

**HAWAII STATE TEACHERS ASSOCIATION
BOARD OF DIRECTORS
NEW BUSINESS ITEM**

NB #: 13

DATE: 8/15/20

TITLE: HSTA POSITION ON THE DOE'S PLAN TO REOPEN SCHOOLS

- 1 The HSTA State Leadership shall adopt a formal position of no confidence in
2 Superintendent Kishimoto's leadership in safely reopening schools.
3 HSTA shall communicate this position to our membership and the public.
4 HSTA will submit written and oral testimony for the August 20, 2020 Board of
5 Education meeting stating that the HSTA Board of Directors has taken a formal vote of no
6 confidence that Superintendent Kishimoto will adequately address the concerns in items stated
7 in Exhibit B of the BOE Agenda, Item 5A.

Submitted by: J. Reyes Oda, Leeward Director

Originator: J. Reyes Oda

Rationale:

Contractual rationale:

If the MOU (SY 2020-2021 COVID-19 RESPONSE) was enforced, there would be no face to face schooling and Article X.G. would clearly be in effect, allowing teachers to decide if they will work from home or school. Teachers are not required to work in unsafe or hazardous conditions.

MOU SY 2020-2021 COVID-19 RESPONSE

- A. "WHEREAS, the parties agree that the health and safety of students and staff is the priority"
- B. "WHEREAS, the parties remain fully committed to meeting the challenges of COVID-19; ensuring the health and safety of students and staff, providing students predictability to feel safe, secure, and hopeful about the future"
- C. "THEREFORE, in-person schooling will resume in conjunction with written guidance from the State of Hawaii Department of Health (DOH). The Department will continue to monitor

TO BE COMPLETED BY ORIGINATOR:	
X (Done)	
	(1) Rationale (above) – explain why adoption of this NBI is necessary.
	(2) Governance Manual -- confer with the Executive Director or designee: (a) New name and policy number: _____ (b) Amendment/revision: existing policy name and number: _____ (c) Page number and Roman numeral citation: _____

announcements from the Governor's office and the Department of Health daily to estimate the impact of COVID-19 on school programs at the start of and throughout the school year."

Master CBA Article X - Teacher Protection

B. Teachers shall not be required to work under unsafe or hazardous conditions or to perform tasks which imminently endanger their health or safety

G. When students are sent home from school or are not required to attend due to emergencies which endanger health or safety, teachers will not be required to remain at, nor report to, said schools.

General Rationale:

1. The Hawai'i Department of Education has failed to secure written DOH guidance on metrics and safety standards to safely open schools (BOD Briefing 8/12/20).

2. The Hawai'i Department of Health has not provided consistent contact tracing to proactively prevent Covid-19 spread and is not equipped to provide the necessary support.

<https://www.staradvertiser.com/2020/08/10/breaking-news/hgea-grievance-cites-just-15-contact-tracers-on-oahu-where-covid-19-cases-are-surging/> ;

<https://www.staradvertiser.com/2020/08/11/breaking-news/hsta-says-covid-19-cases-reported-at-5-public-schools-since-thursday/>

3. The Hawai'i Department of Education has displayed poor decision making by not providing consistent and transparent reporting of COVID-19 cases in the school community to the entire school community, preventing the public from making an informed decisions.

"Policymakers, parents and the public deserve to know important information so they can decide the vital question of whether our schools are safe for keiki to return on Monday," Rosenlee said. "The Department of Education has shown that it is not transparent and the Department of Health has shown that it is not prepared yet the state is still fixated on bringing the students back on Monday..." - President Rosenlee

<https://www.staradvertiser.com/2020/08/11/breaking-news/hsta-says-covid-19-cases-reported-at-5-public-schools-since-thursday/>

4. The Department of Education has refused to engage in impact bargaining to address safety concerns and have developed their plans without bargaining (BOD Briefing 8/12/2020).

5. HSTA has adopted a position that the Department use 100% distance learning, starting August 17, 2020 and continuing at least until the end of the first quarter or until such time that public schools are safe for students, teachers, and staff to be together on campuses which also means we do not currently believe it is safe for students and educators (NBI #7, 8/6/2020).

6. Hawai'i has one of the fastest-growing COVID-19 cases in the nation. As Hawai'i sees a rapid rise in new COVID-19 cases, the state says it's struggling to keep up with contact tracing (NYT 8/4/2020; HNN 7/31/2020). DOE has not adequately tracked or prepared for the potential of a large number of teachers who will take leave when instruction begins (BOD Briefing 8/12/2020). <https://www.hawaiinewsnow.com/2020/07/31/contact-tracers-are-key-stopping-covid-hawaii-doesnt-have-enough-them/>

7. Across the country, 61 of the largest 101 school districts will start school completely online (CNN (8/4/2020).

8. Hawai'i is now in the minority of the nation's 15 largest school districts since ten of them are starting the school year fully online (CNN 8/4/2020).

<https://www.cnn.com/2020/07/30/us/schools-reopening-district-plans/index.html> Since this article was written, Chicago announced it will start school online.

9. Hawai'i's Department of Health has still not released any policy about how it will handle partial or full school closures when or if there are outbreaks.

10. New York City has a policy that school buildings will open only if the city's rate of positive coronavirus tests is less than 3% using a seven-day rolling average. Hawai'i currently has a 4.9% average which is increasing (WSJ 7/31/2020).
<https://health.hawaii.gov/coronavirusdisease2019/what-you-should-know/current-situation-in-hawaii/>
11. In his July 29 proclamation, Honolulu Mayor Kirk Caldwell announced certain rules to contain COVID-19, but these rules exempted public schools. The rules included:
 1. Prohibiting indoor gatherings of more than ten people.
 2. Generally prohibiting indoor events involving over 50 individuals regardless of whether the required physical distancing of six (6) feet between separate gatherings (of up to 10 individuals) is maintainable.
https://www.honolulu.gov/rep/site/may/may_docs/EO_2020-21.pdf
12. Mayor Caldwell's proclamation created rules for child care facilities that also do not apply to public schools including:
 1. Childcare must be carried out in stable groups of 12 or fewer ("stable" means that the same 12 or fewer children are in the same group each day).
 2. The proclamation states that children shall not change from one group to another. Groups shall not mix with each other. Childcare providers shall remain solely with one group of children.
13. State Health Director Bruce Anderson, in a state Senate COVID-19 hearing on July 16, said the following:
 1. "In 40 other states, I would not consider opening schools at this point in time." Since that time, Hawai'i has seen a dramatic increase in cases. Does that mean he now believes Hawai'i should not open schools?
 2. Anderson also pointed out that so far it appears kids are far less likely to be seriously stricken by coronavirus than older adults, although one of Thursday's [19 new coronavirus cases](#) occurred with a child under 18. "The DOH's count shows 170 people below the age of 19 have tested positive for coronavirus, almost a quarter of those cases were found this week," KHON2 reported.
<https://www.khon2.com/coronavirus/children-are-part-of-the-rise-in-hawaiis-covid-19-cases/>
 3. "That doesn't necessarily help the teachers or faculty but for the kids themselves, the risk is relatively low for serious disease," Anderson said last month. Teachers and students are dying because of this disease.
<https://www.cnn.com/2020/07/12/us/arizona-teachers-coronavirus/index.html>;
<https://www.winknews.com/2020/08/03/2-florida-teens-die-of-coronavirus-complications/>
 4. KHON2 reported Tuesday Health Director Bruce Anderson admitted that the rising cases in Hawaii make reopening schools risky. "It doesn't look good, certainly for the schools. We can't open schools if your community isn't healthy. You're just asking for disaster." <https://www.khon2.com/coronavirus/covid-19-hospitalizations-surge-as-hawaii-continues-to-see-triple-digit-numbers/>
14. In the last few weeks, new research has revealed the impact of the coronavirus on children, including a South Korean study that shows that between the ages of 10 and 19 can spread the virus at least as well as adults do and children with COVID-19 carry as much or more [coronavirus](#) in their nose as adults. <https://www.nytimes.com/2020/07/18/health/coronavirus-children-schools.html> <https://www.webmd.com/lung/news/20200730/new-study-sheds-doubt-on-notion-kids-arent-covid-19-spreaders#1>
15. The DOE and the DOH have not created protocols nor disclosed how schools, parents, and the public will be informed if there are coronavirus cases on campuses. Six campuses reported COVID-19 cases during summer school, an important development that neither the DOE nor the DOH disclosed until July 29, only in response to a media inquiry. HSTA has reason to believe the number of cases related to schools is higher. Summer school infection rates (6 per 8,000 enrolled) could lead to hundreds of infections for 179,000 students enrolled

in the fall and each infection could cause exponential growth in the number of cases.
<https://www.hawaiinewsnow.com/2020/07/29/state-covid-cases-were-reported-summer-school-programs/>

16. Hawai'i already has a teacher shortage crisis. Anecdotally, teachers are considering leaving the profession because they are worried about their health. Other teachers are submitting Americans with Disabilities Act (ADA) requests in surging numbers and many whose ADA requests are denied will likely decide to leave the profession for fear of their lives while others are beginning to submit their retirement paperwork.
17. One hundred percent virtual instruction will allow teachers to remain on the job without draining their sick leave and will allow others to work from home, so they won't require additional childcare that is scarce and/or unaffordable.
18. With spiking numbers, there has been an increase in families opting for 100% virtual learning provided at the school level, exceeding the capacity for some of those schools. Those overloaded schools are paying for alternative providers. Schools are also losing enrollment as families pull their children from the public school system, jeopardizing teacher positions.
19. Lt. Gov. Josh Green has said that another week of triple-digit cases will make the opening of schools problematic and may require a two- to four-week shutdown (SA 8/3/2020). Dr. Scott Miscovich, a private physician on O`ahu who is a senior adviser on Green's COVID-19 Task Force, discussed the latest on COVID-19 testing, including lab delays and why the percent positive rates are important to focus on. He also offered his thoughts on whether schools should reopen soon. Miscovich said, "No, it is NOT the right time for children to go back to the classroom" (HNN 8/3/2020). <https://www.staradvertiser.com/2020/08/03/hawaii-news/with-cases-increasing-at-a-distressing-rate-lt-gov-josh-green-says-a-statewide-lockdown-might-be-the-only-way-out/> <https://www.hawaiinewsnow.com/video/2020/08/03/dr-scott-miscovich-discusses-covid-testing-lab-delays/>
20. `Ohana bubbles cannot be maintained once students leave the classroom. In districts where schools have already opened, students have not maintained proper social distancing when on their own to prevent the spread of the virus (Look at the pictures).
<https://www.ajc.com/news/georgia-news/images-of-student-crowds-raise-questions-in-georgia-schools/3JLDXZ4PA5BFBEDA4R5KTZBNWA/>
21. The availability of PPE at schools is not adequate and procuring additional PPE is questionable for the foreseeable future.
22. Dr. Deborah Birx, the coordinator of the White House coronavirus task force, said schools should implement distance learning in communities with high caseloads and active community spread (CNN 8/2/2020). <https://www.cnn.com/videos/politics/2020/08/02/sotu-birx-backs-distance-learning.cnn> The CNN anchor asked Dr. Birx the question about schools in areas with positivity rates of 5% or more. Hawaii is quickly approaching the 5% threshold and has a current positivity rate of 4.9% (DOH 8/5/2020).
<https://health.hawaii.gov/coronavirusdisease2019/what-you-should-know/current-situation-in-hawaii/>
23. HSTA UniServ Directors are reporting that increasingly members are concerned about reopening and asking about 100% distance learning to open the school year.
24. A majority of voters (54+/-3.1%) are not satisfied with the plan to reopen schools (HNN/CB 8/5/2020 poll July 27-30). <https://www.civilbeat.org/2020/08/civil-beat-hnn-poll-hawaii-voters-dont-like-school-tourism-reopen-plans/>
25. Hawai'i's hospitals could hit capacity in a week, health care leader warns (SA 8/5/2020).
<https://www.staradvertiser.com/2020/08/05/hawaii-news/hawaiis-hospitals-could-hit-capacity-in-a-week-health-care-leader-warns/>