

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

HOUSE EDUCATION COMMITTEE

joint with the

SENATE EDUCATION COMMITTEE
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PA

SENATE CHAMBER

WEDNESDAY, AUGUST 19, 2020
1:17 P.M.

PRESENTATION ON
SAFELY REOPENING SCHOOLS THIS FALL DUE TO COVID-19

HOUSE COMMITTEE MEMBERS PRESENT:

HONORABLE CURT SONNEY, MAJORITY CHAIRMAN
HONORABLE VALERIE GAYDOS
HONORABLE MARK M. GILLEN
HONORABLE BARBARA GLEIM
HONORABLE JOSHUA KAIL
HONORABLE JASON ORTITAY
HONORABLE MEGHAN SCHROEDER
HONORABLE MIKE TOBASH
HONORABLE JESSE TOPPER
HONORABLE JAMES ROEBUCK, DEMOCRATIC CHAIRMAN
HONORABLE CAROL HILL-EVANS
HONORABLE MARY ISAACSON
HONORABLE PATTY KIM
HONORABLE MAUREEN MADDEN
HONORABLE GERALD MULLERY
HONORABLE DAN MILLER

HOUSE COMMITTEE MEMBERS PRESENT VIRTUALLY:

HONORABLE ROSEMARY BROWN
HONORABLE DAVID HICKERNELL
HONORABLE MIKE JONES

HOUSE COMMITTEE MEMBERS PRESENT VIRTUALLY (cont'd):

HONORABLE JERRY KNOWLES
HONORABLE CRAIG STAATS
HONORABLE STEPHEN MCCARTER
HONORABLE JARED SOLOMON

SENATE COMMITTEE MEMBERS PRESENT:

HONORABLE WAYNE LANGERHOLC, JR., MAJORITY CHAIRMAN
HONORABLE JOHN DISANTO
HONORABLE DAVID J. ARNOLD, JR.
HONORABLE RYAN P. AUMENT
HONORABLE PATRICK M. BROWNE
HONORABLE ROBERT M. TOMLINSON
HONORABLE ANDREW E. DINNIMAN, DEMOCRATIC CHAIRMAN
HONORABLE JAMES R. BREWSTER
HONORABLE LINDSEY M. WILLIAMS

* * * * *

*Pennsylvania House of Representatives
Commonwealth of Pennsylvania*

HOUSE COMMITTEE STAFF PRESENT:

CHRISTINE SEITZ

MAJORITY RESEARCH ANALYST

CHRISTOPHER WAKELEY

DEMOCRATIC EXECUTIVE DIRECTOR

SENATE COMMITTEE STAFF PRESENT:

GWENN DANDO

MAJORITY CHIEF OF STAFF

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TESTIFIERS

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SUBMITTED WRITTEN TESTIMONY

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(See submitted written testimony and handouts online.)

P R O C E E D I N G S

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3 SENATE MAJORITY CHAIRMAN LANGERHOLC: The meeting
4 of the Senate and House Education Committee will come to
5 order. Good afternoon, everyone. Welcome to today's
6 Senate and House Education Committee's joint public hearing
7 on the reopening of K through 12 schools in Pennsylvania.
8 I'm Senator Wayne Langerholc, the Chair of the Education
9 Committee in the Senate, and I will begin with some opening
10 remarks. First, I would like to acknowledge the Members of
11 our Committee, Senator Aument, Senator DiSanto, Senator
12 Browne, Senator Tomlinson, and Senator Arnold.

13 I will not belabor the record with lengthy
14 remarks. In an effort to address the many questions, I
15 will say only this. As the Chair of the Education
16 Committee, we have been working in conjunction with many
17 stakeholders across the educational landscape. My goal is,
18 has, and will always be the safe return of our children to
19 schools. Let's work together to end the fear and truly
20 give leadership to our schools to make this happen.

21 At this time, I will recognize Chairman Sonney
22 for his opening remarks. Mr. Chairman?

23 HOUSE MAJORITY CHAIRMAN SONNEY: Good afternoon,
24 and thank you, Chairman Langerholc and Chairman Dinniman,
25 for hosting this joint hearing of the House and Senate

1 Education Committee. I'm Representative Curt Sonney, the
2 Majority Chairman of the House Education Committee.

3 Our joint public hearing today is focused on
4 guidelines received from the Department of Education and
5 the Department of Health on safely reopening our K through
6 12 schools, which were closed statewide on March 16th. I'd
7 like to thank both Secretary Rivera and Dr. Levine for
8 agreeing to participate in today's hearing.

9 Both the Centers for Disease Control and the
10 American Academy of Pediatrics have noted the overall
11 health benefits to children receiving in-person education,
12 should they choose to do so. While any guidance toward
13 that end is helpful, the additional guidance provided by
14 the Department of Education and the Department of Health
15 last week came at a time that left many educational
16 entities scrambling to change already-approved plans or
17 alter plans currently in the works. Our overall goal must
18 be to return children to school safely and as soon as we
19 can. The sooner we can get our children back to school
20 safely, the better it will be for them, their families, and
21 our shared future. I look forward to hearing from the
22 administration today on how we can achieve these goals
23 together.

24 I'd like to recognize the Members of the House
25 Education Committee. House Minority Chairman Roebuck is

1 here, and we'll be hearing from him in just a few minutes.
2 Representatives Gaydos, Gillen, Gleim, Kail, Ortitay,
3 Schroeder, Tobash, Topper, Hill-Evans, Isaacson, Kim,
4 Madden, Mullery, and Miller. And also joining us virtually
5 today are Representatives Brown, Hickernell, Jones, Staats,
6 McCarter, and Solomon.

7 I'd like to remind the House Members
8 participating virtually or on the phone to contact either
9 Christine Seitz or Gwenn Dando or Chris Wakeley to be
10 recognized to be able to ask a question.

11 At this time, I would like to recognize Chairman
12 Dinniman.

13 SENATE DEMOCRATIC CHAIRMAN DINNIMAN: I think
14 there are three questions that we need to address, and you
15 see how technologically challenged I am. I didn't even
16 know where to push the button. And the first is this. We
17 have to deal with the question of liability. Every school,
18 whether it's public, whether it's private, whether it's
19 religious, and even higher education institutions have told
20 us that. And we have to deal with it quickly.

21 You know when guidance is given by the Department
22 of Education, Health, or local health departments, we say,
23 well, it's just guidance. But it's not. It becomes a
24 mandate because the lawyers and others will sue the school
25 district and they'll have trouble getting any insurance

1 because the guidance was you were to do X and now you did
2 Z. And we need to protect our basic and higher education
3 institutions.

4 A perfect example of that is what happened in
5 Chester County this weekend. On Friday night, the public
6 health department says says, as a recommendation, no school
7 should open until October the 9th, contrary to what the
8 State said. And what happened in the process is schools
9 that were going to open or going to be hybrid closed now
10 because how could they defend themselves if anything
11 happened? So you're not going to get kids back to school
12 now or anytime in this year unless we deal with that
13 question.

14 The second issue is choice. Hopefully, we'll
15 have a robust discussion of choice. But we need to, during
16 this pandemic, end these education wars and our concerns
17 and focus on the health of each and every student, okay?

18 In terms of nurses, if a school opens, why argue?
19 Put a nurse in that school to protect the children, whether
20 we support or don't support certain types of schools or
21 whether schools are public or they're not public, okay?

22 And lastly is while this debate has focused on
23 opening of schools, we need to change also part of the
24 discussion. It should focus on the lack of learning that
25 so many of our students are experiencing. You know, my

1 Ph.D. is in education. I've done research throughout this
2 summer. There is absolutely no question that many young
3 people cannot learn online without additional assistance.
4 We need to create that assistance or we're going to lose a
5 whole generation of students. You can't just give someone
6 a Chromebook who's never used it and might not have
7 internet connections and say you're going to learn. What
8 good does it do to teach remotely to a non-English learner
9 who doesn't understand English, and how could the parents
10 coach if they don't understand the language? And I could
11 go on and on.

12 But the point is what has to happen is this. All
13 of us together need to work as one. I thank the majority
14 Chair who has been working with me to solve this. I urge
15 all Members of both parties to get bills in, get ideas in.
16 I've said to Chairman Sonney and Chairman Roebuck do the
17 same in the House. And let's for a change, okay, work as
18 one and overcome the partisanship that occurs near an
19 election and say our focus is on the children of this
20 Commonwealth no matter where they go to school.

21 So thank you. And it's my pleasure to turn the
22 podium over to Representative Roebuck -- Jim -- for opening
23 comments. And I thank Representative Roebuck for his
24 incredible service to this legislature.

25 HOUSE DEMOCRATIC CHAIRMAN ROEBUCK: Thank you.

1 SENATE DEMOCRATIC CHAIRMAN DINNIMAN: You're
2 welcome, Jim.

3 HOUSE DEMOCRATIC CHAIRMAN ROEBUCK: Good
4 afternoon. I certainly want to thank everyone for being
5 here today as we undertake what is a critically important
6 discussion about reopening schools. It's something that's
7 now upon us, and the time for long debate is long past.
8 And I just want to focus on a couple of concerns this
9 afternoon.

10 I certainly want to applaud the Governor and the
11 Education and Health Departments on their leadership and
12 directives provide a to our districts with guidance upon
13 reopening safely, and many schools will hopefully reopen
14 within the next few days.

15 Due to uncertain times, clear expectations are
16 necessary to approximate safe and structured opening of
17 schools. And there are two items I want to focus on
18 specifically, and they are things that have been recurring
19 things of conversation in the other discussions I've had
20 around this whole issue. And one is certainly the
21 importance of daily and thorough cleaning of school
22 buildings. That's not something that ordinarily happens
23 and certainly not to the level that needs to happen in the
24 present crisis. But I think in many school districts --
25 and mine certainly is no exception -- the process is not

1 one that is necessarily closely monitored, nor is the level
2 at which we need to now be doing this one that is clearly
3 understood. So that becomes critical. If you're going to
4 put students into buildings, you need to make sure they go
5 into an environment that is safe and which there have been
6 necessary steps taken to ensure their continued good
7 health.

8 I might also just note another observation. I
9 live in a school district that has many older school
10 buildings, and many of those buildings have been modified
11 over years. When I went to elementary school -- and that
12 really hasn't been that long ago -- I was in a six-story
13 building. And one of the things that you like to do when
14 you're a young guy is to open and close the windows. You
15 got a pole, you pulled them up, you pulled them down. That
16 seemed very natural to do. But now, unfortunately, have
17 this concept that somehow kids are going to randomly fall
18 out of school windows, and we've taken many of these
19 buildings and sealed the windows shut. So how do you get
20 air to circulate through a building that has its windows
21 sealed shut? Well, how do you teach -- and my wife is a
22 music teacher. How do you teach in an auditorium that has
23 no free circulation of air through it? These are issues
24 that we haven't even begun to encounter, but they are
25 critical to going forward. So cleaning the buildings and

1 also doing things that will make them more receptive to
2 young people being in those facilities.

3 But then there's a whole other area I want to
4 talk about, and that is social services to students with
5 needs outside of the classroom. In my neighborhood, in my
6 district, we have school buildings which do more than just
7 do book learning. They do more at doing things with
8 teachers in the building. They have become centers of
9 social services. I have a building, for example, a school
10 that's been adopted by a local church, and they recognize
11 that many students lack what they need to have stable lives
12 on weekends, so they have begun a process of distributing
13 food to those students for the weekends through the school
14 building.

15 And this is not something new really. I remember
16 at least 15 years ago going to a parochial school not in my
17 district but in my city and the sister who was running the
18 facility said you know what the most difficult day for our
19 kids is? And I said no, I don't. And she says, well, it's
20 Friday because they knew that on Friday they would go home
21 for Saturday and Sunday and many of them would go home to
22 homes that weren't necessarily stable or they would not
23 necessarily have the same resources that were available to
24 them through school. So this is not a new issue, but it's
25 become critically more important in the COVID-19

1 circumstance.

2 You have schools that feed kids, you have schools
3 that help kids in other ways, and so it's not just a
4 building anymore. It's a center of a community. It's
5 where you go not just to learn but when you need help. If
6 you need medical help, sometimes that comes through the
7 school. You need other kinds of city services, that comes
8 through the school. So if the schools aren't functioning,
9 then the impact is not just that schoolkids aren't
10 learning. It's that their whole lives are turned upside
11 down.

12 And we ought to be careful that we consider that
13 as we go forward and endeavor to provide the necessary
14 support as schools reopen but also that there be supports
15 that our young people need going forward. If we work
16 together, we can do this, and I'm confident that we will do
17 that. Thank you.

18 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
19 Chairman Roebuck. Thank you, Chairman Dinniman. Thank
20 you, Chairman Sonney.

21 Before we get started, I would just like to run
22 through some housekeeping items for the Members, as well as
23 the panelists. Everyone is muted from the chamber until
24 it's their turn to speak. Members will be unmuted when
25 asking a question and will remain unmuted throughout the

1 duration of the answer. And in an effort to get to as many
2 questions as possible and with the exception of the Chairs,
3 Members are limited to one question at a time, and we'll
4 have as many rounds of questions as time allows.

5 Members, please continue to contact your
6 respective Committee staff to participate in each round.

7 And, as a reminder to all Members and testifiers,
8 this hearing is being recorded and live streamed. All
9 testimony is available on our website
10 Education.PASenateGOP.com.

11 Now, we have two panels, the Pennsylvania
12 Department of Education, as well as Pennsylvania Department
13 of Health, and we will move to opening remarks of the
14 Secretary of Education Pedro Rivera, Deputy Secretary for
15 Elementary and Secondary Education Matthew Stem, followed
16 by Secretary of Health Dr. Rachel Levine and Executive
17 Deputy Sarah Boateng.

18 And I would preface this, we have your testimony.
19 Every Member of this Committee is privy to that. And if
20 you would like to supplement that, feel free to. I will
21 keep you to four minutes in an effort to move this along.
22 We have many Members. We have a lot of questions, so I
23 will time that. If you would like to make any type of
24 remarks, you may do that.

25 And also, before I begin to swear in the

1 panelists, I would just like to mention and thank Secretary
2 Rivera for his years of service. I've only been the Chair
3 here for a short time, but he has been very accommodating
4 in meeting and being very approachable and bringing his
5 talents to the Department. We appreciate that. I think we
6 have about maybe two and a half more months with you, so
7 thank you for your service.

8 And with that, if I could have all panelists that
9 may testify please stand, raise your right hand to be sworn
10 in.

11
12 (Panelists sworn.)

13
14 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you.
15 And the Department of Education Secretary Rivera, do you
16 have any supplemental testimony to give?

17 SECRETARY RIVERA: No, Chairman, I have no
18 supplemental. We provided, in preparation of this week's
19 hearing, an overview of resources and tools that we use in
20 partnership with the Department of Health. We look forward
21 to engaging, so nothing supplemental and nothing else to
22 add.

23 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you.
24 Dr. Levine, any supplemental testimony?

25 SECRETARY LEVINE: No, sir. The Department of

1 Health does not have any supplemental testimony.

2 SENATE MAJORITY CHAIRMAN LANGERHOLC: Okay. We
3 will begin then with the questions. And first, I will
4 address these questions to the Department of Health,
5 Secretary Levine.

6 You were privy to a meeting on August the 10th
7 with myself and Members of the General Assembly by a phone
8 conference. Is that correct?

9 SECRETARY LEVINE: I'll take your word for it,
10 sir. I don't remember, but sure. Ten, nine days ago --

11 SENATE MAJORITY CHAIRMAN LANGERHOLC: Last
12 Monday.

13 SECRETARY LEVINE: Okay.

14 SENATE MAJORITY CHAIRMAN LANGERHOLC: And at that
15 meeting you prefaced your remarks by stating that your
16 metrics that you use were the same used by the White House.
17 Is that correct?

18 SECRETARY LEVINE: That is correct.

19 SENATE MAJORITY CHAIRMAN LANGERHOLC: And in
20 fact, the only similarity was that you report your cases
21 per 100,000 similar to the White House metrics. Is that
22 correct?

23 SECRETARY LEVINE: That is not correct, sir. The
24 metrics that we use is exactly the metrics that we get from
25 the White House Task Force and reports that we get every

1 week.

2 SENATE MAJORITY CHAIRMAN LANGERHOLC: What I want
3 to specifically draw your attention to is the metrics
4 establishing low, moderate, and substantial counties.

5 SECRETARY LEVINE: Yes, those are exactly the
6 metrics that we get from the White House.

7 SENATE MAJORITY CHAIRMAN LANGERHOLC: Okay. And
8 that is based on cases per 100,000?

9 SECRETARY LEVINE: It is based both upon cases
10 per 100,000 and percent positivity.

11 SENATE MAJORITY CHAIRMAN LANGERHOLC: And are
12 those numbers -- what population basis did you use or is
13 used for those numbers per county?

14 SECRETARY LEVINE: Well, the population basis for
15 the White House for using those? I mean, those are the
16 metrics that they use to determine low, moderate, and
17 substantial transmission, and those are through the entire
18 country. We are using the same metrics, which is an
19 incidence rate, the number per 100,000 and the percent
20 positivity in Pennsylvania, and we're using the exact same
21 numbers that they use from the White House Task Force.

22 SENATE MAJORITY CHAIRMAN LANGERHOLC: But is that
23 based on the 2010 actual census or is that based on 2019
24 projected census?

25 MS. BOATENG: I believe we use the -- this is

1 Sarah Boateng -- that we use the most up-to-date census
2 information available at Census.gov.

3 SENATE MAJORITY CHAIRMAN LANGERHOLC: So it would
4 be projected census numbers then?

5 MS. BOATENG: That's what I understand, but we
6 will confirm with our staff.

7 SECRETARY LEVINE: We can confirm that.

8 SENATE MAJORITY CHAIRMAN LANGERHOLC: Okay. Now,
9 taking into consideration those numbers, you did not take
10 into consideration captive populations in your data, is
11 that correct? And by captive, what I mean is prisons,
12 Federal, State, or county, or even nursing homes, is that
13 correct?

14 SECRETARY LEVINE: That is correct.

15 SENATE MAJORITY CHAIRMAN LANGERHOLC: And so that
16 number truly is not indicative of the caseload per
17 population walking around in the county. Would you agree
18 with me?

19 SECRETARY LEVINE: That is the caseload per
20 100,000, the incidence rate in a county exactly the same
21 way the Federal Government calculates it.

22 SENATE MAJORITY CHAIRMAN LANGERHOLC: And if I
23 specifically point to an instance of my home county,
24 Cambria County, and a Federal prison -- and I believe I
25 referenced this when we had the phone conversation --

1 Federal prison Loretto had approximately 44 of the 59 cases
2 in Cambria County that were positive. That wouldn't be
3 indicative of the case of people walking around in Cambria
4 County or in downtown Johnstown or Richland Township,
5 correct?

6 SECRETARY LEVINE: I repeat myself. That is the
7 case population per county the way it is calculated by the
8 State, by local health departments, and by the CDC and the
9 White House Task Force.

10 SENATE MAJORITY CHAIRMAN LANGERHOLC: Those 44
11 people who have tested positive aren't walking around,
12 correct?

13 MS. BOATENG: It's true that they're not walking
14 around, but they interact with individuals who likely live
15 in the county, Cambria County, the individuals who work in
16 the prison who do come daily in and out of the prison
17 similar to some information we've shared about nursing
18 homes, which has a similar situation. The individuals
19 reside in the facility, but the staff come back and forth
20 in.

21 SENATE MAJORITY CHAIRMAN LANGERHOLC: I
22 understand that.

23 SECRETARY LEVINE: As I discussed with the Long-
24 Term Care Living Committee and previous Committees, we
25 always include, in terms of our incidence rates, every

1 person that is in that county, as does the Federal
2 Government and the CDC.

3 SENATE MAJORITY CHAIRMAN LANGERHOLC: Now, with
4 respect to school-age population, how many COVID-19 deaths
5 have occurred in our Commonwealth in children aged 0 to 19?

6 SECRETARY LEVINE: I don't have that information
7 right at my tip. We can have David look it up, and I
8 can --

9 SENATE MAJORITY CHAIRMAN LANGERHOLC: I have the
10 information. I have the information. The answer is zero.
11 Were you aware of that?

12 SECRETARY LEVINE: I knew it was very low. I
13 didn't know the exact number.

14 SENATE MAJORITY CHAIRMAN LANGERHOLC: Now,
15 conversely, how many suicides are in that same demographic,
16 0 to 19, in the Commonwealth? Do you have any idea?

17 SECRETARY LEVINE: I don't know that information
18 at my fingertips, sir.

19 SENATE MAJORITY CHAIRMAN LANGERHOLC: Well, per
20 information of the CDC Director, he indicated that there
21 are far greater deaths of suicide as well as drug overdose
22 now than have eclipsed COVID-19 in that population. And to
23 me, if the population, if there are zero deaths, zero
24 deaths in the age of 0 to 19, just one suicide would be far
25 too much.

1 Now, it's my understanding that reports of child
2 abuse are down 50 percent. Are you familiar with that?

3 SECRETARY LEVINE: We are familiar that that is
4 in the Department of Human Services, but we are familiar
5 that child abuse reports are down.

6 SENATE MAJORITY CHAIRMAN LANGERHOLC: Okay. So
7 is that good news?

8 SECRETARY LEVINE: No, because it doesn't
9 indicate that child abuse is down. It indicates that
10 reports are down.

11 SENATE MAJORITY CHAIRMAN LANGERHOLC: Exactly.
12 And what's a main contributor of child abuse being
13 reported? Schools, correct?

14 SECRETARY LEVINE: That is correct.

15 SENATE MAJORITY CHAIRMAN LANGERHOLC: Schools are
16 mandated reporters?

17 SECRETARY LEVINE: They are, sir.

18 SENATE MAJORITY CHAIRMAN LANGERHOLC: Do you have
19 any estimates on how many abuse cases have -- I won't even
20 say fallen through the cracks, I'll say just frankly have
21 not been reported? How many kids are being abused now at
22 home? Do you have any idea?

23 SECRETARY LEVINE: No, sir.

24 SENATE MAJORITY CHAIRMAN LANGERHOLC: Do you have
25 any numbers on how many children won't be able to eat or

1 take advantage of meal programs or how many children who
2 won't be able to specifically see a dentist? And I've
3 preface that by saying I was a sponsor of a bill,
4 community-based schools, which provides for opportunities
5 for students to receive care that they might not otherwise
6 get. And I'll specifically reference in Cambria County,
7 Greater Johnstown School Districts has a dentist that comes
8 in to see those kids, and that's the only dental care they
9 get. They haven't gotten that since March, and now, if
10 there's some type of a move of a recommendation which is
11 really a mandate, there are more kids that are not going to
12 be able to see the dentist. Are you familiar with the
13 numbers on that, how many kids aren't going to be able to
14 see the dentist?

15 SECRETARY LEVINE: No, sir.

16 SENATE MAJORITY CHAIRMAN LANGERHOLC: Did that
17 play into your consideration in these recommendations
18 making schools scramble at the last second?

19 SECRETARY LEVINE: So, sir, the recommendations
20 that we made not at the last second but in a timely way
21 have been generated in terms of the public health of
22 children, as well as the public health of everyone in
23 Pennsylvania and the risk of transmission.

24 SENATE MAJORITY CHAIRMAN LANGERHOLC: So you
25 don't know how many kids aren't going to get to see the

1 dentist?

2 SECRETARY LEVINE: I do not have a number at my
3 fingertips, sir.

4 SENATE MAJORITY CHAIRMAN LANGERHOLC: Now, would
5 you agree with me that mental health is an illness?

6 SECRETARY LEVINE: Absolutely, sir.

7 SENATE MAJORITY CHAIRMAN LANGERHOLC: That mental
8 health is a disease?

9 SECRETARY LEVINE: Yes, sir.

10 SENATE MAJORITY CHAIRMAN LANGERHOLC: And it's
11 something that needs treated, proper medical treatment.
12 You would agree with that?

13 SECRETARY LEVINE: Yes.

14 SENATE MAJORITY CHAIRMAN LANGERHOLC: Now, by
15 your order or by the Governor's order, by the
16 administration's order, whatever it was to shut this down
17 for indoor meetings of I think it's 25 people or less, does
18 that include hospitals and their capacity?

19 SECRETARY LEVINE: Inpatient hospitals, no.

20 SENATE MAJORITY CHAIRMAN LANGERHOLC: Okay.
21 Because people need treatment, correct? Okay. Now, by
22 that same token, why is it okay for the administration to
23 set this arbitrary number of 25 people and force a closure
24 of a facility that addresses mental health? And I'll
25 specifically reference this again within my district.

1 There is a facility called the Healing Patch that deals
2 with mental health, that deals with grief, that deals with
3 counseling for not only school-age children that have lost
4 a loved one but other grief counseling. Because they can't
5 comply with that 25 number, they are closing. So that is
6 an entire subset of a population in my district -- and I'm
7 sure this has a domino effect across the Commonwealth. I
8 don't have specifics, but that is an entire subset of my
9 population in my district that are not going to receive
10 mental health treatment. God knows what's going to happen
11 to those kids because the work they do there, quite
12 frankly, is phenomenal. Was any of that taken into
13 consideration in these arbitrary numbers of 25 indoor or
14 less, or would you give any consideration or consideration
15 for some of these facilities to be able to, I don't know,
16 get a waiver or get permission for you to do that?

17 MS. BOATENG: Well, I'm not personally familiar
18 with that center specifically. It's not a facility that we
19 license at the Department. We'd be pleased to speak with
20 them. It sounds like, as you pointed out, they do very
21 important work, and I think that we'd be pleased to talk
22 with them not for a waiver but to understand how they're
23 doing their business and to better explain the rules that
24 we have in place and to work alongside them to find a way
25 that they can continue to provide this level of service to

1 their community in groups of 25 or less.

2 SECRETARY LEVINE: And as you know, sir, the
3 mental health is licensed by the Department of Human
4 Services, and I know that they are working with facilities
5 to try to accommodate the request of 25 people or less to
6 prevent the spread of this dangerous, contagious virus but
7 also to provide services. So we wouldn't have the granular
8 detail because we don't license those facilities, but the
9 Department of Human Services does, and they have worked
10 with facilities to make sure that mental health care
11 continues.

12 SENATE MAJORITY CHAIRMAN LANGERHOLC: And
13 finally, when are we going to trust our local school
14 districts and stop issuing recommendations that are
15 essentially mandates that leave them more confused than
16 they were in June?

17 SECRETARY LEVINE: Well, sir --

18 SENATE MAJORITY CHAIRMAN LANGERHOLC: What
19 assurance will you give that you're not going to give
20 another recommendation next week or two days from now that
21 completely leads to the upheaval of our schools?

22 SECRETARY LEVINE: What I'd like to point out is
23 that the Pennsylvania Department of Health and the
24 Pennsylvania Department of Education did release
25 recommendations in July, and at the strong request of these

1 school district themselves, of the superintendents, of the
2 school boards, actually including the legislature. We then
3 issued the guidance, the recommendations about using the
4 data from the White House Task Force in terms of low,
5 moderate, and substantial community spread using well-
6 established metrics, and we did that at their request. And
7 of course, as the Governor has all said that these are
8 recommendations, these are not mandates, there is local
9 control. And, as you know, the superintendents and the
10 school boards are free to make their own decisions, that
11 they specifically asked for this guidance, and we provided
12 it.

13 SENATE MAJORITY CHAIRMAN LANGERHOLC: Well, thank
14 you for your testimony, but I respectfully disagree. And,
15 in my opinion, you are losing the confidence of many
16 superintendents in school districts across this
17 Commonwealth as they have scrambled for months to put into
18 place a program that takes into consideration those
19 guidelines at the time, and it has continually been moved
20 repeatedly. Thank you.

21 At this time, I'll turn to Chairman Sonney.

22 HOUSE MAJORITY CHAIRMAN SONNEY: Thank you,
23 Chairman Langerholc. I'd like to start with Secretary
24 Levine, please. And, Madam Secretary, just what do you
25 expect when school starts? You know, you've laid out all

1 these guidelines. We've all, all of us, you know, have
2 been practicing social distancing and wearing masks, and so
3 none of this is new to any of the population. You've set
4 out the guidelines for our districts to follow, including
5 the social distancing and the wearing of masks. And so
6 what you expect is going to happen when school starts? Do
7 you expect the spread to be contained? Do you expect that
8 we're going to see an uptick and that schools are going to
9 be forced to close? What do you expect to see?

10 SECRETARY LEVINE: Well, it's really very hard to
11 predict what the spread of this novel coronavirus will be.
12 What we have seen from other States is that if students do
13 not wear masks, if students do not social distance, if
14 students do not wash their hands and use hand sanitizer,
15 and if the guidance and the recommendations that we have
16 put out are not followed, that we will see more of a spread
17 of COVID-19 than if the recommendations are followed. And
18 that has been shown in other States that opened schools
19 even in the last two weeks.

20 So I can't predict what COVID-19 will do. It's a
21 novel coronavirus. But we need to be prepared for all of
22 the eventualities. But we have made evidence-based, data-
23 driven decisions and recommendations for schools to follow
24 in terms of low, moderate, and substantial spread in the
25 counties with recommendations that Secretary Rivera could

1 go into, which include in-person education for those
2 counties that are low in terms of their community
3 transmission. They could consider blended or hybrid. If
4 it's moderate, then the recommendation is blended or
5 remote. And in the very few counties that actually meet
6 those metrics of high transmission, then actually the
7 Department of Health and the Department of Education will
8 talk with those school districts specifically to discuss
9 why they might be high. As the Senator was saying
10 previously that if it was a prison or something, that maybe
11 that wouldn't influence as much the risk of community
12 transmission. Maybe they don't have to do remote. Maybe
13 they could do blended. And so I expect --

14 HOUSE MAJORITY CHAIRMAN SONNEY: Madam Secretary,
15 but do you believe the guidelines will keep it contained if
16 they are followed, if they are followed?

17 SECRETARY LEVINE: The goal is to keep it
18 contained as much as possible.

19 HOUSE MAJORITY CHAIRMAN SONNEY: Do you believe
20 that it is more detrimental for the students not to be in
21 school than it is for them to be in school?

22 SECRETARY LEVINE: Clearly, it is better -- as a
23 pediatrician and adolescent medicine specialist, I think
24 that I would say and we all would agree that if in terms of
25 COVID-19 is safe for children to be in school, it is much

1 better for their education, for the social development of
2 the children, and many of the other opportunities that are
3 given in schools such as medical care, dental care, as was
4 discussed, it's better to be in school.

5 However, if they're in a county that has
6 significant, substantial transmission of COVID-19, then it
7 would not be safe to be in school, and the recommendation
8 would be to find other type of learning opportunities. So
9 it's going to depend upon the rate of transmission
10 according to well-established guidelines of COVID-19 in the
11 counties where the schools reside.

12 HOUSE MAJORITY CHAIRMAN SONNEY: Do you think
13 it's fair to do this by county instead of by district? In
14 other words, if the city of Erie would have an uptick and
15 have to move into the substantial category, you know, the
16 school districts of Corry and Union City, which are
17 probably an hour's drive away from the city, would not have
18 that same impact but yet they would be shut down when we're
19 doing this by county.

20 SECRETARY LEVINE: Not necessarily. So if a
21 school district is in between counties, we would usually
22 recommend that they follow the guidelines of the county
23 that has the most transmission, but they might not. As you
24 said, if they're far away from where the transmission is --
25 and Erie has their own health department, by the way, that

1 can give them guidance about that -- then they might
2 consider actually not shutting down, and they might do more
3 of a blended.

4 So, again, this is a local control issue. Our
5 recommendations are very clearly from the Governor, not
6 mandates. They are recommendations. And of course we
7 actually have a whole team developed between the
8 Pennsylvania Department of Health and the Department of
9 Education to talk with school districts and to answer
10 questions, and we are always ready to consult about these
11 issues and help them find the best way forward for their
12 schools.

13 HOUSE MAJORITY CHAIRMAN SONNEY: Thank you.
14 Secretary Rivera, you know, we've heard from many parents
15 who have, you know, serious concerns about the proposed
16 procedures for schools. Could you speak to the social and
17 emotional safety of their children when these guidelines
18 are enforced both in person and virtual?

19 SECRETARY RIVERA: Absolutely, Mr. Chairman.
20 That's a great question. So in addition to the guidance
21 we've been providing since June around preliminary opening,
22 the research we provided by our third party Mathematica and
23 public health guidance, health and safety guidance, we've
24 also been working with educators, you know, through
25 modules, through professional development modules, how to

1 support not only the instructional needs of students but
2 also how to incorporate check-ins, how to incorporate
3 conversations related to students with IEPs, how to
4 incorporate some of those other non-purely academic
5 modalities of education.

6 And so what we've been doing at the Department of
7 Education since, you know, the beginning of summer is
8 trying to provide different types of modules, try to
9 provide different types of professional learning
10 opportunities, and to engage our partners either through
11 the intermediate units, the patent systems, and school
12 districts themselves to differentiate how we're preparing
13 for potential school opening and whatever means that might
14 look like.

15 HOUSE MAJORITY CHAIRMAN SONNEY: Just a very
16 quick follow-up with Secretary Levine. So you did say that
17 this was a local decision to be made, so, in other words,
18 the State will not shut down the school? It'll be up to
19 that school whether they're going to operate in
20 substantial, in moderate, or in low?

21 SECRETARY LEVINE: That is correct.

22 HOUSE MAJORITY CHAIRMAN SONNEY: Thank you.
23 Thank you, Mr. Chairman.

24 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
25 Mr. Chairman.

1 Chairman Dinniman followed by Chairman Roebuck.

2 SENATE DEMOCRATIC CHAIRMAN DINNIMAN: Thank you,
3 Mr. Chairman.

4 You know, I keep hearing the expression we are
5 simply giving guidance or recommendations. So let me ask
6 Secretary Rivera. You were a school superintendent, a very
7 good one, by the way, and congratulations, by the way, on
8 your new position. Almost every superintendent we talk to
9 says that because of issues of liability, because of
10 insurance concerns, if they acted contrary to any of the
11 recommendations, whether it be from the Department of
12 Health or the Department of Education, that they would
13 subject themselves to suit.

14 So what I'm having trouble with -- and I think
15 the other two Chairmen are having trouble with -- is in the
16 end, is it not true that what you say is a recommendation
17 ends up being a mandate because school districts are afraid
18 of being sued and taxpayers losing millions of dollars?

19 SECRETARY RIVERA: Well, Mr. Chairman, it's a
20 great point, and it's a point that came up a number of
21 times as we've engaged school superintendents, school
22 leaders, and educational stakeholders. I think one of the
23 challenges is beginning in March when we started having
24 conversations with school leaders in all communities,
25 transitioning into June to help guide our guidance, every

1 community in the Commonwealth in not only our 500 school
2 districts but remember there are 200 other different types
3 of LEAs, when we asked specifically what type of guidance
4 could we provide that will support your thinking, your
5 reasoning behind school opening, that varied as much as the
6 communities by which those schools were serving.

7 And so probably one of the greatest challenges --
8 which is why we appreciate the relationship with Dr. Levine
9 and the Department of Health -- has been depending on who
10 we were speaking to, where they were located, you know,
11 what the data and, you know, the conditions were in their
12 community, that drove more than anything else the type of
13 guidance they wanted to see from the Department of
14 Education and how they wanted us to inform the Department
15 of Health. And that was everything from full traditional
16 opening to full virtual instruction.

17 And so what we've been able to do just by
18 specifically using the science and the data is to come up
19 with some guidance that the field can use to plan and
20 prepare around school opening that was just based on
21 science and data because we knew that there was no way --
22 and, as you know, in five years I always try, you know, to
23 provide contextual guidance for each and every community
24 across the Commonwealth.

25 This is one of those conditions -- COVID-19 has

1 been so aggressive and the response to it has had to be so
2 aggressive that we didn't have the luxury, you know, to
3 personalize and provide, you know, specific guidance to
4 meet the needs of those very local communities.

5 SENATE DEMOCRATIC CHAIRMAN DINNIMAN: I'm
6 understanding what you're saying and understanding your
7 attempt and certainly the Governor's to allow local
8 control. If the problem has become one of liability -- and
9 surely we understood that in the beginning -- but what have
10 you recommended specifically to the Governor, to the
11 administration on this issue of liability? And will the
12 administration, based on your recommendations and that of
13 Secretary Levine if such recommendations were made, will we
14 see a liability protection measure being sent to the
15 legislature? And in all of our hearings, including that on
16 higher education, this was an issue brought up again and
17 again and again. Now, that could just come out of the
18 legislature, and it probably will, but what I'm asking is
19 since the recommendations have now for many districts been
20 looked at as mandates because of the question of liability,
21 will you and Secretary Levine be recommending to the
22 Governor that specific legislation be sent, draft
23 legislation be sent to protect our schools and our higher
24 education institutions? And when might we expect that?

25 SECRETARY RIVERA: To my knowledge and context

1 around liability and liability, you know, assurances is
2 very limited, Mr. Chairman. I understand it from the
3 educational perspective and the educational leadership
4 perspective, but what I don't know are what the full
5 implications are in other areas, you know, towards other
6 agencies and communities.

7 However, what we did do, very clearly, we
8 expressed and shared the information provided to us by the
9 education community, specifically in this area. But what I
10 didn't do is provide a full opinion on the right direction
11 to move because, you know, admittedly, I understand
12 liability from the school and district leadership
13 perspective, but I don't fully know what the implications
14 in other areas are. But I did pass that information on to
15 the Governor and the administration, and I know that they
16 have been accepting of the information and thinking about
17 it much more comprehensively.

18 SENATE DEMOCRATIC CHAIRMAN DINNIMAN: Well, you
19 know, since nothing has been sent so far -- and I hope
20 something is -- it will probably come out of the
21 legislature. The reason you see the first three of the
22 Chairs saying this and saying it in a bipartisan manner is
23 because this is what the school superintendents and school
24 boards in every district, every Senate and House district
25 are saying to us. And we can't simply sit there and ignore

1 it. They are afraid to do anything because if they veer
2 from any recommendation which will be used by lawyers as a
3 mandate, that then there will be consequences, financial
4 consequences, and the possibility -- several
5 superintendents have even said that they would personally
6 be sued. And so we really have a problem here.

7 Now, the legislature can act, and I'm sure it
8 will act, but I hope that -- all I think the three of us
9 have been trying to do is to make yourself and Secretary
10 Levine aware of this so that we can indeed follow these
11 recommendations, and schools can do it without great fear.

12 And so I do have a question for Secretary Levine
13 if I may. Madam Secretary, my question is this. You
14 presented us with a chart. I thought it was a very good
15 chart actually. It was well-thought-out. Many of our
16 schools -- I gave it to, you know, the superintendents.
17 Most knew. I sent it to and talked to our school board
18 members and our superintendents. Then late Friday evening
19 the Chester County Health Department essentially eradicated
20 your chart, the recommendations of your Health Department
21 when it said that they believe because people might bring
22 things back from the Labor Day holiday, that no school, no
23 school should open, public or private, higher or basic --
24 but basic education until October the 9th. And in the
25 press reports it says that this was done in conjunction

1 with the State Pennsylvania Department of Health and in
2 consultation with you.

3 If this is the case, then what has occurred at
4 least in our area is -- and if you were in consultation --
5 not you personally but the Department -- then you have
6 destroyed in essence the very basis of what school
7 districts were using to decide to open. And over the
8 weekend, as a consequence, school district after school
9 district that was going to open hybrid or that was going to
10 open fully have now said they will not open until October
11 the 9th because they are afraid, again, of any suits.

12 Can you explain to me, did the Pennsylvania
13 Health Department work in consultation with the Chester
14 County Health Department? And if you did so, how did you
15 come to this conclusion which is contrary to the chart
16 which you gave us and which we in turn as legislators urged
17 every school district to follow? Mr. Secretary -- Mrs.
18 Secretary?

19 SECRETARY LEVINE: So, as you know, the county
20 municipality health departments are independent of the
21 Pennsylvania Department of Health. They do not report to
22 us. And we do have a traditionally close relationship with
23 the county municipality health departments, but I am not
24 aware personally of any consultation resulting in that
25 statement. I can check with our team to see if any

1 discussion was done but none that I am aware of.

2 SENATE DEMOCRATIC CHAIRMAN DINNIMAN: Well, then
3 I think it's important that if you will, Madam Secretary,
4 that you check with the team because now the public has
5 been told through the press -- and I'm happy to send it to
6 you -- that this was done in consultation with yourself.
7 What would you say to the school districts that are trying
8 to follow your recommendations and that of Secretary Rivera
9 when a local health department essentially says don't
10 follow them for the next month? What do you say? Who
11 should they follow? And who is legally in charge, the
12 State or a city or a couple of cities or the county which
13 establishes their own directives?

14 SECRETARY LEVINE: So in terms of -- the county
15 health departments and the municipal health department are
16 completely independent of the Pennsylvania Department of
17 Health. They make their own determinations, and they make
18 their own decisions and their own recommendations. You
19 know, so I think that, you know, in this case, the school
20 districts would need to weigh those recommendations and
21 make their best determination. They're pleased to discuss
22 it with the county health department. They're pleased to
23 discuss it -- we are always pleased to discuss it as well.
24 It isn't common for us to be in such disagreement. We do
25 try to collaborate really, really closely, and they

1 certainly did not consult with me, but, you know, we have
2 1,200 staff, so I'll have to see who they might have talked
3 to, and I will check on that.

4 For the schools, it certainly puts the school
5 districts in a very challenging situation if there's that
6 type of disagreement. We will reach out to the Chester
7 County Health Department and ask why they made that
8 determination and what data they were using and what
9 different metrics they might have been using, but again,
10 they don't have to follow mine.

11 SENATE DEMOCRATIC CHAIRMAN DINNIMAN: I
12 appreciate your answer, and I would appreciate if you
13 checked into it. I'm not saying they're wrong. Maybe
14 they're right. Maybe you're right. But can you imagine
15 the legislators and the school districts after we took the
16 recommendations of the two Secretaries, urged schools to
17 follow them, schools went through board meetings and even
18 when there were changes came out with a determination and
19 then in the end it was all destroyed by another
20 bureaucracy.

21 And I don't know who's right or who's wrong. I'm
22 not saying -- I'm just trying to explain to you why we as
23 legislators and why the citizens and why the school
24 districts are just so frustrated and parents are
25 frustrated.

1 One last question, Mr. Chair --

2 SECRETARY LEVINE: I do want to point out that
3 Chester County would be in the moderate level of
4 transmission both in terms of incidence and in terms of
5 percent positivity. The recommended instructional models
6 would be blended or remote, and so their recommendation of
7 remote is not completely different than ours. It's one
8 side of it. I don't know why they came out fully for
9 remote, but it's not completely inconsistent with the
10 guidance that we put out.

11 SENATE DEMOCRATIC CHAIRMAN DINNIMAN: Well, but
12 they're low moderate, as you know, in Chester County. I do
13 not believe they're middle moderate or high moderate. And
14 as you also know what Senator Langerholc said, over 85
15 percent of the cases in our county were in nursing homes
16 and 42 percent were in the state-run nursing home, which we
17 had no jurisdiction over.

18 The final question is this. And I would ask both
19 Secretaries this question. We know a number of schools are
20 going to open, including religious schools. They have
21 requested that the nurse be there. The statute does say
22 that public schools are to provide nursing support in
23 nonpublic schools. So the statute is pretty clear on that.
24 But if a school is going remote, do they have the right to
25 say we're not going to send a nurse in because we're remote

1 and you're not, or are we going to put the health of the
2 children first and the Department of Health and Education
3 saying a nurse needs to be in the school. You know, a lot
4 of parents have decided to send their kids to nonpublic
5 schools simply because they can go to school, and so I
6 think this is very important. It's as much a health
7 question as education. How do the two of you feel on this
8 matter?

9 MS. BOATENG: Sure this is Sarah from the
10 Department. So you're correct. Public school districts
11 are required to provide nursing services for nonpublic
12 schools. And historically, there have been some challenges
13 prior to COVID even in some of those arrangements between
14 the public school districts and the nonpublic schools.

15 So we have a Division of School Health at the
16 Department. It has brokered some meetings between those
17 nonpublic schools, particularly the religious schools, and
18 the public schools to work to try to build a consensus
19 there, so that's an active issue that our staff is working
20 on and keeping Secretary Levine and I engaged and updated.

21 SENATE DEMOCRATIC CHAIRMAN DINNIMAN: Well, I
22 sure hope that both Secretaries will recommend that a nurse
23 be placed in those schools. The statute says that you
24 provide health. This is a very difficult time for the
25 health of all children, and children should come first.

1 And I'm hopeful the two of you will make that
2 recommendation.

3 I'm also hopeful that by the end of this week
4 you'll be making some recommendations concerning busing
5 because that has become a controversy. And I'm
6 disappointed it wasn't made by today so we could question
7 it and if it's made by tomorrow or later today, at least
8 the House Education Committee can question it, but if it's
9 not issued until Friday, then the right for us to question
10 and understand has been taken away. So I would hope that
11 you would move on this very quickly.

12 Thank you, Mr. Chairman.

13 MS. BOATENG: Yeah, I wanted, if you don't mind,
14 Chairman, to just add a bit more about our position. So we
15 agree, sir, that, you know, our position is that public
16 schools that are virtual, they must provide the same level
17 of nursing service to in-person nonpublic schools as they
18 did last year, so the specifics are the pieces that we're
19 still working out, but our position is aligned with yours.

20 SENATE DEMOCRATIC CHAIRMAN DINNIMAN: The
21 difficulty is in many of our schools because of a shortage
22 of nurses, if I'm a religious school, they might come once
23 a week or once every other week, and this won't work during
24 the COVID crisis. So I do hope that you simply don't say
25 it is based on what was done last year but you will say we

1 have a health crisis and we have to have the nurse there
2 since they have a right to open. Thank you.

3 SENATE DEMOCRATIC CHAIRMAN DINNIMAN: Thank you,
4 Mr. Chairman.

5 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
6 Chairman Dinniman.

7 We turn now to Members. Senator DiSanto
8 followed, by Representative Topper, followed by
9 Representative Isaacson. Senator DiSanto?

10 SENATOR DISANTO: Thank you, Mr. Chairman.
11 Welcome to Secretary Rivera and Secretary Levine. Thank
12 you for appearing again with our hearing.

13 Briefly, two-part question if Secretary Rivera
14 can answer the first part, Secretary Levine answer the
15 second. If schools must adopt the blended learning model,
16 what resources do you have prepared for these families in
17 terms of childcare logistically and financially for
18 Secretary Rivera? And for Secretary Levine, with that
19 said, if childcare centers would be available in the
20 community for these families, please explain how that
21 exposure would be less harmful from a health standpoint
22 than attending school under a traditional schedule? Thank
23 you.

24 SECRETARY RIVERA: Thank you, Senator. You know,
25 first and foremost, we fully understand that, you know,

1 school-opening decisions have a first-hand impact
2 significantly on working families and families, so we are
3 working with the Department of Human Services who partners
4 with us around early childhood but is responsible for
5 providing guidance around childcare to try to provide some
6 flexibility in some of our mandates to allow for school-age
7 childcare options and then also doing so in collaboration
8 with the Department of Health in as safe and healthy manner
9 as possible. And so we understand, you know, the
10 implications of your question, and we're working with our
11 partner agency at DHS, you know, to provide those options.

12 SECRETARY LEVINE: And so I would agree with
13 Secretary Rivera. So we have had a lot of collaboration
14 between our three departments, the Pennsylvania Department
15 of Education, the Department of Human Services, which
16 licenses the childcare, and the Department of Health. You
17 know, we want to do everything we can to decrease the
18 grouping of children and the grouping of people
19 specifically in the high, moderate, and substantial
20 counties to decrease the transmission.

21 Of course, there are essential workers that need
22 childcare, and they can't go to work unless they had
23 childcare, and that of course is an issue and a risk. And
24 I know that the Department of Human Services and we'll do
25 the best we can to try to limit the transmission, but there

1 are some unavoidable situations. But it doesn't mean that
2 we would change our recommendations in terms of school.
3 And again, they're not a mandate. They're recommendations.

4 SENATOR DISANTO: So just in your opinion there's
5 really no difference to a safety hazard whether children
6 are in school or in daycare or in some communities are
7 proposing putting group places for kids to go to if the
8 parents have to go to work and school is distance-learning?
9 There's really no difference, then, in your opinion? Would
10 you agree with that?

11 SECRETARY LEVINE: Any place where there is a
12 congregation of children or people, there can be
13 transmission.

14 Sarah, did you have a thought?

15 MS. BOATENG: Yes, but what we saw in the spring
16 when the districts were closed earlier in the year is that
17 many parents were also able to telework. And so, while
18 challenging, they were able to make those arrangements in
19 that way, and it did reduce the amount of young people who
20 had come together and the teachers when then schools had
21 gone fully remote in the spring.

22 SENATOR DISANTO: Thank you.

23 SECRETARY RIVERA: Senator, and I, too, would
24 just add very quickly that childcare centers and school
25 districts vary in sizes, so we're able to employ, you know,

1 some strategies in smaller childcare centers that a school
2 district may not be up to employ as a whole, and so also
3 the size and proximity is important to take into
4 consideration.

5 SENATOR DISANTO: Thank you.

6 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
7 Senator DiSanto.

8 Representative Topper, followed by Representative
9 Isaacson, followed by Senator Williams.

10 REPRESENTATIVE TOPPER: Thank you, Mr. Chairman.
11 And thanks to both of you and actually all of our
12 testifiers today.

13 Secretary Rivera, good to see you again even
14 through a screen. I have some concerns over the 180-day
15 requirement and also the 990 and the other hour
16 requirements. Back when we did Act 13 in the spring, you
17 know, we enabled the Department to waive some of those
18 requirements, and I thought that was important because, of
19 course, we were at a different point in time in the spring.
20 We didn't know what we were dealing with. We were trying
21 to get some kind of a continuity of education for our kids.
22 But this is very different starting a new school year.

23 And so back in July, the Department of Education
24 issued their recommendation to school districts or their
25 interpretation of section 520.1 of the school code, which

1 would allow for some flexibility and made meeting the 180
2 days' worth of instruction. And I have the template that
3 was used that you also put out in your testimony, your
4 joint testimony. And, as I looked, I saw the hybrid model,
5 that there was some face-to-face instruction in order to
6 meet the 180-day requirement.

7 So my concern is how are the schools that are
8 saying they're going to go entirely virtual able to meet
9 that requirement? Because, as I've read the section and as
10 I've looked over the template and as I looked over the
11 communication to the local superintendents, everything I
12 see involves teachers in the classroom and some kind of
13 face-to-face instruction even if it's not on a daily basis.
14 But now we have school districts saying they're going to go
15 virtual some possibly until February. I just don't see how
16 we're able to meet that without some kind of legislative
17 approval or a waiver process. Can you help enlighten me?

18 SECRETARY RIVERA: Yeah, absolutely, Senator.
19 And I'll tee this up, and then I'm also going to -- because
20 it's a really good question that's nuanced. And remember,
21 you know, when the legislature and the Department of
22 Education, you know, realized some of the statutes that
23 currently exist, we had never taken into account a pandemic
24 or the need to fluctuate, you know, between a blended
25 learning model or full virtual option.

1 But specifically to your question, our Deputy
2 Secretary Matt Stem can share, you know, some of what our
3 recommendations were and why we moved in that direction, so
4 I'll hand it over to Matt.

5 MR. STEM: Thank you. Yeah, thank you for the
6 question. It's a really important one. So absent the
7 authority under Act 13, as you pointed out, Senator, the
8 Department had to look very hard to find a way to guide
9 school districts to deal with the 180-day, 990-hour
10 requirement. Hopefully, you'll note in that form we tried
11 to keep it as streamlined as possible and make it a
12 nonburdensome process.

13 But to your specific question around remote,
14 remote learning can be attributed to the 180-day, 990-hour
15 requirement. What we noted in there is both synchronous,
16 which is real-time, as well as asynchronous, which would be
17 learning that students are engaged in when they're not
18 necessarily, you know, on a camera with a teacher, let's
19 say, could all be attributed to their 180-day, 990 hours.
20 So we think that even though we didn't have the Act 13
21 waiver authority, that this was a way for us to make sure
22 that districts could attribute whatever they're doing from
23 remote to full in-person towards their 180-day, 990 hours.

24 REPRESENTATIVE TOPPER: Well, I understand that
25 that's what you said. I'm trying to figure out where you

1 got it from because, as I look at the school code and some
2 of the -- when the emergency shall arise in terms of
3 anything that -- we've obviously classified this pandemic
4 as an emergency -- it says keep the schools of the district
5 in session such days and number of days per week as they
6 shall deem necessary or desirable. Keep the schools of the
7 district in session such days -- I'm looking through and
8 I'm not seeing really anything that would suggest that an
9 all-virtual option without teachers in the building,
10 without any kids in the building could be interpreted in
11 that way. I guess that's my concern is that I understand
12 that that was your interpretation. I just don't know how
13 you got there.

14 MR. STEM: Sure. So the statute you referenced
15 speaks about declaring an emergency, that's exactly right,
16 and we deemed the pandemic to be the emergency that would
17 allow every district to count remote learning. And the
18 condition -- and again, I don't have it in front of me, so
19 you'll have to forgive me operating from memory, but I
20 believe the condition is as long as the instruction is
21 under the direction of a certified instructor. So anything
22 that's under the direction of a certified instructor -- and
23 I know that we did point out both asynchronous and
24 synchronous, and we'd be happy to follow up and walk you
25 through, but we have been, you know, approving those, and

1 our intent always has been to allow remote instruction to
2 count towards those 180-day, 990 hours, and we think that
3 that statute gives districts that authority and their
4 school boards that authority.

5 REPRESENTATIVE TOPPER: All right. So just so
6 that I'm clear, we're saying that we're comfortable that if
7 a school district says they will remain completely virtual
8 from now until next May, we are going to count that as a
9 school year for those kids?

10 MR. STEM: If the instruction that's occurring is
11 under the direction of a teacher and they are tracking
12 attendance -- and that's also clearly -- if you'll take a
13 look -- you notice on that list there are a lot of
14 conditions that districts had to certify, one of which is
15 that they're taking attendance each day, that students are
16 engaged in learning, that they're providing -- that there
17 are all sorts of other requirements, but if the district is
18 attesting to meeting those requirements, then the remote
19 learning they're engaged in could count towards the days
20 for whatever duration that lasts. And, quite friendly,
21 it's our sincere hope that we're in a place in the spring
22 where we have more in-person instruction occurring.

23 And the Secretary has always been very, very
24 clear that we agree with everyone that spoken, that in-
25 person instruction is clearly the best mode of instruction

1 for students, and we hope to see more of that.

2 REPRESENTATIVE TOPPER: But at what point at this
3 do we look at and say, look, if this is not working, then
4 simply the school year will start whenever we can go back
5 to school, and if it's in February, then we go through the
6 summer or whenever it is. I mean, I think those
7 conversations need to happen as well because I'm not sure
8 that we can really count this or interpret this as a school
9 year if that happens. Thank you, Mr. Chairman.

10 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
11 Representative Topper, one of my favorite Representatives
12 in my district.

13 Representative Isaacson, followed by Senator
14 Williams, followed by Representative Gleim.

15 REPRESENTATIVE ISAACSON: Thank you, Secretary
16 Rivera. And I want to especially thank you, Dr. Levine.
17 As a legislator from Philadelphia with three hospitals, I
18 want to thank you for keeping us safe during this pandemic.
19 And I recognize that all of us are learning in this
20 process. No one taught me to parent through a pandemic,
21 and no one ever taught you how to run the government, so
22 we're going to all figure it out together.

23 So following up on the Senator's earlier
24 questions about childcare -- and it's not just childcare
25 for young children, now that a lot of teachers are going to

1 be virtually teaching from home, as well as their children
2 trying to learn from home, what resources has anybody
3 thought about making available to our educators so that
4 they're able to do their job and fulfill their requirements
5 while they have their children home, or is there going to
6 be resources available for them to help educate their own
7 children?

8 And then I also wanted to follow up on
9 questioning from our last hearing. We had testimony given
10 to us about some of the necessary PPE and other things we
11 are doing to meet the needs of our children of special
12 education because certainly whether it's a teacher who has
13 children with special education needs or it's any parent in
14 the Commonwealth. Those children cannot be taught
15 virtually from home, and what is the guidance given to each
16 school district on how to meet those needs because we
17 cannot lose those generations and making sure that they
18 have their needs met also? Thank you.

19 SECRETARY RIVERA: Those are all great questions.
20 And you actually hit home with one of the, you know,
21 factors that we have to take into consideration that rarely
22 comes up in this conversation. First and foremost, as
23 we've been looking and tracking this pandemic, as we've
24 been sharing the data, you know, everyone, rightfully so,
25 has been hyper-focused on transmission of school-age

1 students. But the truth of the matter is, as we're
2 presenting and providing this guidance and working with Dr.
3 Levine and the Department of Health, it's not only the
4 student transmission that we have to look at. We have to
5 look at adult transmission because we know that there are
6 also educators in that classroom and educators in that
7 school building and educators serving throughout that
8 community. And we also have to take into consideration
9 that many of the children who we serve in our schools go
10 home to families. In some of our most vulnerable
11 communities, they live with parents, grandparents, and
12 extended family members, and so there's an impact on those
13 individuals as well.

14 But specifically to your question, we have not at
15 the Department of Education put resources, you know, in
16 place for targeted childcare, for educators, but we have
17 taken them into account, you know, in our recommendations
18 knowing that they're part of that education community, and
19 we want to focus on their health and safety as well and
20 especially when we look at our students with special needs.
21 You know, we started in June putting out modules and
22 professional development opportunities not only for
23 educators who serve students who have special needs but
24 also for families and parents who have kids at home who
25 have specific, you know, educational or, you know,

1 cognitive or physical needs.

2 And, you know, first and foremost because we
3 understand how dynamic those needs are, what we've
4 communicated, you know, first is that communication between
5 that parent, that family, and the education system is
6 important. Reviewing the IEP, to update that IEP, to take,
7 you know, current academic conditions, instructional
8 conditions into account. Updating the NOREP, you know, is
9 extremely important, and so that all, you know, starts the
10 conversation with the family and the educators at the
11 school.

12 Secondly, our partners through the patent system
13 and through our intermediate units have put out
14 professional development and hosted professional
15 development for educators, for families, for parents, and
16 for community stakeholders. I know just yesterday, you
17 know, one was held where, you know, thousands of educators
18 and others signed onto it and have been taking advantage
19 of.

20 And one of the things that this gives me an
21 opportunity to share, all of those modules have been
22 recorded and posted online not only for review, you know,
23 of educators but for review of families and even the
24 General Assembly. As you're looking to serve and support
25 your constituents, know that all of that information is

1 online for public inspection and should absolutely be used
2 not only to support education but to make sure you're
3 asking the right questions of your school district and
4 understand the process that they're going through.

5 SECRETARY LEVINE: This is Rachel Levine. In
6 terms of the PPE, so Director Padfield, the Director of
7 PEMA, is, you know, pleased to work with the school
8 districts and, you know, through the Pennsylvania
9 Department of Education, also, you know, through their
10 county emergency management agencies but also -- so PEMA
11 will be willing to work with them to look for sources of
12 PPE necessary for that type of education.

13 REPRESENTATIVE ISAACSON: Okay. I appreciate
14 that. And certainly as we're learning all the different
15 facets we need to address, obviously, we are going to need
16 more resources going to the school districts, and
17 collectively, we should all be thinking about that as we
18 move into the fall. Thank you very much.

19 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
20 Representative Isaacson. Senator Williams, followed by
21 Representative Gleim, followed by Senator Arnold.

22 SENATOR WILLIAMS: Thank you, Mr. Chairman.

23 Secretary Levine, my first question is for you.
24 I recently a couple weeks ago had a town hall with a
25 pediatrician, an infectious disease expert Dr. Keogh to

1 answer questions from parents who are scared about sending
2 their kids to school, who are confused about the research.
3 And, you know, he talked a lot about how the transmission
4 rates in younger ages are different than the ages when you
5 get to like 10 and above, and that the research is rapidly
6 changing. And some of the reason why it's rapidly changing
7 is we haven't been testing kids. As we are increasing our
8 testing, we are testing more kids and learning more about
9 how they transmit the disease.

10 He also talked about how, you know, they're not
11 the only people in the building. We have teachers, we have
12 bus drivers, we have janitorial staff. And I've talked to
13 those in the surveys of both K-12 and higher ed, it's
14 coming out about 30 percent of the adults who are in the
15 building have severe underlying conditions that make them
16 particularly vulnerable and an additional percent live with
17 people who have those underlying conditions that make them
18 securely vulnerable.

19 So my superintendents, my school board members,
20 they repeatedly said to me that they're not public health
21 experts. They wanted guidance from you, they wanted
22 guidance from PDE about how to educate their kids because
23 they desperately want to get back in the schools and teach
24 their kids, but they want to do it in a safe way. So can
25 you talk a little bit about the updates, you know, in the

1 last couple weeks over research on kids and the
2 transmission rates and how that corresponds with how it
3 infects the adults in the building?

4 SECRETARY LEVINE: Sure. Well, and thank you for
5 that question. So there has been information more in the
6 last number of weeks about the relatively high transmission
7 rates among children. The American Academy of Pediatrics a
8 week or two ago revealed that 97,000 children had tested
9 positive for COVID-19 in the last two weeks of July in the
10 United States. And, you're right, before, children weren't
11 tested as much. And a lot of that initial data came out of
12 China where they really didn't test the children very much,
13 and so it was skewed. But children can certainly get
14 COVID-19 and particularly those older children in middle
15 school and high school and can have very serious cases of
16 COVID-19. So, unfortunately, the hospitalization rate of
17 children has gone up in the country over the last number of
18 weeks with COVID-19.

19 And I do want to point out that there is a very
20 serious condition. It's called MISC or a multisystem
21 inflammatory syndrome in children. There are 570 confirmed
22 cases of MISC in the United States. Pennsylvania has 43
23 confirmed cases of MISC, one of the highest counts in the
24 country. They're being taken care of, you know, in our
25 excellent children's hospitals. There are 19 more that are

1 still being investigated with MISC, and this is a very
2 severe inflammatory condition that can have permanent
3 impact upon the heart, as well as other organs. So the
4 idea that children don't contract COVID-19 is not true, and
5 the idea that they can't get very sick from COVID-19 is not
6 true as well.

7 As you've been saying, though, in the school
8 environment there are teachers and there are staff, and
9 they have course would be vulnerable to getting COVID-19.
10 And I'd also like to point out that those children have
11 parents, and they go home, and so if they contract COVID-19
12 in the school, then they're going to transmit it
13 potentially to their parents, and then they have
14 grandparents that they might visit. And so that is how
15 clusters and outbreaks occur. So we have to take the whole
16 multifamily, you know, multigenerational picture into
17 consideration and take the whole community into
18 consideration as we make recommendations for schools.

19 As you pointed out, the superintendents were
20 strongly asking for more guidance and help, which really
21 generated the guidance that we put out at the beginning of
22 last week, and so we have tried to make that very iterative
23 in terms of low, moderate, substantial county transmission
24 using very well-accepted metrics of incidence rate, as well
25 as percent positivity with the exact numbers that are used

1 by the White House Task Force in terms of our
2 recommendations.

3 SENATOR WILLIAMS: Thank you, Dr. Levine. And
4 thank you for helping to communicate that public health
5 information so our school districts can make accurate
6 decisions.

7 Secretary Rivera, my question for you is, you
8 know, in the spring when schools were closed, school
9 districts, you know, were worried about serving kids who
10 qualified for free and reduced lunch. They were able to
11 organize those pickup locations. I saw yesterday the press
12 release where PDE sent a letter to USDA Secretary asking
13 for those Federal waivers to continue off-campus to make
14 sure that the districts that are following public health
15 advice and doing, you know, what they maybe don't want to
16 do but in the interest of safety to keep the students home
17 to protect them and their staff and their families, what if
18 anything, can the General Assembly do to ensure that our
19 school districts are prepared for this and that we're
20 helping fill in those gaps to make sure the kids get access
21 to food and maybe access to any other kind of services that
22 they normally get in the school?

23 SECRETARY RIVERA: Senator, that's a great
24 question. And this is always an opportunity for me to,
25 again, highlight and thank all the educators out there and

1 leaders for stepping up and, you know, providing holistic
2 systems of support to all of our communities.

3 I think the opportunity for -- you know,
4 continued opportunity for us working with the General
5 Assembly in this space is that the Department of Education,
6 we are very fortunate. We have stakeholders and
7 relationships in practically every community of the
8 Commonwealth. I mean, you know, as we meet with our
9 superintendents and school leaders, I mean, we pretty much
10 regularly engage with a leader, you know, with a
11 stakeholder from every single one of our communities in
12 Pennsylvania. Not everyone, you know, in government is as
13 fortunate as we are.

14 And, you know, the only reason we weren't able to
15 provide, you know, the system of support, you know, that
16 you shared is because we have amazing partners, you know,
17 through the Department of Agriculture. We have amazing
18 partners through the Department of Human Services. We have
19 amazing partners, you know, through the Department of
20 Health. And so we come together regularly and try to
21 problem-solve around how to best meet the needs of our
22 communities, whether they know they need, you know, the
23 system support or they don't know they need that system of
24 support.

25 And so I think where the General Assembly

1 continues to be amazing, you know, partners and
2 stakeholders is that you're represented and you partner
3 with each and every one of our agencies, so you're engaging
4 in both the formal and informal conversation together to
5 break the systemic barriers that keep, you know, some of
6 those resources out of our most vulnerable communities is
7 important.

8 If you remember, I mean, we served over 20-plus
9 million meals, you know, from March through the end of the
10 school year. That was no easy task not just because of the
11 logistics but just tackling some of the regulatory
12 obstacles that we had to address to get to a point that we
13 can feed kids and feed families. That's where our
14 relationship is so important, just breaking those barriers,
15 working together, communicating the needs of communities,
16 and just staying focused on, you know, the individuals in
17 our neighborhoods that need the most.

18 SENATOR WILLIAMS: Thank you. I appreciate it,
19 Secretary.

20 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
21 Senator Williams.

22 Representative Gleim, followed by Senator Arnold,
23 followed by Senator Brewster.

24 REPRESENTATIVE GLEIM: Thank you. My question is
25 for Secretary Rivera, please. We have seen a growing issue

1 with retention of enough substitute teachers in the regular
2 school year. What is the current gap in substitutes? What
3 are your expectations of need for substitutes this coming
4 school year? And what are your plans to address the gap?

5 SECRETARY RIVERA: That's a great question. Not
6 only are we working, you know, to identify and address a
7 gap with substitute teachers, we are working to address a
8 gap with teachers, you know, in general. You know, and,
9 unfortunately, as I'm looking at the screen, you have
10 Senator Aument sitting behind you and, you know, so, you
11 know, we've been working with the General Assembly to
12 address, you know, teacher shortages and teacher
13 certification opportunities and, you know, really to not
14 only work, you know, to encourage more teachers into the
15 teacher pipeline but also to diversify the teacher
16 pipeline. So, you know, this pandemic has really just
17 exacerbated an issue that we've been working on and we
18 knew, you know, was significant in the education field and
19 will continue to do so.

20 So, first and foremost, we're working with the
21 State Board, you know, to update Chapter 49 to bring more
22 educators into the workforce, also by attracting more folks
23 into colleges of ed and into education as a vocation, as an
24 occupation, we can enrich the substitute pool as well. But
25 I can tell you we've been battling for years a teacher

1 shortage, and this pandemic has just highlighted and
2 exacerbated that need for high-qualified, talented teachers
3 in the classroom.

4 REPRESENTATIVE GLEIM: Thank you. But under the
5 current pandemic, is there any plan for flexibility in this
6 upcoming school year to allow more substitutes come in in
7 the event that a teacher gets sick?

8 SECRETARY RIVERA: So some of the flexibility
9 that we've been able to provide is flexibility around how
10 we apply for certificates, emergency certificates, level I,
11 level II certificates, and the like. You know, one of the
12 challenges -- although we're looking at, you know,
13 streamlining the process, you know, to receive the
14 credentials to be a substitute teacher, I also want to be
15 really careful, you know, that, you know, we are being
16 responsible and putting the right individuals into our
17 classroom.

18 So, you know, there's that challenge there. One,
19 we want to streamline the process to get folks into that
20 classroom, but at the same time we don't want individuals
21 who might be, you know, just not suited, you know, both
22 from the safety or the, you know, health perspective,
23 safety perspective, and educational perspective, you know,
24 but also the preparedness. So we are having those
25 conversations, but at the end of the day, we don't want to

1 just open the floodgates and let anyone into our
2 classrooms.

3 REPRESENTATIVE GLEIM: Thank you.

4 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
5 Representative Gleim. Senator Arnold, followed by Senator
6 Brewster, followed by Representative Ortity.

7 SENATOR ARNOLD: Chairman? Are you able to hear
8 us, Mr. Chairman?

9 SENATE MAJORITY CHAIRMAN LANGERHOLC: Yes, we can
10 hear you, Senator Arnold. Go ahead.

11 SENATOR ARNOLD: Okay. I apologize. So thank
12 you. Thank you for giving me the opportunity to speak for
13 a few minutes.

14 I think it was Secretary Rivera that made his
15 comments earlier, but my question really could be addressed
16 to either Secretary, quite frankly, and that is this.
17 There was a question that was asked about, you know, the
18 potential liability to all the school districts if they
19 don't follow the recommendations from the Department of
20 Health and from the Department of Education. And,
21 Secretary Rivera, I believe your answer was that you don't
22 know the legal implications of these recommendations. Is
23 that an accurate reflection of your answer?

24 SECRETARY RIVERA: Not the legal implications. I
25 don't have a full understanding of the broad implications.

1 So I understand how this decision affects education
2 specifically, but like all issues of tort and liability,
3 all legal issues, this has implications for other areas of
4 government, other areas of operations, other areas, you
5 know, of governments in general. So I know how this
6 impacts and what the impact for the education community
7 would be, but don't know what the impact of a decision like
8 this would be in the insurance community or, you know, in
9 the budget community, in legislative, you know, government
10 community, and so that's, you know, what I was trying to
11 explain.

12 SENATOR ARNOLD: And I guess that's where I'm
13 frustrated because don't you find that irresponsible to not
14 know what's the potential litigation liability might be to
15 each of these school districts if they don't go by, you
16 know, what you call recommendations from the Department of
17 Health? Don't you find that somewhat irresponsible to put
18 out these so-called guidelines and puts every school
19 district who doesn't follow these guidelines at risk of
20 litigation?

21 SECRETARY RIVERA: No, I don't think it's
22 irresponsible at all. That's what we do in government.
23 Every year, you know, the General Assembly passes on to us
24 a package of legislative considerations, and then what I do
25 when I look at your legislative considerations, I give you

1 feedback on how the implication to the education community
2 might be, and then, you know, Dr. Levine would give you
3 feedback on the implications to the health community and,
4 you know, the Secretary of Agriculture would do the same,
5 you know, for agriculture. So this is how the process
6 works. I mean, every time -- you know, government exists
7 to serve, you know, specific communities in those specific
8 areas, and by working together we do the best job we can,
9 you know, to introduce guidance and legislative language,
10 you know, by working together.

11 So specifically the guidance that we put out to
12 school districts is exactly what we called it, public
13 health guidance. So this is guidance that we feel would
14 help, you know, ensure the health and safety of communities
15 while providing a level of continuity of education.

16 SECRETARY LEVINE: I'd like to put out, Senator,
17 that we put out this guidance at the very strong request of
18 the superintendents and the school districts. They were
19 asking for specific metrics and specific guidelines in
20 terms of having schools be in person, in terms of blended
21 education, and in terms of remote education. And so
22 actually accommodating their strong request, we put out
23 this guidance.

24 SENATOR ARNOLD: And have you had discussions
25 with your legal team or any other legal team about the

1 possible ramifications legally for all the school districts
2 who may now be in jeopardy of being sued if they don't
3 follow these recommendations? Have you had those
4 discussions?

5 MS. BOATENG: Well, I know -- I mean, certainly,
6 the Department of Health's legal team was involved in the
7 review of the guidance, but I agree with Secretary Rivera's
8 comments that this is the business of government. It's our
9 responsibility to put out public health recommendations,
10 which we did at the request of the superintendents.

11 SECRETARY LEVINE: And I have to point out, I
12 mean, we put out pretty broad guidance. I mean, in terms
13 of low transmission, it's pretty low. The high
14 transmission, there's only been one or two counties that
15 has been in high, and we offered to have specific
16 discussions with them about why those counties were high
17 and what other mitigating factors -- we talked about
18 prisons and things -- where they might want to consider a
19 different method of learning. Most of the counties are in
20 the moderate. In almost each category there are options
21 about what they could do, so they're pretty broad
22 recommendations. And this was put out at their request.
23 And I'm sure that our attorneys would be pleased to talk
24 with their attorneys. Of course, we want them to follow
25 the recommendations. That's why we put them out.

1 SENATOR ARNOLD: Well, thank you, Mr. Chairman,
2 for allowing me to ask questions, and I thank you, both
3 Secretaries, for answering my questions. In all candor,
4 I'm not particularly pleased with either of the answers,
5 but that's neither here nor there. But thank you for the
6 chance to ask questions.

7 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
8 Senator Arnold. Senator Brewster, followed by
9 Representative Ortitay, followed by Representative Madden.

10 SENATOR BREWSTER: Thank you, Mr. Chairman. I
11 don't have a question, just an observation, not terribly
12 lengthy but trying to cover all the details that my
13 colleagues went over. It's all good questions and all good
14 points. First, I want to thank Secretary Rivera and
15 Secretary Levine for your testimony. These are difficult
16 times.

17 I have 19 school districts. My perspective on
18 the confusion from my point of view, I thought my
19 superintendents were not confused. I think they were
20 looking for some direction on technical issues. As
21 Representative Topper brought up, is there going to be some
22 forgiveness at the end of the day? If we're going to live
23 through this school year, all of us, we can't make the
24 wheel any rounder. There's only three options, all in
25 person, hybrid, or all online and some variation of days.

1 When do we start, a little variation there? The
2 superintendents in my opinion, they have a feel for what
3 their school district is capable of doing with their
4 teachers, the input from their teachers, the parents.

5 And I want to stress -- and it was said by
6 Senator Langerholc -- I rely on my local school boards. I
7 say it all the time. They're local government. They're
8 the ones that see the parents. They're the ones that
9 should make the decisions. Yes, they need to see the
10 numbers, they need to see where the surges are, but I think
11 we've forgotten a couple of things that we've done as
12 legislators. Senator Langerholc, Representative Ortitay,
13 myself I think were on the call. We're on the School
14 Safety and Security Commission. By the end of July we
15 pushed out about \$150,000 to each school district, another
16 2 or 300 nonpublic school entities, specifically CARES
17 money to be used to sanitize, to retrofit the school
18 classrooms, to do things like that so that school directors
19 could feed that information back to parents saying, look,
20 we have money that we don't have to go find. It's in our
21 hands. And I think there is some more in the pipeline,
22 Secretary Rivera, maybe another \$50 million. But that
23 Committee has done a yeoman's job in the background trying
24 to make sure of filling some gaps, making sure there's
25 nurses. That was brought up.

1 One of the things that I've brought up a few
2 times, I find it interesting that the cracker plant in
3 Beaver, they're testing every day or every other day, 1,000
4 employees, four-hour turnaround. The vendor providing that
5 service has contacted us. Professional athletes getting
6 tested every day, every other day. Now, I know it's
7 expensive. We haven't talked about that. We need to think
8 about that.

9 If you were a parent and if you could strategize
10 how you would test a child every other day with consent, a
11 teacher every other day and give them a response in four
12 hours, you wouldn't have to shut down the whole State if
13 there was a surge. You could shut down a classroom or a
14 building because what we don't want to do is fall into the
15 trap we fell into with the taverns and restaurants.
16 There's no one set of rules. These regions are different.
17 In Forest County they've had nine cases. That
18 superintendent can conduct themselves differently. There's
19 a different level of concern as opposed to, say,
20 Philadelphia or Allegheny County.

21 We need to be able to pivot. And I think our
22 superintendents are capable of doing that. They know their
23 district better than we do. But they're going to need
24 forgiveness on the back end whether it's 180-day rule. Let
25 our solicitors worry about lawsuits. If you want to go

1 through and see the lawsuits every year from 500 different
2 school districts, you'd be shocked. They're not all slip-
3 and-falls. They're reimbursement for busing, they're
4 reimbursement for tuition to charter schools. It's
5 countless. Let the attorneys do their job. Let the
6 superintendents do their job. The guidance they want is
7 can we get forgiveness on the 180-day rule and things of
8 that nature on the back end as we limp through a school
9 year, which they may never, ever see again? That's not
10 confusion. That's a little bit of direction on statutory
11 issues that we can help them with.

12 And, as I said, on the security side, our
13 security team shifted from mass shootings. We haven't
14 forgotten those. We're mindful of those. But we've
15 redirected the money to this virus that nobody could have
16 predicted with the help of Secretary Rivera, Secretary
17 Levine, the Governor. So we've influxed that money so
18 we're not burdening local taxpayers. And our
19 superintendents have done that. And I want to give them
20 credit and a shout-out.

21 And so I guess the moral of the story is let's
22 don't make this terribly political. Let's make it a
23 business decision. This is like a game plan. You know,
24 when we send a play in, the Steelers send a play in, the
25 player doesn't send somebody back out to say we don't like

1 it. We have to make sure that we have a team and a
2 strategy, and we have to have some leniency with each other
3 and certainly forgiveness for the teachers to be able to
4 keep them safe. There are teachers that want to go. There
5 are teachers that have health issues that may be can't go.
6 We can figure those things out. But I have a firm belief
7 that our superintendents and our teachers and parents and
8 school board directors have an idea and have a plan. We
9 just have to support those individuals.

10 There's nothing wrong with being different, and
11 we have to be able to deal with that difference by county
12 or by region, and I just want to thank everyone for their
13 input. Thank you, Mr. Chairman.

14 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
15 Senator Brewster. Representative Ortitay, followed by
16 Representative Madden, followed by Senator Aument.

17 REPRESENTATIVE ORTITAY: Thank you, Mr. Chairman.
18 Thank you, Secretary Rivera, Secretary Levine, for being
19 here. I appreciate seeing both of you.

20 Is there a State metric that you have put
21 together that could be provided for the school districts to
22 determine how many positive tests a student or teacher has
23 in making a decision to shut down the school, or would that
24 be left up to local school districts to decide on their
25 own?

1 SECRETARY LEVINE: There is a specific guideline
2 that we put out last week for the superintendents to use in
3 terms of if they have one positive case with a teacher or a
4 student and then if they have more positive cases with
5 specific guidelines, so that was put out last week.

6 REPRESENTATIVE ORTITAY: Okay. Thank you for
7 that. And I want to follow up on one of the comments that
8 Senator Brewster had made. I know last week that there is
9 some news coming out that the FDA will be possibly
10 approving several rapid tests on demand like test strips,
11 basically tests that you could get results within 15
12 minutes. And much of my research throughout the world, you
13 have places like Germany who are testing kids twice a week,
14 we know how important contact tracing can be to keep things
15 from spreading. But how important is having that rapid on-
16 demand testing and getting us back to in-person education
17 again?

18 SECRETARY LEVINE: I think it will be important,
19 but the number of those tests in terms of the numbers of
20 students and the number of schools in Pennsylvania and of
21 course throughout the country don't exist right now.

22 There are some positive antigen tests. Those are
23 going to be sent by CMS to the nursing homes actually in
24 Pennsylvania and the rest of the country, and they have
25 their limitations. They can be done in 15 minutes. They

1 do need a medical person to obtain the specimen and to put
2 it into a specific machine to get the result. Those tests
3 do have some accuracy issues, but overall, I think for the
4 nursing homes they're going to be a positive.

5 The type of rapid tests using just a strip that a
6 layperson could do for every student, that doesn't exist.
7 Now, we did have this great press conference last week with
8 OraSure, and OraSure, which is a Pennsylvania company in
9 the Lehigh Valley I believe, is working to put out a very
10 rapid test just from the tip of the nose that could be done
11 in 15 minutes first by medical personnel but eventually
12 maybe at home. When that's available and it's available in
13 bulk, that could be a gamechanger. We're not really
14 expecting any of those until the end of 2020.

15 REPRESENTATIVE ORTITAY: Okay. The test that I
16 had heard was a saliva test, and I think it was something
17 similar to what the NBA players were using.

18 SECRETARY LEVINE: Yes, but those take about
19 three hours to come back, and they have to be run in a
20 machine by a technician. So they are a spit test that the
21 NBA is using. Those just got approval. But again, you're
22 looking at every school child in every school in the United
23 States --

24 REPRESENTATIVE ORTITAY: Yes.

25 SECRETARY LEVINE: -- and so, you know, I think

1 that that is a goal to have that type of population-based
2 surveillance testing. The places where we're doing that
3 now are in the nursing homes and the other long-term-care
4 facilities, and we're looking to ramp those up. The number
5 of tests doesn't exist to be able to do that for schools
6 yet.

7 REPRESENTATIVE ORTITAY: Okay. My general
8 concern is that it's inevitable, a teacher, a student,
9 they're going to test positive once kids go back to in-
10 person education. And we know that, you know, depending on
11 how many there are, some parents are going to lose their
12 mind and they're going to pull their kids out. And my fear
13 is that we're going to send kids back next week or the week
14 after and then we're going to close the school down a week
15 after that. We've seen that in instances all over the
16 world. And my fear is is once we close them down, we're
17 not going to be able to open them back up for a long time
18 after that.

19 So I guess my caution is here is if we're going
20 to continue down this road, we're going to open in-person
21 schooling, that we have the expectation, we have the
22 criteria and the metrics in place, and that we go from
23 there.

24 But thank you for your answers. I certainly
25 appreciate it. And thank you, Mr. Chairman.

1 SECRETARY LEVINE: Thank you.

2 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
3 Representative Ortitay.

4 Representative Madden, followed by Senator
5 Aument, followed by Representative Kail.

6 REPRESENTATIVE MADDEN: Thank you. Thank you,
7 Secretaries Rivera and Levine, for agreeing to testify
8 today. My question is first for Dr. Levine.

9 Dr. Levine, I'd first like to say thank you for
10 the grace and leadership that you have demonstrated in
11 guiding us through this novel coronavirus. We certainly do
12 appreciate it.

13 My question is also around testing, follow-up
14 with Representative Ortitay. The most complete statistics
15 I can find on the Department of Health website is we're
16 testing just under 21,000 Pennsylvanians a day. And I
17 watched a hearing a few months ago in the United States
18 Senate, and Dr. Fauci and a number of the medical experts
19 that testified spoke about how it is essential to increase
20 testing for children and for teachers and everybody who
21 comes in contact with them if we're going to safely open up
22 schools.

23 And to your point about the 95,000 children who
24 have tested positive for COVID and the fact that they're
25 asymptomatic is absolutely a problem. And I have a five-

1 year-old boy in my district with MISC, and he has been in
2 absolute pain and agony since April. So obviously, testing
3 is the key to everything.

4 And we did read about OraSure, and also we had a
5 public policy hearing last week, and the Executive Chairman
6 and Founder of Testing Centers of America Brian O'Neill
7 said that, right now, the history companies, they have the
8 ability to test over 125,000 people a day, by the end of
9 the year, being able to test 841,000 people per day in
10 Pennsylvania. How quickly do we get to those numbers?
11 Because, quite honestly, I'm trying to wrap my head around
12 sending millions of children back to school when we don't
13 have adequate testing for them and we can't get results
14 back in a timely manner. So when do we start seeing a
15 ramp-up of those numbers?

16 SECRETARY LEVINE: Sure. So we have been
17 increasing the number of tests. We're now up to 22,500
18 average tests per day. There have been challenges. You
19 know, we wanted the tests from companies like OraSure --
20 I'm sorry, like LabCorp and Quest have had significant
21 delays. That's better as they've been able to ramp up
22 their testing. Those are national companies, and the issue
23 was that they were getting really a tremendous amount of
24 tests from the South and the West. And actually the
25 Federal Government was prioritizing tests from other States

1 that had more severe outbreaks. That is better. They've
2 been able to increase their number of tests, and their wait
3 time is only about two days now, so that's much better.

4 In addition, there are shortages of the reagents
5 used for the testing platforms, as there were in the
6 spring, and so many of our hospitals could increase the
7 number of testing that they're doing if they have the
8 reagents for specific platforms, specifically, the Hologic
9 Panther, the Cepheid, and the Roche platforms. There are
10 national and international shortages of those chemicals.
11 We have no stores of those chemicals. We have heard that
12 the Federal Government has prioritized other States for
13 some of those reagents, and we are reaching out through our
14 Senators and other Federal Representatives to see if we can
15 push that a bit, and we have talked with the Federal
16 Government about it.

17 And in terms of the individual that you spoke
18 with, actually, a representative from the Governor's
19 office, we'll be speaking with him over the next week to
20 see if we can increase the testing.

21 You know, our testing priorities have of course
22 been hospitalized patients and very sick patients, very
23 sick children, et cetera, in hospitals and emergency
24 departments, but also we've had to prioritize the nursing
25 home testing. We have tested every patient and every staff

1 member in every nursing home in Pennsylvania. By the end
2 of the month, we'll have tested every patient and every
3 staff member in all of the 1,200 other long-term-care
4 living facilities. And now we're going to be working on
5 those re-testings. And in addition, you know, the nursing
6 homes will be getting those antigen platforms.

7 I think the rapid antigen tests have a lot of
8 opportunity if there are enough kits and, you know, the
9 chemicals to go around and I think that testing like
10 OraSure. But we actually will be speaking with the
11 gentleman you spoke with before, and if we're able to ramp
12 up our testing with him, we're going to do it.

13 REPRESENTATIVE MADDEN: Great. Thank you so
14 much. And I have a quick question for Secretary Rivera. I
15 know at a caucus meeting we had last month and also last
16 week when there was a hearing another one of my colleagues
17 mentioned this, and it seems to be the majority of the
18 calls that I get from concerned parents is where are we
19 putting our children? You know, parents have to go to work
20 obviously. Three of the school districts in Monroe County
21 have decided to go virtual. Is there any meaningful
22 conversation or result around opening up our community
23 centers, our VFW halls, places where there's large spaces
24 where, you know, they're not being used on a regular basis
25 and we could socially distance?

1 And if we're doing virtual learning, is there a
2 possibility that para-teachers could assume that role in a
3 community center or wherever we open it up for parents who
4 absolutely have to work and cannot afford childcare? I
5 mean, this is going to be a huge problem.

6 SECRETARY RIVERA: So it's a great question. And
7 first and foremost, I just have to preface this by saying
8 our role is regulatory in nature, you know, in this effort,
9 and I think, you know, it's not possible for us to create a
10 condition for every, you know, individual community, but I
11 can share with you part of what we've already heard and
12 kind of have helped orient and problem-solve with school
13 leaders is exactly an answer to the question you've just
14 posed. So there are school districts and school
15 communities that are utilizing other spaces to engage, you
16 know, to meet social distancing guidelines, you know, to
17 provide some alternative education spaces. And in those
18 instances, you know, we are very supportive of those
19 districts as they're thinking and they're looking -- and
20 the schools as they're thinking and looking outside the
21 box.

22 But in relation to your question as to what are
23 we doing, we continue to work really closely with DHS, the
24 Department of Human Services, around the childcare
25 standard. So I know, you know, that our conversations

1 together have been how do we, you know, review the
2 regulations that exist, you know, that this allow that type
3 of school-aged childcare or childcare opportunities -- we
4 just call it childcare, not that in the traditional sense,
5 and those are conversations that we're having. How do we
6 provide that type of flexibility so that communities and
7 schools and partners can accomplish what you just
8 mentioned.

9 REPRESENTATIVE MADDEN: Thank you.

10 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
11 Representative Madden.

12 Senator Aument, followed by Representative Kail,
13 followed by Representative Miller.

14 SENATOR AUMENT: Thank you, Mr. Chairman. Good
15 afternoon, Secretary Levine, Secretary Rivera. Secretary
16 Rivera, thank you for your service. I presume this is
17 likely to be the last time that we have you here at a
18 public hearing before you take on your new role at Thaddeus
19 Stevens, and I wish you well and look forward to working
20 with you in that capacity. And thank you for your service
21 the last number of years as our Secretary of Education.

22 And I'd also like to thank and recognize all of
23 those teachers who, as we speak this afternoon, are
24 preparing for an unpredictable school year. And I
25 recognize the challenges they face as they're now doing

1 lesson planning and preparing for a school year, and I
2 recognize this is the challenge that has been. My own wife
3 is preparing to start next week, and I've seen her doing
4 her lesson planning and considering a wide variety of
5 contingencies. And so I just want to thank our educators,
6 our school district administrators, our private school
7 administrators for the work that they're doing now.

8 Throughout the hearing this afternoon, we've
9 heard quite a bit about the American Academy of Pediatrics.
10 And as I was looking through some of the guidance that the
11 American Academy of Pediatrics has offered -- and of
12 course, most recently, we've seen the guidance has been
13 discussed around the guidance with respect to masks that
14 was just issued with the Department of Health and the
15 Department of Education.

16 The American Academy of Pediatrics has also said,
17 "With the above principles in mind, the AAP strongly
18 advocates that all policy considerations for the coming
19 school year should start with the goal of having students
20 physically present in school. The importance of in-person
21 learning is well-documented, and there's already evidence
22 of the negative impacts on children because of school
23 closures in the spring of 2020. A lengthy time away from
24 school and associated interruption of supportive services
25 often results in social isolation, making it difficult for

1 schools to identify and address important learning
2 deficits, as well as child and adolescent physical or
3 sexual abuse, substance use, depression, and suicidal
4 ideation. This in turn places children and adolescents at
5 considerable risk of morbidity and in some cases mortality.
6 Beyond the educational impact and the social impact of
7 school closures, there has been substantial impact on food
8 security and physical activity for children and families."

9 My question both for the Department of Education
10 and the Department of Health, do you believe that you have
11 -- with all of the guidance that has been issued with
12 respect to schools and school reopening over the last
13 number of weeks and months, do you believe that you have
14 done an adequate job of communicating those principles from
15 the AAP? And if so, how exactly have you communicated that
16 message?

17 SECRETARY LEVINE: So I'll start. So, as you
18 know, I am a board-certified pediatrician and board-
19 certified adolescent medicine specialist. I am very proud
20 to have been a fellow of the American Academy of Pediatrics
21 since 1988 and a member since 1983 and have many contacts
22 both in the Pennsylvania chapter of the American Academy of
23 Pediatrics and nationally.

24 I would agree with their statement. I think that
25 we all agree that it would be much better for children to

1 have in-person learning and all of the benefits, the
2 educational benefits, the social benefits, and all of the
3 other benefits of in-person learning. However, we are in
4 the midst of the biggest global pandemic since 1918, and so
5 really everything we've done is to try to help keep young
6 people, children, and their families and their communities
7 and their teachers, safe.

8 With the guidance that we put out, you know,
9 there are three categories. And in the low and moderate --
10 in the low category, actually, the recommended
11 instructional model includes full in-person learning. For
12 the seven-day period ending 8/14/2020, 21 counties were
13 designated as low transmission, and in-person learning
14 would be preferable. But we also included blended
15 learning, which can include in-person instruction, maybe
16 not full-time, but in-person instruction with kids in
17 school in the low categories.

18 In the moderate category, there are 44 counties
19 that are currently in the moderate transmission category.
20 The two recommended instructional models include either
21 full remote but actually blended learning model. And I'll
22 let Secretary Rivera talk about the variations in terms of
23 blended learning, but many of the blended learning models
24 encourage the students to be in school with various
25 different ways of doing that. And I'll let him describe

1 that.

2 There are only two counties in Pennsylvania, you
3 know, from last week were in the substantial mode. Both
4 had other issues that the previous Senator kind of
5 discussed, and we had discussions with both counties that
6 they might want to consider -- they don't have to do full
7 remote learning. There are other extenuating
8 circumstances, and they could consider a blended learning
9 model in those counties. So there is virtually no county
10 in Pennsylvania where we are saying that our recommendation
11 is 100 percent that you should do full remote learning.

12 So I understand the American Academy of
13 Pediatrics' recommendations, I know the people who write
14 the recommendations, and I agree with the recommendations.
15 At the same time, we cannot ignore the fact that we, again,
16 have this enormously impactful global pandemic, and we will
17 need to have recommendations that do take into
18 consideration other challenges in terms of the spread of
19 COVID-19 and its impact on children and their families and
20 the communities.

21 SECRETARY RIVERA: You know, if I can add, you
22 know, Senator, I agree with, you know, what you shared. I
23 agree fully with what Dr. Levine has shared and what Matt
24 shared earlier. And not only did we, you know, report out
25 those findings and support the findings around the need for

1 students to either engage in instruction and, you know, the
2 impact of in-person instruction. It's actually what we put
3 out in writing. You know, in June we put out our research
4 report by Mathematica, and it identifies and reiterates
5 exactly everything that you just shared and provided, you
6 know, some methodology to take into account and some
7 practice to engage in, you know, to help schools to try,
8 you know, to provide ongoing instructional support while at
9 the same time taking public health into consideration.

10 And, as Dr. Levine has shared, you know, it's why
11 we provide a range, you know, from traditional instruction,
12 you know, to some, you know, level of, you know, supported
13 instruction and then, you know, ultimately looking at, you
14 know, that virtual instruction. But we also wanted to make
15 sure that, as we were doing so over the course of the past
16 few months, you know, as I shared earlier, we put out some
17 modules, you know, to support educators, but we also, you
18 know, have done so through a system of providing virtual
19 instruction opportunities that go beyond traditional
20 instruction. So, you know, there are modes and modules out
21 there that, you know, teachers are using to incorporate,
22 you know, physical fitness, to incorporate social-emotional
23 learning, to incorporate, you know, behavioral support, you
24 know, systems if students are forced to be home.

25 But, you know, at the end of the day we agree

1 that in-person instruction is absolutely needed and the
2 best, you know, mode and, you know, method of instruction
3 while at the same time we also know that we are dealing
4 with the public health and, you know, we have to take the
5 data and the research into account in trust, you know, that
6 our public health professionals are going to guide us in a
7 direction that will ultimately keep our communities, keep
8 our students, and keep our educators safe and healthy.

9 SENATOR AUMENT: I appreciate that response. My
10 observation has been is I think that message, the important
11 priority of returning to in-person instruction and ideally
12 safely in-person instruction five days a week, and the fact
13 that there's real consequences for students and families if
14 we fail to do so, my observation has been that that has
15 gotten lost in this conversation.

16 I certainly understand the importance of
17 balancing public health and protecting students and
18 protecting educators and protecting families, but I think
19 it's important as we have this conversation, as you issue
20 guidance, is that we be fully transparent about what the
21 goal is, and if we fail to achieve that goal, that there
22 are real consequences for families, for students.

23 And I have to tell you, as I hear from any of the
24 students, as they hear from families across the 36th
25 Senatorial District, they understand this. I know of two

1 school districts in my Senatorial district that surveyed
2 families, and in both, over 80 percent with 3,600 families
3 responding, over 80 percent recognize the importance of
4 five-day, in-person instruction and want to work and have a
5 positive attitude about working towards that objective,
6 working towards that goal.

7 And I'll just say in conclusion I think the
8 experience of the last number of months has certainly
9 highlighted for me the importance of ensuring that we are
10 expanding educational opportunities for students and not
11 erecting any unnecessary barriers to educational
12 opportunity, barriers to attending a public charter school,
13 a public cyber charter school, a private school. I think
14 it's important at this moment in time that we don't erect
15 any unnecessary barriers to educational opportunity.
16 There's not a one-size-fits-all approach, and after the
17 experience of the last number of months, families and
18 students have different needs. And I think public policy
19 has to recommend that.

20 I would just point out two pieces of legislation.
21 Representative Jason Ortitay, who I know is participating
22 this afternoon, for the last number of sessions has had an
23 import piece of legislation with respect to online course
24 choice. And my colleague here in the Senate, Senator Judy
25 Ward, has introduced Back-on-Track Education Savings

1 Accounts, or ESAs, to ensure that we are giving families
2 opportunity to give their children the help that they need.

3 So thank you, Mr. Chairman, and thank you to
4 Secretary Levine and Secretary Rivera for your time this
5 afternoon.

6 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
7 Senator Aument.

8 SECRETARY LEVINE: A follow-up comment. I think
9 that understanding the American Academy of Pediatrics and
10 their advocacy for children to be in school, I think it's
11 critically important that safety measures be taken by the
12 schools. And that means universal mask wearing, that means
13 social distancing, that means handwashing and hand
14 sanitizer. That means making accommodations in terms of
15 the movement of children through the school. We have seen
16 in the last two weeks in other States where those measures
17 were not taken is that there was widespread transmission of
18 COVID-19 and within two weeks they were virtual. And so as
19 schools go back, whether it is full in-person or blended,
20 it is critically important that those public health
21 measures and the young people understand the importance and
22 that the school administrators understand the importance or
23 the schools will follow that pattern of having significant
24 transmission and spread. Thank you.

25 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,

1 Secretary. Representative Kail, followed by Representative
2 Miller, followed by Senator Browne.

3 REPRESENTATIVE KAIL: Thank you very much, Mr.
4 Chairman, both of the Chairmen. This meeting has been very
5 informative. Most of my questions have been answered.
6 There's a lot here to digest.

7 Something that I wanted to comment on and
8 ultimately ask a question, kind of an overarching question
9 with the whole situation, it's something that I've been
10 asking since the start of this pandemic, and it relates to
11 the public education as well now. When this first started,
12 I remember having a meeting with a number of our
13 superintendents in Washington County and Beaver County and
14 just having discussions. And these superintendents said to
15 me and my colleagues, other Representatives from the area
16 as well, saying that the delay in education for these
17 children because of not having that face-to-face education
18 is going to be substantial, that the actual growth of these
19 children is going to be affected. And that was back when
20 we just thought this was going to be a couple of months or
21 maybe even the optimists of us thought maybe a couple of
22 weeks. And here we are five months later and we're in a
23 similar situation.

24 And I can personally attest that this delay in
25 education does have issues relating to growth. I have

1 seven children. Four of them will be of school age this
2 year. And my second child learns differently, and not
3 having the structure of being in the classroom, not having
4 the ability to really have that setting where he's
5 surrounded by his peers has certainly caused a problem with
6 his educational growth.

7 Now, we're going to get through it and we're
8 going to keep him on the right path, but there are dire
9 consequences to the decisions that we are making. There
10 are real consequences. And we've heard a lot about it
11 today. We've heard the Senator from Cambria, the good
12 Chairman talking about the risk as it relates to suicides
13 and drug overdoses. We've heard about the mental health
14 concerns. You know, in my area, in many of our areas, I
15 know we have problems with rural broadband. Imagine that
16 when your school tells you that you have to go virtual but
17 you don't actually have the internet connection. I have a
18 meeting with a school district, McGuffey School District
19 tomorrow morning on this exact topic.

20 It is going to have severe consequences. We are
21 quite literally ruining people's lives with these
22 recommendations. Now, the hope, the hope is that we're in
23 turn saving more lives obviously, than what we're doing,
24 and I think it's a very difficult task that you have,
25 Secretary Levine and Secretary Rivera. And I'm not

1 downplaying it. It's a very serious issue. But the
2 consequences of what we are doing is significant.
3 Sometimes we get caught in this bubble, and it just becomes
4 a job here, a job there, and those types of broader
5 questions about how we're really impacting people get
6 missed.

7 And my question is this, to both of the
8 Secretaries. At what point does shutting down schools or
9 not having in-person school, that option for parents, at
10 what point does that become such a problem that the cure
11 for this virus is actually doing more damage to our
12 children and to their education and to the future of this
13 Commonwealth than the underlying virus or at least stopping
14 it could with these procedures that we're placing on
15 educators?

16 SECRETARY RIVERA: I can kick us off if you'd
17 like, Dr. Levine.

18 SECRETARY LEVINE: Please.

19 SECRETARY RIVERA: You know, first and foremost,
20 you know, I, too, am a parent of two school-aged children.
21 I have a son in high school and a daughter who's going into
22 fourth grade. And so many of the conditions that you just,
23 you know, mentioned, not only do I experience as a
24 Secretary of Education but I'm experiencing as a parent as
25 well. And just like you, I look at the data presented by

1 the Department of Health every day, and I ask myself a
2 really important question. At what point do I take my
3 child's social-emotional growth needs over, you know, the
4 health restrictions and the environment that I create?

5 But here's the conversation that I have with my
6 daughter, who's going into fourth grade, that, you know,
7 sometimes I have to water down the explanation. Yes, when
8 we look at the number of positive cases in the Commonwealth
9 between school ages, around 5 percent, you know, of
10 students, you know, within that school age cohort. And,
11 you know, 5 percent is only 5 percent of 100 percent until
12 a look at my own child and I say, you know what, that might
13 be a number that folks might be comfortable with, but I
14 don't want my daughter or my son to be one of that 5
15 percent.

16 And so each and every day, as we're, you know,
17 working to address the educational needs of our students,
18 the social and emotional needs of our students, you know,
19 the adolescent development needs of my own kids and I
20 measure that against, you know, the public health
21 perspectives, yes, I want them to go back to school as bad
22 as any other parent does. Yes, I want to continue
23 traditional education personally and professionally. But
24 what I don't want is that I put my own child in a position
25 that they're one of that 5 percent and that number which is

1 actually growing and they come home sick and I have to, you
2 know kind of understand that's a decision that I made that
3 will impact her or him for the rest of their lives.

4 And so that's what we bring to the table each and
5 every day when we're making this decision. And not only am
6 I a parent of two school-age kids, but they go to an urban
7 school district. They go to a large school district. They
8 go to a school district that, every year, you know, we're
9 asked to pack hand sanitizer, napkins, tissue paper, you
10 know, to send to the classroom. And at the same time now
11 I'm asking that same school district to provide all these
12 other, you know, resources that they need to keep students
13 and faculty safe.

14 So when we're making this decision, all of that
15 has to come into consideration. And I understand your
16 frustration and your thought, but 5 percent is 5 percent
17 until your own child is one of that 5 percent. And I hope
18 that we never are in a position where we have to make that
19 decision.

20 SECRETARY LEVINE: Thank you. I'd like to take
21 -- actually, I think that's very valuable, taking an
22 individual perspective. Let me actually take a broad
23 perspective just to balance it.

24 REPRESENTATIVE KAIL: Yes.

25 SECRETARY LEVINE: You know, there are three ways

1 to deal with a global pandemic. You can try to contain it,
2 you can mitigate it, or you can have a vaccine. We will
3 all be hoping and praying for a vaccine whether it's later
4 this fall, probably most likely in 2021. There are a lot
5 of positive aspects, although it will be challenging in
6 terms of how we distribute it and how it administered, et
7 cetera, but, you know, that would be the gold standard in
8 terms of where we're trying to get. And those are many
9 different measures to try to accomplish that.

10 Otherwise, you can contain it or you can mitigate
11 it, and those are the ways to try to -- if you don't do
12 that with this virus, with this contagious novel
13 coronavirus, then you're in Florida. And in Florida, I
14 mean, we had -- just looking at today -- 570 new cases.
15 Florida had about 5,000 new cases. They just reported
16 10,000 deaths. Florida a month ago had 15,000 new cases a
17 day and with the resulting illness and deaths that have
18 occurred there and have occurred in Texas. And so that is
19 the reason why I talk endlessly about masks, about social
20 distancing, about washing hands, why we've put together
21 containment efforts and the targeted mitigation efforts.

22 The best way of having our kids be in school is
23 to have very low case rates. And the best way to do that
24 is to have everybody follow these basic recommendations and
25 to be working with the county municipal health departments

1 and our health department and local health officials and
2 hospitals in terms of trying to prevent the spread of this
3 virus. Otherwise, we're going to look like the States that
4 are in the South and the West with widespread transmission
5 and the schools will be remote.

6 REPRESENTATIVE KAIL: And I appreciate that. And
7 something that the Governor and administration have
8 mentioned before was certain activities have a certain risk
9 level to them, that that risk level, you can overlook
10 because the activity is so critical. I wonder at what
11 point do we get there from a time standpoint? Is it six
12 months from now and we're still dealing with the virus
13 we're going to shut schools down again and keep stopping
14 and starting education? Is there a time period where we
15 can say once we get to this point, the risk that we're
16 placing on our children from an educational standpoint,
17 from a mental health standpoint, from the standpoint of
18 ruining their lives going forward -- and that's real.
19 That's something that will happen -- it's weighed against
20 the other risk obviously, the health risk. At what point
21 do we come to the conclusion that we need to provide this
22 essential service? Because education is an essential
23 service. It's as essential as keeping the lights on. Our
24 teachers are essential workers. They're as essential as
25 the people working at power plants.

1 I guess the question is at what point do we say
2 we need to do this in a way that is safe, that we can do it
3 to protect ourselves as best as we can, but these children
4 need to be educated? Has that been a thought for either of
5 you as far as moving down the road and how much education
6 that our children can miss or how much education they can
7 miss with face-to-face options that our parents can have?

8 SECRETARY RIVERA: That is actually a
9 conversation we have every time we make a recommendation
10 and a decision around the guidance. So understand -- and
11 it's also why I mentioned earlier why we included in the
12 Mathematica report, you know, the public health
13 implications of coronavirus versus the public health
14 implications of not having, you know, in-person
15 instruction, so --

16 REPRESENTATIVE KAIL: Good.

17 SECRETARY RIVERA: -- every time we have that
18 conversation that --

19 REPRESENTATIVE KAIL: I appreciate that,
20 Secretary. And with what's happening with all the schools
21 going virtual -- my last question, I promise. Sorry. I'm
22 supposed to keep it to one. It kind of grew. With what's
23 happening and everybody's going virtual, it doesn't seem to
24 make sense to me to have a cap on PA cyber anymore. I know
25 that they have a cap on how many students they could have.

1 They've been doing this for the last 20 or so years. And I
2 know that they say or I've heard that they're close to
3 capacity at 11,000 students. I would imagine that they
4 could probably take more students. They've become experts
5 in virtual learning. They've been doing it for longer than
6 anybody has. Is there any consideration of removing that
7 if we're going to be going virtual for some time? It seems
8 like an option that parents ought to have if they don't
9 believe their school district is providing that virtual
10 option in a sufficient manner.

11 SECRETARY RIVERA: So we always have
12 conversations with charter and the cyber charter schools on
13 how we can best support them, you know, in their endeavors,
14 and the cap was one of the conversations that we had
15 leading into capacity. But I also want to remind you, you
16 know, I just received some reports from parents who tried
17 to enroll in the cyber school and were told that they were
18 put on a waiting list. And so that's not allowable by law,
19 you know, for the cyber charter school. There's a
20 flipside, right, so yes, a good option for some parents,
21 but, at the same time, now we're looking at inequities in
22 that option because they're not equipped in terms of the
23 equipment, in terms of, you know, the caseload, so, you
24 know, there's an argument on both sides whether or not, you
25 know, first and foremost, we want to provide the option for

1 more families, which absolutely can be a good option for
2 families, or at the same time are we now creating a
3 situation where we can have cyber options and there are no
4 computers available, no platforms available, and no
5 educators available? So it's something that we have to
6 look at holistically.

7 REPRESENTATIVE KAIL: Thank you. Thank you very
8 much, Secretary. And thank you very much to both of you.
9 I don't envy the stress and the work that you guys are
10 doing, and we appreciate your service to the Commonwealth
11 of Pennsylvania.

12 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
13 Representative Kail. Representative Miller, followed by
14 Senator Browne, followed by Representative Gaydos.

15 REPRESENTATIVE MILLER: Thank you, Mr. Chairman.
16 I want to be sure to thank the Chairman, too, for extending
17 sometime today for all the comments. I appreciate it, as
18 well as the time from everybody at the panel.

19 I also wanted to echo a little bit of my friend
20 Representative Kail, some of his comments. As a child of a
21 single mom who worked nights to which I was reliant for any
22 homework assistance to be passed to my grandmother, to be
23 passed to my aunt, to seek help from an uncle, for those
24 who are working families, the impact is great and deep and
25 concerning. That being the case, it also is obviously a

1 health crisis to which we are overwhelmingly challenged to
2 meet even at this time even after our experiences.

3 I often think that the greatest challenge that we
4 have is one of confidence. And what I mean with it is we
5 have teachers who are not confident that they are going to
6 be healthy going back in. We have parents who are not
7 confident they're going to send their kids and that they're
8 going to be okay. Similarly in the business side, we have
9 challenges whether or not people want to go shop in a mall
10 anymore, whether somebody wants to eat inside, confidence
11 to do those things, for those things to still happen and to
12 be there.

13 I often feel that, despite the best efforts of
14 you and your team and the Governor's team, and despite the
15 best efforts of this body in the Senate, that we are not
16 assisting in that confidence-building that would address
17 these real issues here that are impacting families in this
18 regard, kids in particular in relation to schools. So I
19 get concerned when we spend a little more time, perhaps
20 months, debating masks instead of things that we can do to
21 be sure that teachers, for example, are confident that they
22 can be safe going back into schools. So our challenges are
23 deep, and the impact of some decisions are definitely felt.
24 And there's no doubt about it that comes up to it.

25 One of the things I want to talk about with you

1 is inequity. Look, to be honest, part of it is that I
2 think people would have more confidence in what was going
3 on in education if the spring went better. And I say this
4 as a 14-year firefighter. When you're in a realm of an
5 emergency, you're going to have some tough calls that need
6 to be made, there's no doubt about it. So I think most
7 people were patient, most people were understanding of
8 being in that emergency situation. Most people, when
9 challenged to kick in and to be part of the solution and to
10 some degree sacrifice were willing to do so.

11 That being said, on the educational front,
12 overwhelmingly, we have had story after story of parents
13 and teachers and kids coming up to us with where we did not
14 meet the mark, where perhaps the bar was too low where we
15 did not plan well enough and they question what we're doing
16 differently now going into a new school year.

17 There are two fronts of the equity concern for me
18 in relation to schools. One is most importantly and most
19 clearly fiscal. In my district alone I have one school
20 district that received four and a half weeks less of
21 education because their district had to go around begging a
22 bunch of profits and nonprofits to donate computers and
23 hotspots, four and a half weeks less education than the
24 other part of my district.

25 Pennsylvania was leading in inequity before

1 COVID. What COVID often does is it doesn't really create
2 new problems. It's usually just showing where the problems
3 have always been and then exacerbating them. And in
4 education this most clearly has come up in relation to
5 equity. I don't believe what happened in the spring was
6 constitutional for the kids in my school district that I
7 just referenced, and I'm concerned about that
8 constitutionality going forward, and I wonder about the
9 stratospheric point of what we're creating in education,
10 and that includes, by the way, some parents to which I
11 understand they're out there now going off of what happened
12 in the spring and so lacking confidence in what they're
13 going to see that they start to create pods, education pods
14 where they go around and they hire the retired scientist,
15 the retired teacher to help fill the void of what they
16 believe is going to happen in their education opportunity.

17 Now, again, as a parent, I can understand them
18 looking to do that. But that is only an option if you are
19 a family of means, if you can afford to be part of that
20 pod. I don't know the volunteer pod. I've never seen a
21 volunteer pod. And for the majority of the kids in my
22 district, that's not an option. Confidence in our systems,
23 confidence that the education will work. And there's no
24 doubt that I've always been a little questioning of cyber
25 education for the majority of kids. But still, if it is to

1 be an option, if it is to be what has to be done in many
2 districts, I do question whether or not we have the
3 confidence to deal with those challenges.

4 And the second part of it -- and I appreciate my
5 good friend, Representative Isaacson, in referencing
6 special education. Special education, Mr. Secretary -- and
7 I know that you care. I know you do, and I appreciate it.
8 You know it. But, Mr. Secretary, I know that you hear the
9 stories. And I know you get the emails. And I know that
10 you are hearing from the majority of parents that I am
11 hearing that special education largely in the State of
12 Pennsylvania is collapsing.

13 The spring exacerbated massive problems. Those
14 problems are here. The ESY program, talk to the parents of
15 ESY. They know what happened this summer in relation to
16 their kids overall. We still have districts, Mr. Secretary
17 -- and I know you know this -- to which speech is a
18 worksheet that you get. OT is a promise to maybe stretch
19 when Mom gets home.

20 And, by the way, I appreciate very much people
21 talking about mental health. I'm glad to hear it. I do
22 feel that we've been challenged a little bit to get that
23 sort of momentum in this body to do more in relation to
24 that.

25 But, Mr. Secretary, for a lot of kids who were

1 having trouble in special education in particular in
2 connecting socially with the school and academic
3 experience, that has only magnified when they go home, when
4 they're educated from home, and when the reality sets in
5 that nobody texts them, nobody calls them, nobody emails
6 them, and the gap grows tremendous, sir, in relation to
7 that special education child's development.

8 And that doesn't even talk about whether or not
9 cyber education is at all working. I get these calls, Mr.
10 Secretary, from parents and they say, look, my child is 16
11 or 17. Can he just take the GED and get out of here? I
12 get these calls from a parent with a special education and
13 they say, look, this was a massive problem not only for how
14 our family could afford to stay at home but for the stress
15 of my child in relation to what we were asked to do. Can
16 we just walk from this school year? Please let us go. Let
17 us repeat it because I can't see how my child can go
18 through it again.

19 Mr. Secretary, as referenced -- and I know, sir,
20 that we've had great conversations. I know that what I've
21 outlined is not new to you. I know that these are things
22 that weigh on you as well. But, Mr. Secretary, we do not
23 seem to have the confidence in relation to the system that
24 best suited our children and the questions that I will
25 bring to you.

1 And I say this in complete acknowledgment that I
2 do not believe the legislature -- and I'll speak for the
3 House, not the Senate. But I do not believe the
4 legislature has done its job in relation to supporting you,
5 the school districts, the kids, the parents, the teachers,
6 the paraprofessionals, the janitors, the staff, those who
7 go in there without health care. I don't believe we've
8 done it.

9 But, sir, to you, in relation to these
10 inequities, what do we have to say as to what we have
11 learned and what we will be providing differently, what we
12 will be requiring differently for those kids who didn't
13 have a computer, for those kids who nobody called, for
14 those kids who struggled to learn in the environments that
15 are going to be there for them likely for the quarter and
16 perhaps longer this school year? What can we say we can do
17 differently and that districts will be required to do
18 differently from the experience this spring to this fall?

19 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
20 Representative Miller. And I hate to cut off. We still
21 have five people to go, and I know that the Secretaries
22 have a hard stop. They have prior commitments here at four
23 o'clock. If we can go and I'd ask -- and I hate to cut it
24 short, but we still have five Members that need to ask
25 questions, if we can, to keep it brief, Senator Browne, and

1 then Representative Gaydos, Representative Knowles, so we
2 can keep this by 4:00. Thank you.

3 SECRETARY RIVERA: Chairman, I'll be very brief,
4 but I want to be respectful of the question, so what I will
5 do is pull some thoughts together as to what was done, what
6 we're going to do moving forward because there are some
7 strategies that we're going to employ, and I'll forward
8 that along. What I do want to share with you is, first,
9 you know, thank you, Representative, for your continued
10 advocacy for equitable funding and funding through an
11 equitable manner, highlighting the needs of students with
12 special needs and their families.

13 And I do want to take this opportunity to remind,
14 you know, everyone who's watching in the conversation that
15 we've had, the communication between the family and their
16 school districts around meeting the specific needs of their
17 students is what's most important. And if there's any one
18 highlight of this is that once we were forced to close
19 schools down because of the pandemic, what school districts
20 were encouraged, actually aggressively encouraged to do and
21 families were oriented around was engage in a conversation,
22 review the IEP, review the NOREP, and that's how many of
23 our families made it through this. But that should not be,
24 you know, a transaction that only takes place, you know,
25 during a pandemic. That's something every family should do

1 every time.

2 But what I do want to do, I'm going to shoot you
3 -- you know, I'll send you a correspondence on the equity
4 grants, the free online instruction, how we're trying to
5 get technology into the hands of families, and how the
6 Governor has helped us support a plan to continue to do so
7 into the next school year.

8 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you.

9 REPRESENTATIVE MILLER: Thank you for the time.

10 Thank you, Mr. Chairman.

11 SENATE MAJORITY CHAIRMAN LANGERHOLC: Senator
12 Browne.

13 SENATOR BROWNE: Thank you, Mr. Chairman.

14 Secretary Rivera, Dr. Levine, Matt, and Sarah,
15 thank you for your participation today. I know it's been a
16 couple hours, so I will be brief in my inquiry.

17 First impression, this may seem to be off-topic,
18 but to follow up on Senator Aument's point about barriers
19 to entry, and this is probably not a surprise, Secretary
20 Rivera. I have a school finance question because we worked
21 a lot on that area. The barriers to entry would be
22 provided in any school system, public school system,
23 traditional, or charter if there's a level of uncertainty
24 as it relates to funding. And we can go back to Act 13 and
25 the conversations we had on that relating to the

1 expectations going forward from that as it relates to
2 funding for charter schools, our public charter schools.

3 We had a conversation about how the expectation
4 of Act 13 was that we would honor the funding for students
5 that were in our charter systems as of that date, none
6 going forward and new enrollment going forward but as of
7 that date. And understanding that the intent in the
8 language of Act 13 was to act in school funding for
9 traditional and charter schools as if the pandemic didn't
10 happen. And that's actually in the language of Act 13, so
11 we were making sure that there was predictability in
12 funding for traditional and charter systems both in-person
13 and cyber systems through the rest of the year.

14 Now, we've been informed recently -- and this is
15 what I wanted to just get your thoughts on this, see where
16 things were going, that it's our understanding that as far
17 as the payments out of PDE for charter reimbursements that
18 are done directly from PDE -- because there's many systems
19 that -- the traditional system is not paying directly, so
20 PDE does in the reconciliation process. The expectation is
21 that so-called bricks-and-mortar charters and cyber
22 charters will be paid on a 120-day basis or around a 120
23 days, that being the day from the beginning of the school
24 year through March 13th when there was an order from the
25 Governor to terminate in-person instruction, that there

1 wouldn't be any payment as a basis for payment for the rest
2 of the year from that point in time, 180 days.

3 We're getting correspondence back from the
4 charter systems. That's the current guidance from PDE as
5 it relates to the actual flow of dollars, maybe not the
6 count of students, not the headcount, but the actual flow
7 of dollars for that student, so the student comes in in
8 March, say March 1st, they'd only be paid for like 13 days.
9 They wouldn't be paid for that instruction through the rest
10 of the school session.

11 Now, Matt, you had mentioned that an expectation
12 going to the cyber system is that a cyber day would be
13 considered one of those days. It would be considered one
14 of the 180 days, so I don't think there's a question there
15 whether it's a session day. Can you give us the status of
16 where that is? We have gotten some indication from PDE
17 that the guidance may change, that it will go back to what
18 we believed and we know was the intent and the language of
19 that law, that we were paying our public systems based on
20 180 days as if the pandemic didn't happen. Can you give us
21 an update on that, please?

22 SECRETARY RIVERA: And so specifically to the
23 reconciliation freeze and the process, we absolutely
24 understand what your question is, and it wasn't the intent.
25 So the team is currently working on the implications of the

1 ADM freeze, and we're going to be providing some guidance
2 and try to work that out accordingly.

3 I do want to go on record publicly and say we
4 used Act 13 to freeze ADM --

5 SENATOR BROWNE: Yes.

6 SECRETARY RIVERA: -- to protect students who
7 might have been in, you know, special classes, homeless
8 students, you know, students who had extenuating
9 circumstances. We did not expect or intend to use Act 13,
10 you know, to deviate from the reconciliation process or any
11 process like that. So this is kind of one of those
12 unforeseen conditions, but that doesn't mean that we can't
13 revisit it, engage with you and our stakeholders in a
14 conversation, and come up with a good, strong resolution,
15 so the team is working to resolve that.

16 SENATOR BROWNE: We have worked through many
17 complicated school finance matters, Mr. Secretary. I know
18 we can work through this. You know, the expectation -- and
19 I know you agree with this -- and that was clear in our
20 last conversation that there would be a freeze on ADM, but
21 the flow of dollars only that ADM would complete that
22 session year, so I appreciate that.

23 And also to congratulate you on your newest and
24 latest endeavor in your career. I know you're going to
25 miss all the future commission work have to do, but

1 congratulations and good luck. Thank you.

2 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
3 Senator Browne. Representative Gaydos, followed by
4 Representative Knowles, followed by Representative
5 Schroeder.

6 REPRESENTATIVE GAYDOS: Thank you, Mr. Chairman.
7 This is a question for the Secretary of Health.

8 So we all know that consistency and reliability
9 and also transparency is absolutely crucial for our school
10 districts to make decisions. And a number of your
11 recommendations that have been put forth on them, you know,
12 is very concerning for many of my constituents because
13 we've asked a number of times for the transparency on where
14 these decisions are being made. I know you have advised us
15 in previous Committee hearings with our House Health
16 Committee, and I've asked over and over again to have your
17 department provide a list of who these advisers are. And
18 it seems as if the replies that we have gotten back have
19 said that, well, it varies.

20 I know that I had put in a right-to-know request
21 recently, and this morning, I did receive a letter from
22 your department providing me with the information of who
23 was advising you. And, you know, I still get here that,
24 you know, 18 epidemiologists on staff, community health
25 nurses, you have a number of names in here, but again, I

1 think the general public would like to know who those names
2 are and also make it public on your website.

3 So my question is is when you look at several
4 other States, California, Michigan, Florida, New York,
5 Georgia, all these other States have 10, 20 people all
6 listed on their websites clear for the general public to
7 see who's advising them on a consistent basis. So is there
8 a reason why your department doesn't put the details, the
9 names, the credentials of all the people who are advising
10 or your consultants on your websites so the people can see?

11 SECRETARY LEVINE: So, first, we'll check our
12 website to see the limitations. I think that our staff are
13 on our website.

14 MS. BOATENG: Yes, we have -- I mean, we list all
15 of our senior staff, names, titles, bio on the website in
16 the same format as our sister agencies. All that
17 information is available. And, you know, we have 1,200
18 employees that work at the Department of Health, including
19 18 epidemiologists and hundreds of community health nurses.
20 You know, posting all of their information on our website,
21 just to clarify, is that what you're asking?

22 REPRESENTATIVE GAYDOS: No, I'm asking outside
23 sources, not employees, so all these other States that I
24 list have 14, 15 people who are part of an external task
25 force or pandemic response team. Is there a reason why the

1 Department of Health and this Governor does not have that
2 equivalent in this State?

3 SECRETARY LEVINE: Well, we'd be glad to look at
4 the other websites and see what information they have. You
5 know, as I've said before, I have many, many different
6 people that I talk to. Of course, I'm the President of the
7 Association of State and Territory Health Officials. I
8 speak essentially with all of the State and territory
9 health officials at least twice a week on our meetings, as
10 well as other members of the American Academy of Pediatrics
11 and other academics in Pennsylvania or not in Pennsylvania.

12 But, as you've said, you have issued a right-to-
13 know, which starts a legal process, and so, you know, we
14 will work through that legal process with you.

15 REPRESENTATIVE GAYDOS: So do you not think that
16 individuals and citizens have the right to know who these
17 individuals are who are advising you on a regular basis?

18 SECRETARY LEVINE: I guess I'm not sure that I'm
19 going to be able to put out everybody that I speak to every
20 week and put that on a website. But again, our team and
21 our legal department will be assessing your right to know,
22 and so thank you.

23 REPRESENTATIVE GAYDOS: Thank you very much.

24 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
25 Representative Gaydos. Representative Knowles, followed by

1 Representative Schroeder, followed by Representative
2 McCarter.

3 REPRESENTATIVE KNOWLES: Thank you very much, Mr.
4 Chairman. I will be brief. It's my understanding the law
5 states that cyber charters must show how they will
6 publicize the charter school to attract eligible
7 applicants, eligible students. We're hearing school
8 associations say that cyber charter schools have increased
9 their advertising during COVID-19. I'm not quite
10 understanding that because it would seem to me -- well, let
11 me put it this way. Would it be fair to say that cyber
12 charter schools would have already planned their publicity?
13 And so is it not inaccurate or is it inaccurate that cyber
14 charters increased their advertising at all? Is there
15 anything to that?

16 SECRETARY RIVERA: I don't know the answer to
17 whether or not they've increased their advertising. We've
18 heard that anecdotally. We've spoken to cyber charters,
19 and they have shared that -- you know, some have shared
20 that they have not increased. So I think of a lot of it
21 is, you know, really dependent on geographic location and
22 anecdotal, you know, feedback. But I couldn't qualify that
23 they did or they didn't in a statement.

24 REPRESENTATIVE KNOWLES: Okay. Is there a way
25 that you could qualify that at some point, Mr. Secretary?

1 SECRETARY RIVERA: So they're not forced to, you
2 know, wholly identify, especially if it's other funds, you
3 know, what their advertising budget might be, you know,
4 other than, you know, just, you know, individuals sharing
5 that with us. But it's not a reportable action, so I don't
6 think that, you know, we would be able to. You know, I'll
7 ask the question in more detail with my legal team, but I
8 don't think there is a way to track that information.

9 REPRESENTATIVE KNOWLES: Okay. And real quickly,
10 Mr. Chairman, I think it was Senator Dinniman and/or other
11 Senators, I think Senator Aument brought this up. And I
12 would encourage the administration to make more of an
13 effort to reach out to the General Assembly on both sides
14 of the aisle, on both sides of the building, you know, the
15 Democrats as well as Republicans. I would also encourage
16 schools to work together. I mean, whether they be the
17 public schools, the cyber schools, the parochial schools,
18 the Christian schools, the charter schools. We keep saying
19 it's all about the kids, and I think that we need to
20 remember that. And, quite frankly, I think sometimes
21 there's a pettiness. And unions, school boards, let's all
22 work together. Let's all remember that it is all about the
23 kids.

24 And, in closing, I want to congratulate Secretary
25 Rivera for the promotion to the President of Thaddeus

1 Stevens, a great school. I graduated from there. And I'm
2 sure you'll do well. You have some big shoes to fill, Mr.
3 Secretary. So thank you, Chairman.

4 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
5 Representative Knowles. Representative Schroeder, followed
6 by Representative McCarter.

7 REPRESENTATIVE SCHROEDER: Thank you, Chairman.

8 Thank you, Secretary Rivera, and the rest of our
9 panel today for being here. My question is for you,
10 Secretary Rivera. My question is in regard to the topic of
11 safe learning environments. So I know your department was
12 fast to put together technology grant opportunities for
13 virtual learning and online learning. So my question for
14 you is that, you know, putting together some of these type
15 of grant opportunities for the actual classroom to make
16 teachers, students, staff all feel safe about returning to
17 the physical classroom, things like filtration systems and
18 purification systems. Would your department be able to
19 create such a grant? Because I know looking at the website
20 I've been trying to find exactly the definition of -- it
21 says protective devices and building structures. So if
22 something like that would fall under that type of dollars
23 under the Governor's Emergency Education Relief funds, the
24 GEAR funds that we got with the CARES dollars?

25 SECRETARY RIVERA: Great question, very

1 intuitive. So I'm going to kick us off, but I also want
2 Matt to share some of the exciting work that we've been
3 engaged in, you know, with the Governor and, you know, and
4 our team. You're right. When we first, you know, realized
5 some of the needs, we put out our equity grants. We paid
6 for an online platform that, you know, almost 390,000
7 students participated in. We made resources and equipment
8 available, you know, to families all across the
9 Commonwealth. And the Governor has really challenged and
10 supported us to try to take that to the next level.

11 So Matt and his team have been hard at work, you
12 know, to realize that challenge and to continue to support
13 schools accordingly. So what I'll do really quickly, I'll
14 ask Matt just to share a quick update of all the work that
15 the team is engaged in.

16 MR. STEM: Sure, my pleasure. And I know we're
17 short on time, so I'll give just very brief highlights.
18 But to your question probably the area of most interest is
19 what we're doing in the area of connectivity and
20 technology. And we do have teams, as the Secretary said,
21 that are working aggressively right now across sectors on
22 ways to increase technology access for students, for
23 schools, as well as in some ways that will increase
24 connectivity within communities. So that's a significant
25 part of what the team is working on.

1 We've already pushed out, as the Secretary
2 mentioned, in terms of finalizing equity grants to schools
3 that have gone out already, as well as our career and tech
4 centers where we pushed out over \$10 million to assist our
5 career and technical centers with some of the really unique
6 needs that they have. And a lot of that does fall into the
7 areas of protection and how to safely, you know, use
8 equipment in the various programs and CTCs. So I
9 appreciate the question. I think we'd be happy to follow
10 up in the days ahead as we continue to roll those dollars
11 out to support our schools.

12 REPRESENTATIVE SCHROEDER: Okay. So, basically,
13 if there's something that can maybe be developed about like
14 clarification and filtration systems for the classroom, a
15 lot of teachers we hear can't open their classroom windows,
16 they're glued shut, so that way we have some flow in there
17 just, you know, one example.

18 So how many school districts have applied for
19 GEAR was a follow-up to that question for me? Do you know
20 how many applied for those funds?

21 MR. STEM: It varies. So for some of the funds
22 they'll go out universally to all districts. In others,
23 it's a subset of districts. It varies by which funding.
24 So, for example, the CTC dollars went out to all CTCs, but
25 some of the others varied. But we'd be happy to follow up

1 with any of that and be happy to share that from our
2 office, no problem.

3 REPRESENTATIVE SCHROEDER: Thank you so much. I
4 want to leave time for others. Thank you.

5 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
6 Representative Schroeder. Representative McCarter.

7 REPRESENTATIVE MCCARTER: Thank you very much,
8 Mr. Chairman. And again, thank you to both testifiers
9 today for their patience and great answers in terms of
10 trying to answer some of the questions we all have.

11 Let me go back to one that's floating around a
12 little bit here. And I think we've heard many times today
13 that we're all concerned, very, very much, about the loss
14 of learning that is taking place, and we know the
15 inequities that I know that several other people have
16 referred to are going to cause even more problems as we go
17 through this current year as well.

18 And I guess the question I want to ask as we kind
19 of wrap up a little bit here today is at some point the
20 possibility of allowing parents to make that choice, what
21 the impact would be of allowing parents to make the choice
22 of allowing their child to repeat a grade if in fact they
23 have not been able to make that connectivity to online
24 education to a degree that is possible or didn't have the
25 resources to do pods or other things as well? What do you

1 see is the impact, Secretary Rivera, of that possibility?

2 SECRETARY RIVERA: That's a great question. And
3 parents have that ability now. A parent can work with the
4 school district to either look to, you know, identify their
5 child to repeat a grade or even to look back and repeat,
6 you know, specific courses in those areas. And remember if
7 a student has been identified as a student with special
8 needs, they can opt for a 13th year of high school, an
9 additional year in high school, as well as students who are
10 English language learners. So those opportunities for
11 students do currently exist within their local school
12 districts.

13 REPRESENTATIVE MCCARTER: For special needs
14 students who would be opting out at the age of 21, has
15 there been thought to allow them to get a waiver to be able
16 to stay for an extra year of services to be able to do
17 that? Many students, for instance who would've opted at
18 the age of 21 this spring never got those opportunities for
19 transition services to be able to plan accordingly. And,
20 as we move forward over this year, there will be more in
21 that situation, so I'm wondering if that would be a
22 possibility also.

23 SECRETARY RIVERA: That actually was a
24 conversation we had. It was really nuanced and ran into
25 some barriers. You know, definitely what I can do because

1 I don't want to misrepresent the work, but I know that it
2 is a conversation we had. I'm going to forward you a list
3 of kind of some of the system barriers we ran into, and
4 maybe we can continue the conversation online.

5 REPRESENTATIVE MCCARTER: I'd like to be able to
6 do that. Thank you very much. And thank you again, Dr.
7 Levine, for all your work.

8 SENATE MAJORITY CHAIRMAN LANGERHOLC: Thank you,
9 Representative. And we made it in just under time.

10 In light of the testimony, I want to again thank
11 all of the Members of the Committee. I want to thank
12 Secretary Rivera, Deputy Secretary Stem, Secretary Levine,
13 Deputy Secretary Boateng. And thanks again to all of the
14 Members of the House and Senate Committee.

15 Just wrapping up, we could spend hours talking on
16 these issues. I'm sure we could spend three more hours
17 talking. And there were many issues that weren't
18 adequately or completely vetted. Broadband, that was
19 brought up, the no-connectivity in the many areas. You
20 know, the mandate has been said, oh, telework where you can
21 or go virtual. Well, that's great for the kid in southeast
22 Philly or in Allegheny County, but tell that to kid in
23 rural Cambria County or northern Bedford that they don't
24 even have access. So I would implore the Secretary to use
25 the power of the Department to speak with this

1 administration to free up those monies to address that
2 broadband as it is sorely, sorely needed.

3 Secondly, masks, the recent mask mandate, when
4 you tell the kid that's in a school that isn't air-
5 conditioned, can't breathe, what do we do? Where do we go
6 from here? We had these hearings, we had this discussion.
7 It's spirited, it's lively, there's a lot of information
8 that's disseminated. It's a good, spirited discussion.
9 What do we do? Where do we go?

10 Here's my request. My simple request first is
11 walk back the mandate of the masks. Establish some
12 goodwill and confidence across this Commonwealth. Truly
13 allow the local control and the decisions. It's not to say
14 that it may not be needed in some, but it may not be needed
15 in others.

16 And next, I want to speak directly to the
17 superintendents, the teachers, the school board officials,
18 to the parents, to the grandparents, and to the students.
19 I stand with you and the decisions that you make. And
20 there are many in this General Assembly in the Senate and
21 the House that stand with you. I've spoken to many
22 superintendents across this Commonwealth not just in my
23 home district of the 35th District but across the west to
24 the east, and I told them this. I liken it back to my days
25 as an attorney and if I would counsel a client and they

1 would come in and I would tell them anybody can go to that
2 courthouse and pay that \$65 and file a lawsuit, file a
3 complaint. It doesn't make it right. I submit that no
4 matter what happens, no matter what decisions we make on
5 the local level, someone will challenge it or someone will
6 question it.

7 Do what you've prepared for for months on the
8 safe reopening of the schools. You can do it. We are here
9 with you. And to those school boards that feel it's not
10 safe, I have no issue with that. But let the local
11 control. Let local decisions dictate the policy here.
12 Don't let the fear envelope you.

13 This joint hearing in the Senate and House
14 Education Committee stands recessed till the call of the
15 Chair. Thank you all.

16
17 (The hearing concluded at 4:04 p.m.)

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2 are a true and accurate transcription produced from audio
3 on the said proceedings and that this is a correct
4 transcript of the same.

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