



GOVERNOR GINA M. RAIMONDO

To: Rhode Island School Superintendents' Association (RISSA)
CC: Commissioner Angelica Infante-Green
From: Kevin J. Gallagher, Senior Deputy Chief of Staff, Governor's Office
Re: Recommendations for LEA Staff and Contractor Continuity
Date: April 10, 2020

Thank you for your continued efforts to execute distance learning on behalf of Rhode Island's more than 1430,000 public school students. As we know all too well, the COVID-19 pandemic has disrupted most aspects of life, especially how education services are provided. The switch to distance learning has required a dramatic change in practice at all levels and your leadership has allowed Rhode Island to make this transition successfully.

As you may know, the Coronavirus Aid, Relief, and Economic Security (CARES) Act states that: "A local educational agency, State, institution of higher education, or other entity that receives funds under the 'Education Stabilization Fund', *shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.*"

In addition, as has been widely covered in the press, as of today, April 10, 2020, more than 130,000 Rhode Islanders have filed claims for unemployment insurance.

With this context in mind, the Governor's Office urges LEAs to retain all of their staff to the greatest extent possible, including but not limited to teachers, paraprofessionals and other support staff, cafeteria staff, clerical staff, and custodial workers.

Despite the fact that our school buildings are closed to our students, all LEA staff, not just teachers, should be incorporated into your efforts to deliver distance learning and engage with students and families to the maximum extent possible. We know that many of you have staff working at grab-and-go sites distributing meals and books, working inside the school building to conduct maintenance and cleaning activities, and working from home or the district office calling families, supporting students and teachers, providing translation services, and performing various other important services in support of distance learning. We urge you to continue that practice and do everything possible to incorporate all LEA staff in support of distance learning, consistent with all applicable social distancing guidance provided by the Rhode Island Department of Health and the Governor's order to work from home to the greatest extent practicable. We trust that all of your staff will be valuable to you as you continue to provide a broad and evolving spectrum of services needed by students and families.

For services provided through a contract (e.g., student transportation, custodial or building maintenance services, public or private special education providers, etc.), as opposed to services provided directly by an LEA employee, the State recommends that contracts be amended, rather than terminated, to more

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accurately reflect the actual costs incurred during the duration of the public health emergency. The goal of these amendments should be to keep active employees engaged and employed to the greatest extent practicable while we are engaged in distance learning.

These contract amendments should be responsive to changing the scope of the delivery of services (if needed) to respond to students and families' needs at home while we are distance learning.

In no way should this recommendation be interpreted to encourage contracted companies to be enriched beyond the actual and reasonable costs incurred at this time.

Instead, these contract amendments should be considered to the extent that vendors can continue to provide services and, most importantly, to compensate and provide health insurance to their active employees. For example, as it relates to student transportation contracts, whenever possible, if a service is not being provided (i.e., the bus driver is not physically driving a bus), arrangements should be made, to the greatest extent practicable, to engage active employees in supporting the families and communities they serve, such as making calls to students on their bus routes to check-in on them, assisting LEAs in delivering books, supplies, or meals to families, staffing grab and go sites, etc.

It is not the expectation that payment would be maintained at the level before this pandemic. For example, the cost of the use of buses should not be charged as they are not being utilized at this time. Any contract amendments contemplated should require that the contracted companies attest and provide reasonable documentation of the fact that it is charging only for the actual and reasonable cost of sustaining wages and health insurance payments for active employees and while also engaging best effort is to avoid unnecessary costs.

We will endeavor to update this memo once we receive additional guidance from the U.S. Department of Education under the CARES Act.