

Written Testimony for Senate Help Committee Hearing
June 10, 2020
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Chairman Alexander, Ranking Member Murray, thank you for the opportunity to testify at this important hearing, "COVID 19: Going Back to School Safely." I am Matt Blomstedt, Commissioner of Education in Nebraska and incoming President of the Council of Chief State School Officers. I am honored to participate in this critical discussion to reflect and begin to address our next steps as a nation and the supports needed for state and local education agencies to continue on the path of response and recovery.

Nebraska, like all states, experienced the arrival of the pandemic with little advance understanding of the dramatic effects that the pandemic was to have on the nation. In mid-February, a few short months ago that feels like a lifetime, I, like others, struggled to comprehend the enormity of the emergency that was about to hit Nebraska and the country. The warning signs seem obvious to us now, in retrospect, but rapid onset at the time left schools with little time to respond. We are still experiencing a wave of current challenges that we have to fully grasp, and must prepare to overcome.

I especially appreciate the opportunity to provide testimony with my colleagues at this hearing and ask that these times be a moment of unity for our country rather than further division. Nebraska, like many states, is diverse in views, populations, and impacts. This pandemic is an inflection point for the challenges my state and this country face, including persistent inequities that manifest in communities across the nation. The tragic consequences of a failure to address inequities in education, health, housing, income, and opportunity is amplified in current events as we witness our own citizens suffer injustice and discrimination and an apparent disregard for black lives.

I feel like I was born into a better place after the historic efforts of the 1960s to establish civil rights legislation led by civil rights giants. (Among this legislation, as you know, was the Elementary and Secondary Education Act of 1965, which remains a key pillar of the federal role in promoting educational opportunity for all.) Yet today, I see how fragile that balance has been and the curtain pulled back proves we have chipped away at necessary progress for civil rights and equity while civil rights expectations in education are at risk of being limited by the pandemic and further weakened by blatant and obvious actions of violence and racial injustices. I mourn the loss of George Floyd and every person who has been lost as a result of the failures of this country to recognize and act on the inequities that we have allowed to permeate society.

In my view, the role of the Federal government is to set a tone and direction for the country that establishes an expectation of equity. I, as a state official who understands his state well, freely admit that I alone am not strong enough to overcome the larger injustices that our students of color and their families face. I have worked my whole career believing that education is the right place for society to make further progress to ensure equity, but our collective failure as a nation to successfully confront the pandemics of poverty, racism, and injustice has left us more vulnerable to the pandemic of COVID-19 and its generation-shaping consequences.

Impacts on students and communities: Closing schools for any reason is not in my normal job description as Commissioner of Education in Nebraska. Education leaders must be necessarily adept at understanding local conditions and responding appropriately based on the community needs and norms, however, especially in unprecedented circumstances.

On February 27, when I received the first call from a school district superintendent asking how we were going to lead through the impending impacts of the pandemic, I responded, "That's funny; you've never asked me to tell you what to do before." My "tongue-in-cheek" response was quickly followed by calls with medical and infectious disease control experts, including the Chancellor of the University of Nebraska Medical Center, our Governor's office, and other state and local education leaders and policy makers. We sprung to action with the primary realization that schools would potentially have to close suddenly to contribute to the efforts to contain the invisible threat of the virus. Make no mistake; there was very little understanding at this point of the scale of this threat except through the valiant efforts of a few health officials and infectious disease experts that had little other reason to engage with school leaders before. The situation was a fast-moving challenge for leaders.

Nebraska's first COVID-19 case was identified on March 6. It had a broad impact because the person identified was a participant at a widely-attended Special Olympics event. The event assembled athletes and communities from multiple school districts across a wide geographic area. By March 9, we had at least three school districts temporarily announce school building closures and many others who were about to begin spring break and chose not to return to school.

By March 12, I had met and spoken with dozens of local school leaders and the Governor as well as the Chancellor of the University of Nebraska Medical Center. By Monday March 16, I had been involved in three statewide press conferences and numerous stakeholder meetings announcing that schools would soon take steps to physically close buildings and would soon be closing with no clear sense of when or how they would know how to open again. In 10 short days, COVID-19 went from being a fringe concern to the primary focus of my agency and state.

Our state's first concerns were for the role that schools could play in containing the virus and broader public health issues. It was immediately necessary to understand the impact of schools in promoting food security and the general wellbeing of school age populations across the state, and there was little time to understand the enormity of the disruption that was taking place.

School administrators, teachers, and food and nutrition staff, shifted to an emergency relief mission where health, safety, and food security were the first concerns. But it was also quickly apparent the broader routines for children were also critical, particularly for students already at risk. For example, several administrators reached out to me to

express concerns about students that had been on suicide watch and were already suffering from trauma and being further traumatized by school closures. We also know that reports of child abuse and neglect are down primarily due to the role schools play in the reporting system. Additionally, we know that students and families have suffered from extended out-of-school time for multiple social and economic reasons as well.

The challenge we face, in Nebraska and the nation, is to better understand the balance of the health risks and broad societal costs. That is a burden we are all going to share as we make decisions about how to safely open schools.

Closing and Reopening: As the impact and likelihood of sustained closures to in-person schooling were becoming clearer, Nebraska established a clear approach to guiding schools through the pandemic. I sought to make clear with local public and non-public school leaders that a first priority was community health and wellbeing and educational opportunities were part of that need. Schools were truly remarkable in shifting to these priorities and establishing remote learning. Schools were asked to submit basic continuity of learning plans to the Department that answered two basic questions, “How do you plan to serve students?” and specifically, “How do you plan to serve students with disabilities?” (See more at <http://www.education.ne.gov> and <https://cdn.education.ne.gov/wp-content/uploads/2020/03/Statement-on-Continuity-of-Learning-3.27.2020.pdf>).

I am confident in the abilities of local Nebraska educators to adjust educational practices when there is clarity about the learning environment. Our NDE team and partners established Launch Nebraska as a way to organize a recovery and re-opening approach organized around three major pillars:

1. Leadership and Planning: Government, Operations and Technology
2. Conditions for Learning: Facilities and Wellness
3. Continuity of Learning: Transitions and Instruction

We have organized several working groups across the state that are developing regional and local plans with local public health officials. This effort started early on as our Educational Service Units (Nebraska intermediate education agencies) helped to organize regional conversations with public and non-public schools to create a feedback loop directly to me as well as to the Governor regarding their needs. We maintain weekly calls statewide to discuss re-opening efforts and have further pursued intentional planning efforts at a regional and local level among schools. Additionally, organizational leaders have developed plans among like-sized districts to understand how to best open schools. Our local health officials are collaborating to create easily understood local risk assessment and develop communication tools. Each effort to share and review these plans advances the conversation to open schools.

There are some things that are becoming clearer in the effort as well. There is a substantial desire and pressure to open schools in the fall as normally as possible. At the same point, there is an uncertainty about how to best weigh and mitigate risk. The Launch Nebraska resource allows us to break up the conversations among stakeholders and groups to review feasibility and determine trade-offs. For instance, today there is an increasing belief that wearing masks is a necessary step in maintaining the most normal environment. There is also an understanding that social distancing is dependent on many circumstances. Although frequent handwashing, cleaning, and masks seem feasible in many classrooms, spacing desks at least six feet apart and other tradeoffs are very difficult.

School leaders are committed to balancing this difficult task of safe opening with the needs of the students, families, communities, and staff. There are few “one size fits all” moments in the planning efforts. Instead, it is important to shape broad guidance, with specific examples, that contribute to specific local plans. The efforts have been immense to date and we will soon have decisions made by schools based on this work.

Additionally, the NDE has provided and will continue to provide supports to schools including professional development for the environment we are now in. Thus far, we have offered eight sessions focused on professional learning for addressing content areas and equity in a remote learning environment. We will continue to shape professional learning in partnership with our LEAs and intermediate agencies. Additionally, we are advocating to expand digital resources collectively with schools as part of the effort to fill gaps that have become obvious for some learners and for some schools. Schools across the state are planning to address these challenges by building local plans and we will continue to support these efforts from a state level as well as help facilitate best practice development and exchange.

Serving Students with Disabilities: In these early days and weeks of the COVID-19 pandemic, meeting the needs of students with disabilities in extraordinarily challenging circumstances was my primary focus. As school buildings closed across Nebraska and the nation, educators and school district officials were rightly concerned about their capacity to appropriately meet their obligations to students with special needs. As a result, many school districts became temporarily paralyzed, in effect, by fear of litigation and were resistant to providing services that were necessarily inconsistent with the expectations of Individualized Education Plans developed before the pandemic made the provision of planned services functionally impossible.

I refused to allow fear of litigation to dominate our actions and understood the need to guide responsible action. NDE staff and I encouraged our school districts (and school attorneys) to understand the obligations of the law while also encouraged them to provide the best services possible. Teachers teach, and that is what I committed us to do during this national emergency. Instead of retreating and viewing parents and advocates as a potential threat, and that costly litigation under IDEA as inevitable, I sought to facilitate communication and engagement with stakeholders in support of

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students and families. Because the NDE is also responsible for Nebraska Vocational Rehabilitation as well as Disability Determinations, we have a tremendous set of partners in the disability community that helped us set a tone and direction for school services. We will continue to do this work. In some cases, we are finding that schools are still struggling to provide services especially for those students who need in-person services. But what is clear, and remains clear, is the importance of communication with the most effected students and their families. We continue to issue guidance and have most recently issued summer learning guidance and specific guidance for students with disabilities. (<https://www.launchne.com/wp-content/uploads/2020/05/SPEDGuidanceFinal2020.pdf>).

We continue to engage and listen to these important groups and hear from concerned parents and parent representatives. This helps us better understand the concerns of parents for whom school is a lifeline for necessary developmental support. We take seriously the concerns of advocates and attorneys seeking to protect hard-won legal protections for students who have been ill-served in public education systems across the country.

My intent is to continue to build relationships between educators, parents, attorneys, and advocates that will ensure that we are all on the same side of the table, working together on the same mission of ensuring that all students succeed in Nebraska schools. These partnerships, forged during times of crisis, will continue to help move forward the reopening of schools and the reimaging of public education in Nebraska.

English Learner Students and Families: Nebraska has approximately 130 different languages spoken in schools across the state and some of our communities were struck especially hard by the impacts of the virus in the meat packing industry. We continue to see communities that have suffered a greater impact as a result. Because schools were closed so suddenly, we did lose a normal communication approach with families. Certainly, English Learner students become a critical communication link to families who may not speak English. As this became obvious, schools began to organize and communicate through schools about critical health and safety issues. In a few cases, students themselves helped to organize messages in multiple languages to help ensure that the non-English speaking populations would understand the threat of the virus. This work is still ongoing but it has been clear that we face some barriers in working with our refugee and new immigrant populations without schools.

Systems Involved and Homeless Youth: I have substantial concerns for our students who are in treatment, detention, foster care, and those who are homeless. Though we typically face challenges to serve these populations properly, it has become evident that these students have, and will have, further challenges due to the pandemic. I have met regularly with our treatment centers and facilities that serve systems-involved youth in treatment and rehabilitation centers. I have also benefited by working with our Supreme Court, court system, Department of Health and Human Services, Foster Care system, and other public and private providers. Nebraska is in the middle of efforts to

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reform parts of this system and the pandemic has been a substantial setback for the attention needed for these vulnerable youth. I intend to continue efforts in this moment that expand access to appropriate digital resources, and better track and sustain progress for these students. In my view, we need to be especially mindful of investing in systems that eliminate the school-to-prison pipeline and find strategies that address the inequities these students face in school and society at large. If not for the pandemic, this would be my primary focus for the summer. Now it will be a primary focus as part of the larger recovery effort. We really cannot miss an opportunity to improve the system dramatically that is already disproportionately represented by students of color, poverty, and disability.

Summer Learning / School Building Reopening: Nebraska has provided guidance to schools for the summer and fall through an effort called “Launch Nebraska” (www.launchne.com). It combines strategies from across the state and is informed by a variety of partners including state and local health officials and experts from the University of Nebraska Medical Center and College of Public Health as well as national efforts in partnership with Opportunity Labs, LLC. This work originated in the need to provide guidance for schools during the pandemic around remote learning for the spring, summer, and fall. As my staff began to address needs, it was clear that guidance from CDC and other national sources was only beginning to trickle out while schools needed to gather, explore, and share best practices.

It has become increasingly clear that large-scale guidance needs to be available for local school and health officials to customize for local conditions and environments. Schools in Nebraska are diverse. Nebraska’s smallest school districts (Pk-12) have under 100 students in the most remote areas of the state while our largest district in Omaha exceeds 53,000 students. Additionally, Nebraska has counties that have yet to officially experience their first COVID-19-positive case while other areas have been affected at rates similar to the worst per capita cases in the country. This has proved to be an extremely complex environment as Governor Ricketts and health officials have worked to keep track of the capacities of hospitals as to not overburden the health care system. However, explaining to lesser-impacted communities the role in reducing the spread is a challenge. Yet, as the virus persists, the likelihood of affecting communities without any health care providers and only volunteer emergency medical technicians is also a challenge.

Federal Role: Thank you for the bipartisan Congressional efforts to provide relief and for including education in the CARES Act. The availability of funding for our state and schools has cut through much of the immediate concern for schools as we addressed this unprecedented challenge. Although I was personally concerned that there was not clear guidance and direction available from the CDC about reopening, I am appreciative of the efforts of CDC officials to release what was eventually permitted. Like one can expect, the scale of the challenge is real and providing guidance that can be customized for state and local use is appreciated. I compliment the USDA and USED for rapid responses on waivers for various programs including the regular

communication from our USDA field offices and the ability to shape programs as quickly as possible to meet the food security needs. I also appreciate the quick responses by USED on flexibility around existing funds and waivers for annual assessments and accountability as well as the turn-around on applications for ESSERS funding and GEERS funding provisions.

We need a level of trust among and between agencies across federal, state, and local government. This is not a moment of national divide, but instead a necessary time to manage a crisis collectively. I cannot emphasize enough need for leadership and unity. Nebraska has taken this to heart, and I hope and expect that Congress will also. I continue to work regularly with Governor Ricketts and the agencies under his Nebraska Constitutional executive branch control. The Nebraska Department of Education consists of a separately-elected State Board of Education and this independent, non-partisan Board appoints the commissioner of education. As such, some might expect division and divide, but in Nebraska, we are constantly working together for what is best for our state and constituents. The divide at this point is primarily between those who want to work fast and those who want to work even faster. We have weaknesses and we have made mistakes along the way in this crisis. However, I am proud to continue to balance the needs of our state with all of the energy to do what is best. There are differences of opinion and the importance of proper investment in public health and capacity for local governments is clear. During the historic flooding of 2019, we witnessed the same spirit but nothing in my lifetime compares to the challenges we face in this pandemic. Unfortunately, I feel that the country does not have that same unabashed willingness to lock arm-in-arm to address the challenges we face. That is Nebraska's greatest risk at this point, and the nation's.

CARES Act: Nebraska is still finalizing approaches for the CARES Act (ESSER and GEER) and we are guided by our survey of schools and communities as well as parents. The results have informed preliminary decisions based on the top-five areas identified as priorities for our schools and communities:

1. Enhance technology infrastructure (e.g., broadband, devices, platforms, data privacy, etc.) for students and families
2. Build supports for planning for possible interruptions upon returning to school and student and staff reentry
3. Ensure student nutritional needs are met
4. Provide professional learning to support an inclusive remote learning environment and engagement, along with best practices for different student groups
5. Create or expand mental, behavioral, and social emotional supports (e.g., telehealth)

In addition to the CARES Act funds, we have been working across agencies and with our non-profit partners to establish a community response. This effort started early in the pandemic and we have been working with communities across our state to leverage multiple partners to respond to community needs. We are working across agencies

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including Nebraska's Department of Health and Human Services, the Nebraska Department of Education, the Nebraska Department of Labor, and numerous entities and agencies as well as nonprofit sectors. We have benefited from an effort organized to address children and family needs through "Bring Up Nebraska" under the Nebraska Children and Families Foundation and assisted by Nebraska's First Lady, Susanne Shore. There continues to be a high level of coordination across the state with multiple community partners and agencies.

Equitable Services Conflict: One major, unexpected challenge in the implementation of the CARES Act has been the U.S. Department of Education's non-regulatory guidance on equitable services for non-public schools. Before the Secretary released this guidance on April 30, we were planning in Nebraska to implement equitable services under the plain language of the CARES statute, which expressly requires districts to follow the traditional Title I approach to equitable services. When ED released its guidance, however, which advances an interpretation that conflicts with statute and would provide much more funding to private schools in Nebraska and nationwide, including wealthy schools that serve no low-income students, it caused much confusion.

I understand and share the concern that many have expressed regarding the Secretary's interpretation of CARES. By requiring school districts to calculate the share of CARES funds based upon all students and not just the low-income students considered under Title I, this could have the effect of diluting CARES funds and directing them away from kids who need the most help in both public and private schools. I also understand, however, that students in private schools are also affected by COVID-19, and they also deserve appropriate supports of state and federal government to manage this crisis. This has presented a conundrum and a major implementation challenge in my state and many of our school districts.

Some students *do* need more support than others. It is my role to promote equitable educational opportunities for all students and bridge opportunity gaps that plague our system. Without thoughtful approaches in this moment, we may limit our state's success as we emerge from this pandemic. As we have worked to implement equitable CARES services in my state, I have refused to allow us to be paralyzed, even temporarily, by confusion at the federal level while students across my state need immediate support.

I have led engagement statewide with nonpublic schools in support of a real-world solution that works best for all kids in my state who need support, whether they attend public or private school. I have encouraged private schools with limited student needs to carefully assess those needs to better deploy CARES Act funds that Congress targeted to public school districts on the basis of student poverty. At the same time, I am working with our Governor to use state-level CARES funding to provide improved broadband internet access, devices, and digital resources to all students including those who attend nonpublic, as they are also deserving of support in this crisis.

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It is my responsibility as Commissioner to connect students and families in need with the resources they need to survive this pandemic and succeed in school and in life. I am working to successfully balance our unique state and local needs with federal rules and to engage my longtime state and local partners on an effective path forward in Nebraska. Nonetheless, I urge Congress to step in to further clarify its intention regarding CARES Act equitable services and resolve uncertainty and discord currently present in states across the country.

Additional Federal Funding and Ongoing Flexibility: I do not know what we may yet face as a state and nation but I believe we will have even greater challenges ahead. It is imperative that Congress and the Administration act with a unified regard for the challenges that are happening in our local communities, counties, hospitals, public health districts, and schools.

Our nation's schools and communities will face untold challenges this summer and into fall. Although I believe we will see that most schools in Nebraska are able to operate this summer, we will face extensive disruptions and interruptions. One ongoing effort where we need more federal support is in providing broadband access to the homes of students and teachers. Although I know that broadband is not in the jurisdiction of this committee, it is apparent that lack of broadband access it is a huge inequity for many of our students and households. We in public education can no longer simply accept the educational result of being forced to overcome every inequity in society based in housing, labor, health, and infrastructure policy. It is critical that we as a nation address inequity where it persists if we are to overcome the inequities in schools and results that surface.

I appreciate the the waiver approach for assessment and accountability for the past year but we also need to hold accountable the efforts of sectors beyond education for the future. Nebraska intends to measure the amount of unfinished learning and the persistence and potential growth in an educational gap that is a matter of this circumstance. However, I cannot stand by an artificial notion that education will solve this challenge without a much more substantial lift of other sectors overseen by the Federal government including your committee on Health, Education, Labor, and Pensions. I have a great deal of respect for Chairman Alexander and Ranking Member Murray and deeply appreciate the work of this committee.

Future of Education: I do not believe that we should miss an opportunity in the midst of this crisis to build back to the same systemic inequities that have persisted for years and made visible in educational assessment and accountability. Instead, as has become a bit of a mantra with our partners in Nebraska, we need to "build back better." I truly believe that education is and must be a substantial part of the effort to erase inequity in society but it will take a whole societal approach to address these challenges. I believe we need to redirect efforts to meet the most pressing needs of our students and families while marking a new expectation of individual progress and growth for each student.

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Nebraska will need additional supports to manage the ongoing crisis for our students and families. I am very concerned that we lack the technology infrastructure to provide remote learning for sustained periods of time as well as make the investments in the appropriate resources and supports. Without additional Federal support dedicated to K-12 education in future supplemental appropriations legislation, it may be difficult for states that are already strapped for funding in several sectors to meet the critical needs to keep schools open.

I am concerned that the economic impact of the pandemic will result in necessary and sustained cuts in my state's K-12 education funding to exceed 20 percent while at the same time our costs of providing multiple platforms for learning will increase the need for teaching staff time. This is a perfect storm as we face increased needs and decreased resources. Recovery in Nebraska will require expenditures to address compensatory education for months of lost services which will strain the already limited resources for special education services.

Additionally, I am very concerned that teachers on the front lines of the pandemic will not have the proper protections for conditions that they may experience. Protecting teachers from the effects of COVID-19 will require addressing individual accommodations that will also limit an already strained workforce. This will require additional contract time for some teachers and educational staff. This goes across several areas including maintenance, custodial, food service, nursing, mental health counseling, and every support service imaginable.

Conclusion: I cannot imagine a more challenging time in our society than we currently face. However, I am optimistic because what I find in Nebraska is a spirit of collaboration and cooperation; a desire to work together to address challenges and a sense of urgency to establish what is ultimately best for students and families.