

Economic Sense - Thirty-Second Edition

We Are Failing Our Children, Literally and Figuratively

A Look at the Experience To-Date with Remote Schooling,
A Plea for the Legislature to Act, and a Proposal to Consider

"Education is the great enabler."

- Sen. Harold Hochstatter, Former Senate Education Chair

"It is the paramount duty of the state to make ample provision for the
education of all children residing within its borders."

- Washington State Constitution, Article IX, Section 1

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A. Remote Schooling is Failing Our Children

On March 13, 2020, schools were closed to in-person learning.¹ And, over eight months later, the vast majority of the state's 1.1 million public school children still have not set foot within a classroom. In all likelihood, that will continue to be the case until at least January 2021. And let's be brutally honest with ourselves as legislators: absent legislative action or a vaccine made widely available, that will continue to be the case until September 2021. This will deny children all the benefits of an in-person education (academic, extracurricular, athletic, social, emotional) for a year and a half.

How exactly is remote learning going for our children?

I can share only experiences in my own legislative district and counties I represent, plus press articles I've read. The story is not pretty. And the school districts in my legislative district, which include some of the better-performing academic districts in the state, assure me they are not alone in these troubling outcomes.

- As of the first week of November 2020, the number of students in one of my school districts with a D or F was up by 600% from in-person learning.² (This, among other data, has prompted the district, to return to in-person learning for all students by the end of November.³)

- I represent part of Thurston County, and one of the stronger academic school districts in the county, Tumwater, currently has over 40% of its middle/high schoolers failing at least one class.⁴
 - To remedy this, Tumwater SD recently took an unscheduled week off from school to allow students time to catch up with their work.⁵
 - The district noted, "As we are in fully remote learning, throughout the region and beyond, secondary schools are finding a much larger % of their population with students that are failing one or more classes."⁶
- *The Olympian* reported earlier in the year about a North Thurston School District principal sounding the alarm, stating that over 50% of the students in his school were failing.⁷
- Bellevue SD, perhaps the most academically lauded district in the state, has recently announced it will not be assigning middle/high school grades for 1st quarter.⁸ Care to venture a guess as to why?

I encourage all my fellow legislators to inquire of their local school district(s) how remote learning is going academically and the number/percent of students with a failing grade. The answer will be shocking.

Sadly, the academic picture only tells a partial, albeit damning, story about remote learning.

- Emotional & Mental Well-Being

- King County Public Health this month issued a public-health advisory to alert physicians to be on the lookout for suicidal thoughts among young people, as the county had recorded 4 youth suicides in October 2020.⁹
 - The advisory, entitled "Increased Suicide Risk," noted young people are more at risk due to "less access to their typical social networks."
- A local high school counselor pleaded on social media: "What can we do as parents to get our kids back to school? I'm daily referring families to therapists, who are completely booked, to deal with depression due to being home. All kinds of barriers our families are dealing with."¹⁰
- The American Civil Liberties Union published a survey that found on a scale of 1-10, the number of students who rated their mental health at 3 or lower was 23%.¹¹ That should frighten everyone.
- Athletic
 - The Executive Director of the Washington Interscholastic Activities Association just published a fantastic letter that I'd encourage everyone to read. In addition to extolling the very real virtues of school athletics for our children, he wrote:

"Ever since I was lucky enough to become the Executive Director in the WIAA, I've told our staff and membership that we are in the memory-making business. Those memories can be made in any town, large or small, in any sport or activity, at a mid-week practice, a senior night, or a State Championship game."

- o He concludes:

*"I understand that as I write this, we are seeing another surge in COVID cases around the country as well as in Washington, and that we may need to wait before we begin competition again. But we cannot wait until COVID goes away because students don't have that luxury. **They're running out of time to make memories.**"¹² (emphasis added)*

- Social

- o Prom? After school clubs? Just hanging out at lunch, or flirting with a classmate?
- o More than one student has aptly (and sadly) described remote school this way: "It's like they took away everything fun about school and kept just the hard stuff."
- o Simply put, as the WIAA director stated, our children are being robbed of memories. Memories that each one of us took from our own school experience. These have little to do with the grades we got, but rather the interactions that only in-person learning offers.

Finally, let me say: it is not our teachers' fault. Many are working overtime trying to make it work. But it is a situation doomed to failure. At least in part, here's why:

There are tens of thousands upon tens of thousands of Washington children in either single- or two-parent households where the parent(s) must go to work, and the children are left home alone to learn. In many instances those children are left home alone with younger siblings, who they must help get

into their classes, feed lunch, help them with their work, etc. This is, by its very nature, setting kids up to fail.

It is fundamentally unfair to them.

We must find a better way.

B. A Word About Equity & Remote Schooling

"Educational Equity" is a hot educational term right now, and while I am of the opinion that we should expect and demand an excellent educational opportunity for all our children, regardless of race, creed, color or any other characteristic or circumstance, I want to be blunt:

Remote learning is especially harming lower-income children, children needing special education, and children typically intended to be encompassed by the term "educational equity".

- Seattle, the largest school district in the state, is providing in-person learning to staggeringly few special-education students. A recent article in *The Seattle Times* reported that as of the end of October 2020, only ONE student with disabilities was receiving special-education services in person.¹³

I ask you: considering all the demands made over the years, rightly, that the Legislature increase funding to districts for special-education students, how can anyone sit by and tolerate remote learning as though it represents educational equity and justice for these students? If our state Attorney General is looking for cases, I'd submit one of the best cases to pursue would be a suit representing special-education students and families in the state who are not getting the education entitled to them under federal and state law.

- Many of us have worked to reform our K-12 system so that a student's educational opportunities are not dictated by a ZIP Code -- or a

family's particular economic situation. That said, wealthy parents have the right, as they should, to enroll their students in private education, many of which are offering in-person learning environments.

Meanwhile, less affluent families have no such option at their disposal. Parents are forced to see their kids oftentimes struggle with remote learning, and feel helpless about the situation. This inequity is creating greater disparities between our children.

This piece begins with the oft-quoted "paramount duty" clause in our state constitution. I spent several long years, working with colleagues in both chambers and parties, to craft a solution to ensure the Legislature met its constitutional duty. In 2017, we did.

But I'll submit that clause is about more than merely money. It is, at its core, a statement that providing for education -- our highest priority -- should not be limited to making a budget appropriation any more than a parent's obligation to provide for a child should be limited to writing checks for food and shelter.

I, for one, didn't spend years of my life working on K-12 reform just to produce an education system that is amply funded yet fails 40% of our students, causes them and their families emotional and mental harm, and denies them the very memories that we ourselves hold dear.

We must do better.

C. Three Infirmities of the Department of Health K-12 Decision Tree Metrics

The current metrics developed by the Department of Health fail our children in three ways:

- 1. There is no requirement, even at the lowest level of COVID-19 incidence and with safety protocols in place, that in-person learning occur**

As we've seen, remote learning is an incredibly poor substitute for in-person learning. Yet, throughout September and October 2020, school districts in counties that met DOH metrics for in-person learning persisted in offering only remote instruction. Sometimes this was due to teacher and staff employment contracts, other times to local public-health officials, and in still other instances, the school board simply decided to not move forward.

While I am a huge proponent of local control, I think it is critical, when there are low levels of COVID-19 transmission in a community and safety protocols are in place, that districts be required to offer in-person learning to students and families. There should be no wiggle room out of that expectation.

2. The current DOH metrics never adjusted for the increased testing after they were announced

The K-12 decision tree metrics announced in July actually have their origin in the county phase metrics DOH announced in May.¹⁴

- Under 25 cases per 100,000 people over two weeks = low risk/in-person learning for all recommended.
- Between 25-75 cases = moderate risk/in-person learning for elementary recommended, and if in place and no larger community outbreak, in-person learning for middle/high.
- Over 75 cases = remote learning only recommended.

Announced in May, the 25 cases per 100,000 metric for "low risk" remains in place today.

In May, the state was conducting roughly 5,000 tests a day. By the time the metric was announced in late July, the state was conducting nearly three times as many tests a day (about 14,000). Now the state conducts over 20,000 tests a day.¹⁵

Put simply, due to increased testing levels, a school district under this metric could have been deemed low risk in May (all kids in school), and high risk in July/Nov (all remote learning) while having the exact same percent of tests coming back positive, indicating no difference in prevalence of COVID-19 in the community.

The failure to adjust the metric for increased testing levels essentially “moved the goalposts” without anyone realizing it. Yet moving the goalposts has had a profound and damaging effect on our students.

3. Not Apples-to-Apples Across Counties - The Metric Put High Testing Counties at Disadvantage

Finally, the raw per-case metric does not account for different testing levels between counties. This puts high-testing counties, such as King County, at a disadvantage, compared to counties with low testing levels.

The reality? At King County's population, only 550 tests can come back positive in two weeks to meet the 25 cases-metric to allow full in-person learning.¹⁶ King County conducts, at present, over 105,000 tests over a two-week time frame.¹⁷ That means only 0.5% of tests can come back positive to achieve that goal. That level of positivity is 10 times lower than the World Health Organization and Johns Hopkins University's recommended metric for low COVID prevalence of 5%.¹⁸

Meanwhile, a county that conducts only a fraction of the testing seen in King County could be classified as "low risk" despite having a positivity rate several times higher than King.

This makes no logical sense, discourages counties from engaging in robust testing, and sends out false signals about the true level of COVID-19 prevalence in a community.

D. In-Person Schooling Risks: Much Lower Than Harms Being Inflicted

There are great data and reports, even some specific to Washington, that can inform our insights into the risk in-person schooling presents for students and staff.

- Success at Private K-12 Schools in Washington

There are roughly 70,000 private school students in our state.¹⁹ As of the end of October, the vast majority of those students were receiving in-person learning (90% of K-6, and nearly all private high schools were doing hybrid

learning, except Seattle private high schools and Catholic high schools in King and Pierce counties).²⁰

According to a recent report given to the governor by DOH, which included not only private schools but also those few public schools offering in-person learning, there have been 110 cases of COVID (students and staff) through the end of October associated with in-person schooling.²¹

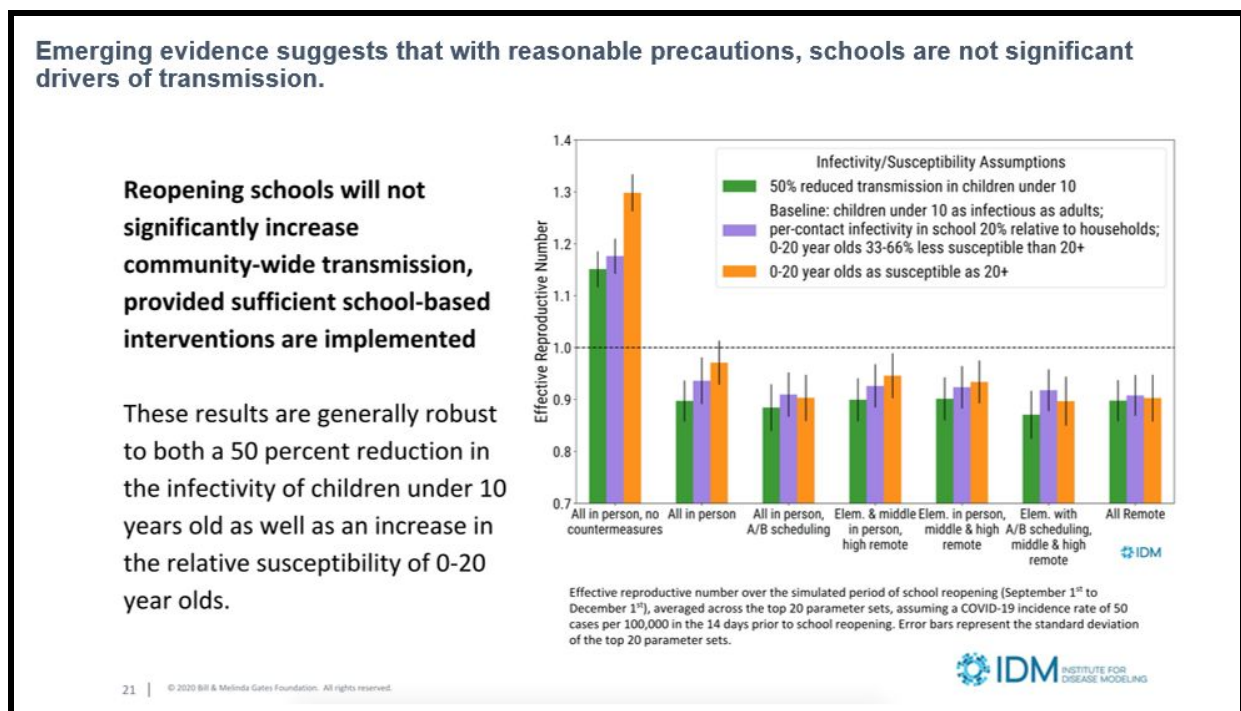
"Of the cases linked to these outbreaks, no cases are reported to have been hospitalized overnight and there are no deaths."²²

- DOH Report to Governor Inslee: "[W]ith reasonable precautions, schools are not significant drivers of community transmission."

Earlier this month, the Department of Health gave a presentation to Gov. Inslee on the risks of in-person school learning.²³ The conclusion?

- "Reopening schools will not significantly increase community-wide transmission, provided sufficient school-based interventions are implemented."²⁴

Here is the key slide:



What does the bar chart show?

- Only fully open schools with no safety precautions are expected to have an R above 1.
- Notably, full remote learning has essentially the same R transmission rate as full hybrid learning

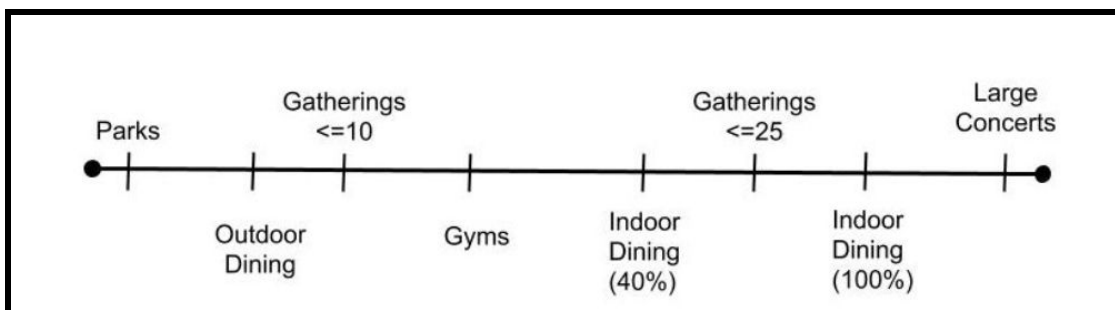
Scientifically speaking, that means keeping students in remote learning has NO TANGIBLE COVID-19 REDUCTION BENEFIT in the community

*** Professor Emily Oster: The Line Construct of Thinking About COVID-19**

Professor Oster is a Brown University economics professor who has spent a great deal of time and research looking into COVID-19 as it pertains to schools and our children. In the attached piece, she presents a construct of the way to think about COVID and acceptable/unacceptable risks, based on one's own preference levels.²⁵

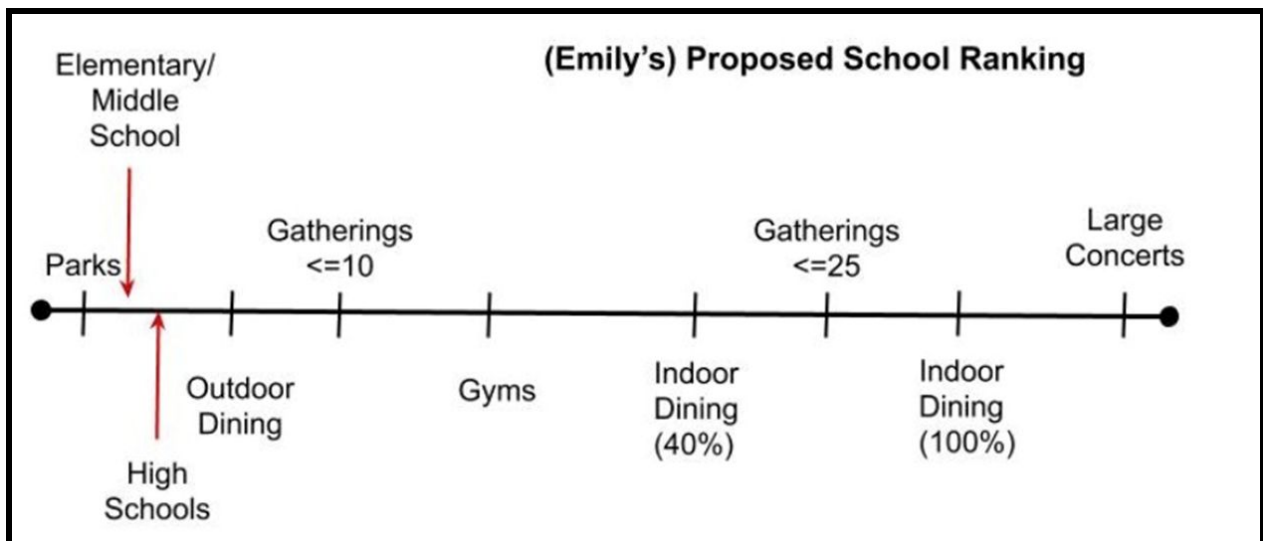
The idea? Draw a line that lists various activities in society. Sort them from most-beneficial/least risk to most risky/least beneficial. On the left side would be those activities clearly beneficial in the pandemic, yet carrying very little risk. These would be the activities you clearly would want to open up, allow and, in fact, encourage. On the right hand side would be activities that are very high risk with little larger societal benefit. These would be activities you'd be very likely to prohibit during the pandemic.

Here's an example from Professor Oster of a line construct with various activities:



So, in this construct, parks are before outdoor dining, which is before gatherings of less than 10 people, which are before gyms. Notably, in this construct, Washington, up until the recent COVID surge, functionally drew its open/close line right about in the middle.

Where does Professor Oster, based on her research into the risks of in-person school and the benefits to society from in-person school, come down in placing in-person learning on the graph?



She places in-person learning in front of outdoor dining, gyms, and any in-person dining, at all. In her view it is almost at the very front of the most beneficial/least risk paradigm.

Notably, on this graph in-person learning is far from where it has been in our state's hierarchy throughout this pandemic.

E. [A Proposal to Consider](#)

The purpose of this piece, frankly, is to convince you, my colleagues, of the need to act on behalf of our children and families. The status quo is not good enough -- not by a long shot.

We are the policymakers elected to represent the voice of our constituents. It is incumbent on us to enact smart, thoughtful policy that lays out a path forward to our children returning to in-person learning.

In that vein I submit the following proposal for consideration, as I believe it addresses the three infirmities identified in the governor's present K-12 Decision Tree Metric, issued by DOH.

What the K-12 Reopening Metrics Bill Does

- The bill establishes clear metrics regarding reopening schools in this school year, tied to positivity test rates in a county.
 - Below 5% positivity = In-person learning must be offered
 - Between 5-15% positivity = District may choose its own education modality (in-person, hybrid, remote).
 - Over 15% positivity = Only remote learning
 - To move out of the 1st category or out of the 3rd category, a county must be above 5% or below 15% for at least two consecutive weeks, so as to prevent see-sawing between the mandated categories.
 - An additional safeguard is that if an outbreak (2 or more cases) happens in a school within a district then the district may take appropriate measures at that school, including closure, to stem the outbreak in the community, notwithstanding the general metrics in the bill. But only the school involved in the outbreak could be closed.

This proposal addresses the three current DOH infirmities:

1. It provides a category by which in-person learning **MUST** be offered. If a county is at the WHO/Johns Hopkins level of low community prevalence, the school district must offer in-person learning to all students in the district. Parents, obviously, could choose to keep their children in remote learning if they so desired.
2. It addresses the problem of a static case metric that doesn't adjust to increased/decreased testing levels. The key thing is the percentage of positive tests.
3. It puts school districts in all counties on a level playing field. No longer will a county be penalized for doing more testing than its neighbors, or vice versa, a low-testing county (with relatively high prevalence) will no longer receive an undue benefit from such a practice.

In short, the theory is: where you have prevalence that is defined by world health experts as "low", then in-person schooling must be offered; if prevalence is more robust, the local school district can decide which of the learning modalities it wishes to pursue; and if prevalence is rampant, then remote learning is mandated.

We can debate whether the percentages chosen are the right percentages, or whether other parameters merit inclusion. But what I hope we can all acknowledge is the paramount need to act once the Legislature is in session.

Conclusion

The current system of remote learning for the vast majority of Washington children is failing them: academically, socially, and emotionally. We can and must do better.

Footnotes

1. <https://www.governor.wa.gov/sites/default/files/proclamations/20-09%20Coronavirus%20Schools%20Amendment%20%28tmp%29.pdf>
2. Early November 2020 email from Chehalis SD board director
3. District presently has elementary & middle school students hybrid in-person, with high school starting Nov. 30, 2020
4. Nov. 13, 2020 email from Tumwater SD Community Relations Director (% of secondary students failing at least one class: 6th - 39.6%; 7th - 47.7%; 8th - 54.1%; 9th - 41.4%; 10th - 39.3%; 11th - 39.8%; and 12th - 40.8%)
5. Tumwater middle/high school students received an unscheduled week off Nov. 9-13, 2020.
6. Nov. 13, 2020 email from Tumwater SD Community Relations Director
7. <https://www.theolympian.com/news/local/article246598553.html>
8. <https://bsd405.org/2020/11/first-quarter-grades-will-not-be-reported/>
9. [King County Public Health Advisory, Nov. 2, 2020](#)
10. Tumwater SD High School Counselor posting to Facebook in late October 2020
11. <https://edsources.org/2020/student-anxiety-depression-increasing-during-school-closures-survey-finds/631224>
12. <https://www.wiaa.com/News.aspx?ID=1745&Mon=11&Yr=2020>
13. <https://www.seattletimes.com/education/lab/only-1-seattle-public-schools-student-is-receiving-special-education-services-in-person-right-now/>
14. <https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/DecisionTree-K12schools.pdf>
15. <https://coronavirus.wa.gov/what-you-need-know/covid-19-risk-assessment-dashboard>
16. King County has over 2.2 million people, which equates to a maximum of 550 positive tests over two weeks to be at or below the 25 cases per 100,000 DOH metric.
17. <https://coronavirus.wa.gov/what-you-need-know/covid-19-risk-assessment-dashboard> (see testing capacity tab, King County)
18. <https://coronavirus.jhu.edu/testing/testing-positivity> (WHO recommendation in place since May 12)
19. Oct 27 email from Suzie Hanson, Executive Director, Washington Federation of Independent Schools
20. Id.
21. [Nov. 6 briefing by Dept. of Health to Gov. Inslee, page 3](#)
22. Id.
23. [Nov. 6 briefing by Dept. of Health to Gov. Inslee \(PowerPoint\)](#)
24. Id., slide 3
25. <https://emilyoster.substack.com/p/school-rankings-framing-slightly>