Safe and Drug-Free Schools and Communities

U.S. Department of Education

"Continuing Education During Prolonged School Closures"

Conference Call

December 18, 2007

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Dana Carr
Program Specialist
Office of Safe and Drug-Free Schools

Report prepared by:
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Agenda:

I. Introduction—Bill Modzeleski, Office of Safe and Drug-Free Schools, US Department of Education

II. Identifying Legal Authorities for School Closures—James Hodge, Center for Law and the Public's Health, Johns Hopkins University

III. Considering Special Educational Issues in School Closures— Laura Duos Representative from the Office of Special Education and Rehabilitative Services, US Department of Education

IV. Designing Technological Approaches to Respond to School Closures—Tim Magner, Office of the Secretary, US Department of Education

V. Studying School Closures to Inform Guidance and Decision-making during an Influenza Pandemic—David DeLozier, Centers for Disease Control and Prevention, US Department of Health and Human Services

VI. CASE STUDY: San Diego County's Experience with School Closure During 2007 Wildfires—Jesus Martinez

VII. Questions and Answers

OFFICE OF SAFE AND DRUG-FREE SCHOOLS

"Continuing Education During Prolonged School Closures"

December 18, 3:00 p.m. Teleconference

The conference operator announced that 71 persons were signed in for the teleconference.

Dana Carr, Program Specialist, Office of Safe and Drug-Free Schools [substituting for Bill Modzeleski] thanked all for participating in the conference call. The teleconference, she said, would address possible profound repercussions that could follow wildfires, other natural disasters, or an influenza epidemic. The last, she noted, might prompt school closures to retard the spread of infection; such closures could last twelve weeks. Such a closure would pose major questions of how education services would be sustained. Continuing educational operations during a prolonged closure, she noted, could provide children with a reassuring touchstone at a difficult time.

       Dana Carr said the question of response to prolonged closure was an emerging one; the teleconference was occurring near the beginning of a very long process. She was pleased to have participation in the teleconference of experts who would address various aspects of the topic. Dana Carr urged presenters to restrict their comments to the time available. She informed others that they would submit questions by email addressed either to dana.carr@ed.gov or sara.strizzi@ed.gov.

       Dana Carr identified the presenters and their topics.

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"Identifying Legal Authorities for School Closures"
James Hodge
Center for Law and the Public's Health
Johns Hopkins University

James Hodge said he would report on a study undertaken in conjunction with Johns Hopkins and the Centers for Disease Control and Prevention on the legal implications of prolonged school closure. He would speak on project goals and methodology and major findings and recommendations. While this report had not yet been released, he was authorized to share its findings with the group.

       James Hodge reported that while authorities at all levels recognized there may be a need to close schools for extended periods of time, only nine states currently identify any legal authority by which closure could be carried out. He believed clear statutory authority was needed; people might believe such authority existed, but he did not think it clear this was indeed the case. James Hodge said central questions were: Who had responsibility for making the decision to close? What criteria were to be used in making that decision?

       James Hodge said a fundamental presumption existed that states possessed a general legal power to close schools. His project had tried to determine the status of express or regulatory authority to close schools. There was a distinction, he noted,

between laws on closures related to non-emergencies and those related to declared emergencies.

James Hodge reported that 17 jurisdictions provided a statutory basis for closing schools during emergencies; 10 established only a generalized authority; 22 provided some authority to close schools "for catchall reasons." Hodge said it was therefore open to question whether the necessary statutory authority existed. On the question of who held authority to order a closure, Hodge noted that in 30 jurisdictions authority rested with the public health department; in 24 it rested with the education department. Hodge said there was considerable variance in what level of government held that power – in some jurisdictions, it was the state; in others, it was local authorities.

As a practical matter, James Hodge said, a pandemic influenza outbreak would unquestionably lead to declared states of emergency. Hodge noted that in 45 jurisdictions, officials had the power to order evacuation of premises; this, implicitly, authorized the closing of schools. Hodge noted that in emergencies, power tended to shift to Emergency Management Agencies [EMAs]. While EMAs would likely act in conjunction with education and health authorities, they were not obligated to do so.

James Hodge observed as follows:

First, 24 states currently have no explicit authority to close schools for a period of 12 weeks.

Second, in any given jurisdiction, multiple departments or agencies may hold authority to order a disclosure.

Third, wide variations exist as to which level of government holds the authority to close.

Fourth, sufficient legal clarity was lacking to establish what constitutes appropriate grounds for closing.

All this variation, he noted, was likely in practice to lead to disagreements about timing and duration of closures. Competing political structures and standards could cause delays in an actual emergency.

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"Considering Special Educational Issues in School Closures"
Laura Duos
Office of Special Education and Rehabilitative Services
US Department of Education

Laura Duos said many issues arise in connection with continuing education of children with disabilities during a school closing. In the event of a closure, schools must serve the needs of children with disabilities. Duos noted that the federal Individuals with Disabilities Act required states to make a free, public education available to all children with disabilities; what underlies this law is a prohibition of discrimination. If a school district does not, during a closure, provide services to its general student population, it is not required to provide such services to children with disabilities. However, if the district maintains programs for its general student population, it must also maintain programs for those with disabilities. The school district must create strategies that provide students with disabilities with educational benefits commensurate with those provided to the general population.

Laura Duos urged that school district consider the means whereby educational services to children with disabilities could be maintained; for example, through use

of television programming. Further, school districts should consider in advance how they would work with parents during a closure.

Laura Duos noted that services for children with disabilities are outlined in an Individual Education Program [IEP]; and that each student's IEP team should reflect on how those services will be enacted during a closure. If school buildings are closed, this assessment may need to be done by an IEP team teleconference held to discuss what alternate programs can be supplied; e.g. home visits, the Internet, etc. If, however, it proves impossible to provide full services during a closure, the IEP team must subsequently make an individualized determination of whether compensatory services are required. Key to this determination is whether the student who did not receive full services continued to make progress in their absence. Duos noted that in Alaska, when a teachers' strike disrupted services to children with disabilities, each student affected was individually assessed to determine what additional efforts – e.g. tutoring, after-school activities, extended school days, etc. – were required to allow them to recoup lost time. If the school year was extended for the general student population, it must be extended for students with disabilities as well. She noted that the requirements being discussed also applied to children with disabilities who were attending private schools.

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"Designing Technological Approaches to Respond to School Closures"
Tim Magner
Office of the Secretary
US Department of Education

Tim Magner reported that a broad continuum of technology was available for use in the event of a school closure: in some cases, much of this technology may already be in place; in other cases, further steps need to be taken.

Tim Magner urged districts to begin by establishing a continuum of those education services it wished to maintain during a closure. This, he said, should be used as the driver in a dialog to determine what specific technologies may be appropriate to implement. A school district should plan so that, early in a closure, it can provide a level of continuous access of information to students. This, he said, which would allow students to experience normalcy, was fairly basic. It could be accomplished through papers, books, worksheets and other materials that were readily available. Further, education services could be made available through cable television. He noted the broad range of Internet sites established by reputable content providers that could address K-12 content issues. While these would give students and parents a connection with education content, they did not provide for structure and assessment. He described this situation as one in which access to resources was good, but expectations for student connection were fairly low.

Tim Magner said that to raise the level of expectation for student participation – for example, to reach the point in which students could participate in a two-way dialog in real-time – would require a higher level of technology, and one that may be scarce. For example, he said, if one wished to use asynchronous video or a video streaming service, students would need to have a certain class of computer and a certain bandwidth in the home. Additionally, he said, if a district wished to create education content, this generally required a data management system or other infrastructure. Many schools might currently have such systems, he said, but their use is generally supplemental, rather than as a teaching tool. Magner said the planning challenge was to assess what resources were now in the school. He noted

the number of people participating in this conference call, and termed it readily conceivable that a high school class could be conducted in this manner. He urged districts to look at the range of their technologies: books and other printed materials; television, including both cable and 'found' broadcasts through subscription services or over-the-air satellite. He noted that some districts may have established relationships with content providers.

Tim Magner noted that if warning was available prior to the closure, schools could make computers available to students who did not have them in their home. This was a logistics and planning challenge. This step, he added, would enable use of such CD-ROM materials as were available.

Tim Magner noted that both asynchronous and synchronous options existed: in the first, students could take part in Internet-based discussion at varying times; in the second, discussion would be in real-time. The first, he noted, required a lower level of technical support. While voice and desktop sharing technologies existed to provide synchronous communication, they posed a greater logistical challenge. Overall, he believed a fairly high level of instruction could be delivered to the home if one combined the teaching resources and the technological resources.

Restating, Tim Magner urged districts to take stock of the technology in the school and community, the availability of the technology, the sophistication of existing infrastructure and its ability to support hundreds of users in a given time slice, and then assess that infrastructure availability against the community's expectations for educational services.

Tim Magner noted many the greater challenges that would associated with a longer-term closure. He urged districts to plan how their matrix of technology could be used over time: worksheets, for example, would be most useful initially, but difficult to maintain for twelve weeks. A plan that incorporated a phased approach over time would show how the required technologies could be phased in in an orderly way.

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"Studying School Closures to Inform Guidance and Decision-making during an Influenza Pandemic"

Daphne Copeland
Centers for Disease Control and Prevention
US Department of Health and Human Services

Daphne Copeland reported that that the Centers for Disease Control was looking at planning and assessment activities related to school closure. The goal was to enable the agency to provide guidance to school districts during a pandemic. Thus far, the agency had identified the following as topics upon which more information was needed:

    Legal authority to close
    State and local collaboration issues
    What criteria trigger closure?
    What are the triggers and process for re-opening?
    Communications, at state, local and national levels
    Care-related issues for extended closure
    Continuation of funding
    Continuity of education

Social distancing
Child care facilities

Daphne Copeland invited those participating to identify additional topics for assessment. She noted that CDC would conduct six reviews in the coming year to explore issues surrounding closure; efforts were also being made to determine what could be learned from the California wildfire experience.

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"Case Study: San Diego County's Experience with School Closure During 2007 Wildfires"

Jess Martinez
Jim Esterbrooks
San Diego County [California] Office of Education

Jess Martinez introduced himself as a program coordinator for readiness and the emergency management of schools in San Diego. He reported that much had been learned from the recent wildfires. He recommended that districts have a mass notification system in place at the school district level, so that schools are able to notify parents in all circumstances. Martinez said 52 percent of the county school districts had such systems. The system was used on the first day of the fires, when it was not yet clear what closures would occur. Once the week-long closure had been ordered, the mass system was highly useful in informing households of what work students could undertake and complete at home. Messages could be personalized by a specific teacher to his/her students. Martinez noted that the school district website proved useful in keeping parents informed with daily updates on closure status and expectations.

Jim Esterbrooks noted that the San Diego County Office of Education was a service organization, providing a range of services to 43 separate LEAs, each of which had its own superintendent and school board. Overall, the county had 700 schools and 500,000 students. Districts ranged in size from San Diego, with 140,000 students, down to tiny districts with several hundred students; there was also a wide range of economic and ethnic diversity.

Commenting on emergency communications, Esterbrooks commented on one district of 32,000 students that was right in the path of the fire put out more than 700,000 automated voice messages, which proved invaluable. He called attention to the role played by the county's cable television [ITV]. San Diego County, he said, had over 800,000 homes with cable. Esterbrooks said the county's educational website had been particularly valuable. All districts were asked to submit their best resources; he noted that the San Diego schools had particularly good resources. These, combined with what was already in hand, permitted presentation of subject-by-subject, grade-by-grade materials. He credited the San Diego district with a very rapid response: the district's executive director of curriculum requested that materials be delivered "now" – sixty minutes later they were in hand; thirty minutes thereafter they were on line.

Esterbrooks said the website, in addition to presenting education resources, provided information on reimbursement; reopening; reverse 911 cell phone protocols; guidelines for temporarily displaced students; local utility company rolling

blackout schedules, and other topics. He regarded the education resources as the most valuable; these, he said, were translated into Spanish wherever possible. In addition, the website presented mental health assistance, e.g. advising parents how they could talk with their children if they watched news broadcasts about the fire. Jim Esterbrooks noted that, when working with the news media, it was crucial to repeat the most important points; there was a continuing turnover in media personnel and those coming on-shift would not know what had been said earlier.

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Dana Cara thanked the presenters, and presented questions that had been emailed in.

QUESTIONS:

Question #1: How can the needs of students who are dependent on school meals be addressed during a prolonged closure?

Dana Carr noted that information on that subject is available at the www.fns.usda.gov website, under the heading 'Disaster Assistance: Pandemic Planning.'

Question #2: How will prolonged school closure affect school funding formulas and payment to employees?

Dana Carr expressed regret that James Hodge had been unable to remain for the question period. She noted that funding issues varied by state. Her own understanding was that staff would be paid if they were engaged in providing continuity of education services. She identified this as an issue that needed to be addressed with teacher and staff unions ahead of any closure.

Jim Esterbrooks said teachers in San Diego County were paid for the entire week that wildfires forced closure; he noted that no arrangement for this had been made in advance. The state superintendent had provided assurances that the county school would receive full funding; the assurance that employees would be paid, he noted, made it possible for the district to ask more of them during the emergency.

Question #3: Which offices in the school district have responsibility for emergency operations preparedness?

Tim Manager said district-level coordination was required. The chief technology officer held primary responsibility for the technology aspects of continuing education during a closure. Technology planning was part of overall planning: clarity was needed as to which office was responsible for what; further, the chain of command needed to be clear. Jess Martinez said that, having visited many school districts, he believed that a greater redundancy in personnel was essential: too often, he said, a single overworked individual had been given considerable responsibility but little actual authority. He contrasted this was districts where the assistant superintendent for business held the main responsibility, but had two or three other individuals to

help carry the load. If the entire task was given to one person, work would proceed only as rapidly as the other tasks in their job description permitted. If, however, three or more people shared the task, something would always be moving forward: these individual could provide mutual support and help maintain accountability. He thought it was unwise to assign to entire task to one individual and then just hope that everything would happen smoothly when an emergency occurred.

Question #4: Can educational continuity be maintained in an emergency when people are more immediately concerned with staying alive?

Jim Esterbrooks responded that while people looked first to their personal safety, once families were evacuated, the education of their children became a top priority. He believed that maintaining a sense of continuity in education was very important to a family's own sense of normalcy.

Jess Martinez noted that extensive and extended school closings have not occurred in at least a generation. If a pandemic closed schools, social isolation will be very high: people will not be going to shopping malls or football games. Family isolation will be a major concern. Schools, he said, are a community's bedrock: connection to schools is important not only for education, but also as a community connection.

Question #5: Was any specific advice available on how to adjust IEPs?

Laura Duos commented that in the event of a two-month or longer closure, IEP teams should attempt to confer by telephone on what services can be provided by telephone. Parents should be informed of what they can do; parents' role as a motivator should not be underestimated.   General advice was difficult to give, as advice needed to be child-specific.

Question #6: What requests for technical assistance did you get?

Jess Martinez noted receipt of many letters from parents expressing gratitude for the school district's effort to maintain communication with parents through mass notifications and the website.

Question #7: What specific software was recommended to continue K-12 activities during a closure?

Tim Magner noted he was not allowed to urge purchase of specific software applications; a great deal of software was available, both administrative and instructional. He urged districts to step back from their current range of services and determine which technologies best permitted the delivery of those services. No 'silver bullet' solution existed; however, the technology a district already had may allow it to deliver instructional information to students via a website, and then have students discuss that information through a conference call. Further, he suggested that any district contemplating a distance learning initiative consider how that system might be used during a prolonged closure. Those considerations could be built into the RFP [Request for Proposals] process for the system.

It was noted that information on the San Diego response wais posted at
www.sdcoe.net, under 'News and Headlines.'

Question #8: An emergency might prompt '500 million text messages.' Had
operations during the wildfire been shut down due to communications overload?

Jim Esterbrooks said no disruptions occurred in either land line or cell phone service.
Concern had existed that fires might destroy cell phone towers; however, tower sites
were among the most heavily defended points.

Sara Strizzi emphasized the need to create alternatives to cell phones and land lines
into the system; some companies maintained a first responder frequency on cell
phones that can be tapped into.

Jess Martinez urged systems be designed with built-in redundancy; a phone system
might be deliberately shut down during an emergency to prevent the system from
breaking down. He urged that potential vendors be asked if they had out-of-state
backup that could be called upon if their local operations shut down.

Question #9: What recommendations were there for determining authority to direct
a school closure?

Dana Carr said she would forward this to James Hodge for answer by email. She
stressed that the time to address the question of legal authority rested was now,
prior to any emergency. Carr said Hodge would be asked to clarify where authority
lay; what statutory language might be required, and what processes should be used
to make the decision.

SUMMARY:

Dana Carr characterized the teleconference as very productive, thanking both
panelists and participants.

Dana Carr stressed that the major task was to understand the implications of a
prolonged school closure. In the event of an emergency, delays in taking necessary
steps may lead to morbidity and mortality. She noted that LEAs must, by law, make
provision for continuing services to students with disabilities, a task made complex
by the fact that students affected had individualized needs. She noted that multiple
technologies existed to support educational service delivery during a closure; she
urged districts assess what was available relative to what the district and its
community expected for services. She noted that the experiences in southern
California highlighted that maintaining communications with parents and teachers
was critical. Carr stressed the importance of learning from those school closings that
occurred; she urged participants to share information if their own schools
experienced a closure.

The teleconference ended at 4:30 p.m.