

December 11, 2020

The Honorable Noe Ortega  
Acting Secretary of Education  
Commonwealth of Pennsylvania  
Tenth Floor  
333 Market Street  
Harrisburg, PA 17126

The Honorable Rachel Levine  
Secretary of Health  
Commonwealth of Pennsylvania  
Eighth Floor West  
625 Forster Street  
Harrisburg, PA 17120

Dear Acting Secretary Ortega and Secretary Levine:

I write to urge you to take immediate action to clarify two elements of the Department of Education's guidance for school entities related to recommendations following identification of cases of COVID-19 in a school setting.

As you are aware, school entities in communities with substantial transmission of COVID-19 for two consecutive weeks are required to submit an attestation form and may not offer any in-person operations if they fail to attest to compliance with this guidance and with the Department of Health's order and associated guidance related to face coverings.

The issues outlined below have already caused significant confusion in some school entities, and PSEA is very concerned that they will threaten the health and safety of school staff, students, and their families if they are not corrected immediately.

First, the Department of Education's guidance related to its ***Recommendations for Pre-K to 12 Schools Following Identification of a Case(s) of COVID-19*** includes the following language:

***"\*If case investigations, contact tracing, and cleaning and disinfecting can be accomplished in a faster time frame, the length of closure time may be shortened."***

The guidance sets forth recommendations for cleaning, and, in some cases, closure of a school building for a certain period of time when there are a particular number of probable and confirmed COVID-19 cases in a school setting. However, we are aware of instances of school entities interpreting the language referenced above in a manner that circumvents the length of time these protocols should be followed and, in fact, attempts to avoid closure altogether.

In addition, there is no state oversight related to whether a school entity that does shorten the length of a school closure has met relevant case investigation, contact tracing, and cleaning and disinfecting requirements. Without clarification, school entities may rely on this language to dramatically shorten the periods of time they should remain closed or, in some cases, refuse to close.

The loophole that this guidance language creates is a threat to the health and safety of everyone who works and learns in public schools, and it must be corrected immediately.

Second, it has come to our attention that some school entities are resetting the case count of probable and confirmed cases of COVID-19 in the rolling 14-day period to zero after a building is cleaned following identification of a probable or confirmed case. However, these school entities are resetting their case counts without actually closing schools.

The Department of Education's FAQ concerning *Recommendations for Pre-K to 12 Schools Following Identification of a Case(s) of COVID-19* provides the following with regard to resetting the case count:

**“The case count resets after the period that the school building is *closed* consistent with the DOH/PDE guidance on recommended procedures following a case of COVID-19 in a school building. This closure allows time for case investigations, contact tracing, and cleaning and disinfecting to be accomplished prior to the building reopening. In other words, the rolling 14-day period restarts with the first new case – *after the school building reopens*.”** (emphasis added)

In short, there is nothing in the Department of Education's or Department of Health's guidance that permits the case count in the rolling 14-day period to be reset to zero in the absence of a school closure. It is imperative that the commonwealth make this clear to all school entities immediately.

The issues raised in this letter are further complicated by the lack of consistent, clearly communicated data by school building. To address this continuing problem, the Department of Education should require school entities to clearly and publicly post COVID-19-related information on their web pages. This information should include the number of active, confirmed, and presumptive positive COVID-19 cases by building in the current 14-day window. Prior to opening a school after a closure, school entities should also publicly post confirmation that cleaning, case investigation, and contact tracing have been completed as required.

As you well know, cases of COVID-19 have increased by orders of magnitude over the past few weeks. As a result, health care facilities and medical personnel have become strained to the breaking point. This is clearly not the time to allow school entities to circumvent the state guidance they have attested that they are following.

PSEA members want to teach and serve Pennsylvania's students. And, during this unprecedented pandemic, they have gone above and beyond in order to provide students the best possible

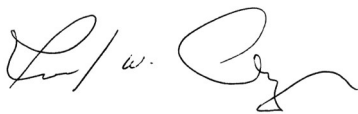
instruction. However, reducing health risks for educators, support professionals, students, and their families must always be our top priority.

That is why it is so critically important that every school entity follows state guidance to the letter, without exception. And that is why it is essential that the state guidance be absolutely clear and unambiguous.

The need to make these clarifications is urgent. I am calling on you to take immediate action to clarify these issues and ensure that all school entities are following state guidance to the letter. Keeping school staff, students, and their families safe during this increasingly dangerous time must be the top priority for state and school leaders. To achieve this, state guidance must be clear, and it must be enforced.

As always, thank you for your attention to this urgent matter. PSEA stands ready to provide whatever assistance we can as you work to correct these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Rich Askey". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Rich Askey  
President