



November 10, 2021

Dear Chairman Cline and Honorable Members of the State Board of Education,

I am writing to express NEA-NH's comments and concerns with the Initial Proposal for rule changes to ED 306.18 and 306.22 as proposed by the State Board on September 9, 2021, regarding Distance Education.

NEA-NH represents 17,000 educators in K-12 and higher education in collective bargaining across New Hampshire; the people on the front lines educating New Hampshire's children. As we interpret these proposed changes, they would limit a school district from utilizing the option of remote instruction that may count toward the 180-day requirement set out in RSA 198:1, to reasons of inclement weather or parental request for distance education.

While we agree that there is no substitute for in-person instruction, particularly in light of the current pandemic, we view this proposal as far too limiting on local school districts and respectfully request that the Board consider withdrawing their proposal or making substantial changes in order to accommodate for the health and safety of students and staff in our schools.

NEA-NH surveyed our members as to the efficacy of the policy change being proposed. Not surprisingly, 90% of respondents agreed that school districts should retain the ability to conduct distance education should it be necessary due to an outbreak of COVID-19 in the school. However, the comments submitted (and not required) were overwhelmingly clear and told what I think represents the opinion of most educators in the state which I am happy to summarize.

First, almost no educator in the state is eager to revert to a remote instructional model. They overwhelmingly agree that distance education should be used sparingly in the name of health and safety for their students, and as such should be reserved as a potential option.

At the onset of the pandemic, our members turned on a dime to make distance education work the best they could to the praise of the Commissioner and the Governor, but very few saw distance education as a long-term option for student success. After last years' experience and the promise of a vaccine, educators wanted to be in front of the people they got into this work for in the first place, their students. However, with child case counts on the rise, now making up more than 30% of our average daily case count in New Hampshire, and Governor Sununu recently indicating he expects this fall/winter

to be worse than last year's, why would we remove this vital health and safety tool from a school's list of options when our community's COVID spread is often represented in our neighborhoods' schools?

Secondly, if the health and safety of students and staff require it, going to a temporary distance education should be an option and a decision made at the local level, particularly given the fact that there has not been more support from the state regarding COVID mitigation efforts. Despite the mitigation guidance issued by our public health institutions and our state epidemiologist for measures such as universal masking, the decision to follow these recommendations are up to local school districts. On a recent call with school health staff, Dr. Chan referenced a study that schools without universal masking were 3.5 times more likely to experience an outbreak of COVID-19 than those who do not. One member wrote back to us their local experience:

“We have already had spikes in our school and the weather has not even turned cold. Our district does not require masking and last week, over 10% of our student body had COVID, as well as several vaccinated teachers. It is crucial that the state reinforce the CDC recommendation that children mask. This will decrease likelihood of demand for remote schooling. However, as both a teacher and parent of a high-risk child, I find it appalling that I would have to choose between the safety of my son and his education-and the same goes for my students. Any number of accommodations are made for less widespread needs, and yet already we have students skipping school and missing lessons because of family concerns about our school's outbreak.”

Even during the state of emergency, the governor never required his mask mandate apply to schools, touting the “flexibility” that was important for all school districts to retain. Given this approach, it seems rather counterintuitive to then say that public health circumstances at the local do not take precedence over an edict issued by the state board discouraging what most school staff would see as the last resort to bring an outbreak in their district under control.

As the Board is probably also well aware, many school districts are experiencing a staffing shortage, exacerbating the impact of even a cluster of infections that would require quarantined staff not be in the building. Another response from one of our members highlighted this point:

“No one wants to do distance learning. It is an absolute last resort. However, teachers at all levels are slammed due to staff shortages. Many schools including mine do not have any sort of covid 19 protocols in place and cases are rampant among both students and staff. Something has to give.”

When a school dips below a certain number of staff in key instructional or support positions, this can be crippling to a school building remaining open.

Third, feedback we received from our members on this proposal overwhelmingly questioned the logic of allowing distance education for inclement weather to count toward instructional days, while not allowing it for a health and safety crisis such as a COVID-19 outbreak. Health and safety of our students and their families are equally as

compromised, if not more, in the event of a COVID outbreak. One NEA-NH member included in their comments:

“Distance education due to inclement weather is designed to care for the health and safety of our students and staff. To not allow schools to autonomously decide if remote learning should be implemented due to COVID related issues is to deny the fact that it is a health and safety consideration for our school community and to devalue the people who are a part of it. COVID can be mild for some, but can be life threatening or altering for many. The message that this sends is that our health and safety is not as important as checking the box of being in school a certain number of days, and the decision is being made by people who are not working on the front line of education on a daily basis. If people are not feeling safe, quality learning and teaching is NOT taking place.”

Finally, the overwhelming sentiment on prohibiting this option of pivoting to temporary remote instruction was that it sends a message I am confident that the State Board does not want to send: that the health and safety of our students and our educators is not a priority.

“This is an absurd and dangerous proposal that prioritizes the idea of seat-time versus safety and well-being. While remote learning can be challenging, it is not meant to be a permanent solution, but a stop-gap measure for human safety and learning. Suggesting that schoolteachers, students, admin, etc.. Be required to make up time that is strategically used for remote learning during a health crisis demonstrates the UTMOST disregard for entire communities.”

In a circumstance where COVID has spread in a school to the point where the only option left is to take a brief pause to arrest the spread to the students and the community at large, that the State Board would say that does not matter, by taking a commonsense option off the table seems short sighted.

We would urge the State Board to go back to the drawing board on this rule. If there is a shared concern between the Board, the Commissioner, and New Hampshire’s educators that their needs to be further guard rails on the length of time or the way a school may utilize remote instruction, then I think there is common ground to be arrived at. However, this rule as is should not move forward to the legislature in its current form.

Sincerely,



Megan Tuttle