



**TESTIMONY OF THE UNITED FEDERATION OF TEACHERS  
PRESIDENT MICHAEL MULGREW**

**BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEES ON EDUCATION AND HEALTH**

**REGARDING REOPENING OF NEW YORK CITY PUBLIC SCHOOLS:  
HEALTH AND SAFETY**

**OCTOBER 16, 2020**

My name is Michael Mulgrew and I am the president of the United Federation of Teachers (UFT). On behalf of the more than 190,000 UFT members, I would like to thank Chairpersons Mark Treyger and Mark Levine and all the members of the New York City Council's Committees on Education and Health for holding this crucial hearing on the reopening of New York City (NYC) public school buildings for the 2020-21 school year as it relates to the health and safety of our school communities during the COVID-19 pandemic.

I first want to thank our educators, paraprofessionals, school secretaries, school nurses, guidance counselors, therapists, school administrators and other vital staff for the tremendous work they have put into safely reopening our school buildings for our blended learning model.

To this day, we remain the only large public school district in the country to provide in-person instruction for our students; and I am relieved to report that so far, we have done so while avoiding any major spike or surge in COVID-19 cases in our buildings. Other school systems have seen surges within days of re-opening.

This was made possible because we did not rush to re-open. We planned thoughtfully under the guidance of public health experts from Northwell Health and the Harvard T.H. Chan School of Public Health, and we gradually brought students back into our school buildings by grade level to help us implement our plan as we simultaneously evaluated our implementation.

The UFT was able to take a lead in the school system's COVID-19 health and safety planning because of the union's decades' long track record of prioritizing safe and healthy environments in the schools where our members serve and our city's children learn.

The union, as a pioneer in this field, brought industrial hygiene and occupational health and safety expertise and services into its portfolio more than 20 years ago. This work evolved into creating and implementing schoolwide safety and health programs, with an emphasis on laboratory and vocational inspections and remediation protocols for school renovations.

It was the same UFT team that brought this expertise to the aftermath of the 9/11 attacks on our city and continues to advocate on behalf of educators, students and residents who still suffer the health effects of that catastrophe.

So, the UFT had an infrastructure, knowledge base and the medical contacts needed to develop a plan and monitor key areas of COVID-19 safety in our schools: personal protection equipment; social distancing and health protocols; building ventilation; and testing.

### **School Building Reopening Health and Safety**

Our union is committed to the health and safety of our school communities. We have always been aware of the urgent need for in-person learning, particularly for our most vulnerable students, but would never allow them to enter school buildings deemed unhealthy and unsafe. Going back to April, we recognized that our school district's plan to reopen our school buildings

for the blended learning model was inadequate and did not meet the health and safety standards prescribed by experts.

In an effort to strengthen our district's health and safety plan, our union consulted public health experts from Northwell Health and the Harvard T.H. Chan School of Public Health to help us develop additional guidelines for a plan that would make our school administrators, staff, and families feel more secure about returning to our buildings for in-person instruction.

With their guidance, we developed a UFT 50-item safety checklist containing a set of requirements individual school buildings had to meet before they would be considered safe to open.

Armed with these checklists, the UFT union representatives in every school and program inspected their own sites to make sure the necessary safeguards were in place: a school nurse in each building; a 30-day supply of PPE tailored to the unique population of each school; a COVID-19 building response team; and an operational understanding of the required safety protocols and social distancing requirements.

These school inspections were augmented by UFT staff, including health and safety experts in ventilation, who reviewed some of the system's most problematic school buildings for correct airflow.

Our collective work — and vocal agitation — helped spur the Department of Education, Division of School Facilities and the School Construction Authority to begin its own inspection and repair program.

We demanded that only school buildings that met the criteria outlined in the safety checklist be allowed to open for blended learning. Over 20 schools and campuses didn't reach that threshold were not re-opened for in-person learning in September.

In addition to physical safety requirements for school buildings, the UFT's health and safety agreement with the administration included a multipronged approach to COVID-19 testing for school communities.

New York City agreed to a mandatory randomized monthly testing program of every school community and to increased voluntary testing of school staff, students and neighborhoods in ZIP codes where COVID-19 infection rates were rising, a protection that would prove extremely valuable.

Ultimately, the UFT and principals' union negotiated a phased-in return of our staff and students into school buildings, granting us time to evaluate every building's level of readiness and gauge the nimbleness of the city's COVID-19 testing programs.

School buildings opened on September 8 for educators, administrators and staff to plan for blended learning. Student instruction began on September 16 fully remote, and then a phased-in approach for in-person instruction started by grade level. First, students enrolled in 3K, Pre-K, and District 75 returned to school on September 21; then all elementary school students enrolled in K-12, K-5, K-8, K-2, and K-3 schools returned on September 29; and finally, middle- and high-school students returned on October 1.

Every step of the way, UFT leadership and staff were present to conduct and certify building and classroom inspections. We even had a hotline set up for educators to call if an issue popped up, and much to our surprise, we did not experience a spike in complaints. Our careful and expert-guided planning paid, and continues to pay, dividends.

## **Blended Learning Model for Health and Safety**

Ensuring our school buildings were safe to reopen was one task, the other was to devise a plan that granted educators and families enough flexibility to minimize the spread of the virus. This called for creating a scheduling plan: some students learn remotely full time; other students report to school for in-person learning on certain days of the week and learn remotely on other days, known as blended learning; and remote and in-person classroom staffing takes into consideration the medical needs of educators and school staff.

Since the summer, families have had the opportunity to have their students opt into full-time remote learning and can do so at any time during the academic year.

As for educators, at first, only those with a medical accommodation were allowed to teach remotely full time, which comprised about 23% of the workforce. Since then, a new agreement, signed with the administration on September 28, allows for educators living with family members at higher risk of COVID-19 complications to receive priority for available remote positions. In addition, the agreement allows educators with no on-site duties because, for example, all of their students learn remotely full time, to request to perform their work remotely as well. The change was driven by social distancing concerns with the goal of reducing the number of people in school buildings at any one time.

## **Managing Emerging Hotspots**

Our current struggle with the pandemic as it affects our student's public education is the increasing infection rates in neighborhoods across Brooklyn and Queens. During the last week of September into the first week of October, nine ZIP codes in Brooklyn and Queens had daily infection rates above 3%, with some above 8%. Public schools are not islands, they are a part of their communities; we feared that keeping those school buildings open would only add fuel to the spread of the virus.

Out of an abundance of caution, we worked with the administration and the governor to have 91 schools spread over 108 buildings in the concerning ZIP codes switch to full-time remote instruction on Tuesday, October 6 for an initial period of 14 days. These schools and ZIP codes are considered to be in a new “red zone” classification. After the state further analyzed their granular testing data, the governor made an announcement that another 33 schools spread over 45 buildings in communities adjacent to the original nine ZIP codes would also switch to full-time remote instruction for an initial 14-day period starting October 8. These additional schools and neighborhoods are considered to be in the new “orange zone” classification. The state will reevaluate these schools and their surrounding communities after their initial 14-day period of full-time remote instruction, in order to determine whether their buildings are ready to reopen again.

In addition to temporarily closing the school buildings in the red and orange zones, new restrictions were imposed in the identified neighborhoods and supplementary resources were deployed to hold community residents accountable for wearing masks and to encourage them to maintain social distance and get tested. Fortunately, the daily infection rates in the identified red zones have stabilized this week and the first days of the mandated random testing, and the ongoing voluntary testing of school communities show the virus has not spread into the public schools tested.

Following this experience, the governor has now also mandated 14 days of COVID-19 testing for staff and students in schools that are in neighborhoods outside of the orange zone that remain open. These neighborhoods and schools fall into the new “yellow zone” classification.

### **Mandatory Randomized Monthly Testing Program Update**

While we worked to control the flare ups in Brooklyn and Queens, the mandatory randomized monthly testing program stipulated in the district plan, as amended by our efforts, started on

October 9. The administration contracted BioReference Laboratories, Fulgent Genetics, and SOMOS Community Care to randomly test on a monthly basis a percentage of individuals, including staff and students, in every school. Test results are expected to be returned to tested staff within 48 hours and families will receive results for their students who are randomly tested.

More specifically on the percentage of a school that is tested randomly every month:

- 20% of the individuals in schools with fewer than 500 students;
- 15% of the individuals in schools with 500 to 999 students;
- 10% of the individuals in schools with more than 1,000 students.

On October 9, there were 58 schools selected for randomized testing, and starting on October 13 somewhere between 70 and 90 schools each weekday are participating. Results from the first round of testing conducted on October 9 found only one positive case out of 1,751 tests conducted, effectively showing a 0.06% positivity rate.

## **Challenges**

As a city, we have worked hard to protect our students, educators and staff, and by extension, to keep their families and communities safe. Schools have adequate supplies, a nurse has been hired for every school building, vents and HVAC systems have been evaluated, and our randomized monthly testing program is up and running. Regardless of the neighborhood infection rate, medical experts are telling us that the virus has thus far not seeped into our buildings, and we are succeeding in our primary responsibility to keep our students, staff, and their families out of harm's way.

We now have to give this same level of focus and resources to support our academic programs. To improve in-person instruction, the administration agreed to redeploy 2,000 educators and hire an additional 4,500 teachers to fill in the shortage of educators needed for in-person instruction, given the restrictions on class size needed to maintain social distance. To improve remote instruction, the administration agreed to identify proven masters of remote instruction as Virtual Content Specialists and task them with creating academic content and materials that enhance remote instruction for students and at the same time support educators teaching remotely full time.

We have received few updates on the hiring process for these positions and urge you to put pressure on the administration before this develops into an untenable situation.

### **Closing Thoughts**

I would like to thank Chairpersons Mark Treyger and Mark Levine for hosting this incredibly important hearing on the reopening of our public schools for the 2020-21 academic year as it relates to the health and safety of students, staff and families during the COVID-19 pandemic. I also want to personally thank the members of the New York City Council for their support during this difficult time. I want to applaud our individual school communities for all of their efforts to ensure that our buildings are safe and that they meet all of the health standards prescribed by our public health experts. We are the only major school district in the country offering in-person instruction this fall, and most importantly, we have done so in a way that has kept our city's infection rate low. Now, let's turn that same degree of focus and financial investment to improving both remote instruction and in-person learning during this pandemic. We owe our students nothing less.

I am writing as a concerned parent of a first grader enrolled at P.S. 58 School of Heroes in Maspeth Queens in District 24. I know there are currently many moving parts and considerations in getting this very unusual and unprecedented school year running. However, after almost a month of having my son enrolled in hybrid learning I am frustrated and overwhelmed. It is clear that hybrid learning is not working optimally for our children. And, our questions, concerns and frustrations are not being acknowledged by schools because their hands are tied, and we are basically being told to bring these issues directly to the DOE. I have talked with many friends who have children in other public schools who are also enrolled in hybrid learning, and I have learned that every school is implementing the hybrid model quite differently. The resources that each school has are starkly different and some schools have the ability to offer a remote teacher to children when they are home learning while others do not. How is this possible? It is not okay that schools can vary so greatly in how they are structuring education to kids enrolled in hybrid learning. For children who are 100 percent remote how is it ok that some remote classrooms have 40-50 young children in them? This disorganized approach to this school is enabling inequity and promoting disparities that are going to impact our children for years to come.

Like many parents I have another young child and I am also working from home full-time. I have talked to teachers and fellow parents and the confusion and lack of organization in supporting the learning needs of our children has not improved much with each passing week. I can say on days my son is home without a dedicated remote teacher he is not learning as much as he could be. I know on days he is home his teacher does not have the bandwidth to walk us through the assignments because she trying to stay motivated, positive, and keep the children in the classroom engaged.

I am grateful that my child was able to receive a tablet from school, but the apps do not work, and require additional information to access the tools he needs which I do not have. What good is the technology if there is not a qualified teacher on the other end helping to teach my child the core and foundational things he needs to learn this school year? Not even the best technology can provide the support, care, education, motivation that a good teacher can. Our teachers truly are superheroes, but we are setting them up for failure; asking them to do more without the support they need. Our kids are ready and motivated to learn but too little is being done to fix the real issue...THERE ARE NOT ENOUGH TEACHERS!! We keep hearing there is no money to hire more, then what is the plan? Continuing in this way that is not really helping our kids meet their educational milestones, or go 100% remote? Will there be a phased plan to improve the teacher to classroom ratios?

I acknowledge again these are unprecedented times.... I know that the original plan for hybrid learning was to have a dedicated remote teacher for children on days they are expected to be home, but then that didn't happen. Lastly, the ultimatum being given to parents around random COVID testing at schools does not take into account parent preference, the social emotional impact on children, and the disruption this will create

in the precious time children are in school. As new plans are being developed please include the voice of the families and teachers that are needed for these plans to work. We have an amazing opportunity to leverage technology, enhance how we teach in the 21<sup>st</sup> century, and create a more dynamic approach to education, but this is not it.

Concerned Parent,

Tina McGeough



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**New York City Council  
Committee on Education, Honorable Mark Treyger, Chair  
Committee on Health, Honorable Mark Levine, Chair**

**Testimony of YMCA of Greater New York  
Presented by Michael Rivadeneyra, Senior Director of Government Relations**

**Oversight Hearing – Reopening NYC Public Schools: Health and Safety  
October 16, 2020**

Good day, my name is Michael Rivadeneyra, I'm the Senior Director of Government Relations for the YMCA of Greater New York, and I will be testifying on behalf of the YMCA. Thank you, Chair Treyger and Chair Levine, for the opportunity to testify on the state of the City's school reopening strategy as it relates to health and safety.

The YMCA of Greater New York is committed to empowering youth, improving health, and strengthening community. With 24 YMCA physical branches and more than 100 community sites across the city, the Y is among the city's largest providers of human services spanning from infancy to adulthood — and an important anchor, convener, and catalyst for transformational change in underserved communities. One of the primary ways the Y reaches the community is through our youth programs, which help put kids on the path to success by developing skills for life, community, and leadership. It is undisputed that after school and summer camp are critical services that have a tremendous impact on children and their families. Across all of our youth programs, the Y helps young people build the social and emotional skills necessary for success.

Prior to the COVID-19 pandemic and Governor's Executive "Pause" Order, our organization had over 4,000 employees who worked to help people make positive changes in their lives and in their communities. Prior to the school closure, the Y After School program empowered nearly 10,000 children and teens each day to develop a ferocious love of learning and an excitement to try new things, and to access information, resources and people that will amplify their potential.

When the City closed schools on March 16<sup>th</sup>, it did not just disrupt the K-12 public and private school systems. The school closures disrupted the entire education continuum — early childhood, community schools, after school, summer camp, youth workforce development

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programs, and all the supportive services that community-based organizations (CBOs) offer families, were affected.

The Y, and the entire youth development sector, quickly transitioned to remote learning and socially distant supportive services. When the Y transitioned to providing services remotely, we remained a constant fixture in the lives of our youth and families. We kept youth connected with their peers, helped them cope with the traumatic disruption in their lives, and supported their caregivers with obtaining devices from DOE, food and mask distributions throughout this great ordeal. The deep commitment that CBOs, the Y included, have for the families we serve was evident in the sector's shift to remote services before receiving confirmation from the City that our contracts would be honored and fully funded. We were and are thankful that the City decided to keep us whole. With summer looming, revenue loss, furloughs and layoffs, it was uncertain whether the Y would be able to provide summer youth programs and prepare for the upcoming school year's after school programming. At the time of our communities' greatest need, the Administration and Council negotiated one of the most controversial City budgets in decades, which was not agreed upon until the final hours of the fiscal year. The delay in funding information further created instability in a sector that was already economically ravaged by the pandemic.

After a late City budget adoption and the State authorizing the reopening of summer youth programs, the Administration, Department of Education (DOE), Department of Youth and Community Development (DYCD), and Department of Health and Mental Health (DOHMH) all presented a forward-facing unified strategy to safely reopen schools. CBOs quickly witnessed that this was not the case. The uncertainty and lateness of the budget hindered DYCD's ability to give providers guidance on program models and safety protocols. The issues of the summer foreshadowed what was to come in the fall.

It was glaringly evident early on that all supportive services that are part of the education continuum were an afterthought for the Administration and DOE, because CBOs were excluded from the strategic planning for school reopening. The Mayor's strategy to reopen schools in early September was sorely inadequate due to his limited view of the education continuum solely existing in the in-school-time model of 8am to 3pm. The Administration's shortsightedness regarding the education continuum is further evident in the Learning Bridges Initiative, which offers early childhood childcare (Learning Bridges) and remote learning childcare (Learning Lab) for school age children during the hours of 8am to 3pm. The exclusion of CBOs from the planning process ignores the fact that we are an integral part of the school community, regardless of us providing services outside the traditional school hours or even outside the school building. Most children and families opting for the in-person blended model will utilize CBO services closely connected to their school building. It was a gross and reckless omission by the Administration not to engage CBOs in developing consistent health and safety protocols that could extend beyond the traditional school day.

Due to the pandemic, it was expected that the school year planning would be challenging; however, it was not expected that the challenges would be exacerbated due to the

Administration's and DOE's inadequate, inconsistent and conflicting guidance on school reopening. As a COMPASS, SONYC, Beacon, Community Schools Initiative, and now Learning Lab, provider, the Y traditionally prepares for the school year by spending the summer hiring and training staff, developing curriculum, and coordinating logistics with principals. It is during the summer planning period where CBOs and schools develop a nimble and sustainable plan that deliver on a safe and health learning environment. Unfortunately, we did not have the summer planning opportunity with our principals, and principals continued to receive conflicting internal safety guidance as related to external partners through September. As a result, principals outright denied us the ability to provide in-person programming or have encouraged us to offer remote programming, while DYCD has required providers to prioritize in-person programming. Again, the level of confusion related to external partners and the expectations of our role in the reopening strategy could have been greatly diminished had CBOs been part of the health and safety protocol planning.

DOE's health and safety guidance regarding static pods, nurses on site during the school day, and deep school cleaning do not consider the realities of external partners entering a building to provide services between 3pm and 6pm and the movement of students participating in those services. DYCD's guidance does not align here because depending on the school's blended model, pods may comingle on a grade level and nurses are not required to remain on site beyond the school day. At an agency level these directives may not have appeared to be inconsistent; however, in practice these directives led to confusion, delayed hiring and training, and in many cases caused a shift to solely offering remote programming. In cases where principals are allowing the Y back in their buildings, we are experiencing permit delays with DYCD-funded programs and shockingly high permit fees with our Council discretionary-funded programs. These insurmountable permit fees have skyrocketed from an average of \$5,000 to \$50,000 per site in order to cover the custodial overtime and additional COVID cleaning expenses. We appreciate the risk and work the custodial staff engages in, though it is unclear how our presence in the building justifies the cost shift from DOE to us when the COVID related cleanings are required to open the building the next day. This additional cost is unmanageable to CBOs such as the Y due to our fiscal constraints and the City's additional cuts to indirect cost rates.

The conflicting and inconsistent information from the Mayor, DOE and DYCD have also impacted the successful rollout of Learning Labs (LLs). The Y has 23 LLs at Y branches, McCarren Park and NYCHA community centers have been contracted to serve 4,350 youth but we only have a little over 200 participants. I want to note that our NYCHA community center LLs are delayed from opening due to ongoing repair work done by NYCHA. In the case of LLs, the inconsistency of health and safety guidance rest in the directives that regardless of which feeder school participants originate from, pods are to be composed in the following hierarchy depending on number of participants:

1. Schools by grade level
2. Grade level, regardless of school

### 3. Participants in a pod, regardless of school or grade level

DOE correctly takes measures to create and provide a safe and healthy school environment with static pods, nurses on site, stockpile of PPEs, and a COVID situation room to inform whether a classroom or school building should close. Unfortunately, the Administration shifted many of these risks onto the LL providers, even when the program is being provided in a non-DOE City control space such as Park Recreation Centers or NYCHA Centers. Providers are only supported with telehealth nurses, and are required to source our own PPEs. In addition, we are required to engage in general enrollment, which can undermine the static pods that feeder schools created. The communication from the COVID situation room to LLs and other school program providers is seriously lacking. We understand that the system is evolving, but it's unacceptable to learn about a potential COVID case through the media before receiving a notification from the situation room. The Administration was not transparent whether providers should open our LL and after school programs in recently designated hotspots.

Last, unfortunately the School Age Child Care (SACC) license clearance backlog still persists. As you will recall, the Office of Children and Family Services (OCFS) changed its clearance process for all Department of Health programs to bring New York State in line with federal regulations. This process completely slowed down the hiring of staff last year and continues to stymie hiring and the startup of our programs. We agree with the need for thorough background checks to assure a safe learning environment for our youth. However, between the pre-existing backlog and the rollout of LLs, the approval process is operating at a dangerously slow pace. As of today, **none** of our programs have received new SACC licenses to operate. Additionally, we have submitted well over 200 OCFS 6000 packets for SACC clearances to OCFS/DOHMH and only received 4 back. As a means to address the SACC license issue, DYCD is recommending to either run a single service program without a license, which limits us to solely LL services at the site and unnecessarily burdens us to assume legal and liability risks; or pair a SACC licensed staff with a pending clearance staff. The latter option is not ideal either because it reduces our ability to fully open all planned classroom and program spaces. And even when the staff pending clearance receives their SACC license, the shuffling of staff resumes as we attempt to open one of our five LL programs that are delayed due to this SACC license issue and we attempt to remain in compliance with OCFS and DOHMH. This issue of SACC license delays was raised to DYCD and DOE when the Learning Bridges initiative was announced, and at that time DYCD assured providers that they would work with DOHMH to clear up the backlog. Unfortunately, the backlog continues to grow, which increases the risk of exceeding COVID capacity in pods and unnecessarily exposing staff to numerous pods.

As the Administration and DOE have stumbled to reopen schools, the Y and other CBOs are faced with the tremendous challenge of having to rebuild trust and confidence in the public school system. Perfection should not be the enemy of the good, especially with the reality that the pandemic will continue for the foreseeable future. Our youth, families, educators, and staff at all points on the education continuum need consistency and a reopening strategy that is

nimble to adjust to the changing landscape of the pandemic. Here are our recommendations to achieve consistency and a nimble strategy:

1. Providers must be involved in the short-term and long-term strategic planning for a safe and successful school reopening plan;
2. The City must invest in providing CBOs with the same health safety measures offered to schools, including, but not limited to, an in-person nurse and PPE stockpile;
3. All DYCD contracts, including Council discretionary contracts, should have permit fees waived for the duration of the pandemic;
4. DYCD must commit to fully honoring contracts regardless of enrollment and retention of participant numbers;
5. The City must restore funding to the indirect cost rate initiative;
6. DYCD and DOHMH must support in the timely processing of OCFS 6000 packets, one way is by investing in the necessary staffing to clear the backlog and the processing of SACC licenses;
7. The COVID situation room must update notification protocol to include Learning Lab and other youth development providers as part of the school community to assure all school community members, DOE staff, DOE contract providers and DYCD contract providers are appropriately notified;
8. The City must set forth in the FY22 Preliminary Budget funding for after school, summer camp, SYEP, and Beacons at a minimum to FY21 levels, and in the case of the Community Schools Initiative and Learn to Work Program to FY20 levels.

We appreciate your support, leadership, and partnership in helping deliver quality youth services, and helping more youth learn, grow, and thrive. Thank you so much for fighting for children and families across New York City. We look forward to working with you to address these urgent school reopening health and safety concerns.

If you have any questions, please contact Michael Rivadeneyra, Senior Director of Government Relations, at [mrivadeneyra@ymcanyc.org](mailto:mrivadeneyra@ymcanyc.org) or 212-630-9717.

My name is Sonelly Diaz. I am 11 years old and currently attend Bedford Stuyvesant New Beginnings Charter School in BedStuy Brooklyn, New York. My Mom, Natalie Flores, also works at Bedford Stuyvesant New Beginnings Charter School as an Assistant Principal in the academic program from kindergarten to eighth grade.

Going into my sixth grade year, I was extremely excited because I would be able to experience so many new things such as going around the school for classes and building up my maturity and much more. The sixth graders last year got to do so many new things like dances. They also got more leverage in what they did and I was so looking forward to all these new experiences. However, that got cut short due to the coronavirus outbreak.

In March, being home was pretty boring. I had to get used to online learning. I had to use the computer to do my school work. It was different because we had to submit a lot of our classwork using Google Form and I had never done that before. I also had to follow along with my teachers and at times my device would lag. It was hard paying attention while at home. I was doing most of my classwork at the dining table. The time frame of school and my personal life was off. I had to adjust my eating schedule, to my personal time, and my school work.

In September, I was able to see all my friends again! Originally I thought I would be able to move around the school the way the kids from last year did, but that was not the case. Being in the building sitting in one room all day, I get jittery at times. My teachers give us brain breaks, allow us to listen to mellow music that helps us focus while in class. This year is really different, in fifth grade the food didn't look appealing. This year the food is better and the snacks are healthier. Were allowed to get more fruit.

I am 50/50 about learning at home and learning in school. In school we get to model and use manipulatives and being home is safer because of COVID -19. In my opinion, I prefer being in school because it allows me to process the work better.

Thank you for your time and thank you for listening to my opinion on back to school during the COVID-19 pandemic.

To the City Councilmember Rafael Salamanca, Jr.

Classical Charter Schools scholars, staff and community has come together during this pandemic to support one another. We started our fall session (remotely) on August 19<sup>th</sup> and we are happy that we were able to start in person learning to a portion of scholars while still maintaining our remote program. While Social Distancing guidelines are a priority, during COVID-19, we are happy that academic rigor, family and student engagement remains optimal. As early as March 16, our Classical Schools create a Remote Learning Handbook for Parents and Staff. By March 23<sup>rd</sup> Classical Charter Schools reached out to parents, in our 4 schools, to assess their food, housing, clothing and technology needs. Through that outreach we created a Classical Charter School Family Resource manual that has Bronx-based eviction programs, emergency food resources, free dental programs, counseling and direct services for families in need. While the burden of this unprecedented event (COVID-19) affected many of families, we are happy that our education and learning program continued. Therefore, it is crucial that the city's education budget is not cut. In person learning, with strict Social Distancing guidelines, has allowed us to reconnect with scholars and families. This connection has brought hope and revitalized our greatest asset: family and community. The city's education budget must not be cut or compromised. The educational needs of all children are in a state of crisis and must be addressed as such. Education is not a privilege, but a right. We must not allow bureaucracy to block the education and dreams of our children and community.

Sincerely,

Darlene Jackson

Dean South Bronx Classical School I

As a teacher and a UFT Chapter Leader, the current reopening plan does not prioritize education and safety. It prioritizes the vanity of reopening without any real teeth in educating our kids who are falling further and further behind each day.

From the beginning of April, we teachers understood the reality that buildings weren't going to open up normally in September. We were doing our best to adjust rapidly to a different educational environment. We were told that we were the backbone of the DOE and that we were making education work. And we did make it work. We held it together.

Now, when it came time to reopen the buildings, the Mayor's office wanted to use teachers as a political football; threatening layoffs each time teachers attempted to suggest a change and argue for our kids.

Teachers have been placed in an impossible position where we are already part time social workers, part time IT experts, part time counselors and with all of that, we are asked to revolutionize our teaching with a shifting schedule.

I speak for myself, but many other colleagues, who say that I've done about as much real, good work with students as 7 days of normal learning. We all knew this was going to be hard but the lack of foresight in getting every kid a computer, not a tablet, a computer is utter incompetence.

We all get the need to deliver the best education to the most disenfranchised communities and neediest students and gifted students and average students. Every student deserves a quality instruction.

Special Ed teachers are teaching in-person classes virtually! How is this effective?

I request an entire overhaul of this reopening plan to go fully remote. We did a better job teaching our students from April-June in a fully remote setting than this reopening plan allows now.

I have received at least 3 different schedules so far with differing students and periods which doesn't allow for any continuity in instruction. And no, I'm not a robot and will not simply assign links to online curriculum I had no voice in.

My job as a teacher is to be creative and work with my students. That's what I want to do but this plan isn't allowing me to effectively teach. I request we go fully remote until we have a plan that actually allows continuity of instruction, doesn't use teachers as a political football and doesn't give the façade of education.



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TESTIMONY  
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COMMITTEE ON EDUCATION  
OCTOBER 16, 2020

We would like to take this opportunity to again thank the City Council for its strong voice in last year's battle for salary parity. It has been a silver lining throughout the pandemic, giving Day Care Council members much needed strength to support thousands of children and families in crisis. We would also like to acknowledge the Mayor's continuing commitment to funding the system as it transits through different learning models. Finally, we would like to acknowledge the quality of administrative oversight being provided by the Department of Education's (DOE) Division of Early Education. Their guidance reflects high levels of interdepartmental collaboration, making it possible for our members to access resources and maintain critical safety standards in a constantly shifting environment.

In recent weeks we have witnessed the targeted and immediate response to a child's positive COVID-19 test result in one of our member agency's centers. With safety measures and protocols firmly in place, our members have increased confidence in their ability to manage risk. That does not mean that our members are not facing hiring challenges as they manage employee grant requests for medical accommodation. Day Care Council members are also facing a backlog in comprehensive background check clearances which may take months to resolve at a time when we need to increase the number of staff to lower class size.

Additionally, our members are losing children as parents return to full-time work outside the home because child care programs cannot offer five full days of supervised learning due to COVID-19 related space and staffing constraints. Even child care programs that have agreed to run full day on-site Learning Bridges programs cannot refer their children to these programs because the seats are reserved for children attending UPK in public schools. This issue is impacting enrollment now and we expect that it will become a serious impediment for parents going forward. Fortunately, the DOE has assured child care providers that their funding will remain stable throughout the City's recovery process, despite fluctuations in enrollment.

Finally, as members of the Steering Committee for the Campaign for Children, we have been advocating for a substantial role in the decision making on behalf of the child care and youth services systems. Our expertise in human services and education programs should put us at the center of decision making. Instead, we are often brought together for our initial input but are not consulted again until new initiatives are announced. A clear example is the closing of the Regional Enrichment Centers (RECs). This vital service was eliminated in anticipation of schools reopening and replaced with Learning Bridges. We must be fully engaged in the entire process including program

development, process and implementation. This will be particularly important if we need to manage limited funding going forward.

Thank you for your time. We greatly appreciate your long-standing support of the city's early childhood education system and welcome all opportunities for continuing collaboration.

To: New York City Council, Committee of Education Meeting Oct. 16, 2020  
Kathryn Moore Heleniak, Professor, Fordham University,  
Board Member, South Bronx Classical Charter Schools

Testimony: Our four South Bronx schools opened remotely on August 19, and in late September added face-to-face classes (5 days a week), while carefully following social distancing and all recommended safety and health protocols. About 50 % of our families opted for in-person classes; the others continued with our remote classes. The opening went very smoothly in both streams. This was ONLY possible with tremendous work and planning undertaken by our staff over the summer. They especially devoted their efforts to developing the best possible remote teaching methods first used in the spring---but now with the aim of reaching the highly effective, National Blue Ribbon award-winning standards achieved in our classrooms. A “Remote Learning Handbook” was assembled for both staff and families documenting these methods.

Also to help our families in the midst of sickness, sorrow over lost love ones, and the economic stress overwhelming their South Bronx community, the staff increased frequent communication with our families, and also produced a guide “Classical Charter School Family School Resources” providing information about emergency food sources, dental emergencies, and additional counseling services in the community.

Despite the tremendous challenges facing our families and the South Bronx community at large, our schools continued to provide an inspiring attitude and a rigorous education for our young scholars. Now the bigger challenge is to continue in the face of the loss of government funding. Please do everything YOU CAN to support public education in both NYC District and Charter Schools in this perilous time.



**Testimony of Lena Bilik, Policy Analyst, Children's Aid**

**Submitted Testimony – Education and Health Hearing 10/16/20**

**Committee on Education**

My name is Lena Bilik, Policy Analyst at Children's Aid. I would like to thank Chairs Mark Treyger and Mark Levine and the members of the Education and Health Committees for the opportunity to submit testimony on this new and challenging school year. Given the current crisis with COVID-19, it is clearer than ever that NYC public schools provide essential services to children and families, and these are services that must be sustained and adequately funded for the challenging times to come. During the pandemic, community-based organizations (CBOs) who partner with schools have been lifelines of their communities, helping keep New Yorkers safe and healthy.

For nearly 167 years, Children's Aid has been committed to ensuring that there are no boundaries to the aspirations of young people, and no limits to their potential. We are leading a comprehensive counterattack on the obstacles that threaten kids' achievements in school and in life. We have also constructed a continuum of services, positioned every step of the way throughout childhood that builds well-being and prepares young people to succeed at every level of education and every milestone of life. Today our over 2,000 full and part time staff members empower nearly 45,000 children, youth and their families through our network of 40 locations including early childhood education centers, public schools, community centers and community health clinics in four New York City neighborhoods – Harlem, Washington Heights, the South Bronx, and the north shore of Staten Island. Children's Aid is a member of the Campaign for Children, the New York State Network for Youth Success, the New York State Community Schools Network, and the New York City Coalition for Community School Excellence, and as a member of these networks and alliances we are in support of their policy agendas. Together, we are on a mission to connect children with what they need to learn, grow, and lead successful, independent lives.

For over 25 years, Children's Aid has operated community schools in partnership with the New York City Department of Education. We believe the community schools strategy effectively removes the barriers to learning that get in the way of youth success – both academically and socially—and we believe this strategy is more relevant than ever right now. At our community schools, we integrate expanded learning programs, comprehensive health services (physical, mental health, reproductive, dental, and vision), and family engagement strategies into each school building so that school staff can focus on teaching and children can focus on learning. Currently, Children's Aid partners with 21 community schools in New York City. Children's Aid community schools provide programs and services across four domains: academic, social-emotional, health and wellness, and family and home.

During this crisis, Children's Aid has continued our work, and has filled in many of the gaps in services that are causing real challenges for NYC students and families. Our staff conducted 1:1 calls, emails, and zooms to check in with families on how remote learning/access were going, whether food was available, and general inquiry about needs and/or provision of community resources. Our staff has also been providing remote mental health, counseling, teletherapy, and social emotional support sessions. Our mental health support has been crucial; many of our students are facing real loss, fear, anxiety about the



future, and depression. Our six School Based Health Centers (SBHCs) serving nearly 10,000 students have also proven to be important during this time to keeping children, youth and families healthy. Even with the pandemic we provided 22,124 health and wellness visits, both remote and in person. When we anticipated closing schools back in March, our SBHCs rushed to make sure our students would have a continuity of care – anyone who needed immunizations or prescription refills were given them before the schools closed, making sure they had enough medication to last for several months. In cases where ongoing care was needed, we connected students and families to our two community care clinics that stayed open, or our one SBHC that stayed open at a Regional Enrichment Center (REC) in Washington Heights when the schools closed. Through the pandemic and the summer, we continued telehealth visits for both physical health and behavioral health, seeing a 30% increase in behavioral health visits. However, because of schools closing, there was a decrease in our total number of billable visits, which has impacted our bottom line and forced us to furlough 20 SBHC staff.

Our SBHCs sprung into action with schools reopening this fall, though they faced challenges in planning from the confusing starts and stops to reopening. Since reopening, our SBHCs have been closely partnering with principals and teachers to ensure that we have the correct list of students and that students are aware that we are open and operating. We have been reaching out to students to make sure we get their immunizations up to date and get them their flu shots, as it's more important than ever to have a healthy student population. There have been challenges coordinating with DOH and DOE, and delays in communication to SBHC staff about guidance and policies, but the health and wellness of our young people have been our priority. School based health centers are often are students' only source of primary care. There are 162 SBHCs shared by 387 schools in NYC that serve over 150,000 young people, via nearly half a million appointments. SBHCs can help keep young people healthy and safe through school reopening. The city would benefit from investing in SBHCs as critical partners in communities where there is unmet medical need, and to keep the student population healthy during this public health emergency. These types of wraparound services provided by CBOs in schools are so crucial right now, for both primary health care services and behavioral health care.

While CBOs like Children's Aid have been on the frontlines and playing crucial roles in the education, health, and emotional needs of the city's children, we also feel that the city has not always recognized us as the crucial part of the education continuum that we are. If those crucial parts of the continuum don't survive the pandemic, children and families will be harmed. The Mayor's commitment to a recovery feels empty as we learn that the youth services sector is at risk of further budget cuts, while we continue to often be in the dark with planning and logistics of some of the services we are eager to provide, rather than being treated as essential partners to the DOE.

To date, afterschool providers like Children's Aid are running the majority of the city's Learning Bridges programs. However, we have been receiving conflicting guidance between city and state agencies and the Mayor's mandates, and the guidance received lacks standardization, which makes implementation, staffing, and budgeting very challenging. With the recent news of limited school closures, CBOs will again be tasked with caring for children and ensuring families have the wide range of supports they need. The current situation makes all the more evident that the Administration repeatedly has not adequately included CBOs in the planning process – to ensure support for students and families continues as schools reopen and close and as families juggle with ever-changing schedules and remote and in-person instructional needs. These providers serve many of the same communities that have been



hit hardest by the pandemic, and their programs have always been vital to the academic, social-emotional, and physical well-being of youth. Service providers must be intimately involved in the planning, development, and delivery of services during the new school year to ensure the entire educational system and its wraparound programs are safe, effective and supportive. In order to continue providing in-person, blended, and full remote services, the City and State must figure out how to work together and commit to agile funding models to support nonprofit providers, who are and who have been the City's safety net throughout the pandemic.

This is why we are joining our partners in calling on the city to prioritize youth, their families, and the workforce that provide vital public services in the recovery process. Without this prioritization, the youth development sector will become destabilized creating unnecessary setbacks that could last years, if not decades, for the City to fully recover from this pandemic. The administration's lack of planning and preparation has shown itself in the staggered start to the school year, with no clear contingency plan for a systemwide or isolated school closures process. The lack of support and guidance that the youth services sector is still experiencing will be exacerbated by the threat of potential additional budget cuts in the fall.

One devastating example of these cuts to nonprofit youth services in schools is the \$9.16 million that was cut, without any substantive public scrutiny, from the Department of Education's Community Schools Initiative. The cut represents a \$3.16 million cut for schools under the Community Schools Grant Initiative (CSGI), as well as a \$6 million cut to general community schools contracts. CBO partners have yet to receive clear communication about the cuts from DOE, and providers continue to serve children and families while not knowing if their costs will be reimbursed. These cuts must be restored.

New York City has the largest community schools portfolio in the country, and this initiative recently received attention from a favorable RAND report that published various measures of success of the program. New York City's community schools (NYC-CS) were found to have a positive impact on student attendance in all school levels, and across all three years of the study. The study also found that NYC-CS led to a reduction in disciplinary incidents for elementary and middle school students, and had a positive impact on math achievement and credit accumulation. There was also evidence that NYC-CS supported improvement in school climate for elementary and middle schools.<sup>1</sup>

The Education Advisory Council that the Mayor empaneled recommended a reopening framework rooted in the community school model. Community schools in New York City are already well-equipped to support the diverse and unprecedented needs of children and families as we continue to move through this crisis. To cut community schools' funding now when they are needed more than ever would be devastating to the communities they serve. The needs of students and families during the COVID crisis are immense; schools need to address learning loss and trauma, as well as provide academic and social emotional supports to help students recover and transition back to school. More than ever, these social-emotional and trauma-informed approaches to school and learning must be prioritized. Teachers have been incredibly inspiring through this crisis, but they are also extremely overwhelmed, and the presence of CBO partners eases many of their burdens during this crisis. To cut extra services and staff that serve children in the DOE right now is simply unconscionable.

The nonprofit sector must be adequately resourced to ensure that we can continue to provide these essential services that our city needs to keep children and families safe, healthy, and thriving. There has been an underfunding crisis in the human services sector long before COVID-19 came to our City. The



human services sector has the expertise, experience, cultural competency, and community trust to be an invaluable partner during this time. At times it seems that the Mayor's administration is forgetting the integral role that CBOs play in the city's response to the pandemic, from the additional support we've provided with remote learning, to the sector's role in emergency child care in the REC centers, to the role we are preparing to play in the Learning Bridges, to afterschool, to mental health supports.... But none of that will be easily provided unless the City commits to support the financial stability of the sector.

In order to support the CBO sector that plays an integral role in making school reopening a success, we urge the City to address the following additional issues:

- **Include CBOs in School Planning Decisions**  
As described in this testimony, there have been numerous challenges that CBOs have faced over the last few months related to school reopening. Many of these challenges could have been avoided with clear, timely communication and if there were channels in place for CBO staff to coordinate with the relevant City agencies around school reopening. It is crucial that the City increase the dialogue in particular between CBO staff and the DOE, as that partnership is crucial to a successful school year.
- **Clear the Comprehensive Background Checks Backlog**  
Since September 25th, 2019, New York State Office of Children and Family Services (OCFS) has required NYC DOHMH to perform new extensive background checks for staff and volunteers in after-school and early childhood education. Providers and advocates strongly support rigorous background checks for all staff and volunteers, and we rely on our partners in government to process background checks quickly and efficiently so that programs can operate. DOHMH has not been able to complete the background checks in a timely manner, and many prospective staff members in after-school and early childhood education programs are unable to work due to pending clearances.

In February, the backlog led New York State Office of Children and Family Services to provide some relief through a temporary rule change that allows staff members to work provisionally if they have been cleared through the State Central Register of Child Abuse and Maltreatment (SCR) and if they are supervised for 100% of the time that they are in contact with children by a staff member who has been cleared. While this measure has helped tremendously, it is not adequate to address the new needs that have resulted from the COVID-19 crisis. The Learning Bridges Programs now being launched do not have pre-cleared staff who can provide the supervision. The City must clear the backlog of staff awaiting clearances and develop processes to quickly clear prospective staff members so that every funded seat may be filled safely.

- **Restore Funding for Indirect Rates**  
Indirect funding is the backbone of a nonprofit human services organization, covering critical overhead costs that help organizations serve their communities most effectively. Indirect helps to support functions that are crucial to running a program, like facilities cleaning, payroll, and technology. Indirect expenses are often the things that we do not see when we walk through the front door of an organization to go to a program or receive a service, but help to keep that



front door open. The City retroactively cut Indirect Rates for non-profit human services providers in the FY 20 budget. For Children's Aid we lost nearly \$1.2 million in funding for FY20 and stand to lose the same amount for FY21. Indirect Rates are necessary for programs to have the flexibility to develop new programs such as Learning Bridges and to change programs to meet new health and safety requirements. We urge the Mayor and City Council to use the November Budget modification to honor their commitment to the human services sector and fully fund indirect rates.

As an agency committed to eradicating poverty in the neighborhoods that we serve, we will do all that we can to advocate, protect, and increase funding for the most under-resourced students and families in NYC. We understand the challenges the City faces to meet the needs of NYC young people, especially given the academic and social-emotional challenges of families that have been exacerbated through this crisis. Children's Aid sincerely thanks the New York City Council for their vigorous support of children, youth, families, and communities in New York City, and we emphasize that we can be your partners to address the immediate needs of students and their families as we look to the months ahead.

Thank you again for the opportunity to submit testimony on this very important issue. Please feel free to contact me at [lbilik@childrensaidnyc.org](mailto:lbilik@childrensaidnyc.org) with any questions regarding this testimony.

<sup>1</sup> Johnston, W.R.; Engberg, J.; Opper, I.M; Sontag-Padilla, L.; Xenakis, L. (2020) *Illustrating the Promise of Community Schools: An Assessment of the Impact of the New York City Community Schools Initiative*. RR-3245-NYCCEO. [www.rand.org/t/RB1](http://www.rand.org/t/RB1)



**New York City Council – Joint Hearing with Committee on Health and Committee on Education  
Oversight Hearing – Reopening New York City Public Schools: Health and Safety  
October 16th, 2020**

**Testimony of Diana Campbell, Asian American Student Advocacy Project (ASAP) Youth Leader  
The Coalition for Asian American Children and Families (CACF)**

Hello all. I would like to first thank Chair Levine and Chair Treyger, as well as the Committee on Health and the Committee on Education, for holding this hearing and giving us and yourselves the space to hear the stories of others today.

My name is Diana Campbell. On paper, I am an 11th grader at the Bronx High School of Science, but my lived experience is deeper than that. I am APA at Bronx Science, I am Black at Bronx Science, I am female at Bronx Science. Because of that, despite schools' reopening, many doors have been left closed for me. Being APA is a reminder that even now I must push myself to remain academically competitive. I have become my own teacher, trying to digest 90 minutes of physics that has been compressed into 40, all the while juggling 4 AP courses, 3 branches of student government, 2 sports teams to captain and a lot of other extracurriculars. Many of my teachers expect the same level of engagement from students as we showed in person, even during this remote learning period, and I consistently have stayed up past midnight to finish work. Despite that, none of my teachers have checked-in on our classes, leaving me feeling alienated and overwhelmed without an outlet. I would like to see schools put more of an emphasis on social emotional learning, so that I have access to the resources I need to be a successful student. But that is the thing: I do not know what a successful student looks like anymore in these unprecedented times. And maybe that is a good thing. There is so much to worry about right now, being perfect should not be one of them, and our students should be reminded of this. It is especially important to address that now because remote learning has and continues to exacerbate the issues that already exist in these communities. Consider that 1 in 2 APA children is born into poverty, 1 in 4 APA students does not graduate on time or at all, and only 2 in 5 APA students are considered prepared for college and career upon graduation. We are more than a monolithic student population that only cares about grades and top schools, yet we continue to be left out and left behind, especially in critical times like this when we have been deeply affected by the social isolation, the unemployment, discrimination, and so much more.

Thus, I urge you all to continue to rely on stories. Today you are hearing mine, but what about those you are not? What about the boy who watches his parents struggle to teach him history at the dinner table because the textbooks are not in their language; or the student athlete-musician-scholar who blames herself for not wanting to be a doctor like her parents? These stories are out there, and can be taxing on the mental health of those young people who lack the outlet to tell them. Remote learning presents an opportunity here to work with youth to



increase their engagement with mental health resources. Now is a good time to ask, “What do they need?” I would like to see the DOE implement and provide oversight on mental health resources that are culturally responsive and accessible, as well as information about the holistic nature of many college applications in the College Planning section, especially considering many families' fears now about the college application process during COVID. Sometimes, just having my issues as an APA student be recognized is an appreciated first step - a first step that might make the difference for even one young person. Thank you for holding this hearing today and for this opportunity to testify.

**Testimony of the Steinhardt School of Culture, Education, and Human Development at  
New York University**

before

**The New York City Council Committee on Education**

and

**The New York City Council Committee on Health**

**October 16, 2020**

Good Morning Chairperson Treyger, Chairperson Levine, and all Council Members present. My name is Dr. Frank Pignatosi, and I am Clinical Assistant Professor at New York University's Steinhardt School of Culture, Education, and Human Development and a member of the NYU Steinhardt Teacher Education Council. Thank you for the opportunity to submit testimony and share my expertise on the topic of the re-opening New York City schools.

In May, the NYU Steinhardt Teacher Education Council and the Office of Field Studies submitted testimony suggesting that teacher education programs partner with the City and the NYCDOE to support learning and teaching in our communities this fall. We felt that this should be a city-wide effort and focus more on supporting the learning of Prek-12 students in diverse educational settings and aligning the experiences of our pre-service candidates accordingly, rather than seeking ways to allow these candidates to satisfy clinical requirements in the new normal. The ultimate goal was to multiply the educational resources available and to build upon the shared goal of creating equitable learning opportunities for all communities in NYC.

We believed then and we still believe now that such a collaborative effort would provide the City with a greater range of options in making the best decisions on how to re-open schools. We knew that with significant cuts in the NYC and NYCDOE budgets, and the related hiring freeze for new teachers over the summer, the NYCDOE would find itself undermanned to address student academic and socio-emotional learning. We also knew that the most vulnerable school populations and home communities would suffer the most. More than ever, we feel that the onus of the partnership should become the opportunity for the partnership to address this new challenge and ensure equity of access to learning in a greater range of communities than before. This is not solely about supporting a single teacher in a physical or virtual classroom; it is about teams of educators working together to engage all learners in schools and communities. The teacher education programs in NYC prepare candidates to teach in a variety of subject areas and to educate in a variety of school-based roles (Speech Pathology, Counseling, Nutrition, etc.) This preparation should be a collaborative thrust to meet the needs of our young, developing learners, not to comply with single needs of one partner or the other.

This past summer, New York University partnered with School District 1 to support the academic learning needs of its student population and created a web site that supported at-home learning experiences with families. This fall, we have asked our partner schools how to best support their needs in and out of classrooms, rather than start from the student teacher/mentor teacher ratio. In other words, we asked, "What can we do to support their efforts to ensure greater equity in access to distance learning rather than how many student teachers can they host?" We are ready to

support existing distance-learning experiences with our students working with school educators to enable focused small-group instruction in asynchronous and synchronous modes (e.g., special education majors supporting individualization and differentiation of students with IEPs in smaller environments; targeted support for multilingual learners; science majors supporting online simulations with small groups in lieu of live labs; music majors leading break-out sessions in instrumental and vocal practice, guided interactive read-alouds; math sessions with online manipulatives, etc.) We are ready to support the inclusion of students with disabilities and language needs in daily instruction. We are ready to support the integration of fine and performing arts into a curriculum that is struggling to find ways and means to do so. Our students are ready to serve school wide, and not just in their specified area. They can provide an important support in maintaining open lines of communication with parents/guardians.

We appreciate that the NYCDOE has made efforts to help schools integrate pre-service candidates into their learning and communication systems, but the required fingerprinting process that allows initial access to school learning environments is still fraught with obstacles that negate the inclusion of the very same candidates. Many candidates do not currently reside in NYC and the requirement to be fingerprinted in person by the NYCDOE ignores the reality of university on-line instruction this fall with many students not present locally. In addition, international students who do not yet have a Social Security number have an even greater hurdle in completing fingerprinting.

We applaud the initiative of District 2 to partner with a number of teacher education programs to support specific schools, and we hope to continue our partnership with District 1. However, we worry that the lack of a wider effort by the NYCDOE in collaboration with its university partners will leave out traditionally marginalized communities in areas of the city that do not have a history of partnership with universities. Why not engage its administrators in formalizing partnerships between each district and university partners? Considering the continued uncertainty surrounding the choice of blended vs fully remote and the unknown aspect of when the COVID concerns will end, would schools not benefit from a collaborative approach with university partners to strategically coordinate distance-learning experiences? Would we not be able to better support home communities in the learning process if schools and universities collaborated on the balance of synchronous and asynchronous instruction in and out of virtual school environments?

We invite the City and the NYCDOE to tap into and maximize all the available resources to explore how to best re-open its schools and ensure continued learning and to help bridge the equity gaps across home communities. In the past, the NYCDOE created shared spaces to partner with the teacher education programs in the city. We ask that the NYCDOE not only re-initiate The Teacher Preparation Partnership where teacher education programs across the city would communicate directly with DOE, but that go beyond and create a forum to join forces and collaboratively craft and adopt strategies for new circumstances.

Thank you again for the opportunity to testify. I would be happy to answer any additional questions the Committees may have. (Please contact Konstantine Tettonis, NYU Government Affairs, kt1249@nyu.edu.)



**Testimony of UJA-Federation of New York**

**New York City Council Committees on Health and Education  
Oversight – Reopening NYC Public Schools: Health and Safety**

**Submitted by:  
Faith Behum, UJA-Federation of New York**

**October 16, 2020**

Thank you to Chairpersons Treyger and Levine for the opportunity to submit testimony on the reopening of NYC public schools: health and safety. My name is Faith Behum and I am an advocacy and policy advisor at UJA-Federation of New York.

Established more than 100 years ago, UJA-Federation of New York is one of the nation's largest local philanthropies. Central to UJA's mission is to care for those in need, identifying and meeting the needs of New Yorkers of all backgrounds and Jews everywhere. UJA connects people to their communities, responds to crises in New York, Israel and around the world, and supports nearly 100 nonprofit organizations serving those that are most vulnerable and in need of programs and services.

UJA's network of nonprofit partners oversee after-school programs and wraparound services in site-based and/or school-based COMPASS, SONYC, Beacon and Cornerstone programs as well as UPK and 3K programs. Ten of UJA's nonprofits also oversee Learning Labs. While this hearing is focused on the reopening of NYC schools and the related health and safety concerns, this testimony will discuss the challenges 3K, UPK, COMPASS, SONYC, Beacon, Cornerstone and Learning Lab providers in UJA's network have experienced attempting to reopen or start new programs connected to the public school system.

Early on in the pandemic, programs quickly transitioned to offering virtual programming for their participants. Besides educational enrichment opportunities, providers went above and beyond to ensure the mental, social and emotional needs of the children and youth in their programs were being met. They also provided or connected families to basic necessities such as food and meals for those experiencing food insecurity. At a time of uncertainty and incredible hardship, UJA's nonprofit partners were a source of reliable support for the communities they served. These same providers worked through the summer offering virtual and in-person summer programs while others focused solely on preparing for the current school year, including opening new programs such as the Learning Labs. Below are examples of challenges related to health and safety that our network of nonprofit partners experienced while planning for and physically reopening their public school related programs:

## **Comprehensive Background Checks**

Since September 2019, the New York State Office of Children and Family Services (OCFS) has required new extensive background checks for staff and volunteers in after-school and early childhood education programs. The background checks are required by rules in the Federal Child Care and Community Development Block Grant that was reauthorized and revised in 2014. As the local regulator, the background check process is managed in New York City by the NYC Department of Health and Mental Hygiene (DOHMH). Throughout the pandemic, DOHMH has continued to struggle to complete the background checks in a timely manner causing delays in the hiring process for staff members in after-school, Learning Labs and early childhood education programs. Programs have waited anywhere between *two and ten months* for staff to be fully cleared. OCFS allows prospective staff to work supervised in programs by fully cleared staff. However, this only works when there are enough cleared staff to oversee the prospective staff awaiting their clearances. After-school, Learning Labs and early childhood education programs struggle to fill their staffing quotas due to pending background checks at the DOHMH.

In after-school programs, this situation was further exacerbated by uncertainty related to funding for summer programs. Staff in after-school programs often work in summer programs and then continue in after-school programs when the school year begins. When after-school programs ended in late June, providers had no guarantee that summer programs would be funded and laid off their staff. When providers heard their summer programs were funded in early July, they reached out to staff they laid off, attempting to rehire them. Unfortunately, many declined the offer, meaning programs had to hire new staff and get them cleared through the background check process. Getting prospective staff cleared continues to be a challenge as providers enter the new school year. Recently, one of UJA's partners emailed the DOHMH mailbox designated for receiving completed background check paperwork. The provider immediately received an email saying the mailbox was full and could not accept the information.

**UJA urges DOHMH to commit to a two-week maximum timeframe to perform background checks. DYCD and DOE must hold providers harmless from any penalties for under-enrollment until processes have been established to clear staff.** Providers support rigorous background checks for all staff and need their partners in government to process background checks quickly and efficiently so providers can operate programs in this constantly changing environment.

## **Lack of Access to Nutritious Kosher Food in Learning Labs**

In order to meet the food requirement for the Learning Lab program, providers are required to pick up meals from DOE Grab&Go sites throughout the city. Because many of UJA's providers require kosher meals, a staff member must travel to the closest kosher meal site, which is not always so close. In many cases, providers must invest a significant amount of staff time – due to distance as well as traffic—to travel to pick up these meals. Furthermore, UJA agencies have reported experiencing issues with the Grab&Go program, including with the quality and safety of the kosher food (with some reporting meals arriving rotten from lack of proper refrigeration or completely frozen); and food being inappropriate to meet the nutritional needs of the children and youth, such as a meal comprised solely of carrots and hummus. UJA agencies have reported having to throw out food received through this program due to spoilage, poor quality or dietary standards not being met resulting in a significant waste of food and city funding.

**UJA urges the DOE to resolve these issues at the Grab&Go sites so that providers that require kosher food have easier access to nutritious, fresh food for their participants. Additionally, UJA urges DYCD to explore ways in which providers can use their own kosher caterers and be reimbursed for providing meals which would eliminate the travel requirement as well as ensure that the meals are of high quality and nutritionally adequate.**

### **Lack of Guidance Regarding Impact of Cluster Action Initiative on Programs**

Eight of UJA's nonprofit partners oversee services in yellow, orange or red COVID zones. The closure of schools in red and orange zones, has disrupted how services could be provided to children and youth in 3K, UPK, Learning Labs, and after-school programs. UPK, 3K and after-school programs in each zone were notified by the agencies that oversee them that their programs would transition to virtual offerings. Learning Lab providers however received inconsistent messaging, specifically from DYCD, on the status of their programs when the Cluster Action Initiative was announced by Governor Cuomo. It is incumbent upon New York City to consistently implement and communicate program changes to providers as we experience a second wave of COVID-19 and directives come down from the state.

Originally, when New York City proposed its plan to close non-essential businesses, including public and private schools, providers were told in an October 5<sup>th</sup> email by DYCD that "Learning Labs programs were to be closed beginning 10/6/2020" and that they would be in touch with further updates as the situation changes. On October 6<sup>th</sup>, Governor Cuomo announced the Cluster Action Initiative. At this point, providers struggled to determine if their programs were located in one of the yellow, orange or red zones instituted by the initiative. Some programs operate at sites that actually fall in two different zones. Others were concerned about staff who live in red zones but work in schools or community based organizations located in yellow zones, unsure if these staff should continue to come to work. No communication was sent to Learning Lab providers about the impact of the Cluster Action Initiative on their programs-specifically what being located in each zone meant for operating in-person Learning Lab programs.

Providers reached out to DYCD wanting to confirm how they should proceed. One of UJA's providers in an orange zone (where schools were closed) was told by DYCD, "Learning Labs may continue childcare services for currently enrolled students." A mass communication was never sent to providers that included this information; many Learning Lab programs (depending on their location) simply closed due to the initial information they received from DYCD on October 5<sup>th</sup>. Since the Learning Lab initiative was introduced, DYCD has been unclear what is expected of programs if and when schools would be required to go remote. This became evident when schools were actually closed. **UJA urges DYCD to be proactive in developing guidance for their programs especially in instances when increased COVID infection rates will impact their ability to provide in-person services.**

### **UPK and 3K Specific Issues**

Reopening UPK and 3K programs during the pandemic forced providers in Community Based Organizations to develop lessons plans for in-person and virtual instruction for children enrolled in their programs. Providers have faced many challenges implementing their in-person programs. Limiting the number of children in UPK classes to 15 children per two staff members has impacted providers greatly. Usually UPK providers have 18 children in each classroom. Limiting in-person attendance to 15 has required providers to locate more space in their buildings or hire additional staff to maintain ratios with no additional funding added to their

contracts to do so. Providers also stressed how difficult it is to oversee in-person and virtual classes. Ideally, providers would like to have at least one staff member who is dedicated to monitoring only virtual learning. Unfortunately, it is not financially feasible for programs to pursue this based upon what they are currently reimbursed in their contracts.

While the number of children and staff have been limited in 3K and UPK classrooms, providers are still required to allow special education teachers into their classrooms to assist children with Individualized Education Programs (IEPs). UPK and 3K providers are committed to offering children with special needs all the supports they need to be successful students in their programs. But while the DOE has required 3K and UPK programs to let additional special education staff into their classrooms, they have provided no guidance to programs on how this can be done safely. For example, programs are unclear if and when they will be notified if a special education teacher who has worked with their students, tests positive for COVID. Programs have their own procedures on how to notify staff and families if someone tests positive, yet are unsure how quickly they will be notified if teachers not employed by them who work with children in their classrooms test positive.

While UPK and 3K programs are overseen by the DOE, providers also have to answer to the DOHMH regarding licensing and health and safety measures. Messaging from the DOE has been delayed and often non-existent from DOHMH. For example, providers were informed in early September by the DOE that children enrolled in full remote 3K or UPK programming had to receive the same vaccinations as children attending in-person classes. Families registered for full remote programming before this requirement was made public. This late communication on the part of the DOE caused providers to scramble to ensure their remote students were up to date on their vaccination requirements—days before remote learning was supposed to begin. DOHMH has been unclear about a number of issues including how many square feet per child must be allowed in classrooms. While providers are maintaining two staff per 15 children, they are still unsure how much square footage is required to appropriately and safely run services. During the re-opening process, providers encounter issues daily that require guidance. Whether it is guidance needed for special education teachers, vaccinations or space requirements, **3K and UPK providers require and deserve timely answers to their questions from both the DOE and DOHMH.**

UPK providers were notified that the Basic Educational Data System (BEDs) date has been delayed to December 1<sup>st</sup>. This means the number of children enrolled in UPK programs as of December 1<sup>st</sup> will determine how much community based programs will be paid for the year. Due to the pandemic, UPK programs are worried their enrollment numbers will be down. While enrollment may decrease, costs for running programs will remain the same or increase due to the need to maintain staff while implementing additional safety measures. **UJA urges the DOE to keep UPK contracts whole and to not allow enrollment on one day to be used to determine how much programs will be compensated.**

### **Health and Safety Concerns Across Programs**

70% of after-school programs overseen by SONYC, COMPASS, and Beacon providers are located in public schools. Principals and DOE staff have been overwhelmed with restructuring their buildings and educational services in order to provide these in a safe environment for children and staff. SONYC, COMPASS and Beacon providers rely on space in these buildings for their programs. Due to the need to reduce the number of students in classrooms and cleaning

that must take place at the end of the school day, community based organizations (CBOs) have struggled to get space in school buildings for their programs. In fact many principals are refusing to give after-school programs any space in their buildings. Providers lacking space in schools have engaged children and youth virtually. But with little to no presence in school buildings, after-school providers will have an incredibly difficult time meeting their enrollment numbers, hurting them financially. **DOE and DYCD must work together to help after-school providers secure space in NYC school buildings so these programs are able to offer in-person services to children and youth who need them.**

Providers of programs located in schools and outside school grounds have been juggling monitoring virtual programming while figuring out how to serve children and youth in smaller groups in-person. Maintaining smaller groups puts a strain on staff, depending on how many children and youth are attending in-person programs. Smaller groups mean more staff may be needed to be hired to oversee the additional smaller groups. Providers have been told by DYCD that they are not permitted to turn away any children or youth who are eligible for their programs. CBOs know how many children and youth they can responsibly serve in their programs at this time. They want to serve as many children and youth in their communities as the space they have allows them to do so. **CBOs should be able to make decisions on how many children and youth can attend their programs and not be forced to enroll participants if they feel they do not have the space or staff to serve them safely.**

Having access to PPE and medical care is vital to maintaining the health and safety of children, youth and staff in Learning Labs, 3K and UPK programs and after-school programs. DYCD provided Learning Lab and after-school programs with PPE. However, programs were required to travel to the DYCD headquarters in Manhattan to pick up the supplies. In the middle of designing curriculum, surveying safety precautions and hiring staff for all their programs, providers had to also secure a vehicle large enough to hold their PPE supplies and take the time to travel to receive the supplies. Providing a place in each borough of the city for programs to pick-up their PPE supplies would have been much more feasible. While DOE schools have access to onsite nurses, Learning Labs, Pre-K and 3K programs in CBOs and after-school programs only have access to a nurse virtually. **Programs would benefit from having a fully funded nurse on site during their program hours.** This would help to keep both participants and staff safe.

### **Conclusion**

Thank you for the opportunity to submit testimony. UJA looks forward to working closely with the Council and the Administration in order to continue to provide the services and supports children and their families need in their communities during this unprecedented time. Please contact Faith Behum [behumf@ujafedny.org](mailto:behumf@ujafedny.org) or 212-836-1338 with any questions.



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**Testimony of United Neighborhood Houses  
Before the New York City Council Committee on Education  
Honorable Mark Treyger, Chair; and  
Committee on Health  
Honorable Mark Levine, Chair**

**Oversight - Reopening NYC Public Schools: Health and Safety  
Presented by Gregory Brender, Director of Children and Youth Services**

**October 16, 2020**

Thank you Chair Treyger, Chair Levine, and members of the New York City Council Education and Health Committees for the opportunity to testify on the reopening of New York City's public school system during COVID-19. United Neighborhood Houses (UNH) is a policy and social change organization representing 44 neighborhood settlement houses that reach 765,000 New Yorkers from all walks of life.

A progressive leader for more than 100 years, UNH is stewarding a new era for New York's settlement house movement. We mobilize our members and their communities to advocate for good public policies and promote strong organizations and practices that keep neighborhoods resilient and thriving for all New Yorkers. UNH leads advocacy and partners with our members on a range of issues including civic and community engagement, neighborhood affordability, healthy aging, early childhood education, adult literacy, and youth development. We also provide professional development and peer learning to build the skills and leadership capabilities of settlement house staff at all levels.

This testimony focuses on the significant challenges that the City's community-based organizations who support children and youth have faced during COVID-19 and through the school reopening progress and makes recommendations for strengthened support and partnership with this sector—which will be crucial to ensure the success of this academic year.

**Community-Based Organizations and the Education System**

Community-based organizations (CBOs) are an indispensable part of the City's education system, playing a leading role in several aspects of children and youth support and development, including:

- **Early Childhood Education:** CBOs serve the majority of children under five years old in publicly funded early childhood education. CBOs have been and continue to be the only affordable, publicly funded early childhood education that includes

summer programs and extended hours based on the workday instead of the school day. CBOs are also the only publicly funded child care option for infants and toddlers.

- **After-School and Summer Programs:** CBOs provide after-school programs and summer programs for school age children. CBO after-school and summer programs in both public school settings and in community centers provide the positive youth development that keep young people engaged. They are also crucial for working parents who need somewhere safe and developmentally appropriate for their children during the workday.
- **Social- Emotional Development and Career Planning:** CBOs partner with schools through Learning to Work which supports overage and under-credited youth completing their high school degree in specialized Transfer Schools and Young Adult Borough Centers. They also play key roles in Community Schools, where CBOs coordinate services for young people that keep them on track to succeed in schools.

### The Impact of COVID-19

Since the COVID-19 crisis, the role of CBOs has dramatically increased, and the City has relied on them even more to ensure that children are educated. This includes:

- **Remote Programming:** In March, early childhood education and after-school programs rapidly transitioned to virtual programming which kept children connected to their peers and to adults focused on their support and educational enrichment.
- **Regional Enrichment Centers:** CBOs operated early childhood Regional Enrichment Centers, providing in-person child care and education to young children of essential workers. CBO staff also played key roles in operating the school-age RECs that were located in public school buildings. CBO staff brought their expertise in Youth Development to design socially distant activities that were engaging and supportive for participants.
- **Five Day Per Week Early Childhood Programs:** With the public school's transition to a hybrid model, CBOs are the only place that offer free or low-cost early childhood education five days per week at the same location with the same staff and teachers.
- **Learning Bridges and Learning Labs:** CBOs are now offering Learning Bridges and Learning Labs where children from age 3 through 8<sup>th</sup> grade can receive in-person child care during the days when they are participating in remote learning. These programs are run by CBOs and have been launched in a matter of weeks.

CBO staff have gone to significant lengths to provide essential services during this time of significant stress and upheaval for the City's children and youth. However, the City has not adequately supported CBOs, making it difficult for them to carry out programming and focus on working with children and youth. CBO programs depend on successful high-level collaboration between City agencies. Unfortunately, this has often been lacking throughout the COVID-19 pandemic and CBOs have been left to make sense of missing or conflicting guidance from Department of Education, Department of Health and Mental Hygiene and

Department of Youth and Community Development.

This leads to issues such as:

- After-school programs not having clarity as to what space they are able to use in school buildings, or receiving exorbitant permit fees;
- Lack of communication to CBOs operating in schools about school health issues and decisions from the situation room; and
- Learning Bridges programs facing the expectation of ramping up in a matter of weeks with many unanswered questions, including what students were enrolled in blended learning who might be attending a Learning Bridges program. UNH's list of questions about the Learning Bridges RFI is attached to this testimony; though these programs have started and some of these questions have been addressed, this document gives a sense of the challenges that CBOs faced in starting this new program.

Furthermore, while CBOs are an essential part of the education system, the **staff in CBOs often do not have the same protections as staff in public schools**. This includes:

- Lack of on-site nurses;
- Difficulty accessing PPE; and
- Lack of information about infections in school buildings.
- Lack of incentive pay for staff members

It is essential that CBOs be included in all planning discussions around our education system's health and safety policies and procedures going forward. The City's lack of communication with CBO providers and lack of inclusion of CBO providers in the school reopening planning process has already adversely impacted children and families and will continue to do so if it is not addressed.

### **Recommendations**

In order to support the CBOs who play an integral role in making school reopening a success, UNH urges the City to address the following issues:

#### **Include CBOs in School Planning Decisions**

As described in this testimony, there have been numerous challenges that CBOs have faced over the last few months related to school reopening. Many of these challenges could have been avoided with clear, timely communication and if there were channels in place for CBO staff to coordinate with the relevant City agencies around school reopening. It is crucial that the City increase the dialogue in particular between CBO staff and the DOE, as that partnership is crucial to a successful school year.

#### **Clear the Comprehensive Background Checks Backlog**

Since September 25<sup>th</sup>, 2019, New York State Office of Children and Family Services (OCFS)

has required NYC DOHMH to perform new extensive background checks for staff and volunteers in after-school and early childhood education that are listed below:

- A NYS criminal history record check with the Division of Criminal Justice Services; *(new)*
- A national criminal record check with the Federal Bureau of Investigation; *(new)*
- A search of the NYS sex offender registry; *(new)*
- A database check of the NYS Statewide Central Register of Child Abuse and Maltreatment (SCR) in accordance with 424-1 of the Social Services Law;
- A search of the national sex offender registry using the National Crime and Information Center \*\*\*Required at a later time *(new)*

If the individual being cleared has lived outside of New York State in the last five years, they will also have to undergo background checks in every other State where they have lived. This includes:

- Each state(s) criminal history repository; *(new)*
- Each state's sex offender registry or repository; *(new)*
- Each state's child abuse or neglect registry. *(new)*

Providers and advocates strongly support rigorous background checks for all staff and volunteers, **and we rely on our partners in government to process background checks quickly and efficiently so that programs can operate.**

**DOHMH has not been able to complete the background checks in a timely manner and many prospective staff members in after-school and early childhood education programs are unable to work due to pending clearances.**

In February, the backlog led New York State Office of Children and Family Services to provide some relief through a temporary rule change that allows staff members to work provisionally if they have been cleared through the State Central Register of Child Abuse and Maltreatment (SCR) and if they are supervised for 100% of the time that they are in contact with children by a staff member who has been cleared.

While this measure has helped tremendously **it is not adequate to address the new needs that have resulted from the COVID-19 crisis.** The Learning Bridges Programs now being launched do not have pre-cleared staff who can provide the supervision. The City must clear the backlog of staff awaiting clearances and develop processes to quickly clear prospective staff members.

### **Restore Funding for Indirect Rates**

Indirect funding is the backbone of a nonprofit human services organization, covering critical overhead costs that help organizations serve their communities most effectively. Indirect helps to support functions that are crucial to running a program, like facilities cleaning, payroll, and technology. Indirect expenses are often the things that we do not see when we walk through the front door of an organization to go to a program or receive a service, but help to

keep that front door open.

The City retroactively cut Indirect Rates for non-profit human services providers in the FY 20 budget. Indirect Rates are necessary for programs to have the flexibility to develop new programs such as Learning Bridges and to change programs to meet new health and safety requirements.

UNH urges the Mayor and City Council to use the November Budget modification to honor their commitment to the human services sector and fully fund indirect rates.

### **Preserve Funding for Learning to Work Programs**

The Learning to Work (LTW) model supports every student in all Transfer Schools and most Young Adult Borough Center (YABC) as they work towards their high school diploma and the development of a post-secondary plan. The public health and economic consequences of the COVID-19 crisis disproportionately impact the students that LTW programs serve.

LTW staff were instrumental in engaging students in March when all schools went remote. They continued to provide all services and ensured that students who were eligible for graduation were able to graduate on time. LTW providers pivoted to project-based internships to maintain a steady paycheck for students and addressed food, legal and financial needs of students' families.

The LTW model is essential to New York City schools reopening for many of the hardest to reach students. Already programs directors, advocate counselors and other staff in LTW programs are engaged in outreach to students who are overage and under-credited to ensure that they attend schools in person when they reopen and engage in remote learning when they are available.

DOE communications with providers and a recent article in Chalkbeat have indicated that funding for Learning to Work is in jeopardy.<sup>1</sup> UNH urges to City to protect funding for this crucial program.

The success of school reopening depends on the strength of the CBOs who partner with schools to meet the needs of children and their families. UNH urges the City to come to the table with CBOs to plan for safe and effective supports for children and families as the City recovers.

Thank you for the opportunity to testify. I am happy to answer any questions and can be reached for more information at [gbrender@unhny.org](mailto:gbrender@unhny.org).

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<sup>1</sup> <https://ny.chalkbeat.org/2020/10/13/21515137/transfer-school-yabc-cuts>



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**United Neighborhood Houses  
Comments on the Learning Bridges RFI**

August 27, 2020

COVID-19 has highlighted and exacerbated significant disparities in New York City, including access to high-quality, reliable, and affordable child care. UNH and settlement houses have been long-time advocates for access to child care and after-school programming, and have significant experience providing these programs. Since COVID-19 began in March 2020, settlement houses have stepped up and provided both in-person child care in Regional Enrichment Centers (RECs) and remote activities and support for New York City's youth. We appreciate the City's efforts to provide child care for working families when public schools return to a blended instruction model in the fall. However, the City must ensure that this program model both provides necessary child care and addresses the risks of spreading COVID-19.

The City's current proposed model for Learning Bridges Programs to provide child care for children in 3-K and Pre-K programs and grades K-8 on remote learning days must be structured to that it does not risk increasing community spread of COVID-19. The proposal as it stands does not state whether students participating in the Learning Bridges Programs would be from the same classroom or even the same school. Centers for Disease Control and Prevention (CDC) guidance urges school districts to adopt a cohort or pod model wherein students stay in static groups with the same classmates and teachers all day.<sup>1,2</sup> If students in the Learning Bridges Programs were coming from different classrooms or even schools, the City would be creating a risk for the transmission to students and staff members in multiple community-based organizations and schools. We urge the City to consider this crucial aspect of the Learning Bridges Program and to implement a safe cohort model for this program. Otherwise, the task of contact tracing and isolating Learning Bridges staff and participants will become that much more complicated when a student or staff member contracts COVID-19.

Furthermore, CBO staff must be afforded the same protections as teachers and staff in public schools. This includes:

- Regular, consistent cleaning of all facilities;
- Personal protective equipment (PPE) and other supply needs;
- Ensuring a small and static group of children and adults with whom each staff member comes into contact; and
- Funding for health and safety requirements, including an on-site nurse.

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<sup>1</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html>

<sup>2</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-childcare.html>

CBOs have been providing socially distant in-person summer camps and CBO staff have designed and executed programs in the City's Regional Enrichment Centers. They have conducted programs safely through extensive social distancing measures including limiting classrooms to 9 children. However, the Learning Bridges RFI allows up to 10 children through age 9 and up to 15 children ages 10-12 in a single classroom. It is important that these discrepancies be rectified and clear and consistent guidelines on classroom size be issued. UNH urges the City to come to the table immediately with CBO providers to design a safe, socially distant way to provide child care for New York's families through this crisis and recovery.

Below are more extensive questions and concerns from providers around key aspects of the Learning Bridges Program. We look forward to working with the City to address the following questions in order to ensure a safe and healthy start of the Learning Bridges Program:

### **Health and Safety Measures**

1. Will providers be able to conduct a health screening (i.e., asking about symptoms and checking temperature) for all persons who come into a space used for Learning Bridges? Will providers have access to temperature scanners and other equipment to conduct health screenings? This is particularly important for any Learning Bridges Program that is conducted in a space that where CBO does not have full oversight.
2. Will CBO contractors have control of who enters the sites? Do providers have the authority to eject people if they are exhibiting symptoms or not following social distancing guidelines such as not wearing masks?
3. What support will DYCD, DOHMH and other agencies provide to expedite the issuance of new School-Age Child Care (SACC) licenses? Will the 3-K and Pre-K programs be able to use the emergency child care provisions used in Regional Enrichment Centers to allow the transfer of staff between sites? Given that licenses tend to take a significant amount of lead time, what will the City do to expedite the process of clearing new sites?
4. Will programs need to expand licenses for either early childhood or SACC if they are using space that also hosts an existing early childhood education or youth development program?
5. Will providers be able to clear staff only through the DOE PETS system in sites outside of school buildings? The Comprehensive Background Check System, which was waived temporarily in March 2020, is significantly backlogged and has been unable to clear staff quickly. It also does not allow for transfer of staff between sites, something that would be crucial for assigning staff to the correct Learning Bridges Program site.
6. Will the City guarantee that programs that providers have an adequate amount of time for cleaning between when one group leaves a classroom and another enters if an organization is operating a Learning Bridges program in spaces such as a Cornerstone or center-based after-school programs which provide after-school at a different time than the Learning Bridge?
7. What guidance will the City provide around safe drop-off and pickup protocols?

### Impact on Existing Programs

1. Will existing early childhood education and after-school programs in non-school buildings continue to operate fully funded in the school year if they do not participate in the Learning Bridges Program?
2. Will existing early childhood education programs maintain their budgets if their classroom size for 3-year old and 4-year old children is reduced to 15 children per classroom? Costs including rent and staffing are not lower with the mandated changes. If yes, please communicate with providers.
3. If Learning Bridges Programs are placed at sites such as Cornerstone Community Centers that also have an after-school programs, will they be serving some or all of the same children? Will programs be able to limit participation in Learning Bridges programs to either participants in their own programs, or students in the schools with which CBOs already have a relationship?
4. Is the City planning for continued youth engagement if there is a second wave of COVID-19?

### Space

1. What spaces and rooms is the City scouting for Learning Bridges programs? The Mayor mentioned libraries and cultural institutions. What level of authority would CBOs have at these sites to make physical changes or repairs? Who will handle maintenance at these sites?
2. Is the City considering using temporary trailers? If so, what steps will be taken to ensure that social distancing can be maintained in trailer sites?
3. Will ventilation standards and inspections be the same as in public schools?
4. Will all programs have access to outdoor space?
5. Will the City close streets to ensure outdoor space for programs?
6. Will the City allow providers exclusive access to space in playgrounds or parks?

### Staffing

1. Will Learning Bridges programs be funded to have:
  - a. Nurses
  - b. Safety Agents
  - c. Cooks
  - d. Licensed teachers in early childhood education programs
2. In order to limit the amount of exposure of any child or adult to multiple groups, guidance from NYC Department of Mental Health and Hygiene (DOHMH) strongly discourages early childhood education providers from using floaters or substitutes in order to maintain ratios. Will providers be funded to have three teachers per classroom so that ratios can be maintained if one teacher is temporarily out of the classroom?
3. Will staff, teachers and directors in early childhood education programs be paid at the levels of the DC 37/ Day Care Council Collective Bargaining Agreement?
4. What will the pay scales be for K-8 programs?

5. Will there be incentive pay for staff?
6. Will existing CBO staff be asked to work their standard afterschool hours while also staffing the Learning Bridges Programs from 8 am – 3 pm? When will providers be notified about these issues?

### **Program Design / Eligibility / Funding**

1. Do students who are in the same classroom when they are in-person at school stay in the same classroom when they are at a Learning Bridges Program? This is important not just for health and safety purposes but also to ensure that activities in the Learning Bridges programs align with the students' curricula.
2. Will Learning Bridges Programs be assisting with remote learning? How much of the day is expected to be remote learning or other activities?
3. When Learning Bridges programs end at 3 pm, will the same students have the option to stay for afterschool programming? What about students in-person at school that day?
4. Will there be separate full-week programming available for the essential workforce, similar to the Regional Enrichment Centers? Will staff working at the Learning Bridges Program have priority for access to child care?
5. Will children enrolled in Head Start programs with direct Federal contracts be eligible for Learning Bridges services?
6. Will parent fees be waived for families in EarlyLearn/ Extended Day Programs? What policies will be in place to ensure that families do not lose access to care?
7. How will supports be designed to support children K-8 with different educational and developmental needs?
8. DOE has committed to provide computers for Learning Bridges programs. Will the City also provide the internet capabilities to ensure that students are engaged online at the same time?
9. Will busing be available for children to and from Learning Bridges programs? How will buses maintain social distancing?
10. When and how will providers be informed of decisions on these issues?

### **Communication**

1. What is the plan for communicating this model and guidance with families?
2. Will programs have the additional support including training and access to support staff from DOE that RECs have?
3. Will DYCD/ DOE provide a calendar of activities that are happening remotely to allow providers to align activities with remote learning?

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October 15, 2020

NYC Council

Re: Committee on Health and Committee on Education Hearing

October 16, 2020tir

Attention: Mark Levine, Committee on Health Chair

Mark Treyger, Committee on Education Chair

CC: Gregory Brender, Neighborhood Family Services Coalition

Sirs:

I am submitting this as written testimony in support of the Neighborhood Family Services Coalition efforts to secure a safe transition for the opening of after school programs. I am also in full support of obtaining assurances of being afforded meaningful participation as equal partners in providing essential services for youth and families by all providers in their network. I had served for 22 years with the Police Athletic League. As a result of the financial hit resulting from the COVID crisis, I am now in retirement from my career post. I remain grateful for my time served and stand in admiration for the tireless work and incredible contributions of the not-for-profit youth agencies serving the City of New York.

In her tribute for settlement houses and agencies providing youth and family services grounded in community, Jean Bethke Elshtain spoke to the essential place of community-based agencies as providing a local space for the socialization of democracy. Their leadership and staff member assist parents in "breaking

down the artificial barriers between stakeholders and the representatives who serve them. They assist people from diverse backgrounds but with common problems to see and work with each other." Program sites provide safe places in the larger sphere of the municipal commons. Each parent, child, and staff member serve as participants, as urban patriots, procuring the common good, and as valuable members of locally-based problem-solving teams.

In these challenging and dangerous times, the program sites managed by community-based youth agencies function as anchors for families against the forces of uncertainty. These agency leaders deserve clear directives and the opportunities for contributing timely adjustments to maximize certainty concerning what will be in place the next day.

Our CBO's, numbering in the hundreds across our city, provide a horizontal web, a safety net. The neighborhood's power becomes enhanced, and access to city agency personnel's grassroots perspective becomes assured. This social capital is created moment by moment, relayed through the stories of children, parents, and staff, face-to-face encounters, and the construction of two-way relationship dialogues. Stakeholders perceive inconsistent messaging and inflexibly determined policies from the top-down as de facto abandonment of the city government's obligation to serve with full transparency and a guarantee of critical services. Youth agencies depend upon consistent and coherent strategies, where its leadership feels connected and not eternally corrected. To paraphrase Dr. Mindy Thompson-Fullilove, city government, and CBO's need to function collaboratively to "create a meaningful place and unfractured space" in this great urban tapestry we call New York City.

I am not sure if the United States ever signed on to the UN Convention for the Rights of the Child, but in New York, we should strive to live by its spirit. As its article V states, "the rights of the child include that we respect the responsibilities of parents, families, and communities to provide appropriate direction and guidance so that these rights are fully exercised." Your guidance suffers without the advice of CBO's. --- submitted, Alfred H. Kurland



Oversight Hearing on Reopening schools

Hello

I would like for this hearing to also discuss the oversight of the NYCEECS that are also under the DOE's jurisdiction.

As of July 2019, the NYC DOE officially became a P-12 education system but somehow we continue to hear that we are independent business entities even though we must adhere to all policies and regulations set by the DOE. NYCEECS need safety oversight as well.

Yessenia Rosario-Adon, EdD  
Education Education  
[Yrosarioadon@gmail.com](mailto:Yrosarioadon@gmail.com)

## City Council Testimony On Education and Health Oversight

Greetings from the 'Yellow Zone',

Please accept this as my testimony at the City Council hearing on Education and Health Oversight.

I am a teacher at PS 13, District 24, Queens.

I'd like to begin by stating that the entire staff at PS 13; United Federation of Teachers members, administrators, school aides and kitchen staff have continued to go above and beyond for the students of our school since opening the building on September 8. Many of us are performing well above our contractual duties and responsibilities to ensure both the safety and high quality education that these children deserve.

The following is NOT a reflection of the school's administration, who have been maintaining the strictest COVID safety protocols each and every day. It is a reflection of a broken agreement between the Department of Education

and the United Federation of Teachers.

When our school entered the 'Yellow Zone' nearly two weeks ago, we were told that random COVID testing was going to begin, and be maintained continuously on a weekly basis, until we are out of the 'Yellow Zone'. Needless to say, the testing service has not been inside the building once!

On Tuesday, October 13, two positive cases were identified in our school.

Again, the administration, doing their due diligence, informed the staff and parents about the cases as things were unfolding and soon as they were confirmed.

It wasn't until 8:15 on Tuesday night that the staff and parents were notified with an unofficial head's up about the school closing the following day. It was after 11:00PM, that the official notification came in. As staff members, this late notification wasn't a problem, (our administration routinely reminds the staff to bring home any teaching materials on a nightly basis, as we never know what the next day might bring) but for parents who in the eleventh hour are scrambling for child care.

It took the entire day on Wednesday, October 14 to get an answer from the 'Situation Room' as to whether or not the building would be open today, Thursday, October 15, which of course it is. It is obvious that the 'Situation Room' is severely understaffed, seeing as it is taking so long to inform the school's administration of how to proceed.

The staff at our school are very uneasy about this rushed opening and there is still NO WORD from the random testing department as to when they will be coming in and conducting these tests.

Many parents have opted to keep their children home today in fear. I don't blame them! And yet, I'm here as are the rest of the staff that weren't put on the quarantine list after potential close contact with the people who tested positive.

THIS IS UNACCEPTABLE! We are into the second week of 'Yellow', just one block away from 'Orange' and two blocks away from 'Red'. The fact that ZERO testing has been done is an embarrassment and a safety risk to all that are entering the building. Mayor DeBlasio, Chancellor Carranza and the Department of Education need to be held accountable for this breach of agreement!

...And just as I had finished writing this email testimony, at 11:21 AM the parents and staff have been notified about yet ANOTHER possible COVID case within our school. I'm sure we're all looking forward to another late night venturing into the unknown abyss of the Department of Education's COVID response plan...We'll be sure to continue doing our jobs. Maybe the Chancellor, the Mayor, the COVID testing and tracking teams can begin to do theirs.

Respectfully submitted,

Adam Rinn

Teacher - PS 13, District 24, Queens



# Advocates for Children of New York

Protecting every child's right to learn

## Testimony to be delivered to the New York City Council Committee on Education and Committee on Health

**Re: Reopening NYC Public Schools: Health and Safety, Intro. 2058, Intro. 2104**

**October 16, 2020**

Thank you for the opportunity to speak with you about the reopening of NYC schools. My name is Randi Levine, and I am the Policy Director of Advocates for Children of New York (AFC). For nearly 50 years, Advocates for Children has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. We speak out for students whose needs are often overlooked, such as students with disabilities, students from immigrant families, students who are homeless, students in foster care, students with mental health needs, and court-involved youth.

We appreciate that the Council is hearing two bills today that would require the DOE to publicly report on various indicators related to remote learning such as the percentage of students – including students with disabilities and English Language Learners – who are and are not participating in remote learning. Like the pandemic itself, remote learning has had a disproportionate impact on historically marginalized communities and has magnified preexisting inequities. In the past few weeks alone, with the school year already underway, AFC has heard from dozens of families whose children are missing out on instruction because they do not have the technology needed to participate in remote learning. We have heard from families who requested an iPad months ago but have not yet received one, families who cannot get their iPads to work and have been unable to get help from the DOE, and shelters that do not have Wi-Fi or sufficient cellular reception to use the iPads. While we were patient as the DOE worked to distribute iPads to students when schools first closed in March, we are dismayed that so many students continue to go without the technology they need in October, at a time when nearly all students are expected to learn remotely from two to five days per week. A student's education should not be conditioned on their parent's ability to pay for a laptop and internet service.

Besides technology barriers, many of the challenges of remote learning from the spring have continued – from students who are not engaged in remote learning due to

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mental health needs that are going unaddressed to students whose parents speak a language other than English having difficulty helping their children access and complete assignments in English.

We agree that the City should publicly report data to help shed light on participation in remote learning, and we are providing some suggestions for strengthening the bills including by adding participation rates for students who are homeless and students in foster care. The City must also use the data it already has to redouble its outreach efforts and provide individualized support to families of students who are not regularly engaging in remote learning. The DOE should work with families to determine the barriers they are facing and implement solutions, whether that means helping with a technology fix, providing instruction and assignments in the family's home language, offering positive behavioral strategies and interventions, connecting students with mental health support, or offering a seat at a Learning Bridges program so that the student can receive in-person support from educators.

As the City continues working on the health and safety measures needed to protect school communities from COVID-19 this year, the City must also focus attention on the need for mental health supports and on creating safe and supportive school environments. While the City has made progress, there is a long way to go. School safety agents outnumber social workers, 5,300 to 1,500. Black students and students with disabilities continue to be disproportionately disciplined and policed. Before schools closed last year, the NYPD had already intervened in more than 2,250 incidents involving students in emotional crisis, handcuffing some as young as 5 years old. Of the students handcuffed, 58% were Black.

Since the time schools closed, students and adults have experienced trauma and may be more vulnerable and easily triggered as schools reopen. This could create the perfect storm for a surge in suspensions and police interventions. It is more urgent and important than ever that students receive the social-emotional and mental health support they need to succeed in school this year instead of facing school discipline and policing, which can result in lost days of instruction and significant trauma, particularly for Black and Brown students and students with disabilities. While we appreciate the DOE's provision of online training and materials on trauma-informed care for educators, the DOE's plan falls short on specifics. The DOE should:

- Specify how students can access direct mental health supports and services, including targeted and intensive supports and services for students with significant mental health challenges.



- Provide schools with the resources, staff, training, and coaching to implement the trauma-informed and restorative practices recommended in the Bridge to School Plan and in [our recent letter to the Chancellor](#).
- Specify how DOE borough and citywide mental health and restorative practitioners can be accessed by students, families, and schools.
- Prohibit suspensions of students for all but the most serious behavior (Level 5 infractions of the NYC discipline code).
- Immediately reinstate all students with pending or proposed suspensions.
- Prohibit school staff from contacting School Safety Agents or other members of law enforcement, Emergency Medical Services, or the Administration for Children's Services to respond to the vast majority of student behavior, including students in emotional crises.
- Clearly communicate to school staff and families the DOE policy on face coverings for students with disabilities participating in blended learning to provide support to schools and students instead of removing students with disabilities to remote-only instruction.
- Proactively teach students how to engage online safely and appropriately.
- Provide educators with clear guidance about online learning best practices that foster student connectedness and inclusivity and restoratively address conflict and harassment.

More information is in the letter that AFC and Girls for Gender Equity (GGE) sent to Chancellor Carranza on the need for a restorative school reopening, available at

[https://www.advocatesforchildren.org/sites/default/files/on\\_page/NP\\_mh\\_supports\\_reopening\\_letter\\_082620.pdf](https://www.advocatesforchildren.org/sites/default/files/on_page/NP_mh_supports_reopening_letter_082620.pdf).

Thank you for the opportunity to speak with you. I would be happy to answer any questions you may have.

Int. No. 2104

By Council Members Treyger, Kallos and Louis

A Local Law in relation to requiring the Department of Education to report on metrics regarding remote learning during the COVID-19 pandemic

Be it enacted by the Council as follows:

1           Section 1. COVID-19 remote learning metric reporting. a. Definitions. For purposes of this  
2 local law, the following terms have the following meanings:

3           Chancellor. The term “chancellor” means the chancellor of the city school district of the  
4 city of New York.

5           Department. The term “department” means the New York city department of education.

6           Individualized education program or IEP. The term “individualized education program” or  
7 “IEP” has the same meaning as such term is defined in 20 U.S.C. § 1401 and any regulations  
8 promulgated thereto.

9           Related services. The term “related services” has the same meaning as such term is defined  
10 in section 200.1 of title 8 of the New York codes, rules and regulations.

11           Remote learning. The term “remote learning” means a system that allows teachers to  
12 deliver their lessons online, and students to complete assignments, projects, and assessments  
13 remotely just as they would in the physical classroom. Remote Learning can occur synchronously  
14 with real-time teacher-to-student interaction and collaboration, or asynchronously, with self-paced  
15 learning activities that take place independently of the teacher.

16           School. The term “school” means any elementary, middle or high school within the  
17 jurisdiction of the New York city department of education and in any educational facility owned  
18 or leased by the city of New York, holding some combination thereof, including, but not limited  
19 to, district 75 schools.

1 Student. The term “student” means any pupil under the age of 21 as of September first of  
2 the academic period being reported, who does not have a high school diploma and who is enrolled  
3 in a school as school is defined in this subdivision.

4 b. Whenever any form of remote learning is used by the department, beginning on August  
5 1, 2021, and annually thereafter, the department shall submit to the mayor and the speaker of the  
6 council and post on the department’s website a report including the following information for the  
7 preceding academic year, except that for the 2019-2020 academic year such report shall be due  
8 February 1, 2021:

9 1. The language access and support provided for English language learners, including the  
10 languages in which access and support were provided;

11 2. A breakdown by community school district of the number-~~of~~ and percentage of students  
12 who participated in (i) full-time remote learning instruction, ~~and~~ (ii) blended learning instruction;  
13 and (iii) full-time in-person instruction and, for each learning model, the average daily attendance  
14 on days of remote instruction and the average daily attendance on days of in-person instruction  
15 (where applicable), ~~cross-referenced~~disaggregated by (i) class-grade level, (ii) gender, (iii) race or  
16 ethnicity, ~~and~~ (iv) English language learner status, (v) disability status, (vi) eligibility for the free  
17 and reduced-price lunch program, (vii) status as a student in shelter, (viii) status as a student in  
18 temporary housing, and (ix) status as a student in foster care to the extent such information is  
19 available. Participation in remote learning instruction shall be disaggregated by synchronous  
20 instruction and asynchronous instruction along with a statement of the average and median number  
21 of minutes per remote learning day that students participated in synchronous instruction at each  
22 school. To the extent practicable, the department shall describe the different methods of  
23 asynchronous instruction available to students;

1           3. Steps the department took before and during the relevant reporting period to ensure that  
2 all students in juvenile facilities received remote instruction;

3           4. A detailed description of the outreach and communication the department engaged in  
4 before and during the relevant reporting with parents of students in juvenile facilities;

5           ***AFC Comment:*** *Section 5 is based on a policy that the New York State Department of*  
6 *Health implemented for 2020. This policy allowed children aging out of early intervention services*  
7 *who had not yet received preschool special education evaluations due to the pandemic to continue*  
8 *receiving early intervention services through June 30<sup>th</sup> instead of aging out when they turned three*  
9 *years old. Since this policy is no longer in effect, we recommend asking instead about preschool*  
10 *special education evaluations and IEP meetings that take place by the child’s third birthday, which*  
11 *is the usual deadline.*

12           5. The number of children who were transitioning from early intervention ~~to preschool~~  
13 ~~special education and needed~~ referred for initial preschool special education evaluations and IEP  
14 meetings ~~by June 30 of the relevant reporting period~~ who turned three during the reporting period,  
15 and the number of those children who received evaluations and initial IEP meetings ~~before~~ June  
16 30 their third birthday. Such information shall be reported citywide and cross-referenced by ~~(i)~~  
17 ~~class level,~~ ~~(ii)~~ gender, and ~~(iii)~~ race or ethnicity, ~~and~~ ~~(iii)~~ home language ~~English language learner~~  
18 ~~status,~~ ~~(iv)~~ status as a child in shelter, ~~(v)~~ status as a child in temporary housing, and ~~(vi)~~ status as  
19 a child in foster care. Such information shall also be reported by borough and community school  
20 district and cross-referenced by ~~(i)~~ ~~class level,~~ ~~(ii)~~ gender, ~~(iii)~~ race or ethnicity, ~~and~~ ~~(iii)~~ English  
21 ~~language learner status~~ home language, ~~(iv)~~ status as a child in shelter, ~~(v)~~ status as a child in  
22 temporary housing, and ~~(vi)~~ status as a child in foster care;

1           6. A list of related services that were not provided in full or in part and what plans, if any,  
2 the department has to offer these services in the subsequent academic year;

3           7. The number and percentage of students with disabilities who received (i) at least one of  
4 their mandated related services, (ii) all of their mandated related services and (iii) none of their  
5 mandated related services while participating in remote learning. Such information shall be  
6 disaggregated by (i) students participating in full-time remote learning, (ii) students participating  
7 in blended learning, and (iii) students participating in full-time in-person learning. Such  
8 information shall be reported citywide and ~~cross-referenced~~disaggregated by (i) class-grade level,  
9 (ii) gender, (iii) race or ethnicity, ~~and~~(iv) English language learner status, (v) eligibility for the  
10 free and reduced-price lunch program, (vi) status as a student in shelter, (vii) status as a student in  
11 temporary housing, and (viii) status as a student in foster care. Such information shall also be  
12 reported by borough and community school district and ~~cross-referenced~~disaggregated by (i) class  
13 grade level, (ii) gender, (iii) race or ethnicity, ~~and~~ (iv) English language learner status, (v)  
14 eligibility for the free and reduced-price lunch program, (vi) status as a student in shelter, (vii)  
15 status as a student in temporary housing, and (viii) status as a student in foster care;

16           8. The number and percentage of students recommended for summer school. Such  
17 information shall be reported citywide and ~~cross-referenced~~disaggregated by (i) class-grade level,  
18 (ii) gender, (iii) race or ethnicity, ~~and~~(iv) English language learner status, (v) disability status, (vi)  
19 eligibility for the free and reduced-price lunch program, (vii) status as a student in shelter, (viii)  
20 status as a student in temporary housing, and (ix) status as a student in foster care. Such information  
21 shall also be reported by borough and community school district and ~~cross-~~  
22 ~~referenced~~disaggregated by (i) class-grade level, (ii) gender, (iii) race or ethnicity, ~~and~~(iv) English  
23 language learner status, (v) disability status, (vi) eligibility for the free and reduced-price lunch

1 program, (vii) status as a student in shelter, (viii) status as a student in temporary housing,; and  
2 (ix) status as a student in foster care; and

3 9. A detailed explanation of what the department defines as a wellness call, as well as the  
4 number and frequency of such wellness calls made by schools to students engaged in remote  
5 learning; and-

6 10. The number of students who requested a remote learning device during the reporting  
7 period, the number of students who received a remote learning device during the reporting period,  
8 and the average and median number of days between the date a parent completed the online survey  
9 requesting a device and the date the device was delivered.

10 § 2. This local law takes effect immediately and is deemed repealed 3 years after it becomes  
11 law.

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1 language learner status, status as a student in temporary housing, status as a student in shelter, and  
2 status as a student in foster care.

3 c. If any category of data reporting required by subdivision b of this section contains  
4 between one and five students, or allows another category to be narrowed to between one and five  
5 students, the number shall be replaced with a symbol. A category that contains zero shall be  
6 reported as zero, unless such reporting would violate any applicable provision of federal, state or  
7 local law relating to the privacy of student information.

8 d. No information that is required to be reported pursuant to this section shall be reported  
9 in a manner that would violate any applicable provision of federal, state or local law relating to the  
10 privacy of personal information or that would interfere with law enforcement investigations or  
11 otherwise conflict with the interests of law enforcement.

12 § 2. This local law takes effect immediately.

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**Citizens' Committee  
for Children** of NEW YORK



Testimony of Daryl Hornick-Becker  
Policy & Advocacy Associate  
Citizens' Committee for Children of New York

Presented to the New York City Council  
Oversight Hearing on the Reopening of New York City Schools

**Committee on Education  
Jointly with the Committee on Health**

October 16, 2020

Good afternoon. My name is Daryl Hornick-Becker and I am a Policy and Advocacy Associate at Citizens' Committee for Children of New York, Inc. CCC is a 75-year-old independent, multi-issue child advocacy organization dedicated to ensuring that every New York child is healthy, housed, educated, and safe. CCC does not accept or receive public resources, provide direct services, or represent a sector or workforce. We document the facts, engage and mobilize New Yorkers, and advocate for solutions.

I would like to thank Chair Treyger, Chair Levine, and all the members of the Education and Health committees for holding today's hearing on the reopening of New York City Schools.

New York City is attempting one of the most complicated instructional challenges the nation's largest school district has ever undertaken. Along with the logistical challenges of a blended model, it is imperative that the health, safety and well-being of our students, teachers and staff comes first as they begin to gather indoors.

We support the recent decision to close schools in COVID hotspots, but ongoing closures add to the city's obligation to equity. We know that remote learning is an obstacle for many students, especially for those already disadvantaged and at risk. For the new school year, it is vital that we take into account lessons learned earlier and structure learning to support students with unique needs and challenges as best we possibly can.

The last-minute developments and delays before the school year began -- including the changes to live instruction for students in schools, lack of adequate staff, and failure to communicate with families about childcare -- will only serve to further exacerbate the educational inequities that were prevalent in New York City schools since before the pandemic. The city must continue to develop and support practices that benefit those with the most to lose from long-term remote learning and support the entire educational continuum.

**Prioritize In-Person Learning for Younger and More Vulnerable Students**

Schools are currently opening under a variety of hybrid [models](#), all based on different cohorts of students attending school at different times to reduce capacity and ensure social distancing. However, no priority was given for some students to receive more in-person instruction based on

academic and other needs (only District 75 schools exclusively for students with disabilities were given the option to offer full-time in-person learning).

### *Students in Grades K-5*

Elementary school-aged children have the most to lose from attending remotely or only sometimes in-person. [A study released](#) in July concluded “In grades K-3, children are still developing the skills to regulate their own behavior, emotions, and attention, and therefore struggle with distance learning.” This in addition to the challenges of learning to read, write and develop other foundational skills remotely. The DOE should follow the guidance of Chair Treyger when he [called for the](#) prioritization of young students for in-person instruction, also noting the logistical advantage of offering younger students in-person school would make remote learning easier for older students who were previously tasked with watching them at home.



Source: New York City Department of Education, Demographic Snapshots; [Retrieved from the Keeping Track Online Database.](#)

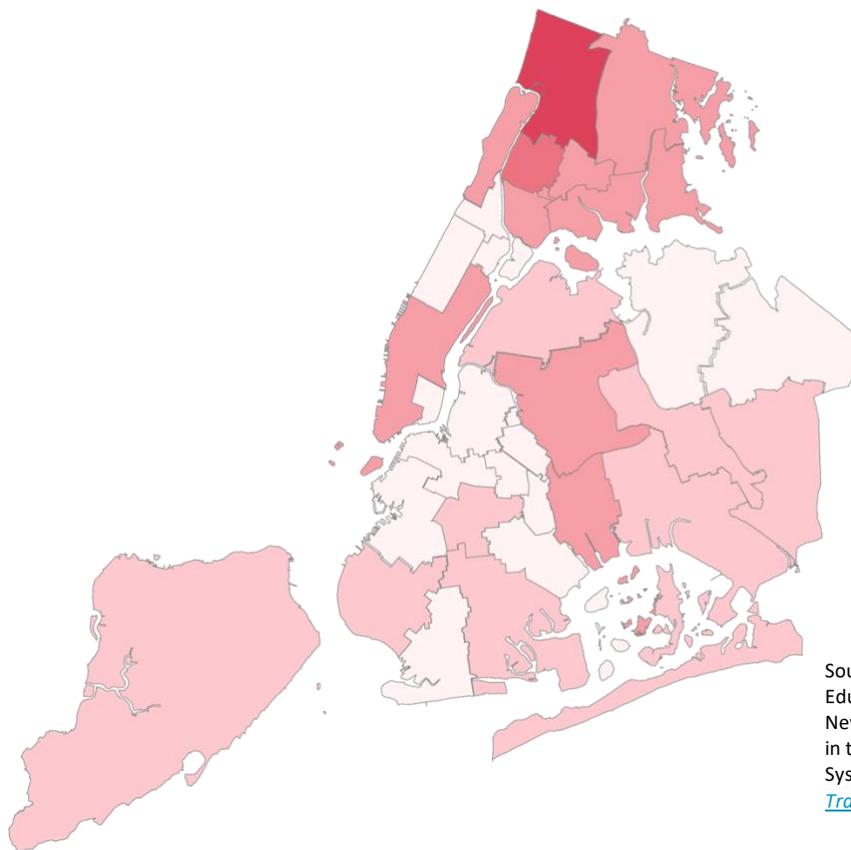
### *Students in Temporary Housing*

Students in temporary housing, including those in shelters or doubled-up in homes. often lack access to a reliable internet connection, or a personal device to call their own, or both. They are more likely to lack the physical space to learn remotely where they live, especially those who might also have siblings who are also remote-learning, and they may not have a caregiver present to help them set up their access or guide them throughout the school day. Also, under city policy students under 18 cannot remain in shelters without a parent, while the city’s child care programs will have limited capacity and are open only to students through 8th grade. Additionally, many families living in shelters have not yet received information about bus service for their children’s schools, despite a legal mandate for their transportation.

In April, [CCC highlighted these issues](#) to call on the Dept. of Education (DOE) to expedite delivery of internet devices to the over 114,000 students in temporary housing and grant them access to temporary in-person learning centers. This school year, these students continue to be among the most vulnerable and CCC was proud to join many other organizations [to call on the city and DOE](#) to offer these students full-time in-person instruction or priority in learning spaces, adequate transportation notification, and increased attention to their digital barriers. This range of challenges requires much more attention and focus from the DOE, or these children are at risk of falling further behind. We were pleased to see the Dept. of Education [inquire about](#) students in shelters in their survey for the Learning Bridges school-day child care plan this school year, but they must do more.

### Students in temporary housing by NYC school district

□ ≥ 1,082    □ ≥ 2,510    □ ≥ 3,776    □ ≥ 8,556    □ = 10,548



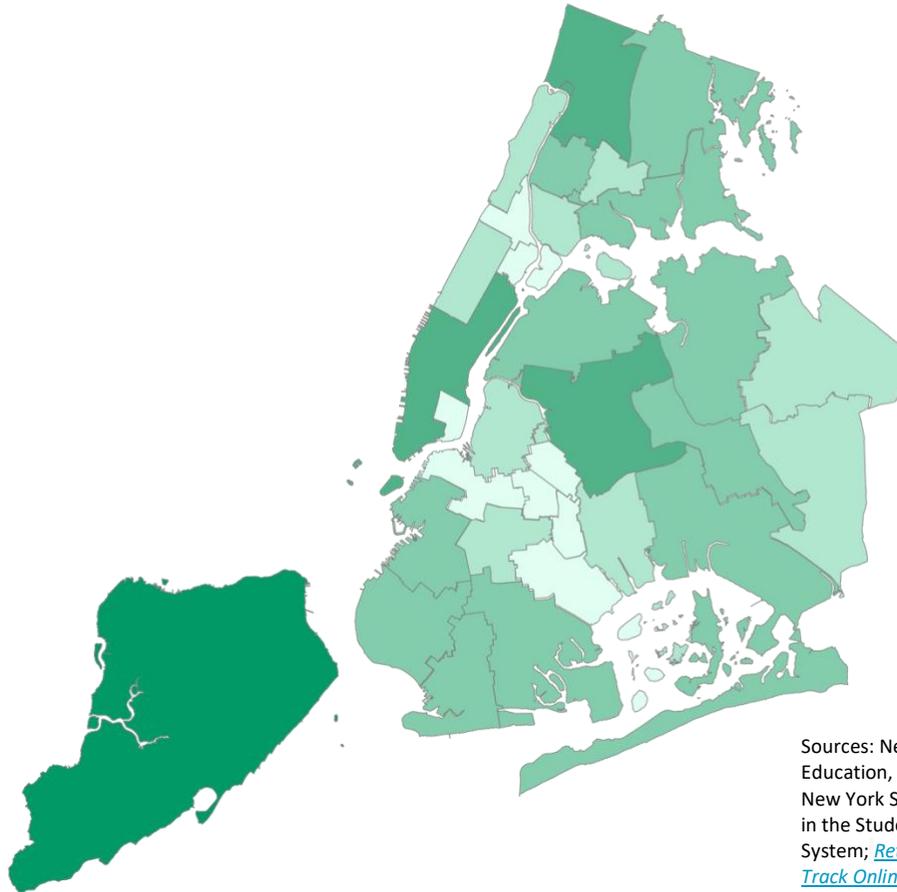
Sources: New York City Department of Education, Demographic Snapshots ; New York State Education Department in the Student Information Repository System; [Retrieved from the Keeping Track Online Database.](#)

### *Students with Disabilities*

Students with disabilities comprise over 20% of the entire New York City student population and are at particular risk of falling behind during remote learning. They are also more likely to rely on in-person adult support—meaning that a student’s ability to benefit from the instruction and services offered during remote learning often depends on their parent’s availability, language, resources, and technology skills. Advocates for Children recently released a [detailed list of recommendations](#) for students with disabilities this upcoming school year, including recommending that the DOE “offer full-time in-person instruction to all students in self-contained special education classes” and “offer multiple options for families who want in-person related services, including receiving services in schools, at the City’s new “Learning Bridges” child care programs, at home, and at related service agencies.” Importantly, these recommendations draw a distinction between students in self-contained special education classes, and the many students whose IEPs require that they learn in integrated environments with general population students. As best as hybrid schedules can accommodate, students with disabilities must continue to learn, both remotely and in-person, in the least restrictive environments.

### Students with Disabilities by NYC school district

□ ≥ 1,581   □ ≥ 3,721   □ ≥ 5,672   □ ≥ 9,898   □ = 15,248

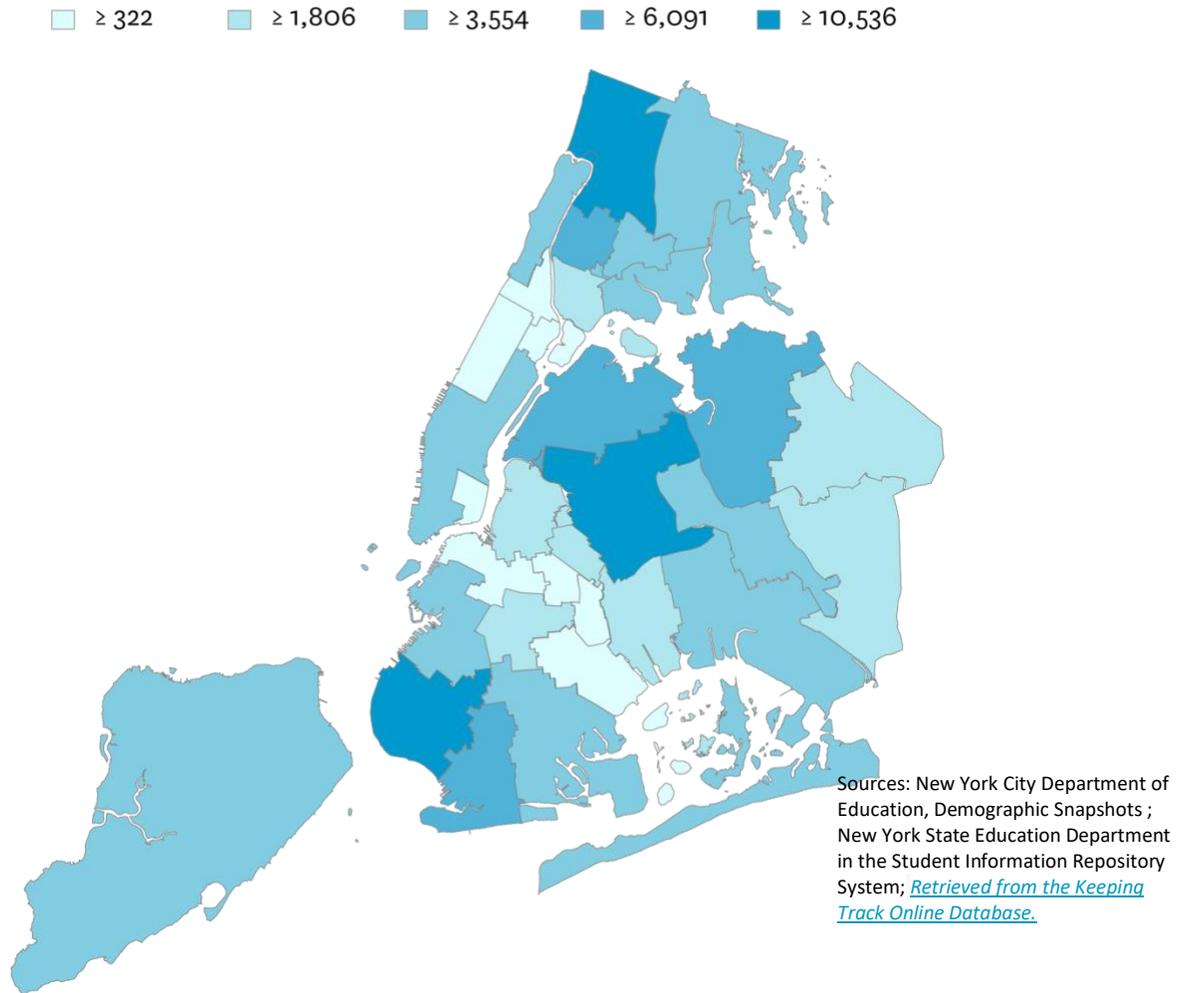


Sources: New York City Department of Education, Demographic Snapshots ; New York State Education Department in the Student Information Repository System; [Retrieved from the Keeping Track Online Database.](#)

### *English Language Learners*

Before the pandemic English language learners in the DOE [saw some of the worst academic outcomes](#) of any subgroup of students, with higher dropout rates and lower graduation rates despite their vast potential. Remote learning is likely to exacerbate these disparate outcomes, with the children of immigrants [likely to not speak English at home](#), and may have struggled with accessing and using technology. The complex nature of the school year has steepened the communication barrier for these families, who are often left out of receiving vital information about scheduling, transportation or meals. The DOE should allow English language learners to receive more in-person instruction and make a concerted effort to reach immigrant families in a variety of ways.

### English language learners by NYC school district



The school year has already been delayed twice, and wholesale redesign of an already complex learning structure is likely only to cause more problems, not to mention isolated school closures. But as the school year commences and we receive anecdotal data on remote-learning issues (likely the same ones we've been hearing about for months) the city and the DOE must keep these students in mind and develop strategies to prioritize their learning.

When the DOE first offered the option to receive entirely remote instruction they announced that [25% of families](#) had chosen that option. By August 31<sup>st</sup>, that number had grown [to nearly 40%](#), it is closer to 50% now, and the option to go fully remote can be taken by families at any time during the school year. This means schools may have more space than originally anticipated, and that families were likely dissatisfied with the in-person options presented to them over the summer. As this unique school year starts to take focus, the DOE should consider issuing central guidance to expand in-person instruction to younger and vulnerable students, or at least give principals the option to do so.

## Learning to Work

At a time when there are steep barriers to successful academic achievement, the DOE must not cut programs that benefit the most at risk students. Unfortunately, proposed cuts to the Learning to Work program would do exactly that. Learning to Work serves tens of thousands of 16-to-21 year-old youth in 66 schools across the city. Designed to serve older under-credited youth who are most at risk of dropping out of high schools, Learning to Work programs employ CBOs to provide attendance outreach, youth and family counseling, community-building, work-based learning, and post-graduate college and career planning. It has [been shown](#) to reduce dropout rates and raise graduation rates specifically for older youth. To eliminate or reduce this program now would be removing crucial educational supports at a time when students need them the most.

## Ensure all Educational Settings are Flexible and Prepared

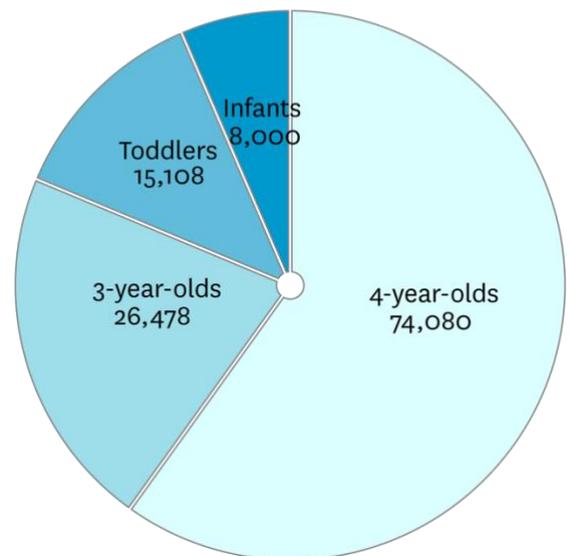
### Early Care and Education

Early care and education has never been as important as it is in our current moment; to help working families get back to work, to support child development, and to address social emotional trauma created by the pandemic. New York City's expansive system of early care and education, including universal Pre-K, Pre-K for three-year-olds, subsidized infant toddler care in centers and home-based settings and care provided through vouchers, must be given the same attention, preparation, and flexibility afforded to the public school system.

Most early childhood centers were forced to close during the height of the pandemic, but those that reopened are in a unique position to provide not only the vital early learning they always do, but also young child behavioral health development, especially for children who suffered the loss of a loved one, or who were plunged into housing, income or food insecurity.

Earlier this summer [CCC released a set of priorities](#) for early care and education in order to position it as part of the city's COVID recovery. These priorities included protecting the system's capacity, meeting children's social-emotional needs through integrated practices, and continuing to support the development of remote programming and supporting this critical workforce.

Enrollment in publicly funded early care and education for children under five by age



**Enrollment in publicly funded early care and education for children under five by setting**

<b>Setting</b>	<b>Number of children enrolled</b>	<b>Percent of children enrolled</b>
Center	64,982	52.55%
School	30,705	24.83%
Family	23,397	18.92%
Informal	4,582	3.71%

Source: CCC Analysis of child care enrollment data from the New York City Administration for Children's Services Child Care Data (February 2018) and New York City Department of Education Demographic Snapshots (SY 2017/2018). Retrieved from the Keeping Track Online Database, [Retrieved from the Keeping Track Online Database.](#)

*Afterschool*

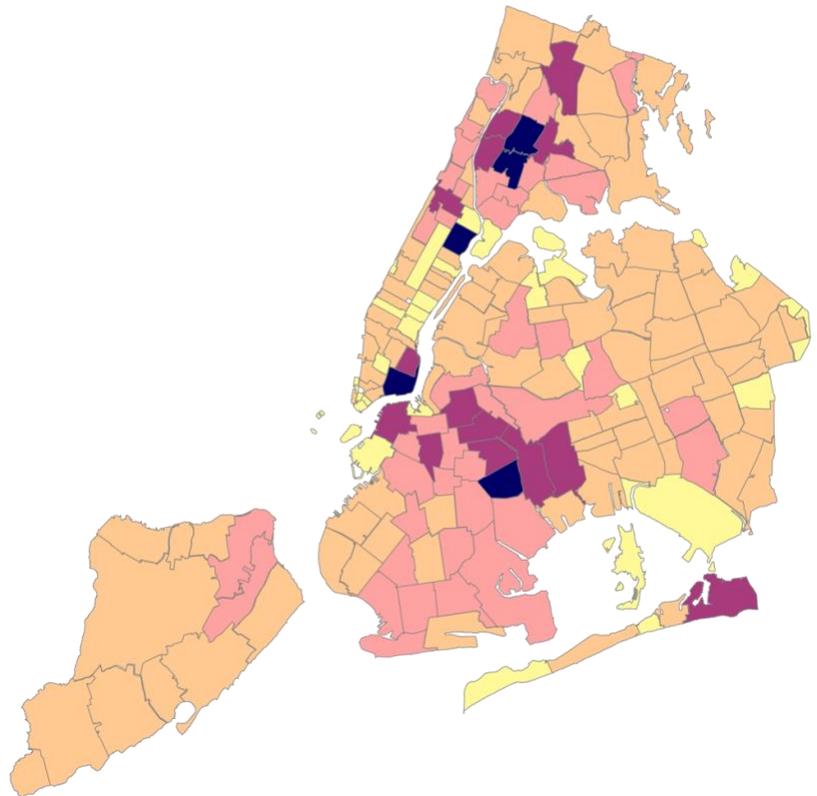
The city's robust network of afterschool programs and youth services must also be part of the restart plan. At the height of the COVID-19 pandemic and throughout the summer, CBOs in the youth development sector quickly pivoted to provide remote and socially-distant services to support children and families. Providers quickly went into action to stabilize the educational continuum that students and families rely on for services such as – school enrichment programs, academic help, arts and crafts, health and mental health services, and food for those suffering from food insecurity.

To date, afterschool providers, which served over [220,000 children last school year](#), have been running the city's Learning Bridges program for school-age child care, but have received very little support in developing safe and effective afterschool programs for the school year. In fact, guidance issued to schools to keep children in the same learning pods has led some principals to decline their usual offering of school-based afterschool. Providers who have expressed interest and capacity to run both Learning Bridges during the school day and an afterschool program are still waiting for guidance on how to keep youth enrolled in both programs safely. Additionally, afterschool programs need the same flexibility as schools to offer remote services, which they did so effectively throughout the spring and summer months. With the recent news of limited school closures, CBOs will again be tasked with caring for children and ensuring families have the wide range of supports they need.

Many afterschool programs, serve the communities that have been [hit hardest by the pandemic](#), and their programs have always been vital to the academic, social-emotional, and physical well-being of youth. These providers and CBOs must be intimately involved in the new school year and in contingency planning during closures, to ensure the entire educational continuum is safe, effective and supportive.

**Compass, SONYC, Cornerstone and Beacon locations by ZIP code**

None    1-7    8-13    14-21    22-35



Source: CCC Analysis of Department of Youth and Community Development (June 2019) DYCD Program Sites.

## Support the Behavioral Health Needs of Students

With the transition to distance learning, many children have lost a source of stability and routine, and may experience feelings of social [isolation and anxiety](#). Many LGBTQ students may face heightened challenges if they live in unsupportive families and have lost their in-person connection to a more affirming school community. Additionally, the shuttering of schools has impaired the ability to identify and connect or maintain continuity of student’s access to clinical services. The importance of schools as a setting through which to receive clinical services is clear; a national study from the National Survey of Drug Use and Health (NSDUH) found that more than 13% of adolescents received some form of mental health services in a school setting in the [previous 12 months](#). Additionally, [35% of adolescents who](#) receive any mental health services [receive them exclusively from school settings](#). Schools will remain an important site – whether physical or virtual – for connecting children to emotional and behavioral supports.

Many students may have new behavioral health needs that are not easy to identify. It is therefore essential that educators have the training they need on trauma-responsive care. The newly proposed Bridge to School plan provides valuable resources to help equip school staff with trauma-informed training and resources and a framework of trauma-informed care for schools to follow. However, with over one million students in NYC, New York schools will require more detailed guidance to truly meet the growing needs of students, in addition to greater investments.

It is challenging to understand how schools will be able to implement any proposed plans without adequate resources, particularly at a time when so many existing funding sources have been slashed due to budget cuts at the city, state, and federal level. To strengthen behavioral supports for students, NYC must start by reversing cuts to community schools and funding contracts that provide mental health services. New York cannot build new supports with one hand while dismantling existing supports with the other.

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This school year will be a new frontier in the educational landscape of New York City, and it will have lasting implications on all facets of our COVID-19 recovery and beyond. Along with its commitment to health and safety, the city and the DOE must focus its efforts over the next year on equity, paying particular attention to our youngest students, students with special needs, and the essential role that the broader educational continuum including early care and education, youth services, and behavioral health care providers play in supporting the well-being and academic success of students.



**TESTIMONY OF:**

Anna Arkin-Gallagher – Supervising Attorney, Education Practice

***BROOKLYN DEFENDER SERVICES***

**Presented Before**

**The New York City Council Committee on Education and Committee on Health**

**Oversight Hearing on Reopening NYC Public Schools: Health and Safety**

**October 16, 2020**

My name is Anna Arkin-Gallagher. I am a Supervising Attorney in the Education Practice at Brooklyn Defender Services. Brooklyn Defender Services (BDS) provides innovative, multi-disciplinary, and client-centered criminal, family, and immigration defense, as well as civil legal services for over 30,000 people in Brooklyn every year. We thank the Committee on Education and the Committee on Health for the opportunity to provide testimony regarding the reopening of New York City schools.

BDS's Education Unit delivers legal representation and informal advocacy to our school-age clients and to parents of children in New York City schools. Many of the people we serve are involved in the criminal legal or family regulation systems. In addition, a significant number of the students we work with qualify as "over-age and under-credited" and have been retained at least one grade. More than half of the students we work with are classified as students with disabilities. As an interdisciplinary legal and social work team, we work to improve our clients' access to education, and a significant portion of our advocacy relates to special education, school discipline, reentry and alternative pathways to graduation.

This has been a school year unlike any other, and handling logistics for a school system of 1.1 million students is no easy task. Parents and students we work with have praised teachers, paraprofessionals, and school administrators for the work they have undertaken to provide educational services during this very difficult time. But many families have faced and continue to face difficulties, and we remain deeply concerned that the Department of Education's school reopening threatens to exacerbate the many inequities that have long existed within the City's education system. Indeed, over six months into the pandemic we continue to work with families

who remain almost completely unable to access the educational services to which they are entitled by law.

### **Int. 2058 and Int. 2104**

BDS supports Int. 2058, which calls for the DOE to report each week data regarding attendance during periods of remote learning, disaggregated by school, school district, grade, race, Individualized Education Program (IEP) status, and multilingual or English language learner status. We are hopeful that a more rigorous set of reporting requirements for remote-learning attendance will help pinpoint more precisely the reasons why DOE has been unable to deliver educational services to everyone. The data that has been released thus far shows glaring inequities in the way that educational services have been delivered during this pandemic, and that schools serving primarily Black or Latinx students were far more likely to report low student attendance during the spring and summer of 2020 than schools serving primarily white students.<sup>1</sup> Thus we welcome the frequent and detailed reporting mandated by Int. 2058, and are hopeful that more rigorous reporting of data can ensure that resources are targeted to support those schools and communities that need them most.

BDS also supports Int. 2104, which mandates the reporting of metrics regarding remote learning. In particular, requiring the collection and reporting of data regarding the provision of special education instruction and related services is essential, as parents of students with disabilities have reported to us that they fear their children are not getting all the services they are entitled to, and are falling further behind.

I want to take the opportunity to highlight some of the specific issues that the families we serve are facing during this period of remote learning, and include below some recommendations for strengthening both Int. 2058 and Int. 2104 based on what we have learned.

#### *Students Attending School in Jails and Detention Facilities Continue to Struggle to Access Remote Learning.*

We appreciate that Int. 2104 provides for both the reporting of “[s]teps the department took before and during the relevant reporting period to ensure that all students in juvenile facilities received remote instruction,” as well as “[a] detailed description of the outreach and communication the department engaged in before and during the relevant reporting with parents of students in juvenile facilities . . . .” School-aged young people in city jails and juvenile detention facilities have the right to receive educational services, but during this pandemic, they have been especially ill-served by remote learning.

However, we suggest also mandating reporting concerning the delivery of educational services to students housed in adult jail facilities. Though young people housed in adult facilities are 18 and older, and thus are not required to attend school, they still have the right to receive educational services through the end of the school year in which they turn 21.<sup>2</sup> During the first months of the pandemic, students on Rikers Island received no educational services whatsoever. Currently students on Rikers Island are supposed to have access to some educational services –

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<sup>1</sup> New York City Council, *Schools with High Black and Hispanic Populations Had Low Student Engagement during Pandemic, City Data Shows*, available at <https://council.nyc.gov/press/2020/10/15/2028/> (Oct. 15, 2020).

<sup>2</sup> New York State Education Law § 3202.

either via tablets or with paper packets – but still have no access to synchronous instruction, and can only communicate with their teachers through a phone-based hotline or through the chat function on their tablets. Some of the people we serve on Rikers Island have reported being unaware of the school services available to them. Therefore, we believe that the DOE should also report publicly on efforts to ensure that students in adult facilities have access to educational services.

### *Concerns Regarding Increased Reporting of Educational Neglect*

Though we support the reporting of attendance information and remote learning metrics for the reasons detailed above, we are concerned that the requirements of increased attendance reporting could have the unintended consequence of leading to the increased reporting of cases to the Statewide Central Register (SCR) with resulting investigations by the Administration for Children’s Services (ACS). Ever since New York City families began to experience the challenges of this pandemic, parents and other caregivers that we represent have experienced new ACS involvement because of remote learning delays and challenges. In many of these instances, however, the reported absences were merely the product of missing devices, technological difficulties, and internet connectivity difficulties—all issues that, under the applicable guidance, should not have prompted a referral.<sup>3</sup>

Vast racial and socioeconomic disparities exist in how ACS investigations are conducted. In New York City, Black families are many times more likely than white families to face investigations.<sup>4</sup> We cannot overstate the extent of the harm that flows from unnecessary and invasive child welfare involvement. In our experience, ACS investigations do not fix the educational access issues, and drive a wedge between families and schools.<sup>5</sup>

Thus, we ask that the City Council work to ensure that the DOE acts as a partner with parents and caregivers who are struggling to connect their children with remote learning during

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<sup>3</sup> In New York City, the Department of Education has issued guidance requiring that “[b]efore calling in a report to the SCR, school staff must make every effort to confirm that lack of access to technology is not the primary reason for a child’s failure to participate in remote learning” and that schools must “exhaust school outreach” before making reports to the SCR. New York City Department of Education, *Child Abuse and Maltreatment Prevention and Intervention During Remote Learning and at the Regional Enrichment Centers* (Apr. 20, 2020). Nevertheless, calls concerning absences and other remote learning issues have continued to occur, even after this guidance was released and even where schools did not engage in outreach to families. DOE guidance alone has thus far failed to resolve the issue; even with the guidance in place, schools have continued to act as if they are required to report absences from remote learning.

<sup>4</sup> According to a New School data brief on child welfare investigations and New York City neighborhoods, of the 60,000 allegations investigated by ACS in 2017, the ten community districts with the highest concentration of child poverty had investigation rates four times higher than the ten community districts with the lowest child poverty. Among districts with similar poverty rates, those with higher concentrations of Black and Latinx residents had higher rates of investigation. See Angela Butel, The New School Center for New York City Affairs, *Data Brief: Child Welfare Investigations and New York City Neighborhoods* (2019), available at <http://www.centernyc.org/data-brief-child-welfare-investigations>; see also Vajeera Dorabawila, Ph.D., N.Y. State Office of Children and Family Services, Bureau of Evaluation and Research, *Racial and Ethnic Disparities in the Child Welfare System: New York City Compared to the Rest of the State*, at 20 (2011), available at <https://perma.cc/FLV2-42CW> (“In NYC, in 2010, relative to white children, black children are 5.2 times as likely to be reported to SCR, 6.6 times as likely to be indicated, 13.6 times [as] likely to be admitted to foster care[,] and 13.4 times as likely to be in care.”).

<sup>5</sup> Even when cases are ultimately unfounded, investigations themselves are harmful to families and can have long-lasting impacts. See, e.g., Michelle Burrell, *What Can the Child Welfare System Learn in the Wake of the Floyd Decision?: A Comparison of Stop-And-Frisk Policing and Child Welfare Investigations*, 22 CUNY L. Rev. 124 (2019).

this pandemic. During this time when New York City families are cut off from many other systems of support, teachers and school staff who already know and work with parents, caregivers, and students are in the best position to assess barriers to engagement with remote learning and directly support and counsel families without involving other government agencies.

Any effort to focus more on attendance must be met with a commitment to help families address the challenges of remote learning, and not simply to report families to the SCR when students are hard to reach.

### *Lack of Access to Technology Remains an Issue for Students in Public Schools.*

I also want to highlight the major problems with lack of access to technology that remain in place, even seven months into remote learning. Many of the families we are working with still cannot access education due to the simple fact that they have lacked the technology necessary to engage in remote instruction. While we have worked with many students who have successfully received iPads or other devices from the DOE, a significant number of others still have not. The DOE's statement at the October 16 Oversight Hearing that 77,000 requests for devices remain outstanding is deeply troubling.

What is more, in our experience, the DOE's information about which students are still waiting for devices is not always accurate. Our office is working with multiple families where the DOE's internal tracking system indicates a device has been delivered and the request for a device is marked as "closed," but the student has not in fact received the device. One parent of a middle school student who our office is working with first requested a device in April. The DOE's system showed the device had been delivered, but the family never received it. When our office confirmed that the device was supposed to have been delivered, we were instructed to fill out a technical support request indicating lack of receipt, and were told that a replacement device would be sent out over the summer. Nevertheless, over a month into a new school year, and over a half a year into remote learning, this student is still without a device.

Now that the inventory of devices is being managed by schools, schools have frequently reported being out of devices, and parents we work with often have no idea when new devices will arrive. These difficulties are stressful enough on their own terms. But they are made all the worse by the very real concerns that recorded absences from remote learning will result in ACS involvement, negative repercussions for our young clients who also face criminal matters, or other adverse consequences for parents and their children.

One parent we are working with reported that, after waiting months for an iPad that never arrived, she ultimately chose to acquiesce to the reality that her child will not be able to participate meaningfully in remote instruction. Instead, she uses her phone to connect her daughter to classes. With a slow cellular connection and limited data, her daughter is unable to interact with the teacher, but she is marked present, and—as long as the service is good enough—has at least some opportunity to listen to parts of the lesson.

Another parent has described the frustration of jumping through various hoops to try to get her daughter a device. An iPad was supposedly delivered to her house last month, but she never received it. After spending hours on hold with the DOE's technical support hotline, she was told to expect a call back from someone who would provide her with additional instructions. That call has never come. In the meantime – with no internet at home – she can do little more than check her daughter into class so that her attendance can be counted. Quite understandably, she worries that her daughter is falling behind in school, and she is at a loss as to how to help her.

The City Council should work to ensure that DOE has the funding necessary to obtain a data-enabled device for every student who needs one. Int. 2058 should also be amended to include weekly reporting on the number of students who have requested remote learning devices but still do not have them, so that the City Council and Public Advocate – as well as members of the public – can learn on a weekly basis how many students still lack the technology necessary to access remote instruction.

*Access to Remote Learning Remains a Particular Problem for Students in Temporary Housing.*

Problems with access to remote learning technology have been particularly acute for those families living in Department of Homeless Services (DHS) shelters, even though students living in temporary housing were supposed to be prioritized for receiving data-enabled devices. Our office has worked with families living in shelters who waited months to receive devices – including some families who even today do not have devices. One family our office has worked with moved into a shelter during the pandemic. Though the family has been given laptops from the children’s school, the students still cannot connect to online classes because the shelter lacks internet service. Int. 2058 and 2104 should be amended to include attendance reporting and remote learning metrics for students experiencing homelessness.

*There is No Coherent Plan to Provide Educational Services to Those Students Who Lack Remote Learning Devices.*

Our work with families who do not have remote learning devices has also highlighted the continued absence of a clear and coherent plan for offering instructional support to those families who cannot access remote learning. Some of the students we work with have received from their schools paper packets and worksheets to be completed in lieu of remote learning, supplemented by frequent phone contact from teachers and school staff. But other students have received minimal outreach from schools, even when they make it clear to those schools that they lack the requisite technology to connect to remote classrooms.

The DOE’s primary goal should be to ensure that all students have access to the technological devices that they need to connect to remote learning. But we also believe it is important that the DOE has plans in place to accommodate those students who are not able to connect to remote learning, so as to ensure that those students continue to have access to a meaningful education.

**Conclusion**

Brooklyn Defender Services is grateful to the Committee on Education and the Committee on Health for hosting this hearing and working to address this critical issue. Thank you for your time and consideration of our comments. We look forward to further discussing these and other issues that impact the people we serve. If you have any questions, please feel free to contact me at [aarkingallagher@bds.org](mailto:aarkingallagher@bds.org) or (646) 971-2719.



**Girls for Gender Equity Testimony to the City Council  
Committee on Education and Committee on Health  
Oversight: Reopening New York City Schools  
Delivered by: Quadira Coles  
10/16/2020**

Good Afternoon Chair Treyger and Chair Levine, and members and staff of the Committee on Education and Committee on Health. My name is Quadira Coles and I am the Policy Manager at Girls for Gender Equity.

GGE is an intergenerational organization based in Brooklyn, New York committed to the all-around development of girls and young women. GGE challenges structural forces, including racism, sexism, gender-based violence, transphobia, homophobia, and economic inequity, which constrict the freedom, full expression, and rights of transgender and cisgender girls and young women of color, and gender non-conforming youth of color. We do this work through direct service, advocacy, and culture change. GGE has been a leader in the conversation around gender-based violence, including sexual harassment and sexual abuse for close to two decades. We are offering testimony today to raise issues of school climate, inclusive of school discipline and school policing, as part of the reopening of schools.

At the beginning of the pandemic and sudden transition to remote learning, New York City students were experiencing a lapse in educational, emotional and mental health support. As schools reopen and in some cases re-close, whether it's in-person instruction through blended learning or remote learning, the city needs to be prepared to meet students' immediate needs in ways that promote safety, equal educational opportunity and emotional wellbeing.

We support both Introduction 1615-2019 and Introduction 2058-2020. On Intro. 1615, we support the effort to bring specific transparency on the underrepresentation or exodus or loss of Black educators and educators of color. On Intro. 2058 and requiring reporting on remote learning attendance, we want to raise a concern we have heard from both young people and educators – that students are being removed from the zoom classroom as a classroom management tool and marked absent, and also that young people are being required to appear on video during

class or risk being marked absent. We raise these examples to highlight this new part of the relationship between attendance and school discipline – regardless of whether this new form of discipline is being tracked.

### **Suspension Moratorium**

School climate during these unprecedented times should be a top priority to the city. We recently found out that schools were sent a link to a “Discipline Code Resources InfoHub” – a webpage that links to the 2019 discipline code and “informational presentations.” None of these resources acknowledged the pandemic or the way new kinds of learning environments may not be compatible with last year’s discipline rules. GGE has also heard that there had been principals suspensions during the remote learning period in school year 2019–2020, and that while DOE central disagreed with the suspensions in principle, there was no way to object given principal authority. We know however that in the past, the Discipline Code was adjusted to increase oversight of principals suspensions in the case of B21, defying authority, which requires central DOE approval. More recently, we’ve heard in the past week that principals are indeed requesting B21 suspensions for mask compliance despite internal guidance from the DOE’s Office of Student Health that protects young people from punitive discipline for issues relating to facial coverings. We want to see that guidance made public and accessible, at the very least to support young people in knowing what protections are afforded to them.

It is also our understanding that Alternate Learning Centers, those suspension schools that are rich with supportive school staff, are not being leveraged to their full potential during this time. Those restorative practitioners, counselors, and social workers in particular should immediately be made available to high-need schools and students.

To be sure that school attendance, mask compliance rules and other matters that have come up during the transition to remote learning do not become barriers to education and a pathway to any disciplinary action, we are demanding a suspension moratorium during the entire duration of this school year – no matter the instruction style – along with the necessary restorative emotional and mental support.

### **Police-Free Schools**

Students attending school in-person should feel safe when being asked to follow CDC social distancing and mask guidelines by using nurses, school counselors and teachers. We were disturbed to hear that because of short staffing, the DOE trained school safety agents and assigned them the responsibility to wield digital infrared forehead thermometers at students entering school buildings. The City has chosen to normalize a dangerous trend of outsourcing public health and public welfare

responsibilities to the police. It is past time to stop erasing the disparities and the decisions that lead public funds to be funneled to police in lieu of supportive school staff. This year, students returning to schools during a pandemic will be more likely to encounter police than nurses.

In response to uprisings across the country, the City had also proposed a shift of funding and responsibility for school safety from the NYPD to the DOE. Months later, the only change we see is that school police have been given a new responsibility that will ultimately increase their interactions with young people. This is a change in the wrong direction.

Lastly, according to the latest Student Safety Act release, documenting the period from April through June, we noticed instances of “child in crisis” police removals from Regional Enrichment Centers, raising again concerns about police responding to situations best responded to by physical and behavioral health staff.

## **Conclusion**

This school year could have begun with the end of armed police officers in schools. Instead, the city has chosen to prioritize the interests of the NYPD and those who are not a part of the school community over New York City public school students. We want to avoid all practices that reinforce school pushout. Students should not have to face disciplinary or police action while trying to adapt to a new way of life in addition to the many challenges and stressors of learning during a pandemic. In addition to supporting the proposed legislation in discussion today, we encourage the city to become more vigilant when it comes to securing a sustainable education experience for our students during budget cycles to come.

Thank you for the opportunity to testify.



**Testimony of Hallie Yee, MPH, Policy Coordinator  
Coalition for Asian American Children and Families (CACF)**

**Committee on Education and Committee on Health Joint Remote Hearing  
October 16, 2020 at 10:00AM**

Good morning. My name is Hallie Yee, and I am a Policy Coordinator at the Coalition for Asian American Children and Families (CACF). Thank you, Chair Treyger and Chair Levine and members of the Committees on Education and Health for giving us this opportunity to testify.

Since 1986, CACF is the nation's only pan-Asian children and families' advocacy organization and leads the fight for improved and equitable policies, systems, funding, and services to support those in need. The Asian Pacific American (APA) population comprises over 15% of New York City, over 1.3 million people. Many in our diverse communities face high levels of poverty, overcrowding, uninsurance, and linguistic isolation. Yet, the needs of the APA community are consistently overlooked, misunderstood, and uncounted. We are constantly fighting the harmful impacts of the model minority myth, which prevents our needs from being recognized and understood. Our communities, as well as the organizations that serve the community, too often lack the resources to provide critical services to the most marginalized APAs. Working with over 70 member and partner organizations across the City to identify and speak out on the many common challenges our community faces, CACF is building a community too powerful to ignore.

For our schools to be safe and prepared to reopen to students, teachers, administrators, and support staff, we must think about more than the 3% Citywide AVERAGE transmission rate threshold that the City is focused on. On behalf our 70+ organizational members and partners serving the diverse Asian Pacific American, or APA, communities across New York City, we are asking City Council today to hold our public education system accountable to our communities' needs.

- **First, we demand the City provide accurate data collection & disaggregation of data on infection rates, hospitalizations, and deaths in the APA community.** In order to best respond to this pandemic and reopen safely, we must at least be able to track race/ethnicity and languages spoken for those who are tested, so we can appropriately trace and take care of families. We are not doing this now, and our APA communities and our struggles are being erased.
- **Second, we demand that schools, in partnership with the City's health system, can ensure that critical information gets to students and families in the language they need.** It is only recently that the Health+ Hospitals was able to translate health outreach documents into the City's top 11 languages required by local law. This was too late, and still not enough. Schools MUST be prepared to reach and support students and families who are limited English proficient.
- **And third, we demand that schools address the mental health needs of students and families, especially those who are East-Asian presenting who have been targeted during this pandemic.** The school system must be prepared to help our students—who have faced loss, isolation, discrimination, xenophobia, and more—as they return to school.



Our community members are understandably frightened of sending their children back to school and a deep mistrust of the City's government is spreading throughout communities of color and immigrant communities.

This pandemic has exacerbated long-standing and interconnected crises in socioeconomically disadvantaged communities. While unfortunate and heartbreaking, this was not entirely unexpected. Our APA communities are historically overlooked and our needs misunderstood or entirely uncounted. We are constantly fighting the harmful impacts of the model minority myth, which prevents the community's needs from being acknowledged and understood. This means our communities often lack the resources to provide critical services for those in need. Never has this been more apparent than right now.

While the City has touted the advancements that have been made in testing capacity recently, there is still inadequate testing in low income neighborhoods, which have been hit especially hard by the pandemic.

We've heard from community members and organizations that severe shortages of testing resources remain in their neighborhoods, with results taking anywhere from 2 days to 2 weeks to be reported back to them. We have also heard unfortunate testimony from our communities that testing centers and resources have been pulled out or heavily reduced in some of the most hard hit areas--such as Elmhurst and Corona, both heavily APA community populations. We need to bring the testing sites into these neighborhoods, and we need to increase rapid on-site testing and local outreach to make sure these communities are no longer left behind.

**Ensuring best practices around COVID-19 testing is key to NYC's recovery. It's critical in making it safe for our children to learn in person and for our communities' revitalization efforts.**

To do so, the City must address the following.

Accurate Data Collection & Disaggregation of infection rates, hospitalizations, and deaths in the APA community:

- **Track disproportionality.** The City and State use seven measures to reopen. We need a key 8th measure that tracks disproportionality. Not all neighborhoods or communities are improving at the same rate, and averaged or aggregated data creates a false sense of recovery and security.
- **Specific and granular disaggregated data on infection rates, hospitalizations, and deaths:** Disaggregate existing data collection around race/ethnicity, sex, and age. Expand data to include collecting information on primary written and spoken language, disability status, sexual orientation, gender identity, and socioeconomic status of participants. Data collection should also be carried out in nursing homes, residential facilities, homeless shelters and detention centers. Deaths at home or in the streets must be counted.

- As of May 13, 2020—which is unfortunately the most recent publicly reported data on race/ethnicity—there were 1,532 deaths from COVID-19 associated with individuals identifying as Asian American. At the same time, some 1,951 COVID-19-related deaths were relegated to the “other” or “unknown” race categories, which represents about 10% of the nearly 20,406 city deaths that had been logged by the NYC Department of Health and Mental Hygiene through that date. The City relies on lab reports and medical records to identify the race or ethnicity of those who died of the virus. When the information is missing, victims are categorized as “unknown.” Additionally, when it comes to data of those not hospitalized for COVID, 64% of racial demographic data is incomplete. And while the information regarding COVID-related deaths are available each day, the breakdown by race is sporadic and by ethnicity non-existent. Before anything can properly be addressed, that data is crucial in determining which zip codes and neighborhoods receive the resources they need.

The Impact of COVID-19 Related Anti-Asian Discrimination: The pandemic has fostered an environment of fear and uncertainty that are resulting in targeted acts of racism towards APAs. In NY, APAs, specifically East-Asian presenting individuals have been subjected to violent racist attacks and xenophobic representations of the virus in the media. The City needs to **ensure support of targeted communities of color during this crisis and moving forward.**

- We all know communities of color and immigrant communities are often scapegoated in times of crisis-- for the APA community, due to the stigmatizing nature of the virus compounded by the anti-Asian racism, this means that individuals are less likely to seek treatment and when they do, they may be afraid to even identify as ‘Asian,’ potentially leading to negative health outcomes and an underrepresentation of the pandemic’s impact on the community.
- This pandemic has fostered an environment of fear and uncertainty that are resulting in targeted acts of racism towards APAs. Specifically, East-Asian presenting individuals, have been subjected to violent racist attacks and xenophobic representations of the virus by political leaders and in the media. We demand an investment in community-led efforts towards data collection on incidents, inter-community healing, and positive mental health.
- Below is a quote from a member of our student program which highlights the needs of proper mental health services for youth even prior to the COVID-19 pandemic, and it has only become truer for more and more students as these months have dragged on:

“I’m Edison, a youth leader from ASAP and a senior at the Bronx High School of Science. I myself experience isolation. Like many other teenagers, I was alone in a large high school with no middle school friends to accompany me, and I kept feeling that I failed to live up to the expectations of my family and culture. At my school, my guidance counselor is responsible for 80 students and we only have 1 social worker. So I didn’t bother to go. For four years I held everything in. My choice was to bear it all and laugh it off. The choice I made brought me countless sleepless nights where I literally suffocated over my thoughts, lack of motivation in the morning where I risked being late, and lifelessness throughout parts of my day.



Thankfully, I was able to vent to my best friend. And I am reassured by the presence of my new Asian American counselor, who constantly vouched for me and assisted me whenever I needed it. But other students are not so lucky, which is why I ask City Council to make sure that the City maintains or even increases the funding for more guidance counselors and social workers to address student mental health barriers and students' discomfort in asking for help.”

Language Access: The COVID-19 has highlighted the barriers the most marginalized APAs face to language access. The mere availability of languages is not enough without effective outreach and implementation of language access policies, preventing vital communication about school decisions and the pandemic from reaching the community.

- The delay of disseminating and general lack of in-language information about the pandemic, including the social distancing guidelines has led to a higher risk of exposure to the virus for the most vulnerable in the APA community.
- This egregious gap in language access has led to our communities to rely once again upon the community-based organizations (CBOs) who serve them in the absence of proper resources by the City as CBOs act as interpreters and crowdsource translated materials regarding even the most basic of information on the pandemic.
- **Outreach to the most marginalized pockets of the community must be prioritized--without it, their health and very lives are endangered if they are unable to communicate with their schools and healthcare providers.**

Our communities are consistently overlooked in the distribution of resources, which is harmful to us as well as other communities of color who are denied the same resources due to the perceived “success” of APAs. This pandemic has highlighted a myriad of holes in our City’s safety net systems, and the City’s response must address root problems in addition to immediate needs. Our community will continue to suffer every day we allow these flaws in the system to exist. As always, CACF will continue to be available as a resource and partner to address these concerns and look forward to working with you to better address our communities’ needs.



**NYC Council Joint Committee Hearing  
Committee on Education, Chair Treyger  
Committee on Health, Chair Levine  
October 16, 2020**

*Oral Testimony from Paul Scialla, Founder and CEO of Delos and Founder of the International WELL Building Institute:*

Thank you, Chair Treyger, Chair Levine and members of the Committee, for the opportunity to testify. My name is Paul Scialla, and I am the Founder and CEO of Delos, and Founder of the International WELL Building Institute.

We are proud to already be working with New York City schools by providing 30,000 portable air purification units for distribution across the City. Our testimony today is to highlight the importance of minimizing airborne viral load in the indoor school environment and the role this technology can play to help support New York City's ability to safely re-open schools.

Delos is a wellness and technology company. We lead global research and identify evidence-based solutions for health and safety, having worked closely with Mayo Clinic, the Cleveland Clinic, and other medical research institutions for years to understand the impact of indoor environments on human health. We also operate the world largest certification platform for healthy buildings via our International WELL Building Institute, with certifications now in 63 countries across approximately 1 Billion sq feet.

Previous testimony has acknowledged that Increased ventilation as a foundation is a good start, but adding Enhanced air filtration is the best way to lower the airborne viral load in school buildings, and can greatly reduce Covid-19 exposure risk when employed in conjunction with additional best practices. The technology in these air purification units is capable of trapping and reducing ultrafine particles that may be carrying viruses as small as 0.007 microns at 99.99% efficiency, which is smaller than SARS-CoV-2 and other enveloped viruses. These are portable, wall mounted, or standalone unites that can be placed into any type of space.

Delos strongly recommends that New York City continue to prioritize improved air quality in City schools by ensuring adequate numbers of air purification units for all classrooms and common areas, to complement ventilation strategies. We hope that in conjunction with current Covid-19 mitigation strategies, these solutions will benefit not just the students and staff, but also their families and communities, and New York City at large.

Thank you.



*Written Testimonial from Paul Scialla, Founder and CEO of Delos and Founder of the International WELL Building Institute:*

Thank you, Chair Treyger and Chair Levine and members of the Committees, for the opportunity to testify today about necessary measures for a safer school reopening for New York City. My name is Paul Scialla, and I am the Founder and CEO of Delos, and Founder of the International WELL Building Institute. We are proud to support New York City schools by providing crucial air purification technology for use in school buildings, and we hope to continue to support the City's efforts to safely reopen buildings in the new reality we face today. Air purification alone cannot protect you from Covid-19 exposure, however, when employed in conjunction with best practice recommendations from institutions such as the CDC, it can greatly reduce exposure risk.

Delos is a wellness real estate and technology company which, together with its subsidiaries, supports the health, well-being and performance of people around the world through leading research and evidence-based standards, programs and solutions. For more than eight years, Delos has fostered research collaborations with leading medical institutions to better understand the impact of indoor environments on human health. We're pleased to bring this research into practice to help the New York City public schools keep students, teachers, staff and the broader community safer.

Our testimonial today is to highlight the importance on minimizing airborne viral load in the indoor school environment and the role it can play to help maintain and support New York City's ability to safely re-open schools for the 2020-2021 academic year, with the hope of enabling students to continue learning and teachers to continue teaching safely, effectively, and in-person.

Air that is free of biological and chemical contaminants has always been essential to our health. During the pandemic, it has become even more important. Informed by scientific research conducted by experts around the world over the past six months, we have learned that small aerosolized particles that may carry SARS-CoV-2 (the virus that causes Covid-19) can remain suspended in air and can persist in aerosol form for long periods of time indoors.<sup>1,2,3,4</sup>

As a quick summary of the scientific facts that we now know, buildings may help spread SARS-CoV-2, which is thought to be spread primarily from person to person through respiratory droplets that are released when an infected person sneezes, coughs, or speaks. These droplets can quickly fall onto

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<sup>1</sup> Transmission of SARS-CoV-2: implications for infection prevention precautions. World Health Organization. <https://www.who.int/publications/i/item/modes-of-transmission-of-virus-causing-covid-19-implications-for-ipc-precaution-recommendations>. Accessed September 25, 2020.

<sup>2</sup> Allen JG, Marr LC. Recognizing and controlling airborne transmission of SARS-CoV-2 in indoor environments. *Indoor Air*. 2020;30(4):557-558. doi:10.1111/ina.12697

<sup>3</sup> Morawska L, Milton DK. It is Time to Address Airborne Transmission of COVID-19 [published online ahead of print, 2020 Jul 6]. *Clin Infect Dis*. 2020;ciaa939. doi:10.1093/cid/ciaa939

<sup>4</sup> Lednicky JA, Lauzardo M, Hugh Fan Z, et al. Viable SARS-CoV-2 in the air of a hospital room with COVID-19 patients [published online ahead of print, 2020 Sep 16]. *Int J Infect Dis*. 2020;S1201-9712(20)30739-6. doi:10.1016/j.ijid.2020.09.025

surfaces, while smaller aerosolized particles can remain in the air for up to several hours.<sup>5</sup> Viral pathogens can travel up to 27 feet if an infected person who is not wearing a mask sneezes.<sup>6</sup> Some pathogens can travel even further distances, and can stay in the air for hours when the air is recirculated in a mechanically-ventilated space.<sup>6</sup> The virus causing Covid-19 (SARS-CoV-2) ranges in size from 0.06 to 0.14 microns,<sup>7</sup> which is significantly smaller than particles that are captured by conventional filters in most mechanical systems.

As you know, New York City has the largest school system in the United States, with over 1.1 million students taught in more than 1,800 separate schools. For students, teachers, and administrative workers to be able to safely return to their schools, the school district needs solutions that directly focus on minimizing the viral load in the air, on surfaces, and through direct human-to-human behaviors. The NYC Public School system has been working tirelessly over the past several months to ensure that everyone can return to school safely. The NYC Department of Education (DOE) has been working continuously to procure and distribute appropriate personal protective equipment (PPE) for students and staff, and to ensure that they have increased access to handwashing facilities and/or hand sanitizers. The DOE has also partnered with NYC Health + Hospitals to ensure that all NYC schools and early childhood programs have nursing coverage and is working closely with the Department of Health and Mental Hygiene and Test + Trace Corps to identify, isolate, and prevent the spread of Covid-19. The DOE has undertaken comprehensive cleaning and disinfection strategies such as nightly deep cleanings of all NYC schools with the use of electrostatic sprays and continues to work to ensure that all schools have adequate cleaning and disinfection supplies. While these measures are effective for helping address surface and behavioral viral load, they do not address the viral load in the air— thereby leaving a critical aspect of viral transmission unaddressed.

There are two major ways to reduce the concentration of the virus in the indoor air: increasing ventilation (fresh air intake from outdoors) and enhancing air filtration (cleaning the air inside). If the virus is present in the indoor air, increasing ventilation by introducing outdoor fresh air can dilute the viral load within the air and thus help reduce the chance that people would be exposed to the virus. Increasing ventilation with all or mostly outside air may not always be possible or practical — for spaces **with** operable windows, occupants can open windows to get fresh air. However, opening windows may compromise thermal comfort, especially when colder temperatures arrive in the fall and winter. For buildings **without** operable windows, the installation or retrofitting of ventilation systems usually takes a long time and a lot of resources. Therefore, enhancing air filtration could be a more feasible solution for helping lower the airborne viral load. To effectively accomplish this, all NYC schools need in-duct or stand-alone mechanical air purification systems designed to capture and remove aerosolized particles.

These two methods have been studied and proven to be effective before. As an example, during the 2003 SARS epidemic, the CDC recommended air-cleaning devices, such as portable air filtration units, in high-

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<sup>5</sup> ASHRAE. ASHRAE Position Document on Airborne Infectious Diseases.; 2020:22.

<https://www.ashrae.org/file%20library/about/position%20documents/airborne-infectious-diseases.pdf>

<sup>6</sup> Citation Bourouiba L. Turbulent Gas Clouds and Respiratory Pathogen Emissions: Potential Implications for Reducing Transmission of COVID-19. *JAMA*. 2020;323(18):1837–1838. doi:10.1001/jama.2020.4756

<sup>7</sup> Zhu N, Zhang D, Wang W, et al. A Novel Coronavirus from Patients with Pneumonia in China, 2019. *N Engl J Med*. 2020;382(8):727-733. doi:10.1056/NEJMoa2001017

risk spaces, such as healthcare facilities.<sup>8</sup> Similarly, in the case of Covid-19, we also need air purification technologies to reduce the concentration of contaminants in the air, especially when increasing ventilation is not feasible. Even though some airborne viruses may aggregate to form large particles (which are usually bigger than 0.16 microns),<sup>9</sup> to help ensure the best performance in removing viruses from the air, the air filtration technology should be able to effectively capture and remove ultrafine or aerosolized particles in the air, whose diameters are smaller than 0.1 micrometers.

Air purification systems are considered by numerous experts to be a critical supplementary approach to reducing transmission rates of airborne diseases by remediating airborne pollutants and contaminants. To that end, Delos offers an advanced air purification solution that focuses on capturing ultrafine particles. The “Delos Powered by Healthway” air purification units feature patented technology that is capable of trapping and reducing ultrafine particles that may be carrying bacteria and viruses as small as 0.007 microns at 99.99% aggregate efficiency, which is smaller than SARS-CoV-2 and other enveloped virus particle sizes. The air purification units can also deactivate viruses and other common indoor bioaerosols such as fungi, mold and bacteria. The advanced air purification devices can be standalone, or installed into existing mechanical systems with minimal disruption. The DOE has already purchased 30,000 such units to be distributed across NYC Public Schools.<sup>10</sup>

*What Delos recommends for the NYC Public School System:*

- In-duct or stand-alone mechanical air purification systems which capture and remove aerosolized particles to be installed and used in each school.
- Sufficient number of air purifiers to be required in each classroom and commonly occupied space. The number of air purifiers required for spaces should be calculated based on the manufacturer’s guidelines. For the “Delos Powered by Healthway (Compact)” units that have been deployed in NYC schools, we recommend at least one air purifier per 550 square feet.
- As much ventilation/fresh air intake as possible. Understanding that many schools do not have the infrastructure with ventilation systems that would allow for 100% fresh air intake, natural ventilation (i.e., operable windows) should be relied on as much as possible. Windows should be opened frequently to let fresh air in, and regular box fans could be placed by the windows to help pull in the fresh air.

In closing, I would like to thank you all for your time today and hope you have found our science and research based insights valuable— Delos is advocating for strategies that help ensure more air purification and better ventilation throughout the entire NYC public school system. We hope that together,

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<sup>8</sup> Public Health Guidance for Community-Level Preparedness and Response to Severe Acute Respiratory Syndrome (SARS). Version 2/3. This website is archived for historical purposes and is no longer being maintained or updated. Accessed May 12, 2020. <https://www.cdc.gov/sars/guidance/i-infection/healthcare.html>. Text citations refer to the following sections: Supplement I: Infection Control in Healthcare, Home, and Community Setting - III. Infection Control in Healthcare Facilities.

<sup>9</sup> Verreault D, Moineau S, Duchaine C. Methods for sampling of airborne viruses. *Microbiol Mol Biol Rev.* 2008;72(3):413-444. doi:10.1128/MMBR.00002-08

<sup>10</sup> NYC DOE Selects Delos to Provide Air Purification Solutions for NYC Schools. Delos®. <https://delos.com/press-releases/nyc-doe-selects-delos-to-provide-air-purification-solutions-for-nyc-schools>. Published August 31, 2020.



these solutions will benefit not just the students and staff, but also their families and communities, and New York City at large. Ultimately, we also hope that school systems throughout the United States will follow the model example set by the NYC public school system, prioritizing cleaner air and healthier learning environments.

Thank you.

### **About Delos**

Delos is a wellness real estate and technology company guided by the mission to be the world's leading catalyst for improving the health and well-being of people around the world by improving the indoor environments where they live, work, sleep and play. Informed by more than eight years of research and rigorous analysis of environmental health impacts on people, Delos and its subsidiaries offer an array of evidence-based technology and solutions for residential, commercial and hospitality spaces. Delos is the founder of the WELL Building Standard™, the premier standard for buildings, interior spaces and communities seeking to implement, validate and measure features that support and advance human health and wellness. Its subsidiary, the International WELL Building Institute, administers and continues WELL's development and drives market adoption. Delos' advisory board is composed of leading professionals across real estate, government policy, medicine and sustainability. For more information about Delos, please visit [www.delos.com](http://www.delos.com).

**Hello, my name is Gino Santana. I am in the 7th grade and I am 12 years old. I currently attend the Bedford Stuyvesant New Beginnings Charter School.**

**In March, at first I felt confused because I didn't know what to do online. With time I was able to understand the new platform and the school work felt easier. I had to learn how to use Google Classroom, Google Slides, Google Sheets, Google Calendar, Google Forms and Nearpod. Being home made me feel so upset. I had to get used to everything so my grades went down. When I was in the building all my grades were 90 and above. Online, my grades went down to the 70's and 80's.**

**In September, my mom chose to keep me in remote learning. Now I have the hang of it and my grades are back up to the 90's. Now it all just feels easier. I do miss school. I miss my PE class. I got to do exercises. I miss being around all my friends. I don't miss the food! Being at home I feel much safer because I am separated from everybody and I am at a lower risk from getting the Coronavirus.**

**My teachers are alright. They are in the class but teaching us while we are at home. They are doing two things at once. I am grateful for my teachers for being flexible. They are risking their own health going into the school building while we are safe at home.**

**Thank you for listening to my testimony and allowing me to share my experience with my school re opening.**

Good morning. I am Jasmine Byrd, an English as a New Language (ENL) teacher in District 11 and member of Educators for Excellence-New York. Thank you for the opportunity to testify in support of the City Council's efforts to improve teacher diversity in New York City schools. In particular, I want to voice my strong support for Int. 1615-2019.

We are at a crucial point in our nation's understanding and awareness of racial equity and inclusion. In our classrooms, this tension is evidenced by the diversity gap between staff and students. Nationally, [40% of schools do not have a teacher of color on their staff](#). And in New York City, while [83% of the student population are students of color, less than half that number are teachers of color](#). This gap means that thousands of students do not see themselves validated in the curriculum and staff positions where implicit and explicit biases take a toll on their learning and self-perception. Research has shown that [all students benefit from being taught by teachers with diverse backgrounds](#). And having even just one teacher of color in grade [school generates significant gains in the academic outcomes of black students from low income families](#), who face disproportionate inequities in their school environments.

Int. 1615-2019 would require the Department of Education (DOE) to report data to the Council on teacher diversity, retention and turnover that would provide a foundation for understanding this diversity gap. The data would paint a more complete and updated picture of what the current state of racial inclusion and representation looks like in our schools. It could provide much-needed context for overdue conversations and inclusive policies that would boost student performance while creating more equitable opportunities for teachers of color.

In closing, I once again voice my strong support for the Council's efforts to recruit and retain talented and diverse teachers in New York City's public schools. I hope that we can all work together with the immediacy and intent that this issue demands of all of us. Thank you.

Jasmine Byrd  
Educators for Excellence – New York

Hericka Jordan  
KIPP NYC  
9/29 City Council Hearing

My name is Hericka Jordan and I am the Director of Social Work at KIPP Washington Heights Elementary School located at 586 West 177<sup>th</sup> Street Bronx NY 10033. When we learned about COVID-19 back in March 2020, there were a lot of uncertainties and fear about what our new norm would look like.

As a school community, we quickly mobilized resources and provided our families with electronic devices to engage in remote instruction through different academic platforms. Unfortunately, many of our families and staff were directly impacted by COVID-19 and as a school we swiftly shifted and accommodated for the necessary changes. We compassionately listened and facilitated different forums where our families' voices were heard and elevated. We provided guidance and comfort wherever possible and located resources to support our students, families and staff. As we closed out our year, we reflected on our experiences from March through June and proactively planned for the 2020-2021 academic year. Secretion

Thus far, we have proactively set our students, families and staff for success by facilitating appropriate professional development for our staff and developing a series of psychoeducational forums for our families. Our professional developments focused on strengthening academic delivery, restorative practice, collaborative problem solving, race and equity amongst many others. These PDs happened via zoom and ensure that our teachers were prepared and equipped to provide rigorous academic instruction that upheld academic excellence. At KIPP WHES, we also facilitated PD on the importance of prioritizing our students' social emotional needs and operating from a trauma sensitive lens. Our staff is committed to providing a culturally responsive curriculum to our students that allows them to feel seen, affirmed and heard.

As we move on, we are committed to keeping our students and families up to date by providing monthly psychoeducational meetings and sending out surveys so we're continuously assessing

Hericka Jordan  
KIPP NYC  
9/29 City Council Hearing

for their individual needs. As much as we would love to be in school building, we will continue to prioritize the health and safety of our students, families and staff.

New Visions for Public Schools thanks the Council, and Chair Treyger, for the opportunity to submit written testimony. This discussion of data and transparency about the performance of public schools is timely and important.

As a city, we are attempting to confront a legacy of deep racial inequities at the same moment that many students in New York City may lose nearly an entire year of in-person schooling. The impact of school closures disproportionately affects hundreds of thousands of Black and Latinx students, and communities that have also borne the most severe impacts of COVID-19. Facing this reality honestly means understanding the challenges that students and educators face, meeting them where they are academically and emotionally, making clear and intentional plans to support them, and following up relentlessly to help them reach their goals.

To do this, it is essential that educators, students and families, the Department of Education, and New Yorkers have access to timely, high-quality data. For more than thirty years, New Visions for Public Schools has worked in close partnership with the Department of Education and public school students, families, and educators to make great public schools common in New York City. Over the past seven years, we have worked particularly closely with administrators of public schools in New York City to build data tools to help educators with the many high-stakes decisions they make every day. We have learned several lessons through this work that are relevant to the topic of today's hearing.

First, real and sustainable improvement requires being able to see clearly the challenges we are confronting. Gathering and sharing data is only a part of addressing those challenges, but as improvement expert Anthony Bryk and others have noted, it is very difficult to sustainably improve what we cannot or do not measure. Ensuring the availability of consistent, high-quality data about students, schools, and conditions of the broader education system helps us better understand the challenges we are confronting.

Second, what data reveal can be uncomfortable and surprising, which is part of its value. As an example, early in our work we discovered an unexpected reason why many students did not graduate on time from high school and had to attend summer school: avoidable errors in course scheduling left them missing credits needed to graduate. That oversight by adults meant students did not graduate was deeply unfair, but it highlighted an addressable problem. It was not, however, a barrier that would have become clear or acknowledged absent a data-driven inquiry into why students were not graduating.

Third, educators constantly try to use the data available to them. Oversights like the one described above are not primarily individual failures, and are not the result of anyone caring too little about student success. Educators repeatedly create their own tools to address problems that they confront. Too often, they independently try to solve challenges that they all face: in the example above, every school

attempted to address the complexities of scheduling students strategically, with approaches and tools built in house. These approaches range from sophisticated spreadsheets to binders full of printed transcripts that guidance counselors spend countless hours poring over.

Fourth, once it becomes clear that schools are confronting shared challenges, we believe it is unfair, unrealistic and undesirable for schools to build all the tools to address shared challenges on their own. Schools have no obvious way of discovering that they are independently solving the same problem; they are too busy solving the problem. Identifying this common challenge is a role that an intermediary like New Visions can ably fill. Discovering that students were not being scheduled for courses they needed to graduate presented an opportunity to prevent oversights in the first place, and highlight persistent oversights early enough for them to be corrected. The data tools and routines for their use that we created take that approach. To build the modern, professional tools that educators deserve also requires greater investment than an individual school could sustain. When shared across hundreds of schools like our work is, however, the cost is minimal and the potential returns are huge.

As importantly, because schools are using similar tools, they are able to learn from and with each other, as are organizations like New Visions and the many other non-profit partners providing critical support to public schools. Because we work alongside schools, we can learn from their collective experience to make improvements to the tools that then benefit all schools. The use of common tools also generates consistent information across schools that can help the Department of Education target its support effectively, without schools needing to do new reporting or other administrative tasks.

Fifth, making this all work well together is fiendishly difficult work. Many New Yorkers have a better sense of how challenging teaching is following months of remote learning; the operational challenges of making a school run well are just as difficult but even harder to see. The tools we have built make a strong start at that, but we have learned that they also have to be paired with support for their use and reinforced through years of support in order to change practice sustainably. Clearly identifying achievable foundational goals, and repeatedly prioritizing the capacity that schools need to achieve these goals, is absolutely essential if we are to realize our more ambitious equity and excellence goals.

An example of how these lessons are applicable to the questions the Council is wrestling with today, and to the challenges of remote learning, is useful and instructive.

When schools closed, it became imperative to identify whether students were disengaging from remote learning, and if so, which students. It was educationally important, and it was also essential for supporting students' social and physical wellbeing. Every school needed to undertake this activity, but how to do it in unprecedented circumstances presented new challenges.

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Because of our deep relationships with schools and the Department of Education, New Visions was able to convene a pilot group of schools that were actively using Google Classroom to assign and monitor coursework. These schools were eager to be able to use the information it generated to understand their students' engagement. We worked with these pilot schools to identify key Google Classroom data points and incorporate them into the data tools we had already created. These data allowed us to create new views for administrators and teachers that highlighted which students were submitting work in Google Classroom and which were not. This created a simple measure of engagement.

Because we were integrating these data into an existing tool, the new data could live alongside the information and plans schools had already established, in a tool that many staff already knew how to use. Looking at the Google Classroom data alongside attendance data from before schools closed, school staff could quickly identify students who had strong attendance before school closure but were not submitting work in Google Classroom. The reason individual students stopped completing their work could be anything from health issues to digital access issues to lack of clarity on expectations or the inability to structure their time, or any combination of the above. The data we began providing did not answer these complicated causal questions, but they were critical for highlighting for schools the students for whom outreach was a priority. As new, time-sensitive information became available, such as requests for remote learning devices as part of the DOE's push to provide devices to every student, we were able to work with the DOE to incorporate this information and paint an increasingly rich and complete picture of student experiences and challenges.

Over the course of the spring, we onboarded nearly 200 schools to these features in response to requests from principals. This was possible because schools were using the common infrastructure of Google Classroom along with our data tools. The new features we built would have been prohibitively difficult for most schools to create on their own, and prohibitively time consuming to build entirely from scratch, but neither of these were required because of sustained prior investments in our data tools and in the capacity of educators to use them.

These important but modest successes do not mean that access to data tools and timely information allows schools to fully understand why some students were disengaged, or more importantly how to support students to re-engage. That is the extraordinarily difficult challenge facing our educators, and which is rightly their focus everyday. Our experiences do suggest that creating the conditions that let educators focus more time on these difficult problems, and less time building the tools they need to do their job, is a smart investment for an educational system.

Sharing key information publicly is both important and critical to do in ways that are sensitive to the unprecedented challenges that educators, school and district and administrators, students, and families all face right now. Having access to information and making it publicly available is very likely to show things that we know are true but do not want to see: inconsistent access to remote learning, huge

numbers of students who had little engagement with schooling in the spring (and many for whom that is still the case), and predictable disparities by race, income, gender, special education and language status, and more. Another lesson we have learned is how easy it is to misinterpret data, or to conclude that educators are not doing their jobs because data show outcomes that are unfavorable. We support making information publicly available, but it is crucial to avoid the temptation to use that information and data to blame and take punitive action.

It is possible to capture information about student attendance, student engagement in remote learning, and other critically important questions in ways that improve the conditions of the system as a whole and build durable capacity for the future. This is a simple but essential step if we are to tackle more difficult problems. Having access to information that supports decision-making and that empowers schools to take action, while avoiding punitive accountability, are not inconsistent aims.

We have always been proud to work with individuals who dedicate their lives to improving our City's public schools, including educators, school administrators, and the Department of Education. The extraordinary challenges we all face today make sustained partnership and collaboration absolutely essential. Access to information is one part of collaboration towards a more equitable, more effective, more durable public school system. That public school system is one step on a path to a more just, equitable New York City. Taking these steps is more important today than it has ever been.



NEW YORK

## **Testimony for the New York City Council Committees on Education and Health on Oversight – Reopening New York City Schools**

**October 16, 2020**

**Submitted by No Kid Hungry New York**

### **INTRODUCTION**

Good morning Chair Treyger, Chair Levine and members of the Education and Health Committees of the New York City Council. My name is Rachel Sabella and I am the Director of No Kid Hungry New York. Thank you for the opportunity to testify at today's hearing on oversight of the reopening of New York City schools.

First, we thank the City Council for your steadfast commitment to protect New Yorkers from food insecurity, especially in light of the COVID-19 crisis. The City Council has long been a leader in this arena—from supporting Breakfast in the Classroom to the expansion of universal school meals to leading the charge for increased, baselined funding for food pantries and soup kitchens to creating food and hygiene pantries in New York City public schools and now being key partners in the “Feeding New York” plan—more than ever, we are grateful to count you as our partner in this work.

No Kid Hungry New York is a campaign of Share Our Strength, a national anti-hunger organization dedicated to ending hunger and poverty. Using proven, practical strategies, our No Kid Hungry campaign builds public-private partnerships with the goal of ensuring children have access to the healthy food they need, every day. In response to the COVID-19 pandemic, No Kid Hungry has provided emergency grants across all 50 states, the District of Columbia and Puerto Rico to help school districts, food banks and other community organizations feed kids during this crisis. In addition to our grant-making, we have advocated for policies to address the unique barriers and unprecedented level of need brought on by this crisis—including national child nutrition waivers that offer flexibility to meal providers, expanded Supplemental Nutrition Assistance Program (SNAP) and a new program call Pandemic Electronic Benefits Transfer (P-EBT)—while offering strategic assistance to hundreds of local organizations. Since 2011, our No Kid Hungry New York campaign has helped connect millions of children across the state with school breakfast and summer meals.

### **IMPACT OF COVID-19 ON HUNGER AND POVERTY IN NEW YORK CITY**

The COVID-19 pandemic has affected all parts of our lives as New Yorkers. More than 1.5 million New Yorkers are unemployed as of July of this year, leading to one of the worst unemployment crises in the state's history.<sup>1</sup> For many of our city's children and families, the pandemic and its economic consequences has had a disastrous impact on food security. Prior to the pandemic, 1 in 6 children in New York State were food insecure, and now 1 in 4 children could face food insecurity this year.<sup>2</sup> Recent data from the NYS Office of Temporary and Disability Assistance (OTDA) shows that 1.9 million households or 1.66 million individuals participated in SNAP in New York City in June 2020, which is nearly 125,000 more participants than June 2019<sup>3</sup>. We fear a decade of progress in the fight against child food insecurity may have been eliminated in a few short months.

Here's what food insecurity looks like: In some families, the pantry is completely empty. In others, mom or dad skips dinner a few nights a week so the kids can have something to eat in the evening. Many families are making impossible decisions between paying their ConEd bill or buying groceries. All of these scenarios have a profound effect on kids and families.

When kids don't get the consistent nutrition they need each day and throughout the year, it's harder for them to grow up healthy, happy, and strong. Consistent access to nutrition is linked to cognitive and physical development, test scores and long-term health and education outcomes. With the economic impacts of COVID-19 reverberating across the city, an entire generation is at stake.

## **HOW NEW YORK ADDRESSED CHILDHOOD HUNGER DURING COVID-19**

The COVID-19 pandemic has impacted the food security of kids and families in every neighborhood across the city. As part of our pandemic response, No Kid Hungry New York has distributed over \$1.5 million dollars to 45 community-based organizations and school districts across the state and Puerto Rico, with many grants directed to community organizations in New York City in addition to support for P-EBT and Grab and Go Meals awareness campaigns for various New York City agencies. These grants, distributed from March through June, have reached food insecure children and families in neighborhoods across all five boroughs. Grants provided funding for equipment purchases, packaging, staffing, transportation, promotion and food items to keep kids and families from experiencing food insecurity. No Kid Hungry also launched a text line to help families locate meals and worked closely with New York City to customize the service to reflect specific offerings from the Department of Education.

## **KEY CONSIDERATIONS TO FEED KIDS AS NEW YORK CITY SCHOOLS REOPEN**

Starting March 16, 2020—the day school buildings officially closed in New York City—the New York City Department of Education (DOE) Office of Food and Nutrition Services (OFNS) shifted its normal food service model to provide grab-and-go-meals to students across the city. Since then, OFNS leadership and staff have worked tirelessly to adapt, improve and increase their meal service. From March 16 to when school buildings reopened this September, there were

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<sup>1</sup><https://labor.ny.gov/stats/pressreleases/pruistat.shtm#:~:text=New%20York%20City's%20unemployment%20rate,to%201%2C527%2C800%20in%20July%202020>

<sup>2</sup> Gundersen, C., M. Hake, A. Dewey, E. Engelhard (2020). The Impact of the Coronavirus on Food Insecurity v1 [Data file and FAQ]. Available from Feeding America: [research@feedingamerica.org](mailto:research@feedingamerica.org).

<sup>3</sup> <https://otda.ny.gov/resources/caseload/2019/2019-06-stats.pdf>

more than 500 meal sites in neighborhoods throughout the five boroughs serving upwards of 500,000 meals a day. These meal sites didn't just serve students, but also parents and individuals in need of a nutritious meal. The sites also served culturally appropriate foods, including halal and kosher meals, to ensure that no New Yorker went hungry.

**School Meals are A Lifeline for NYC Families.** During this crisis, school meals have been an absolute lifeline for New York City families; both to those who have depended on school meals in the past and to others who are now finding themselves facing unprecedented economic challenges. With high unemployment and food insecurity rising rapidly, increased need for school meals is certain to continue. As New York City schools reopen, we urge you to continue prioritizing school nutrition programs and school meal service in these uncertain times. It is absolutely imperative that school meals remain a service that New York City students and families can count on – whether they are attending school in-person or participating in virtually. We commend the entire team at OFNS and especially the Local 372, DC 37 members who had been on the front lines since Day 1 of the pandemic ensuring kids had regular access to food.

**Maintaining Access to School Meals While Protecting Kids.** The team at OFNS continues to rethink food service models to best serve families in New York City and protect their workforce. The Centers for Disease Control and Prevention (CDC) recommends serving school breakfast and lunch in classrooms, rather than in the cafeteria, to reduce the risk of infection for schools experiencing minimal to moderate transmission levels. Though DOE continued rolling out Breakfast in the Classroom (BIC) prior to the crisis, which helped to equip New York City schools for success when serving breakfast and lunch in the classroom this fall, it was not in every New York City school building. In order to implement this model, there will continue to be additional start-up costs and efforts associated with following the CDC best practice of moving school meals into the classroom. Keeping school meals accessible and safe is vital to children and families. While we recognize New York City is facing unprecedented financial challenges, eliminating hunger has also been listed as a top priority of the Administration and the City Council, and we must ensure DOE has every resource at their disposal to continue to feed children.

**Providing Support and Protection for Nutrition Staff Working to Serve Vulnerable Families and Children.** We also want to recognize the members of the DOE OFNS staff who are serving school meals on the front lines of the pandemic. The entire New York City school system relies on the incredible members of Local 372, DC 37 to provide nutritious meals to children during the school year. As New Yorkers continue to lean on this dedicated group of people as school buildings reopen during a public health emergency, we must ensure that OFNS can procure Personal Protective Equipment (PPE), masks, cleaning supplies and regular and expedited COVID-19 testing they need to keep their staff members safe and to continue their essential work of feeding vulnerable children.

**Informing Eligible Families about Resources Available to Help Them Make Ends Meet.** With record unemployment numbers in New York City and across the country, safety net programs are more important than ever. Many families are struggling to put food on the table while balancing rent, health care costs, and other unavoidable expenses. Thankfully, federal programs like the SNAP, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and a new benefit called P-EBT exist to help families get back on their feet during hard times. However, these programs only work when people can access them.

With many New Yorkers qualifying for benefits for the first time and fear still associated with participation in some programs due to immigration status, there is a clear need for DOE to perform outreach efforts to inform communities about these programs and help eligible families enroll in them. The programs are important tools to help families in New York City weather this crisis, and investing in outreach will help families keep their children healthy and fed. To ensure that eligible New York City families are able to participate in these federal nutrition programs, it is imperative that DOE maintain communication on a regular basis with other New York City agencies to ensure coordination through interagency campaigns.

**Ensure NYC Schools Have Flexibility to Feed Kids with USDA Waiver Extensions.** Despite these challenging circumstances, DOE and other city agencies are taking the necessary steps to feed children and families across the city during this devastating and ever-changing time. New York led the country in supporting access to nutritious meals when schools closed and we can now lead the country in ensuring that all students have access to safe and nutritious meals as schools reopen this fall.

On October 9, the U.S. Department of Agriculture announced the extension of critical child nutrition program waivers that will provide schools and community organizations with more flexibilities to feed children during the entire 2020-21 school year. We urge the DOE to work closely with the New York State Education Department to take advantage of all child nutrition waivers available.

## **CONCLUSION**

New York City is facing a time of unprecedented challenges and devastating loss. Despite the vast challenges that the pandemic has brought, we have seen New York City residents come together in solidarity with one another. In order to rebuild stronger and help struggling New Yorkers, it is essential that we all continue to work together to help the City rise again. As you address the many obstacles ahead of us, I urge the New York City Council to continue to prioritize programs that ensure no New Yorker faces hunger. No Kid Hungry New York stands at the ready to work with the Council, the de Blasio Administration and our fellow New Yorkers to ensure all children and families have access to the food they need to thrive.

Leonard Goldberg, Founder  
Opportunity Charter School (OCS)  
240 W. 113th Street, 4th Floor  
New York, NY 10026

**Testimony of Opportunity Charter School (OCS)**

Leonard Goldberg, Founder

October 16, 2020

**NYC Council Committee on Education** – Council Member Mark Treyger, Chair

**NYC Council Committee on Health** – Council Member Mark Levine, Chair

Thank you, Chairs Treyger and Levine, and the members of the Committees on Education and Health, for this opportunity to testify on school reopening.

My name is Leonard Goldberg. I am a former special education teacher, and in 2004, I founded Opportunity Charter School (OCS), a 6 – 12<sup>th</sup> grade school located in Harlem. OCS has distinguished itself as the “go-to” charter school in New York City for parents in search of a welcoming place that accepts students without regard for academic success or learning disability. I am happy to have the opportunity to share an overview of our approach to working with special education students, and how we have brought this philosophy into our recent work supporting our students through remote learning since the onset of the pandemic.

**Educational Philosophy**

As a small, independent charter school, we place a strong focus on providing tailored individual and group instruction that help to identify and develop each student’s respective strengths and weaknesses. Students are supported by highly trained staff who cultivate an engaging and comprehensive learning experience driven by a unique curriculum. This curriculum uses peer-to-peer skills-matching and a measured approach to enhance our students' cognitive thinking and classroom performance.

Because most of our students have heightened emotional, behavioral and social difficulties, our staff is supported by trained behavior specialists. These specialists assist teachers in adopting effective conflict resolution and intervention methods to ensure that both teachers and students function within a respectful and healthy learning environment.

Social workers and learning specialists collaborate with instructional staff on how to effectively customize learning for each student. Additionally, general education teachers collaborate with special education teachers five days a week.

**Curriculum/Instructional**

We use a rigorous curriculum based on the instructional Common Core standards. Individualized plans are generated using testing data, teacher input, and ongoing observations. Our curriculum is designed to prepare students for the NYS Regents exams, and to develop college and career readiness. Our Learning Specialists work with students, both individually and in groups, to ensure that all learners are developing strategies and tools for academic success.

**Our Success**

The results of OCS’s open-door enrollment has given us the unique distinction of serving the highest percentage of students with disabilities of any “traditional” charter school in New York City (only the New York Center for Autism Charter School serves a higher percentage of students with disabilities than OCS within the charter sector). Nearly two-thirds of OCS’s student population has an Individualized Education

Program, and more than 90% enter OCS in 6th grade performing far behind their peers on state math and ELA exams.

OCS is distinguished by its impressive track record of helping unique populations of students improve academically, graduate on time, and achieve postsecondary success. More than 60% of OCS's student population have moderate to severe learning disabilities, 98% are either black or Hispanic and nearly nine in 10 students come from economically disadvantaged backgrounds. It is this commitment to helping some of the city's most vulnerable children that truly sets the school apart. OCS has created an atmosphere that fosters learning, understanding, and confidence among students who too often slip through the cracks in a traditional learning environment.

Last year, 92% of OCS's high school seniors graduated, and every student that graduated was able to graduate with a Regents Diploma. For students in attendance (46), the graduation rate was 96%. OCS's graduation rate for students with disabilities (SWD) was 97%, and regularly exceeds both the citywide and local community school district (CSD3) SWD graduation rate. Over recent years, approximately 93% of the graduating students have enrolled in a 2-year or 4-year college or university.

OCS has proven to be a partnership-driven community school. It maintains a 10-year relationship with the Children's Aid-Carrera Program that provides students with a wide range of remarkable support services. This collaborative partnership helps youth overcome various social and economic barriers to fulfill their greatest potential. Services range from dental and mental health care to vision screenings and employment assistance, all at no cost to students or their families.

### **Remote Learning and School Reopening**

We have created extensive support systems for each of our students to ensure that we can keep them engaged and learning through these months of remote instruction.

We created our remote learning plan to allow the greatest flexibility, allowing us to be responsive to student needs and student engagement levels as they develop. The key elements are:

- Brief morning check-ins to take attendance, triggering outreach to any student who hasn't logged on.
- Teachers teach (5) synchronous hour long classes through Zoom on Mondays, Tuesdays, Thursdays and Fridays.
- ICT is provided during these classes with Breakout Rooms to provide small group differentiated instruction by teachers and service providers.
- Wednesday is our W.I.N. (Whatever I Need) Day. Students receive targeted small group instruction will be implemented to address the "COVID slide".
- Teachers during weekly grade team meetings will create a list of students for small group target instruction based on data collected during the week.

For additional support, we have trained members of our staff to serve as **Mentors**, dedicated to reaching out to families to discuss academic progress, using a tiered system of student engagement to determine how many calls per week each family needs. Many students are excelling as a result of our Mentor outreach system. Parents of students who have had struggles in the past are amazed to see their students thriving in the remote setting.

We've also created a **School Culture Team** to help monitor student attendance and ensure students aren't missing instruction. School Culture Team members attend each live Zoom class to check attendance, and

reach out to the family of any student not in attendance, using the same tiered system that the mentors use to determine the level of engagement.

OCS hosted a **Back to School night** to give families the opportunity to hear from all of their child's teachers, learn about the technology used in classrooms and hear about all of the exciting things taking place from day to day.

We have continued to provide extensive speech therapy, occupational therapy, and counseling services to our students, with frequent sessions:

- 189 Counseling Sessions a week
- 276 Speech Sessions a week
- 43 Occupational Therapy Sessions a week

Over the summer, our team reviewed the data we had collected from March through June of 2020 when the school moved to a virtual platform, and we used this information to tailor our program to best meet the needs of our students. We implemented the following programmatic changes in September 2020 and will continue as long as students are learning remotely:

- Students receive synchronous live instruction every period for a minimum of 45 minutes;
- Time once a week to provide small-group targeted instruction;
- Time once a week for teacher open office hours to provide individualized support;
- Each student is paired with a mentor for attendance, and a separate mentor for instruction and participation who call them daily to check in;
- School start time was pushed from 8:00 a.m. to 8:50 a.m. to increase attendance during first period;
- 8:50 a.m. to 9:00 a.m. is a scheduled check-in time, which allows classes to begin promptly at 9:00 a.m. and provides mentors with a list of students who need to be contacted.

Keeping every member of our OCS community safe is the number one priority. No decision has been made yet on in-person learning. We will continue to re-evaluate our approach and be flexible in response to our students' unique needs as remote learning continues, and as we look towards safely reopening our classrooms in the future. Our administration and board are closely monitoring city actions and results related to COVID, specifically the most recent school closures in Brooklyn and Queens due to elevated infection rates. OCS will re-evaluate our plan to return to the building on a monthly basis. OCS engaged the advisory services of Mount Sinai Business Health Services in the development of our Health and Safety plan.

OCS's educational philosophy is built upon the premise that students with learning disabilities deserve the satisfaction that comes with meeting and exceeding rigorous standards for personal and academic success. This remains unchanged in our new, remote learning environment.

We look forward to working with you to help schools support students of all ability levels through remote learning engagement.

Thank you.

Leonard Goldberg  
Founder, Opportunity Charter School (OCS)

**CEC 24 Resolution No. 139**

**October 13, 2020**

- Whereas, the Covid-19 Epidemic has taken a multitude of lives of those living and working within District #24;
- Whereas, the Covid-19 Epidemic has disproportionately disturbed the health, well-being and education of students in District #24;
- Whereas, Mayor de Blasio has already twice delayed the opening of Schools, creating hurdles for District #24 families to plan daily work and education schedules;
- Whereas, Mayor de Blasio and Chancellor Carranza have been less-than-transparent in disclosing the thousands of unfilled teacher positions needed to meet the demand of schools as projected in their plans;
- Whereas, Mayor de Blasio and Chancellor Carranza have still not properly staffed New York City Public schools with the sufficient number of teachers and staff to safely meet the educational, psychological and physical needs of our students;
- Whereas, Mayor de Blasio and Chancellor Carranza have provided school leaders with late, inadequate, and inconsistent guidance throughout the pandemic, often creating situations where school leaders learn of policy through the press or their teaching staff, and often creating situations where school leaders must make decisions in the absence of guidance and then reverse those decisions and alter plans when guidance is finally released;<sup>1</sup>
- Whereas, numerous high-ranking officials at the Department of Education resigned within weeks and days of the planned opening(s);
- Whereas, the Department of Education did not implement a system-wide training of teachers and staff in remote learning through the summer;
- Whereas, the Department of Education and the City of New York have been slow at offering translations of Delays in Opening and Programming Models chosen by individual schools into other languages;
- Whereas, the Department of Education and the City of New York have not properly coordinated, managed, and communicated the locations for meal distribution to remote-learning students, blended-remote students on their days not at school, and individuals in need of food;
- Whereas, the Department of Education and the City of New York have not legally fulfilled the mandated service requirements for students who have special educational, physical, and emotional needs.

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<sup>1</sup> The Council of School Supervisors and Administrators, No Confidence Vote For Mayor de Blasio and Chancellor Carranza, September 27<sup>th</sup> 2020

- Whereas, the Department of Education and the City of New York have not adequately supplied all of the students in District #24 with the proper technological hardware nor connectivity to achieve an adequate education, this is especially true in various hotels within our District serving the homeless;
- Whereas, the Department of Education and the City of New York has already shut down a school within our District due to the spread of Covid-19;
- Whereas, the Department of Education has not delivered on their own goal of providing live instruction to all remote-learning students and blended-remote students;
- Whereas, the Department of Education has not yet issued a Grading Policy for the 2020-2021 academic year;
- Whereas, the Department of Education has not yet issued a timeline for administering the Specialized High School Admissions Test;
- Whereas, the Department of Education has not yet issued a timeline nor showed any continued interest in administering the Gifted and Talented Exam;
- Whereas, the Department of Education has not yet issued any decisions on screened school admissions for the 2020-2021 academic year;

THEREFORE, BE IT RESOLVED that New York City Schools must provide an equitable distribution of teachers so that every school has the proper staffing for Live and Remote instruction.

BE IT FURTHER RESOLVED that the NYC Department of Education must provide full transparency and timely, effective communication of all DOE policies, especially of those in response to COVID-19.

BE IT FURTHER RESOLVED, that Community Education Council #24 expresses no confidence in Mayor de Blasio and Chancellor Carranza due to their repeated failures of policy, implementation and communication throughout the COVID-19 emergency.

CEC24 Members Voted and Approved at the CEC Meeting on October 13, 2020.



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TESTIMONY  
BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEE ON EDUCATION JOINTLY WITH  
THE COMMITTEE ON HEALTH  
OCTOBER 16, 2020

My name is Lisa Caswell and I am the Senior Policy Analyst for the Day Care Council of New York. We would like to take this opportunity to again thank the City Council for its strong voice in last year's battle for salary parity. It has been a silver lining throughout the pandemic, giving Day Care Council members much needed strength to support thousands of children and families in crisis. We would also like to acknowledge the Mayor's continuing commitment to funding the system as it transits through different learning models. Finally, we would like to acknowledge the quality of administrative oversight being provided by the Department of Education's (DOE) Division of Early Education. Their guidance reflects high levels of interdepartmental collaboration, making it possible for our members to access resources and maintain critical safety standards in a constantly shifting environment.

In recent weeks we have witnessed the targeted and immediate response to a child's positive COVID-19 test result in one of our member agency's centers. With safety measures and protocols firmly in place, our members have increased confidence in their ability to manage risk. This does not mean that our members are not facing hiring challenges as they manage employee grant requests for medical accommodation. Day Care Council members are also facing a backlog in comprehensive background check clearances which may take months to resolve at a time when we need to increase the number of staff to lower class size.

Additionally, some members are losing children as parents return to full-time work outside the home because their site does not have the available space or staff to offer five full days of supervised learning to all families that want it. Even child care programs that have agreed to run full day on-site Learning Bridges programs cannot refer their children to these programs because the seats are reserved for children attending UPK in public schools. This issue is impacting enrollment now and we expect that it will become a serious impediment for parents going forward.

Fortunately, the DOE has assured child care providers that their funding will remain stable throughout the City's recovery process, despite fluctuations in enrollment.

Finally, as members of the Steering Committee for the Campaign for Children, we have been advocating for a more substantial role on behalf of child care and youth service systems. Our expertise in human services and education should put us at the center of decision making. Instead, we are often brought together for our initial input but are not consulted again until new initiatives are announced. A clear example is the closing of the Regional Enrichment Centers (RECs). This vital service was eliminated in anticipation of schools reopening and was replaced with Learning Bridges. We must be fully engaged in the entire process including program development, process, and implementation. This will be particularly important if we need to manage limited funding going forward.

Thank you for your time. We greatly appreciate your long-standing support of the City's early childhood education system and welcome all opportunities for continuing collaboration.

# Safe Clean Air Conditions For Re- Opening Schools

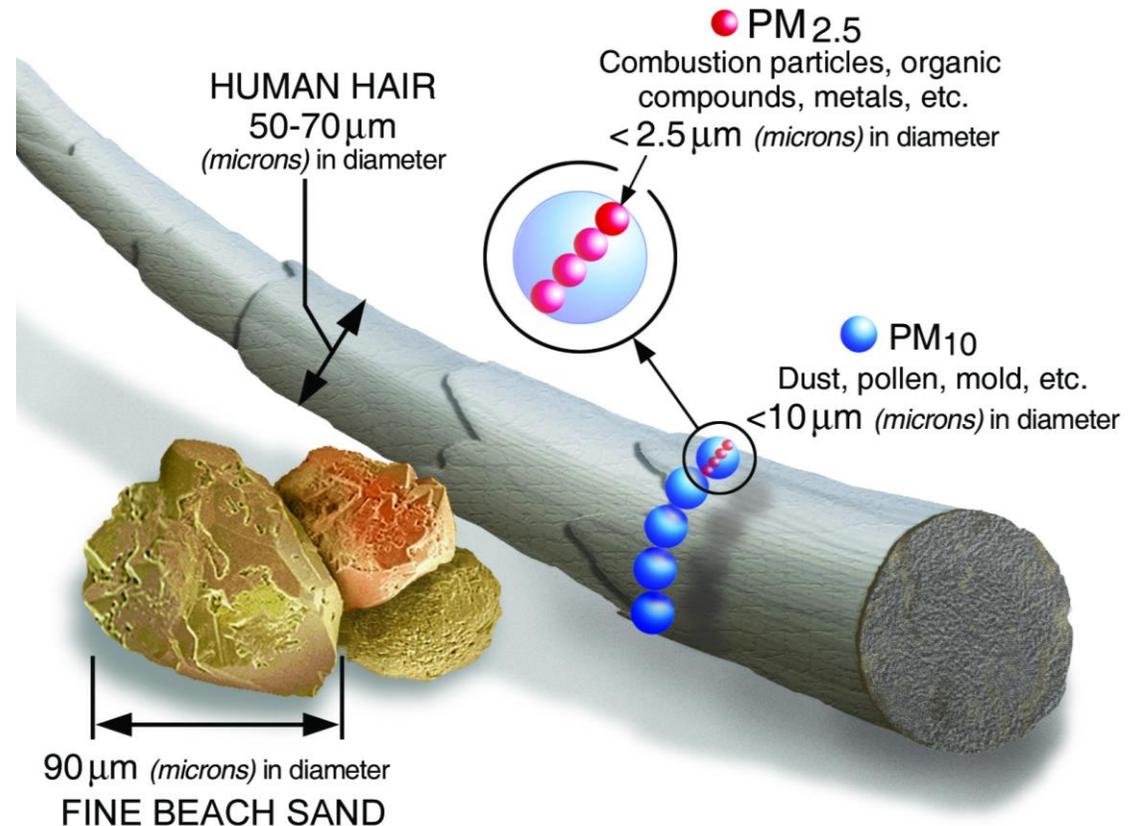
Presented by EduAir

# Understanding Virus Airborne Spread

- As students and teachers breathe, speak, and cough, they release tiny particles called aerosols which can contain the virus
- Over time, without proper filtration or airflow, these aerosol clouds build up in the space
- Factors for contagion in the space include:
  - # of infected individuals
  - # of susceptible individuals
  - Individual breathing and speaking rates (*more/louder speech is known to release more aerosol*)
  - Exposure time
  - Size of the space
  - Clean Air Delivery Rates (*how often the air in the space is being filtered or replaced with fresh air*)

# How big is the virus or aerosols?

- We use a method called “micron size” to measure exceptionally small items
- As you can see, a human hair is 50-70 microns in diameter
- Humans can only see items that are 40 microns or larger
- Airborne aerosols range in size between 0.5 and 10 microns
- The corona virus itself is only 0.1 microns in size



# Can the virus be filtered?

- Yes, HEPA filters are exceptionally good at filtering out very small particles from the air (true HEPA filters start at 99.97% @ 0.3 microns)
- While the virus is only 0.1 micron in size, it must live inside an aerosol to live and remain airborne
- HEPA filter efficiencies are rated at 0.3 micron
- Because 0.3 micron is the most difficult particle size to filter
- HEPA filters are excellent at capturing particles 0.1 microns in size!
- To find out why, read: The science behind 0.3 microns and Brownian motion as explained by NASA ...  
<https://ntrs.nasa.gov/citations/20170005166>

# Other filtration technologies

- **UV Lights / UV-C Germicidal:** UV lights are great for sterilizing surgical tools and other surfaces where a long exposure times are possible. This is difficult to do in air filtration where particles are moving fast. This can be achieved by air cleaners that are willing to slow down the airflow for increased exposure time. But slowing down the air sacrifices air changes so that the contaminated air is lingering in the room longer. UV lights are also known to produce very harmful ozone by-products when not used properly. Be sure to check for certifications when using these technologies.
- **PCO, Bi-Polar Ionization, Ion Generation:** All of these technologies seem promising but are far too new for proper studies. Some have shown to produce harmful by-products in earlier stages of their development and long term exposure effects are unknown.

# Air filtration alternatives

- **Opening a window:** Simply opening a window does nothing to move all the harmful air out of the space and replace it with clean/fresh air. Some form of air moving equipment would be required and there is no certainty that all of the contaminated air in that space gets replaced. Additionally, this method exhausts valuable temperature-controlled air resulting in very expensive heating and cooling bills.
- **Exhausting air outside:** Exhausting the air from the room without having a make-up air system to supply sufficient fresh air creates a negative pressure zone which is unpleasant to be in. You've likely felt this when your ears pop or other pressure is felt in your ears. Additionally, this method exhausts valuable temperature-controlled air resulting in very expensive heating and cooling bills.
- **HVAC Units:** A central HVAC unit is designed for temperature control. The filters in the unit are specifically designed to keep the fan, coils and controls clean, they are not designed for air filtration. While you may upgrade your HVAC unit to produce more air changes and include HEPA filtration, this is a major and expensive overall to the system. The fan needs to be upgraded to handle the additional load of the efficient filters and the system has to be designed with system balance in mind, etc.

# Recommendations for schools

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- Harvard put out guidelines for re-opening schools safely:  
<https://schools.forhealth.org/wp-content/uploads/sites/19/2020/06/Harvard-Healthy-Buildings-Program-Schools-For-Health-Reopening-Covid19-June2020.pdf>

## Supplement with portable air cleaners

- Supplement with air cleaning devices
- Select portable air cleaners with HEPA filters
- Size devices carefully based on the size of the room

Portable air cleaners with high-efficiency particulate air (HEPA) filters may be useful to reduce exposures to airborne droplets and aerosols emitted from infectious individuals in buildings. Portable air cleaners are typically most effective in smaller spaces, and care must be taken when choosing a device to ensure it is the correct size for the room where it will be used. One metric to consider is the clean air delivery rate (CADR). The CADR reflects both the amount of air that a unit can process per unit time and the particle removal efficiency of the filter. A helpful rule of thumb is that for every 250 square feet of space, a CADR of about 100 cfm is desirable. CADR is not the only factor to consider. Portable air cleaners vary in their ability to circulate air in the room, so not all devices with the same CADR rating are equivalent. Devices that provide better mixing of the indoor air can capture particles from more of the room's airspace and are therefore preferred. Because potential viral sources could be in various locations within a room, it may be beneficial to have several units that meet the target CADR values rather than a single larger unit. In larger spaces, industrial-sized supplemental ventilation and filtration units are available and should be considered. Furthermore, room airflow patterns and the distribution of people in the room should be considered when deciding on air cleaner placement that maximizes source control and prevents airflow from crossing people. Since air cleaners should be operated while people are present, it may be important to compare different models to find one that does not generate disruptive noise.

# Introducing the EduAir CL400 Portable

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- Designed for classroom use
- Whisper Quiet
- 4-stage filtration with 99.97% HEPA
- Easily Portable
- 400 CFM with 360° Filtration
- Meets Harvard suggested guidelines
- [Learn More ...](#)



October 15, 2020

Good Morning Council Members,

First, thank you for your time and opportunity to share my testimony and my concern on school reopening procedures.

My particular concern is air quality and how it is imperative to achieve a safe learning and working environment. During such a concerning time, we as a nation, society, as families, as parents are facing life altering experiences and forcing us to make difficult decisions for the sake of our family's best interest. My family's best interest in terms of schooling, is for my daughter to attend school full time because that is where she thrives. My daughter, Brooklyn is such a bright, happy, inquisitive child with speech delays and sensory challenges. I am avidly working with the Dept. of Ed CPSE administrators, speech therapist and her school to provide the best resources and developmental techniques to help her excel in her educational development. Aside from her learning challenges, she has also been diagnosed with Asthma.

As you can imagine, Brooklyn needs not only her family, but also her school family to be healthy and passionate about their work; however, they must do that in a safe environment. I am a true believer that air quality can drastically change someone's life. It has been proven in my own home with Brooklyn's asthma. Brooklyn was constantly on a nebulizer or in the ER due to her breathing difficulties, especially during colder months. That is terrifying for any parent to experience and you feel helpless for your child. Desperate, I began reading articles about air quality and how air purifiers can be a great help to reduce asthma attacks. I purchased an air purifier for her room and in weeks her breathing was drastically better. Now, in my home I have an air purifier in each room and common area. Thankfully, she has not had an asthma attack in over a year. Air purification as a preventative measure has proven to elevate Brooklyn's quality of life and allows our attention and energy to be focused on creating positive experiences.

The Dept of Health and the CDC has published in their School Building Ventilation Survey stating, "A room requires at least one functioning method of ventilation to be cleared for occupancy. This could be a window that opens, a type of mechanical ventilation (exhaust fan, supply fan, unit ventilator) or a combination of both." This suggestion is concerning because it truly does not do enough for moving clean air into the classrooms. The objective for a safe environment is also to breathe in healthy air. First, all buildings are not created the same. My daughters' school, Tompkins Children's Center located in Bedford Stuyvesant, is housed in a NYCHA Building. The windows at her center to open pull in, they do not pull up. Windows that push in or push out constrict air flow. Therefore, opening one window would not be enough and opening all windows will still not be enough due to the style of the windows. Applying a combination of suggested options would cause air to circulate; however, without purifying the air, the air is just being pushed around. Without air purification, if someone were to be infected and not showing signs of COVID, they could be exhaling the bacteria and a supply fan or

exhaust fan or a unit ventilator, would be pushing around the same compromised air. Not to mention, if windows are left open in colder months, heating the premises would be countered with the cold air, adding to the overall issue of providing a safe and healthy school environment.

I have inquired with an air purification company named EduAir, and they have worked with educational institutions for over 40 years providing air purification solutions. I have voiced my concern with them, and they truly empathize with what is going on and how the lack of air purification in many institutions can make the pandemic worse especially in colder months. They have provided me with additional information with the science behind true air quality and how air purification products can assist with air quality. I would like to share with the council EduAir's informational brochure for your consideration on the air quality issue.

To end, I will mention what we all know and sometimes prefer to not hear... Living and learning in a disenfranchised community, historically we are forgotten or a second thought. Born and raised in Williamsburg and in Bedford Stuyvesant Brooklyn, I have seen it firsthand as a child and now as a parent. I want more for my child, I want a better educational experience for my daughter and all her peers. They deserve it and they are our future leaders, just like you are our current leaders. We are responsible for helping them achieve amazing strides and feats in their lives. We are here to encourage and guide them to be better for their children and their future. We need to get this right for the sake of all our lives especially for the future generations. Great air quality especially in schools should be a given right and constantly considered. Without clean air, nothing else matters. Clean air equals, life!

Thank you again for your time.

Respectfully,

On behalf of Brooklyn



Her mom,

Caliz E. Diaz



Chinese-American Planning Council, Inc.  
Testimony at the New York City Council

**Health and Education Joint Committee Hearing on NYC Schools Reopening Oversight  
Honorable Mark Levine and Mark Treyger, Chairs  
October 16, 2020**

Thank you Chair Levine, Chair Treyger, and the Members of the City Council for the opportunity to testify today. The mission of the Chinese-American Planning Council, Inc. (CPC) is to promote social and economic empowerment of Chinese American, immigrant, and low-income communities. CPC was founded in 1965 as a grassroots, community based- organization in response to the end of the Chinese Exclusion years and the passing of the Immigration Reform Act of 1965. Our services have expanded since our founding to include three key program areas: education, family support, and community and economic empowerment.

CPC is the largest Asian American social service organization in the U.S., providing vital resources to more than 60,000 people per year through more than 50 programs at over 30 sites across Manhattan, Brooklyn, and Queens. CPC employs over 700 staff whose comprehensive services are linguistically accessible, culturally sensitive, and highly effective in reaching low-income and immigrant individuals and families. With the firm belief that social service can incite social change, CPC strives to empower our constituents as agents of social justice, with the overarching goal of advancing and transforming communities. To that end, we are grateful to testify about issues that impact the individuals and families we serve, and we are grateful to the Council for their leadership on these issues.

***CPC's testimony addresses the following concerns: Child Regression and Decrease in Quality of Programming, Community Based Support Capacity, Transparency and Accountability in Information Dissemination***

***Child Regression and Decrease in Quality of Programming***

CPC's Early Childhood and School Age Centers are critical safety nets for thousands of working-class, AAPI, and immigrant families. In addition to providing childcare for low-income families, CPC's Childhood Development Services (CDS) staff are instrumental in supporting the growth of children of color with disabilities. During COVID-19, when schools closed and services shifted to a remote setting, CPC's CDS staff continued to provide their services nonstop, and creatively integrated their programming onto an online format. However, the lack of support and funding from the city has led to a decrease in program quality, and resulted in childhood developmental regression.

The following anecdotal example of childhood regression is about a child with disabilities who enrolled in one of CPC's Childhood Centers when she was two years old. When she entered in the program, she was unable to speak any words. Through CPC's support, she was able to speak in coherent sentences at three years old. When COVID-19 hit and services shifted to remote, this child was unable to access their teletherapy sessions due to the language, digital, and financial barriers that her family encountered. Once CPC's Childhood Center reopened this fall, this child returned and was unable to speak in coherent sentences anymore. In six months, she had regressed two developmental years - back to speaking single word phrases.

Children with disabilities require services that are difficult to maintain through online systems due to the lack of equitable funding designated to support families who experience digital and linguistic barriers. These systemic inequities impact low-income children of color and children with disabilities the most, and immigrant-serving CBOs such as CPC end up taking on the mantle to support these children through interruptions to their cognitive development. **CPC demands for equitable investment in community-led Early Childhood services, the integration of intentional community outreach for families with digital and linguistic barriers, and provision of training on school reopening guidelines for community-based childhood centers to adequately support low-income immigrant families as NYC schools reopen.**

### ***Community Based Support Capacity***

Since COVID-19, CPC Childhood Centers continued to support families remotely without an increase in staff capacity. CPC staff provide synchronized blended lessons to accommodate for children learning remotely. However, in order to follow social distancing guidelines, staff separate the children at the site physically - which makes it hard to maintain engagement and interaction with young children. Without proper guidance and support from the city to increase CPC's capacity, CPC staff have to make decisions as to whether to properly adhere to social distancing guidelines or sacrifice the critical social engagement period for healthy childhood development. With only a decrease in license capacity 5%-10% overall, there is no guarantee that children can safely social distance, leaving many families hesitant about bringing their children back to school.

During COVID-19, AAPI unemployment claims have increased by 6900% in comparison to last year. Lines for free meal distribution events wrap around the block, and CPC staff have supported thousands of families navigate through different relief programs provided by City, State, and Federal level governments. At CPC's Early Childhood sites, without an increase in funding from the City, any increase in meal distribution comes out of the individual site's program budget. Whether or not a child gets fed should not depend on an individual organization and agency's own resources. **Therefore, CPC demands investments in expanding NYC school and decreasing CBO license capacity during this critical time, as well as necessary Personal Protective Equipment (PPE) and trainings provided to all staff.**

### ***Transparency and Accountability in Information Dissemination***

COVID-19 has exacerbated systemic injustices and has left many of our low-income and immigrant families without adequate resources to navigate unemployment and surface-level relief packages. CPC staff remain on the frontlines of the essential workforce, and have prepared and adapted to the ever-shifting policies throughout the past six months. However, critical information is still getting lost through the cracks, and CBOs such as CPC are left out of crucial communication around school reopening guidelines.

In early July, DOE issued a survey for families to opt into blended or remote learning with very little details around the logistics behind the blended and remote formats. In mid-September, the DOE sent out a bulletin mentioning that there is no funding allocated for blended and remote learning, leaving CBOs and families with no time to respond. Not only are updates around COVID-19 not reaching CBOs in a timely manner, but there is also no transparency regarding current allocated funds and what they are designated for. The DOE finally explained that they have no control since they request for blended learning through a state waiver. Unfortunately, when CPC learns the information, they are providing to us



on the spot. As a result, CPC staff do not have proper guidelines and cannot respond efficiently to the families we serve, increasing the risks of COVID-19 exposure in our programs. Working-class immigrant families face the impossible decision of whether or not they can risk their livelihoods to put their children in school. These families have to bring their children into in-person centers because they cannot afford childcare or extra support programs for their child.

During the COVID-19 pandemic, DOE allowed for working-class families to apply online for devices with internet capabilities. However, this online application is no longer valid, and no information around this process was given to CBOs and Early Childhood centers. Whether or not a child receives a learning device depends on an individual school's budget, which disproportionately harms low-income communities of color residing in working-class neighborhoods. CPC has not been able to help families navigate through the digital barrier, and many students have fallen behind in their studies as a result.

**With all of the above in mind, CPC strongly demands for transparency and accountability in disseminating COVID-19 related guidelines to community run childhood centers and NYC schools in working-class neighborhoods.**

### ***Closing***

Early Childhood centers and schools are critical social safety nets that cannot afford to be jeopardized by the COVID-19 pandemic. The city needs to prioritize investing in working-class communities of color and community-led efforts of recovery in order for NYC to be able to fully recover from COVID-19. All of these recommendations are only the beginning in providing the care our community members deserve. CPC appreciates the opportunity to testify on these issues that so greatly impact the communities we serve, and look forward to working with you on them.

If you have any questions, please contact Mary Cheng at [mcheng@cpc-nyc.org](mailto:mcheng@cpc-nyc.org)



Chinese-American Planning Council, Inc.  
Testimony at the New York City Council

**Health and Education Joint Committee Hearing on NYC Schools Reopening Oversight  
Honorable Mark Levine and Mark Treyger, Chairs  
September 29th, 2020**

Thank you Chair Levine, Chair Treyger, and the Members of the City Council for the opportunity to testify today. The mission of the Chinese-American Planning Council, Inc. (CPC) is to promote social and economic empowerment of Chinese American, immigrant, and low-income communities. CPC was founded in 1965 as a grassroots, community based- organization in response to the end of the Chinese Exclusion years and the passing of the Immigration Reform Act of 1965. Our services have expanded since our founding to include three key program areas: education, family support, and community and economic empowerment.

CPC is the largest Asian American social service organization in the U.S., providing vital resources to more than 60,000 people per year through more than 50 programs at over 30 sites across Manhattan, Brooklyn, and Queens. CPC employs over 700 staff whose comprehensive services are linguistically accessible, culturally sensitive, and highly effective in reaching low-income and immigrant individuals and families. With the firm belief that social service can incite social change, CPC strives to empower our constituents as agents of social justice, with the overarching goal of advancing and transforming communities. To that end, we are grateful to testify about issues that impact the individuals and families we serve, and we are grateful to the Council for their leadership on these issues.

***CPC's testimony addresses the following concerns: Child Regression and Decrease in Quality of Programming, Community Based Support Capacity, Transparency and Accountability in Information Dissemination***

***Child Regression and Decrease in Quality of Programming***

CPC's Early Childhood and School Age Centers are critical safety nets for thousands of working-class, AAPI, and immigrant families. In addition to providing childcare for low-income families, CPC's Childhood Development Services (CDS) staff are instrumental in supporting the growth of children of color with disabilities. During COVID-19, when schools closed and services shifted to a remote setting, CPC's CDS staff continued to provide their services nonstop, and creatively integrated their programming onto an online format. However, the lack of support and funding from the city has led to a decrease in program quality, and resulted in childhood developmental regression.

The following anecdotal example of childhood regression is about a child with disabilities who enrolled in one of CPC's Childhood Centers when she was two years old. When she entered in the program, she was unable to speak any words. Through CPC's support, she was able to speak in coherent sentences at three years old. When COVID-19 hit and services shifted to remote, this child was unable to access their teletherapy sessions due to the language, digital, and financial barriers that her family encountered. Once CPC's Childhood Center reopened this fall, this child returned and was unable to speak in coherent sentences anymore. In six months, she had regressed two developmental years - back to speaking single word phrases.



Children with disabilities require services that are difficult to maintain through online systems due to the lack of equitable funding designated to support families who experience digital and linguistic barriers. These systemic inequities impact low-income children of color and children with disabilities the most, and immigrant-serving CBOs such as CPC end up taking on the mantle to support these children through interruptions to their cognitive development. **CPC demands for equitable investment in community-led Early Childhood services, the integration of intentional community outreach for families with digital and linguistic barriers, and provision of training on school reopening guidelines for community-based childhood centers to adequately support low-income immigrant families as NYC schools reopen.**

### ***Community Based Support Capacity***

Since COVID-19, CPC Childhood Centers continued to support families remotely without an increase in staff capacity. CPC staff provide synchronized blended lessons to accommodate for children learning remotely. However, in order to follow social distancing guidelines, staff separate the children at the site physically - which makes it hard to maintain engagement and interaction with young children. Without proper guidance and support from the city to increase CPC's capacity, CPC staff have to make decisions as to whether to properly adhere to social distancing guidelines or sacrifice the critical social engagement period for healthy childhood development. Without the increase in classroom capacity as well, there is no guarantee that children can safely social distance, leaving many families hesitant about bringing their children back to school.

During COVID-19, AAPI unemployment claims have increased by 6900% in comparison to last year. Lines for free meal distribution events wrap around the block, and CPC staff have supported thousands of families navigate through different relief programs provided by City, State, and Federal level governments. At CPC's Early Childhood sites, without an increase in funding from the City, any increase in meal distribution comes out of the individual site's program budget. Whether or not a child gets fed should not depend on an individual organization and agency's own resources. **Therefore, CPC demands investments in expanding NYC school and CBO capacity during this critical time, as well as necessary Personal Protective Equipment (PPE) and trainings provided to all staff.**

### ***Transparency and Accountability in Information Dissemination***

COVID-19 has exacerbated systemic injustices and has left many of our low-income and immigrant families without adequate resources to navigate unemployment and surface-level relief packages. CPC staff remain on the frontlines of the essential workforce, and have prepared and adapted to the ever-shifting policies throughout the past six months. However, critical information is still getting lost through the cracks, and CBOs such as CPC are left out of crucial communication around school reopening guidelines.

In early July, DOE issued a survey for families to opt into blended or remote learning with very little details around the logistics behind the blended and remote formats. Two weeks ago, in mid-September, the DOE sent out a bulletin mentioning that there is no funding allocated for blended and remote learning, leaving CBOs and families with no time to respond. Not only are updates around COVID-19 not reaching CBOs in a timely manner, but there is also no transparency regarding current allocated funds and what they are designated for. The DOE offers no response to CPC's responses for questions, and coordinators that do answer CPC learn the information they are providing to us on the spot. As a result, CPC staff do not have proper guidelines and cannot respond efficiently to the families we serve, increasing the risks of



COVID-19 exposure in our programs. Working-class immigrant families face the impossible decision of whether or not they can risk their livelihoods to put their children in school. These families have to bring their children into in-person centers because they cannot afford childcare or extra support programs for their child.

During the COVID-19 pandemic, DOE allowed for working-class families to apply online for devices with internet capabilities. However, this online application is no longer valid, and no information around this process was given to CBOs and Early Childhood centers. Whether or not a child receives a learning device depends on an individual school's budget, which disproportionately harms low-income communities of color residing in working-class neighborhoods. CPC has not been able to help families navigate through the digital barrier, and many students have fallen behind in their studies as a result.

**With all of the above in mind, CPC strongly demands for transparency and accountability in disseminating COVID-19 related guidelines to community run childhood centers and NYC schools in working-class neighborhoods.**

### ***Closing***

Early Childhood centers and schools are critical social safety nets that cannot afford to be jeopardized by the COVID-19 pandemic. The city needs to prioritize investing in working-class communities of color and community-led efforts of recovery in order for NYC to be able to fully recover from COVID-19. All of these recommendations are only the beginning in providing the care our community members deserve. CPC appreciates the opportunity to testify on these issues that so greatly impact the communities we serve, and look forward to working with you on them.

If you have any questions, please contact Mary Cheng at [mcheng@cpc-nyc.org](mailto:mcheng@cpc-nyc.org)

**Hi, my name is Skai Straight. I am 12 years old and currently attend the Bedford Stuyvesant New Beginnings Charter School. My mom, Ms.Lee, works in the school as a first grade teacher.**

**In March, I thought that it would be another regular normal month of school but I totally thought wrong. My mom informed me that school was going to be close for the rest of the year until September 8th. I was extremely upset because I felt like I would not see my friends again. During March, it was really boring. I do most of my socializing in school. Being home I had no friends to entertain me or teachers to help me. I was also new to using the remote school platforms for online school like google classroom, google meets, google hangouts, etcetera. It took me a few days to actually learn how to work it out.**

**Online classes were very overwhelming because I had to keep up with doing my work, turning in assignments on time, plus getting into classes on time. I kind of felt like the whole school was on my back. Not a good feeling!**

**In September, I was back in the building. After online school it was very different. We had to be stuck in a classroom for about 8 hours. Plus we have to properly socially distance and keep our mask on all day. Some of the things I was looking forward to doing this year, I can't even do because of the whole new school policy and COVID - 19. My school has made changes to help me feel safe by adding hand washing stations in the hallways and adding hands free water dispensers in place of the water fountains.**

**Thank you for listening to my testimony and allowing me to share my experience with my school re opening.**



**The New York City Council Committee on Education and Committee on Health  
Honorable Mark Treyger, Chair  
Honorable Mark Levine, Chair**

**Reopening NYC Public Schools: Health and Safety  
October 16th 2020**

**Testimony of the New York Immigration Coalition**

Good afternoon and thank you Chair Treyger, Chair Levine and members of the New York City Council Committee on Education and Committee on Health for this opportunity to testify. My name is Andrea Ortiz and I am the Manager of Education Policy for K-12 at the New York Immigration Coalition (NYIC). The NYIC is an advocacy and policy umbrella organization for more than 200 multi-ethnic, multi-racial, and multi-sector groups across the state working with immigrants and refugees.

We deeply appreciate City Council leaders' leadership during these unprecedented and devastating times. I want to especially thank Chair Treyger for his bold, tireless advocacy on behalf of all our public school families, educators and school staff. Our thanks also to Chair Levine for his work championing immigrant health issues, Access Health NYC, and the ongoing oversight the Council is providing on Test & Trace and throughout the COVID-19 pandemic. We also commend the Committee on Education and Public Advocate Jumaane Williams for introducing bill 2058, which would require the DOE to publicly report disaggregated data on remote and hybrid attendance, as well as 2104 requiring the DOE to provide yearly reports on metrics regarding remote learning during the COVID-19 pandemic. We are here to offer very strong support for these essential initiatives and to submit written testimony on behalf of our Education Collaborative about the dire need for publicly available subgroup data on student engagement and

**New York Immigration Coalition**

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achievement for Multilingual Learners/English Language Learners (MLLs/ELLs) and students with families with Limited English Proficiency (LEP).

**Recommendations:**

As we work to make blended and remote learning as effective as possible for all youth, we must actively work to address the undeniable damage it has already done. Only with real transparency of the DOE's engagement and achievement data throughout the pandemic will we be able to target reparations for the damages done to our immigrant communities. **Therefore, we recommend:**

- City Council must pass the introduced bills 2058 and 2104 requiring transparency of student engagement and other metrics.
- DOE and the city must publicly release disaggregated data on grades and engagement and attendance for the Spring and summer, and have periodic assessments of fall engagement and achievement data on a quarterly basis going forward broken down by subgroups.
- DOE and City Council should work together to implement the [Education Collaborative's communications plan](#) and add significant capacity and investments in Translation and Interpretation services to meet the extraordinary demand.
- DOE and City Council should work together to devise academic interventions for immigrant students and MLLs/ELLs with gaps in learning due to structural issues and track how they targeted those interventions for the students who were not engaged and were left behind.
- City Council should enthusiastically invest in Adult Literacy to address the multigenerational root causes of inequitable remote learning.

**Current Context:**



The NYIC's Education Collaborative convenes community leaders from across NYC's immigrant communities at the grassroots level, advocates, and practitioners. With over 30 years of experience reforming the state's educational system, we have a distinguished track record of improving English Language Learners' and immigrant students' access to resources and working with the DOE to address barriers immigrants face. Our member organizations specifically serve the needs of marginalized immigrant communities - including newly-arrived immigrants, low-income families, undocumented/mixed status families, and LEP youth and adults. Our Education Collaborative leaders are fierce champions for our kids and their families and are always striving to ensure our students get a shot at realizing their true potential.

Education policy in NYC has historically marginalized MLLs/ELLs, immigrant students, undocumented students, MLLs/ELLs with disabilities, and LEP families. We should be disturbed by the fact that even before the pandemic only one-third of MLLs/ELLs graduated on time compared to three-quarters of all students, despite the fact that MLLs/ELLs have the potential to outperform native-English-speaking peers if given the right support. More tellingly, more than one in four MLLs/ELLs students dropout of school; the worst dropout rate of any subgroup in the City. Additionally, even before the pandemic, LEP families struggled to receive timely communication and proper translation and interpretation services, from enrollment, to school-based communications, to special education and ELL services. The COVID-19 crisis has underscored and compounded the profound inequities already affecting immigrant families and MLLs/ELLs in our school system.

P-12 remote learning has not worked for so many immigrant families because parents haven't been able to access English, technology and systems navigation skills that are absolutely necessary to meaningfully engage in online learning. Although immigrant parents could obtain these critical skills through remote adult literacy classes, parents do not have adequate access to seats in these classes, nor internet-connected devices for this express purpose. Lack of access to critical adult literacy classes is a



longstanding problem<sup>1</sup>, but the impact of this problem has never been greater; it has done nothing less than render it impossible to educate many of our most vulnerable children during this pandemic. Thus, we have seen a disastrous collision of under-resourcing within our adult literacy system and the DOE's longtime inadequacies in effectively supporting MLLs/ELLs and engaging immigrant parents.

Finally forcing the DOE to publicly share disaggregated engagement and achievement data from the spring, summer and current school year and on an ongoing basis will be crucial for community leaders and advocates to better understand the extent of these problems. Moreover, transparency will help advocates be able to prioritize how we should address structural issues that our community members have shared with us since the beginning of the pandemic. The DOE must be transparent with the public about the major challenges in the DOE's approaches throughout the pandemic, which have inevitably contributed to lower engagement of MLLs/ELLs, students with LEP families, and MLLs/ELLs with Individualized Education Programs (IEPs).

### **Ongoing Issues:**

**Immigrants are not receiving critical information.** The NYC school system has long struggled to integrate immigrant families and help them engage in their children's education, largely due to breakdowns of communication and lack of access to translation and interpretation. The COVID-19 crisis has compounded these inequitable dynamics. Additionally, immigrant families that did not already have the

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<sup>1</sup> Currently, there are approximately 2.2 million adults in New York City who lack English language proficiency, a high school diploma or both, of which over 75% are immigrants. Yet public funding for adult literacy education is so limited that only 3% of these 2.2 million adults are able to access basic education, high school equivalency, or English language classes in any given year. Many of these adults are also parents of young children; statewide, there are over 411,000 parents of young children who are limited English proficient, many of those here in NYC. Many of these adults are the grocery store workers, delivery workers, and home care workers who have risked their lives to maintain their livelihoods and to care for us all. Others are the restaurant workers, salon workers, and domestic workers who have lost their jobs and incomes during this pandemic and face a harsh reality with no safety net.



technology and digital literacy to access online platforms have struggled to get in contact with their schools' teachers, counselors/mental health professionals, and administrators.

- Our members have shared that crucial information related to the DOE's response to COVID-19 is often only available online and/or shared only in English. Many of the families who are facing the most severe disconnect from their schools are also those who are most likely to have limited reading and digital literacy skills and/or lack access to use devices and stable WiFi for their children to participate in remote learning.
- Many immigrant families are still struggling to figure out how to get technology, including WiFi, how to set it up, and how to get troubleshooting support in their language. This issue has been exacerbated by the fact that the decentralization of the device distribution method was not communicated with many immigrant families until after many of the schools had already run out of their allotted supplies.
- Families report innumerable technological issues, (eg. malfunctioning DOE laptops, inconsistent or unavailable WiFi, low bandwidth, multiple children sharing devices, etc.).
- The device request form was only available online and the device hotline was only in English for months, which led to gaps for families who could not already access the internet and/or did not speak English.
- Despite the truly remarkable efforts of the DOE to deliver devices to families, many immigrant families had to wait up to 2 months for tablets or laptops, and some have received devices that are not WiFi enabled, resulting in a significant loss of instructional time. Additionally, families with broken devices are struggling to get support in their home languages and having to wait for weeks or months for resolutions to their problems.
- Families whose children are MLLs/ELLs and have IEPs are struggling to receive information on the mandated services in their home languages.



- DOE Central has decimated its budget to mail letters with critical information to families, making it even harder for families who lack digital literacy or access to technology. <sup>4</sup>
- Without getting accessible communication about the transition to blended learning, many LEP families were forced to make uninformed decisions. The DOE did finally act upon our recommendation to make individual calls to families, but these types of initiatives need to happen automatically and on a much broader scale.
- The lack of robust engagement with families in accessible forums has led the DOE to make policy decisions without input from immigrants.

**Immigrants have greater gaps in learning due to the abrupt shift to remote/hybrid learning and have not received additional supports.** Even though MLLs/ELLs and immigrant families have diverse needs and experiences, the group as a whole is entering the 2020–21 year having experienced an outsized academic “slide,” especially among immigrants who could not access distance learning this spring and who have limited resources at home. As such, the achievement gap between MLLs/ELLs is even wider than prior to COVID-19 and must be immediately, and urgently addressed.

- Immigrant families with Limited English Proficiency and low digital literacy have been struggling to support their children with school work.
- The lack of robust live instruction for MLLs/ELLs has limited students’ ability to practice their English speaking and reading skills.
- Our members reported to us that many immigrants never received information in their home languages about summer school placements, the summer school shift to iLearnNYC, the schedule for the fall remote orientation days and/or their school and bus schedules for the fall semester.
- It is very difficult to provide MLLs/ELLs and students with disabilities in remote learning the targeted and individualized support they need to meaningfully engage in school.<sup>2</sup>

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<sup>2</sup> We commend Chair Treyger for recognizing that MLLs/ELLs are disproportionately affected by remote learning in his reopening school proposal, which would have given priority to full time instruction for younger students and our most vulnerable students, including students with disabilities, temporary housing students, students in foster care, MLLs/ELLs, and students in unsafe home environments.



- Immigrant families have been hit very hard by COVID-19. Immigrant neighborhoods have seen so much of the death and illness that COVID has wrought upon New York City, and have therefore been less able to support the academic development of their children. This is especially difficult for families with young children who require additional support.

The New York Immigration Coalition thanks Chair Treyger and Chair Levine for this opportunity to testify. Immigrant families and their children are falling behind as our city races to respond to COVID-19 and its aftermath. We must ensure that our families are not left even further disadvantaged by a lack of support that will widen the gap of educational attainment.

Thank you again for the opportunity to testify.

*Submitted by:*

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