

May 12, 2021

**BY EMAIL**

State Superintendent Tony Thurmond  
California Department of Education  
1430 N Street  
Sacramento, CA 95814-5901

Dear State Superintendent Thurmond,

Representing tens of thousands of parents, teachers, and community members from a diverse group of cities across the state of California, we write today with deep concern over our state's failure to center the education and well-being needs of California's children during this pandemic. [More children in California are currently attending distance learning than all other states combined](#). With the upcoming annual state budget update, we see an important opportunity to do better and we are asking you to do everything in your power so that public school children can return full-time to the classroom with their in-person teachers this fall. This letter is to ensure that the position and predicament of urban districts is clear and understood, and to convey our urgent request that you provide the leadership on this issue that thus far has taken a backseat to politics in California.

When the state ordered schools closed in March 2020, it was with the best of intentions: to protect our state's children, teachers and staff. Unfortunately, [we now rank 49 out of 50 in the nation to fully reopen our public schools](#). This is despite the advice of our national and state public health experts, including the CDC, the California Department of Public Health and the Surgeon General, who have said that we can safely reopen our schools fully to in-person instruction with in-person teachers for all students PK-12. Children remain out of school, or confined to confusing and inadequate hybrid schooling schedules, often without access to Out of School care or even live in-person teachers. And they are suffering. We are alarmed by the spike in pediatric mental health crises and the growing evidence of learning loss, particularly for our state's most vulnerable learners. Incentives are not enough to restore proper schooling, particularly in the large urban districts across our state. Your immediate, clear guidance to local school districts, and to the legislature as they update the state budget, is imperative:

1. **Publicly support the return to full-time, in-person instruction for the 2021-2022 school year.** Our districts are in limbo, and cannot begin the process of planning for the fall until they receive more clear commitment from the State, including from your office, that every single child who wants—and deserves—to return to a full-time quality, in-person education by the fall, with their in-person teachers, will be able to do so. Governor Newsom is projected to fully reopen the economy on June 15<sup>th</sup>. We hope to see you take the matching stance supporting that our public school system can and should also be fully restored.

2. **Do not reauthorize the distance learning waiver.** We recognize that there may still be a small minority of families who will temporarily need to access remote learning in the 2021-2022 school year because of extraordinary health concerns and other specific reasons related to learning accommodations. However, a form of distance learning is already permitted under current law through the J-13 process, and urban California districts are prepared to offer high-quality Virtual Academies for children who opt out of in-person school. Beyond that, the default of California's local school districts should remain student-centered, in-person learning, and no Distance Learning program should interfere with the ability of local school districts to provide full-time, five-day, in-person school with in-person teachers, for all students who wish to be in the classroom.
3. **Eliminate "Zoom in a Room" and "distance teaching."** These forms of "instruction" to children in the classroom are nothing short of cruel. It is outrageous that some children in California are finally "returning" to school only to see their teacher remotely over a computer. This practice of Zoom in a Room is contrary to the plain language and intent of the Education Code and should never count as instructional minutes for in-person instruction.
4. **Restore instructional minutes to pre-pandemic levels.** Last year's budget legislation reduced instructional minutes, presumably to help everyone transition through a tough year. It is long past due time to restore instructional minutes to their pre-pandemic levels. Children need time with their teachers if they're going to learn, particularly now that so many students have fallen far behind on critical skills development.
5. **Strengthen oversight of school districts to ensure suspensions and expulsions don't increase, particularly for Black and Brown students.** Despite the best of intentions, the health and safety COVID-19 interventions that the State of California and individual school districts have imposed, have created relatively restrictive environments for learning. While we hope that classrooms will no longer be as restrictive next school year thanks to updated health guidelines, we also want to ensure that restrictive COVID-19 mitigation measures are not used as justification for increased punitive discipline for students. Children will be bringing a great deal of trauma with them to school when they return. They need support and understanding, not suspensions and expulsions. The Department of Education should monitor and create mechanisms for incentivizing a student-centered return to school, and the department should audit and hold school districts accountable that use COVID-19 mitigations as an excuse to increase racialized discipline.
6. **End emergency exemptions that allow violation of IEP assessments and accommodations.** Many families of children in special education, or in need of assessment for IEP services, have struggled this past year to ensure that their children's IEPs were respected by their school district, despite the federal law protecting their children's rights. It should no longer be an option for school districts to force families of children with IEPs to

agree to virtual services. While there may be a few instances where virtual services can work, we have heard overwhelmingly from parents that virtual supports do not work for the vast majority of IEP students, and have only created even more academic isolation for these children. All IEP accommodations and assessments that involve human support must be in person going forward.

California's children are counting on you to center them. Please let us know that we can count on your leadership to ensure the return to a quality, in-person public education in our state, which many children have been deprived of for over 400 days now. Please restore California children's right to an education.

Respectfully,

*The L.A. School Uprising - Los Angeles*

*Reopen SDUSD - San Diego*

*EGUSD Parent Coalition - Elk Grove & Sacramento*

*Open Sac City Schools - Sacramento*

*Decreasing the Distance - San Francisco*

*OUSD Parents for Transparency & Safe Reopening - Oakland*

*Families for Santa Cruz County Schools*

*West Contra Costa Safe Open Schools*

*BUSD Parents - Berkeley*

*PAUSD Parents - Palo Alto*

*ReopenSUHSD - Sequoia Union*

CC:

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**Senate President pro Tempore Toni Atkins**

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**California State Board of Education**

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