TO: UEN Member Superintendents and Board Members

FROM: Margaret Buckton, Legislative Analyst

DATE: August 5, 2020

SUBJECT: UEN Testimony to and Notes from State Board of Education Meeting 8/5/2020

State Board of Education Meeting this morning:  
During the public comment period via ZOOM, Stan Rheingans (Dubuque and UEN Chair Elect 2), Vickie Murillo (Council Bluffs and UEN Chair) and Sharon Dentlinger, (I-35) provided statements about DE guidance and Governor’s interpretation of SF 2310. I also provided a quick statement about the seclusion and restraint rules and informed the state Board members that UEN had provided a [letter](https://www.uen-ia.org/attachments/UEN%20Statement%20on%20RTL%20Implementation%20July%2024%202020.pdf) to the Governor and Director Lebo with concerns. The superintendents’ comments collectively conveyed the following:

* None of us have experience with a global pandemic, but everyone’s working hard to serve students and families and all should be given some grace in this unusual time.
* Deadline to submit RTL plans was July 1 and predated all three rounds of DE guidance.
* Overlay strict interpretation has happened in four areas: definition of instruction primarily in person as 50%, time limitations (“temporary” approval of continuous learning every 2 weeks), 2-week rolling average of testing positivity rate as the RTL trigger, and mostly, state approval of local board transitions was not required in SF 2310.
* Home Rule statute 274.3 requires a liberal interpretation of statute to effectuate the purposes of local control (we don't think the Governor and DE wrote this guidance through that lens).
* Local leaders know best their local context, their communities and their students and are in the best position to decide transitions. They collaborate with local public health, business leaders, families, staff and state-level authorities if needed, too.
* Specific ask of the DE and Governor to rethink the process and guidance to give local leaders the authority that was anticipated in the legislation.
* Meanwhile, the DE should have that element of grace for all districts requesting a hybrid or all-virtual model to start school and allow that model indefinitely until the Governor rescinds the public health emergency and the local school board determines it is safe for staff and students to return to in-person school

An update of SF 2310 was on the State Board Agenda. Here are notes of some of the conversation:

* Dir. Lebo: Since March, substantial guidance including a depth of significant impactful work has been produced to support school districts. Dir. Lebo talked about use of federal funds. They plan to determine the amount of funding needed per pupil to provide CANVAS to school districts will also be calculated and made available to districts who have purchased that or a different virtual learning platform on a per pupil basis. GEARS funding will be used to reimburse districts for broadband access/internet access costs. DE applied for and received a competitive grant from the federal DOE for $17 million that will be used for more sustainable long-term e-learning development.

Dir. Lebo also spoke about SF 2310 specifically:

The 50% in person instruction time requirement in the guidance comes from Section 9, and is a high-level interpretation of the requirement that in-person be the presumed method of instruction and that instructional shall not be primarily remote. (*She* *did not mention anything about the origin of the two-week period of approval or where the 50% in person has to be calculated over a two-week period).*

During discussion, one board member (John Robbins?) asked what the superintendents would like to see changed in the guidance. At first, Dir. Lebo stated that she didn’t want to hypothesize. Then she said they probably wanted to not have DE approval. He rephrased the question; if SF 2310 were law back in March, would every district have had to go through this waiver process to close? Seems like an administrative burden. Dir. Lebo stated that we are in a unique situation. School boards have always been able to close school, for flu or snow days. What’s unique about this situation, that triggers the need for state approval, is that the virtual or hybrid hours count for instructional time. That means the state must approve. Robbins then asked if parents have the choice to select 100% virtual, and that’s a great choice for parents, why isn’t it then OK for the school district to decide school should be virtual for everyone for a period of time? What’s the difference?

Lastly, another board member (in person at the DE so could not identify) asked about Iowa Code 274.3 home rule, if Dir. Lebo would address that. She said they will have a response soon in writing, but that SF 2310 supersedes the Home Rule statute. He asked if there should be some legislative clarification when the Session convenes in 2021? Dir. Lebo wasn’t sure that was necessary.

Board member Mike May asked if teachers are ready to teach virtually? He was concerned that little learning took place from March-June. Was skeptical that we are prepared to teach online effectively now. Wondered if we will be able to hold students accountable and if assessments online would be OK. Amy Williamson then showed the RTL DE website <https://sites.google.com/iowa.gov/returntolearn/home> with the rubric and support to districts about how to consider everything necessary to develop quality online instruction and discussed the Ollie training, AEA training available to teachers and districts. She also said that most districts already have some teachers great at online teaching and online learning management systems. She stated that not all teachers wanted to give up their summer to learn how to teach online (*but we know many have done that*). Mike stated that we will get there, we are going to get to where we need to deliver effective online learning, but probably aren’t there yet.

**Next steps:**

DE is meeting with school districts requesting a virtual start to the school year or approval of a hybrid plan that doesn't meet the 50% in person over two-week period guidance requirement. Please let me know how those conversations are going if you are one of those districts. We did hear that Urbandale's request to continue their year-round school for another two-weeks online was denied.

We will provide a list to Director Lebo of what changes we would like to see in the guidance.

Keep on keeping on!  
Margaret

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