

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON EDUCATION

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October 6, 2021
Start: 10:05 a.m.
Recess: 2:53 p.m.

HELD AT: Remote Virtual (Virtual Room 2)

B E F O R E: Mark Treyger
CHAIRPERSON

COUNCIL MEMBERS:
Ben Kallos
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Eric Dinowitz
Kevin Riley
Oswald Feliz
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Barry Grodenchik
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Alicka Ampry-Samuel
Inez Barron
Justin Brannan
Farah N. Louis
Deborah Rose
Joseph C. Borelli

A P P E A R A N C E S (CONTINUED)

Donald Conyers, First Deputy Chancellor
Department of Education

LaShawn Robinson, Deputy Chancellor of School
Climate and wellness
Department of Education

Lauren Siciliano, Chief Administrative Officer
Department of Education

Melanie LaRocca, Commissioner
Department of Buildings
Director of the Situation Room

Dr. Torian Easterling, First Deputy Commissioner
and Chief Equity Officer
New York City Department of Health and Mental
Hygiene

Dr. Ted Long, Executive Director
New York City COVID 19 Test and Trace Corps and
Senior Vice President of Ambulatory Care and
Population Health
New York City Health and Hospitals

Michael Mulgrew
United Federation of Teachers

Donald Nesbit, Vice President
Local 372 DC 37

Lucas Healy
Parents for Responsive Equitable Safe Schools
[PRESS NYC]

Paulette Healy
Parents for Responsive Equitable Safe Schools
[PRESS NYC]

Liz Rosenberg
Parents for Responsive Equitable Safe Schools
[PRESS NYC]

Kaliris Salas
Parents for Responsive Equitable Safe Schools
[PRESS NYC]
Community Education Council Four

Tanisha Grant
Parents Supporting Parents New York

Jennifer Goddard
New York City Coalition for Educating Families
Together

Amy Tsai, Vice President
New York City Coalition for Educating Families
Together

Rashida Brown Harris
Parent Action Committee
Healing Center

Gina Rotundo, New York City Resident

Christina Coscia, New York City Resident

Anthony Beckford, President
Black Lives Matter Brooklyn

Tazin Azad, New York City Resident

Mark Gonsalves, New York City Resident

Tracy L. Gray, New York City Resident

Melissa Kay, New York City Resident

Melanie Kay, New York City Student

Lauren Clavin, New York City Resident

Tom Wierman, New York City Teacher

Angie Unknown, New York City Resident

Angelina Sesni [sp?], New York City Resident

Jazmin del Valle, New York City Resident

Connie Montesino, New York City Resident

Mar Fitzgerald, Member
Community Board Two Schools and Education
Committee

Erin Lawson, New York City Resident

2 SERGEANT-AT-ARMS: Sergeants, if you will
3 begin your recordings, please.

4 SERGEANT-AT-ARMS: Computer recording
5 started.

6 SERGEANT-AT-ARMS: Cloud recording started.

7 SERGEANT-AT-ARMS: Thank you, gentlemen.

8 Good morning and welcome to today's remote New York
9 City Council meeting on the Committee on Education.
10 Pardon that. At this time, would all panelists
11 please turn on their video. To minimize disruption,
12 please silence your electronic devices and, if you
13 wish to submit testimony, you may do so at the
14 following email: testimony@Council.NYC.gov. Once
15 again, that is Council@testimony--
16 testimony@Council.NYC.gov. Thank you for your
17 cooperation. We are ready to begin. Whenever
18 you're ready, Mr. Chair.

19 CHAIRPERSON TREYGER: Very good. Thank
20 you. Thank you very much. Good morning and welcome
21 to today's virtual hearing on the Department of
22 Education's changes in COVID protocols and
23 implementation of the vaccine mandate. I am Council
24 member Mark Treyger, Chair of the Education
25 Committee. The committee will also hear two pieces

2 of legislation: one focused on the number of COVID
3 cases broken out by student, teacher, staff, and
4 administrator for each school, and the percentage of
5 vaccinated person broken out by student, teacher,
6 staff, and administrator for each school, and others
7 to require DOE to report on school attendance data,
8 vaccination, testing consent, and quarantine data.
9 This past May, when Mayor DeBlasio announced a full
10 return to in person learning this September with no
11 remote option for all students, teachers and staff in
12 DOE schools, COVID was on the wane in New York City
13 and throughout the nation. However, starting in June
14 and continuing throughout the summer months, the far
15 more contagious Delta variant was on the rise in the
16 city, as well as nationally, prompting the Mayor to
17 announce a mandate in late July that the entire city
18 workforce, including DOE employees, would have to
19 either get vaccinated by September 13th, the first
20 day of school, or get tested for COVID once a week.
21 As the threat from Delta increased, on August-- one
22 moment. I'm getting a-- One second.

23 SERGEANT-AT-ARMS: Stand by. We seem to be
24 having some technical issue.

2 CHAIRPERSON TREYGER: Can folks hear me
3 okay?

4 SERGEANT-AT-ARMS: We can hear you, Mr.
5 Chair.

6 CHAIRPERSON TREYGER: My apologies. I'm
7 just making sure I connected the technology to the
8 charger so I don't-- My apologies. I will begin
9 again. I'll start from here. It says here that,
10 this past May, when Mayor DeBlasio announced a full
11 return to in person learning this September with no
12 remote option for all students, teachers and staff in
13 DOE schools, COVID was on the wane in New York City
14 and throughout the nation. However, starting in June
15 and continuing throughout the summer months, the far
16 more contagious Delta variant was on the rise in the
17 city, as well as nationally, prompting the Mayor to
18 announce a mandate in late July that the entire city
19 workforce, including DOE employees, would have to
20 either get vaccinated by September 13th, the first
21 day of school, or get tested for COVID once a week.
22 As the threat from Delta increased, on August 23rd,
23 the Mayor, the Chancellor, and the health
24 Commissioner jointly announced a new mandate
25 requiring all DOE employees to provide proof of first

2 does of vaccination by September 27th without an
3 alternative option for weekly testing. The mandate
4 initially applied to all 148,000 DOE employees,
5 including school-based and central staff, as well as
6 DOE contractors who work in school-based settings,
7 but a few weeks later, was expanded to include all
8 city contracted Pre-K daycare and afterschool workers
9 who work in sites outside of public school buildings.
10 I fully support the vaccine mandate. Vaccinations
11 are the first line of defense against the spread of
12 COVID and protect the health and safety of students
13 and staff alike. At the time the vaccine mandate was
14 announced in August, 63 percent of DOE employees had
15 at least one dose, according to the press release,
16 which also contained the optimistic projection tat
17 this number will continue to increase in the lead up
18 to the first day of school and reach 100 percent by
19 September 27th. And therein lies the issue. 100
20 percent compliance was never a realistic projection.
21 There are always hold outs in every mandate and, in a
22 system as large as ours, even if one percent of staff
23 refuse to be vaccinated, that would have been over
24 1000 employees. It is unacceptable that the city did
25 not appropriately announce a plan for the likelihood

2 that thousands of employees, comprising an extremely
3 small minority of staff would simply not comply,
4 instead, leaving principals, superintendents, and
5 other administrators on the ground to once again
6 scramble to implement the plan. It wasn't until
7 weeks later, in the face of growing concerns of a
8 potentially critical staff shortage, that the mayor
9 declared that there would be sufficient numbers of
10 substitute teachers and central DOE staff who could
11 fill in for any vaccinated classroom teacher, but he
12 provided no numbers at the time. Further, neither he
13 nor anyone from the administration mentioned plans to
14 replace their own vaccinated workers, including
15 paraprofessionals, custodial staff, school safety
16 agents, and school food workers, titles which
17 comprise the most acute staffing gaps that principals
18 now face. The strategy of establishing a deadline
19 for vaccinations clearly succeeded in prompting more
20 staff to get vaccinated and the extension to October
21 1, resulting from court challenges in finding the
22 mandate enforceable convinced even more. The latest
23 information that we have is that 95 percent of all
24 full-time employees have received at least one
25 vaccine dose, including 99 percent of principals, 96

2 percent of teachers, 92 percent of school food
3 workers, and 82 percent of school safety agents,
4 although that number might've gone up in recent days.
5 That still leaves about 8000 employees that have
6 refused to be vaccinated and have been placed on
7 unpaid leave. In the past week, the Mayor has stated
8 that the city has a reserve of about 9000 substitute
9 teachers and another 5000 substitute
10 paraprofessionals who are vaccinated, but it is
11 unclear what preparation has been provided to the
12 substitutes and whether they will room in in
13 classrooms permanently, raising questions about the
14 impact of the quality of instruction and services for
15 students. As yet, no replacement plans have been
16 revealed for any custodial staff, food workers, or
17 school safety agents, so we hope to hear more today
18 about how vacancies in these positions will be
19 handled. However, many principals throughout the
20 city have also shared with me that there is a
21 disconnect between the plans for the substitute staff
22 that have been announced in the actual implementation
23 in schools. These principals are saying that they
24 have not yet seen any of the staff that they had
25 requested, especially paraprofessionals, which leaves

2 many students with disabilities without needed
3 support. One score I spoke with Lars 10
4 paraprofessionals. The point of the vaccine mandate
5 is to keep our schools healthy and safe. Having many
6 of our students with disabilities go without legally
7 mandated supports is antithetical to that. The DOE
8 must immediately work with scores to address these
9 gaps, whether through substitutes or through
10 expediting the approval of nominations by principles.
11 Then I want to know what that principles that I have
12 spoken with have, in fact, sent nomination letters to
13 hire new people and they are still waiting for those
14 letters and those applications to be processed. At
15 the end of the day, much of this disruption could
16 have been avoided if the vaccine had been mandated by
17 the start of the school year, rather than a few weeks
18 in. The vaccine mandate is also creating issues for
19 many early childhood centers and afterschool
20 providers which already struggled to find and keep
21 staff because the pay is so low. Some center
22 directors have said that, if forced to exclude all on
23 vaccinated staff, they would have to close,
24 potentially leaving thousands of young children
25 without childcare. We hope to get an update today on

2 the status of these centers. Bus emails another area
3 of great concern because school bus drivers are in
4 close contact with students. We have heard a number
5 of anecdotal reports from parents and advocates that
6 many bus drivers are not enforcing mask wearing four
7 students on the bus. I have significant concerns
8 about changes to quarantine protocols. While I
9 recognize that they are all in line with CDC
10 guidance, they, once again, reflect a significant
11 disconnect from realities on the ground. The reality
12 is that not all students were there masks correctly
13 all day or maintained three feet distance from
14 others, especially in overcrowded schools. This
15 creates a massive burden on educators and
16 administrators to engage in contact tracing
17 activities, checking rosters and seating charts,
18 interviewing parents and students at the expense of
19 teaching and learning. Imagine being a teacher in a
20 classroom and trying to teach while simultaneously
21 tracking 30 bodies to see whether they are to close
22 or properly masked. It is ludicrous on its face. I
23 have spoken with the administrators who are on the
24 phone with the situation room until 11 PM at night.
25 All of this is made more complicated because of the

2 ambiguity on how three feet of distance is measured.
3 There are reports that the DOE is measuring 3 feet
4 from the center of one desk to the center of the
5 adjacent desk, effectively, nose to nose. And we
6 have a graphic up to show. Malcolm, could you please
7 show the photo? Thank you, Malcolm, for that. For
8 people with visual impairments, we are now showing a
9 photo of two classroom desks with a yardstick
10 extending from the center of one desk to the center
11 of the adjacent desk measuring 3 feet. The space
12 between the two desks is too small for an adult to
13 pass comfortably between the desks. And take it from
14 me-- I am a former teacher. That space is too
15 small. I hope the administration will provide
16 definitive clarity today on what it's standard is for
17 measuring three feet of distance. Another change in
18 protocols this year has to do with COVID testing and
19 consent. Last year, DOE tested 20 percent of
20 students and staff in each school on a weekly basis
21 and all students who attended in person had to have
22 signed a consent form. Prior to school reopening
23 this year, DOE announced that every school would test
24 just 10 percent of unvaccinated students on a
25 biweekly basis. Come at the end of the first week,

2 the Mere increased testing frequency to the weekly,
3 once again. However, students are no longer required
4 to submit consent forms in order to score this year,
5 which raises questions about how many students are
6 actually being tested, which is based on the number
7 who have voluntarily returned consent forms. I will,
8 again, note that the Los Angeles school district has
9 made weekly testing mandatory for all people in
10 school buildings and I hope that we will follow suit.
11 With a continuation of the rise of Delta in the move
12 away of classroom closures, surveillance and testing
13 is not an effective way of keeping everyone in the
14 building safe. Additional concerns include the lack
15 of data I transparency around enrollment and
16 attendance. Currently, DO be those not report actual
17 numbers of students attending, rather, they post a
18 daily attendance as a percentage of students enrolled
19 in each score in a citywide total percentage, even
20 though some schools have not yet reported attendance,
21 which can be misleading. We don't even know the
22 total enrollment number is citywide this year since
23 there are reports that many students have left the
24 system since the start of the COVID pandemic. There
25 are reports that many parents who are concerned about

2 the prospect of their children contracting COVID have
3 declined to send their children back to school, thus
4 far, continuing to call for a remote option instead.

5 To date, DOE has not commented on how many students
6 have not shown up to score this year, reinforcing the
7 need for accurate attendance numbers. We have heard
8 that the number is around 150,000. If that is

9 incorrect, I would love for the DOE to correct and
10 clarify the record today. While that may seem like a

11 small number in the scale of DOE, that is more
12 students than are in the Philadelphia school system
13 which, incidentally, offers a remote option. At

14 today's hearing, the committee hopes to get answers
15 to these and many other questions in order to get a
16 better understanding of current conditions facing

17 students and staff in schools. We also look forward
18 to hearing details about how the department plans to
19 address staffing shortages, resulting from the

20 vaccine mandate across all positions and if the
21 administration plans to re-deploy essentials to fill
22 school level positions. We want to hear what impact

23 that will have on central services and operations. I

24 want to thank everyone who is testifying today and I

25 want to thank the city Council staff for all their

2 work. Malcolm Butehorn, Jen Atwell, Elia Reynolds,
3 Chelsea Betamoore, Masis Serciscian [sp?]. I just
4 want to thank my chief of staff, Anna Scafe [sp?], my
5 policy director Vanessa Ogle, and director of
6 communications, Maria Henderson. I just want to also
7 note the Council members that are in attendance so
8 far that we have. Council member Barron, Council
9 member Dinowitz, Council member Borelli, Council
10 member Kallos, Council member Grodenchik, Council
11 member Ampry-Samuel, Council member Riley, Council
12 member Louis, Council member Rose, Council member
13 Brannan, Council member Dromm, Council member Lander.
14 And forgive me if I missed anyone. We will add them
15 shortly. And with that, Malcolm, we can now hear
16 testimony.

17 COMMITTEE COUNSEL: Thank you, Chair
18 Treyger. Good morning everyone. I am Malcom
19 Butehorn, counsel to the Education Committee. Before
20 we begin testimony, I want to remind everyone that
21 you will be on mute until you are called on to
22 testify. After you are called on, a member of our
23 staff will unmute you. Zoom will prompt you a
24 message to accept the unmute. For the public, I will
25 be calling on public witnesses to testify in panels

2 after the conclusion of the administration's
3 testimony in Council member questions, so please
4 listen for your name to be called. I will be
5 announcing in advance to the next panel will be.
6 Council members who have questions should use the
7 raise hand function in zoom. You will be called on
8 in the order with which you raised your hand after
9 the fall panel has completed testimony. We will be
10 limiting Council member questions so five minutes
11 and, for purposes of this virtual hearing, we will
12 not be having a second round. For panelists and the
13 public, once your name is called, a member of our
14 staff will unmute you in the sergeant-at-arms will
15 give you the go ahead to begin after setting the
16 timer. Please listen for that cue. All public
17 testimony will be limited to two minutes. At the end
18 of two minutes, we ask that panelists please wrap up
19 their comments so we can move on to the next person.
20 I will now call on the following members of the
21 administration to testify and be available for
22 questions and answers. Donald Conyers, First Deputy
23 Chancellor, Department of Education. LaShawn
24 Robinson, Deputy Chancellor of School Climate and
25 Wellness, Department of Education. Lauren Siciliano,

2 chief administrative officer, Department of
3 Education. Melanie LaRocca, Commissioner, Department
4 of Buildings, Director of the Situation Room. Dr.
5 Easterling, First Deputy Commissioner and Chief
6 Equity Officer, New York City Department of Health
7 and Mental Hygiene. And Dr. Long, Executive Director
8 New York City COVID 19, Test and Trace Corps and
9 Senior Vice President of Ambulatory Care and
10 Population Health at New York City Health and
11 Hospitals. I will first read the oath and, after, I
12 will call on each of you individually to respond. If
13 you could please raise your right hands? Do you
14 affirm to tell the truth, the whole truth, and
15 nothing but the truth before this committee and to
16 respond honestly to Council member questions? First
17 DC Conyers?

18 FIRST DEPUTY COMMISSIONER CONYERS: I

19 do.

20 COMMITTEE COUNSEL: DC Robinson?

21 DEPUTY COMMISSIONER ROBINSON: Yes. I

22 do.

23 COMMITTEE COUNSEL: Lauren Siciliano?

24 LAUREN SICILIANO: I do.

25

1 COMMITTEE ON EDUCATION

20

2 COMMITTEE COUNSEL: Commissioner
3 LaRocca?

4 COMMISSIONER LARocca: Yes.

5 COMMITTEE COUNSEL: Dr. Easterling?

6 DR. EASTERLING: Yes. I do.

7 COMMITTEE COUNSEL: And Dr. Long?

8 DR. TED LONG: I do.

9 COMMITTEE COUNSEL: First Deputy
10 Chancellor Conyers, whenever you are ready to begin.

11 FIRST DEPUTY CHANCELLOR CONYERS: Thank you
12 so much. Good morning, Chair Treyger, and all the
13 members of the Education Committee that are here
14 today. I am very happy to be here with you. Thank
15 you for this opportunity to testify on the Department
16 of Education's COVID 19 protocols in the
17 implementation of the vaccine mandate. As you know,
18 I am Donald Conyers, First Deputy Chancellor at the
19 Department of Education and I am joined here by my
20 colleagues, Deputy Chancellor LaShawn Robinson, Chief
21 Administrative Officer Lauren Siciliano, Dr. Ted
22 Long, the Executive Director of New York City's Test
23 and Trace Corps, and Dr. Easterling, First Deputy
24 Commissioner from the Department of Health and Mental

25

2 Hygiene and Commissioner Melanie LaRocca from the
3 Department of Buildings.

4 I want to take a moment to really talk a
5 little bit about my continued story and the story of
6 the Department of Education. This school opening
7 this past September marked 50 years of school
8 openings for me. 12 of those years as a student of
9 the Department of Education and 38 of them as a
10 servant in the Department of Education of which I am
11 very proud to be here for these 50 years. We have,
12 over the course of that period of time, and through
13 all kinds of iterative and developmental changes,
14 progress being made, new findings, new
15 understandings, new commitments, relationships. And,
16 in a system as large as that is where there is no
17 perfect solution yet, we strive every day for
18 perfection. We strive every day for excellence.
19 Then I want to take this moment to really remind
20 everyone of the year nor Medio not having our
21 students in school where there is in buildings where
22 they are safe, where we have capitalized on all the
23 things that we know as educators in all the things
24 that we know as health practitioners and everything
25 that we know about making sure that our students can

2 have memorable secure, and healthy moments in this
3 educative experience that we are providing for them
4 to fulfill the promises of education that I've
5 stepped into 38 years ago as a servant. So, I want
6 to take a moment to mention how exhilarating it has
7 been to experience the reopening of our building all
8 across the city. Over the past month, we have all
9 had the privilege of witnessing students, families,
10 and our invaluable staff joyfully-- and I do mean
11 joyfully-- reconnect with one another in the
12 evidence continues to be clear. And I will say it so
13 many times those motors I have to that teaching and
14 learning face-to-face in person in classrooms is the
15 absolute best way for students to grow academically,
16 socially, and with the confidence that they need as
17 independent leaders of their own lives. We are so
18 thrilled to have them back all five days every week
19 and we are really happy about that. We're not simply
20 picking up where we left off in the pandemic for
21 school buildings to close in March 2020. We are
22 moving in taking more action, learning from
23 experiences, making adjustments, and ensuring that we
24 are following the guidance and making the strongest
25 and most confident decisions that align with the

2 values that we have about making sure that our
3 students are whole, 100 percent-- not just
4 academically, but also in terms of their mental
5 health and socioemotional wellness. We have support
6 systems in place that are helping our students to
7 cope with the trauma they have been through and our
8 health and safety protocols, of which I am very proud
9 of as we have been the gold standard for the nation,
10 leading in terms of how we have installed and put in
11 place health and safety standards that really
12 optimize and maximize a health and safety of all of
13 our constituents in this school community. So our
14 health and safety protocols you will continue to
15 hear. I going to keep going back to that. We lead
16 with that when the pandemic started. We were clear
17 about the health and safety been foundational and
18 very important. We also continue to make sure that,
19 as we add to that, we move through the iterative
20 progression that comes as a result of the changes in
21 the environment, changes in results, and change those
22 in the guidance that we are offered, but we're
23 certainly always pushing health and safety first.
24 So, health and safety for our students and staff is
25 always been the priority. I will continue to say it.

2 Last year we were there first, as I mentioned, major
3 school district open our doors for in person learning
4 and we created that goal standard approach to health
5 and safety during the pandemic which has served this
6 nation and, certainly, our great city of New York.
7 Schools were some of the safest places to be in the
8 city and we ended last year with just a 0.03 percent
9 seven day average positivity rate. And we know from
10 our experiences last year and over the summer with
11 our Summer Rising which was a great, great start for
12 bridging and bringing our students back into the
13 school year. What works? We know what works for our
14 children and our families and staff and that's
15 exactly what we are continuing to do. And, Chair, I
16 am not naïve enough to believe that every step that
17 we take and every move that we make, we're going to
18 make everyone happy. We are endeavoring to make this
19 city safe, to educate as many of our students-- all
20 our students-- but we are making and, as you know,
21 as a leader, it's the decisions that we make. We
22 make decisions to ensure that we can bring along as
23 many as most and all people and all constituents that
24 we serve. So heading into this school year, we knew
25 that we had to continue our highly effective,

2 multilayered approach to health and safety, but we
3 also recognize that the amazing vaccines have now
4 become our strongest tool in this fight against COVID
5 19. That is why we ensure that every school serving
6 students 12 and older provided vaccinations on site
7 during the first week of school. We also led the way
8 among U.S. school districts in mandating vaccinations
9 for all Department of Education school-based and
10 central employees. That mandate has clearly worked.
11 It clearly has worked and it is also a decision that
12 adults went into with both eyes open, fully cognizant
13 of its value and the ability to change the nature of
14 how we do schooling for our students and keeping them
15 the safest that we can. It's over 95 percent of the
16 full time Department of Education employees are
17 vaccinated and more than 43,000 injected shots have
18 been given out since the mandate was announced.
19 Breaking it down further, 99 percent of principles
20 have been vaccinated, 96 percent of teachers, 92
21 percent of our paraprofessionals, and 92 percent of
22 our valuable and valued school food workers and over
23 90 percent of our custodians. This means all our
24 employees and staff members are doing their part to
25 keep their communities safe. Thanks to the

2 vaccination mandate, New York City schools remain
3 some of the safest places across the city to be. So
4 I'm enormously grateful to every educator, every food
5 service provider, every school safety agent, every
6 administrator, substitute, every custodial worker,
7 and every other employee who stepped up and took this
8 vital step to keep our students safe. We are working
9 together with our schools to provide every resource
10 we can to ensure their needs are met. That includes
11 thousands of vaccinated substitutes-- with more
12 teachers and paraprofessionals joining that pool of
13 available subs every day. We are also providing
14 schools with increased funding to support the cost of
15 additional staffing needs due to the vaccination
16 mandate while working closely with them to ensure
17 continuity of instruction and day to day school life.
18 One benefit of being the largest school district in
19 the nation is that we have the largest village of
20 dedicated adults prepared to step up for our young
21 students. The vaccine mandate is a critical
22 component of our multilayered CDC aligned protocols
23 that we are keeping our school safe with and running
24 smoothly with. These include mandatory masking,
25 maintaining distance, enhanced ventilation, testing,

2 daily screening requirements, and also the education
3 of our young people or, as to the important of it,
4 the establishment of routines, how they move about,
5 how they stay safe. So, from the beginning of this
6 pandemic, we have been continually learning and
7 adapting to circumstances as well as listening to the
8 guidance of our trusted health experts. Being
9 nimble, in order to do what is best for our students,
10 has been essential to navigating these unprecedented
11 times. To this end, we recently changed our
12 quarantine policy to align with CDC guidance. When a
13 positive COVID 19 case is confirmed in a classroom,
14 we no longer automatically close that classroom
15 provided everyone has remained masked and maintained
16 at least three feet of distance from whomever has
17 tested positive. That change ensures that our
18 students are able to remain learning in person in
19 their classrooms safely. In addition, we increased
20 our testing frequency to weekly from biweekly and
21 have the capacity to deploy additional resources
22 where they may be needed. As always, we will
23 continue to make adjustments as needed to respond to
24 the data we constantly gather so that our school
25 buildings remain the safest places to be in the city.

2 Everyone throughout our entire school system has been
3 hard at work to make our first day of school in this
4 school year-- this memorable school year-- our
5 homecoming safe and successful. Thanks to the multi-
6 tiered approach that combines vaccinations,
7 ventilation, mask mandates, enhanced cleaning
8 techniques, testing, our Situation Room that
9 operationalizes quarantine and closure policies, and
10 all signs to date indicate that our system is
11 working. We, again, are educating and reenforcing
12 with our students and our staff the importance of
13 taking the steps that they need to take to maintain
14 safe and wellness. Students, as you know, Chair, are
15 become those that respond to routine and patterns.
16 They also respond to rules. They understand that we
17 have the ability of teachers-- you and I were
18 teachers-- to ensure that we continue to inculcate
19 and also explain the why of why we're doing certain
20 things in importance. So, again, I'm grateful to
21 every staff member, many of whom work around the
22 clock and continue to work around the clock striving
23 to make this year safe and successful as our school
24 communities reconnect. I want to thank you for your
25 time and I'll be happy, along with my esteemed

2 colleagues, to answer as many questions as you have
3 today. Thank you.

4 CHAIRPERSON TREYGER: Malcolm, just
5 confirming, we're not hearing any additional opening
6 statements? Is that correct? Is that just from DOE?

7 COMMITTEE COUNSEL: That's correct.
8 Just the First Deputy Chancellor testifying. Right.
9 So you can go to your questions.

10 CHAIRPERSON TREYGER: Thank you. Thank
11 you very much. Thank you, Deputy Chancellor, and to
12 all those who have joined us today on the hearing. I
13 want to actually just first direct some questions to
14 the Health Department and I do, obviously have
15 questions for DOE, as well. Dr. Easterling, Deputy
16 Commissioner, thank you for your attendance here
17 today. I just want to just sort of get certain
18 things on the record. New York City, our five
19 boroughs, our five counties, we remain in a high
20 transmission area for the Delta variant. Is that
21 correct?

22 DR. EASTERLING: So, what I can say is
23 that the data has been, you know, moving in the
24 downward trajectory. We are seeing changes in our
25 transmission level. Just for everyone's awareness,

2 CDC has categorized transmission as being high,
3 substantial, moderate, and low. And so, we are
4 seeing a number of days that we move from high to
5 substantial transmission-- meaning that our cases
6 are actually between 100 and 50 per day which is
7 really good. And we are seeing that improvement also
8 happening in some of the boroughs, as well. So, I
9 would actually say that we are seeing a downward
10 trend in the direction of our COVID cases stabilizing
11 and our hospitalizations.

12 CHAIRPERSON TREYGER: And I don't think
13 there was anyone that would disagree that we want to
14 get to zero. We want everyone to be healthy and safe
15 and to move on, but just to answer my question
16 clearly, are we still classified in this moment in a
17 high transmission state?

18 DR. EASTERLING: Just to be clear, so
19 when you say high, the category would be substantial.

20 CHAIRPERSON TREYGER: Substantial.

21 DR. EASTERLING: Yes.

22 CHAIRPERSON TREYGER: So we are still
23 classified in a substantial category. Is that
24 correct?

2 DR. EASTERLING: Now a substantial
3 transmission. Yes.

4 CHAIRPERSON TREYGER: And just, again,
5 for the record, the Delta variant is more contagious
6 than the original COVID virus. Is that correct?

7 DR. EASTERLING: Yes. That is correct.
8 Yes. The Delta variant is more transmissible and can
9 cause more severe illness compared to the classic
10 COVID or SARS CO-V2.

11 CHAIRPERSON TREYGER: Right. And the
12 Delta variant has, as we've seen reports in data, has
13 had an impact on young children, particularly kids
14 who are not of vaccination age. Is that correct?

15 DR. EASTERLING: I think that that we
16 still are looking at the data and what we know is
17 that, certainly, with the Delta variant, because it
18 can cause great transmission and hospitalization,
19 certainly concerned about the most vulnerable,
20 particularly those with underlying chronic conditions
21 and with our older population. And I think this is
22 certainly because we know that, due to the
23 immunization and lack of antibodies, we know that
24 thinks can change over time. Now, related to
25 transmission, we're going to start to see, you know,

2 certainly higher cases among younger children, as we
3 know that is going towards and directed towards
4 individuals that are unvaccinated and so that is why
5 it is really important that we increase our
6 vaccination rates for those that are eligible.

7 CHAIRPERSON TREYGER: But just for the
8 record, Dr. Easterling, Dr. Fauci, who is, in many
9 respects, still a respected national health leader,
10 has recently stated that, in some respects, the
11 government maybe underestimated the impact of
12 Delta's impact on young children. Have you heard
13 that?

14 DR. EASTERLING: I have heard that and,
15 certainly, Dr. Fauci is certainly respected in the
16 field. So I would agree with you there. And I have
17 also heard the statement, as well. But I also know
18 that, you know, sometimes things are taken out of
19 context. And so, it's really important that we
20 continue to look at the whole picture and, certainly,
21 we continue to look at all aged populations. I think
22 there are certain categories that we are continuing
23 to be concerned about: our older population, yes, our
24 younger population, and, certainly, those with
25 underlying chronic conditions.

2 CHAIRPERSON TREYGER: Okay. Dr.
3 Easterling, Commissioner, we held a hearing on
4 September 1st where the Health Commissioner
5 testified, you know, with us that he was very much a
6 part of the team that came up with the original
7 health and safety protocols for our schools where the
8 guidance and the rules stated that if there was one
9 positive case in an elementary school class where the
10 young children are not vaccinated, that the entire
11 class would be shifted to remote or would have to
12 quarantine for 10 days and that there would be
13 instruction-- live instruction for them remotely.
14 And he defended it pretty strongly calling this the
15 gold standard. That this is what, quite frankly,
16 even prior to the hearing, I had a briefing zoom with
17 senior health officials defending standing by that
18 policy as the gold standard. Tell me, Deputy
19 Commissioner, what changed after just one week that
20 we went from a policy of moving the class-- one
21 positive case in an elementary school class and
22 shifting to remote to now a very, I would argue, a
23 very more ambiguous dynamic that many schools are
24 telling me about on a daily basis? But just tell me
25 from your words, were you a part of the team that

2 came up with the original policy and what changed
3 after one week?

4 DR. EASTERLING: Yeah. So, certainly.
5 I'm always in conversation with our commissioner. We
6 have been a part of the meetings. This is very much
7 a unified front. Two things. And I certainly
8 remember the conversation. The commissioner was
9 clear. We are always looking at the data and it's
10 really important that we continue to do so and the
11 commissioner made that clear also on the hearing.
12 And, two, with the announcement of the original
13 quarantine policy, we knew that it always had to
14 layered in with a strategy to ensure that we included
15 all of the other mitigation strategies that we know
16 that work. And so, the protocols related to masking,
17 maintaining distance, enhanced ventilation, those are
18 always a foundation and, I think, as we continue to
19 look at the data, we knew that this was an
20 opportunity to really align with CDC guidance which
21 we always wanted to-- you know, I think we always
22 understood that this was really important that we do
23 and--

24 CHAIRPERSON TREYGER: Commissioner,
25 respectfully--

2 DR. EASTERLING: Sure.

3 CHAIRPERSON TREYGER: Within one week,
4 the health team said that this policy is not working
5 effectively and you changed. What changed? What
6 specifically can you point to that said we need to
7 now scrap this gold standard policy and move to
8 something else? What is the data point that said--
9 that struck you as a health professional that said
10 this is not working for our school system?

11 DR. EASTERLING: Again, it's not one data
12 point. Again, I think it's the items I've already
13 laid out, looking at the data, ensuring that we're
14 aligning with all the other protocols, and ongoing
15 conversations around how our policy is going to make
16 sure that we're going to continue to keep our kids
17 safe. Keep them in school, making sure that they are
18 engaged in a safe learning environment. And I think
19 that this quarantine policy continues to do so and so
20 I think that we always want to give ourselves some
21 room that there will be changes that will allow us to
22 keep-- you know, make sure that we're keeping our
23 kids safe in the community.

24 CHAIRPERSON TREYGER: And, Deputy
25 Commissioner, would you agree that changing the

2 policy after defending the original one for weeks or
3 for a period of time as the gold standard, do you
4 agree that that could impact trust that the public
5 has in the health and safety protocols and changing
6 it not even a week past the first week of school?

7 DR. EASTERLING: You know, I think it's
8 really important that we do continue to make sure
9 that we're messaging, that we are clearly outlining
10 the ways in which we are making these decisions
11 around our policy around health and safety. And the
12 gold standards are those three ways. Looking at our
13 data, making sure that we're communicating really
14 effectively, and we have a really robust strategy and
15 that multilayered strategy is the gold standard. And
16 we're going to just continue to do so to make sure
17 that parents know that we want to keep our kids safe
18 and our staff safe, as well.

19 CHAIRPERSON TREYGER: Let's take a deeper
20 look at the multilayered strategy. Malcom, can you
21 put back up on the screen the photograph of how the
22 DOE measures three feet.

23 COMMITTEE COUNSEL: It will take just a
24 moment. I have to bring it back up. So--

2 CHAIRPERSON TREYGER: Sure. Well, Deputy
3 Commissioner, did you have a chance to look at the
4 photograph I shared earlier on which Malcolm will put
5 back on momentarily? This is a question for the
6 health commissioner, Dr. Easterling. Did you have a
7 chance during my opening statement to look at the
8 photograph I shared? Oh. Here it is now.

9 DR. EASTERLING: Yes. I did see the
10 picture.

11 CHAIRPERSON TREYGER: Right. So, it my
12 understanding that the Department of Education, in
13 which I'll be questioning them shortly, measures
14 three feet from nose to nose. From center of the
15 desk to center of the desk. And, Dr. Easterling, I'm
16 going to put my hat on now. I was a teacher. I
17 could tell you that it would be a challenge for me to
18 even get through that space between these two desks.
19 In your professional opinion as a doctor and as a
20 public health official, do you believe that that is
21 sufficient space when we talk about a multilayered
22 gold standard package. In your view, is that
23 sufficient space between two students?

24 DR. EASTERLING: Yeah. What I can say is
25 that I know that this is the process that I know that

2 our DOE colleagues will speak to about how they are
3 insuring to keep three feet. I do not know this
4 specific example and I know that you are showing the
5 picture, but, again, I think it is important for us
6 to lay out the process in order to ensure that we are
7 maintaining three feet in the spaces, in classrooms
8 and in cafeterias, and I think that my DOE colleagues
9 will make sure to give you more details there.

10 CHAIRPERSON TREYGER: Well, how much does
11 say you see this picture. Does that look sufficient
12 to you? Does that work like sufficient social
13 physical distance between two students?

14 DR. EASTERLING: You know, again, I don't
15 know the exact details on how it is been laid out,
16 but, again, my DOE colleagues can really speak to the
17 more detail there.

18 CHAIRPERSON TREYGER: Well, I could tell
19 you I am not a doctor or public health official. As
20 an educator, I would not have enough space to walk
21 through those two desks and it is my understanding
22 that that is how they are now measuring 3 feet
23 distance between students between nose to nose and
24 center of the desk and center of a desk.
25 Instructionally, that's not good and I can tell you

2 that, you know, as far as a person able to walk
3 through this space, but as far as public health,
4 about me you would not look like adequate physical
5 distance and what that allows the DOE should do,
6 which I will get to momentarily, is used to fit more
7 desks into spaces because we have overcrowded schools
8 and classrooms. In that, in my opinion, is not part
9 of a gold standard multilayered approach to keep
10 students, staff, and schools safe. That actually
11 puts kids and staff at risk of being in compliance
12 because they lose my understanding that what allowed
13 the administration to make the change after one week
14 was saying that, look, we are complying with CDC
15 guidance. I read the guidance. The guidance states
16 that that is as long as you are maintaining, you
17 know, safe physical distance throughout the day and
18 masking throughout the day, which is a whole other
19 conversation. That, in my opinion, is not adequate,
20 safe, adequate three feet physical distance.

21 DR. TED LONG: Chair Treyger?

22 CHAIRPERSON TREYGER: Please. Go ahead.

23 DR. TED LONG: This is Ted. I didn't
24 mean to interrupt you.

25 CHAIRPERSON TREYGER: Sure.

2 DR. TED LONG: I have a few thoughts if
3 I might be able to jump in.

4 CHAIRPERSON TREYGER: Absolutely.
5 Please.

6 DR. TED LONG: So, with the CDC
7 guidance, the way it reads his if you have two
8 students, one is case and one is a student sitting
9 next to the case in any direction, if there 3 feet or
10 more apart, they knew they are both wearing masks,
11 then the immediate person, that is the ruler on
12 either side of the picture you just showed would not
13 be, per the CDC, be considered a close contact. But,
14 in addition to that, in a picture even outside of the
15 immediate zone in the picture that you showed, or at
16 the CDC is also saying is that if you look at-- if
17 the bottom left student owes the case, the students
18 then seats backwards. In our previous policy, we
19 would have been quarantining whereas, now, even if we
20 want to talk about the student immediately next to
21 the case, we previously were quarantining the student
22 10 seats backwards whereas now we would not be
23 because we, per CDC, the student owes so far back
24 that it is unlikely that they were going to be
25 transmitted the virus by the student, you know, 10

2 seats forward at the front of the classroom. So,
3 there is no two pieces of the CDC guidance that I
4 just wanted to be clear about that I think are
5 important. And as we evaluate with contact tracing,
6 we look at both of those different scenarios both
7 seeing who is three feet and meeting the criteria
8 with reliable mask wearing, but also who also zone
9 the classroom that my, if they are low risk, would
10 benefit from being able to come from continued in
11 person education every day whereas, previously, that
12 was not the case.

13 CHAIRPERSON TREYGER: But, Dr. Long, in
14 your professional opinion as a public health
15 official, does that look, in your opinion, should be
16 sufficient space between two students? I mean, I
17 understand the thing about cases. I'm talking about
18 multilayered strategies to keep kids in staff save
19 when one part of it so safe and physical distance of
20 at least three feet. Does that work to you, in your
21 opinion the way they are measuring-- first of all,
22 are you aware-- Let me take a step back. Are you
23 aware that the DOE is measuring three feet from nose
24 to nose, center of a desk to center of a desk? Are
25 you aware of that?

2 DR. TED LONG: Yes. We're aware of it
3 and we've discussed this with DOE and both Test and
4 Trace and the Department of Health. And when you're
5 looking at CDC-- and I have the guidance in front of
6 me and the exact quote is: "the close contact
7 definition excludes students who are between three to
8 six feet of an infected student". So, you need to
9 make a determination of what that three feet is. CDC
10 does not say anything about measuring, for example,
11 from the side of the desk to the side of the desk.
12 They look at their unit as the student or a person 3
13 feet from another person. So, if you are looking to
14 determine what is three feet between two individuals,
15 knows two notices, I think, a reasonable way to do
16 that. One thing you said, though, which is really
17 important and I want to really emphasize this is that
18 this is all contingent upon there being appropriate
19 and consistent mask wearing throughout the day. This
20 all does not apply if we can't confirm definitively
21 that the students were both wearing masks
22 appropriately. And that is why the multiple layers
23 of protection really matter. It's not just testing
24 that will prevent transmission in our schools. It is
25 pillar, but it is about mask wearing. It's about

2 making sure the distancing is appropriate there. And
3 is about ventilation. It is about everything else
4 that we have done in totality across. So, I just
5 wanted to make the point that you brought up a
6 really, really important point there, though, that it
7 is not just about what the ruler shows there. It's
8 about confirming all those other things in order to
9 say that we believe that the CDC guidance here is
10 applicable.

11 CHAIRPERSON TREYGER: So, I mean, it is
12 quite something for us to even have a conversation of
13 how we are measuring three feet, but I can tell you,
14 Dr. Long, that this photograph does not instill
15 confidence for me and I'm sure that, for many of
16 those who are watching, as an educator, I'm sharing
17 with you that that would not even be sufficient space
18 for me to walk through a class and part of being a
19 teacher is, you know, proximity, walking around the
20 room and checking in on students' work. That would
21 be a challenge for me to even get through. So, as an
22 educator, I could tell you that that is quite a bit
23 of a challenge, but if a parent or someone is
24 watching and looking at this photograph, this does
25 not instill confidence that kids are adequately,

2 safely, physically distancing and this allows the
3 department to fit more desks into spaces which, I
4 think, causes greater, greater concern. But I'm
5 going to move on because we are a part of this
6 multilayered approach. Let's get to the testing.
7 Can someone report to me now the number of testing
8 consent forms that the city of New York is in receipt
9 of at this moment?

10 DR. TED LONG: This is Ted. I'll defer
11 to DOE on the consent forms. I can share with you
12 any of the testing data about number of tests we have
13 performed, number of positive cases we've found. But
14 I'll defer to DOE--

15 CHAIRPERSON TREYGER: Dr. Long, it's a
16 very specific question because I asked this question
17 quite a bit and we still have not really gotten an
18 answer. How many--

19 FIRST DEPUTY CHANCELLOR CONYERS: Yes.

20 CHAIRPERSON TREYGER: testing consent
21 forms do we have to date?

22 FIRST DEPUTY CHANCELLOR CONYERS: Chair, we
23 have 192,705 consent forms to date.

24 CHAIRPERSON TREYGER: So, you said
25 192,000 how many?

1 COMMITTEE ON EDUCATION

45

2 FIRST DEPUTY CHANCELLOR CONYERS: 705.

3 CHAIRPERSON TREYGER: 705.

4 FIRST DEPUTY CHANCELLOR CONYERS: On file.

5 CHAIRPERSON TREYGER: On file.

6 FIRST DEPUTY CHANCELLOR CONYERS: Yes.

7 CHAIRPERSON TREYGER: And, Deputy

8 Chancellor, does that number include consent forms

9 from last year?

10 FIRST DEPUTY CHANCELLOR CONYERS: No. It

11 does not.

12 CHAIRPERSON TREYGER: Those consent forms

13 from last year, they have expired. Is that correct?

14 FIRST DEPUTY CHANCELLOR CONYERS: That is

15 correct, Chair.

16 CHAIRPERSON TREYGER: And 192,705. And

17 how many students do we have enrolled in the school

18 system at this time?

19 FIRST DEPUTY CHANCELLOR CONYERS: Well, we

20 are going to be doing our preliminary audit as of

21 October 31st and then our final audit in the spring,

22 so I don't have that number to give you.

23 CHAIRPERSON TREYGER: So, Deputy

24 Chancellor, I just want to-- Look, you're an

25 educator. You have climbed the ranks. I

2 congratulate you, Deputy Chancellor, and you've been
3 very responsive to me and gotten back to me. I can't
4 buy this as an answer. I'm very familiar with
5 October. I'm very familiar with the October
6 register. Those numbers are for budgetary reasons
7 for schools. About if a kid shows up at least once
8 in the month of October, the school gets money for
9 that student during that month. The DOE still knows
10 how many kids they have in their system. If you tell
11 me that the DOE does not magically know now, that is
12 just unfathomable to me. That is-- I cannot accept
13 this as an answer, so I'm going to ask, again,
14 respectfully. How many students do we have currently
15 enrolled in our public school system?

16 FIRST DEPUTY CHANCELLOR CONYERS: And I
17 will respectfully say to you that I don't have that
18 number to give you at this moment, Chair. I've given
19 you our practice, what we do vise a vie October 31st
20 and then our final audit and I don't have that number
21 at this moment to give you.

22 CHAIRPERSON TREYGER: So, this is why
23 we're moving in the direction of passing bills and
24 legislation to require the report of information
25 because this should be basic. This shouldn't be

2 controversial, quite frankly. The fact that we don't
3 share how many kids are enrolled in our school system
4 right now is unacceptable to me and, also, quite
5 frankly, further erodes trust with the public because
6 you shared with me a number of 192,705. If we used
7 data from previous school years, over a million kids
8 or so, these are not very reassuring numbers. I also
9 want to share with you that there are some schools, I
10 hear from school principals, that have over 1500
11 students where under 100 kids have returned their
12 consent forms that they haven't even met the 10
13 percent threshold. Can you share with me whether 100
14 percent of our schools have met the 10 percent
15 threshold for testing?

16 FIRST DEPUTY CHANCELLOR CONYERS: Well,
17 we're going to have to get back to you on that data.
18 You're asking for schools that have surpassed or met
19 the 10 percent threshold, I don't have that data in
20 front of me, Chair.

21 CHAIRPERSON TREYGER: So, we need this
22 information, Deputy Chancellor. And I just go back
23 to Dr. Easterling, Dr. Long, as part of your
24 multilayered gold standard package, look at what's
25 happening here. We don't know if all of our schools

2 have met the threshold of at least 10 percent. I
3 shared with you that, in one school that I've been in
4 touch with, under 10 percent have met that threshold
5 where they can't adequately test the number of kids
6 needed.

7 FIRST DEPUTY CHANCELLOR CONYERS: Well,
8 we--

9 CHAIRPERSON TREYGER: Please. Go ahead.

10 FIRST DEPUTY CHANCELLOR CONYERS: I'm sorry
11 to cut-- This is part of our campaign that we are
12 every day encouraging parents and students to step up
13 to-- and parents to sign that consent. It is not
14 something that we are overlooking. We are pushing
15 every day. This, of course, we need parental consent
16 to sign for the consent to acknowledge for the
17 testing and where we are finding resistance, we'll
18 continue to push, therefore, I can't give you a
19 number today. I realize what you are pushing and
20 asking for and it's important, but I don't have a
21 number to give you, but I can tell you that we are
22 continuing our consent campaign along with our
23 vaccination campaign so that we can also meet one of
24 the pillars in our multilayered approach.

2 CHAIRPERSON TREYGER: Deputy Chancellor,
3 the number 192,705, these are the students that
4 returned consent forms this year, you said. Are all
5 of these student unvaccinated?

6 FIRST DEPUTY CHANCELLOR CONYERS: Yes.
7 That's a part of the-- And I'll ask Commissioner
8 LaRocca if she'll speak to that, but the question--
9 the answer is yes to that.

10 CHAIRPERSON TREYGER: All right. So, all
11 these kids or students that returned the forms, these
12 are all unvaccinated. Is that correct?

13 FIRST DEPUTY CHANCELLOR CONYERS: As a part
14 of-- Yes. Commissioner LaRocca, if you would step
15 in?

16 COMMISSIONER LAROCCA: Sure. If you would
17 mind repeating the question, Chair? I apologize.

18 CHAIRPERSON TREYGER: Sure, Commissioner.
19 So, the question is that the Deputy Chancellor
20 testified that 192,705 students to date have returned
21 a testing consent form back to the administration,
22 allowing them to get tested in schools. The question
23 I asked is are all of these students who returned
24 these consent forms, are all of them unvaccinated
25 students?

2 COMMISSIONER LAROCCA: As far as I
3 understand, yes. But, Ted, please correct me-- or
4 Dr. Easterling, correct me if I am wrong. I'd like
5 to bring my doctors in here.

6 DR. TED LONG: Nothing to add here,
7 Chair.

8 CHAIRPERSON TREYGER: So, I'm sensing
9 that there are some folks that think this is right or
10 not sure that this is right. Can anyone just clarify
11 for the record?

12 FIRST DEPUTY CHANCELLOR CONYERS: No. It
13 is absolutely correct. Those that-- The consent
14 forms are those that are unvaccinated. That is
15 correct.

16 CHAIRPERSON TREYGER: How many-- Do we
17 have a number? I asked this question at the hearing
18 on September 1st. How many DOE students who are of
19 vaccination age, how many of them are vaccinated at
20 this time?

21 FIRST DEPUTY CHANCELLOR CONYERS: In terms
22 of the students, I would say that, citywide, we are
23 like at about 74 percent of our students 12 and up.
24 The ages.

2 CHAIRPERSON TREYGER: So, Deputy
3 Chancellor, last time I asked this question--

4 FIRST DEPUTY CHANCELLOR CONYERS: Chair,
5 I'm so sorry.

6 CHAIRPERSON TREYGER: Sure. Go ahead.

7 FIRST DEPUTY CHANCELLOR CONYERS: The
8 citywide vaccination rate is 74 percent. That is
9 what--

10 CHAIRPERSON TREYGER: Right. And that I
11 sort of the answer we got in the last hearing, but
12 that did not really give us a picture of the DOE.
13 It's, you know, now families have had an opportunity
14 or should have had an opportunity and the system
15 should have been encouraging them to go onto the
16 online portal-- which there are still some questions
17 and issues about-- to indicate vaccination status of
18 their child. So, can you share with us how many DOE
19 students have been vaccinated? DOE students.

20 FIRST DEPUTY CHANCELLOR CONYERS: I'm going
21 to call in Lauren Siciliano to support with that.
22 Lauren?

23 COMMITTEE COUNSEL: Bear with me one
24 moment. We're going to unmute her.

2 FIRST DEPUTY CHANCELLOR CONYERS: Okay.
3 Thank you.

4 COMMITTEE COUNSEL: Thanks. There we
5 go.

6 LAUREN SICILIANO: Morning. Can everyone
7 hear me okay?

8 COMMITTEE COUNSEL: Yes.

9 LAUREN SICILIANO: Thank you. It is a
10 pleasure to be here. Thank you so much for giving us
11 an opportunity to talk about the work that we are
12 doing to keep our students and our staff safe. So in
13 terms of the vaccination data for students, you're
14 absolutely correct that parents can upload to the
15 vaccination portal proof of vaccination for their
16 student-- obviously, for students who are old enough
17 to get vaccinated. That data, though, that
18 principals receive for the school is really used for
19 two primary purposes: it's for students who are
20 participating in PSAL or students who need to
21 participate in other high risk activities. Other
22 high risk extracurricular activities that require
23 vaccination. So, that information is not a complete
24 picture of the vaccination rate for students so

2 that's why, in terms of the total percentages, it's
3 why we use the city average.

4 CHAIRPERSON TREYGER: So, Lauren, last
5 time we had a hearing, you had mentioned that the
6 city has this data two ways. Number one, through
7 what they indicate through an online portal. Number
8 two, you crosscheck it with a central database that
9 the Situation Room and others have access to. Do you
10 recall that--

11 LAUREN SICILIANO: Yes. Absolutely. And
12 that is absolutely accurate. Yes.

13 CHAIRPERSON TREYGER: Right. So as of
14 this moment, having your two sets of data, how many
15 DOE students are vaccinated-- not citywide, just DOE
16 students?

17 LAUREN SICILIANO: Yeah. So, those two
18 data sets that you are talking about, there are still
19 students who are not captured there because the city
20 database only captures students-- if they were
21 vaccinated while outside of New York City, they
22 wouldn't be captured there. So, the data that we're
23 pulling in, even though it's incomplete, it is still
24 extraordinarily useful to principals for the purposes
25

2 that I've mentioned. But it's not a comprehensive
3 sure of the total vaccination rate.

4 CHAIRPERSON TREYGER: Right. Lauren, I
5 appreciate that. I would just love an answer to the
6 question: how many DOE students are vaccinated right
7 now?

8 LAUREN SICILIANO: I don't have that number
9 aggregated up at the central level because we were
10 giving it out school by school, but I'm happy to take
11 that question back and follow up.

12 CHAIRPERSON TREYGER: You see, this is,
13 you know, critical information for a number of
14 reasons. Number one, to be a part of a multilayered
15 approach to keep kids and staff safe, but this is
16 also about instilling trust and confidence in parents
17 and school communities and the fact that you don't
18 have today basic information available to the
19 committee and to the public, it's just this is just
20 not acceptable. And I also have to say that when I
21 asked before about whether or not all of the students
22 who returned their consent forms, whether or not
23 these are all vaccinated or unvaccinated. The
24 unvaccinated information is important so that we know
25 what percentage of unvaccinated students have

2 consented. That's the key part to this multilayered
3 approach and I am just not hearing it. And I have,
4 quite frankly, greater concerns with the lack of
5 information and transparency that we have here today
6 and that's why we need to move in the direction of
7 requiring this to be reported out. This is why, you
8 know, we need to get this information and we will one
9 way or the other. I want to just move on, quickly,
10 to the implementation of the mandate impact on
11 staffing in schools and then I'll turn to my
12 colleagues who have been very patient. So, the
13 administration has said repeatedly that-- and I want
14 to say, again, for the record, that I support the
15 vaccine mandates for our school communities. It does
16 keep kids and staff safe and I applaud-- I want to
17 public applaud every member of our school community
18 who did the right thing for their health, the health
19 of their family, their school, and their community by
20 getting vaccinated. I thank them for their work and
21 their service and I also recognize the incredible
22 work of the school leaders because the Mayor made a
23 comment on television which really, I think,
24 demoralized many school leaders when he said that
25 those that had concerns about the implementation were

2 a part of an ideology opposing the mandates. That is
3 far from the truth. These principals and leaders
4 have been vaccinated from the beginning before the
5 mandate and they are working 24/7 to keep our kids
6 safe and supported. So, to all of our school leaders
7 and our school teachers and our school support staff,
8 everyone in the school community who has been working
9 around the clock to support our kids, we see you, we
10 hear you, we appreciate you. And we respect you and
11 we thank you and words will never be enough for the
12 work that you have put in on behalf of our children.
13 I want to say that publicly. But, Deputy Chancellor,
14 I want to ask about certain disconnect that I keep
15 hearing about on a daily basis. The Mayor talks
16 about having thousands of substitutes on call and
17 ready to go. I am hearing daily about the lack of
18 substitutes-- paraprofessionals, for example-- in
19 our school communities. Do you have data with you on
20 the number of paraprofessional positions that school
21 communities have requested of central to fill due to
22 the implementation of the mandate?

23 FIRST DEPUTY CHANCELLOR CONYERS: So, thank
24 you for that. I also want to join you in thanking
25 all of our DOE principals and all staff. As I've

2 said earlier, we don't take for granted any of their
3 contribution. In terms of the staffing for
4 paraprofessionals, I will turn to Lauren, but I will
5 say to you that, in that last couple of days, I'm
6 happy to report that we've brought on board staff--
7 800 paraprofessionals. And, Lauren, you'll be able
8 to speak more to this, please.

9 LAUREN SICILIANO: Thank you. And I
10 absolutely agree. We are just incredibly grateful to
11 our employees for their service and their dedication
12 to our school communities. I think, you know, for
13 all of us who work in any piece of the education
14 system, the reason we get up everyday is for our kids
15 and to support our students and families and so it
16 has just been so wonderful to see their incredible
17 efforts, especially over these past few weeks. And,
18 you know, our numbers show that the overwhelming
19 majority of staff, over 95 percent, are vaccinated.
20 To your question, Chair, about paraprofessionals in
21 particular, so there are paraprofessionals right now
22 are about 92 percent vaccinated and so that means
23 there are about 1700 who did not meet the mandate
24 deadline. To meet that need, we have deployed a
25 whole range of tools to make sure that schools have

2 what they need and we are continuing to iterate each
3 day and troubleshoot to make sure that each school
4 has what they need. So, on paraprofessionals,
5 particularly as Donald mentioned, we have a robust
6 pool of vaccinated substitute paraprofessionals and
7 we are continuing to grow that pool every day. We
8 are now up to just about 5800 vaccinated substitute
9 paraprofessionals available.

10 CHAIRPERSON TREYGER: Lauren? Lauren?

11 LAUREN SICILIANO: Yes.

12 CHAIRPERSON TREYGER: I say there's
13 respectfully and I also want to publicly thank you
14 for being always, whenever a question, you tried
15 again as the answer right away. I appreciate this.
16 But, again, on this issue, Thursday disconnect
17 because I hear that there are these thousands or
18 folks who are in this sub- central that are
19 vaccinated. Where are they when principals I speak
20 within my district and other parts of the city who
21 are short paraprofessionals and they call central,
22 they have not shown up to those schools?
23 Additionally, these principles, to their credit,
24 proactively found people for qualified, issued them
25 nomination letters, scented overdose central, and are

2 still waiting for them to get processed. So, where
3 are these thousands of sounds when I hear principles
4 tell me that they can't find any paraprofessionals
5 right now?

6 LAUREN SICILIANO: So, to your question
7 about the nominations-- and it's important one--
8 one of the big ways that we drive up this poor that
9 we increase the number of substitute
10 paraprofessionals available is exactly by processing
11 those nominations that schools do. And so, we're
12 expediting all of those nominations which is why we
13 saw that big increase in the numbers of subparagraph
14 available and it's-- once we get the nomination, the
15 application goes out of the paraprofessional to fill
16 it out, they get fingerprinted. So, it is not in
17 immediate receipt of the letter and then, all of a
18 sudden, they are cleared to work. It's important
19 that they come through those same background checking
20 vetting process that all of our other staff to come
21 as well, but we are absolutely expediting those to
22 make sure that we have that large part available and
23 that those substitute paraprofessionals that schools
24 have direct relationships with other first available
25 so that they can come to support the school.

2 CHAIRPERSON TREYGER: So, Lauren-- and
3 by the way, I hear everything that you're saying and,
4 of course, everyone has to pass, you know, the proper
5 checks. It is just that it speaks to the fact that
6 we needed to anticipate the fact that there was not
7 going to be 100 percent compliance across the board.
8 We want to get there at 100-- I agree-- and to give
9 the public further context, we're talking about
10 mandated service providers for students with IEP's.
11 Kids who absolutely are legally required to get
12 certain services to meet their educational plans and
13 goals. You know, this is not-- this is a critical
14 position in a school community and, Lauren, do you
15 have data on the number of requests made to you, to
16 central, on the number of requests for substitute
17 paras across the city? Do you have that data with
18 Theo?

19 LAUREN SICILIANO: So, the request for
20 substitute paras-- Someone may be using a sub para
21 for a whole range of reasons on a given day. For
22 example, obviously the vaccination mandate, if they
23 are short as the result of an employee that was able
24 to work prior to the mandate into lawyers not, if
25 someone is absent, but also just as a reminder all

2 paraprofessionals start as substitutes, so it's a
3 little bit different than teachers. So, some of the
4 substitute paraprofessionals who are working are
5 working in anticipation of ultimately converting to
6 be full-time paraprofessionals. So, what I do know
7 is that we have thousands of substitute
8 paraprofessionals working in our schools right now
9 for all of those reasons in order to make sure that
10 the students' needs are met and that the student has
11 the services that are, obviously, mandated on their
12 IEP with a qualified educator.

13 CHAIRPERSON TREYGER: Okay. And what I
14 know is that there's a school in southern Brooklyn
15 that is still down 10 paraprofessionals and they are
16 waiting for paras to get processed. There's a school
17 in the Bronx I spoke with that is down about eight
18 paraprofessionals and they're still waiting for paras
19 to get processed. So, which means that kids are not
20 getting the services that they rightfully and are
21 legally required to receive. So, what iron should
22 the DOE to do is to do everything they can to
23 expedite safely these applications and also those of
24 you who may not know, I was a para for a brief period
25 of time before becoming a teacher and there are

2 teacher applicants who have taken what is called the
3 LEST, one of the first part of the exams to be a
4 teacher. That automatically qualifies them to be a
5 para. So, if you are a teacher in waiting to be an
6 educator and are waiting to take all your exams and
7 finish all of the requirements, you can be a
8 paraprofessional at that point as long as you have a
9 bachelors degree and you pass the first part of the
10 teaching exams. So, NYCED [sp?] and the city can
11 work together to kind of move to get these people
12 into schools. And so, I think that there is a way
13 that they should be planning to kind of get folks who
14 are credentialed and who are qualified to get them
15 into the schools asap because I think you would
16 agree, Lauren, they each day a kid not giving
17 services and supports, you can't get that time back.
18 So, I think that that is so critical thing. I have
19 some more questions. I am mindful--

20 FIRST DEPUTY CHANCELLOR CONYERS: Well,
21 Chair?

22 CHAIRPERSON TREYGER: Yep. Yes. Please.

23 FIRST DEPUTY CHANCELLOR CONYERS: May I
24 just add--

25 CHAIRPERSON TREYGER: Yes.

2 FIRST DEPUTY CHANCELLOR CONYERS: May I
3 just add this? We have an abundant number of
4 substitute paraprofessionals. I'm willing and very
5 happy to take those schools that you've identified in
6 the South Bronx and in your home district. We have a
7 surplus number of paraprofessionals. We also have
8 other supports that we can bring to bear in the
9 situation in the school of certified personnel to
10 fulfill the responsibility that we have. So, I don't
11 want the viewing public to think that we're just
12 being negligent and just ignoring the issue here and
13 I understand your sensitivity, but I also want you to
14 appreciate my position on this in that we are
15 standing here today with an excessive number of
16 paraprofessional substitutes that we are ready to
17 dispatch him deploy. I would love to know which of
18 those schools, especially in district 21 or wherever
19 the district is so that we can respond appropriately.
20 Thank you.

21 CHAIRPERSON TREYGER: And I share with
22 you, Deputy Chancellor, the superintendents not just
23 in my district, but across the boroughs, are aware of
24 this dynamic and they also acknowledge that-- then I
25 hear you today that there are thousands of folks that

2 are in a portal that claim to be available. The
3 issue is that when they call central when they call
4 sub central, the folks just don't show up and that is
5 the issue. So, you have people in a database, a
6 number, they: they're just not coming. But I'll be
7 happy to speak to you further off-line about these
8 challenges. I want to quickly ask Commissioner
9 LaRocca, who's been very patient, and then I'll turn
10 to my colleagues. I know that they've been very
11 patient, as well. Commissioner LaRocca, first, I
12 want to acknowledge and thank you for your service
13 who happens to be the Buildings Commissioner in the
14 City of New York and taking on major massive
15 additional responsibility for our school communities.
16 Commissioner, I'll ask you this way. Why am I
17 hearing from principals that they're on the phone
18 with your staff 11 o'clock at night to deal with
19 contact tracing and ensuring that we're getting the
20 right information out to families about positive
21 cases and other critical information about schools?
22 Why are calls going deep into the night? 11 o'clock
23 at night?

24 COMMISSIONER LARocca: Sure. Thank you,
25 Chair, for the entry to that question. I, like my

2 colleagues, certainly appreciate the gravity of the
3 situation we're in and what we're all striving to do.
4 So, it is truly my pleasure to be here and to play a
5 role in keeping our students in their buildings
6 safely as well as their staff in those buildings, as
7 well. So, with respect to the question, as you know,
8 Chair, we stive to ensure that our principal and our
9 school leaders are supported and that we see to it
10 that we move the cases through and complete them on
11 the same day that we're able to verify. And so our
12 goal is to get to verification as quickly as possible
13 and then ensure that school leaders have the
14 information they need to move forward. And as we are
15 now in our third week or so of school, we are looking
16 at our staffing levels and ensuring that we have
17 folks positioned where we need them in order to
18 relieve everyone's work as quickly as possible. So,
19 we made additional increases in our staffing to
20 accommodate the cases and the ebbs and flows of those
21 to ensure we're able to provide principals and school
22 leaders with the information they need as quickly as
23 possible.

24 CHAIRPERSON TREYGER: And I want to say
25 this for the record and there's a lot to unpack

2 there, but I know that there was some folks that were
3 asking and question about the Situation Room not
4 working past 3:30 p.m. or a certain time. And
5 there's an issue there about maybe the intake of new
6 cases past 3:30 p.m., but the folks in the Situation
7 Room are working past 3:30 p.m. I can confirm his
8 because I get calls from and text messages from
9 school leaders very late at night that they are on
10 the phone with the Situation Room. The question is,
11 Commissioner LaRocca, is that at the previous hearing
12 I had, the Health Commissioner testified that he
13 would be dedicating or the Health Department would be
14 assigning Health Department staff to conduct this
15 type of work where they would call them whether
16 disease detectives-- and he didn't give us a number
17 of how much staff they would dedicate to this. But
18 what is happening now, just to kind of give the
19 public a broader view, you have principals, assistant
20 principals, teachers, others becoming de facto
21 contact tracers where they're on the phone with the
22 Situation Room all hours of the day and into the
23 night going over seating charts, who sat next to
24 who? Was the mask on for 15 minutes or more? And
25 they have to call then the parents to give them the

2 update and to get them the right information and that
3 is very time consuming and, you know, everything we
4 are doing here is about getting kids educated and
5 serviced and supported in school. That's taking time
6 away from a principal, an AP, a teacher, support
7 staff to support the kid. That should not fall on
8 the responsibility of school staff. Where is the
9 Health Department? So, I want to ask Deputy
10 Commissioner, Dr. Easterling, how much Health
11 Department staff-- and also Dr. Long-- How much
12 staff from your team are currently assigned full
13 time-- not part time, full time-- to the DOE to
14 keep our kids and staff safe? Did you have a number
15 of staff?

16 DR. EASTERLING: Well, I'll start and
17 then welcome Dr. Long to chime in, as well. You
18 know, as Deputy Chancellor Conyers has mentioned,
19 this is very much a collective process through our
20 situation Room with our colleagues at DOE, Test and
21 Trace, and many of our staff across multiple
22 agencies, including DOHMH. There are well over 100
23 staff who are really involved in conducting case and
24 school investigations, not just contact tracing but
25 all of the, you know, work that you have already sort

2 of laid out, Chair Treyger. Because we do want to
3 make sure that we are supporting and making sure that
4 we are getting the information. There are multiple
5 sources of information. We don't just rely on
6 teachers. We also rely on getting information from
7 the community, as well, and home to make sure that we
8 are making, you know, and informed decision on what
9 we understand and how someone actually has become
10 infected. So there are lots of hours and all of the
11 staff that are in the Situation Room to really get
12 this work done. But also, as you mentioned, all of
13 the staff and school, as well, who will help provide
14 this information which is really important.

15 CHAIRPERSON TREYGER: So, if I hear you
16 correctly-- And, again, I do want to say, for the
17 record, I appreciate all the city workers working
18 hard to keep kids and staff safe and I want to say
19 that. The question is: is it enough? I don't think
20 it is. Just, if you said again, it's 100 Health
21 Department staffers that are assigned to schools full
22 time. Is that correct?

23 DR. EASTERLING: The number is over 100.
24 Not just Health Department. Again, including our
25 Test and Trace colleagues, some of the contact

2 tracer, we have clinical staff, epidemiologists, data
3 experts. So there are multiple varied roles that go
4 into making sure-- Go ahead.

5 CHAIRPERSON TREYGER: So, are you
6 comfortable, then, knowing that-- and tell me how,
7 as a public health official-- I just shared with
8 Commissioner LaRocca and the public that, basically,
9 Principals, AP's, teachers, support staff are the
10 ones communicating mainly with families about what
11 happened in the school, who is a close contact, who
12 is not and so forth. Parents, inevitably, have a lot
13 of questions about that. Teachers, principals are
14 not public health experts. They are not public
15 health experts. They are not health officials. They
16 are asked very specific health-related questions and
17 they want to make sure that they get it right. But,
18 number one, they are being pulled from instruction
19 which is their main job is to educate our kids. But,
20 number two, they are not health experts. They're not
21 licensed in this field and they are being tasked with
22 answering very important questions that families come
23 up during these contacts. So, have you heard and how
24 do you feel about hearing that teachers and
25 administrators are the ones really dealing with

2 families on these health-related questions and not
3 really health officials that actually know this work
4 at a very granular and important level.

5 COMMISSIONER LAROCCA: Chair--

6 DR. EASTERLING: Go ahead.

7 COMMISSIONER LAROCCA: Chair, if I may?

8 CHAIRPERSON TREYGER: Yes.

9 COMMISSIONER LAROCCA: And certainly
10 would love to bring in Dr. Ted Long, as well, into
11 the competition because I do think it's important to
12 speak about the issues you're raising, Chair, the
13 notion of tracing and how that folds in, as well,
14 and, importantly, into the activities at the
15 Department of Health is doing with respect to not
16 only the Situation Room, but more broadly. And I do
17 want to just make sure we're acknowledging those two
18 very important roles here. So, if you don't mind,
19 Chair, I would like to just bring in Dr. Long to add
20 on to Dr. Easterling's remarks.

21 CHAIRPERSON TREYGER: Sure.

22 DR. TED LONG: Yeah. Chair, and this
23 is Ted. If I may start by saying I really appreciate
24 your question. I am a father of two children myself
25 and I can't claim to have your same claim to fame

2 with you're eight years being an educator yourself of
3 world history and government, but I am an in person
4 teacher now at NYU and so I think a lot about, with
5 myself being a teacher where I go every week to teach
6 in person class, what that means for me and what I
7 would want to know ahead of time and from the
8 perspective of my students, as well. So, one of the
9 distinctions that is important-- let me first be
10 very direct in answering your question and then I
11 want to talk about the roles of tracers versus
12 principals and teachers. So, Test and Trace has
13 dedicated 200 disease detectives, if you will, to the
14 Situation Room. That is double what we have had for
15 similar case levels in the previous year, so we are,
16 from our perspective, adequately staffed. But there
17 is a reason why-- Please.

18 CHAIRPERSON TREYGER: Because, last
19 year, only a third of the kids were in the building.
20 Now, everyone is back. Is that correct?

21 DR. TED LONG: Well so, I'm giving you
22 the number of tracers sort of per case so that the
23 case number, whether there are more or less kids in
24 the building-- if it's, you know, 200 cases, that's

2 200 infected people and that is 200 contact tracing
3 instances that we would do there.

4 COMMISSIONER LAROCCA: And let me just
5 chime in for a second, Chair. We do in anticipation
6 of this school year, we most certainly were keenly
7 aware that we would see changes in our in person
8 total population numbers. So, undoubtably, that was
9 a factor in our preparation for this school year in
10 terms of staffing levels. And, again, as I
11 mentioned, during the initial first few days of the
12 school year, we were keenly monitoring the number of
13 staff we had, certainly, the number of cases we saw
14 and what we felt was the productivity level-- for
15 lack of a more articulate way-- of seeing how our
16 cases were moving along. And that was a moment where
17 we look back and saw, you know, do we think we had
18 enough wiggle room? We believe and we still believe
19 we are sufficiently staffed, as Dr. Long has
20 mentioned. But the notion of giving us more
21 breathing room was something we were paying very
22 close attention to which is why we did move to very
23 quickly bring on additional staff to allow us that
24 flexibility. So, Dr. Long, I apologize.

2 DR. TED LONG: No. No. I was going to
3 go into the contact tracing versus what the roles of
4 principals and teachers are and everything like that,
5 but, Chair Treyger, did you want to ask any other
6 follow-ups for what we just said or is it okay for me
7 to go into--

8 CHAIRPERSON TREYGER: No. You can
9 finish. Sorry that I have a quick follow-up and then
10 I will turn to my colleagues. Please.

11 DR. TED LONG: Of course. So, again,
12 coming at this from the perspective of myself and
13 being a teacher and a parent, you know, one of the
14 main problems we want to solve is if a family has one
15 of their children that has had an exposure, meaning
16 they should quarantine, we want them to know that the
17 same day that we know that. So, the reason we end up
18 staying late in the Situation Room-- in Commissioner
19 LaRocca can share more about this-- is if we get a
20 case that comes in later in the day, you are right.
21 Contact tracing is hard, but we stay late because we
22 want to make sure that we are able to have that
23 communication to their families. The communication
24 from principals to the families, these are prewritten
25 letters that we work together to make sure that we

2 are not putting principles on the spot in place so
3 being public health experts. But I do want to
4 emphasize, actually, something that you said, I
5 think, sort of jokingly, but is actually a kind of
6 important point where you said they are doing contact
7 tracing themselves. Yeah. They are. I am proud of
8 that. I mean, I think, across our city, the way
9 contact tracing works is these are New Yorkers that
10 have risen up from our most affected communities and
11 work with people to help them to identify who they
12 might have exposed when they are infectious.

13 CHAIRPERSON TREYGER: Campbell, Dr.
14 Long, and I say this with the utmost respect, if they
15 are becoming defective contact tracers, maybe I am
16 is-- was there a PD for, Deputy Chancellor, for them
17 to become contact tracers? Was there a workshop that
18 I motivated most?

19 FIRST DEPUTY CHANCELLOR CONYERS: So, let
20 me just jump into say this is a 13 year principal--

21 CHAIRPERSON TREYGER: Please.

22 FIRST DEPUTY CHANCELLOR CONYERS:
23 understanding the mindset of the psyche of a
24 principal, they didn't--

25 CHAIRPERSON TREYGER: Yeah.

2 FIRST DEPUTY CHANCELLOR CONYERS: There was
3 no workshop. There was no training, but what we have
4 are established routines in classrooms that teachers
5 have so that teachers-- the principal is not running
6 around every classroom trying to collect that data
7 herself or themselves. The information that we are
8 asking principles-- and we appreciate them gathering
9 this because it is a local situation, right, and they
10 are the stewards in that building, they have set
11 structures and systems in place to ensure that, a,
12 the teacher knows a new may remember the Delaney book
13 from high school--

14 CHAIRPERSON TREYGER: I do. Yep.

15 FIRST DEPUTY CHANCELLOR CONYERS: Great.
16 So, teachers know who is sitting where, who should be
17 in the particular seat, who was in school that day,
18 the routines that they have established from day one
19 vis-à-vis the reasons why we keep our masks on, the
20 reason while we walk at a certain distance. So,
21 principles then tapping to that information and get
22 the member names, the student names that were a part
23 of the situation that we are examining. So, there
24 was no training, Chair, but I also want to say that
25 we are doing this together. Why? Because we want

2 students in school. We want to keep schools open.
3 So, I know they're going to be some principles that
4 may avoid some concerns about it and we are taking
5 steps and have been taking steps to try to ensure
6 that we do the very best to minimize the number of
7 minutes, hours that principles have to spend do we
8 know very important thing with the Situation Room.

9 CHAIRPERSON TREYGER: Dr. Long, but
10 there are technical questions here because--

11 DR. TED LONG: Yeah.

12 CHAIRPERSON TREYGER: for example, if I
13 was still teaching and I had to answer their
14 questions and calls and apparently looks up the CDC
15 guidance and says, well, was my child safely social
16 distancing the entire day? Looking at the picture I
17 was looking at earlier, I would say no. I would not
18 lie to the parent. Number two, during lunch-- and
19 now I say this from my own experience because I
20 visited schools in my district and beyond during
21 lunch. During lunch, social distancing is not
22 happening in many schools. In many schools. I can't
23 say for every school, but in many schools that is not
24 happening. It's hard and I think it is okay for the
25 city to acknowledge that it is a challenge, but let's

2 not kind of tell the public always great when, in
3 fact, it is impossible in many cases to safely
4 physical distance. So if a parent asks me, did my
5 child maintain safe distance throughout the day, I
6 would be honest with the parent and say, in many
7 cases, no. and I am not a health expert to then
8 elaborate on what means, Dr. Long. That's my--

9 DR. TED LONG: Oh, no. Totally. And
10 I didn't mean to say that--

11 CHAIRPERSON TREYGER: Yeah.

12 DR. TED LONG: DOE staff would replace
13 contact tracers. Our contact tracers are seasoned,
14 you know, public health experts that specialize in
15 all of these rules and how to do all of this, but
16 we're aligned on working with principals and teachers
17 for the information, as you said, about what actually
18 happens in the classroom. We aren't physically in
19 the classroom. We know cold all of the rules that
20 we've talked to you about today about how the CDC
21 guidance and how all of these decisions need to be
22 made and we walked the principals and the teachers
23 through all this, but we rely on the information that
24 they have. So use your scenario. If you're a
25 teacher in a classroom and you can't confirm for me

2 if I'm the contact tracer talking to you, that these
3 two students were always three feet apart and always
4 wearing a mask, then the student that is next to the
5 case would become a close contact. So, that is up to
6 the teacher to be able to make that confirmation and,
7 if they can't, that under those scenarios those
8 students would be close contacts for the very simple
9 reason that we are applying the CDC evidence-based
10 criteria and that requires confirmation of whether
11 the student next to another case is 3 feet apart and
12 is wearing a mask. But the final point I will make,
13 if I may, and little turned back to you is the way we
14 work with principals, going to your example into the
15 evening, is we have prewritten letters and we need to
16 make that decision about who is going to get the
17 letter saying that one of your children or one of my
18 children should stay home the following days because
19 that is what parents want to know or whether there
20 was a case in a school but your student is not one of
21 the people that has been identified as a close
22 contact. So, we don't put the principles on the spot
23 to have, you know, conversations about public health
24 or anything. That is why we work with them to
25 actually have these letters prewritten. But what we

2 do here is we provide all the expertise and do the
3 guidance and do the actual contact tracing reliant on
4 the knowledge about what happens on the ground that
5 you just shared great examples of. So, everything
6 that you just said on how we would work with you as a
7 teacher and therefore you can confirm that you me CDC
8 guidance, then we act accordingly. If not, then that
9 is the direction that we go in.

10 CHAIRPERSON TREYGER: Dr. Long, final
11 question. Do you-- and I asked this of Commissioner
12 Chokshi. Well, I want to hear your thoughts in Dr.
13 Easterling and Deputy Commissioner. Should New York
14 City require vaccination for students in our schools
15 from your public health hat? From your public health
16 hat, should we require vaccination for students?

17 DR. TED LONG: So, all start and I'm
18 happy that turn to Dr. Easterling am also going to
19 tap in to our DOE colleagues here. So, vaccination
20 is the most important tool that we have to fight
21 COVID. Nothing new is more important than getting
22 COVID out of New York City and keeping our students
23 safe and giving them minimum person education the
24 whole way through. Anything that we can do to
25 facilitate more of our students getting vaccinated,

2 it's a ladder. The latter starts with being able to
3 make the vaccine available and acceptable. Talking
4 to doctors like myself-- I talk to my patients every
5 Friday when I'm in clinic in the Bronx-- and when
6 you get-- I'm getting there.

7 CHAIRPERSON TREYGER: Quick question.
8 You said that you are a professor. Is that correct?

9 DR. TED LONG: Yes.

10 CHAIRPERSON TREYGER: Does your college
11 require vaccination for your students?

12 DR. TED LONG: It does.

13 CHAIRPERSON TREYGER: Why do you think
14 your college requires that?

15 DR. TED LONG: So, I don't want to
16 speak for NYU, but the way I think about mandates, to
17 directly answer your question, is it's the end of the
18 ladder. You do everything you can. The goal we all
19 share, as you said yourself, you know, you understand
20 the importance of the vaccine in terms of really
21 fighting off COVID so that we can do the most
22 important thing that you, as a teacher, believe and I
23 couldn't agree more-- giving our students a good
24 education. I want nothing more. That's what I want
25 for my two children and I feel very strongly about

2 that. but in terms of the mandated vaccine for
3 students, that's a decision we would make when we
4 feel-- and this is when DOE feels that we're at the
5 point in the ladder where we can't go any further and
6 we've exhausted all the other options we have
7 including the fact that we've been at every single
8 high school, as you know, in the first week of school
9 with our mobile vaccine units. That is bringing
10 access. We're still offering to bring a vaccine to
11 your home and we're giving you 100 dollars if it's
12 your first does of it. That's access with an
13 incentive. So we're doing everything that we can. I
14 care nothing more about, you know, bringing safety to
15 our city through the vaccine, but it's a ladder and
16 when we get to the point where DOE feels like we have
17 hit that wall, that is where the discussion of
18 student vaccine mandate would come about. Dr.
19 Easterling, if you want to add to that?

20 CHAIRPERSON TREYGER: But, Dr. Long, is
21 it correct to say that NYU require vaccination prior
22 to the start of the semester?

23 DR. TED LONG: Yes. That is correct to
24 say.

2 CHAIRPERSON TREYGER: So, they started
3 at the beginning of the ladder. Is that right?

4 DR. TED LONG: Well, they-- Well, no.
5 No. No. So, NYU had, if you look back to last year,
6 other policies in place to promote vaccination and to
7 make sure that they had other safety protocols, too.
8 I don't want to understate what NYU did, but you are
9 correct in what you said that, before I started
10 teaching, they had a mandate for teachers like myself
11 and for students. And I will say, to agree with you
12 further, I feel comfortable as a teacher knowing
13 everybody I'm around is vaccinated.

14 CHAIRPERSON TREYGER: Right.

15 DR. TED LONG: I actually feel very
16 comfortable that I'm able to teach to the best of my
17 ability. I'm not as--

18 CHAIRPERSON TREYGER: Right.

19 DR. TED LONG: but--

20 CHAIRPERSON TREYGER: No. No. No. you
21 are a seasoned educator and public-- and I
22 appreciate your public service, Dr. Long. But I
23 think you have hit on the key points on the
24 importance of vaccination. But I'll say we haven't
25 even heard today from the administration of how many

2 kids in our school system are vaccinated. Vaccines
3 are safe and effective and I do think this is a
4 critical part and we need to hear from our public
5 health experts without any political interference.
6 We need to hear directly from our public health
7 experts what we should be doing as a system and
8 that's why I would just really appreciate someone's
9 honest and sincere opinion as a public health expert
10 whether or not we should be requiring-- correct me
11 if I'm wrong, Dr. Long, but in colleges, the
12 consequence if students do not get vaccinated, I've
13 heard anecdotally that they'd be shifted to remote
14 instruction. They can't come to in person classes.
15 Is that correct?

16 DR. TED LONG: I'm definitely not the
17 expert to answer that. I can tell you in my--

18 CHAIRPERSON TREYGER: Right.

19 DR. TED LONG: class where I teach,
20 it's in person only, so we don't have a remote option
21 for my class. If you don't--

22 CHAIRPERSON TREYGER: Right. And last
23 year in our school system, it was that everyone had
24 to get tested, otherwise you shifted to remote. Now
25 we have no remote option even though we definitely

2 need one for those families. But let me now turn to
3 my colleagues who have been very, very patient and I
4 have some additional questions. I will now turn in
5 the order that I have. Malcolm, if you just want to
6 call on the next Council member? Aliyah. Forgive
7 me.

8 COMMITTEE COUNSEL: Hi, Chair. Hello.
9 This is Aliyah, policy analyst to the Committee on
10 Education. I'm just filling in for Malcom Butehorn.
11 He will be returning shortly. Our first Council
12 member for questions is Council member Dinowitz.

13 SERGEANT-AT-ARMS: Your time will begin.

14 COUNCIL MEMBER DINOWITZ: Thanks very
15 much. First, thank you, Chair Treyger. Thanks to
16 everyone who has gotten vaccinated and thank you to
17 our educators including school aides,
18 paraprofessionals, food service assistants,
19 custodians, teachers, service providers,
20 administrators, parents for what you do every day. I
21 just want to say that I hope we in the Council are
22 not just saying thank you, but demonstrating our
23 thanks by what we're doing today and thank you to the
24 panelists for coming. I want to pick up on Chair
25 Treyger's comments or question about the vaccination

2 mandate. One of the problems we've seen is no that
3 there is a vaccination mandate. I think that's
4 great. Thumbs up. It's that it happens after the
5 school year begins. Kids and faculty are already
6 flooding into the hallways as it's being litigated in
7 court. What plans are being made now to mandate a
8 vaccine for students or what plans are being made now
9 if the state, lets say, requires students to be
10 vaccinated? What plans are you making now to
11 communicate with the families and what contingency
12 plans are being made knowing that you are going to be
13 struggling with resistance, to use the First Deputy
14 Chancellor's words, resistance and absences?

15 FIRST DEPUTY CHANCELLOR CONYERS: So, I
16 will jump in and point to Dr. Easterling, but I will
17 say to you that we are confident that were always
18 thinking about-- it's not last-minute Charlie. We
19 are trying to think ahead to put things in place so
20 that we are responding to a need in anticipating and
21 we aren't doing it jointly. It is not just the DOE.
22 We are relying heavily on our health professionals to
23 ensure that we are moving in lockstep, but I would
24 ask Dr. Easterling to comment further.

2 DR. EASTERLING: Yep. Absolutely. Thank
3 you, First Deputy Chancellor. You know, just to the
4 vaccine mandate in just to pick up on some of the
5 points that Dr. Long had mentioned, we are always
6 thinking about the process to climb the ladder and so
7 we first started with adults because we knew that
8 transmission, not only in schools, by the community
9 was really driven by adult transmission and so, when
10 we talk about vaccine mandates, it was really about
11 making sure that we can stop the spread and where
12 were you saw the greatest transmission. And I think
13 in ensuring that we are really getting higher vaccine
14 rates for our adults. And Chair Treyger, you
15 mentioned those. You know, it was the first day of
16 school when the majority of staff, the majority of
17 principals and staff were vaccinated. We had
18 hundreds of sites across the city where adults were
19 already getting vaccinated. Majority of teachers
20 were already vaccinated and then, on the first day of
21 school, we had buses and mobile vans available. And
22 so it wasn't--

23 COUNCIL MEMBER DINOWITZ: So, I don't
24 mean to interrupt. I just want to-- Let me ask it
25 differently because time is limited. Are you

2 considering requiring students to be vaccinated? Are
3 you considering that requirement?

4 DR. EASTERLING: So, yes. Yeah. We are
5 looking at the data and we are considering additional
6 ways in which we can climb the ladder to require
7 vaccines.

8 COUNCIL MEMBER DINOWITZ: Okay. So,
9 what I'm trying to communicate is the same problems
10 we are having now, this is the same problems a lot of
11 us have articulated on September 1st and talked about
12 last year. But it's not necessarily the decisions
13 that are being made. Again, I think a vaccine
14 mandate is good, literally saving lives. Parents
15 trust that their kids are going to be more safe in
16 the classrooms with it. The problem is when it
17 happens last minute. So, at what point do you share
18 or do you communicate to us in the Council, to
19 parents, to families, to everyone in the city what
20 that thinking of-- you keep saying thinking about.
21 What does that look like? What does that sound like?
22 At what point are those ideas and those plans being
23 communicated so that families have time to adapt and
24 that teachers and all the faculty members and

2 principals have time to adapt and implement these
3 plans?

4 DR. EASTERLING: Yeah. Well, I'll just
5 say that we already have existing requirements in
6 place, as you know, for higher risk sports and we
7 have communicated clearly how we want to ensure that
8 those athletes are vaccinated. We're going to have
9 additional announcements related to expanding the age
10 to five to 11, so that's going to be-- we have to be
11 able to be sure to be clear about communicating those
12 vaccine eligibility to those parents, as well. And
13 then, yes. As we make decisions and policies around
14 requiring vaccines, any additional steps, we would be
15 lockstep in making sure that that information gets
16 out to parents, as well.

17 COUNCIL MEMBER DINOWITZ: Okay. I'm
18 running out of time. I want to make clear that the
19 timeline for a lot of these decisions has been
20 extremely troubling. Families need time to make
21 decisions not just getting the vaccine. Teachers
22 need time. There are going to be--

23 SERGEANT-AT-ARMS: Time is expired.

24 COUNCIL MEMBER DINOWITZ: There are
25 going to be problems once the vaccine mandate for

2 children, for students, is implemented. And I urge
3 you to share information and plans long in advance,
4 right, from even before the vaccine is approved for
5 our younger children, what that plan looks like. So,
6 you and the Department of Buildings and the Health
7 Department and our schools and teachers can, you
8 know, prepare for this. Chair, if I may just ask a
9 few more questions? Thank you. I want to go back
10 to, you know, a lot of the issues with substitutes
11 has been addressed. Thank you, Chair Treyger. You
12 say you have enough substitutes, right? I just want
13 to be clear that you say you have enough substitutes
14 for every vacancy. How many subst-- Or how many
15 vacancies, rather, are there right now that require
16 substitutes? How many vacancies are there?

17 FIRST DEPUTY CHANCELLOR CONYERS: Lauren,
18 do you want to point to that, please?

19 LAUREN SICILIANO: Thank you. And
20 thank you for the question. So, in terms of the
21 number of staff that we're talking about. As Donald
22 mentioned earlier, the vast majority of our staff are
23 vaccinated so there are just over 7000 DOE employees
24 who did not receive the vaccine or we don't have a
25 record that they have received the vaccine. Some of

2 those staff are, of course, on other leaves, but
3 that's the universe that we're talking about.

4 COUNCIL MEMBER DINOWITZ: Got it. And
5 so, I'm sorry to interrupt. It's not out of
6 disrespect to you. It's out of respect for the time.

7 LAUREN SICILIANO: Sure.

8 COUNCIL MEMBER DINOWITZ: So, those sort
9 of 7000 positions are filled. How many of those 7000
10 positions on a typical day are being filled by
11 substitutes which are teach out of like-- right? In
12 other words, how many people certified for elementary
13 school are being sent to a high school to fill that
14 position?

15 LAUREN SICILIANO: So, the 7000 number,
16 that is all DOE staff not vaccinated. That includes
17 all of our titles-- that's not just teachers. Of
18 that, you know, 3000 or fewer are teachers. But so
19 that's why it's hard to answer your question. The
20 one thing I do want to say is that the way that any
21 gaps are filled is not exclusively substitutes.
22 Schools are able to have existing certified teachers
23 cover additional classes, teach additional periods.
24 And use other tools with existing staff, as well. As
25 well as higher long term leave replacements in order

2 to meet that need. So I didn't want you to think
3 that substitutes was the only tool that we had to
4 support with those needs.

5 COUNCIL MEMBER DINOWITZ: No. No. And
6 that includes central staff, which I'll get to in a
7 second. But, again, how many of, you know, outside
8 of emergency coverage which is not-- how many of
9 these substitutes are teaching kind of like-- let's
10 say long term subs. Let's just leave it there. The
11 long term subs that are hired are being sent out by
12 teaching students in an area that we are not trained
13 and were never expected to teach?

14 LAUREN SICILIANO: Well, again, since the
15 mandate was just implemented, what schools would be
16 pulling from the day to day sub it wouldn't yet be
17 at-- they wouldn't yet be a long term sub, right?
18 So, there's--

19 COUNCIL MEMBER DINOWITZ: Okay. Okay.
20 Is it fair to say most of the teachers now covering
21 classes are probably not licensed to teach that
22 class? Is that fair to say?

23 LAUREN SICILIANO: The vast majority of our
24 teachers and our staff are vaccinated, so we're
25 talking about, you know, a temporary situation where

2 schools are adjusting to the data as it's changing
3 every day since we're still seeing hundreds of staff
4 upload proof of vaccination. So, I know-- I'm
5 sensing that I'm not giving you the information that
6 you're looking form, but it's--

7 COUNCIL MEMBER DINOWITZ: Yeah. I'm--

8 LAURE SICILIANO: It's hard to answer
9 given the--

10 COUNCIL MEMBER DINOWITZ: No. I
11 understand all of the variables. I guess what I'm
12 getting at is that there are a lot of classrooms with
13 teachers who are not licensed to teach that material
14 and never went to school for it, never did PD in it,
15 and now our children are in classes without teachers
16 certified not just for that subject, but even that
17 age range, then. It goes back to the planning which
18 is why it's so important that when you have a student
19 mandate for vaccines, we know about it far in
20 advance. So you don't have, necessarily, a number of
21 teachers teaching out of license right now in these
22 substitute-- substitutes teaching out of license
23 right now? That's not information that you have?

24 LAUREN SICILIANO: No. And what I will
25 say, though, is that, obviously, our priority is to

2 make sure that we have excellent educators in front
3 of our students in safe schools. That is the
4 priority that we are driving towards every day and,
5 in creating our sub pool, we pull from a robust pool
6 of substitute teachers who have worked with DOE
7 before and many of them are certified teachers and we
8 are continuing to grow that pool, but our priority,
9 like, yours, is to make sure that we are putting
10 excellent qualified educators in front of our
11 students every day inside six schools.

12 COUNCIL MEMBER DINOWITZ: And you also
13 pull from central staff. Is that correct?

14 LAUREN SICILIANO: Yes. We did redeploy
15 central staff to support schools.

16 COUNCIL MEMBER DINOWITZ: And what
17 impact has that had on your ability to function? The
18 central staff's ability to function and provide other
19 supports for teachers, including tech support,
20 including support for students with IEP's, CECIS
21 [sp?]- especially now, Google Classroom and Zoom?

22 LAUREN SICILIANO: So, as I said earlier,
23 all of us a DOE, no matter what office you sit in,
24 our priority is to serve students. Every day.

2 COUNCIL MEMBER DINOWITZ: I get that.
3 Yes. I get that. I don't doubt your-- you know,
4 the DOE's intent and commitment to safety and
5 education. I'm not questioning that. I'm
6 questioning the impact that, again, it's really these
7 last minute decisions are having on our children.
8 And so, in this case, my question is the impact of
9 pulling essential staff, which it seems like you need
10 to do because there aren't enough substitutes--
11 pulling central staff and putting them as substitutes
12 in schools which, again, are probably out of license,
13 but what impact that's having on the ability for
14 every day teachers who have gotten vaccinated--
15 those 95 percent of teachers-- to get the support
16 they need regarding CECIS, Google Classroom, Zoom,
17 you know, anything else coming from central.

18 FIRST DEPUTY CHANCELLOR CONYERS: So, if I
19 may jump in--

20 COUNCIL MEMBER DINOWITZ: Yes.

21 FIRST DEPUTY CHANCELLOR CONYERS: So, what
22 they picture or the portrait that you are painting
23 is one of the like sheer devastation. We have not
24 left ourselves bare where we don't have the essential
25 functions that we need for those, as you talked about

2 Zoom and the digital technology, CECIS, we are still
3 functioning. We understand that underpinning of what
4 happens in schools, what Lauren is speaking about is
5 the most important location is what happens in
6 schools and we support that. we don't have everyone
7 out in the schools leaving us with zero. We still
8 have support staff that are dealing with all the
9 functions that we need to deal with. We have
10 professionals that have come out of central to go add
11 to. So, remember, we have substitutes-- the number
12 of substitutes far exceeds the number of unvaccinated
13 teachers. So I want to remind us of that. And when
14 we go into schools, for those substitutes that you
15 feel may be out of license, I was in a middle school
16 two days ago. 2100 students in the middle school.
17 Principal, dedicated, was working with the subs, the
18 five subs that came in having joint planning sessions
19 with the teachers that were there. 95 percent of our
20 teachers are enveloping the substitute teachers with
21 the support-- many of them are long term subs from
22 the past. Central workers are working within their
23 license and their discipline area. So I-- you know,
24 and forgive me if I sound, you know-- I don't want
25 to be disrespectful in my tone, but this is-- I

2 don't want a picture of devastation to be the picture
3 that we are left with here. We have been planning
4 for this. What we cannot control is when you're
5 going to take that shot, your vaccination. We're
6 working to get everyone there, but what we are
7 controlling for is making sure we have quality
8 service provision where there are gaps that exist.

9 COUNCIL MEMBER DINOWITZ: So, you don't
10 have to apologize for a tone. Right? We all care
11 about our kids, our careers, what we--

12 FIRST DEPUTY CHANCELLOR CONYERS: Yes.

13 COUNCIL MEMBER DINOWITZ: do everyday.

14 CHAIRPERSON TREYGER: And, Council
15 member, just to let you know, this will be the final
16 question because some other members have other-- But
17 please, ask absolutely.

18 COUNCIL MEMBER DINOWITZ: So, no need to
19 apologize. We all care. I just, again, going back
20 to planning. Are you planning more robust-- I mean,
21 it's pretty clear based on Council member Treyger's
22 questions and the responses that the testing capacity
23 is not as robust as it needs to be, but are you
24 planning for more robust testing after Thanksgiving?
25 After the Christmas/New Years' break? After

2 Presidents' Week? After Passover? Are you planning
3 now? Because people go away. People gather. What
4 plans are you making now to the staff to make sure
5 that those-- that you are really going in there in
6 testing like every kid? Because people go away.
7 People outside their sort of parlance in all that.

8 FIRST DEPUTY CHANCELLOR CONYERS: Well,
9 there are certain things-- and we even need the
10 assistance of our external allies like yourself. We
11 need parents to have those students tested. So, they
12 must consent to testing. We know about Thanksgiving
13 and--

14 COUNCIL MEMBER DINOWITZ: I am sorry to
15 interrupt because-- I want to respect everyone
16 else's time. I'm sorry. They don't have to consent
17 to testing, right?

18 FIRST DEPUTY CHANCELLOR CONYERS: This is
19 correct.

20 COUNCIL MEMBER DINOWITZ: Right. So,
21 but even with the 192,705 consent forms, they're not
22 all being tested. Are you planning on testing at
23 least all of those kids after those holidays?

24 FIRST DEPUTY CHANCELLOR CONYERS: So I
25 will--

2 COUNCIL MEMBER DINOWITZ: And I will
3 just leave you with I am going to-- I'm not a
4 betting man, but I'd bet that most of your consent
5 forms are not from the Bronx, not from my area. I'm
6 going to bet that the most robust testing is not done
7 in the Bronx where you have the highest rates of
8 COVID. And so, when you talk about, you know, going
9 and reaching out to parents, come to the Bronx
10 because what Chair Treyger said is true. There is a
11 big disconnect between your data, your Excel
12 spreadsheets, what you are doing and what is actually
13 happening on the ground and the impact it has on our
14 children and especially on my students here in the
15 Bronx and I would urge you to start planning now for
16 robust testing of every child after those breaks.
17 And I'll leave it there.

18 FIRST DEPUTY CHANCELLOR CONYERS: Good.
19 But I would love for Dr. Long to respond.

20 COUNCIL MEMBER DINOWITZ: Please. He's
21 muted. I saw your--

22 DR. TED LONG: Thank you. So, first
23 off, just to talk about the Bronx for a moment. That
24 happens to be where I am a primary care doctor more
25 so in a community health center in the Bronx. So I

2 hear from my patients all the time who have children
3 that are in our school what some of their concerns
4 are, what some of their perceptions of how things are
5 going on. You know, what I hear from my patients
6 most often is they want their kids to obedience
7 school, but they want to make sure their kids are
8 safe in school, which we all get in that is exactly
9 what you were saying. So, to a girl when remind here
10 for second-- and I've got two points about testing.
11 The first is where we have started and how we have
12 changed over time and the second is did it work?
13 What do we know about what happened? So, going
14 back-- I'm going to give back to September 2020.
15 So, you know, over a year ago now. At that time,
16 when we were-- we became the first big city in the
17 country to reopen our schools and we all, really
18 believe, should be so proud that we were able to do
19 that were other big cities were not able to call for
20 early in person learning at the beginning of the
21 school you last year. At that point, we were doing a
22 random sample of tests. We developed this method
23 that now the CDC, you know, is their main
24 recommendation and other places have followed and we
25 were doing monthly testing, at that point, of

2 schools. Then, over time as we saw the person
3 positivity in New York City and in different
4 communities change, we adapted. We did as much as,
5 you know, weekly testing on the schools in New York
6 City which we were able to change over time, to use
7 Dr. Easterling's words, guided by the evidence. So
8 the testing that we're doing now, a random sample
9 which is the strategy we've used before on a weekly
10 basis, is the same as the higher frequency of
11 testing-- four times more frequent than when we
12 started last year and then did it work? I think this
13 is a really important question in this is what I tell
14 my patients. You know, if you look at the number of
15 cases and the transmission in New York City, you
16 know, for the first half of the school year last year
17 which includes part of our second wave which was a
18 New York City, if you were a student or teacher and
19 you were in remote learning, you had the same, if not
20 greater risk of getting COVID then if you were a
21 student or teacher in person in school last year in
22 DOE. And that right there is, for me, such a
23 compelling fact that that is what are layers of
24 protection with our testing strategy changes over
25 time and the result of all of that is actually our

2 schools were one of the safest places to be, making
3 it less likely for you to get COVID then if you were
4 at home. And you, I think you, as well as I do, know
5 what some of the potential reasons there are, but all
6 finished by saying I agree with you. As things
7 change in the future, there are a variety of
8 indications that would make us want to think about
9 doing testing more frequently, different ways. You
10 know, we are guided by the evidence. We are very
11 quick to adapt. As Chair Treyger pointed out in the
12 beginning, we went from biweekly testing to weekly
13 testing in the snap of a finger. We have a very
14 strong testing infrastructure here and we just want
15 titrate testing following CDC guidance, but knowing
16 that if we have to change in moving forward in the
17 future, we have built, arguably, the strongest
18 infrastructure in the country and we can make that
19 change throughout the year like last year and it
20 really did work making our schools arguably safer
21 than being at home.

22 COUNCIL MEMBER DINOWITZ: Well, I thank
23 you all for your time. I urge all of you if-- Chair
24 Treyger mentioned this. I mentioned this last time
25 at the September 1st hearing. To build that trust--

2 and you do that by honest communication-- and one of
3 the ways is, as I urge everyone who is working very
4 hard for our children and our professionals
5 throughout the city is tell us the plan. If you are
6 going to require a negative PCR test before we come
7 back from breaks, which you should, what the
8 appearance. Let the parents know. If there is going
9 to be a vaccine mandate, let everyone know so we can
10 all plan for it. And I will leave it there. Thank
11 you, everyone. Thank you for the extra time.

12 CHAIRPERSON TREYGER: Yes. I noticed
13 want to ask my colleagues should be mindful of the
14 time because the certain folks from the
15 administration may have to hop on to health meetings
16 at some time. So, I know this is a very important
17 and urgent hearing and everyone has very critical
18 questions. So, please, Aliyah, please call on the
19 next Council member.

20 COMMITTEE COUNSEL: Actually, Council
21 member, it's Malcom. I'm back. Thank you, Aliyah,
22 for taking over. Just before we go to Council member
23 Barron, for the record, we just want to recognize
24 that Council members Gennaro, Rodriguez, Miller,
25 Feliz, Salamanca, and Levin have joined us. So next,

2 we will turn to Council member Barron followed by
3 Council member Miller followed by Council member
4 Levin. Council member Barron?

5 COUNCIL MEMBER BARRON: Thank you very much
6 and I will be mindful of the time because I know that
7 there are lots of people with lots of questions and I
8 want to make sure everyone can get their questions
9 in. I want to thank the Chair for calling those very
10 important topic. Very timely and one that really
11 means to be addressed. But before I get building to
12 the topic of the day, I do want to knowledge and
13 celebrate the opening of the East New York Family
14 Academy which is a middle school high school which
15 has been in my district for years and was previously
16 housed in 12 portables. They now have a brand-new
17 five-story beautiful building. They have the up-to-
18 date HVAC system. They have a gym-atorium. They
19 have, not bleacher seats, but they have individual
20 seats, not benches, in the gymnasium. They've got a
21 dance studio with a floating floor in the mirrors.
22 They've got a beautiful cafeteria with two walk-in
23 freezers. We have a principal's office, of course,
24 the custodian suite, we have a nurses suite. We have
25 a guided suite. We've got to fully equipped science

2 labs with the emergency isolation-- No. the
3 emergency decontamination system, if needed. We've
4 got a library, of course. We've got a music studio
5 with five adjoining practice rooms and we have an
6 arts and crafts room with a separate area for firing
7 the kiln of the projects that the students create.
8 And I'm forgetting something. Oh. The swimming
9 pool. We have a swimming pool. So, it's a brand-new
10 building and, of course, we are excited that we are
11 in a new school year even though we are still
12 battling with this monster COVID that we're facing.
13 Two moved to the topic, to the Deputy Chancellor, the
14 Chair asked about the number of students enrolled in
15 you made reference-- you said you didn't have that
16 information and you made reference to October 31st. I
17 certainly hope that you're not expecting us to wait
18 until October 31st for the DOE to tell us how many
19 children are enrolled inner-city schools.

20 FIRST DEPUTY CHANCELLOR CONYERS: Paul,
21 thank you for that. It's good to see you again. I
22 certainly expect that when the enrollment office is
23 been a with their-- whatever their tabulation is,
24 whether it be pre-October 31st or on October 31st,
25 they will convey them. I am not going to sit here,

2 certainly, and fabricate something in front of you
3 that you will have it without me being certain of
4 that. It will be our attempt to make sure you get
5 that data as early as possible.

6 COUNCIL MEMBER BARRON: I understand-- of
7 course, you know we were both principals. I
8 understand that the number fluctuates in the number
9 varies, but I know I had to report daily what my
10 enrollment numbers were as well as my attendance
11 number. So, is that no longer the case which means
12 you then can't compile what it is that individual
13 schools have about their individual buildings?

14 FIRST DEPUTY CHANCELLOR CONYERS: Now,
15 there are other situations. There are rosters or
16 registers that need to be cleaned that--

17 COUNCIL MEMBER BARRON: Right.

18 FIRST DEPUTY CHANCELLOR CONYERS: Right.
19 So, that is all the process. So, I really cannot
20 give a number and I know that the principal, on a
21 daily basis, is working with their teams to ensure
22 that they have--

23 COUNCIL MEMBER BARRON: Right.

24 FIRST DEPUTY CHANCELLOR CONYERS: So, to
25 that end, we don't have the number today. I'm

2 principals in those schools may have an approximate
3 number, but it is not an absolute final number.

4 COUNCIL MEMBER BARRON: I know.

5 FIRST DEPUTY CHANCELLOR CONYERS: Right.

6 So--

7 COUNCIL MEMBER BARRON: am going to move
8 on. My time is already down to a minute. We have
9 parents who don't want to-- and staff members who
10 are reluctant or hesitant about the vaccine and we
11 know that these are people, children, students 12
12 window up and staff members who, of course, have been
13 vaccinated because they wouldn't be working in
14 schools and they've not been vaccinated with whatever
15 the required vaccination standards are. So, the
16 reluctance and the hesitancy, I think we need to
17 acknowledge is, Empire, based on the fact that this
18 is a new vaccine. And I'm not talking about a nine-
19 month vaccine. You understand that for 15 years,
20 previously, there has been work done and that this
21 nine-month period was when it ripped up. I
22 understand that. But there is a legitimate, I think,
23 hesitancy or reluctance for those who don't get the
24 vaccine and as much as we haven't had any 18 month or
25 two year or three year period since the vaccine was

2 approved to see what other effects might come. So,
3 you want to speak for those who are reluctant or
4 hesitant to say, yes. I understand that because
5 there is not a longevity or a period of saying,
6 listen, it's been two years, three years--

7 SERGEANT-AT-ARMS: Time expired.

8 COUNCIL MEMBER BARRON: four years. Thank
9 you. . If so, we want to knowledge them. And, in
10 that regard, their appearance have expressed a
11 concern that they should be able to continue to be
12 able to have that remote learning opportunity. And I
13 want to acknowledge that Chancellor Porter was
14 gracious enough to have a meeting to address those
15 concerns of those parents and said, listen. I have
16 elderly parents that home. I have health compromised
17 situations at home and I don't want my child going to
18 wound environment where they might be able to catch
19 the survivors and bring it home. I want to continue
20 the remote option. I want to have a hybrid option.
21 In the case comes to my Mac, at some point, there may
22 be, as I colleagues have talked about, in uptick,
23 research and how quickly are we going to be able to
24 go back to what we had before which is the hybrid
25 model or the Romo model so that that technology which

2 many people were forced to learn to use can,.,
3 Again, be implemented so that we can have the
4 continuous education of our children. So, what are
5 the plans for what the signals-- what is the
6 platform? What are the plans? What is the threshold
7 at which we can say, listen, this is a surge here.
8 Our positivity radiates beyond what it should be and
9 we may need to go to remote. Do we have those
10 criteria in place?

11 FIRST DEPUTY CHANCELLOR CONYERS: So, that
12 is a comprehensive question would live so appealing
13 Berk some of it to the health professionals. But I
14 can assure you from the educative side of this that
15 we have already taken the steps and learning lessons
16 from where we have come from about how to turn to
17 remote instruction as necessary due to the closure.
18 We, today, have had one school closure. We have
19 minimized that, thankfully both executive
20 superintendents, superintendents, and principals for
21 the state of readiness that spreads the gambit from
22 your devices to your instructional material to the
23 emergency contact numbers of staff, to ensuring that
24 they understand how to upload. There was a provision
25 of time made and given for teachers to upload digital

2 information. So, we are not waiting, to Council
3 member Dinowitz's earlier point. We have not been
4 stagnated there. We've been understanding where
5 we're coming from and anticipating where we may
6 reluctantly or of necessity have to go because of an
7 outbreak. We put in place all of the measures that
8 allow principals know to understand all the different
9 things they need to look at. We are very careful in
10 a forensic way about looking at our new principles.
11 And I know you understand a new principal versus a
12 more senior principle. We are enveloping them with
13 the information and support and guidance to ensure
14 that they understand what to do if they have to go to
15 a remote instruction option. We are already doing--
16 we started that. We continue to work on that.

17 COUNCIL MEMBER BARRON: Thank you. And,
18 Mr. Chair, if I could have one last question and that
19 question is posed to Dr. Easterling and his staff.
20 What is the assessment of natural antibodies for
21 those who have recovered and who have anybody's and
22 why isn't that considered in this demand that
23 everybody be vaccinated when there are people who
24 have natural anybody's? Thank you.

2 DR. EASTERLING: Very good question. And
3 thank you for that question. But, one, I just wanted
4 to quickly say that I thank you for knowledge eating,
5 you know, certainly the hesitancy and the skepticism.
6 I also joint, you know, that talk, as well, and I
7 thank you for you and Assemblyman Barron for hosting
8 nurse to talk about it. You know, there is a
9 challenging really trying to quantify natural
10 infection. We do have ways to really show that we
11 know that vaccinated induced antibodies are really
12 helping to push back on the spread of disease. We
13 have done some studies to understand what natural
14 protection is present in the community, but I think
15 it is going to take more steps for arrested to that.
16 Ways in which we have already done it is really doing
17 any anybody or several survey to really understand
18 who has previous infection and I think that as we
19 understand more about the presence of antibodies due
20 to vaccines versus natural anybody's, I think we will
21 be able to get to a better place to report out. But
22 we are certainly not there yet to be able to say that
23 with clarity.

24

25

2 COUNCIL MEMBER BARRON: Thank you very
3 much. Thank you to the Chair and thank you to the
4 panel for coming and sharing with us.

5 CHAIRPERSON TREYGER: Thank you, Council
6 member Barron. And I just want to just add-- thank
7 you, Council member Barron both those your expertise
8 as a council member in an educator. You always
9 operated under that lens I really appreciate you and
10 other teachers that we have here in the Council. You
11 were principal, as a matter of fact. But when we
12 hear about from Council member Barron about the need
13 that we might have to-- if there is a surgeon Q
14 Susan and we might need to shift to remote, would
15 argue that we already have concerning reports out
16 there, meaning that I have heard just anecdotally
17 because we haven't gotten the total enrollment
18 numbers of the system and raw attendance data
19 numbers-- it's not just percentages-- we have heard
20 estimates of over 150,000 kids have yet to step foot
21 in the building. Again, by the estimate that I've
22 heard is over 150,000 kids have not stepped foot into
23 buildings so far this school year. If the DOE is
24 different numbers and data, please share it with me,
25 but just to give you context, Virgos more than the

2 entire school District of Philadelphia. That is more
3 than the entire school district of Charlotte, North
4 Carolina. So, does the DOE actually have a number
5 today on how many students have yet to step foot into
6 the school building this school year?

7 FIRST DEPUTY CHANCELLOR CONYERS: I'm going
8 to come off of mute and then call on my colleague,
9 Deputy Chancellor LaShawn Robinson who may have some
10 insight to add to your query.

11 CHAIRPERSON TREYGER: Let's unmute Deputy
12 Chancellor Robinson.

13 DEPUTY CHANCELLOR LASHAWN ROBINSON: Good
14 morning, everyone. Thank you so much. I am muted at
15 this time. Chair, we monitor attendance carefully
16 every single day. It is in the form of percentage.
17 We have seen an uptick in attendance since the start
18 of the school year and we continued to see stronger
19 attendance. We have grown three percent, should be
20 specific. We will have that information available at
21 the end of this month in alignment with the October
22 31st date and as soon as we get the information, I'm
23 happy to have that information available to you and
24 all of Council, as well.

2 CHAIRPERSON TREYGER: Look, Deputy
3 Chancellor, I appreciate your service. You have
4 really been spearheading the efforts for us to get
5 more social workers and supports for kids and I
6 deeply appreciate that. I just know, in my
7 background as a teacher and I'm sure that Council
8 member Barron and others know that October is more of
9 a register and budgetary month for schools. That if
10 a child is marked absent at least once-- or present
11 at least once during the month of October, though
12 school gets funded for the child. So, does more of a
13 budgetary bureaucratic situation for schools. But I
14 am fairly certain that, when I took attendance, I
15 would have my Delaney book, Deputy Chancellor, and I
16 would also have my bubble sheets those bubble sheets
17 would go down and they would get scanned into ATS and
18 ATS hurdles, you know, central database. So, you
19 know, the DOE knows. And so, that is why, you know,
20 I respectfully ask. If the number-- is that number
21 accurate? 150,000 kids have not come into the
22 building? Does that sound right? Is there a number
23 that you have that you can clarify for the record?

24 DEPUTY CHANCELLOR LASHAWN ROBINSON: I do
25 not have a number for the record. I can certainly

2 get you more information that. But I've seen,
3 unofficially, that number is far, far from accurate.
4 But, again, we would like to have the date available
5 to you and to all of the Counselor at the end of this
6 month. Anything that I provided this point would be
7 unofficial. Schools are still in a data cleaning
8 process and no think the tension is coming out with a
9 number that is into care. Because we know that
10 schools are still doing this important work, but I
11 know we will have that number soon. You know, the
12 number that you suggested, I don't know where that
13 comes from, but that is a very inaccurate from some
14 of the unofficial data that I am seeing on the ground
15 and exchanging daily, so would be premature for us to
16 release anything at this point.

17 CHAIRPERSON TREYGER: Right. When the
18 Mayor talked about after the opening week about the
19 averages in the 80s percentagewise, if you apply that
20 to the number of total kids in the school system, I
21 guess that's how some folks are trying to come up
22 with these numbers. It's just that I know, speaking
23 to principals, that there are some schools that had
24 attendance in the 40s percentage wise. In the 40s.
25 that's serious. That is a very alarming number that

2 no one-- and I'm not suggesting that anyone here is,
3 but no one should just say that that's just a minimal
4 thing. That's very serious.

5 DEPUTY CHANCELLOR LASHAWN ROBINSON: I
6 100 percent agree with that and we do have more
7 targeted areas where we're supporting such as like in
8 our transfer school communities. For example, we
9 have overage under credited scholars. As you know,
10 sir, I was a transfer school principal and we have
11 historically, you know, been-- had to provide
12 additional support for attendance there, but we're
13 seeing across our school system that we're averaging
14 about 88 percent attendance at this point and, right
15 now, we actually have an attendance awareness
16 campaign. We are focused on every student every day.
17 If a part of the community school strategy which has
18 been researched by the Rand Corporation. We have
19 proven strategies that we know work that we're
20 lifting across the city. We're seeing early days
21 where we're above where we were last year and we're
22 really trying to make a full recovery to get all of
23 our young people back in our school communities and
24 working closely with our BCO's, with our principals,

2 attendance teams, attendance teachers, and families
3 to make it happen.

4 CHAIRPERSON TREYGER: In closing-- and
5 then I'll move onto my colleagues-- is that there
6 are schools-- and I appreciate them-- that
7 understand the gravity of the moment who hear from
8 families every day that they're still nervous to send
9 their kids back into school, particularly of our
10 younger children who are not vaccination age and some
11 schools are on their own providing other options for
12 those families during this time just to remain
13 connected to them and I want to say to them, I hear
14 them and I see them and I appreciate them because
15 they put their safety of their children in the
16 connection with their kids first and foremost. But
17 not every community has that capacity and the
18 resources to do that and that is why it is up to us
19 to ensure that their opportunities across the board
20 for every kid and family until there's a vaccine in
21 until there is for everyone. But I will move on in
22 the mindfulness of my colleagues time. So, Malcolm,
23 please call the next Council member.

24

25

2 COMMITTEE COUNSEL: Thank you, Chair.

3 Next, we're going to turn to Council member Miller if
4 we can go ahead and unmute Council member Miller.

5 SERGEANT-AT-ARMS: Your time will begin.

6 COMMITTEE COUNSEL: Council member, do
7 you see the invite to be unmuted? Council member
8 Miller, we can't hear you.

9 COUNCIL MEMBER MILLER: Yeah. Can you
10 bring the invite-- Can you hear me now?

11 COMMITTEE COUNSEL: Yep. Go ahead. We
12 can hear you now.

13 COUNCIL MEMBER MILLER: Okay. So, I want
14 to thank the Chair. This is a very, very important
15 hearing that is being held and to DOE and the
16 administration that is here. And congratulations to
17 Council member Barron. I know that school was long
18 overdue. So, I have couple of quick questions and
19 about staff replacement, obviously, substitutes, but
20 there is also so many other individuals within the
21 school building that appears to be a shortage of
22 replacements available and it is having an M. To
23 principals having to really on-the-fly make
24 adjustments because they need for five substitutes
25 and we may get one and sometimes they get none. Then

2 there is not necessarily the continuity around the
3 supports that are necessary in order for them to make
4 these things happen. So, I want to really speak to
5 and ask the first question and support services that
6 ensure that when teachers are asking for too, whether
7 it is teachers or whether it is parents or others
8 staff within school communities, what is the
9 likeliness that they will have that? That those
10 positions will be replaced and anymore unlikely
11 situation. But, you know, for those who have been
12 taken off of payroll in whatever capacity, what then
13 is the-- the leeway does the principal have in
14 hiring someone else and a more long-term status?

15 FIRST DEPUTY CHANCELLOR CONYERS: Thank
16 you, Council member Miller. I'm going to start on
17 the first question and then pivoted to Warren. In
18 terms of the staff that are requested by principals
19 and buildings before fulfilling our responsibilities,
20 whether it be teachers or paraprofessionals or other
21 support staff, the system the symbols that been
22 utilizing to request that is in place. They know how
23 to use it. If a staff member or a sub but does not
24 show for some reason, the principals can contact
25 their borough office and the borough offices will be

2 helpful in the quick dispatch of support to that
3 school to ensure that they can complete the program
4 that they have for that day in the best way possible.
5 That is what we have in place. That is where we are
6 relying on two things: a principal, first of all, as
7 Lauren mentioned earlier, may be utilizing staff
8 within their school in different ways like a teacher
9 teaching an extra period or other staff being shifted
10 around in the building for the day. That is
11 something principals are very used to. We also have
12 the substitute pool. We then also have the call to
13 the BCO by the principal to ensure that they can get
14 additional staff to create the best learning
15 conditions for that day as possible. And I'll turn
16 to Lauren for your second question which was around
17 the staff that is off payroll and the ability of that
18 school to create some kind of long term employment in
19 the place of that.

20 LAUREN SICILIANO: Thank you, Donald. So,
21 a couple things that I would say on that. one, just
22 in terms of the support that our substitutes get, as
23 I mentioned, the-- in recruiting our substitutes, we
24 are really starting from individuals that have
25 experience with us and with our kids. And that could

2 be our recent graduates from teacher ed programs or
3 student teachers-- individuals who have previously
4 student taught with us, as well as certified teachers
5 and applicants and the overwhelming majority of the
6 subs in our pool have previous experience with our
7 students and these are the staff who helped us, not
8 just in person during the last school year, but also
9 during the recs before that and Summer
10 Rising this year. So they are very familiar with
11 their school communities. In terms of for longer
12 term needs, what we have done so far is we give
13 initial allocations to schools to support this
14 immediate period following the implementation of the
15 mandate and knowing that there's a lot of flux in the
16 data right now, but for schools that do know now that
17 they have longer term needs, they can work with their
18 borough office to do longer term need replacements
19 for those positions, as well.

20 COUNCIL MEMBER MILLER: Well, in the
21 shorter or longer term, does the budget that the
22 school--

23 SERGEANT-AT-ARMS: Time expired.

24 COUNCIL MEMBER MILLER: current budget
25 support the additional substitutes?

2 LAUREN SICILIANO: Yes.

3 COUNCIL MEMBER MILLER: Where does that
4 money come from? Is the DOE providing that or is
5 that coming out of separate school budgets?

6 LAUREN SICILIANO: Yes. We allocated
7 additional funding for that and if the needs that
8 schools have to backfill those roles on a short term
9 or long term basis exceed what we have given so far,
10 they just let us know and we are able to increase
11 those budgets, as well.

12 COUNCIL MEMBER MILLER: Okay. Thank you.
13 And then, finally, on the issue of social distancing,
14 I know that we don't have universal classroom sizes
15 in terms of dimensions of the classroom. Some
16 classrooms are a little larger than the others. In
17 the case-- I have a couple of schools that have
18 significantly more students than they had last year
19 and, obviously, enrolled and they were being--
20 teachers desks were actually moved out of the
21 classroom in order for them to teach. In order to
22 maintain sufficient social distance which we're not
23 sure that that is even the case. But that being
24 said, you know, how do we approach that and do we
25 really expect teachers to teach without desks?

2 FIRST DEPUTY CHANCELLOR CONYERS: Council
3 member Miller, point of clarification. Teachers
4 teaching without their own desks or student desks?
5 Was I heard, Malcolm?

6 COMMITTEE COUNSEL: I think we were
7 just trying unmuting him. Here he is.

8 COUNCIL MEMBER MILLER: So, it is with
9 their desks being moved. Their desks and other
10 necessary resources and equipment, as well, being
11 moved out of the room.

12 FIRST DEPUTY CHANCELLOR CONYERS: Okay.
13 So, thank you for that. First of all, the teachers
14 should really is a great luxury to have in the room
15 but we also realize that in order to maximize space,
16 in order to make sure that we put first and foremost
17 the students in the room, teachers desk really is not
18 required. There have been instances around schools
19 around the city where other provisions have been made
20 for other storage where necessary where investigated
21 and found was critical to do so for operations,
22 better teachers does, that frees up space, Council
23 member so that we can have more students and
24 definitely driving what our goal is just to make sure
25 that we're educating students and keeping them safe

2 as possible. My wife was a teacher, former teacher.
3 I don't think that she would complain if her desk was
4 removed. In fact, in previous years, she did remove
5 her desk because she wanted more space for conferring
6 with students and other things. So, if there is a
7 major issue on that, Council member, would you please
8 let us know which teachers are concerned about not
9 having a desk and we can investigate what the need is
10 and vis-à-vis the space that they have so that we can
11 try to create the best possible teaching situation
12 for them as they maximize the learning opportunities
13 for students?

14 COUNCIL MEMBER MILLER: Thank you so
15 much. I appreciate it. Thank you, Chair.

16 FIRST DEPUTY CHANCELLOR CONYERS: Thank
17 you.

18 COUNCIL MEMBER MILLER: Okay.

19 CHAIRPERSON TREYGER: Thank you.

20 COMMITTEE COUNSEL: Thank you, Council
21 member Miller.

22 CHAIRPERSON TREYGER: Thank you, Council
23 member Miller. Malcolm, next. I'm sorry.

24

25

2 COMMITTEE COUNSEL: Next, we'll turn to
3 Council member Levin, if we can go ahead and unmute
4 Council member Levin.

5 SERGEANT-AT-ARMS: Time will begin.

6 COUNCIL MEMBER LEVIN: Thank you very
7 much. Thank you very much, Chair, and thank you very
8 much to the representatives to the administration who
9 are here. I have a question about just-- I have
10 somebody who ended up having an education neglect
11 case called on them because their child-- this was
12 during remote learning last year because their child
13 wasn't able to login. The child was fairly young and
14 so was having, you know, trouble sitting in front of
15 a computer screen all day and, in addition to that,
16 the child had an IEP that they needed resources that
17 were not being offered at the time of school, you
18 know, according to their IEP. What, right now, is
19 DOE's orientation towards working with families who
20 are having attendance issues so that they don't end
21 up, you know, getting an educational neglect case?
22 Because, obviously, that is not to the benefit of
23 anybody.

24 FIRST DEPUTY CHANCELLOR CONYERS: Yeah.
25 Also a couple short things and then I am going to

2 point to Sean to answer that question. For me,
3 shortly, is lots of patience, lots of grace.
4 Understanding, support driven by a case-by-case
5 situation in making sure that we do protect the child
6 and protect the family because we understand what the
7 cases are as we try to improve the likelihood of
8 attendance. Deputy Chancellor Robinson?

9 DEPUTY CHANCELLOR LASHAWN ROBINSON:

10 Thank you for that and thank you for raising this
11 very important issue. Our focus last year, as well
12 as this year is on making sure that every student and
13 family is safe and comfortable coming back to school.
14 We have shared, previously, that under the-- I
15 believe the New York social services law and the New
16 York Family Courts Act an initial delay and reaching
17 families to get them to reengage with schools is not
18 a cause to report educational neglect. We have been
19 working closely with ACS to ensure that the right
20 training is happening out in schools and school
21 leaders and teachers and others understand the
22 gravity of the situation and the laws surrounding
23 educational neglect. In fact, before calling in a
24 report to the state central registry, school staff
25 must make every effort to ascertain the reason why a

2 student is not attending school. If the school
3 notices that, you know, based on the data that their
4 child has not been attending, the school must conduct
5 extensive outreach, provide resources to reengage the
6 student and the family within the school and will
7 continue to work with schools to ensure that these
8 processes are well understood.

9 COUNCIL MEMBER LEVIN: I mean, I know in
10 this instance the person-- the family was surprised.
11 Because to hear you just describe it just now, you
12 think that like their family, if they got to the
13 stage where they had an educational neglect case
14 called on them, they would be pretty well expected
15 because they would have gone through a process with
16 the school. But when I talked to this family, they
17 were surprised that educational neglect case was
18 called on them and so it kind of leads me to believe
19 that maybe, in that instance, there weren't kind of
20 this robust set of outreaches that you described.

21 DEPUTY CHANCELLOR LASHAWN ROBINSON: I'm
22 not familiar with this individual's case, but we
23 have, you know, communicated guidance to the field
24 last year and this year as well. We have conducted
25 extensive professional learning in this area. We

2 have worked closely with ACS data department and
3 others to make sure that we are paying attention to
4 this important matter and really putting the onus on
5 us to engage in the extensive efforts and
6 interventions to reengage the family and the student.
7 That is how we are leading in this area.

8 COUNCIL MEMBER LEVIN: Right. I think--
9 Yeah. I would be interested, if it is possible, to
10 get some data on the number of cases called in to SCR
11 on-- and maybe I need to get this from ACS, but the
12 number of cases called in to SCR for educational
13 neglect--

14 SERGEANT-AT-ARMS: Time expired.

15 COUNCIL MEMBER LEVIN: you know, by month
16 to see what the trends are. I mean, one other aspect
17 of this case was that it had, you know, some of the
18 wraparound services in the IEP that were not being
19 met and that was one of the reasons cited in the SCR
20 report and those particular resources-- I think it
21 was speech therapy-- or not actually available at
22 the time.

23 DEPUTY CHANCELLOR LASHAWN ROBINSON:

24 Yeah. I don't know the specific case, but I
25 would be interested if you would like to connect off-

2 line. I am happy to take a look and provide
3 additional support.

4 COUNCIL MEMBER LEVIN: And just-- Sorry,
5 Chair-- just very briefly, in terms of the number of
6 teachers that are-- the percentage of teachers that
7 have one shot, where-- like what is the percentage
8 right now?

9 FIRST DEPUTY CHANCELLOR CONYERS: Are you
10 speaking to the Chair?

11 COUNCIL MEMBER LEVIN: Oh, no. Well, I'm
12 speaking many of the representatives from DOE if they
13 want to speak to that.

14 FIRST DEPUTY CHANCELLOR CONYERS: Oh. Yes.
15 Lauren?

16 LAUREN SICILIANO: Thank you. It is 96
17 percent of teachers have received at least one shot.

18 COUNCIL MEMBER LEVIN: And any teacher
19 that hasn't received the shot, obviously, can receive
20 it at any point in time and return to the classroom,
21 correct?

22 LAUREN SICILIANO: Absolutely.

23 COUNCIL MEMBER LEVIN: And what is-- So,
24 for those remaining four percent of teachers that
25 have not received the shot, to have feedback as to

2 why they haven't received the shot? Why they
3 continue to be reluctant?

4 LAUREN SICILIANO: So, I would say,
5 generally, that the teachers and staff in general who
6 are not-- where we don't have a record of
7 vaccination follow into a couple groups. Some have
8 received exemptions or accommodations related to the
9 vaccine and, in those instances, they would,
10 obviously, remain on payroll. Then the second group
11 would be individuals who are, for other reasons, have
12 nothing to do with the vaccine and are already on a
13 leave and, therefore, don't need to get vaccinated
14 yet. For the third group of others who have not been
15 vaccinated, I can't speak to exactly why they would
16 be making that choice, but those are just generally
17 the groups that they fall into.

18 COUNCIL MEMBER LEVIN: Can I ask do you
19 have a number of the teachers and the third group?
20 Or teachers or other school staff that are in that
21 third group?

22 LAUREN SICILIANO: Not off hand, but I
23 happy to follow up with that.

24 COUNCIL MEMBER LEVIN: Okay. Because that
25 is really the number that, if someone has a medical

2 exemption or some other kind of religious exemption,
3 that is one thing. If they are on some other kind of
4 leave, that is, you know, obviously, another
5 consideration. But if were talking-- I mean, I
6 think it's kind of important to kind of drill down on
7 what exactly that number is of people who can or are
8 required to award don't have any exemption and are
9 still not doing it, I think that that would be an
10 important number to examine. Okay. I would be glad
11 to get that information. Thank you.

12 LAUREN SICILIANO: Absolutely.

13 COUNCIL MEMBER LEVIN: Thank you, Chair.

14 COMMITTEE COUNSEL: Thank you, Council
15 member Levin. Chair Treyger, no other Council
16 members have questions, so I'm going to turn it back
17 to you.

18 CHAIRPERSON TREYGER: Thank you very
19 much, Malcolm. I just want to go back to couple of
20 things from the health department and Dr. Long. To
21 both the deputy health commissioner and Dr. Long, is
22 it correct to say that staff that is vaccinated
23 could get reinfected with COVID? Are there
24 reinfection breakers? Is that correct?

2 DR. EASTERLING: Yep. That is correct.
3 It could happen. No vaccine is 100 percent, but it
4 actually happens at a much lower rate than, say,
5 someone who is unvaccinated.

6 CHAIRPERSON TREYGER: All right. And,
7 Dr. Long, you agree with that?

8 DR. TED LONG: Absolutely.

9 CHAIRPERSON TREYGER: Right. So, we hear
10 that-- and I heard from everyone that testing is
11 still a very key part of a multilayered strategy and
12 approach. We just heard that you could get
13 reinfected even if you are vaccinated. Why am I
14 hearing that there are teachers who are vaccinated in
15 their schools being denied testing in their schools
16 after there was a breakthrough case? This is not a
17 DOE question. This is a health department and Dr.
18 Long question. Why are vaccinated staff who wanted
19 to the right thing vaccinated staff who wanted to the
20 right thing and just get tested in their school after
21 one of their colleagues tested positive, why-- first
22 of all, are you aware that this is happening and what
23 are your thoughts as public health officials?

24 DR. EASTERLING: So, I'm not aware of the
25 specific case that you're speaking to, Chair Treyger,

2 but, you know, Dr. Long that talked about sort of our
3 surveillance plan that we have unvaccinated students,
4 but certainly an individual who is seeking to get
5 tested, we do have testing resources and we always
6 talk about our ability to sort of ramp up our
7 surveillance testing, but we have ample testing in
8 our communities through all the ways that Test and
9 Trace offers it. So, you know, I think, you know, we
10 always want to message where folks can get tested.
11 It isn't just limited at the school, but at all the
12 different sites that T2 has.

13 DR. TED LONG: Yeah. And what I would
14 add-- I appreciate the question, Chair Treyger,
15 because anyone who wants to get tested to keep our
16 city safe, we couldn't support that more. You know,
17 across New York City now, not just schools and
18 teachers, but we want to make sure we have access to
19 testing for any New Yorker. In particular, anyone
20 who was a close contact we offer at home testing
21 before. So, if you are a student or a teacher that's
22 a close contact that we have identified through
23 contact tracing, we offer to bring testing into your
24 home free of charge every single time. So we really
25 do want to tear down as many barriers that we can.

2 One of the little nuances but is important from a
3 public health standpoint is-- well, two things.
4 One, when we're offering testing nurse schools which
5 is once a week, and still look for signal to see if
6 we think there is ongoing transmission going on with
7 the school. That means that if you were, let's say,
8 Chair Treyger, let's say you still teaching high
9 school and you were exposed yesterday in the testing
10 team is there today and they want to get tested, CDC
11 says you should wait until between days three and
12 five because it's too early for you to have incubated
13 the virus to have a positive test from your exposure.
14 So, because we're only there one day a week with the
15 weekly testing teams, it is important that you still
16 get tested in the window of time or you would be
17 positive. So, getting tested the next day is too
18 soon and you can't possibly be positive being tested
19 the next day after and exposure. So, well waived to
20 help with that is, can, offer a like at home testing
21 who has been exposed that is a close contact and have
22 an arguably the strongest testing infrastructure in
23 the country here in New York City. And if there are
24 any communities where you feel like you don't have
25 enough testing resources or you want more, including

2 your communities, Chair Treyger, and anything your
3 hearing, I hope you have had the experience with US
4 that we are extremely responsive. Nothing makes me
5 happier. We built a mobile fleet of units only for
6 the purpose of being able to be more responsive to
7 our communities that need us the most. So, let us
8 know where we need to be and, you know, as long as
9 you accept the public health guidance that we are
10 sharing which is that there is a window of time, it's
11 that critical time to get tested your community, let
12 me know where to be, and I hope we have always been
13 able to deliver to you in the past and I offer you my
14 same commitment to now.

15 CHAIRPERSON TREYGER: Paul, I appreciate
16 the answer, Dr. Long, but the reason why I asked this
17 question is because I am told that this is the policy
18 that only unvaccinated can get tested and we just
19 heard both you and your colleagues say that
20 vaccinated can get reinfected. So, why is the policy
21 that the testing only is applicable for the
22 unvaccinated?

23 DR. TED LONG: Yeah. I'll start and I
24 can turn to Dr. Easterling there. So, this is per
25 CDC guidance and I will explain the rationale that

2 CDC has used in their valuation of evidence to come
3 to the conclusion you just stated perfectly. So, CDC
4 says that surveillance testing should be done on
5 unvaccinated people with the predominant reason being
6 that the reason we do surveillance testing with the
7 same 10 percent random sample, the same protocols at
8 every school is so that we can look comparatively and
9 see if we can do to affect a signal rising maybe in
10 one school that wouldn't be in another school, to.
11 If you had vaccinated people into the mix, you are
12 going to bias your sample because we know that,
13 fortunately, if you are vaccinated, you are less
14 likely to get the virus, Dakota Hospital, and to
15 potentially die from the virus. So, if we included
16 in our random sample, people that were vaccinated, we
17 would be biasing ourselves against finding the cases
18 that are important to find in our schools to see
19 where there might be a signal of ongoing transmission
20 going on in our schools. That is why the CDC
21 recommends that and that is why we believe that that
22 is the right waited to it. But, for any vaccinated
23 teachers, again, if you are a close contact, we will
24 come to your house or you can come to any of our
25 sites with the strongest testing infrastructure.

2 I'll put my foot forward there again, you know, in
3 the whole country and if that is not enough, let me
4 know where we need to be and we will be there.

5 CHAIRPERSON TREYGER: So, Dr. Long, Los
6 Angeles health officials might beg to differ with you
7 on these matters because there they are requiring
8 vaccination and they are requiring testing. It is
9 not optional. So, are you saying that-- because, I
10 think, if I heard you correctly, you're not getting
11 an accurate picture. I think Los Angeles is just
12 prioritizing bottom-line safety and they are making
13 sure that they are getting-- and no, are you
14 familiar with the Los Angeles school district policy
15 of requiring vaccination and testing?

16 DR. TED LONG: Yeah. Definitely. And,
17 again, the CDC does acknowledge and their guidance.
18 And, again, the CDC represents to us, again, the
19 totality of all of the evidence across, you know, the
20 country, if not, the world. And the CDC does say
21 that you can go, you know, beyond their
22 recommendations in different directions, but what
23 we're doing are you here in New York City which, by
24 the way, is really one of the main bases for the CDC
25 forming the policies that they have because a house a

2 fire schools were last year and we talked about a
3 little bit about when we studied students and
4 teachers in school versus at home, but I will read
5 you two quick quotes here and I promise I will be
6 quick. So, CDC says-- direct quote-- 10 percent of
7 students who are not fully vaccinated, quote one.
8 Quote two, offer screening testing for students who
9 are not fully vaccinated at least once per week. So,
10 per those two things, we are directly in line with
11 what the CDC says. But, as things change, and
12 testing infrastructure is very adaptable. We look at
13 the numbers every day and we can attempt to any
14 changes that we need to almost instantaneously in the
15 future.

16 CHAIRPERSON TREYGER: Yeah. Dr. Long,
17 does to wrap up on this point, I seriously question
18 our testing infrastructure. I, especially after what
19 I've heard today and not heard today also, we have
20 gotten the overwhelming majority of our kids in our
21 system have not provided consent to get tested. More
22 than 500,000 of our kids in our system are in the
23 elementary school age where there is still no
24 vaccine. So, as far as I'm concerned, we have a very
25 inadequate testing structure and program. I do want

2 to very quickly get to school bus drivers. Would you
3 agree that school bus drivers also are in contact
4 with students that they transport to school during
5 portions of the day. Would you agree and acknowledge
6 that?

7 DR. TED LONG: Well, I've been talking
8 a lot. Yeah. Yes. I agree to it. Ideally, I agree
9 they could also way and make sure that they agree, as
10 well.

11 CHAIRPERSON TREYGER: Well, the only
12 question been asked by parents that the mandate for
13 vaccination does not apply for school bus drivers and
14 school bus staff. Can anyone speak to that?

15 DR. EASTERLING: Well, I'll start, but,
16 you know, this is as we have talked about before, you
17 know, certainly starting with our DOE principals and
18 teachers and staff in school, but certainly we are
19 not done and we're looking at ways that we can climb
20 the letter to include additional roles, but we're
21 watching that data closely and I think this is going
22 to be our approach going forward.

23 CHAIRPERSON TREYGER: So, is correct to
24 say that you are considering soon requiring the
25 mandate to be extended to school bus staff, as well?

2 DR. TED LONG: I think maybe we can go
3 back to-- Well, I'll say quickly, Chair Treyger-- a
4 worse version of a teacher than you, but I'm not the
5 school bus driver, but I deferred to DOE and
6 understanding the dynamics and their policies there,
7 so maybe we can go back to the First Deputy.

8 FIRST DEPUTY CHANCELLOR CONYERS: So, I'll
9 start out and if any of my colleagues from DOE want
10 to jump in, I just want to say that way to
11 acknowledge that bus drivers have to play their part
12 in the maintenance of safety and we continued to work
13 with the bus companies to make sure that the drivers
14 and or attendants are in compliance with the mask
15 requirements. So, when we hear of that lack of
16 compliance and we were directly with the bus
17 companies to rectify that. We've been seeing a, I
18 would say, overall very positive bussing operations
19 happening across the city in terms of the bus drivers
20 and the matrons wearing their masks and making sure
21 that they can contribute to the overall health of the
22 students they are transporting. Lauren or anyone
23 else, if you want to add to that, please do. Okay.
24 I think we're good there.

2 CHAIRPERSON TREYGER: Okay. I know this
3 hearing is about health and safety protocols and the
4 vaccine mandate implementation, but I can go on an
5 entire new hearing on school bus issues, Deputy
6 Chancellor, because I will tell you that I'm very
7 disappointed in a number of school bus companies that
8 are not doing right by our kids, but I don't want
9 to-- I'm going to stick to the topic here at hand.
10 I want a clarifying question for Lauren Siciliano.
11 Lauren, correct me if I'm wrong, because, you know,
12 can a substitute person say no to placement in a
13 school?

14 LAUREN SICILIANO: That's correct. So, the
15 way some central works, schools use Sub Central to
16 identify substitutes for placement in their school
17 and so the substitute accepts the position.

18 CHAIRPERSON TREYGER: So, the substitute
19 has to-- can opt not to accept the position. Is
20 that correct?

21 LAUREN SICILIANO: That's correct.

22 CHAIRPERSON TREYGER: So, when the Mayor
23 and the Chancellor and everyone says that there are
24 thousands who are signed up, I believe that. I get
25 that, but when I reported that there are folks who

2 are reporting to me, principals are reporting to me
3 that they have not received the staff, you're saying
4 that one possibility is that they are saying no to
5 the placement. Is that correct?

6 LAUREN SICILIANO: It could be that they
7 are-- it's not really a placement, but it could be
8 that they are not able to source substitutes for that
9 job. That is absolutely a possibility which is why
10 substitutes are not the only tool that we have been
11 why we are constantly growing the pool, particularly
12 using nominations directly from schools because those
13 are individuals that the school has a relationship
14 with and are already tied to that school community.
15 So, in addition to growing the substitute pool of
16 those individuals, we will, of course, continue to
17 support with funding for additional coverages and for
18 existing staff to be able to support the schools, as
19 well.

20 CHAIRPERSON TREYGER: And do you have
21 data with you, Lauren, on how many nomination letters
22 you are currently processing, reviewing, waiting to
23 get back to principals? Because I will tell you this
24 has probably been one of the biggest reasons for

2 phone calls from school leaders is that they're
3 waiting for nomination letters to get processed.

4 LAUREN SICILIANO: Yeah. So, as I said,
5 when someone is nominated, there are a couple of
6 steps that need to happen and not all are sort of
7 within DOE control. There is-- once the person is
8 nominated, the applicant fills out the application
9 and they have to fill out background questionnaire
10 and then they coming into their prints and then move
11 through the process that way. So, we are clearing as
12 many of the steps as quickly as we can for the ones
13 that, you know, are sort of under our purview and, at
14 the same time, we're going to be sharing with schools
15 a reminder on how they can see the status of the
16 person that they have nominated. So, if there is
17 additional follow-up that is needed, they can either
18 follow up with the substitute or escalate to was that
19 someone has a question that needs to be answered.
20 So, we want to make sure that that information is
21 incredibly transparent. We constantly follow-up with
22 every substitute who is somewhere in the nomination
23 queue to remind them to complete all of the necessary
24 steps, as well, but we know that this is a real area

2 of interest for folks and so I want to share that
3 information as openly as possible.

4 CHAIRPERSON TREYGER: And last question
5 to you, Lauren. What is the average time for
6 nomination letter application to get processed? Did
7 you have that?

8 LAUREN SICILIANO: It really varies,
9 depending on how quickly each step of the process
10 happens, but making sure that everyone has the
11 clearest information on the status and what the next
12 step is is how we can really drive that time down to
13 as minimal as possible.

14 CHAIRPERSON TREYGER: All right. And
15 just to kind of crystalize the point for the folks
16 here and those watching, again, we're talking about
17 mandated service providers for our most vulnerable
18 children with IEP's who are being made more
19 vulnerable at the critical support services for them
20 and each day lost, it is a lot. We are already
21 responsible for the recovery program this year and it
22 is going to jazz steep in that need for compensatory
23 times and services for schools and staff. Look,
24 there is a lot of information that we did not get in
25 today's hearing which is just as sobering as some of

2 the information that we did get. I want to, again,
3 say, for all school staff and the health department
4 staff, that we appreciate them working incredibly
5 hard every single day on behalf of our students and
6 our school communities, but they deserve better and
7 we certainly deserve a lot more transparency than we
8 have had today. I still strongly believe, and I---
9 Deputy Chancellors, I fully agree that there is no
10 substitute for, you know, quality, in person
11 instruction. I don't think there is any disagreement
12 about the value of in person, but we are not in
13 normal times right now. We are not in the pre-
14 pandemic or a post pandemic. We are still in the
15 pandemic and we don't have a vaccine for young
16 children. I pray that there is one immediately, but
17 we're just not there yet and I am just getting
18 reports and reports and reports of attendance 40
19 percent, 50 percent, 60 percent from different school
20 communities. I would have loved to have gotten
21 clarification on the number of kids still enrolled
22 and not attended yet, so we're left to these
23 anecdotal reports from principals and from school
24 communities across the city. But we need to make
25 sure that we're connecting with all of our kids and

2 making sure that they all have safe, equitable
3 options. And I said before the start of the school
4 year that, you know, worksheets and packets are not
5 instruction. Well, in some cases, because of a
6 national steel shortage-- I don't want to get off
7 topic, but there's a chip shortage of steel, some of
8 the laptops promise to schools have not arrived and
9 I'm not blaming DOE for that because this is a
10 national figure issued then just the state of New
11 York, but the devices have not arrived. So, what do
12 some schools have to do? They have to give kids
13 worksheets and packets. And so, it's not equitable
14 across-the-board. I just want to leave it there. We
15 have a lot more work to do, but I, again, thank those
16 who came out here to testify, Malcolm, if there are
17 no additional questions for many of my colleagues--
18 is that correct?

19 COMMITTEE COUNSEL: That's correct.

20 CHAIRPERSON TREYGER: Okay. We will now
21 hear from the public. Thank you all.

22 COMMITTEE COUNSEL: Okay. Thank you.
23 That now concludes testimony from the administration.
24 We will now be turning to public testimony. All
25 panelists, once your name is called, a member of our

2 staff will unmute you and Zoom will prompt you to
3 accept the unmute. The sergeant-at-arms will give
4 you the go ahead to begin after setting the timer.
5 Please listen for that cue. All public testimony
6 will be limited to two minutes. At the end of two
7 minutes, we ask that people please wrap up their
8 comments so we can move on to the next panelist.
9 Council members, as always, if you have any questions
10 for any panelists, please use the zoom raise hand
11 function and I will call on you in the order in which
12 you raised your hand after the conclusion of a panel.
13 Our first panel that we will be hearing from will be
14 Michael Mulgrew from the United Federation of
15 Teachers and Donald Nesbit, Vice President, Local 372
16 DC 37. We will first turn to Mr. Mulgrew.

17 SERGEANT-AT-ARMS: Your time will begin.

18 MICHAEL MULGREW: Thank you. And I want
19 to thank the City Council, especially Chair Treyger,
20 for having this hearing. As we all know, our schools
21 have been under a great challenge since the beginning
22 of this pandemic and our school communities and the
23 staffs inside of them have risen to every one of
24 those challenges, including what we just had to deal
25 with this week on Monday with the vaccine mandate

2 and, once again, the schools figures out how to get
3 things done to try to keep children safe and we're
4 working right now to have more permanent solutions
5 for every one of our schools. But these challenges
6 have been exacerbated recently by changes in policy,
7 specifically from the Department of Health of New
8 York City. Last year, we were very proud to be able
9 to say to everyone in the city and across the country
10 that our schools in New York City were the safest
11 buildings to be in and, thankfully, at this moment,
12 we know that the current numbers are coming down,
13 which we're very-- are cause for great concern for
14 us because now we know that the newest strains--
15 this new strain, actually, is very harmful to
16 children and our entire time, people have shown up
17 for work since we first close the schools and showing
18 up to work virtually until when we opened our schools
19 last year and we had about 350,000 students until now
20 and people have continually shown up, but until this
21 year, it really were the adults who were more at
22 risk. And now we know because of the new strains and
23 because adults and some of our students have access
24 to a vaccination, it's really the children who are
25 more at risk. So, when the Department of Health

2 changes its policy about when a classroom should be
3 closed versus a partial closure and when we have
4 children who don't have access to the vaccine and the
5 fact that they are trying to base partial closures
6 off of close contacts when they, themselves, who say
7 they are not responsible for determining close
8 contacts and they are saying it is the schools
9 responsibility when nobody at the school has any way
10 of knowing whether a child has close contact. What
11 reading group do we know the child is in? who do we
12 know when the child is eating lunch, who they are
13 sitting next to? Did the child have to be pulled
14 out--

15 SERGEANT-AT-ARMS: Time expired.

16 MICHAEL MULGREW: to get a support
17 service? All of these things are true and these are
18 the things that have been very problematic, including
19 they are now saying that they do not do
20 investigations. So they have no idea if COVID is
21 being transmitted inside of a school community
22 because you showed up there and these policies that
23 have been changed are disgusting and really should be
24 changed back to what they originally we are and we
25 are the only Department of Health in the city of New

2 York that we know who determines that three feet is
3 no longer three feet.

4 COMMITTEE COUNSEL: Thank you. And,
5 next, we are going to hear from-- Oh?

6 CHAIRPERSON TREYGER: Well, I just want
7 to just really quickly say to President Mulgrew, I
8 mentioned before in my opening and I mentioned,
9 certainly, in my closing that we applaud and
10 appreciate that the overwhelming majority-- it is
11 nearly almost unanimous of teachers have done the
12 right thing for their health, their family, their
13 community, and their schools by getting vaccinated
14 and even before the mandate, working around-the-clock
15 beyond contractual hours. It is not an eight to
16 three job. Teachers know this is a 24/7 job. We
17 appreciate them. We see them. We hear them and they
18 deserve more than just thanks here on a zoom meeting.
19 I shared earlier, President Mulgrew, an illustration,
20 photograph of how as to what you were just talking
21 about with regards to the distance that from nose to
22 nose, center of the desk to center of the desk, and
23 it is unconscionable to me that that is how they have
24 classified the three feet distance. I, as a teacher,
25 could not get through that space. I am not a public

2 health expert-- and were going to show this, again.
3 Thank you, Malcolm. I could not get through that
4 space, so even for pedagogical reasons, that could be
5 even an issue and I challenge, but for a public
6 health reason, that is not adequate and safe physical
7 distancing and this was designed, in my view, to just
8 simply pack the classroom with more desks, more kids
9 that really goes against the spirit and letter of
10 public health expert guidance. And, President
11 Mulgrew, what-- would you agree with that it could
12 you please add more?

13 MICHAEL MULGREW: I think you're saying it
14 very nicely. This is absurd. There is nobody in the
15 country-- there is not a single doctor in the
16 country that will agree with them. This was done
17 because they want to be able to say that they can
18 bring every child back safely. They are telling us
19 we can fit more children now side of each classroom
20 in New York City than we have ever done in our
21 history and when they are trying to say that this is
22 the CDC, they are lying. This is not the CDC. The
23 CDC did not say the measure from nose to nose when
24 people live side-by-side. That is for when people
25 are facing each other. So, somebody needs to hold

2 the Department of Health responsible. How can you
3 tell us that a class that would never have more than
4 34 students and it can now hold 50? I mean, this is
5 why I think it is so important that what you are
6 doing here today, people need to know that our
7 Department of Health, for some reason-- and they
8 should come clean about what the reason is-- has
9 decided to make these ridiculous policy changes and
10 are trying to veiling it under that it is the CDC
11 when it is not. This is them telling us to put
12 people 18 inches from each other and telling us to
13 put our desks to the point where we can't even go up
14 and down the rows. This has never happened in our
15 city before. This is ridiculous and we're in the
16 middle of a pandemic.

17 CHAIRPERSON TREYGER: And I never would
18 have imagined that we would be having a discussion
19 and a conversation-- even a debate-- about how do
20 we measure three feet from people. I mean, this has
21 become-- It's not even funny. This is life and
22 death. This is serious stuff. I just can't believe
23 that they have chosen this path and I'll also say,
24 President Mulgrew, that Commissioner Dave Chokshi
25 came to my hearing on December 1st with the original

2 policies and he called it the gold standard and then,
3 not a week later, they changed it. He didn't come to
4 today's hearing and folks--

5 MICHAEL MULGREW: No.

6 CHAIRPERSON TREYGER: I'm sorry. Please
7 continue.

8 MICHAEL MULGREW: I'm assuming he would
9 not. He probably likes being on TV too much when he
10 really should be talking about is really what he has
11 done here. We're the school that went from four
12 positive cases to six to 10 to 12 to 19 to 24 over a
13 period of days and it was not closed. And this was
14 after these policy changes happen and the reason they
15 didn't close it was because they said they had no
16 evidence that the spread of the virus was from inside
17 the school. When we asked for the documentation for
18 the tracing, the investigations, they said they don't
19 do that anymore. We said, if you don't do that
20 anymore, then how would you have evidence if the
21 spread happens inside of the school and they said,
22 well, we won't because we don't do investigations.
23 We said, so why don't we even have a regulation that
24 says that if we have multiple incidents of spread
25 happening inside a school, you need to close it.

2 CHAIRPERSON TREYGER: Well, President
3 Mulgrew--

4 MICHAEL MULGREW: It rigged the system.

5 CHAIRPERSON TREYGER: We got our answer
6 to this because they, you know-- When I spoke to
7 Commissioner LaRocca earlier from the Situation Room,
8 she acknowledged that phone calls go until 11 o'clock
9 at night between her staff and school community
10 members and, basically, your members and principals
11 and other staff have become de facto contact tracers.
12 They almost were celebrating that, but I pointed out
13 in my training to be a teacher, I never had any
14 public health training to be a contact tracer. Your
15 members certainly are not public health experts with
16 the exception of nurses that are licensed to provide
17 health services and they acknowledged there was no PD
18 or workshop to even go over this. So, basically,
19 your members and principals, others are on the phone
20 going over seating charts, who sat next to who for
21 more than 15 minutes, who wore a mask and who took
22 off the mask. And, President Mulgrew, as you know,
23 the job of a teacher is how to educate our kids and
24 keep them safe and supported. It is not to become a
25 de facto contact tracer in the middle of a pandemic.

2 Can you just speak to what responsibilities teachers
3 are being pulled from at the expense of the
4 negligence of the Health Department in the city?

5 MICHAEL MULGREW: When the first-- This
6 first really became problematic when it was clear
7 that every school in New York City was going to have
8 a problem meeting the three foot rule when we
9 actually meant that three feet was three feet. Okay?
10 There are a lot of schools that were going to be able
11 to become compliant. The idea was, at that moment,
12 that we were going to put in extra layers of
13 protection, extra ventilation, be very aggressive
14 about doing this, but also layer in our Test and
15 Trace, close classrooms where we know we have a
16 positive case where students do not have the ability
17 to be vaccinated, and, at the same time, have those
18 investigations because we don't want to have spread
19 inside of the buildings. And then, literally, in a
20 three day period, all of that got turned on its head.
21 All of it. And principals started reaching out to
22 us. Teachers started reaching out. Teachers started
23 sending us pictures. Principals are like, they're
24 asking me who had close contacts. Am I the close
25 contact police? How am I supposed to figure this

2 out? There was no training. It was literally like
3 Test and Trace decided, you know what? We're not
4 doing this working anymore. We're going to give it
5 to you even though you have no idea how to do it.
6 And that is what has been going on throughout. And
7 it's a shame because our Test and Trace at one point
8 was a model and now it's a model for exactly what not
9 to do.

10 CHAIRPERSON TREYGER: And, President
11 Mulgrew, last question. The DOE, again, refused to
12 give us enrollment information and raw numbers in
13 terms of attendance. We heard a lot of different
14 numbers and estimates. What can you share-- And,
15 again, it's their responsibility and not yours to
16 give us that, but what can you share what you've
17 heard of membership about concerns in regards to
18 attendance and kids not coming into buildings?

19 MICHAEL MULGREW: Overall, we think we are
20 somewhere between 140,000 and 180,000, back, again,
21 we can't get the information. I've never heard of
22 the fact that nobody can get any-- how many children
23 are enrolled in our schools and then how many haven't
24 shown up? And is really not a difficult question. I
25 assuming because they are worried about people saying

2 they still want the remote option, but you shouldn't
3 be-- for me, it's we have to go find those children.
4 That is the-- If you're asking me, as a teacher,
5 what do you do? You play politics and say and
6 telling anyone exactly what children aren't coming so
7 that they don't get in education for months or do you
8 say, all right, let's do the right thing. Let's go
9 find these children and let's go try to figure out
10 how to get them comfortable with school.

11 CHAIRPERSON TREYGER: And that's exactly
12 it. This is not a game of gotcha'. This is a matter
13 of how do we best support our children in our school
14 communities? And, quite frankly, as we heard today,
15 they only received about 192,000 testing consent
16 forms--

17 MICHAEL MULGREW: Oh, boy.

18 CHAIRPERSON TREYGER: . There was a
19 little bit of confusion on their part about whether
20 all of those forms are from side vaccinated students.
21 The DOE kind of said, yes, we think. Yes, we think.
22 Others didn't want to comment. I have serious
23 questions about that. As far as I'm concerned, we
24 don't really have a full testing program in our
25 school system. And I also shared, President Mulgrew,

2 that your members who did the right thing-- a
3 colleague tested positive and they were vaccinated
4 and they wanted to do the right thing, they wanted to
5 get tested in their school and they were told no and
6 they said that testing was only for the unvaccinated
7 and we heard the Health Department today confirm that
8 there are breakthrough infections. Are you aware
9 that members are being turned away in their schools
10 to get tested?

11 MICHAEL MULGREW: Yeah. Because last year
12 and the end of August, the Test and Trace group had
13 told us, again, like we did last year-- any of your
14 members who want to be tested, we will do it as long
15 as we have the time and then everything changed in a
16 small period of time and, no. Now they don't have
17 access to the test. And what we're trying to do by
18 being tested is we're trying to make sure that,
19 because we know we have access to the vaccine, were
20 asking to be tested because we are trying to keep our
21 students safe. And they seem to forget that that's
22 the reason why we're asking to be tested. But
23 everything changed. There seems to be a major
24 shakeup going over on over at Test and Trace and it's
25 just not what it was by any means. . Come now, it

2 has just turned into a source of anger and
3 frustration versus, you know, very important piece of
4 keeping our school communities safe, which it was
5 last year.

6 CHAIRPERSON TREYGER: Yes. And then,
7 lastly, President Mulgrew, they mentioned October--
8 the end of October is when they would have a number
9 available for attendance enrollment and I reminded
10 them that, again, being a former teacher, you can do
11 very quick fact check that, you know, every day I had
12 my delay me but, I had my bubble sheets. We took
13 attendance and scanned it into ATS. That was sent
14 over to central. It is advisable to me and insulting
15 to this committee and tell the public that they will
16 not share the attendance data and information. And I
17 appreciate your continued push for greater
18 transparency and accountability on behalf of the
19 kids-- not just your members. And this is something
20 really important. I don't think you just fight for
21 your members. The questions and issues that you are
22 raising I really for the broader school communities
23 and communities at large. So, I want to thank you,
24 President Mulgrew, for your leadership on that.

2 MICHAEL MULGREW: And on the attendance
3 piece, Mark, you and I both know, because we worked
4 at the Department of Ed, they have an attendance
5 figure for every day. They know how many kids didn't
6 show up in the reason they are saying the end of
7 October is that is when they are required by the
8 state to tell the state. So, they are hiding this.
9 And the sad part is if children are missing and
10 become LTAs-- never show up-- there then removed
11 from her registers and what we should be doing right
12 now is a city like we had teachers who volunteered in
13 the summer or door knocking families in the
14 communities where they were. We should be doing that
15 right now. But, again, we're playing this little
16 game of I'm not going to tell you it's wrong because
17 I don't-- politically, it might not work for us.
18 And this all comes down to Mayoral control, as we'll
19 know.

20 CHAIRPERSON TREYGER: On that note,
21 that's a very powerful note and in on. Thank you,
22 President Mulgrew, for your leadership in being here
23 today.

24 MICHAEL MULGREW: Thank you.

2 CHAIRPERSON TREYGER: Thank you very
3 much. Next, Malcolm, please.

4 COMMITTEE COUNSEL: Next on this panel,
5 we will hear from Donald Nesbit, vice president of
6 Local 372 DC 37. If we can unmute Mr. Nesbit.

7 SERGEANT-AT-ARMS: Time starts now.

8 DONALD NESBIT: Yes. Good afternoon,
9 everyone, and thank you, education Chair Treyger, for
10 holding this very, very important hearing today.
11 Thank you to the members of the committee, as well.
12 I did submit a testimony which explains our position,
13 but I am going to just go over some things and giving
14 my testimony today. So, I want to say, and listening
15 to some of the testimony earlier today, we are
16 witnessing some of the same incompetence that we
17 witnessed at the beginning of the pandemic. The DOE,
18 the city administration has not learned from what
19 happened then. I want to say a remote option is
20 definitely something that we need to do in schools.
21 Testing is definitely something that we need to do in
22 schools. We have CDC guidelines, but why are we not
23 going above and beyond? I want to say that the
24 guidelines are just the minimum. My own son came
25 home from school and he said, dad-- His first

2 comment on the first day of school was, dad, we are
3 too close to one another. So, I told him to use his
4 arms and his distance and that is how far he should
5 be from someone, but not every student is six four
6 with a six six wingspan, right, and able to do that.
7 So, those are some concerns. We look at the numbers
8 and we look at some of the members that we represent.
9 School food employees, I want to say, we were at the
10 beginning of the school year already known when
11 thousand employees from the beginning of last school
12 year. We have lost some due to the vaccine mandate.
13 I, myself, yesterday went to a school up in the Bronx
14 where I put away of food delivery-- a \$3000 food
15 delivery in the school kitchen because the staff just
16 had the cook and a helper doing double operations and
17 moving food to classrooms in the principal and that
18 classroom was very helpful and the educators were
19 very helpful in actually spreading some of that for
20 that operation where more children were able to come
21 to the cafeteria. But that actually lead to the
22 cafeteria being more crowded.

23 SERGEANT-AT-ARMS: Time expired.

24 DONALD NESBIT: I'll finish up quickly.

25

2 CHAIRPERSON TREYGER: You may continue,
3 Mr. Nesbit. Please continue.

4 DONALD NESBIT: Okay. We also represent
5 workers who work in the central office where we saw
6 the Mayors mandate for September 13th for our workers
7 who were ordered back into offices where social
8 distance protocols were actually canceled by the
9 Mayor. Signs were removed. Partitions were removed
10 in those office and even while he was still pushing
11 to us that the Delta variant was dangerous and that
12 it was killing folks and that we should push for more
13 people to be vaccinated, he removed some of these
14 protocols and that she does jeopardizes the trust
15 level. I want to say that a lot of workers, even
16 though with the vaccine mandate, we haven't been
17 encouraging our members to be vaccinated. I want to
18 say there is still some anxiety amongst workers on
19 decisions that they had to make so swiftly on health
20 decisions. I want to say that people that I
21 represent mainly black, Latino, and a majority women
22 and their workers serious questions. When we hear
23 reports of the vaccine in very rare cases where this
24 information of the heart and that black and Latino
25 nosedive from higher rates from heart disease, there

2 are questions that just weren't answered. I want to
3 reiterate when Councilman Dinowitz and what Council
4 member Barron said that there needs to be
5 transparency and people need to realize that there is
6 hesitancy within the black community around taking
7 the vaccine. So, I hope, as we push towards the exit
8 needed students, that we are also educating families
9 around what the vaccine actually does. Can't say
10 that some of our members who were hesitant, I went
11 over reading material with them around mRNA and what
12 it does to the body and I have pushed this with some
13 of the members and they, after reading the material,
14 they felt better about it. I want to say, in a
15 school system where we take training on blood-born
16 pathogens, we take OSHA training, we mandate sexual
17 harassment training-- in a situation, in a pandemic
18 where it has killed more people than we have ever
19 seen in our school system, why did we not move
20 towards PowerPoints and different instruction on the
21 computer for staffers within the school, for families
22 that would've made the situation much better around a
23 mandate. I visited the school on Monday when the
24 mandate went into effect only to see a school lunch
25 helper brought out of the school by police and EMS

2 because she simply just wanted to be on the job and
3 service the children that was there and she felt that
4 it was her religious beliefs not to take the vaccine.
5 And I think a lot of that falls on the lack of
6 education that went into education and teaching some
7 of the folks within our school communities. I felt
8 that the city could have done a much, much better
9 job, but it is a sad situation where that same
10 employee-- we look at and we clap for her and the
11 school food employees at 7 p.m. are out this pandemic
12 only for her to be brought out by police and EMS on
13 Monday. That is a sad situation in this city and I
14 think if we're moving where we agree, the vaccine is
15 the safest way for us to get to where we need to be.
16 There needs to definitely be an effort on more
17 education to families because families in the black
18 and Latino community are going to be hesitant on a
19 vaccine and putting a vaccine into their children and
20 I think we cannot just push it to the side and say,
21 hey, if you take this medication, then you should be
22 comfortable with this. I think that we should
23 educate families before we move towards these types
24 of things. I feel the city has failed on doing those
25 things that they should have done. Thank you, Chair,

2 for the opportunity to come before the committee and
3 just express these feelings today.

4 CHAIRPERSON TREYGER: Thank you and thank
5 you, Vice President Nesbit, and thank you to your
6 entire team and to all your members for always being
7 critical of essential workers and for even throughout
8 the entire summer, continuing to provide meals for
9 families and services and you have raised very
10 powerful points and one of the things that I think is
11 critical is education is absolutely critical, but
12 also building and maintaining trust during the
13 crisis. And if you look at the pattern of this
14 administration going back to last year-- I mean,
15 first of all, we lost the previous health
16 commissioner because I argue that politics did get in
17 the way of public health choices and decisions. And
18 even now, September 1st, the health commissioner
19 testifies at my hearing that this is the gold
20 standard package of protection to keeps students and
21 staff safe and, not even a week later, they
22 completely undo the gold standard. They don't even
23 send the people here to testify to defend it. They
24 just say that they changed it and so forth. How does
25 that maintain and build trust in the communities that

2 you're-- that we're all serving and talking about?
3 It further erodes trust and so you need to maintain
4 and build trust and hear from public health experts
5 or, as they say, follow the science from public
6 health experts, but this administration,
7 unfortunately, dropped the ball. And today, we heard
8 testimony or didn't hear some testimony that we
9 really don't have a testing program which means, in
10 many schools, we'll be testing the same small number
11 of kids every single month that returned the forms
12 and that's it. Parents that I speak to tell me they
13 have not been pushed or encouraged by their schools
14 to return the forms. When the DOE wants forms back
15 from parents, they know how to do an all out blitz.
16 When they want those parent learning surveys, when
17 they want the lunch forms in the past, they know.
18 They used to come to my door and say, Mr. Treyger, we
19 need these number of lunch forms back because lunch
20 forms were important to our budget, as well, for
21 title I purposes. When they want something, I know
22 how to get it. I have not heard any push. How many
23 times does the Mayor go on TV and say, parents,
24 please send in your testing consent forms? It's
25 over. So, Mr. Nesbitt, I hear you and I appreciate

2 your powerful testimony. It's education and also
3 maintaining trust and building and trying to earn the
4 trust of communities that we have failed over and
5 over again historically. So, thank you, Mr. Nesbit.

6 DONALD NESBIT: Mr. Chair?

7 CHAIRPERSON TREYGER: Yeah?

8 DONALD NESBIT: Can I make one more
9 comment around--

10 CHAIRPERSON TREYGER: Yes. Please.

11 DONALD NESBIT: the exemptions that we
12 can also look at those. We have situations where we
13 have heard-- I'll give you one example. A parent
14 coordinator who got COVID during the month of August.
15 She got it in the school building. She filed for an
16 exemption because her doctor told her that she can't
17 get the vaccine within 90 days of her exposure
18 because the antibody levels are too high. She was
19 actually denied an exemption and we have to look at
20 these because I think where the DOE is pushing to say
21 we're giving religious and medical exemptions, their
22 criteria, it just doesn't add up, right? Someone who
23 got COVID in the school building is denied after
24 their doctor told them that they can't receive it

2 until their 90 day period has passed. So if we can
3 look at that, as well.

4 CHAIRPERSON TREYGER: Thank you, Mr.
5 Nesbit. Thank you so much for your testimony today.

6 COMMITTEE COUNSEL: Council member
7 Riley has a question for this panel.

8 CHAIRPERSON TREYGER: Oh.

9 COMMITTEE COUNSEL: So if we can go
10 ahead and unmute Council member Riley.

11 CHAIRPERSON TREYGER: Yes. Council
12 member Riley. And I also want to publicly thank
13 Council member Riley for also being an incredible
14 partner and ally in this effort to keep our kids and
15 staff safe and for remote options for our families,
16 too. Council member Riley, please.

17 COUNCIL MEMBER RILEY: Thank you, Chair
18 Treyger, and I'm going to start off with that first.
19 We definitely need a remote option for our students.
20 I'm going to say that on the record. I'm going to
21 continue saying that because we are not prepared for
22 what's coming. Actually, Brother Nesbit was in my
23 district yesterday and, actually, the school he's
24 referring to is my daughter's school. So, you can
25 kind of see the resources that were pulled into

2 bringing this food into the school that was kind of
3 taken away from the other schools where they could've
4 been assisting other students. This is a concern
5 that we continue and continue to press on the DOE.
6 And it's like we are playing politics and this is
7 really sickening because we're playing with our
8 children's lives and we're playing with my child's
9 life which I don't want to play with. So, with that
10 being said, I just would like to commend the UFT
11 President Michael Mulgrew and also Donald Nesbit for
12 your continuing work that you have been doing. You
13 haven't been giving a lot and your members have been
14 doing what they should be-- what they have been
15 doing for our students to make sure that they are
16 kept safe, but the DOE has to step up. We need a
17 remote option. We need an option for our students to
18 feel safe. Speaking to some certain parents-- and
19 I'm sorry, Chair. I was at another event earlier, so
20 I didn't get to give my testimony to the DOE, but I
21 just wanted to let this know on the record and
22 speaking with many students and speaking with many
23 teachers within my district, they do feel like they
24 aren't getting any support, especially from the DOE.
25 So, we really need to just put some pressure on them

2 and the Mayor's office to make sure that we are given
3 the remote option. When it comes to the mandate, we
4 knew the Delta variant was there prior to us going
5 back to school know that this mandate would take
6 place. This is something that should've been
7 mandated prior to us going back to school so we could
8 properly make sure that we are taking care of our
9 students. So, just want to put on the record and
10 thank you all for your fight and, Chair, thank you so
11 much. You are really a trailblazer really fighting
12 for our students and our parents and our teachers.
13 Thank you.

14 CHAIRPERSON TREYGER: Well, Council
15 member Riley, I want to say ditto to you because I
16 want the public to know that I appreciate my
17 colleagues that actually don't just-- and he
18 certainly has a great self-care social media
19 presence. He does great things. He visits schools.
20 He actually goes to his communities. He speaks to
21 teachers, to parents, and he's raising a beautiful
22 family. He is on the ground and that means so much
23 in the City Council to have leaders that actually
24 know what they are talking about and really see it
25 and do it every day. So, thank you, Council member

1 COMMITTEE ON EDUCATION

171

2 Riley, for your leadership and partnership. We
3 really appreciate it. Thank you. Next, we will
4 hear-- Malcolm?

5 COMMITTEE COUNSEL: Yes. Thank you for
6 that panel. The next panel that we will be calling
7 on we will be. From Lucas Healy, from Paulette
8 Healy, Parents for Responsive Equitable Save Schools,
9 or PRESS NYC. Liz Rosenberg, PRESS NYC. And Kaliris
10 Salas, PRESS NYC Community Education Council Four.
11 The panel after that will be Tanisha Grant, Jennifer
12 Goddard, Amy Tsai, and Rashida Brown Harris. We will
13 first start with Lucas Healy.

14 SERGEANT-AT-ARMS: Time starts now.

15 LUCAS HEALY: Thank you. Can you hear me?

16 COMMITTEE COUNSEL: If you could just
17 speak up a little bit louder.

18 LUCAS HEALY: Sorry, sir.

19 COMMITTEE COUNSEL: There you go.

20 UNIDENTIFIED: There you go.

21 LUCAS HEALY: My name is Lucas Healy and I
22 am a D75 student. I am striking until remote options
23 is restored. I thank you, Councilman Treyger, for
24 listening to our family's need to prioritize our

25

2 safety over many lies. We have heard from the DOE
3 and the DOH for the past three hours--

4 UNIDENTIFIED: That's okay.

5 LUCAS HEALY: and I trust them less--

6 UNIDENTIFIED: than I did before.

7 LUCAS HEALY: than I did before. Well,
8 it's especially unsafe now that my OT and my speech
9 therapists are being pulled to cover other class. So
10 how do I get my service? How do my friends get them?

11 UNIDENTIFIED: Even though they're
12 going--

13 LUCAS HEALY: Even though they're going in
14 person? [inaudible 03:23:40] Who is going to make
15 sure this section [inaudible 03:23:48] get made up?
16 Nobody. This could all have been avoided if we just
17 got our remote options. I miss my teachers. I miss
18 my school. I don't trust this Mayor or the
19 Chancellor and I don't plan to risk my life to prove
20 that I'm right. Thank you for the time.

21 CHAIRPERSON TREYGER: I want to thank you
22 for, again, doing incredible, powerful things.
23 Again, I speak as a teacher. I would have high
24 school seniors that public speaking is sometimes a
25 work in progress, but how wonderful and how powerful

2 that you're today at a Council hearing and for
3 everyone to hear you and support you. So I applaud
4 and thank you so much for your powerful testimony
5 because it really-- you're speaking on behalf of not
6 just yourself and your family, but on behalf of your
7 peers and fellow students and families, as well.
8 Thank you for your powerful testimony. Thank you so
9 much.

10 COMMITTEE COUNSEL: And next we will
11 hear from Paulette.

12 SERGEANT-AT-ARMS: Time starts now.

13 COMMITTEE COUNSEL: Paulette, I
14 actually can't hear you.

15 PAULETTE HEALY: Can you hear me now?

16 COMMITTEE COUNSEL: There we go.

17 PAULETTE HEALY: Okay. All right. Thank
18 you, Council members, for holding the DOE accountable
19 with this legislation on attendance and enrollment
20 numbers. As New York City families keep their
21 children for safety or are still awaiting approval
22 for home instruction. They continue being harassed
23 by school and sometimes district and borough
24 attendance agents despite continuous communication
25 with the schools on the status of their applications

2 or their right to strike. This week, we have report
3 of ACS contacting families who have kept their
4 children home for safety from schools in the Bronx,
5 two different districts in Queens, and in Graves End
6 in Brooklyn. Without transparency on attendance, the
7 DOE continues to downplay the over 100,000 families
8 that have refused to-- that the DOE has refused to
9 service. At yesterday's New York State Senate
10 hearing, Deputy Chancellor LaShawn Robinson disputed
11 Senator Lou's calculation of 144,000 students not
12 receiving educational supports, as she did today with
13 Councilman Treyger's estimate of 150,000 students,
14 but still will not provide the enrollment numbers the
15 DOE is using as its denominator to establish the 12
16 percent of children no attending schools. This is
17 just another example of the lack of transparency and
18 the way that the DOE is manipulating data to
19 overshadow their responsibility and shrug the
20 responsibilities that they owe these families. The
21 approach that Deputy Chancellor Robinson stated to
22 reengage our families who are not sending their
23 children in is the top down only approach that is,
24 obviously, not being implemented by our
25 administrators if ACS is being called on parents now.

2 How many more examples of this top down approach by
3 DOE central administration's failing do our families
4 need to endure before we change these systems?

5 Lastly, since Councilman Treyger mentioned, people
6 transportation could be its own oversight hearing. I
7 implore you to do so. The atrocities that have been
8 happening with people transportation still run amuck
9 today. We still have District 75 students still
10 waiting for bus drivers to pick up their routes in
11 order to bring them to school. And with academic
12 recovery programs that are expected to roll out by
13 November, it is against the law to prohibit access--

14 SERGEANT-AT-ARMS: Time expired.

15 PAULETTE HEALY: to these programs. Do
16 you mind if I just finish real quick? Thank you.
17 I'm sorry. Academic recovery programs are expected
18 to rollout by November and it is against the law to
19 prohibit access to these programs due to the lack of
20 transportation, but that is what 26,000 of our D 75
21 students are facing since 90 percent of our students
22 get bussed out of our communities and will not have
23 the luxury of some of our other IEP students of going
24 to their local schools in order to get these related
25 services or these academic supports. Please help us

2 in calling for more oversight over the Office of
3 People Transportation and please partner with us to
4 make sure that the systems that are in place now that
5 are failing get revamped so that our families get the
6 voices and the rights and the supports that they have
7 been clamoring for for over two years. Thank you.

8 COMMITTEE COUNSEL: Thank you,
9 Paulette. And next we will hear from Liz Rosenberg,
10 PRESS NYC.

11 SERGEANT-AT-ARMS: Time starts now.

12 LIZ ROSENBERG: Hi. Can you hear me?

13 COMMITTEE COUNSEL: Yes.

14 LIZ ROSENBERG: Okay. So, I usually
15 really work hard on my testimony, but I really didn't
16 because I feel that this is, basically, a theater.
17 So here goes my mediocre testimony that the DOE and
18 the DOH will never hear or care about. I'm a member
19 of Parents for Responsive Equitable Safe Schools,
20 PRESS NYC. in this role, I have focused a lot on
21 data and research to try and offer families both a
22 better sense of the risks of the science and to call
23 out the flaws in the city's narrative about COVID in
24 our schools and city. Here are some of today's data.
25 IO 7 in Staten Island has 12 partial classroom

2 closure-- that's about 10 percent of their
3 functional rooms-- 123. They had four student cases
4 on October 4th and, on October 5th, three new
5 students and one new teacher case. It's unclear if
6 any of these cases came in via in school testing
7 because on the DOE's page, it says zero percent of
8 their results are back for October 4th. How could
9 this have gone differently? A baseline test at the
10 beginning of the year would've picked up thousands of
11 cases that never would've gotten into our schools.
12 Though some portion of these students are not and
13 cannot be vaccinated, given this, all of them should
14 be quarantined. Poor ventilation is a factor in
15 determining close contacts and we have no
16 verification of the safety of any of these rooms and
17 I will also, of course, bring up the nose to nose
18 rule. This school could be testing, whether that is
19 in school or out, this appears to be a serious
20 outbreak. If the focus is stopping spread, this is
21 the time for the greater testing ability the DOE says
22 it can pivot to, for lots of students are in
23 quarantine and IS 7 right now. How are they
24 learning? Connected? Especially special-education
25 students. Back to the data. PRESS NYC launched a

2 people's dashboard this week to help us track whether
3 case numbers are rising. You can tiny
4 url/peoplesdashboard, all lowercase, to find--

5 SERGEANT-AT-ARMS: Time expired.

6 LIZ ROSENBERG: I just have one more
7 paragraph, actually. This is not public health,
8 transparency, or any kind of good intentions towards
9 our children and their school experience. This is
10 about political ambition and controlling the
11 narrative. I sincerely hope that we don't lose
12 control of the narrative and in the worst possible
13 way: loss of life. The science tells us that there
14 will be more than 29 child deaths that New York City
15 has already sustained. The end.

16 COMMITTEE COUNSEL: Thank you. Next,
17 we will hear from-- I'm going to apologize for
18 messing up the name. Kaliris Salas, PRESS NYC CEC 4.

19 KALIRIS SALAS: You did pretty good,
20 Malcolm. Thank you. So, my name is Dr. Kaliris
21 Salas. I am currently the president of CEC 4 and
22 also on the steering committee of PRESS NYC. As a
23 scientist, medical educator, parent, leader in my
24 community that this statement will definitely not do
25 justice, to my complete dismay and shock of the

2 negligence displayed today by the Department of
3 Education and the Department of Health. The fact
4 that the city will not share enrollment data or
5 accurate numbers of vax rates among students,
6 however, still wants us to accept their decisions and
7 changing mitigation protocols and nonpharmacological
8 interventions in our schools is absolutely
9 irresponsible. It perplexes me that they print a
10 daily percentage of attendance for every school and
11 an overall average, but they don't know the actual
12 numbers. To be honest, as a CEC member, I have
13 received actual numbers from my superintendent, so I
14 do know that they have them. I am also very confused
15 how they can say that 92,000 plus students have
16 signed consent forms and that they are all from under
17 vaccinated students, yet, they don't know how many
18 vaccinated students we have in the system. Eliza
19 Shapiro apparently has the ability to report
20 percentages of the accident he did students along
21 with the fact that black and Latino students have the
22 least vaccinated uptake of vaccine rates in our
23 public school system. Our communities, East Harlem
24 included, has struggled with vaccine access, as well
25 as healthcare access on both testing and vaccination.

2 Three percent of my students in East Harlem stayed
3 roundabout and only 1200 students participated in
4 Summer Rising. All of My families have asked for a
5 remote option and lots are participating in the
6 strike for safe schools. The first school that was
7 closed was in my neighborhood and so we have to
8 acknowledge that school buildings are not safe. Two
9 schools closed over the summer and Summer Rising.
10 CEC 4 has drafted and presented several resolutions
11 to support not just a weekly testing in schools, but
12 if families do not want to test in schools, we have
13 asked that they provide a COVID free test in order to
14 come into school buildings. We also would like to
15 adhere to the six feet CDC guidance for social
16 distancing in our schools.

17 SERGEANT-AT-ARMS: Time expired.

18 KALIRIS SALAS: I'm almost done. I
19 promise. If our principals and our teachers have the
20 capacity to be Test and Trace agents, they should
21 also have the capacity to make a determination of
22 what's safe in their school buildings. We, as a CEC
23 have also established forums for culturally
24 responsive approach towards vaccination and we went
25 from a community that was barely vaccinated to 70

2 percent vaccination rates. That is what the DOE
3 needs to do. And so, we need to have-- I also want
4 to highlight that we have a system that predominantly
5 services black and Latino communities. Data from the
6 CEC shows that 20 percent of black students have lost
7 a parent. 10 percent of cases, COVID cases, in
8 children are black children. Nine percent are Latino
9 children. So we are literally creating a situation
10 where we are putting in danger our most vulnerable
11 communities and we're not doing it in a culturally
12 responsive way. So, not only do we need a remote
13 option, we need smaller class sizes, we need robust
14 testing, we need ventilation, and we do need
15 vaccination mandates that keep in mind these
16 culturally responsive practices. And I can
17 definitely provide names of physicians, as well as
18 scientists, that have not been bought by the Mayor
19 that can bring clarity to the appropriate mitigation
20 factors that we need to have in our schools to best
21 protect our children. Thank you.

22 COMMITTEE COUNSEL: Thank you. And
23 that concludes the testimony from this panel and I do
24 want to remind Council members that are still present
25 in the virtual room with us that, if they have any

2 questions for a particular panelist, just use the
3 Zoom raise hand function and I will call on you when
4 that panel has concluded. For our next panel, we
5 will be first hearing from Tanisha Grant, Parents
6 Supporting Parents New York, so if we could go ahead
7 and unmute Tanisha Grant, please.

8 TANISHA GRANT: Thank you, Chair
9 Treyger, for holding this very important oversight
10 hearing on remote learning and this gold safety
11 measures that being taking place in our school. I
12 want to talk to you about some of the parents in our
13 PSPNY community and the stories they have. Just this
14 morning, one parent hit me up about the fact that her
15 school needed five substitute teachers and zero
16 showed up. Yesterday, we had to advocate for a
17 parent in Queens who got evicted from ACS for
18 education neglect when she's keeping her son home for
19 safety measures. These are just the type of stories
20 that I get all the time, Council members, about
21 what's going on. I am literally shaking right now
22 from listening to the DOE lie to us for the last
23 three hours. Our babies are the last thing that they
24 are thinking about keeping safe and the pressure that
25 is being put on our families, the anguish that they

2 are going through after, perhaps, losing somebody
3 from COVID in their families and being told that they
4 must send their children to school whether they have
5 underlying conditions and other things of that
6 nature. As my colleague before me, Kaliris said,
7 from PRESS New York City who we work closely with, a
8 lot of our students are suffering from trauma and we
9 just don't understand how it is trauma informed, how
10 it is social emotional learning to force all of our
11 children back into school. They are lying to you
12 about how many families are striking. I have not
13 sent my son to school not one day since school has
14 started. I believe it is, you know, I advocate to my
15 parents that there are a lot of things that we are
16 talking about right now that weren't in place before
17 COVID 19. We had problems with ventilation.

18 SERGEANT-AT-ARMS: Time expired.

19 TANISHA GRANT: We had problems with
20 smaller class sizes. We had problems with adequate
21 teachers and wasn't a culturally responsive
22 curriculum and education. We need for the DOE should
23 not be reactive. To not wait for one of our children
24 who are being forced back into school to die before
25 we get what we are asking for. As, you know, black

2 and brown parents and Asian parents on the ground
3 that we get a remote about learning option now.
4 Thank you.

5 COMMITTEE COUNSEL: Thank you for your
6 testimony. And next we will hear from Jennifer
7 Goddard, New York City Coalition for Educating
8 Families Together.

9 JENNIFER GODDARD: Hi. Can you hear me?

10 COMMITTEE COUNSEL: Yes. Go ahead.

11 SERGEANT-AT-ARMS: Time starts now.

12 JENNIFER GODDARD: Okay. Thank you. All
13 right. Thank you. Thank you so much, Council
14 members. Chair Treyger, always nice to see you
15 again. Thank you for continuing to hold-- As
16 everyone has said, the DOE needs to be held
17 accountable, no matter how much they try to spin it.
18 My name is Jennifer Goddard. I am a parent of the
19 public school student who has an IEP and is currently
20 home in medically necessary instruction because he
21 has severe asthma and an overactive immune system
22 disorder and I am here on behalf of the New York City
23 Coalition for Educating Families Together, NYC CEFT.
24 It has been extraordinarily hard to listen to the
25 propaganda vomited here today. 70 percent of the

2 students were not physically present in schools last
3 year because we had a remote option, so I wish they
4 would bring everything with that in mind. A lot of
5 speakers have already touched on the things that are
6 shared-- shared the concerns that are shared by us,
7 so I would briefly like to talk about what the gold
8 standard looks like for two particular populations of
9 New Yorkers: medically fragile students and parents
10 who are keeping their children home to safety
11 concerns at this time. My son is currently at home
12 and in outschool.com math lesson because I have had
13 to pay out-of-pocket because he only receives one
14 hour of instruction from the Department of Education
15 in medically necessary instruction. This is because
16 the New York State Department of Education has a
17 regulation that says they have to offer a minimum of
18 one hour, but I question how the First Deputy
19 Chancellor can tout a gold standard when there are
20 medically fragile students who physically cannot get
21 a vaccine or be in school and how that is a gold
22 standard of getting one hour of instruction. He has
23 received exactly 11 hours of learning since September
24 13 which doesn't even equal to school days. I want
25 to bring another important issue that a lot of people

2 have touched on wages the fact that ACS is calling
3 parents who have kept their children home out of
4 safety concerns, including pairings from district 75
5 who are experiencing severe bus issues. Despite the
6 fact that these parents have kept in contact with
7 their schools, they have started getting calls from
8 borough district offices and attendance teachers
9 threatening them with ACS. We alerted the media to
10 this. The media reached out to the Department of
11 Education and they denied that it happened. This has
12 even happened to one of our parents with a 14 year
13 old daughter at home because she caught COVID during
14 the second week of class and has not yet returned
15 because she has--

16 SERGEANT-AT-ARMS: Time expired.

17 JENNIFER GODDARD: symptoms. So I just
18 want to implore you to please look closely into these
19 statements that have been made today. Lying under
20 oath is something that the committee should not take
21 lightly and I implore us to consider the gold
22 standard that it should include a remote option.
23 This is going to address a lot of the problems that
24 we've been talking about today: staff shortages,
25 unsafe classrooms, overcrowded classrooms, students

2 who can't get vaccinated and the virus being
3 transmitted throughout our city. Thank you very much
4 for your time.

5 COMMITTEE COUNSEL: Thank you for your
6 testimony. And next, we will hear from Amy Tsai, New
7 York City Coalition for Educating Families Together.

8 SERGEANT-AT-ARMS: Time starts now.

9 AMY TSAI: Can you hear me?

10 COMMITTEE COUNSEL: Yes. We can.

11 AMY TSAI: Thank you. Yeah. Good
12 afternoon, Chairman Mark Treyger and members of the
13 Educational Committee of City Council. My name is
14 Amy Tsai. I am a parent of five New York City public
15 school students currently in school in the Bronx in
16 several different school settings achieving their
17 academic needs. I am also the Vice President of the
18 New York City Coalition for Educating Families
19 Together and also a CEC member for our citywide
20 Council for District 75 special needs community. I
21 testified today with other parents and advocates on
22 this platform. I want to encourage that there is a
23 strong push for remote options to be restored back to
24 our students. As yet heard today, the trust that we
25 have in the Department of Education and the trust we

2 have in Department of Health has been a failure.
3 There has been no plan, no plan until the time right
4 now. We are still in a COVID pandemic and, yet, a
5 normal to what was normal before the pandemic was a
6 challenge and a new normal has not been existing
7 right now. So, you know, we had heard a lot about
8 issues of District 75 students shortage of bus staff
9 and bus routes that students are still currently
10 still seeking, so students are technically still at
11 home until they are given those assignments back onto
12 our buses with a one to one crisis para or medical
13 para. We also have the situation of our protocols in
14 school. As you know, there was a biweekly to weekly
15 testing for students that are 10 percent unvaccinated
16 consented to vaccinations and we are heard today
17 192,705 finally filed. But that's not enough for our
18 million students. Again, communications to parents
19 have been a lesser lack from what was last school
20 year fall of the guidance and protocols. In regards
21 to the Situation Room, isolation rooms no longer
22 exist and so how do we assure that our children are
23 actually safe and--

24 SERGEANT-AT-ARMS: Time expired.

2 AMY TSAI: have one? So, I appreciate
3 this opportunity to say our special needs and our
4 most vulnerable children are at stake right now and
5 to really consider a remote option with playing real
6 [inaudible 03:44:20] on our children rather than
7 politics. Thank you so much.

8 COMMITTEE COUNSEL: Thank you, Amy.
9 And our final panelist for this panel is Rashida
10 Brown Harris, the Healing Center schools working
11 group.

12 SERGEANT-AT-ARMS: Time starts now.

13 RASHIDA BROWN HARRIS: Peace and blessing,
14 everyone. My name is Rashida Brown Harris. I'm a
15 parent leader with PAC, Parent Action Committee, and
16 the Healing Center schools working group. The
17 Healing Center schools formed a taskforce in June of
18 2021 in response to decades of educational inequity
19 and childhood trauma impacting New York City
20 students. Injustice is exacerbated by COVID 19,
21 which we'll know. The task force unites students,
22 educators, parents, community groups, mental health
23 providers, and elected officials to study how the
24 city can implement healing centered educational
25 practices. The task was convened to identify and

2 demand steps the city must take over the next year to
3 remove harmful practices from public schools and
4 build structures that support staff wellness, parent
5 involvement, and student growth and healing. Talking
6 about oversight, DOE's changes in COVID protocols and
7 implementation of the vaccine mandate, we need DOE to
8 focus on Healing Center schools. We have yet to hear
9 back from DOE about the recommendations that we have
10 submitted to them. Recognizing the trauma all of our
11 students and school staff have experienced or are
12 currently experiencing and exposing them to further
13 harm and more trauma with these poor protocols and
14 policies in place with talk about social emotional
15 learning and talk of restorative and Healing Center
16 practices is not adding up. Removing our school
17 staff in the blink of an eye from our students and
18 our school community overall is harmful. It's
19 traumatizing. Calling ACS on our families because
20 they're keeping their children home at this moment as
21 they beg for a remote option is criminal, but
22 continuing to not allow remote options for our
23 families who are asking for it is asinine. To
24 continue to not prioritize funding and resources for
25 more counselors, not cops, to not prioritize funding

2 and resources for more devices and connectivity for
3 remote learning, to not prioritize funding--

4 SERGEANT-AT-ARMS: Time expired.

5 RASHIDA BROWN HARRIS: for COVID testing,
6 y'all. We need support, encouragement, and
7 understanding and build trust about the vaccine for
8 our community members, not punitive and
9 criminalization and shaming, to not prioritize
10 funding and resources for culturally responsive
11 education, language justice, and cultural competence
12 in this time and not invest in smaller class size
13 amidst this pandemic is criminal. It's irresponsible
14 and it's unconscionable. Council member Treyger,
15 please help us to work with the Healing Center
16 schools working group to work with DOE, to work as
17 city officials to really just focus on healing. We
18 all need it. You know we do. Thank you.

19 CHAIRPERSON TREYGER: Thank you. I think
20 Council member Riley had his hand up for a question.

21 COMMITTEE COUNSEL: Yes. He does. If
22 we can go ahead and unmute Council member Riley.

23 COUNCIL MEMBER RILEY: Thank you, Chair
24 Treyger. And I just want to echo what Ms. Rashida
25 Harris stated. I was one of the elected officials

2 that was actually working with the Healing task
3 Center task force and we did come up with a lot of
4 great ideas and, if you remember, Chair Treyger, at
5 the first committee hearing, I did ask the Chancellor
6 is the DOE if they did look at them and they stated
7 that they did and would get back to us. It is now
8 October 6th and I don't believe anyone is gotten back
9 to us about anything as of yet or we didn't have any
10 further con--

11 CHAIRPERSON TREYGER: Let's make sure we
12 unmute Council member Riley--

13 COMMITTEE COUNSEL: Yes.

14 CHAIRPERSON TREYGER: and restore--
15 Yeah. Thank you.

16 COMMITTEE COUNSEL: Council member
17 Riley, just give us one second. You got re-muted.
18 Just one moment.

19 COUNCIL MEMBER RILEY: So, sorry. I don't
20 know where I ended off at. But, I definitely just
21 want to echo Ms. Rashida because we definitely came
22 together as elected officials, parents, a lot of
23 stakeholders to give the DOE just some
24 recommendations to make sure our schools are safer
25 for our students and our parents and our teachers and

2 educators. I did mention this at the first hearing
3 that we had with the Chancellor when we had it in
4 person. The DOE stated that they did receive these
5 recommendations and we will be having further
6 conversations. It is now October 6th and we haven't
7 had those conversations in. So, definitely just
8 calling on them, encouraging them, please, let's have
9 further conversations because our schools desperately
10 need this. And thank you, Ms. Rashida, and the rest
11 of the Healing taskforce for definitely their hard
12 work for these recommendations.

13 CHAIRPERSON TREYGER: Thank you, Council
14 member Riley, and also Council member Riley is
15 correct. They have not followed up on critical
16 matters, but I also just want to say, yes, DOE has a
17 lot more work to do. The Department of Health, in my
18 opinion, has made negligent decisions and certainly
19 changing things on the fly is certainly not regaining
20 or maintaining trust, but the buck stops at the top.
21 I hold the Mayor accountable. He's in charge. And
22 so, you know, the Chancellor, respectfully, is not a
23 public health expert. I certainly am not and there's
24 been a history of political interference with the
25 Health Department, hence why we lot the previous

2 health commissioner, quite frankly. And so, the buck
3 stops at the top and I hold the Mayor accountable.
4 But thank you for your powerful testimony and thank
5 you to my colleague, Council member Riley. Malcolm,
6 with that, we can hear from the next panelist.

7 COMMITTEE COUNSEL: Thank you. And I
8 apologize, again, for name mispronunciations. The
9 next panel will be Gina Rotundo, Christina Coscia.
10 The panel after that will be Tazin Azad, Michelle
11 Russo, Anthony Beckford, and Mark Gonzalez. We will
12 first start with Gina Rotundo.

13 SERGEANT-AT-ARMS: Time starts now.

14 GINA ROTUNDO: Thank you. Can everyone
15 hear me okay?

16 COMMITTEE COUNSEL: Yes.

17 GINA ROTUNDO: Excellent. So, I don't
18 understand while families who do not require a remote
19 option are taking precedence in the Department of
20 Education's planning. How does this represent a gold
21 standard? Where is the equity and excellence in
22 removing an option that so many families chose last
23 year? Clearly, that is a preference even to required
24 to ensure that their family and their community is
25 safe. Why are they being punished for this? Many

2 school buildings in the New York City Department of
3 Education are not safe and they are not safe for an
4 vaccinated or vulnerable children and staff. As a
5 number of COVID cases are rising, they have exploded
6 among children in districts that return to in person
7 learning. This is a preventable public health
8 disaster and we're not doing anything to prevent it.
9 Many have historically marginalized students and
10 communities have found solace in virtual learning.
11 For a lot of kids, it was actually a better option.
12 For the DOE to continually say that they know what is
13 best for every single child is an outright lie. It
14 is not one-size-fits-all. It should have never been
15 nor should it be going into the future as we have
16 come to recognize that virtual learning was actually
17 better option for many of our students. Many
18 students who didn't have to face bullying or who
19 found themselves with certain behaviors and schools
20 that had always been shunned and criminalize such as
21 cultural hairstyles, clothing, they use of informal
22 speech and languages other than English, the social
23 and emotional needs that do not fit into the mold of
24 what is considered normal behavior. We are often met
25 with over policing instead of care. The absence of a

2 remote option is criminal, in my opinion. What does
3 mandated in person learning with no promo option and
4 a lackluster health guidance mean for these people
5 who are immunocompromised? For our pregnant and
6 nursing guardians and staff members? For students
7 with disability? For students in temporary housing?
8 For multilingual families who have continually been
9 the last to receive pertinent COVID 19 information?
10 What does it mean for families of our youngest
11 learners for her vaccination--

12 SERGEANT-AT-ARMS: Time expired.

13 GINA ROTUNDO: are not yet required?
14 The solution is a centralized remote option that
15 prioritizes social emotional learning, of culturally
16 responsive curriculum, and allows for student for a
17 parent empowerment and teacher autonomy. Thank you
18 for your time.

19 COMMITTEE COUNSEL: Thank you for your
20 testimony and that we will call on Christina Coscia.

21 CHRISTINA COSCIA: That was a pretty good
22 job at my last name. Thank you, Malcolm.

23 COMMITTEE COUNSEL: Thank you.

24 SERGEANT-AT-ARMS: Time starts now.

2 CHRISTINA COSCIA: Right before I get
3 started, I do want to say to the parent to her
4 speaking right now that I think it speaks volumes
5 that the representatives from the Department of
6 Education, along with the representatives from the
7 Department of Health have already exited this
8 meeting. That being said, I think I stand on a
9 little bit of a different platform. I am speaking to
10 you as an educator of 16 years who is now on leave
11 without pay. I would agree that there should be a
12 remote option for students as there should be a
13 remote option and rest back to for medical
14 exemptions, religious exemptions, and for people's
15 personal doctor opinions on the vaccine, especially
16 considering where we stand in terms of science and
17 medicine and prophylaxis. For 12 months straight, I
18 have worked in person. It was 12 months because our
19 summer special education pre-k program was severely
20 short staffed and as our dedicated special ed
21 teachers and providers with physically, mentally, and
22 emotionally drained from a roller coaster of the
23 school year and they decided to take the summer off.
24 Every day, myself and colleagues spend hours of
25 unpaid time trying to find daily coverages to safely

2 provide for our most delicate students to make sure
3 we meet there entitled education and federally
4 mandated services. I can tell you that, in the six
5 weeks of the summer program, testing for COVID showed
6 up maybe two to three times this by giving the DAC a
7 list of all those employed during the summer on day
8 one. That was my responsibility. Let me be frank.
9 Even the protocols, PPE, social distancing during the
10 regular school year was very much so smoke and
11 mirrors. Despite that, my pre-k center only faced
12 one closing due to a person that tested positive from
13 a contact after they were forced to stay home with a
14 person who was ill. On day eight of their quarantine
15 is when they had tested positive. Suddenly, the DOE
16 is on a Sprint for health forcing an vaccinated
17 teachers to leave without pay claiming to have staff
18 covered in the buildings, pulling unexperienced
19 essentials staff out of their supported--

20 SERGEANT-AT-ARMS: Time expired.

21 CHRISTINA COSCIA: only for them to be
22 placed in a classroom. Let's be honest. I beg you
23 two more seconds. The vacancy list on Sub Central
24 has been blasted all over social media and so have
25 the complaints, walkouts, and missed preparatory

2 periods of teachers and unqualified subs. It is no
3 secret that the DOE is out of COVID compliance, but
4 more so they are out of regular city, state, and
5 federal compliance, not to mention the rise and
6 weapons in school attacks with a decrease of SSA.
7 Schools ridden with asbestos, lead in water, lead in
8 paint, broken air conditioners, no heat, decaying
9 infrastructure-- the list is miles long with the SCA,
10 but now you think there is a problem. Now I am not
11 good enough to run my pre-k center to continue to
12 serve the low income community of Sunset Park as I
13 have done for the past six years. DOE has much
14 bigger problems than my 40 years of impeccable
15 health. The diseases when you breed, Department of
16 Ed, and you are infecting their cities children with
17 this rushed mandate. Thank you.

18 COMMITTEE COUNSEL: Thank you,
19 Christina. And that concludes the testament for this
20 panel. For our next panel, it looks like Tazin
21 dropped off, so we will circle back to her. So we
22 will first start with Anthony Beckford.

23 SERGEANT-AT-ARMS: Time starts now.

24 ANTHONY BECKFORD: Thank you. I'd like to
25 thank Chair Treyger and the rest of the committee for

2 bringing this hearing here today. I know it's a very
3 strenuous time for all of us, especially parents and
4 teacher. My name is Anthony Beckford. I am a
5 community leader in the Flatbushy Flatbush area as
6 well as a single father of a nine year old daughter
7 and the president of Black Lives Matter Brooklyn. I
8 am here today to testify in regards to the lack of
9 safety in our schools for teachers and students. I'm
10 not talking about the deflective statement of safety
11 that the Mayor and Chancellor both keep pushing about
12 unvaccinated teachers because these are the same
13 teacher who risked their lives and watched their
14 colleagues and family members lose their lives when
15 the Mayor failed to protect our schools during the
16 height of the pandemic. I'm talking about the
17 disastrous reopening of schools, the failure to
18 provide remote learning options-- keyword options.
19 The unsafe and negligence of the roadblock of the
20 quarantine protocols and reckless decisions being
21 made for political optics to be the first at
22 reopening. Using last year as an example for in
23 school success is very dangerous and inaccurate, due
24 to the fact that there are very small amount of
25 students last school year. The Mayor chooses to use

2 a remote option for his press conferences, but yet
3 denies students and parents a remote learning option
4 is truly hypocritical. The roadblock on the
5 quarantine protocols in our schools goes against
6 science and for those like the Mayor and Chancellor
7 who keep telling us to follow the science, they're
8 being hypocritical by not following the signs
9 themselves. There are already unsafe conditions in
10 our schools such as lack of adequate ventilation,
11 overcrowding leading to no social distancing about 96
12 percent of the time, no testing to minimal testing at
13 many of the schools and not a [inaudible 03:58:40]
14 that caused many teachers to leave even before there
15 was a vaccine mandate. These unsafe conditions are
16 what have caused parents to do what they are supposed
17 to do to protect their children since it is in their
18 right, but, yet, instead of opening your ears and
19 adhering to the demands and valid concerns, the
20 Mayor, Chancellor, and DOE continue to weaponize a
21 known enemy to the black and brown community, which
22 is ACS.

23 SERGEANT-AT-ARMS: Time expired.

24 ANTHONY BECKFORD: If anything, the Mayor,
25 Chancellor Porter, and whoever else is complicit in

2 all these need to be immediately investigated for
3 child endangerment.

4 COMMITTEE COUNSEL: Mr. Beckford, I can
5 no longer hear you.

6 CHAIRPERSON TREYGER: Mr. Beckford, can
7 you repeat your closing statement because we couldn't
8 hear the ending.

9 COMMITTEE COUNSEL: I think his
10 headphones may be unplugged, it looks like.

11 ANTHONY BECKFORD: live in the past have
12 found out using gold as in this so called gold
13 standard is actually fools gold. Thank you.

14 COMMITTEE COUNSEL: Thank you. Tazin
15 Azad is back on so we will turn to Tazin. If we can
16 go ahead and unmute her.

17 SERGEANT-AT-ARMS: Time starts now.

18 TAZIN AZAD: Hello? Can you hear me?

19 COMMITTEE COUNSEL: Yes. We can. We
20 can hear you.

21 TAZIN AZAD: Okay. I'm so sorry.

22 COMMITTEE COUNSEL: That's okay.

23 TAZIN AZAD: Fools gold is right.

24 Anyways, thank you so much, Chair Treyger, for
25 holding this hearing. I think we can decisively

2 conclude that today's testimony of the DOE and its
3 partners presented only succeeded in one thing and
4 that is to constantly maintain school communities in
5 a state of confusion. Thank you, Chair Treyger, for
6 recognizing the frustration of parents who, from the
7 onset of the pandemic, have undertaken all relevant
8 preventative measurements to keep their families and
9 the community at large safe. Consider a pre-k or a
10 kindergarten classroom. Children are having lunch in
11 class every day unmasked for more than 15 minutes.
12 Under the current guidances, no one in that classroom
13 will ever be tested. How can this keep our students
14 safe? In our district, we can-- we had a random
15 testing sample where the entire-- which was entirely
16 made out of teaching staff. How is this considered a
17 legitimate data point? We have schools where school
18 communities are never alerted of ongoing COVID
19 interventions and receiving those notices and various
20 languages are never heard of. How can this help
21 prepare us to help protect our communities? As
22 useless as they are, printed health screens, which
23 has been modified numerous times without informing
24 parents, specifically those who speak languages other
25 than English. And now, we can see in real time the

2 aftermath of an ill planned vaccine mandate where our
3 special education students are being taught by
4 unlicensed special education teachers. This is
5 neither keeping our children safe noise that
6 providing them with safe, equitable, education. All
7 of this only reinforces the claim that DOE's COVID
8 safety protocol is in place not have prevented the
9 case from entering the school or from in school
10 spread. In fact, it is a concerted effort by the DOT
11 and the city to deny the demand of the majority of
12 black and brown, underrepresented Asians, and
13 multilingual and immunocompromised students for
14 remote option. It is unforgivable that the city and
15 the DOE has failed to recognize the realities of our
16 family is and I can only tell you--

17 SERGEANT-AT-ARMS: Time expired.

18 TAZIN AZAD: and I could only tell you
19 that we, the parents, have long memories and we will
20 not forget. Thank you.

21 COMMITTEE COUNSEL: Thank you for your
22 testimony and next we will hear from Mark Gonsalves.

23 SERGEANT-AT-ARMS: Time starts now.

24 MARK GONSALVES: Council member Treyger
25 and other Council members, thank you for holding this

2 hearing and all the other hearings you have had on
3 this serious subject. My name is Mark Gonsalves.
4 I'm a parent of a nine-year-old and a recently
5 impartially vaccinated 12-year-old. Can't wait till
6 he can get his second shot. His birthday for 12 was
7 getting his vaccine, so, you know, good start for
8 him. But both my kids were remote last year and they
9 thrived in the environment. I wish they could have
10 been remote this year for their safety and the safety
11 of others. One of my children has had a
12 significantly higher risk of severe COVID based on
13 New York State Department of Health and CDC data and
14 yet one hour a day not a comparable education and so
15 I am risking his life, frankly, to get him in school.
16 But I am very concerned at what is happening today.
17 The Mayor and the DOE are treating five to 11-year-
18 olds the same as vaccinated 18-year-olds. The
19 problem is my nine-year-old cannot get it. He is
20 begging to get it. We tried to get him early and my
21 12-year-old is still not eligible for his second shot
22 as he is two weeks into his 12th year. You know,
23 having the same policies for all students is just
24 plain insane. We should have significantly stronger
25 safety measures in place for elementary school

2 students as they cannot be vaccinated. Should just
3 continue saying vaccinated, vaccinate, vaccinate
4 don't work for my nine-year-old and it certainly
5 doesn't work for four and five-year-olds in
6 kindergarten right now. In fact, the New York City
7 Department of Health tweeted out today that five to
8 12-year-olds are experiencing higher cases of COVID
9 compared to the citywide averages. In fact, it's the
10 highest rate of all age groups in New York City. The
11 New York City Department of Health data actually
12 shows infections per 100,000 have skyrocketed 41
13 percent for the five to 12 age group since school has
14 started. It's now up to 186.87 people per 100,000--
15 by far the highest of any age group in New York City
16 and the only age group that has gone up since school
17 started and continues going up. So, why are these
18 rates skyrocketing? The DOE decrees safety
19 requirements this year. My nine-year-old--

20 SERGEANT-AT-ARMS: Time expired.

21 MARK GONSALVES: Council member Treyger,
22 can I please continue? Thank you. My nine-year-old
23 school, only 52 percent of the families have been
24 giving consent should be tested. I mean, well that
25 is okay, last year it was 100 percent had to. The

2 First Deputy Chancellor said that 170 odd thousand--
3 192,705 had given consent. Well, that's only 21
4 percent of the city's Department of Education
5 students based on data the city had to send to the
6 state of New York. The state of New York says we
7 have 198,053 students in school. So, 21 percent have
8 given their consent at this time. Last year, testing
9 was 10 percent of all healthy students weekly. Now,
10 it's 10 percent of the families that want to be
11 tested your healthy. This is not a random sample, as
12 Dr. Long said. This is testing with self-selection
13 bias. The same way that last year's in school
14 testing was a sample of only healthy students who
15 pass the daily screen form. The data they are giving
16 is inaccurate. The DOE also cut notification
17 requirements for COVID this year. Last year,
18 families were told if there was a COVID case in the
19 classroom. Now, we will only know if there is a
20 positive case in school. The New York City
21 Department of Education and DOH actually believed
22 that lice is a higher safety risk than COVID as we
23 will be notified if there is a lice case in our
24 classroom, but not for COVID. How does that make
25 sense when we know that COVID lasts in the air for 14

2 hours? Dr. Long today mentioned properly fitted
3 masks earlier, yet, in the last education Council
4 hearing, Council member Treyger, that you had, the
5 DOE Chancellor and her staff said that N95 and K94s
6 would be made available to order. Our custodian has
7 tried repeatedly, as has our principal and been
8 denied every time. We have been told that N95s are
9 only available for building response team. We have
10 also been told we could get air purifiers, yet we
11 were told the large air purifiers are not available
12 in our schools actually had to remove small air
13 purifiers out of rooms to put into the cafeteria to
14 do our best to keep our children safe. It is no
15 longer a wonder why the New York City attendance
16 isn't being told. It's clear that the data shows we
17 had more than 121,000 students not attending
18 yesterday, based on the state data in this city a
19 percentage of they gave. This is not leadership.
20 This is a Mayor running for Governor and a city
21 leadership that has failed as students in our
22 families. Thank you, Chair Treyger.

23 COMMITTEE COUNSEL: Thank you. And
24 that concludes the testimony for this panel. Next,
25 we will hear from Tracy L. Gray, Melissa Kay, Lauren

2 Clavin, Tom Wierman, Eric Lawson. Following that
3 panel will be Angie Connie Montesino, Eda Jean
4 Singletary, and Jasmine del Valle. We will start
5 with Tracy L. Gray.

6 SERGEANT-AT-ARMS: Time starts now.

7 TRACY L. GRAY: Thank you, Chair
8 Treyger, for holding space for us to speak. I come
9 to you as a former early childhood teacher, a school
10 leader, and current education collegiate faculty
11 member. I have great respect for the teaching
12 profession and for educators. I share these
13 anecdotes with my daughter's consent. My daughter is
14 a senior in a New York City public school. Her
15 father passed away from COVID in December and she is
16 been grieving deeply. This deep grief led to serious
17 depression and she is under a doctor's care. Prior
18 to COVID, my daughter was an incredibly engaged
19 student. With support from her doctors and
20 therapists, she returned to school in person last
21 week. She is enrolled into classes, one where there
22 is no teacher and the other which takes place at the
23 end of the day, so not really having any school at
24 all. I am concerned that there is no empathy or
25 sensitivity training for teachers dealing with

2 students who have been traumatized during Ms.
3 pandemic. Here is one example. On Monday, my
4 daughter arrived at school after returning from her
5 doctors appointment. As instructed, she went to the
6 library where students who do not have class are
7 required to gather. Students were playing in the
8 library and someone threw an object across the room.
9 The teacher in the library immediately accused my
10 daughter of disrupting the class. My daughter and
11 her friends insisted she did not cause the
12 disruption. The teacher demanded that she leaves the
13 library and she refused. He immediately said that
14 she was disrespecting him and insisted that she call
15 me. Upon receiving the call from the teacher, I had
16 to de-escalate the situation. I quickly walked to
17 the school to make sure that my daughter was okay.
18 It took a great deal for my daughter to return to
19 school and hopefully to a safe environment. At this
20 point, my daughter is discouraged and not able to
21 return to in person learning. I requested a hybrid
22 or remote option for her senior year and the
23 principal responded saying that there is no-- quote,
24 there is no remote or hybrid New York City DOT high
25 school option in school year 2021. I need--

2 SERGEANT-AT-ARMS: Time expired.

3 TRACY L. GRAY: I need a remote option
4 for my child for her senior year and I want remote
5 options for every family member who requests.

6 COMMITTEE COUNSEL: Thank you for your
7 testimony and, next, we will hear from Melissa Kay.

8 MELISSA KAY: Hello. Thank you all for
9 providing this platform for--

10 SERGEANT-AT-ARMS: Time starts now.

11 MELISSA KAY: Hello?

12 COMMITTEE COUNSEL: You can go ahead.
13 We can hear you.

14 MELISSA KAY: Okay. Thank you. I was
15 going-- I have my daughter right here over here and
16 want to [inaudible 04:10:46] have the floor.

17 UNIDENTIFIED: I do not want to go to
18 school because if somebody tests positive, now do we
19 have to stay home or they just not going to tell us?
20 And now the door is closed and now all of us are
21 breathing in a lot of things and then get it and then
22 you have mask breaks and now you have to eat inside
23 and everybody is breathing in. It may feel good now,
24 but then you may feel good now, but a couple days
25 later now you're not.

2 MELISSA KAY: Okay. So--

3 CHAIRPERSON TREYGER: I wanted to say--
4 I didn't catch your name.

5 MELANIE KAY: Melanie.

6 MELISSA KAY: Melanie. And how old are
7 you?

8 MELANIE KAY: Nine.

9 MELISSA KAY: And what grade are you in?

10 MELANIE KAY: Fourth.

11 CHAIRPERSON TREYGER: Hi. I want to say
12 thank you so much and I'm so proud of you. Just like
13 the earlier student. It takes so much courage to do
14 what you just hidden you speak on behalf of of so
15 many of your other classmates and peers and friends
16 fighting for safety and support and the right
17 education. So, I want to applaud you and say A+.
18 Thank you so much for your powerful testimony. You
19 may continue.

20 MELANIE KAY: Thank you.

21 MELISSA KAY: So, again, that to-- So, we
22 appear to be the families that are not spoken of. We
23 are unseen and unheard, so I call my daughter my hero
24 because last year in April and the height of the
25 pandemic, I lost my dad and the unbelievable grief

2 and trauma caused me to have multiple seizures. At
3 the time, my dear old daughter had to dial 911 and
4 allow the paramedics and her home. So, this happened
5 not once, but twice to us. So, we have a personal
6 connection. We have that trauma that goes with COVID
7 and now to just expect her to go into the classroom
8 and everything is normal and it's fine, it is not.
9 You know, we are commuting by two trains to get to
10 school, so that is also an additional risk for our
11 families. In no, removing COVID protocols at this
12 point where we have a much more transmittable and
13 infectious virus, it doesn't help, especially for
14 elementary school age children where we have an
15 entire population of all the children in the school
16 can't be vaccinated. I had so much to say, but I
17 think you for this platform for people to speak and
18 give our standpoint, but also with these things where
19 we hear DOE officials speaking and giving us details
20 and it's just not enough to make families feel safe
21 and then when we take, you know, steps to for overall
22 physical and mental health of our children by staying
23 home because, contrary to what is been said, school
24 is not the safest place for my child. So, when I
25 keep her home, I am now being--

2 SERGEANT-AT-ARMS: Time expired.

3 MELISSA KAY: with more stress of calls
4 about ACS, of potential neglect for not sending her
5 to school. But when I ask for work for my child, I
6 am being denied. So, who's really neglecting Herman
7 education? Thank you.

8 CHAIRPERSON TREYGER: I want to thank you
9 because that is very powerful, emotional, sobering
10 testimony that really brings it home to what we're
11 talking about here in this moment and space. The
12 need to support families and meet them where they're
13 at. To listen, to hear, and to make decisions that
14 are mindful of the traumatic experience that is still
15 on an ongoing basis. And its negligence on the part
16 of the government. We need to call on them and on
17 their negligence, but they continue to failure child
18 and continue to failure family. And, so I'm sorry
19 that you are going through this. And I also want to
20 say and I mentioned this earlier that there are some
21 schools the dollar providing options to kids and
22 families at this time and the fact that your school
23 is not, the fact that the previous person testified--
24 I think Ms. Gray testified that they are not-- that
25 shows the inequity that is happening right now and

2 even deeper in equity that's happening in the school
3 system Moya there are certain communities that have
4 pivoted quietly to remote options while others have
5 not and continue to neglect and provide our kids and
6 families the education and the support that they need
7 in this moment. So, we are going to continue the
8 fight and also this hearing, it is more than just
9 getting testimony. We are hearing bills that I am
10 introducing in the Council that will require more
11 information from the DOE and info that they didn't
12 have today, but they will soon be required to report.
13 So, I want to thank you for making the difference
14 with your powerful testimony and for your daughter.
15 I hear you and were going to continue to fight for
16 you and your family. Thank you so much.

17 MELISSA KAY: Thank you.

18 COMMITTEE COUNSEL: Thank you. Next,
19 we will hear from Lauren Clavin.

20 SERGEANT-AT-ARMS: Time starts now.

21 LAUREN CLAVIN: Hi. Hello, everyone.
22 Thank you, Council member Treyger, for convening this
23 hearing and thank you for telling the truth and
24 naming the negligence that is going on. Thank you
25 for telling it like it is because that is what is

2 happening. My name is Lauren Clavin. I am a public
3 school parent in Queens. Or at least I was. And
4 apologies in advance if my voice shakes because I am
5 furious after sitting here and listening to DOE and
6 DOH officials lie and lie and lie. I'm furious. And
7 apologies also a few here noise from some kids.
8 That's because I had no choice but to keep my kids
9 out of school this year. My children should be, they
10 deserve to be, in school, receiving the education
11 that they are legally entitled to right now, but
12 because the Mayor decided not to provide a remote
13 option this year, I had to choose between my
14 asthmatic child receiving an education or staying
15 alive. I chose his life. And contrary to what Dr.
16 Long said earlier, my home is a lot safer for my
17 young children who are still too young to be
18 vaccinated, then an overcrowded, poorly ventilated
19 school building where distancing is not possible.
20 And, by the way, I would love to know why this 3 feet
21 measure is talked about so much. This virus is
22 airborne, right? So, anyway. Dr. Long may be right
23 when he said that schools were safe last year. But
24 assuming that's true, we're talking about pre-Delta
25 times with a less infectious variant and, most

2 importantly, because there was a remote option
3 available last year, our school buildings were still
4 at less than half capacity as of the end of last
5 school year because most of our parents chose to keep
6 their kids home. That's why it was safe. That's why
7 there was less in schools spread. Let's not dance
8 around that. The COVID 19 pandemic is not over. We
9 know this variant is more contagious. We know it
10 harms kids. Our schools are not safe enough. We
11 need transparency from leadership. We need robust
12 testing.

13 SERGEANT-AT-ARMS: Time expired.

14 LAUREN CLAVIN: Test and Trace protocol.
15 We need actual distancing, smaller class sizes. We
16 need adequate PPE for students and staff.
17 Ventilation and air filtration and we need a remote
18 options now for those who wanted. I grew up in
19 Queens and I was always proud to say that I went to
20 public school from kindergarten all the way through
21 CUNY, right? I've been in involved parent volunteer
22 in my child school, PA, SLT, all of it. I'm an
23 organizer and advocate for equitable public schools
24 in my community. I'm a fan of public schools. I'm a
25 champion, right? So, I've tried really, really hard

2 to understand why there was no remote option provided
3 this year and why there is less testing and fewer
4 safety measures overall, but every conclusion that
5 I've come to is really bleak. Maybe it's simple
6 incompetence. Maybe it's arrogance. Maybe it's
7 economically motivated. I don't know what it is.
8 What I do know for sure is that my trust in the
9 system has been irrevocably broken. None of us
10 would've chosen to homeschool our kids before this
11 year were to keep them home without officially on
12 enrolling at risk of being reported to ACS for
13 educational neglect. Are you kidding me? We are in
14 this horrible situation because the DOE and the Mayor
15 gave us only two choices: keep them home and beg for
16 resources and assignments from their teachers or send
17 them into a school knowing there is nothing but
18 rhetoric and empty promises preventing them from
19 getting COVID. I am furious. I am heartbroken as
20 say this, but I don't know when I will ever feel
21 comfortable sending my kids back into the care of the
22 DOE because the Mayor has made it 100 percent clear
23 that he does not value their lives. Thank you.

24 COMMITTEE COUNSEL: Thank you. And we
25 will hear from Tom Wierman.

2 SERGEANT-AT-ARMS: Time starts now.

3 TOM WIERMAN: Thank you, Chairman Treyger.

4 Hello. My name is Tom Wierman. I am a 20 year New
5 York City teacher who has been put on unpaid leave
6 for refusing to take the COVID-19 vaccine. I want to
7 be clear. I'm not anti-vaccine, nor am I anti-
8 science. I have a Masters degree in science and so
9 does my wife. I am friends with doctors, physicists,
10 epidemiologists, and many others who hold positions
11 within the scientific world. I value their opinions
12 greatly. That being said, science is not to be
13 followed blindly as we believe many are doing so as
14 it relates to the coronavirus pandemic. On August
15 23rd, Mayor de Blasio mandated that all New York City
16 teachers and staff believe vaccinated by September
17 27th or be placed on unpaid leave. One would think
18 that, in order to place the mandate such as this, the
19 science should be settled on the given subject. It
20 is clear the science regarding the coronavirus
21 pandemic is anything but that. If something is
22 powerful and absolute as a mandate can be placed on
23 New York City teachers and staff because the science
24 is clear, then can someone please explain to me how
25 the use of masks has changed in innumerable amount of

2 times since the pandemic started? Can someone please
3 explain to me how people who have gained natural
4 immunity by having the virus itself are no better or
5 equal to those who have gained immunity by taking the
6 vaccine? Not to mention, we know natural immunity
7 poses a stronger barrier to variance of the virus
8 than the vaccine does. Can someone please explain to
9 me how, if the goal is to stop the spread of the
10 virus, then why do we even allow vaccinated teachers
11 and staff near children, considering the vaccinated
12 have proven not only to be able to get the infection,
13 but also to spread it themselves? Where is the
14 science and that? Can someone please explain to me
15 how our leaders in government can claim that one of
16 the [inaudible 04:22:54] FDA approval when, in
17 reality, the only vaccines available in the country
18 are still under emergency authorization use? And,
19 finally, can someone please explain to me why a
20 vaccine should be forced upon anyone without even
21 knowing the long-term effects of the drug? Most
22 vaccines take anywhere from five to 15 years to
23 develop. This one has only taken a few months.
24 These are not the questions of a conspiracy theorist.
25 They are the questions of intelligent and prudent

2 people who want concrete, long-term data available to
3 them before making important decisions. Thank you
4 for your time.

5 COMMITTEE COUNSEL: Thank you. And,
6 finally, for this panel, we will hear from Erin
7 Lawson.

8 SERGEANT-AT-ARMS: Time starts now. Erin?

9 COMMITTEE COUNSEL: Erin, you are
10 unmuted. You are able to begin your testimony.
11 Okay. We will come back to Erin. Our next panel we
12 are going to call on Angie.

13 SERGEANT-AT-ARMS: Clock is ready.

14 ANGIE UNKNOWN: Okay. Can you guys hear
15 me?

16 COMMITTEE COUNSEL: Yes. We can.

17 ANGIE UNKNOWN: Oh, okay. First and
18 foremost, I want to say thank you for your services
19 and thank you for, you know, trying all you can to do
20 for our children. Well, I have my daughter here and
21 one day I told her you're going to school and she was
22 like, I'm not going to school, mommy. And, you know,
23 she locked herself in the room and she wrote me a
24 letter and she's here to read that letter to you all.
25 Okay? [inaudible 04:24:53] Go ahead and read it.

2 ANGELINA SESNI: My name is Angelina
3 Sesni and I am 12 years old in the seventh grade. As
4 much as I miss my teachers and friends and want to be
5 in school, I am afraid to attend class in person.
6 This pandemic has affected not just my family, but
7 many families in the world. COVID 19 took my grandpa
8 and my aunt. My family has been hit very hard. I
9 miss my grandpa so much. This past year and a half
10 has not been easy on me. I have and am still
11 experiencing fears and worries that have led me to
12 speak to a therapist and now a cardiologist is
13 checking me for long QT. When my mom told me I have
14 to attend school in person, I freaked out. The
15 thought of me attending school and putting my family
16 in danger is not okay with me. I know education is
17 important, but our family is more important. My mom
18 has multiple sclerosis and my four-year-old brother
19 cannot get vaccinated. I understand how serious this
20 virus is as I have lost family members due to it and
21 I am not ready to lose my mom or my brother to this
22 monster just because Mayor Bill de Blasio of wants me
23 in school. My mom has kept us safe all this time and
24 I will not take the risk of going back to school and
25 catching something. I just wonder why Mayor Bill de

2 Blasio is making it so difficult and not wanting to
3 offer the remote option for those who want it. The
4 schools are too proud and making it impossible to
5 social distance. If her about learning was offered,
6 it would help a lot of students like myself and also
7 the school because I know there would be a good
8 number of students who will take remote learning and
9 results tell us students attending in school, making
10 it better to social distancing school buildings. I
11 wonder, doesn't Mayor Bill de Blasio see the
12 increasing numbers and deaths? Why doesn't he do
13 something before we end up in another wave? He needs
14 to stop threatening the parents with ACS. The
15 parents are not--

16 SERGEANT-AT-ARMS: Time expired.

17 ANGELINA SESNI: that go acting our
18 education, but instead protecting our health in
19 keeping us kids safe. I have always thought ACS was
20 for children that are being mistreated for not
21 keeping kids safe. If that is the case, then we need
22 to call ACS on the Mayor in the school chancellor
23 because they are the ones that don't care about our
24 health and safety as they say they do. They don't
25 care since they don't have young kids in school.

2 Education will do us no good if our health is not 100
3 percent. I beg our Mayor and school chancellors to
4 stop being so selfish and ignoring it. I begged them
5 to please offer remote learning options. Stop
6 putting politics before pediatrics. Our health, our
7 life, our safety, our choice.

8 ANGIE UNKNOWN: Thank you. Thank you
9 guys for listening. That, I thought was very
10 touching and very powerful from a child just for her
11 to come and write that to me and her looking out for
12 me with MS and having, you know, lost my dad, which
13 is grandpa and, you know, my aunt. It's been a very
14 difficult-- it's been very hard for us not having
15 remote-- and she did really good and remote and not
16 having that as an option, it's not cold. I just say
17 it's not cool. You know, it is a public school
18 system. You should involve the public. Involve the
19 opinions of the parents. Don't take it just on
20 yourself to make the ultimate decision. We need to
21 protect our kids and that is just the bottom line and
22 I met the point that I don't care if ACS knocks on my
23 door because my child is my number one priority and
24 that is just that. Thank you for listening.

2 CHAIRPERSON TREYGER: I want to thank you
3 and your daughter for-- I tell you, this is heavy.
4 I don't know how anyone is listening is not feeling
5 it right here. And this is very heavy and I'm sorry
6 that they continue to fail your daughter and they
7 continue to fail you and your family. It is
8 negligence on their part. I also want you to know
9 that the New York State Education Department actually
10 recognizes that, in some cases or a number cases,
11 remote learning worked for kids because they actually
12 put that into their guidance for school districts.
13 Nothing prohibits the New York City DOE from
14 providing remote option other than the arrogance and
15 stubbornness of Mayor Bill de Blasio. The NYCED
16 guidance actually states that, you know, for those
17 school districts that where there are kids that
18 thrived or did okay with remote learning, continue
19 making that an option for families. But this Mayor
20 chose to fail the kids and our school families by
21 failing to provide this option. But we're not giving
22 up. We have a lot more work to do and thank you and
23 to your daughter for your very powerful testimony.
24 Thank you so much.

2 COMMITTEE COUNSEL: Thank you. And,
3 next, we will hear from Jazmin del Valle.

4 SERGEANT-AT-ARMS: Time starts now.

5 JAZMIN DEL VALLE: Hello? Can you hear me?

6 COMMITTEE COUNSEL: Yes. We can.

7 JAZMIN DEL VALLE: Okay. If you hear some
8 background noise, I have my three-year-old with me.
9 She's not at school today and I have my kids at
10 school. I have a 3K year old and a third grader.
11 For someone to say that my child is better at school,
12 I completely disagree. My kids away in a year and a
13 half without going to school. They did remote
14 learning. Not once did they ever get sick. Not once
15 did they have a cough, stomach virus, or anything.
16 The moment they went back into school, they've gotten
17 sick three times. I rush them to the doctor to make
18 sure that it wasn't COVID positive. Thank God, to
19 this day, each time they tested negative. My son had
20 to go back to the doctor today because they got sick.
21 So far, as of right now, I don't know if he has COVID
22 or not because the urgent care that he went to isn't
23 even doing testing. So, my husband had to call me to
24 say that he had to go somewhere else. Sorry. You
25 know, I stand with parents that want to make that

2 choice to have a remote option. There is way too
3 many kids in our schools. They are saying that they
4 are only testing 10 percent of the kids. At my son's
5 school, there's about 200 something kids which is a
6 small school, so 10 percent makes only, what? 20
7 kids. What is going to get determined with that?
8 Nothing is going to happen with just the amount of 20
9 kids being tested. So, that is what I wanted to say.
10 Thank you.

11 COMMITTEE COUNSEL: Thank you for your
12 testimony. And now we are going to try Erin Lawson
13 again.

14 SERGEANT-AT-ARMS: Time starts now.

15 COMMITTEE COUNSEL: Erin, you are
16 unmuted. You are able to begin your testimony.
17 Okay. It sounds like she is not there. So, our next
18 panelist that we will move onto is Connie Montesino.

19 SERGEANT-AT-ARMS: Time starts now.

20 COMMITTEE COUNSEL: Okay. We will move
21 onto our next person. People have been coming in and
22 out, so we will, at the end, do a catchall to make
23 sure we have captured everyone that may have dropped
24 off the Zoom or had technical issues. So, our next

2 panelist that we are going to go to is Mar
3 Fitzgerald.

4 CONNIE MONTESINO: Sir, I came back on.

5 COMMITTEE COUNSEL: Oh, Connie?

6 CONNIE MONTESINO: Yes. I didn't unmute.
7 I'm sorry. I was out at the store and I didn't
8 unmute. I had my phone in my pocket.

9 COMMITTEE COUNSEL: That's okay. You
10 can go ahead and begin your testimony.

11 CONNIE MONTESINO: Yes. I don't want to
12 take up your guises time, but I just want to say
13 thank you, everyone, that's trying to talk for us and
14 speaking for us as far as the remote learning. My
15 son, have not sent him back to school this September.
16 I didn't take him into school and I spoke to his
17 assistant principal and I told them my concerns. He
18 did very well and remote. Some kids don't. I get
19 it. But my son is shy and he didn't raise his hand a
20 lot when he was in school. I've been hearing that
21 since he started first grade, but he's in the 10th
22 grade right now and I don't like my son being out of
23 school, but he has been going to Google classroom and
24 he has been getting work from there, but I know it's
25 not the same as being in school or having thereabouts

2 because he is not been there that long. He does his
3 work and does what he has to do and I have him
4 reading and stuff at home. But that-- I just want
5 to point that out that we do need remote learning.
6 Like I said, it doesn't work for everyone, but we do
7 need that because our kids are safer at home than in
8 school and then they have the nerve telling us about
9 the holidays are coming up. Okay? I haven't been
10 around my family, you know, and they are fully
11 vaccinated, but the thing is, who is to say you still
12 can't Check? You can catch it vaccinated or
13 unvaccinated and then you've been around in a
14 classroom with kids you don't know. You don't know
15 how their home life is, you know, and that's okay?
16 That's safer? I don't think so. And I have been on
17 here since 10:30 this morning and all I been hearing
18 from the doctors and every-- they are lying. There
19 lying for the Mayor. So, I just wanted to state that
20 and I am done.

21 COMMITTEE COUNSEL: Thank you, Connie.

22 And next--

23 CONNIE MONTESINO: Thank you.

24 COMMITTEE COUNSEL: Thank you. And
25 next, we will turn to Mar Fitzgerald.

2 MAR FITZGERALD: Hello. Hi. My name is
3 Mar Fitzgerald. I am a member of the Community Board
4 Two Schools and Education Committee. I'd like to
5 share with you today a resolution that we passed
6 unanimously at full-bore this past month on a
7 resolution to support a remote learning option for
8 the 2021-2022 academic year and I will share it
9 digitally. Again, I already have, actually, but I
10 will read the whereas-- I mean, though therefore it
11 be resolved on the resolution. Therefore, be it
12 resolved that Community Board Two Manhattan implores
13 the DOE to provide families with asynchronous, high
14 quality virtual learning and create a centralized
15 option for families and staff throughout the 2021-22
16 school year complete with student, guardian, and
17 educator input to ensure families and staff have the
18 option of staying home as we continue to battle this
19 deadly disease. Therefore, be it further resolved
20 that Community Board Two demands any virtual options,
21 synchronous or asynchronous, must be developed in
22 collaboration with families and school staff to
23 ensure remote learning students and families needs
24 are addressed. All virtual learning options should
25 be reviewed and approved by the SLT of each school.

2 Therefore, be it further resolved that the Manhattan
3 Community Board Two demands that DOE allows students
4 to choose 100 percent virtual learning, have
5 preestablished opportunities to return, opt back in
6 into in person learning should the DOE prove it has
7 the ability to keep students safe. And that is all I
8 have. Thank you so much.

9 COMMITTEE COUNSEL: Thank you, Mar. we
10 appreciate it. Erin Lawson, I see her hand up.
11 We're going to go back to you now.

12 SERGEANT-AT-ARMS: Clock is ready.

13 COMMITTEE COUNSEL: Okay. Erin, looks
14 like you're having technical issues because we still
15 can't hear. You accepted the unmute, but we can't
16 hear you. We still have a few more people, so we
17 will circle back. Next, we're going to turn to Maria
18 de Lobos.

19 SERGEANT-AT-ARMS: Clock is ready.

20 COMMITTEE COUNSEL: Okay. We will next
21 turn to Robert Scott. And for the people I'm calling
22 on, when we unmute-- when our staffer unmutes you,
23 you should see a pop up window asking you to accept
24 the unmute which will then allow you to speak. Okay.
25 Next, we will turn to Debbie Bertram.

2 SERGEANT-AT-ARMS: Time starts now.

3 COMMITTEE COUNSEL: Okay. So, we have
4 called on everyone and unmuted everyone, but if folks
5 don't want to testify, that is okay. I would like to
6 remind everybody that testimony in full should be
7 emailed to testimony@Council.NYC.gov. We accept
8 testimony for up to 72 hours of the close of this
9 hearing and, if there is anyone that dropped off
10 before and has just read join now and we have not
11 called on you, just use the raise hand zoom function.
12 Seeing no hands raised, Chair, that includes public
13 testimony for this hearing.

14 CHAIRPERSON TREYGER: I want to thank
15 you, Malcolm. And I want to thank Malcolm and the
16 extraordinary committee staff and my staff that put
17 this together very quickly for this hearing and also
18 for drafting bills that we will be advancing here in
19 the City Council to get a lot more data and
20 transparency here. Yes, we are under Mayoral control
21 here, but we have a couple of tools. One is
22 oversight. Also I think, as you have heard from my
23 colleagues, Council member Riley, who I appreciate so
24 much for being here and with our schools every step
25 of the way, but myself and others who speak to

2 schools every day. And that's also part of the job--
3 staying grounded in hearing the truth. That is how I
4 am unable to dispel or counter the Mayor's, I think,
5 allusions on TV that every school is covered and the
6 staff, everything is great when, in fact, we still
7 have schools that are short paraprofessionals
8 providing critical services for kids. And we heard
9 from parents and children, students, today the city
10 is failing them by failing to provide a reasonable
11 option, remote option, in the moment that we are in.
12 We will be advancing and working hard on trying to
13 get the data. If they will not give it to us-- and
14 we have asked more than once. We have asked for the
15 data at previous hearings. We've sent a follow-up
16 letter. And, Malcolm, thank you for that, as well.
17 They have yet to give us the information that we
18 need. They gave us some data, but still incomplete.
19 We still need a whole lot more information. And to
20 the families that are watching, we see. We hear you.
21 Keep sending those messages where we are taking that
22 back and we are continuing to make the case to the
23 administration and to the public of all the services
24 that our kids rightfully deserve. And, in fact, we
25 had some testimony today about the inadequacies the

2 been around home instruction. How even if families
3 were approved for medical accommodations for their
4 children, that is insufficient. And we have a lot
5 more work to do and I also want to go back to this:
6 the Chancellor is not a public health expert,
7 although the DOE has a lot more work to do to give us
8 information and data-- especially I will not accept
9 an answer that they do not have attendance numbers.
10 That just flies in the face of reality. They have
11 it. They're just choosing not to share it because
12 the numbers are very sobering and, again, this is not
13 a game of gotcha. It's not about embarrassing
14 anyone. This is about our children. These numbers
15 reflect lives, kids. As a teacher, the child missed
16 one day of instruction, that was a lot. We are
17 talking about now weeks. The weeks. In this is an
18 emergency. There are schools that I know that there
19 attendance is 40 percent. 40 percent. We are not
20 giving up on this fight and we're going to continue
21 to demand information, accountability, transparency.
22 But, some very heavy testimony today from children,
23 from parents, and from advocate stakeholders. And as
24 far as testimony we heard from the administration,
25 just complete disappointment. Today's hearing from

2 the administration did not instill more confidence.
3 It actually eroded confidence. It eroded further
4 trust and it doesn't take a vaccine or any type of
5 magic wand to build trust. Just be honest with
6 people. Level with the public. Tell the public the
7 truth. In crisis, you need to be as transparent as
8 you can to maintain trust and that is where they
9 continue to fall short. And we will--

10 COMMITTEE COUNSEL: Chair, sorry. I
11 didn't mean to cut you off, but we're going to try
12 one last time because her hand came up. Erin Lawson?

13 CHAIRPERSON TREYGER: Miss?

14 ERIN LAWSON: Hello?

15 CHAIRPERSON TREYGER: Ms. Lawson. Yes.
16 Please. I'm sorry.

17 COMMITTEE COUNSEL: Yes. We can hear
18 you.

19 ERIN LAWSON: Oh, yay. Oh, my gosh. My
20 10-year-old could have figured this out much quicker
21 than I am. I'm so sorry. But thank you for allowing
22 me to be here on this closing no. I would just like
23 to read a letter that was left on my door yesterday
24 by the ACS. It says: this is to inform you that you
25 are the subject of a report of suspected child abuse

2 or maltreatment received by the New York State child
3 abuse and maltreatment register. In parentheses,
4 State Central register. On 9-29-2021. This means
5 that you have been identified as a person who is
6 responsible for causing or allowing to be inflicted
7 injury or abuse or maltreatment to the child. This
8 report has been transmitted to the Queens County
9 Child Protective Service for your commencement of an
10 investigation and evaluation of the report as
11 required by the New York State Child Protective
12 Services Act. Now, this doesn't even say anything
13 about educational neglect which is why I was even
14 reported to the DOE in the first place. Now, this is
15 like far beyond educational neglect. Like I feel
16 like you're trying to stereotype me as a criminal,
17 you know, for not wanting to take my child to school.
18 Like we'll know that the pandemic is still going on.
19 Everyone is following all these protocols and all
20 these things like that, but, for me, not being sure
21 about what is going on right now and being that
22 they're not transparent with the data and, you know,
23 so many other things have gone on, you know, it's not
24 fair. You know, as you can hear, I'm frazzled. Like
25 they keep coming to my house. There: my phone. They

2 came on Friday. They just came again on yesterday.
3 They are freaking harassing me. Like this is not
4 funny. This is serious. Like I just don't
5 understand. And like last year, you know, last
6 school year which was only a couple months ago, my
7 child's school had two cases where they had to shut
8 down, you know, when they had the blended learning.
9 They already had to shut down. So, now, this school
10 year, which is only a couple months later, how my
11 supposed to feel confident in sending my kids back to
12 the same school where you had to outbreaks before?
13 And, you know, I'm getting penalized for this and
14 it's not even funny. Like my daughter, she gets up
15 and has her same schedule every day like--

16 SERGEANT-AT-ARMS: Time expired.

17 ERIN LAWSON: I'm sorry. As if she was in
18 school. You know, she gets up and has all her
19 classes. Like I've done what I can say event by
20 workbooks and all kinds of things for my daughter and
21 you are still trying to paint me out as a criminal.
22 This is not going to work. And for there to be like
23 150,000 other kids that are not in school, that is
24 150,000 suspected child abuse as you have in that is
25 not a good look for New York City. You know what I

2 mean? This is crazy. Like I am so-- This is not
3 going to work. We really need to get a remote option
4 because it is not fair that you have some options for
5 other people and not for others. You know, online
6 kids need to learn and, not only that, but we all
7 learn remotely every day. You know and I'm saying?
8 Whether it's in somebody's house, the grocery store,
9 whatever. We are all learning every day and all the
10 time and for this and not having the option for our
11 kids to be safe in our environment where they can
12 learn that is appalling and we need to get this under
13 control. Sorry. Thank you.

14 CHAIRPERSON TREYGER: No. No. Don't be
15 sorry. The city, we owe you an apology and its
16 shameful and outrageous that they posted that on your
17 door. That is a very frightening letter and to a
18 family that is already traumatized and going through
19 day-to-day concerns. And I also wonder if the ACS
20 Commissioner and the ACS folks contacted City Hall
21 last year when they failed to provide kids remote
22 devices a year into the school year. We had over
23 100,000 kids plus without devices where they had
24 virtually almost no connections with their school
25 communities other than worksheets or packets and I

2 want to give a shout out. I know Tanisha Grant is
3 still here who, on her own, raised money and efforts
4 from grassroots to get kids laptops and not waiting
5 for the negligence and the carelessness of the
6 administration. ACS should be called on them. That
7 really is outrages. And, again, the key words here
8 is it is remote option. It's an option to give to
9 the families and public. We recognize that there are
10 certain children-- I have heard from families where
11 in person works better and that is great. But for
12 many children and families, actually, remote did work
13 better. Families, there is still no vaccine for kids
14 under the age of 12 and children who are
15 immunocompromised and so forth. So, this-- I also
16 just want to follow up with you, Ms. Lawson. If you
17 have legal representation and, if not, we can connect
18 to try to make sure that we get you legal
19 representation because it is outrages that they
20 posted that on your door. So, if you want to send us
21 an email MTreyger@Council.NYC.gov, I would be happy
22 to follow-up with you afterwards.

23 ERIN LAWSON: Thank you so much. I will
24 definitely do that.

2 CHAIRPERSON TREYGER: Thank you, Ms.
3 Lawson. And thank you to everyone who testified and
4 who shared very powerful testimony. We have a lot
5 more work to do and after this zoom meeting, I will
6 be making some additional phone calls because this is
7 infuriating and these are life and death decisions
8 for public health, also for education, and the long
9 term wellbeing of our children. So, thank you all
10 and I thank the committee staff for your work today,
11 as well. Thank you all. This hearing is adjourned.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 27, 2021