

September 3, 2021

Governor Andy Beshear
700 Capitol Avenue, Suite 100
Frankfort, Kentucky 40601

CC: Kentucky General Assembly

Dear Governor Beshear:

As the two largest school districts in Kentucky, Fayette County Public Schools (FCPS) and Jefferson County Public Schools (JCPS) collectively serve more than one-fifth of the K–12 public school students in the Commonwealth. We humbly accept this mantle of great responsibility and take seriously our charge to put students first in every decision we make.

The COVID-19 pandemic has underscored the critical role our public schools play in the economic and social stability of our communities. Our students rely on the meals, healthcare services, and mental health supports our schools provide. And, our families rely on our efficient and consistent operation in order to maintain routines that allow them to participate fully in the workforce.

As the second largest employers in our respective counties, we also recognize the pivotal role our organizations play as economic drivers. We have a responsibility to provide safe working conditions and competitive compensation for our employees, who in turn, are the consumers contributing to local prosperity.

The disruption of the past 18 months has been difficult for children. Prioritizing safe in-person learning is critical for their future success, not only academically, but also in terms of their mental, emotional, and physical health. While we are working assiduously to ensure that our students have every opportunity to participate and thrive in an in-person learning environment – where we know they learn best – we need your help and support to continue to operate safely.

August 11 was the first day of school for both of our school systems. Unfortunately, the past three weeks have also coincided with a rapid acceleration in COVID-19 cases and quarantines due to the Delta variant. Just since the first day of school, FCPS has had 822 students and 137 staff members test positive for COVID-19, which has led to quarantines for 5,858 students and 67 staff. In JCPS, there are more than 1,900 students who have tested positive since the start of the school year and almost 9,000 students have had to quarantine after being identified as a close contact. Further, more than 200 staff members have tested positive since the first day of school on August 11, and more than 150 employees have had to quarantine after being identified as a close contact.

Schools are a reflection of the communities we serve and, as such, the labor shortage hitting industries across our nation and state has also affected school districts. Shortages of teachers, substitute teachers, bus drivers, bus monitors, para-educators, custodial staff, and nutrition staff are causing additional operational challenges for our schools and inconveniences for our families. This is having a negative impact on student learning and causing interruptions to the services we provide our students and families.

On the second day of school, FCPS had to cancel morning bus routes and delay after-school runs. Teachers are giving up their planning time to cover classes for absent colleagues, while school and district administrative staff are serving meals in the cafeteria. These challenges are straining our systems, but we have found ways to keep our schools open because of our commitment to provide in-person learning for our students. While several school districts have closed their schools, the size of our communities and complex nature of our school systems make that an untenable solution for FCPS and JCPS. The situation is dire, and our teachers and staff are already at their wits' end just a few weeks into the school year.

To avoid a scenario that would leave us with no other option, we are asking for your help in the following areas, which we believe would enable us to minimize the disruption of learning for our students:

- **Non-Traditional Instruction:** Although we much prefer to be in-person, there may be times that transitioning a school or grade level to virtual learning would be advisable. We respectfully request consideration be given to providing additional NTI days during the 2021-22 school year and granting districts flexibility to use those days for individual situations rather than for the entire school system.
- **Closures:** Based on what we have observed so far this year, we expect there may be times that illness may affect only portions of our schools or our community. We would like to be able to close one school, a portion of a school, or a small number of schools within the district while keeping the rest of the district open in-person. Having the flexibility to be able to quickly pivot to a hybrid schedule would also be beneficial to adapt to potential changes in community circumstances. While superintendents currently have the option to close schools, doing so has a significant impact on the district's average daily attendance (ADA) calculation. Forfeiting ADA in these schools reduces future funding for the district, resulting in a negative impact to a district simply trying to prioritize in-person learning for as many students as possible while

acknowledging the public health realities in our communities. We request flexibility here to allow for closure of individual grade levels or school(s) without sacrificing ADA.

- **170 Instructional Days:** Current law allows districts beginning school on the Monday nearest Labor Day to have fewer than 170 instructional days as long as they meet the state requirement of 1,062 hours of instruction. To recoup as much learning time as possible, FCPS and JCPS started school in August, but it would be helpful if consideration could be given to lifting the 170-day requirement, while holding districts accountable for 1,062 hours of instruction during the 2021-22 school year.
- **ADA Calculations:** Since the onset of the pandemic in March 2020, the state has recognized that COVID-19 has affected average daily attendance in ways never before imagined. State officials have made accommodations in the past two years to minimize the funding impact of lower ADA caused by circumstances beyond our control. We again request this generous consideration to ensure funding for school year 2022-23 will not be negatively affected by falsely deflated ADA during the 2021-22 school year.
- **Substitute Teachers:** Quarantines and absences due to COVID-19 have intensified substitute shortages. The action taken last year to allow student teachers (teachers in training) to agree to serve as substitutes was very helpful, and we request an extension of that provision. Additionally, we request consideration of lowering or waiving the requirement of college course hours needed by an individual to become a substitute teacher.
- **Retired Teachers:** Jefferson and Fayette Counties both have a number of teaching vacancies that retired teachers could fill permanently or as substitutes. We urge you to consider allowing recently retired teachers to return as substitute teachers more quickly than currently allowed. We also urge you to consider allowing retired teachers to come back to the classroom permanently without penalty to their pension.
- **Bus Drivers:** To help address the severe bus driver shortage, we request that you reconsider the requirement that applicants have a high school diploma or GED. We also ask that permitting and licensing for bus drivers be prioritized in order to expedite the hiring, training, and certification process while remaining focused on the safety of our staff and students.
- **Doors:** State law currently requires classroom doors to remain closed during instruction. To assist with air quality and circulation, we ask that this requirement be waived during the COVID-19 pandemic.

Finding common ground has never been more important. It is possible to prioritize both in-person learning and the health and safety of our students, staff, and families, and we believe that this is a shared goal among students, educators, families, and elected officials. Therefore, we are seeking the flexibilities described above to allow strategic deployment of all tactics in order to maintain continuity of instruction for the majority of our students.

We are ready to meet and work together toward short- and long-term solutions through waivers or amendments to state law, administrative regulations, policies, and procedures. We look forward to working with you to provide the best educational experience for our students.


Sincerely,



Demetrus Liggins, PhD
Fayette County Public Schools Superintendent



Tyler Murphy
Fayette County Board of Education Chair



Marty Pollio, Ed. D.
Jefferson County Public Schools Superintendent



Diane Porter, Chair
Board of Education of Jefferson County, Kentucky