

Dr. Ann Lebo
Director, Iowa Department of Education
Grimes State Office Building
400 E. 14th Street
Des Moines, IA 50319

Dear Director Lebo,

The Board of Education of the Des Moines Independent Community School District requests the approval of the Iowa Department of Education for the District to begin the year through a continuous, required online means of instruction. The Board plans to have students learning remotely first quarter and will re-evaluate the conditions relating to COVID-19 infections and transmission in Des Moines, Polk County, and the State of Iowa prior to the start of second quarter.

Additionally, the Board requests the Department's approval of its hybrid learning model, to be used when in-person instruction resumes, but while COVID-19 still warrants social distancing. The District's plan provides for [insert hybrid plan details]. This plan was in development for nearly two months before the passage of Senate File 2310, which states that the plan shall be deemed to meet the requirements of Iowa Code § 279.10(1), regardless of the *nature, location, or medium* of instruction if the return-to-learn plan contains the minimum number of days or hours.

With this understanding, we had already begun registration on July 13, 2020. To date, 31,863 students have registered [22,158 (69.54%) selected our hybrid plan and 9,705 (30.46%) selected our fully online plan]. If the Department deems the District's Return to Learn plan insufficient, the District will need to begin the registration process again, forcing families to re-evaluate their decisions as those decisions were premised on the understanding that the hybrid model would allow for adequate social distancing and sanitizing that cannot be accomplished, particularly at the high school level, in a model that provides for 50% of instruction to occur in-person at this time.

The District's intent is that 100% in-person instruction resumes as soon as it is safe to do so and agrees that the presumed method of instruction during the 2020-2021 school year will be primarily in-person, local conditions relating to COVID-19 allowing. However, the Board is exceedingly concerned about the safety and well-being of its students and employees based on conditions in Des Moines and Polk County at the present time. The Board believes at this time that the rates of COVID-19 transmission in Des Moines and Polk County are so high as to render an in-person start to the year an unreasonable risk to the well-being of our students and staff. As noted by the CDC, "schools reopening may further increase spread in communities where transmission is already high." See <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/reopening-schools-faqs.html>.

The District acknowledges that the DE/IDPH advisory guidelines indicate that school closures will not be contemplated until positivity rates in the community exceed 15% and student absences are at least 10%. The District does not understand how these thresholds were determined, nor where the authority comes from in Senate File 2310 for the DE/IDPH to mandate that local boards follow these guidelines.

According to the WHO, states should consider reopening only when their rate of positivity in testing is at or below 5% for at least 14 days. The World Health Organization has advised governments that the rate of positivity in testing should remain at 5% or lower for at least 14 days prior to reopening. <https://coronavirus.jhu.edu/testing/testing-positivity>. CDC Director Robert Redfield indicated that in areas where there are COVID-19 “hot spots,” which he defined as areas where more than 5% of COVID-19 tests are positive, “remote and distance learning may need to be adopted for some amount of time.” https://www.washingtonpost.com/education/cdc-director-concedes-schools-in-hot-spots-face-tougher-call-on-reopening/2020/07/24/273ee068-cdd8-11ea-b0e3-d55bda07d66a_story.html.

Iowa’s 14-day average positivity rate is more than double this, at 10.39% as of August 4, 2020. *See* <https://coronavirus.jhu.edu/testing/testing-positivity>. The Iowa Department of Public Health is currently reporting 9,743 positive cases in Polk County, and 46,045 positive cases in Iowa as a whole. *See* <https://coronavirus.iowa.gov/pages/case-counts>. In consultation with public health experts, the District does not agree with the current metrics being used in the DE/IDPH advisory guidance, both because the positivity percentages are exceedingly high compared to established, reliable guidance, and also because the positivity rate is not necessarily the best or only metric to measure community spread. We believe local school boards are best equipped to determine when community spread, student absences, and/or employee absences are of sufficient magnitude to warrant closure of school buildings and the use of continuous, required online learning instead.

Our District serves 32,454 students and employs approximately 5,141 employees. Approximately 31.5% of the District’s total staff have a health condition that puts them at a higher risk of a severe, potentially fatal, case of COVID-19. Thirty-four percent of our staff are over age 50, and 10.1% are over age 60. Per the CDC, their age alone, even without any underlying health conditions, puts these employees at a higher risk of a severe, potentially fatal, case of COVID-19. In addition, many District employees have one or more family members with whom they reside who fall into a high-risk category based on health condition or age.

Of the more than 32,000 students that we serve, 63.2% are students of color. As of June, age-adjusted hospitalization rates related to COVID-19 are highest among non-Hispanic American Indian or Alaska Native and non-Hispanic black persons, followed by Hispanic or Latino persons.

- Non-Hispanic American Indian or Alaska Native persons have a hospitalization rate approximately **5 times** that of non-Hispanic white persons,
- non-Hispanic black persons have a hospitalization rate approximately **5 times** that of non-Hispanic white persons,
- Hispanic or Latino persons have a hospitalization rate approximately **4 times** that of non-Hispanic white persons.

See <https://pubmed.ncbi.nlm.nih.gov/32562416/> and <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html>.

Of the more than 32,000 students that we serve, 76.8% qualify for free/reduced price meals. Individuals from homes of poverty are at more risk of serious illness if infected with COVID-19. Additionally, lack of health insurance and poor access to healthcare services could pose challenges to people seeking treatment for COVID-19, which could disproportionately affect non-elderly adults with low incomes and people in communities of color. *See* <https://www.kff.org/coronavirus-covid-19/>.

[19/issue-brief/low-income-and-communities-of-color-at-higher-risk-of-serious-illness-if-infected-with-coronavirus/](#)

The Board of Directors of the Des Moines Independent Community School District places a strong emphasis on equity and strives to carry out its duties through a lens of equity; ensuring that each decision does not have a disproportionate impact on any part of the community it serves.

The state's adoption of a two-week measurement period for such a significant decision as closing a school building is arbitrary and ultimately useless and harmful to the interests of teachers, students, and parents. A District our size simply cannot effectively operate on a two-week-at-a-time decision-making model. It is also a significant imposition on the parents, guardians, and care-takers of our students, many of whose work schedules are set by their employers two weeks or even a month in advance. Accordingly, by beginning the year in a virtual format for first quarter, we provide students and employees and their families with the ability to effectively plan for the care and education of their children.

The Board believes that this is ultimately a matter of local board authority and local control pursuant to Iowa Code § 274.1, § 274.3, § 279.8, and Senate File 2310. However, we understand that the Governor and the Department have taken the position that school districts must receive approval from the Department, in consultation with the Iowa Department of Public Health, in order for the District to provide continuous, required online learning for any period of time during the 2020-2021 school year. While we disagree with this interpretation of Senate File 2310, we are requesting the Department's approval of our plan as an effort to work collaboratively and flexibly to achieve a result that centers the health and safety of our District's students and employees as well as student access to high-quality instruction.

Please let us know if you have any questions. We would appreciate the Department's prompt response to this request, as well as a statement in the Department's response of whether the response constitutes a final agency action.

Sincerely,

Dr. Thomas M. Ahart, Superintendent
Des Moines Independent Community School District