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Senate Committee On Education

January 27, 2021

Support of K-12 School Reopening.

Good afternoon,

My name is Amy Zuckerman. I am the mother of two school-aged children in the Tigard-Tualatin School District. I've also become an advocate for reopening our schools safely, but urgently.

I'm a member of a Facebook group called Open TTSD Schools, a member of ED300. Together with our sister pages, we represent over 40k Oregon families, all seeking to safely reopen schools. We represent teachers, parents, and community members.

On December 21 the Oregon Legislature passed HB 4402 to "limit liability of school districts, union high schools, education service districts, public charter schools, private schools providing instruction to any grade from kindergarten through grade 12 and community colleges for certain claims arising during COVID-19 emergency period." According to the [OSBA's December 21 statement](#), "Oregon's House Bill 4402 says public and private schools cannot be held liable as long as they are following the state's and Oregon Health Authority's guidelines."

Two days later, Governor Brown released a directive to Directors Pat Allen (OHA) and Colt Gill (ODE) stating, "Effective January 1, 2021, Oregon's COVID-19 Health Metrics for Returning to In-Person Instruction will become advisory rather than mandatory. Moving forward, the decision to resume in-person instruction must be made locally, district by district, school by school. In addition to schools continuing to adhere to required health and safety protocols and working in close consultation with their local public health authority in understanding and considering the metrics, teachers, school staff, parents and students should be engaged in this decision-making process to allow schools to make the best choice for their community and their students."

While it is clear the legislature intended to create liability protections which would work in tandem with Governor Brown's directive to begin getting children back into brick and mortar classrooms beginning Feb 15, the situation on the ground remains confounding and chaotic. Districts seem to be interpreting the actual effect of the legislation differently. In a January 26 school board meeting, Tigard-Tualatin SD Superintendent Dr. Susan Rieke-Smith responded to parent requests for clarification thus:

“Districts received direct guidance from OSBA executive director Jim Green, who is also an attorney. We have had the current advisory metrics and RSSL vetted by our attorneys as well as there has been a request to the Dept of Justice to take a look at the way that might impact current liability law, and the guidance is this: if you are following the advisory metrics as to when you bring in certain grade levels and you stay within that guidance and the RSSL, then the limited liability is in force.

*Can districts choose not to follow the advisory metrics? Absolutely. They can. **At which point based on guidance from attorneys and the OSBA, you would be outside the limited liability protections of the law.**”*

Governor Brown’s December 23 letter also acknowledged what parents had long been crying, that “The long-term benefits of both heading off an emerging mental health crisis for our children and youth, and addressing the academic challenges that are becoming prevalent for far too many students in the absence of in-person learning, now far outweigh the short-term risk.”

While lawyers and legislators and other elected and appointed officials debate the fine print of this apparent liability gap, children continue to pay the price of our stalemate.

I will share a couple of personal anecdotes to highlight this point:

I spent six hours with my high school Freshman this weekend trying to pull him over the finish line so he won’t fail the first semester of his high school career. His Language Arts teacher and aid have been proactive in reaching out to me, which I greatly appreciate, but the entire experience highlights yet again how distance learning is NOT working for so many of our children and families. The last time I spoke with him about his missing assignments he broke down in tears. When the aid called me for the second time last week, I broke down in tears. The teacher evidently had been trying unsuccessfully to schedule a video visit during class, but my son had ignored the calls.

I came down pretty hard on him Thursday night and told him I needed him to meet with his teachers. When I texted him the following morning to remind him of this he replied, “I can’t. It’s too awkward and weird and uncomfortable. I can barely talk to you about my classes and you want me to talk to a random person I don’t like?” This spoke volumes coming from my stoic and emotionally reserved son.

In our district, due to concerns over equity, children are not required to enable their video screens during class. So teachers lecture into a void and students sit awkwardly at home as if on a conference call. The relationships between student and teacher that would be built and the casual interactions that would normally occur organically in the classroom to help keep kids on track now take on a level of unnatural intensity that is simply too much.

This weekend I experienced first hand what my son and other students experience every day: Links to Google Cloud docs embedded in assignments that won’t load in the Canvas digital learning platform; confusing and different methods for accessing actual assignments from class to class; an overwhelming volume of assignments that are pushed out in Canvas but not

discussed much in class. We made good progress, but honestly I think he was mostly relieved that I finally bore witness to hurdles he has been stumbling over all school year. It is worth noting and I fully recognize that in the big picture, my children have all of the advantages of a two-parent solid middle-class suburban home. Even that is not enough for my 14 year old son in this moment.

Not a day has gone by that I haven't worried about one of my son's teammates, whom no one has heard from since Oregon locked down and sports were canceled last Spring. This young man lives with two hearing-impaired parents (and sometimes a different relative in a nearby apartment complex), and has an older brother who has been in and out of jail. This boy's birth father was murdered in Mexico last winter. This boy is high risk, and without in person school and sports, he has been completely cut off from his larger support network of coaches, teammates and "team moms."

Now I ask you to answer honestly how the boy above is possibly supposed to navigate this learning environment with the cards he's been dealt when my son, who ticks off all of the desired success factors, is struggling to engage and pass?

I believe Governor Brown has received and heard this message loud and clear, as her December 23 directive demonstrated. I believe the legislature intended to help school districts clear logistical barriers by passing HB 4402.

But clearly loopholes remain, and if Governor Brown and this body are serious about getting kids in school, I urge you to clear these barriers in such a way that there is no room for misunderstanding or sidestepping.

Thank you for this opportunity to provide written testimony.

Sincerely,

Amy R Zuckerman

Tualatin, OR