitely
4 something I think I certainly witnessed as well, which is,
5 you know, understandable given the nature. But you are
6 right, there's a lot of -- I think we drift a little in the
7 irrational fear but at the same time the fear of the unknown
8 is a real thing. It seems like there's new information
9 every day. It's definitely a moving target and I definitely
10 am concerned if we ramp up. It's sort of like -- I
11 apologize for not having a better analogy. But if you look
12 at what's happening currently in, say, major league
13 baseball, you start up and you have to assume there are
14 going to be multiple positives. You know there's going to
15 be a lot of positive cases. It's just the nature of it.

16 And, you know, in figuring out how we're going to
17 deal with that, in some ways reopening and putting
18 procedures in place is obviously critically important. But
19 then you have to assume that there are going to be positive
20 cases. It's inevitable. And you can't just shut everything
21 down at that point or it wasn't worth starting up in the
22 first place.

23 So having those contingency plans, as someone
24 alluded to -- you know, if I have 10 or 15 percent of my
25 staff that test positive and needs to be out for a couple

1 weeks, you know, how -- you know, how do we plan for that?
2 You know, that's a huge challenge. It's not like we have
3 all this extra staff sitting around, you know, anything from
4 not only the teachers but bus drivers. I mean, we had
5 shortages of bus drivers before this even started, you know.
6 So this is just going to compound all those things and we
7 need to be creative and be flexible.

8 But thank you all for your time and for
9 entertaining my questions. I appreciate it.

10 MAJORITY CHAIRMAN SONNEY: Thank you.

11 We're going to field just two more questions and
12 then we're going to move on to the next panel. The next
13 question will come from Representative Gleim.

14 REPRESENTATIVE GLEIM: Thank you.

15 Thank you all for being here today.

16 My first question goes to Gary, please, the
17 Pennsylvania Association of Independent Schools. My
18 question is for immunity. I've heard from a lot of you
19 saying that you would like to have immunity in your schools
20 from liability or non-negligent claims. Would you be open
21 to inspections to ensure compliance in exchange for
22 immunity?

23 Hold on, Gary. We can't hear you.

24 MR. GARY NIELS: I'm sorry. Inspection from
25 whom?

1 REPRESENTATIVE GLEIM: Well, my colleague here
2 has stated that 90 percent of the state don't have Health
3 Departments in order for these inspections to happen.
4 However, I happen to know that the Department of Ag went to
5 over 400 businesses in four days to make sure that they were
6 compliant with CDC guidelines. And if they weren't, they
7 got cited.

8 So I guess what I would suggest is that we
9 petition PDE to work with the Department of Health to do
10 something similar where, you know, either the Department of
11 Health or perhaps the Department of Ag, which has already
12 been schooled in this type of thing, to come out and inspect
13 the building and what you have there.

14 MR. GARY NIELS: Representative Gleim, I think
15 that's a very reasonable question. I don't know how all of
16 our schools would feel about that, because they do
17 appreciate, as I mentioned in my testimony, their
18 independence from state regulations, which is more important
19 to them. I think it's a very good question, but I don't
20 know exactly.

21 Speaking on behalf of our 110 schools, I do know
22 that they have a fear over the fact that they feel very
23 legally vulnerable. And they feel vulnerable in many ways,
24 but particularly legally vulnerable. And I don't know
25 whether they would be willing to give up the independence

1 that they also enjoy and allow the State to come in,
2 whichever agency it was, to inspect their school in order to
3 have immunity.

4 I just think it's a good question. I'm sorry I
5 don't know the answer to it.

6 REPRESENTATIVE GLEIM: Okay. Thank you.

7 And my second question is, when we were in a
8 heightened state of emergency back in March and April, our
9 local county EMS, emergency management, were in charge of
10 getting PPE from PEMA and distributing it to all the
11 frontline workers that we had. And I would just implore
12 that you all petition PDE to get those exact same type of
13 emergency management, you know, way of doing things that we
14 did back in the heightened part of March and April to the
15 schools so that you all have the PPE that you need.

16 And that's all I have, Mr. Chairman.

17 MAJORITY CHAIRMAN SONNEY: Okay. Thank you.

18 Representative Kim I believe has a question from
19 Chairman Roebuck.

20 REPRESENTATIVE KIM: Yes, thank you, Mr.
21 Chairman.

22 Chairman Roebuck wants us to be mindful of the
23 school districts that have students on free and discounted
24 school lunches and breakfasts. And even on Fridays they
25 will get a food package for the weekend.

1 Are any of your schools making accommodations for
2 the needs for this sort of food and lunches?

3 Thank you.

4 MR. GARY NIELS: We have only a few Title 1
5 schools in our association. And I know for a fact that
6 those schools are working to provide meals for Title 1
7 students.

8 REPRESENTATIVE KIM: Thank you.

9 MS. DONNA WESTBROOKS-MARTIN: And our approved
10 private schools are working in partnership with the school
11 districts where our students physically reside to ensure
12 that they have access to the same lunch programs that all of
13 the other students in their district have access to.

14 REPRESENTATIVE KIM: Wonderful.

15 Thank you so much.

16 MAJORITY CHAIRMAN SONNEY: I'd like to thank the
17 testifiers from the first panel. I hope that you can stick
18 around a little bit longer in case there are additional
19 questions.

20 I'd also like to thank you, Brian Hayden and
21 Dr. Richard Jensen, for your patience. We're ready to begin
22 the testimony on the cyber schools.

23 You know, obviously, it affects the cyber schools
24 differently. But it most definitely has an effect. So
25 whoever would like to start, you may proceed, whether it's

1 Brian Hayden, the CEO of PA Cyber Charter School, or
2 Dr. Richard Jensen, CEO, Agora Cyber Charter School.

3 MR. BRIAN HAYDEN: I'll go ahead and start.

4 My name is Brian Hayden. I'm the Chief Executive
5 Officer of the Pennsylvania Cyber Charter School. I'm also
6 here representing our professional organization, the
7 Pennsylvania Coalition for Public Charter Schools.

8 I appreciate the opportunity to be invited to be
9 part of the solution in how to safely ensure that all
10 children in the Commonwealth are able to receive the
11 education they deserve in the upcoming school year.

12 As outlined in my written testimony, we do have
13 concerns, many of them very similar to what was expressed
14 previously, the flexibility of 180 requirements, teacher
15 certification, logistics for standardized testing, access to
16 transportation for our brick and mortar charter schools,
17 legal immunity, and, of course, fair funding for cyber
18 charter schools.

19 However, an equally pressing concern for us is
20 the unbelievably large number of parents who are making
21 enrollment inquiries to us as they are unsure about how the
22 traditional schools will be offering cyber programs if they
23 don't open up in the fall in face-to-face teaching. And
24 they are concerned that these schools will not be better
25 prepared than they were in March.

1 The tens of thousands of Pennsylvania families
2 exploring enrollment in cyber charter schools right now
3 makes this especially important. I just want to say this.
4 I just read in the paper, Pennsylvania Cyber Charter School,
5 we are now filled. Our enrollment parameter of 11,677
6 children has been reached already. This is unprecedented
7 for us. And most of the other cyber schools are
8 experiencing similar enrollment increases, as well as we
9 have thousands of families who are on a waiting list right
10 now and it's only the beginning of August.

11 I'd also like to comment, there was a discussion
12 about providing Special Education services. At PA Cyber we
13 have over 2,200 Special Education students who have IEPs as
14 well as 504 students. And every day we find ways to provide
15 appropriate and expected Special Education to all of those
16 students and their families.

17 We were able to do so at a pretty high level even
18 during the shutdown. And it's -- I hope that somebody from
19 a cyber school has been invited to the meeting that you
20 referenced coming up next week because I think we have a lot
21 to provide. I'd just like to state that cyber schools work.
22 Public, private, parochial, postsecondary schools all used
23 the time between March and the end of the school year to
24 pass students, to promote students, and to graduate
25 students. So hopefully there's no longer going to be a

1 discussion about the validity of cyber education in 2020.

2 At PA Cyber, we have 20 years of experience, ups
3 and downs, growth and understanding of how to prepare online
4 education for all students. We believe we can facilitate
5 and expedite brick and mortar school efforts to develop
6 online learning for those families seeking temporary
7 placement in such programs due to concerns about the
8 COVID-19 virus.

9 Unfortunately, despite our interest in providing
10 assistance and expertise, cyber schools and, indeed, charter
11 schools in general have been left out of the planning to
12 this point, which is why I appreciate the invitation to
13 speak here today.

14 We were excluded from the Pennsylvania Back to
15 School Task Force from the start. We continue to be
16 excluded from weekly calls from the Principals Association
17 on this very subject. We were asked to answer some
18 questions from the Principals Association and we asked why
19 we were not included in the call. Generally we were told it
20 was for professional organizations only. And when we asked
21 if the PCPCS could be included, we received a one word
22 answer, no.

23 At the same time, the President of the PSEA
24 stated, quote, if we need to educate our students online,
25 our schools need to start planning for that possibility

1 immediately, end quote. Yet they chose to ignore us in the
2 spring and continue to do so.

3 In many instances this Committee and the
4 counterpart have encouraged all stakeholders to work
5 together and I would like the record to reflect that the
6 PCPCS has made and continues to make every effort to do
7 exactly that, often unsuccessfully.

8 We do need to move beyond these differences and
9 proceed, as everyone's goal should be, to ensure a quality
10 education for each student in the Commonwealth. And to that
11 end, we recommit to working with any entity, public or
12 private, to do so.

13 On August 31st, PA Cyber will start its school
14 year. Today, all of our students know what their school
15 environment and experience will be. There will be no
16 concerns about health and safety, no need to wear masks and
17 no changes in their school day for the next nine months.
18 They have access to the best instructional technology
19 available no matter where they live. They can attend clubs
20 and field trips. They are lucky Pennsylvanians and we are
21 proud to be the school.

22 At the same time, we know that we cannot
23 accommodate every student who wants to attend a cyber
24 charter school this year. Because of this, all of
25 Pennsylvania cyber charter schools stand ready to share our

1 expertise and experience with others if they would simply
2 choose to include us.

3 While the PDE does recognize our value and we
4 have had great communication with them throughout the
5 pandemic, the major education advocacy organizations have
6 taken a different, more contrary position. For the sake of
7 all of Pennsylvania's K-12 students, it's time for them to
8 change.

9 And I'd like to just take a minute here to just
10 address to the Committee the two bills that are sitting
11 there right now impacting cyber charter schools that some
12 consider reform. I characterize them as attempts to hold
13 students hostage to the whim of the superintendent. I'd
14 like to invite any of you, any of the members of the
15 Committee, to spend a day with any of our enrollment
16 services staff and try to explain to the tens of thousands
17 of Pennsylvania families who are seeking cyber charter
18 schools as a viable alternative to the cyber program that
19 their traditional brick and mortar schools are providing and
20 why those parents don't consider that a valid alternative.

21 I look forward to any questions the Committee may
22 have. And again, thank you for your time and including us.

23 MAJORITY CHAIRMAN SONNEY: Thank you.

24 And, Dr. Richard Jensen, are you ready to
25 testify?

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DR. RICHARD JENSEN: I am.

Thank you, Chairman Sonney and Chairman Roebuck and the other honorable members of the House Education Committee. I am here speaking on behalf of the Pennsylvania Public Cyber Charter School Association and I represent Agora Cyber Charter School.

Again, I thank you for the opportunity to be here today and to testify before this Committee. I would like to focus on two main points as it relates to the reopening of schools for the 2020-2021 school year.

First, as cyber charter schools, our model is uniquely designed to provide continuity in education and instructional practice during these difficult times that are facing the Education Committee here in the Commonwealth and across the nation.

At Agora our instructional model focuses on synchronous learning. That means that we have live classes with state-certified teachers in which all of the fundamentals of instructional Best Practices are employed. In particular, our lessons are aligned to State standards. We include hooks to pique the interest of students in the topic or the skills that they will be looking at that day. They include direct instruction, questioning and discussion techniques, guided learning activities, small group work, and checks for understanding formative assessments.

1 At Agora we also focus on the well-being of the
2 whole child. That means that through a multi-tier system of
3 supports, an MTSS framework, we work hard to get to know
4 every student. We serve each student to ensure that we are
5 meeting their academic, behavioral, and even social needs.

6 All students are assigned a family coach. This
7 is a very important position within our model because they
8 are a liaison between the home and the school-based
9 therapist on engagement and attendance data. They also use
10 a three-tier model to identify and to support learners that
11 are at risk. They use phone calls, conferencing tools, and
12 before the pandemic they also engaged in in-person
13 conferences, meeting with families to build relationships
14 and also provide supports.

15 We also support our students through the Student
16 Assistance Program. In a typical year we'll address close
17 to 1,200 SAP referrals. This is one of the reasons that
18 Agora has also worked hard to become an informed school. So
19 even though in-person student services have been suspended
20 since the beginning of March and we have made the decision
21 to move into the beginning of this school year, we'll also
22 keep all services virtual. This may limit but it does not
23 eliminate the strategies that we use for engagement and to
24 support our families.

25 The point that I really want to make is that even

1 though our face-to-face activities, such as social outings,
2 back-to-school events, programs, field trips, and many of
3 these family coach in-person visits have not been able to
4 occur since March, most of the foundational building blocks
5 for a well-rounded educational experience still remain.

6 That doesn't mean though that we do not have
7 challenges. As Mr. Hayden has addressed, the area of
8 Special Education and related services is one area that we
9 definitely are looking at closely at Agora. Now, I will say
10 that the overwhelming majority of our Special Education
11 services are able to be done virtually.

12 We had 120 Special Education teachers servicing
13 about 1,600 students with IEPs. However, we also work with
14 contract-related service providers. In the spring during
15 the school closure, all those services were moved to
16 virtual. However, we do realize that some of these services
17 may be best served in a face-to-face setting.

18 These are decisions that have to be determined by
19 the IEP team. Services may include things such as nursing
20 or physical therapy or BCBA or PCAs who work with students
21 who present behaviors that may cause harm to themselves or
22 to others.

23 So we are working very closely with the roughly
24 70 related service agencies that we work with across the
25 Commonwealth checking that their health and safety plans

1 match our health and safety plan and that they are meeting
2 the guidelines that have been set by the CDC, the
3 Pennsylvania Department of Health, and the Pennsylvania
4 Department of Education.

5 So in closing, I want to echo the words that Mr.
6 Hayden shared, that along with all of my colleagues in the
7 cyber charter school community, we are willing to provide
8 whatever assistance, strategies, or the lessons that we have
9 learned through the experiences that we have gained for
10 Agora that is over 15 years in this model. And we are
11 willing to provide that assistance to any brick and mortar
12 schools, charter or district, as they are considering online
13 schooling for the start of this upcoming school year.

14 Again, I want to thank you for your time here
15 today.

16 MAJORITY CHAIRMAN SONNEY: Thank you.

17 We'll go back into questions.

18 Representative Knowles.

19 I know Representative Knowles is virtual. We'll
20 see if we can get him connected here.

21 Representative Knowles, you've got to unmute
22 yourself.

23 We'll move on.

24 REPRESENTATIVE KNOWLES: No, no. I'm here, man.

25 MAJORITY CHAIRMAN SONNEY: There you go.

1 REPRESENTATIVE KNOWLES: Chairman, I apologize.
2 This technology is tough for me. I do appreciate the
3 opportunity to participate remotely.

4 And, Chairman, I want to thank you for calling
5 this hearing. I think it's so important for all of us. I
6 believe that everyone involved, excluding no one, truly
7 wants to do what is best for our students. Just as
8 importantly, we need to do it safely.

9 Just one or two questions. I'll ask the
10 questions and then I'll mute again. I want to just make
11 sure I understand this. And I heard this before that folks
12 who deal on a day-to-day basis with charter schools or with
13 cyber schools have reached out to everybody in terms of
14 public schools, private schools, everybody. And they have
15 offered assistance in -- is that true?

16 MR. BRIAN HAYDEN: Yes.

17 REPRESENTATIVE KNOWLES: And what has been your
18 response from any of the schools, be they private, public?
19 What has been your response?

20 MR. BRIAN HAYDEN: So some of the individual
21 schools have responded positively. We have helped them. A
22 couple of the IUs, we have worked with them a little bit.
23 It's the large statewide organizations that are not working
24 with us. You may be familiar with this document that was
25 put out, the Pennsylvania School Reopening Task Force

1 Report. It included I mean all the major organizations with
2 oddly enough the exception of the independent schools also
3 listed on here.

4 At the Senate hearing, Education hearing, similar
5 to this in early June, Senators from both sides asked these
6 organizations, the PSEA, PASA, PASBO, Principal Association,
7 asked them to include charter, cyber, and private schools in
8 the production of this report. We accepted that invitation
9 but they never contacted us back.

10 So like I said, all of these large professional
11 organizations are the ones who are choosing to ignore us and
12 seek assistance and advice from us.

13 REPRESENTATIVE KNOWLES: Well, I hope to be on
14 tomorrow. And that will be a question I'll be asking them.
15 It's all about the kids. That's all I hear. And I truly
16 believe it's all about the kids. So if it's all about the
17 kids and you have an opportunity from organizations who have
18 got a lot of experience in doing what they need to do, for
19 God's sake let's not dig our heels in and refuse help from
20 where we know that we can get it from people who know what
21 they're doing.

22 The other question -- and it will be very quick.
23 I get there's a waiting list and I think that we can all
24 assume the reasons for the waiting list and why some parents
25 are picking that route. Is there any other maybe not so

1 obvious reason in terms of your conversations with the
2 parents and with the kids in terms of them wanting to go the
3 cyber route? Are there any other comments that you're
4 getting from those folks in general? I think what we're
5 finding is that the two major topics are, one, they may have
6 tried the online version that was presented in the spring by
7 their districts and they have concerns based on what they
8 experienced so they are looking for what are their other
9 options.

10 And I think the other is it comes back to the
11 safety, especially if they do have a child, which one of the
12 representatives had mentioned earlier, if they do have a
13 child that may be identified as being a higher risk, they
14 are looking for what are their options to address that. So
15 that's what we're hearing are probably the two major reasons
16 that are coming out in our information sessions.

17 And I will say the parents are asking very, very
18 good questions and are really digging deep as they are
19 researching to try and figure out what really makes the most
20 sense for them as a family.

21 Chairman, again, thank you very much. Thank you
22 for putting up with my lack of computer skills. I look
23 forward to listening to the rest of the hearing.

24 Thank you, sir.

25 MAJORITY CHAIRMAN SONNEY: Thank you.

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Representative Topper.

REPRESENTATIVE TOPPER: Thank you, Mr. Chairman.

Always glad when Representative Knowles can find that unmute button in any setting.

My question, I guess for --

REPRESENTATIVE KNOWLES: That's not true, Jesse. You would love it if I'd find that mute button a hell of a lot more.

REPRESENTATIVE TOPPER: I was being facetious but I appreciate the opportunity.

Mr. Hayden, I guess it could really be for either but specifically since you are also representing the Coalition in today's hearing, right now you say you are up against the cap; is that correct? You are up against your cap, what you think your capable of or just simply you are up against the State cap for enrollment? Do you feel that that's the way for a majority of the cyber charters?

MR. BRIAN HAYDEN: So there's two answers to that question. When PA Cyber had its charter renewal, we agreed to a parameter. And that's why it's that number of 11,677. So for us, that is an actual cap as negotiated with the PDE.

And I think Rich can maybe address this, too. I think for the other cyber charter CEOs, it's just a matter of capacity in terms of teachers and equipment.

REPRESENTATIVE TOPPER: Go ahead.

1 DR. RICHARD JENSEN: I was just going to echo
2 that. We're looking at our infrastructure and what we're
3 able to handle in being able to truly support the students
4 that come. So staffing and then student equipment,
5 computers, are really the two major drivers that are kind of
6 influencing the decisions that CEOs are making as to how
7 many students they feel they are able to successfully
8 enroll.

9 REPRESENTATIVE TOPPER: Because my question
10 really is in regards to capacity. If we would, as the
11 Legislature, go to PDE and say, look, these are
12 extraordinary circumstances, we have many parents that are
13 looking at these options, we'd like to go back and revisit
14 some of these charter agreements in terms of caps, even if
15 we were to do that and even if we were to uncap all
16 enrollment, you know, obviously there would still be a
17 capacity limit. So that's what we have to look at as
18 legislators if there's simply not the capacity or not the
19 infrastructure to add even more students. Then that kind of
20 addresses maybe where we need to go or guides us into where
21 we go in terms of policy.

22 So my question would be if -- if we went down a
23 road of trying to eliminate some of those caps, how long
24 would it take? Would it even be conceivable to build the
25 kind of infrastructure needed to take on new students or

1 more students than what you are currently capable of taking
2 on?

3 MR. BRIAN HAYDEN: For PA Cyber, we don't have a
4 lot of capacity. I've made the comment to media. I have
5 said, you know, the same. Because similar to Agora, we do
6 live teaching. I said, so similar to traditional schools
7 where you can't stuff 60 kids into a classroom and expect
8 them to learn, we can't stuff 60 kids into a virtual
9 classroom and expect them to learn.

10 In terms of staffing, I mean, honestly, for us to
11 hire -- and all of our teachers are also Pennsylvania
12 certified teachers, you know -- you're talking about
13 probably 90 days to advertise, to interview, to hire, to
14 onboard, to mentor and be prepared to teach. And then of
15 course equipment, you know, trying to buy laptops right now
16 -- I mean, fortunately we have a warehouse full of them, but
17 we don't have an unlimited warehouse full of them.

18 So I think it's not even a possibility that we
19 could go much beyond where we are right now.

20 DR. RICHARD JENSEN: And I would echo that as
21 well. Now, at Agora, we do have room for growth. So we are
22 monitoring it closely. Our enrollment is steadily going up.
23 But, you know, we clearly have the bandwidth that we can
24 continue to enroll and we are doing so.

25 I think one of the other potential concerns that

1 I know many CEOs are also bringing out is in the event that
2 we were to even expand significantly our capacity, which I
3 think I would echo what Mr. Hayden had mentioned as well,
4 the other challenge is, what happens if a vaccine is found
5 in December or January or something like that and now you
6 have many families who choose to go back? We now have
7 actually put ourself in a situation where we have all those
8 additional expenses. It could force us to have to make
9 decisions as to reduction of workforce and some of those
10 issues. So that's where we're trying to really monitor the
11 situation from all those different perspectives.

12 REPRESENTATIVE TOPPER: Do you have the data
13 specifically to as Agora, the number of children that were
14 enrolled in the last two months of the school year? How
15 many of those have re-enrolled for this upcoming school
16 year? What has been the rate of keeping those students?

17 DR. RICHARD JENSEN: Yes. Actually that is a
18 data point that I had asked from our enrollment team. We
19 had about 300 students that again they had enrolled . Since
20 we are a public school, they requested entry so we did
21 enroll them, about 75 percent of them. The last that I had
22 checked, 75 percent of them had already reenrolled for the
23 beginning of this school year.

24 REPRESENTATIVE TOPPER: So what I'm hearing is,
25 just to finish up, is basically we are not quite maybe at

1 the level of as many cyber students as we can handle in the
2 state but we are getting pretty darn close. Is that an
3 accurate statement?

4 MR. BRIAN HAYDEN: Yes, I think it is.

5 DR. RICHARD JENSEN: I would agree.

6 MR. BRIAN HAYDEN: Just to take a second to put
7 it in context for PA Cyber. We typically start school at
8 just under 10,000 students on the first day of school. So
9 that's August 31st this year. We probably would start at
10 9,500 students. We're at the beginning of August and we're
11 also 2,000 students over that number. So I think that just
12 shows you how early and how many parents, families, are
13 seeking an alternative to their traditional school.

14 REPRESENTATIVE TOPPER: Thank you.

15 Thanks to both of you.

16 Thank you, Mr. Chairman.

17 MAJORITY CHAIRMAN SONNEY: Sure.

18 Representative Gleim.

19 REPRESENTATIVE GLEIM: Thank you.

20 This is a question for Mr. Hayden as well. In
21 your report you talked about certification flexibilities for
22 substitute teachers. Other than retired teachers, what kind
23 of flexibilities are you talking about that you need?

24 MR. BRIAN HAYDEN: Well, I mean, I think there
25 have been discussions I've heard amongst the PDE, between

1 the PDE and the Legislature, about a teacher might be
2 certified but maybe not certified in that grade or that
3 topic that would allow us, you know, to temporarily put a
4 teacher in that position, in a different position, that's
5 similar but not exactly that certification.

6 And this isn't something that necessarily now --
7 like I said, I know that the PDE, the Secretary has
8 addressed that they understand that this is a topic that I
9 think actually would impact all schools, not just cyber or
10 charter schools.

11 REPRESENTATIVE GLEIM: Thank you.

12 MR. BRIAN HAYDEN: You're welcome.

13 MAJORITY CHAIRMAN SONNEY: Representative Miller.

14 REPRESENTATIVE MILLER: Thank you, Mr. Chairman.

15 Mr. Jensen, one of the comments you had made was
16 in regards to contract providers, I think you were talking
17 about in relation to some type of Special Education
18 services. Did I understand correctly?

19 DR. RICHARD JENSEN: Yes, that's correct.

20 REPRESENTATIVE MILLER: And those contract
21 providers that you engage with, is that with a private
22 company?

23 DR. RICHARD JENSEN: Yes, they are private
24 companies that we work with.

25 REPRESENTATIVE MILLER: Okay.

1 DR. RICHARD JENSEN: There are also some I use,
2 that we use, as related service providers. It all depends
3 on the area and what the specific related service need is.
4 That kind of dictates the different opportunities that we
5 use.

6 REPRESENTATIVE MILLER: How much of your Special
7 Education services are contracted out like that?

8 DR. RICHARD JENSEN: We have about 70 agencies
9 that we work with. And again, some of them are small where
10 it might be just a single person that's operating as a sole
11 proprietorship. And they may be in a more rural area. But
12 then we also work with some larger companies.

13 REPRESENTATIVE MILLER: Okay. I'm sorry.

14 Is it that your Special Education services
15 entirely are met through your contracted agencies?

16 DR. RICHARD JENSEN: No. Sorry. I
17 misunderstood. No, we do have 120 Special Education
18 teachers. We also have a speech therapist. We also do have
19 a couple school psychologists as well. Those are all
20 in-house positions. These are more for, like I said,
21 nursing or behavioral support, some of those areas.

22 REPRESENTATIVE MILLER: So here's my question for
23 you. You mentioned whether things could be done virtually
24 or questioned that it could be done virtually. I think I
25 know what you were referring to. Obviously, many things can

1 be done virtually. One of the challenges though that I
2 continue to hear from parents across the state, both in
3 relation to Special Education as well as those with mental
4 health who are using telemedicine, is the effectiveness of
5 it. So being able to actually do it probably is almost
6 across the board possible in almost every circumstance that
7 we could talk about, especially with assistance from people
8 at home. So we know that it can be done.

9 The question that I really have for it is, how
10 are you measuring the effectiveness of it as you contract
11 these services?

12 DR. RICHARD JENSEN: Well, that would come back
13 to the IEP goals and the progress monitoring that we're
14 doing to see if, in fact, we are meeting those goals and if
15 we're seeing growth and progress with the students.

16 Again, depending on what the particular areas
17 are, we can even look at some of the data in which we can
18 take a look and see for students with IEPs, are we seeing
19 success? Are we not seeing success? And those are things
20 that even in a non-pandemic situation we're constantly
21 looking at, that data, and we're thinking through what are
22 ways that we can continuously improve.

23 So we do have data to show that they are meeting
24 IEP goals. And we do have data to show that students are
25 making progress and growth within our education.

1 REPRESENTATIVE MILLER: Let me stop you, if I
2 can. I appreciate it. I guess my overall point is that I
3 recognize that everybody has an IEP goal and everybody can
4 measure the progress internally. And usually that's done
5 in-house and part of your team is the one evaluating the
6 progress. It's not often that you're in some sort of legal
7 step perhaps where somebody else is independently evaluating
8 the progress.

9 I do have -- perhaps you could -- if you're aware
10 of something that can perhaps be done on a more of a
11 therapeutic evaluation as to how speech services are
12 successful in both models, in-person versus over the phone.
13 It's not that I'm saying you don't find success in your goal
14 measuring. I'm wondering if there's something that tells me
15 what's better. But on a different topic, if I can, in
16 relation to your classes that you guys have here, you're all
17 either -- one of you mentioned, I believe, how you are full.
18 The other one mentioned how you're having increased
19 enrollment. Just so I understand like with that increase or
20 with the enrollment that you're both having here now, what
21 are you doing to like ensure that your employees aren't
22 overwhelmed in a way that balances out your concerns about
23 taking on more staff, which I think you were referencing in
24 your previous testimony.

25 DR. RICHARD JENSEN: Well, at Agora we have

1 certain ratios that we aim to keep our teacher caseloads at.
2 So that's one of the major ways that we're monitoring it.
3 And again, that's also dictating if we feel like we need to
4 go out and post for some additional new hires is really
5 trying to make sure that we're keeping the ratios that we
6 believe are a healthy balance for our teachers to make sure
7 that we're staying within those parameters.

8 And again, right now we do have the bandwidth
9 that we are monitoring that. That is definitely a concern
10 of mine is to make sure that we're not overloading our
11 teachers.

12 MR. BRIAN HAYDEN: At PA Cyber, we built our
13 schedule for that 11,677 students. Cyber enrollment, at
14 least for us, tends to be pretty dynamic. Like I said, we
15 start school at, you know, under 10,000 students. Usually
16 by March we're closer to the 11,000, 11,500 number because
17 families enroll throughout the year. So we are designed for
18 this enrollment right now.

19 And we did actually plan to hire some teachers in
20 summer, especially Special Education teachers, which we did
21 in June. They are actually starting work already. So
22 that's one of the reasons I know I think Representative
23 Topper asked about growth beyond that. That's why we would
24 have concerns because this is -- we're designed for this
25 school, the size that we are now.

1 REPRESENTATIVE MILLER: All right. Just so I
2 understand. Neither one of you have to adjust your ratios
3 or either your teachers or support staff based on the
4 enrollment that you're dealing with today?

5 MR. BRIAN HAYDEN: Correct for PA Cyber.

6 DR. RICHARD JENSEN: That's where we're at as
7 well.

8 REPRESENTATIVE MILLER: My last question for you
9 both -- and I appreciate it. Look, obviously there's a lot
10 that you guys have to deal with and to balance the stuff,
11 all your employees, the class sizes we referenced, the
12 synchronous instruction I'm sure, and the Special Education
13 caseloads that I already talked about with you, but also
14 with management companies that are paid based on the number
15 of enrolled students. So I'm wondering if you can maybe
16 give me some insight as to how you're balancing out the
17 management side of that equation.

18 DR. RICHARD JENSEN: I guess I'm not 100 percent
19 sure what you're looking for in the question. Is there
20 another way you could repeat it?

21 REPRESENTATIVE MILLER: Well, I'm just trying to
22 go through, again, sort of a balance of all those factors
23 with it. There obviously is some degree that's paid by
24 enrollment. You guys are booked by the enrollment that you
25 get in place there. So all those have to -- when you're

1 balancing out the challenges that you're dealing with with
2 the increased enrollment and perhaps maybe even -- I don't
3 know if this is accurate but maybe some increase in Special
4 Education, how does it impact at all with the management
5 company side of when you have to -- who are paid based on
6 the number of enrolled students? How does that apply to
7 your ability to kind of keep everything working during this
8 time?

9 DR. RICHARD JENSEN: What we did is we built a
10 lot of those factors into the budget. When we submitted our
11 budget, we anticipated what those new enrollment fees would
12 potentially be. That is something that we have made sure
13 that within the context of how we set up the budget that we
14 submitted to PDE to ensure that we were not overextending
15 ourself in that area.

16 MR. BRIAN HAYDEN: So at PA Cyber we do not have
17 a management company at all. You know, we manage the school
18 ourselves. We have three curriculum providers that we
19 purchase curriculum from based on our assessment. They
20 provide the best course for that level. And so we purchase
21 those based on the students.

22 So again, our budget was built on this 11,677
23 number. And like I said, we have no management company.
24 We're just essentially purchasing curriculum as a student
25 enrolls.

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REPRESENTATIVE MILLER: Thank you, Mr. Chairman.

MAJORITY CHAIRMAN SONNEY: Thank you.

And the final question by Representative
McCarter.

REPRESENTATIVE McCARTER: Thank you very much,
Mr. Chairman.

And again, thankfully I think for everyone some
of my questions have already been answered I think by the
last questions that were asked. But let me kind of follow
up on a few here.

Again, I want to thank you very much for both
being here today for testimony.

Going back to the funding issue a little bit
here. In terms of one of the questions that I think many of
us have always had is dealing with the amount of money for
the Special Ed needs that flow to the cyber schools in
Pennsylvania.

Again, I guess I need some reassurance here, too,
as I'm hearing your comments about providing the special
needs, that all of those dollars that are flowing through to
the cyber charters at this point for Special Education, are
they all being used for the students within that have
special needs? In other words, if there are \$50 million
coming to Pennsylvania Cyber, as an example, for IEP
students, how much of that \$50 million actually goes to the

1 needs for those students?

2 MR. BRIAN HAYDEN: I guess if you're asking, you
3 know, do we sort of make a profit on the Special Education
4 students, if that's the case, the answer is, no, we do not.
5 You know, the way that the State funding is set up, it's a
6 formula, a 363 Form, which I'm sure you're aware of. But,
7 you know, Special Education students in any school have
8 various levels of services. I mean, I've signed \$60,000
9 checks to send kids to residential facilities because that's
10 what, you know, the IEP requires. So in that case what the
11 school pays us is not covering the full cost of that
12 student.

13 We have to provide transportation for students
14 under normal circumstances, right, where they are maybe
15 taken to speech therapy or physical therapy. You know, in
16 some rural parts of Pennsylvania, you know, the companies
17 that we hire, you're talking maybe \$1,000 a week for that
18 service. So I'm not quite sure how to answer. I mean, we
19 provide --

20 REPRESENTATIVE McCARTER: Well, let me try to
21 reframe the question a little bit.

22 Obviously, the average for Special Education
23 reimbursement is much higher than it is for regular
24 education students across the state.

25 MR. BRIAN HAYDEN: Correct.

1 REPRESENTATIVE McCARTER: And as a result of
2 that, though, and as you just pointed out, many of those
3 students don't need exceptional amounts of special services.
4 Well, some obviously do. We know that. But in terms of the
5 overall average, it's far beyond what it's really costing in
6 many cases for the regular public schools as to what they
7 are providing in terms of the overall numbers.

8 I guess it's just hard to reconcile sometimes the
9 amount of money that flows in that particular direction when
10 many of the students that you're serving don't need
11 exceptional services.

12 MR. BRIAN HAYDEN: I don't know what you just
13 said. Remember, the money that we're paid, the
14 reimbursement that we receive, is based on what the school
15 itself determines to be what they spend on a Special
16 Education student. They fill the form out. They complete
17 the 363 Form and they submit it to the PDE and to us. We
18 build based on that.

19 So we don't set a Special Education fee or
20 tuition or whatever number or whatever you want to call it.
21 It's based on what the school itself says that they spend on
22 a Special Education student.

23 REPRESENTATIVE McCARTER: Okay.

24 MR. BRIAN HAYDEN: And remember, we get about 75
25 percent of that anyway. You know, we don't get the full 100

1 percent. So the schools are keeping a portion of that
2 money. So like I said, I want to challenge a little bit how
3 you characterize that because it's not completely accurate.

4 REPRESENTATIVE McCARTER: Well, okay.

5 Let me ask two other quick questions. In terms
6 of the -- both of you at this particular point, are you
7 doing additional hiring at this point? Obviously, if going
8 from 9,500 students to 11,000, are you building just the
9 capacity that you had as you said so that teachers are
10 obviously having more students to deal with?

11 MR. BRIAN HAYDEN: Maybe I didn't answer that
12 correctly. We typically start school with 9,500 students
13 but we end school with about 11,500 in a normal year because
14 families enroll all throughout the nine months of the
15 academic year. So we are staffed and our schedules are set
16 for the 11,677 students. So we have done a little bit of
17 hiring that was normal hiring, especially in Special Ed,
18 because we're seeing increased enrollments there.

19 But our ratios not only are ratios but we have
20 Collective Bargaining Agreements it also has to follow. The
21 CBAs will remain the same because that's how we built the
22 school for this school year.

23 REPRESENTATIVE McCARTER: Okay.

24 DR. RICHARD JENSEN: And at Agora we have some
25 positions currently posted that we are looking to fill.

1 We're seeing a little bit higher than average number of
2 families coming into the elementary program than what we
3 would normally see. So there are some needs that we
4 identified for needing some additional staff there.

5 But at this point, it's fairly minimal the number
6 of new hires that we're looking to add.

7 REPRESENTATIVE McCARTER: And the last question
8 I'd like to ask deals with how much of the daily schedule,
9 for instance, at Agora is synchronous learning really out of
10 the entire normal day?

11 DR. RICHARD JENSEN: Our students in the
12 elementary program, all four of their core courses they are
13 in anywhere between, I would say, about 50 to 65 minutes
14 depending on the session.

15 And the secondary, which is middle school and
16 high school, the typical student will probably be in between
17 five and six classes and those are 55 minutes in length.

18 So when we're looking at the total number of
19 hours, the 900 for elementary, the 990 for secondary, those
20 numbers are primarily based upon the synchronous learning
21 that our students are in.

22 REPRESENTATIVE McCARTER: But again, in terms --
23 okay. Thank you very much, Mr. Chairman. I'll leave it at
24 that.

25 Thank you.

1 And again, thank you for testifying today.

2 DR. RICHARD JENSEN: Thank you.

3 MAJORITY CHAIRMAN SONNEY: I guess Representative
4 Jones has one final question.

5 REPRESENTATIVE JONES: Thank you, Mr. Chairman.

6 Very quick curiosity question. Are you seeing
7 any increase in public school teachers applying for jobs
8 with cyber schools because they want to avoid teaching in
9 person?

10 DR. RICHARD JENSEN: I'm not sure. I don't
11 really get too involved in the hiring process specifically.
12 That's done by our department heads. So I would have to get
13 back to you on that. I'm not sure if we're seeing that or
14 not.

15 MR. BRIAN HAYDEN: I do know that question. I
16 was curious myself about that, Representative Jones. We are
17 not. Part of this is because we started our hiring earlier
18 in the year, like in May, June, and I think the situation
19 was different.

20 Secondly, we typically start all new teachers on
21 Step 1. So somebody who has ten years of teaching
22 experience coming here, you know, may not make the most
23 sense for them financially. So we have not at this point.

24 REPRESENTATIVE JONES: Thank you.

25 MAJORITY CHAIRMAN SONNEY: Thank you.

1 I'd like to thank all of the testifiers for
2 participating in this hearing today. We're going to resume
3 again tomorrow morning with a different panel. I know that
4 it's challenging times. They are challenging for all of us.
5 Things are changing every day.

6 But in the end, we all agree that our students,
7 you know, need their education and they need a quality
8 education. There's multiple ways for them to receive that.
9 But in the end, it's so critically important that they are
10 all receiving that education. So we are going to continue
11 to hear the concerns and try to address some of the problems
12 that you brought forward.

13 So thank you again for your participation. This
14 hearing is adjourned.

15 (Whereupon, the hearing adjourned.)

16 (See below for submitted written testimony.)
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1 Testimony provided but not testified to includes:

2 The American Academy of Pediatrics:

3 Chairman Sonney, Chairman Roebuck, and members of
4 the Committee, thank you for giving the Pennsylvania Chapter
5 of the American Academy of Pediatrics the opportunity to
6 submit this written testimony and to share its positions on
7 various issues relating to the safe and responsible
8 reopening of our Pennsylvania schools.

9 On behalf of the Pennsylvania Chapter, we are
10 Trude Haecker, M.D., a pediatrician at Children's Hospital
11 of Philadelphia, now serving as the PA-AAP President, and
12 William Keough, M.D., MSC, FFAP, a pediatrician in the
13 Pittsburgh area in the UPMC Health System, Co-Chair of the
14 Advocacy Committee of the PA-AAP.

15 Since the end of May, Governor Wolf has been
16 calling for schools to reopen this fall. In the first week
17 of June, he announced that the state's elementary and
18 secondary schools could resume in-person instruction and
19 activities starting July 1, provided they create an approved
20 safety plan and released preliminary guidance for hygiene
21 practices, cleaning, monitoring, and safety protocols.

22 The Governor has noted that as a result of the
23 pandemic, school administrators and public officials are
24 dealing with two challenges: how to tamp down on a virus
25 that thrives on close conditions and how to make parents and

1 teachers confident that it's safe to be inside schools.

2 Perhaps the biggest question today facing
3 policymakers, parents, and other education stakeholders is
4 how students, staff, and faculty can go back to school
5 safely during COVID-19. The latest American Academy of
6 Pediatrics (AAP) advice says children learn best when they
7 are in school. However, returning to school in person
8 demands careful steps in place to keep students, faculty,
9 and staff safe.

10 That said, the AAP also strongly believes that
11 science should drive decision-making on safely reopening
12 schools. The Academy recommends that public health agencies
13 make recommendations based on evidence and that schools in
14 areas with high levels of COVID-19 community spread should
15 not be compelled to reopen against the judgment of those
16 local experts. We should leave it to health experts to tell
17 us when the time is best to open school buildings and listen
18 to educators and administrators to shape how we do it.

19 Ideally, local school leaders, public health
20 experts, educators, and parents can work together to decide
21 how and when to reopen schools. These decisions must take
22 into account the spread of COVID-19 in the local community,
23 as well as whether their schools can make in-person learning
24 safe. Schools and families should also prepare to go back
25 to virtual learning if COVID cases increase in the community

1 or are at levels of community transmission deemed unsafe for
2 return by local or state public health authorities.

3 The AAP guidance is based on what pediatricians
4 and infection disease specialists know about COVID-19 and
5 kids. The scientific evidence continues to show that
6 children, especially those under 10, are less likely than
7 those over 10 and adults to spread SARS CoV 2, the virus
8 that causes COVID-19. Further, the current evidence shows
9 that most transmission in households is from adults to
10 children with far less occurring between children or from
11 children to adults.

12 We know schools provide more than just academics
13 to children and adolescents. In addition to reading,
14 writing, and math, children learn social and emotional
15 skills, get exercise and access to mental health support and
16 other things that cannot be provided with online learning.
17 For many families, school is where kids get healthy meals,
18 access to the Internet, and other vital services.

19 To stay safe, there are a number of steps schools
20 should take to help prevent the spread of COVID-19. They
21 include the well-established, scientifically proven methods
22 of hand and cough hygiene, physical distancing, and face
23 coverings with either masks or shields. Ideally, 6 feet of
24 physical distance should be attempted whenever possible.

25 There are also classroom changes that can help

1 limit student interaction outside the classroom, such as:

2 Having teachers move between classrooms, rather
3 than having students fill the hallways during passing
4 periods.

5 Allowing students to eat lunches at their desks
6 or in small groups outdoors when feasible, instead of in
7 crowded lunchrooms.

8 Leaving classroom doors open to help reduce high
9 touch surfaces such as doorknobs.

10 Schools should also follow all CDC guidelines on
11 proper disinfecting and cleaning.

12 We must also emphasize that schools should
13 continuously remind any student, staff, or faculty member
14 who has a temperature of 100.4 or greater or is feeling ill
15 should stay home and seek the advice of their physician and
16 follow CDC guidelines on when it is safe to return to the
17 school.

18 We cannot forget, as with many aspects of this
19 pandemic, school closings have a greater impact on students
20 with disabilities, students in underserved communities where
21 safe and secure housing and food are not accessible,
22 students with behavioral and mental health issues, and
23 students who may be at risk for abuse and neglect. Schools
24 should have plans on how to provide these services to these
25 children whether in person or remotely and plans to adapt to

1 their local COVID-19 activity.

2 Schools cannot achieve all this on their own.
3 They will need both technical and human capital resources to
4 accomplish this. The PA-AAP and its nearly 2,300
5 pediatricians and pediatric specialists from across the
6 Commonwealth are willing to help in providing medical and
7 scientific support. However, schools will also need
8 increased financial resources to make this happen. We urge
9 Congress and the Commonwealth to provide school districts
10 any emergency funding necessary to accomplish these goals.

11 Finally, the importance of everyone being fully
12 immunized has never been more apparent, considering the
13 current pandemic virus for which there is not yet a safe and
14 effective vaccine. There is an ever more important need for
15 everyone who does not have a legitimate medical reason
16 otherwise to get their annual influenza vaccination as soon
17 as they are available.

18 During the height of the emergency in
19 Pennsylvania, vaccination rates in young children were down
20 over 60 percent. Pediatricians and family physicians are
21 ready and available to see children safely and provide their
22 necessary vaccinations. Schools and the healthcare system
23 will not be able to serve their populations safely and fully
24 if we are experiencing outbreaks of vaccine-preventable
25 diseases while simultaneously dealing with community spread

1 of COVID-19. Further, it is time for Pennsylvania to remove
2 all non-medical exemptions from its vaccination regulations.
3 The health of the public is placed at serious risk by not
4 doing so.

5 The Pennsylvania Chapter of the American Academy
6 of Pediatrics appreciates this opportunity and stands ready
7 to serve as a resource and to provide any further
8 information we can to assist you in your efforts to assure
9 the safe reopening of schools for Pennsylvania's children
10 and youth.

11 Respectfully submitted,

12 Trude Haecker, M.D., FAAP, President, PA Chapter,
13 American Academy of Pediatrics, and William L. Keough, M.D.,
14 MSC, FAAP, Co-Chair, Advocacy Committee, PA Chapter,
15 American Academy of Pediatrics.

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1 Education Law Center, Deborah Gordon Klehr,
2 Executive Director, Education Law Center, PA.

3 Thank you for the opportunity to provide input as
4 you deliberate on the crucial and time-sensitive topic of
5 reopening schools. The Education Law Center is a nonprofit
6 legal advocacy organization dedicated to ensuring that all
7 children in Pennsylvania have access to quality public
8 education.

9 We do our work focused on underserved student
10 populations, including children of color, children living in
11 poverty, children with disabilities, English learners,
12 children experiencing homelessness, children in the foster
13 care or juvenile justice systems, LGBTQ youth, and students
14 at the intersection of these identities.

15 Pennsylvania woefully underfunds public education
16 and distributes State funds inequitably. The result is that
17 many districts do not have access to resources to meet the
18 educational needs of their students. While the negative
19 repercussions for students of attending underfunded school
20 districts long predate COVID-19, this pandemic has
21 exacerbated the inequities and challenges, particularly in
22 black and brown communities.

23 While many wealthy school districts have been
24 able to rapidly deploy plans for remote learning and have
25 ready access to technology to ensure that remote learning

1 can happen in district households, many students in
2 low-wealth districts are facing a complete disruption to
3 their education.

4 This stands to have an immense, long-term impact
5 on the health and well-being of students, illustrates the
6 repercussions of resource gaps among school districts based
7 on funding availability, and shows how critical fair funding
8 is to remedy these inequities.

9 We have seen, in school districts attended
10 primarily by students of color and low-wealth families, how
11 quickly tens of thousands of students can be left without a
12 safe, viable plan to continue their education in light of a
13 crisis because a school district lacks the resources to
14 rapidly adjust and meet the new realities of a crisis. We
15 have also seen that deferred facility maintenance in
16 underfunded districts makes those schools ill-equipped to
17 safely reopen in person.

18 Thus, the short- and long-term goals of this
19 Committee must be to address fair funding in the
20 Commonwealth, driving additional dollars to the most
21 underfunded districts. And with schools about to start the
22 new school year, we see a critical need for the state to
23 provide additional guidance to districts.

24 We have previously provided input to the
25 Pennsylvania Department of Education to ask guidance from

1 the state to districts about how to ensure that historically
2 underserved children receive education even while schools
3 were physically closed.

4 As the new school year approaches, and given the
5 widespread plans for hybrid or remote learning, it is
6 imperative that all districts consider equity in every
7 aspect of their reopening plans and the impact of their
8 decisions on underserved students and families.

9 Attached please find some of these
10 considerations. We urge members of this Committee to
11 advocate in your home districts and for larger systemic
12 reforms to ensure that all children have access to quality
13 public education.

14 Online and Hybrid Learning: An Equity Checklist
15 for Schools.

16 The COVID-19 pandemic has exacerbated many of the
17 longstanding inequities in our educational system. Black
18 and brown students, students living in poverty, and other
19 historically underserved groups have been disproportionately
20 harmed by the shift to online learning.

21 To ensure that these students are not left
22 behind, schools must focus on equity and respond flexibly to
23 the individual needs of diverse student populations.
24 Schools will need support for this work from every level of
25 government. This checklist is a guide to ensure that

1 schools providing online instruction are equitably serving
2 students in its new school year.

3 Access to remote learning and technology:

4 Do all students have full-day access to a
5 computer and reliable Internet service?

6 Does the school offer alternative modes of
7 instruction for students lacking computer/Internet access or
8 facing other barriers to virtual learning?

9 Does the school offer workspace to students who
10 do not have a safe place to learn at home, or has it
11 identified community organizations that offer safe
12 workspaces?

13 Does the school offer technical assistance to
14 students and caregivers, including bilingual support?

15 Quality of remote instruction:

16 Does the school provide professional development
17 for teachers in areas that help students engage in online
18 learning, including social-emotional learning, cultural
19 competency, and anti-racism?

20 Does the school provide ESOL daily and modify
21 instruction for English learners?

22 Do teachers provide regular, constructive
23 feedback to students on a one-to-one basis?

24 Does the school offer a balance of synchronous
25 and asynchronous learning, ensuring that students interact

1 with teachers on a frequent basis?

2 Are students with disabilities receiving mandated
3 services and supports through individualized IEPs and COVID
4 compensatory services (CCS) to make up for deficits from
5 last year?

6 Home support:

7 Does the school provide support to caregivers who
8 are supervising at-home learning?

9 Does the school identify and provide extra
10 support to students who lack home instructional supervision
11 or digital access?

12 Are translators or other professionals accessible
13 to families who have questions or need assistance?

14 Are students being given the same level of
15 support from specialists (social workers, therapists, BCAs,
16 wraparounds, 1:1 tutors) as they were when schools were
17 physically open?

18 Does the school take a supportive, non-punitive
19 approach toward students who face barriers to remote
20 learning, adjusting its grading and attendance policies to
21 support these students?

22 Does the school offer trauma-informed and/or
23 healing-centered engagement practices?

24 Degree of engagement:

25 Does the school provide updated and instructional

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materials in a language and format accessible to parents?

Does the school solicit input and feedback from the parents on its plans for programs?

Is the school in regular contact with caregivers who cannot access digital communications?

Does the school have a plan for identifying and addressing social-emotional barriers to online learning (family illness/loss, job loss, fear of contracting the virus, isolation, anxiety)?

Does the school offer mental-health services to students who face setbacks during the pandemic?

1 Keystone Christian Education Association, Rev.
2 Theodore E. Clater, Pd.D.

3 Chairman Sonney, Chairman Roebuck, and members of
4 the Committee, we commend the Committee for its diligence to
5 keep an ear to the ground to hear and observe relative to
6 the arrival of another academic school year.

7 In my testimony to the Committee of June 17, I
8 provided insights into our Association and the work of our
9 schools as we started the 2019-'20 school year with our
10 desired Plan A pedagogy and finished with Plan B pedagogy.
11 As previously stated and illustrated, the students attending
12 our schools experienced high academic expectations and
13 success from March through June.

14 In that same testimony, I outlined how our
15 schools are akin to the smaller community schools of the
16 pre-consolidation days. Our families are deeply involved
17 with their schools and are partnering with their schools.
18 We are proceeding with plans for a robust 2020-'21 school
19 year with students learning in their safety-conscious
20 classrooms. We are not unconscious of the risks.

21 However, everything we do in life has risks, and
22 everything we do in year 2020 has risks with COVID-19.
23 Balancing risks and benefits is not a new concept. In our
24 schools, we are working to minimize and manage the risks
25 because there are important benefits that accompany

1 schooling.

2 I invite your attention to a graphic from an
3 outside source, Information is Beautiful, that seeks to
4 visually summarize data from primary sources. Which of us
5 in this public hearing has engaged in any, some, or several
6 of the risks listed on this chart? Which of us actually
7 lives in a totally risk-free bubble?

8 Today I provide an update. I wish to briefly
9 state three ways our state government could enhance the safe
10 and effective schooling of our students for the upcoming
11 school year.

12 One, continue to embrace the policy that local
13 schools are responsible to determine how to safely conduct
14 their school. We do not need a requirement from above that
15 requires all schools to be a cookie-cutter copy of all
16 others, and that includes the details of COVID-19
17 mitigation.

18 Even within our Association, we have schools of
19 diverse sizes, from diverse geographic locations and
20 utilizing diverse pedagogy.

21 Additionally, respect the normalcy of expecting
22 private schools to answer to their governing bodies and
23 constituents. Whatever government officials choose to
24 prioritize for the operation of governmental public schools
25 for the 2020-'21 school year, do so and stop there.

1 Our individual school leadership teams have been
2 active to understand how their parents and staff balance the
3 conflicting priorities of risk and benefit. We are
4 preparing to open and to serve. We do recognize the need
5 for unusual government actions in the face of issues like
6 lawbreaking and serious public safety and public health
7 dangers.

8 Two, carefully weigh the unique needs of our
9 younger students if a "hot spot" or "spike" occurs and there
10 is the prospect of closing schools. In schooling matters,
11 younger students are often overshadowed by our society's
12 attention to teen activities like sports, honor societies,
13 science competitions, and graduations.

14 We should not miss that the preponderance of
15 thought has been that our youngest students are both at
16 reduced risk and less contagious than older students and
17 older populations. Future research will better inform us.

18 However, there appears to be no debate that our
19 youngest students are placed at far greater disadvantage
20 outside the traditional classroom. The long-term impact has
21 been identified by significant groups, including the
22 American Academy of Pediatrics and the National Academy for
23 Science, Engineering, and Medicine.

24 The younger students need more structure. They
25 benefit from trained teachers to learn crucially important

1 reading skills. They are not old enough to be at home alone
2 while parents go to work. The list is both practical and
3 long. If, yes if, some schools need to close, priority
4 should be made to advise for the classrooms that serve our
5 youngest students to remain open so that the known, harmful
6 results of younger students missing school are bypassed.

7 Three, be steadfast to provide busing to the
8 students who desire that safety-related service. It is
9 quite understandable that the blizzard will garage all buses
10 serving all students without regard to where they attend.
11 However, it is also well established that transportation is
12 provided to students at private schools based upon the
13 schedule and calendar of the private school.

14 This transportation continues when the public
15 schools decide to have a vacation day, an in-service day,
16 and even a labor dispute. We have students who are
17 scheduled to attend school five days a week for the school
18 year. They deserve busing, even if their local public
19 school chooses to temporarily utilize hybrid or cyber
20 methodology.

21 Thank you for the opportunity to provide our
22 insights into the topic of restarting schools this fall.

23 Respectfully submitted, Theodore E. Clater.

1 Pennsylvania School Bus Association:

2 Good morning, Chairman Sonney and Roebuck. On
3 behalf of the Pennsylvania School Bus Association (PSBA), I
4 would like to thank the members of the House Education
5 Committee for the opportunity to provide testimony for these
6 hearings on safely reopening schools.

7 The Pennsylvania School Bus Association was
8 founded in 1980 and consists of over 300 school bus
9 contractors and industry partners who have come together to
10 be a strong voice for school bus safety and the school bus
11 contracting industry. Our mission is to provide programs,
12 education, and services to promote and foster the highest
13 degree of safety in the transportation of schoolchildren.

14 When it comes to contracting for school bus
15 transportation, Pennsylvania is one of the leaders with over
16 80 percent of school districts choosing private school bus
17 contractors to transport their students. We are proud that
18 school buses are considered the safest mode of
19 transportation for our students.

20 According to the National Highway Traffic Safety
21 Administration, students are 70 times more likely to get to
22 school safely if they take a school bus instead of traveling
23 by car, bike, or foot. According to the American School Bus
24 Council, school buses keep over 17 million cars off the road
25 each year.

1 Over 1.5 million Pennsylvania students are
2 transported daily on school buses and school vehicles. An
3 overwhelming number of Pennsylvania families depend on
4 school transportation each and every day. This includes the
5 parents and guardians of over 300,000 special needs students
6 (exceptional learners) who attend our schools and
7 specialized programs throughout the state.

8 Over the past couple of months, school districts
9 have focused on the development of their plans to reopen
10 school. Because school bus transportation is interconnected
11 to almost all facets of school district operations, we have
12 encouraged school bus contractors to become involved in the
13 planning process. PSBA is pleased that many school
14 districts are taking advantage of the expertise their school
15 transportation providers can offer during this time.

16 School bus contractors are assisting their
17 districts as they consider schedule and routing
18 alternatives. As reopening plans are finalized and the
19 General Assembly considers legislation addressing issues
20 related to the reopening of school, PSBA asks that you
21 include the concerns and needs of the school transportation
22 community.

23 PSBA is actively seeking feedback from school bus
24 contractors on the impact of school district reopening plans
25 on their operations. Many school districts are moving to a

1 shortened school week, for example, holding in-person
2 instruction four days a week and then closing the school
3 buildings for one day for a thorough cleaning of the
4 buildings.

5 While we understand the premises behind these
6 schedule changes, contractors are concerned with the
7 potential devastating results a shortened work week could
8 have on their ability to retain school bus drivers in a
9 workforce already suffering a severe shortage. Providing
10 contractors with the ability to keep drivers paid for those
11 days of closure would ensure that they remain on the job and
12 ready for when we return to a normal schedule.

13 In addition, a shortened week for the school
14 district does not diminish the expenses incurred by school
15 bus contractors. These expenses include, but are not
16 limited to, the financing costs for maintaining an updated
17 fleet of vehicles (something that is often required by
18 school district contracts); repair and maintenance of buses,
19 including the additional costs for products, equipment, and
20 driver training needed during the pandemic; and ongoing
21 efforts to recruit and train new drivers.

22 The General Assembly recently approved 12 months
23 of full funding for pupil transportation for which we are
24 greatly appreciative. We believe that it is essential to
25 maintain funding for contractors so they can continue to pay

1 drivers and maintain their operations during any period a
2 school district is closed, whether one day a week or for a
3 period of months.

4 No matter the situation, we know we will get
5 through this unprecedented period with schools returning to
6 a normal schedule at some point hopefully this school year.
7 Without the continued flow of funding for school bus
8 contractors through monies already budgeted, the
9 Commonwealth faces the real possibility that many
10 contractors will be unable to retain their drivers and
11 maintain their businesses.

12 This may unfortunately result in the loss of the
13 safest, most reliable method of transporting our most
14 precious cargo, our schoolchildren, when school resumes to
15 normal.

16 On behalf of school bus contractors across the
17 Commonwealth, the Pennsylvania School Bus Association looks
18 forward to working with the Pennsylvania Department of
19 Education (PDE) and your Committee as we move toward the
20 fall and schools reopening.

21 We thank you for allowing us this opportunity to
22 submit testimony to the Committee for these hearings. If
23 the Committee has any additional questions, please contact
24 Mike Berk, PSBA Executive Director.

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I hereby certify that the proceedings and
evidence are contained fully and accurately in the notes
taken by me on the within proceedings and that this is a
correct transcript of the same.

Jean M. Davis
Notary Public