

## US DOE releases new Title IX regulations

The U.S. Department of Education has adopted new Title IX regulations which will require some changes to policy and to employee training. MASC recommends that school districts contact local school attorneys to review the regulations, which may be found on the U.S. Department of Education's website. These regulations will become effective August 14, 2020. In the opinion of MASC General Counsel Stephen Finnegan "this short timeline is unrealistic, and MASC will review with the MA Department of Elementary and Secondary Education an accommodation to address a more realistic timeline." Nonetheless, until further notice the effective date will remain as above referenced. Many of the issues that resulted in the new regulations arose from the manner in which colleges implemented Title IX complaints.

### Notice of Sexual Harassment.

The regulations require a school district to respond when (1) the district has actual knowledge of sexual harassment; (2) that occurred within the school's own education program or activity; (3) against a person in the United States. Therefore, the regulation would hold a school liable under Title IX only when it is deliberately indifferent to known sexual harassment, meaning its response is clearly unreasonable in light of known circumstances. Furthermore, the regulations would require schools to investigate every formal complaint and to respond meaningfully to every known report of sexual harassment. The regulations would require due process

protections, including: a presumption of innocence throughout the grievance process, with the burden of proof on the school. A school district may facilitate an informal resolution such as mediation provided the complainant and the respondent consent. Informal resolutions are never available in situations where an employee is alleged to have sexually harassed a student. This information has been taken from the U.S. Department of Education website concerning the proposed Title IX Regulations. Key provisions of the Federal DOE Title IX regulation may be found by accessing the US DOE website:

<https://www2.ed.gov/about/offices/list/ocr/docs/titleix-summary.pdf>.

Late this past spring, MASC issued a revised Title IX Policy. We will review the MASC policy in light of the above referenced regulations. This summary is intended only to give you notice of the federal regulations, and is not a substitute for meaningful collaboration with your local counsel.

## New Member Orientation Sessions Scheduled for July/August

Charting the Course, MASC's new member orientation program that introduces newly elected members to critical aspects of their role as school leaders, will be held online over a two week period in late July-early August.

The six, 90 minute required sessions will each be presented twice in order to best accommodate members' schedules. Each session will have its own registration form on the MASC events page and attendees will receive a zoom invite on registering.

### THE SCHEDULE IS AS FOLLOWS:

#### Monday, July 27

5:30-7:00pm: Roles and Responsibilities  
7:30-9:00pm: SPED/Superintendent Evaluation

#### Tuesday, July 28

5:30-7:00pm: Open Meeting Law  
7:30-9:00pm: Ethics/Conflict of Interest

#### Thursday, July 30

5:30-7:00pm: Business and Finance  
7:30-9:00pm: Collective Bargaining

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## Reopening Schools in the Context of COVID: Health and Safety Guidelines from Other Countries

Late last month, the Learning Policy Institute released a report compiling preliminary information on the health and safety guidelines that are being implemented in five countries (China, Denmark, Norway, Singapore, and Taiwan) that recently reopened schools after having been closed due to the coronavirus pandemic.

Each of these countries has been successful, to date, in avoiding the spread of COVID-19 in schools, although the report notes that each have had different experiences from the United States in the extent of their testing and tracking of cases, which has

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## NATIONAL NEWS

### RESEARCHERS PROJECT SIGNIFICANT LOSS OF STUDENT PROGRESS

The average student could begin the next school year having lost as much as a third of their expected progress from the previous year in reading and half of their expected progress in math, according to a working paper from NWEA, a nonprofit organization, and scholars at Brown University and the University of Virginia.

A separate analysis from researchers at Brown and Harvard looked at how Zearn, an online math program, was used by 800,000 students both before and after schools closed in March. It found that through late April, student progress in math decreased by about half in classrooms located in low-income ZIP codes, by a third in classrooms in middle-income ZIP codes and not at all in classrooms in high-income ZIP codes.

When all of the impacts are taken into account, the average student could fall seven months behind academically, while black and Hispanic students could experience even greater learning losses, equivalent to 10 months for black children and nine months for Latinos, according to an analysis from McKinsey & Company, the consulting group.

There are several reasons low-income, black and Hispanic students appear to be suffering the most through the crisis. The Center on Reinventing Public Education will be releasing an analysis of the pandemic learning policies of 477 school districts. It found that only a fifth have required live teaching over video, and that wealthy school districts were twice as likely to provide such teaching as low-income districts.

Rural students have been especially cut off from their teachers. Only 27 percent of their districts required any instruction while schools were closed, according to the Center.

While almost every school has provided assignments for students to complete independently, that does not necessarily mean that teachers conducted remote lessons. Schools with many poor students sometimes chose to relax instructional expectations on teachers because they knew families did not have reliable access to home computers or internet connections able to stream video.

Administrators and teachers know they will need to catch students up in the fall, perhaps through reviewing skills and content that would have normally been covered this school year. But they face major hurdles and competing priorities. Preparing school buildings to meet new state and federal health guidelines – including smaller class sizes, temperature checks and increased access to sinks, soap, personal protective equipment and disinfectants – requires careful planning and money that many districts do not have as

school budgets have been severely cut in the wake of the economic crisis.

It is just as important to improve the quality of remote learning, given the likelihood that schools in many parts of the country will face continued intermittent closures to contain the virus, and that some parents will simply choose not to send their children to classrooms before a vaccine is available.

Students are also expected to need a greatly increased level of social and emotional support from counselors and therapists, in part because of the impact of spending months in social isolation, often while families experienced job loss, economic hardship and health distress.

## MA NEWS

### ECONOMIC RECOVERY WILL TAKE YEARS

According to the Massachusetts Taxpayers Foundation (MTF), the hopes for a sharp and immediate economic recovery in MA are no longer realistic, and instead is predicting a long and slow rebound that will strain state resources and delay a full recovery until 2025.

Late last week, the Beacon Hill watchdog followed up on a paper that downgraded its revenue estimates for the fiscal year that begins July 1 with a newly pessimistic outlook. The group said that following the economic downturns in Massachusetts in 2002 and the 2009 it took three years before tax revenues rebounded to their pre-recession levels. The new MTF paper said it is “reasonable” to assume it would take at least as long this time given how steep and widespread the slowdown has been.

“When the potential structural changes to key pillars of the economy are considered, it could take considerably longer for the state to recoup tax revenues lost from this pandemic,” the paper concludes. If tax revenues grew at six percent a year beginning in fiscal 2022, MTF said it would take until fiscal year 2025 for revenue to fully recover, assuming a drop in tax revenues of 20 percent or more in the near term. That rate of growth would also be one point higher than the average rate of growth over the past decade.

The report also said medical and economic experts are no longer predicting a “V” shaped recovery, which would indicate a sharp rebound back to pre-pandemic economic activity. The consensus now, MTF said, is that the recovery will like look more like a “U” or even and “L,” and if a second surge of the virus occurs in the fall there could be peaks and valleys like a “W.”

“To state the implications straightforwardly: the Commonwealth will have limited budgetary flexibility for the next several years as tax revenues slowly rebound, particularly if the demand for safety net services resulting from an ailing economy and an aging population drive up expenditures.”

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## Education Committee Co-Chair Alice Peisch Shares Concerns on Impact of Virus on Schools

On Thursday, May 28, MA Insight hosted an online conversation with Education Committee Co-Chair, Representative Alice Peisch, who shared her concerns about the educational and economic turmoil the Coronavirus pandemic has brought on.

Above all, Peisch noted, “the pandemic magnifies the equity problem we all knew existed: among districts, within districts, within schools. We are trying to navigate how to meet the challenges.”

Everyone, she acknowledged, is facing enormous pressures.

“Teachers. Parents. Administrators who are trying to build budgets not knowing what money is going to be available and to plan for re-opening not knowing what to plan for.”

“We are not going back to normal any time soon. If ever.”

At a Joint Education Committee hearing last month members heard first-hand about the staggering variation in district and family capacity to deliver and be successful with online learning, exacerbating pre-existing inequities.

There is an enormous discrepancy in technological capability, Peisch noted. “Some families can’t afford to be connected to the internet or the community, especially our more rural ones, not even hooked up. This is compounded by the challenge when adults at home are not able to assist their children with homework assignments, due to schedule, language or other barriers.”

Policymakers need to address these differences in quality and access and Peisch insists that the legislature will be focusing on how to remediate these inconsistencies as well.

“We need to focus on what is most important and that is ensuring that every child is engaged and connected. A tremendous amount of support is needed in some places. Good, strong teaching is that much more critical now. We need to ensure that teachers have the professional development tools and training they need to engage students

in a variety of virtual strategies. We also need to put some real muscle into diversifying our education workforce.”

Peisch acknowledged that by far the most challenging aspect in preparing for the school year ahead is trying to build budgets for scenarios no one has confronted before including planning for distance requirements, staffing, safety materials, teaching tools, and transportation.

And all this coming on top of the passage last year of the Student Opportunity Act (SOA), the first significant revision to school funding in 25 years, which was a victory for multiple stakeholders. Just a few months ago, communities were anticipating considerable new money for public schools.

Now that funding is in jeopardy.

Peisch says the state is currently projecting a \$6 billion (20%) loss in revenue, though noting that is more guess than estimate.

When the budget is finally released, she warned that even level funding would be a huge win.

“In the recession of 2008, education was largely held harmless with bailout dollars, but at a huge cost to health and human services. Twelve years later it is the same communities that are in desperate need of both. I don’t want to sugar coat

this: it is going to be difficult. On Beacon Hill, we will be looking at how we can continue the forward movement of the SOA, but I also believe that Washington needs to step in and help bail the states out of this. Reach out to your Congressional leaders and encourage them to support additional federal funds.”

When asked how school leaders can help legislators in order to help districts, Peisch didn’t hesitate.

“There is no playbook for this. No one has the answer for what is going to happen in September. There is no quick fix. What is needed is for all of us to collaborate. We all have the same goal of trying to help our kids recover emotionally and regain the learning they may have lost. We need to put past disagreements aside and resist the temptation to go back into our corners. Education is critical for our society going forward.

If we come together to solve these problems, I am confident that we can get through this.”

### YOUR SOURCE FOR NEWS AS IT HAPPENS

For daily updates on the status of school reopening, budget and Covid-19 related developments, check the MASC website at [www.masc.org](http://www.masc.org).

## Most Educators Want Schools to Stay Closed to Slow Spread of COVID-19

As school district leaders struggle to solve the complex equation of re-opening buildings in the fall or maintaining virtual learning, several factors are weighing heavily on their minds. How do you make educators feel comfortable in their work environments when more than half of them prefer school buildings stay shut to slow the spread of COVID-19? What about educators and students with underlying health conditions? And what if remote learning must continue in the fall even though the approach led to declining student engagement this spring?

The EdWeek Research Center’s sixth coronavirus-focused survey reveals 10 key findings related to those and other questions, drawn from questions answered by 1,907 educators (1,014 teachers, 447 principals, and 446 district leaders) between May 20 and 28. The findings, taken together,

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## Other countries opening schools

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been linked to more successful containment of the virus.

The brief summarized below and in the chart on page 5, focuses on guidelines in three areas: attendance, social distancing, and hygiene and cleaning. Information was gathered from health and safety guidance documents and from each country's Ministry of Education, as well as medical and journal articles. (The full report can be accessed on the Learning Policy Institute website: <https://learningpolicyinstitute.org/>)

### Selected Countries with Open Schools (March/April 2020)

**China**, where the COVID-19 pandemic originated, closed most schools in January 2020 for the Chinese New Year holidays and began the first reopening two months later in regions where two criteria could be met: (1) schools could implement standard safety precautions and (2) officials determined the risk to be low. Most regions had reopened by the end of March, often starting with

students in their final year of middle and high school to support preparation for high school and college entrance exams.

**Denmark** was the first European country to restart school after closure, allowing municipalities to reopen schools as early as April 15. In the first phase of reopening, only children under age 12 returned to school, while older children continued distance learning at home. Younger children came back to school first because they were viewed as facing lower health risks, benefiting less from distance learning, and needing greater supervision from working families.

**Norway** allowed daycare and pre-schools to open on April 20 and grades 1-4 (ages 6-11) on April 27 in regions with low infection rates. Grades 5-10 continued remote education.

**Singapore's** schools remained open as COVID-19 spread, finally closing as students switched to home-based learning on April 8 in tandem with the country's partial shut-down with "circuit breaker" measures. At the time, the government announced that schools

would close until the first week in May. They appear not to have been a source of transmission of the disease with just eight known infections of school-age children, none of which were school-related.

**Taiwan** has been recognized to have effectively minimized spread of COVID-19 with national policies that avoided widespread planned school closures, applying the same strategy it used during the 2009 H1N1 influenza pandemic. Instead of a national shutdown, Taiwan mandated temporary, local class or school closures based on local infection rates in conjunction with in-school health and safety measures.

Note: The report's authors note that this list does not include all countries with schools open in March and April 2020. These countries were chosen because they documented the strategies they used relative to the three areas of interest in this report: attendance, social distancing, and hygiene and cleaning.

See chart on page 5 for a summary of health and safety practices.

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### MASC NEWS

#### Minority Caucus: Building Resilience in Children of Color in an Era of COVID-19

MASC Minority Caucus Chair **Mildred Lefebvre** (Holyoke), Vice Chair **Virginia Sims George** (Assabet Voc.), and Secretary **LaTonia Naylor** (Springfield) hosted a "wall-to-wall" attended zoom meeting on May 25 featuring developmental trauma specialist Dr. Melissa Sadin.

Dr. Sadin, who is also a former educator, principal and school board member (New Jersey) focused her remarks on recognizing the different types of trauma in students (single event; developmental trauma; historical trauma) and the emotional, behavioral and physical symptoms that are the fallout of these traumas. She also explained the connection between adverse childhood trauma and long-lasting adult trauma.

The pandemic, she says, has exacerbated the existing inequities as it has shifted the climate, life and

landscape for many students, but especially those of color and at-risk. She emphasized the need for adults to step up to courageous conversations and confront the issue of bias, both implicit and explicit. She also urged participants to acknowledge the "huge unmentionable" in the room: the stumbling block that is white privilege.

Don't ignore it or deny it she said. "Recognize it, respect it, own it, and move beyond it. She cautioned, however, against falling back on "privileged empathy."

Instead, she suggested, help children address challenges and build resilience. This includes providing positive role models, supportive adults, and creating the feeling of safety. "If kids don't feel safe, they aren't going to learn, no matter how great the technology. Adults need to figure out *why* kids aren't connecting (not: *why won't they* connect). Ask: how can I help you? What's in your way? Not: What's wrong with you? And this applies to supporting your teachers and front-line workers as well.

To learn more about Dr. Sadin's work with fragile/at risk/minority students: [www.traumasensitive.com](http://www.traumasensitive.com).

## Summary of Health and Safety Practices

	China	Denmark	Norway	Singapore	Taiwan
<b>Context</b>	Gradual reopening since March	Opened April 15 for children up to age 12	Opened April 27 for Grades 1–4	Opened until April 8, then closed due to non-school-related outbreak	Never fully closed; local, temporary closures as needed
<b>Health screening</b>	Temperature checks at least twice daily	Temperature checks on arrival	Temperature checks on arrival	Temperature checks twice daily	Temperature checks on arrival
<b>Quarantine and school closure policy</b>	Quarantine if sick until symptoms resolve	Stay home 48 hours if sick	Stay home if sick until symptom-free 1 day	Quarantine required and legally enforced if one has had close contact with a confirmed case; school closes for deep cleaning if case confirmed	Class is suspended 14 days if one case confirmed, school suspended 14 days if 2+ cases
<b>Group size and staffing</b>	Class size reduced from 50 to 30 in some areas of the country	Class sizes reduced to accommodate 2-meter (6 feet) separation in classrooms; non-teaching staff provide support	Maximum class size 15 for Grades 1–4, 20 for Grades 5–7	No maximum class size; classrooms are large enough to ensure 1–2 meter (3–6 feet) separation	No maximum class size; students in stable homerooms; subject-matter teachers move between classes
<b>Classroom space/physical distancing</b>	Group desks broken up; some use dividers	Physical distancing (2 meters) within classrooms; use of outdoor space, gyms, and secondary school classrooms	Physical distancing within classrooms; use of outdoor space encouraged	Group desks broken up in Grade 3 and up; 1–2 meter (3–6 feet) distance maintained	Group desks broken up; some use dividers
<b>Arrival procedures</b>	Designated routes to classes; multiple entrances	No family members past entry; staggered arrival/dismissal	No family members past entry; staggered arrival/dismissal	No family members past entry; parents report travel; staggered arrival/dismissal	No family members past entry
<b>Mealtimes</b>	Eat at desks or, if cafeteria used, seating is assigned in homeroom groups	Sit well apart while eating; no shared food	Eat at desks or, if cafeteria used, homeroom groups enter in shifts	Assigned seating in cafeteria with 1–2 meter (3–6 feet) spacing	Eat at desks; some use dividers
<b>Recreation</b>	Some schools have suspended physical education	Students play outside as much as possible; play limited to small groups within homeroom	Students sent outside as much as possible; play limited to small groups; outdoor space divided and use is staggered	Inter-school sports suspended; small-group play time staggered	Sports and physical education suspended
<b>Transport</b>	Using “customized school buses” with seats farther apart to limit proximity	School buses allowed; only one student per row	Private transportation encouraged; one student per row on buses	Still running buses and public transit	Still running buses and public transit, cleaning at least every 8 hours
<b>Hygiene</b>	Masks required, provided by the government; frequent handwashing	Frequent handwashing; posters and videos provided	Staff training on hygiene standards; frequent handwashing; posters and videos provided	Frequent handwashing; posters and videos provided	Masks required, provided by the government; windows and air vents left open
<b>Cleaning</b>	Guidance for cleaning, disinfecting, and waste disposal	Guidance for cleaning and disinfecting; government provides cleaner, thermometers	Guidance for frequent and thorough cleaning; disinfecting not required; students help clean	Common areas cleaned frequently (e.g., every 2 hours); students help clean	Detailed guidance for cleaning and disinfecting common areas

## Schools to stay closed

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show how messy the challenges of maintaining high quality teaching and learning in the fall will be, whether school buildings reopen or not. Public-health officials have warned of a possible resurgence of COVID-19 cases this fall, and the specter of the virus will loom until a vaccine is widely available. Seventy percent of educators who responded to the EdWeek Research Center survey in early May said they're already planning for multiple reopening scenarios for the fall.

### Key findings from the survey include:

1. Sixty-five percent of educators believe schools should stay closed to slow the spread of the virus.
2. More than 1 in 3 educators say they have a physical condition associated with a higher risk of suffering serious illness from the virus.
3. Nearly 2 out of every 3 educators are concerned about the health implications of resuming in-person instruction.

4. Twelve percent of teachers say the pandemic may lead them to leave the profession even though they were not planning to do so before the crisis.

5. Teachers say they're less effective working from home, but the vast majority will return even if virtual learning continues in the fall.

6. Nearly 25% of educators say they would not return to their school buildings if they reopen without social distancing measures.

7. Less than 50% of teachers have taught live, interactive classes during closure.

8. Less than 50% of principals are interacting daily with teachers, parents and students.

9. Student engagement continues to decline.

10. Live, synchronous video-conferencing is educators' top tool for science, ELA and math instruction.

### To see the complete report:

<https://www.edweek.org/ew/articles/2020/06/03/most-educators-want-schools-to-stay-closed.html>

## New member orientation dates

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### Monday, August 3

5:30-7:00pm: Open Meeting Law

7:30-9:00pm: Ethics/Conflict of Interest

### Tuesday, August 4

5:30-7:00pm: Business and Finance

7:30-9:00pm: Collective Bargaining

### Thursday, August 6

5:30-7:00pm: Roles and Responsibilities

7:30-9:00pm: SPED/Supt. - Evaluation

7:30-9:00pm: Collective Bargaining

### The Daily Ed Tops 500!

One year after being introduced, more than 500 MA school leaders have signed up to receive The Daily Ed, MASC's invaluable compendium of state and national education news and related reports. Now, more than ever, don't miss out on this important resource. Sign upon the MASC homepage (Popular Resources) [www.masc.org](http://www.masc.org)

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