

Emergency Waiver for In-Person Instruction at Schools Impacted by Wildfires

This waiver to provide *Emergency In-Person Instruction* at schools serving communities impacted by wildfires is supplemental to the Oregon Department of Education [Ready Schools, Safe Learners](#) guidance for the 2020-21. Please write to ODECOVID19@ode.state.or.us with any questions. This guidance was released on 10-5-20, it is provisional and subject to further change.

Rationale for Emergency In-Person Instruction for Communities Impacted by Wildfires

Many students and families in communities impacted by wildfires are still displaced from active evacuation zones, loss of access to their home, or have seen a total loss of housing and infrastructure that has made accessing [Comprehensive Distance Learning](#) impossible. Additionally, some schools that serve communities impacted by the wildfires in Oregon are experiencing significant and widespread loss of internet connectivity, technology devices, and safe and supportive places to participate in online [Comprehensive Distance Learning](#).

Many students and families have also experienced significant trauma due to the impact of the wildfires. This trauma and need for social emotional and mental health support is a driving factor for an emergency waiver to allow in-person instruction. Schools can serve as a hub of support for students and families that may experience lasting effects from the trauma (see [EdSource article](#) on lasting trauma impacts of California wildfires). Students may get needed supports from counselors, access to mental health specialists, and even seeing familiar teachers and peers. Many families, understandably, remain focused on meeting basic daily needs for adequate shelter and food.

If eligible public and private schools concur that current social emotional, mental health, and basic shelter and nutrition needs of students impacted by wildfires in Oregon outweigh the potential negative effects of increased COVID-19 risks, which may be mitigated by employing additional safety measures; the schools may provide in-person services with additional provisions (see below). For many of these students it is believed that the safest place in the community is at school.

Public and Private Schools Located Within the Boundaries of These Districts are Eligible for an Emergency Waiver to Serve All Students Through In-Person Instruction

- McKenzie School District
- Phoenix-Talent School District
- Santiam Canyon School District

Public and Private Schools Located Within the Boundaries of These Districts are Eligible for an Emergency Waiver to Serve Only Students Who Have Been Displaced Due To Loss of Their Home or That They Remain in Level 3 Evacuation Zones Through In-Person Instruction

- Ashland School District
- Beaverton School District
- Butte Falls School District
- Cascade School District
- Colton School District
- Coquille School District
- Eagle Point School District
- Estacada School District
- Gervais School District
- Glide School District
- Jefferson School District
- Klamath County School District
- Lincoln County School District
- Mapleton School District
- Marcola School District
- Medford School District
- Molalla River School District
- Mt. Angel School District
- North Marion School District
- North Santiam School District
- Oakridge School District
- Pleasant Hill School District
- Silver Falls School District
- Springfield School District
- St. Paul School District
- Three Rivers School District
- Tillamook School District
- Woodburn School District

Emergency Waiver For In-Person Instruction for Schools Serving Communities Impacted by Wildfires

Public or private schools, providing either school-wide or student-specific in-person instruction as listed above, may provide *Emergency In-Person Instruction* to meet the needs of specific groups of students based on the trauma and impact of wildfire on their mental and social emotional health, housing, technology infrastructure, and availability of basic services including: shelter, nutrition, and physical and mental healthcare. This includes, but is not limited to, provisions for supporting students experiencing disability and English language learners. This emergency waiver is offered with the following conditions:

- A demonstrated student need based on:
 - Trauma experienced by students and families;

- Students and families currently dislocated due to evacuation orders, loss of access to their homes or total loss of housing;
- Widespread loss of technology/electric/heating infrastructure; and/or
- Lack of basic services: nutrition and social emotional, mental, and physical health services.
- A partnership has been formed between the school (or district) and the local public health authority (LPHA) that include the following provisions:
 - An assertion by the school that it will fully comply with sections 1-3 of the [Ready Schools, Safe Learners](#) guidance and a delineation of expanded health and safety protocols beyond those provided in sections 1-3 of the [Ready Schools, Safe Learners](#) guidance. At minimum these additional provisions must include:
 - A statement that current social emotional, mental health, and basic shelter and nutrition needs of students impacted by wildfires in Oregon outweigh the potential negative effects of increased of COVID-19 risks, which may be mitigated by employing additional safety measures; the schools may provide in-person services with additional provisions.
 - Assurance that a system has been developed for standardized daily entry screening for COVID-19 symptoms and possible exposure for all staff, students, essential volunteers, and other service providers.
 - If possible and available, provide COVID-19 testing for students, staff, essential volunteers, and other service providers with symptoms or suspected exposure to COVID-19 (at no cost to families or staff). If anyone tests positive the school and LPHA will follow guidance in [Planning for COVID-19 Scenarios in Schools](#).
 - When testing capacity is limited, testing for COVID-19 will be prioritized for individuals in congregate shelters or other crowded living situations due to evacuation from the wildfires.
 - Personal protective equipment (PPE) as required by [Ready Schools, Safe Learners](#) guidance be provided to all students, staff, essential volunteers, and other service providers.
 - Cohort groups are limited to no more than 50 students in a cohort (subject to minimum physical space requirements; see [Ready Schools, Safe Learners](#) guidance).
 - A review and standardization of safety procedures for any school setting (indoor, outdoor, tents, etc.).
 - In coordination with the school and LPHA, articulate a written plan for response to COVID-19 cases in the new setting that is aligned with guidance in [Planning for COVID-19 Scenarios in Schools](#). Know that COVID-19 within the setting may lead to cohorts or the site moving to [Comprehensive Distance Learning](#).
 - A plan and system for training of all staff, essential volunteers, and other services providers on all [Ready Schools, Safe Learners](#) and additional health and safety protocols.
- [Comprehensive Distance Learning](#) provisions must be made for students and families who do not want to take the additional risk of in-person instruction.
- Students must continue to have full provisions of FAPE.

- Schools participating in this waiver for *Emergency In-Person Instruction* may not accept transfers from other districts to participate in in-person instruction.
- The school (or district) *notify* the Oregon Department of Education (ODE) and Oregon Health Authority (OHA) that it will be providing *Emergency In-Person Instruction* by:
 - Articulating the need for *Emergency In-Person Instruction* (to the extent possible, share the level of impact, trauma, social emotional and mental health needs, level of housing loss, and loss of access to school);
 - Describing how the school (or district) and LPHA partnership will plan for the implementation of the provisions (above); and
 - Committing to provide information to ODE and OHA as requested, including regular completion of the weekly COVID-19 School Status report.
 - Please send your notification to Debbie.Green@ode.state.or.us. Questions can be sent to ODECOVID19@ode.state.or.us.
- If school associated cases or an outbreak of COVID-19 occurs during a school's implementation of *Emergency In-Person Instruction*, the school should work with the LPHA to determine the appropriate response, which may include quarantine of cohort(s) or temporary closure of all in-person learning to protect the health and safety of students and staff.

Note: *This guidance does not constitute legal advice and may not be relied on as legal advice. If schools require legal advice regarding the issues discussed in this guidance, they should consult an attorney.*