



Citywide Council for District 75



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***Resolution #1: District 75 Students to be exempt from random Covid-19 testing to remain eligible for in-person Schooling including IEP Services and Supports.***

**WHEREAS**, approximately 20%, 224K children in 2019 receive special education services through an Individual Education Plan (IEP) out of 1.1 million children in the Department of Education public school system throughout NYC with 26,000 children in the District 75 program.

**WHEREAS**, the District 75 special need students receive additional funding per child for the unique range and severity of disabilities on their Individual education Plans (IEPs) being on a 12 month school program federally mandated by Chapter 683 to provide year round school supports and IEP related services to maintain structure with routine and limit any regressions.

**WHEREAS**, all NYS schools began remote online learning, including all NYC DOE D75 schools on March 23<sup>rd</sup> 2020 during the COVID-19 pandemic with Governor Cuomo placing the state on “pause” by executive order on March 22<sup>nd</sup>, affecting 1800 NYC schools, 1.1 million children including D75 students and 75000 teachers. This overrides the NYC mayoral control of NYC DOE schools.

**WHEREAS**, the state reinstated in-person learning, with the decline of Covid-19 positive cases, falling below the average of 3% citywide; Public education resumed for District 75 students on September 22<sup>nd</sup>, 2020 with the remainder of all students resuming school on October 1, 2020.

**WHEREAS**, by reinstating the option of in-person schools with supports and services for D75 students will greatly help with the regressions on remote learning; Children have suffered losing of all progress made during the 2019-2020 school year. This is helping slowly introduce our D75 children back into their daily school routine including bus transportation, teacher/ therapist in-person instructions, socialization practices and interactions with their peers with the additional supports needed in place including the anticipated increase/need for mental health services.

**WHEREAS**, The Center for Disease Control (CDC) states “Based on the available evidence, CDC does not currently recommend universal (widespread) symptom screenings be conducted by

schools. Parents or caregivers should be strongly encouraged to monitor their children for signs of infectious illness, and students who are sick should not attend school.”  
<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/reopening-schools-faqs.html>

**WHEREAS**, it was publicly announced by Joan Boreland, the health director for D75 schools at the D75 council meeting held on Wednesday, September 30<sup>th</sup>, 2020 stating all D75 students are exempt from Covid testing in response to a parent asking for clarification to the random Covid-19 testing protocols in our schools.

**WHEREAS**, the Department of Education @nycschools official site also publicly announced on Instagram that all students would be tested (excluding D75 students) on October 3<sup>rd</sup>, 2020.

**WHEREAS**, an independent source, “The Morning Bell” also announced in a publicly posted article at <https://morningbellnyc.com/2020/covid-19-testing-in-nyc-schools-begins-in-october/> that “Our testing partners will conduct in-school COVID-19 tests of randomly-selected staff members and students in grades 1–12 once per month (excluding District 75 schools).”

**WHEREAS**, the NYC Department of Education posted in the health and safety faq for testing website:<https://www.schools.nyc.gov/school-year-20-21/return-to-school-2020/health-and-safety/covid-19-testing/faqs-for-testing> that “families who do not provide consent may be required to participate in remote-only learning”, thereby removing D75 students from vital in-person school setting, structured routines, socialization, supports and IEP services. It further states that “All district school students participating in blended learning in grades 1-12 may be included in the random sample.” And that “A trained individual will conduct the test. Testing will be provided by, among others, school nurses, City staff, and our partners: SOMOS, Bio Reference Laboratory, and Fulgent Genetics” who have no training or understand the struggles surrounding medical testing of special needs students.

*The site further states that no parent will be allowed to be present during the testing of their child; parents cannot provide outside testing from a testing facility or their trusted family pediatrician in lieu of random covid testing to support their special need child during the test. It further states “What if my child cannot be tested due to their documented disability? If your child has a documented disability and testing would impair your child’s mental or physical health due to that disability, please contact your school to discuss how to proceed.” But provide zero guidance on how to request exemption due to their child’s disability or further guidance.*

**WHEREAS**, Chancellor Carranza in the ECC meeting held on October 3<sup>rd</sup> 2020 stated that District 75 students would be now subjected to random covid-19 testing along with all other school districts.

**WHEREAS**, the United Federation of Teachers (UFT) posted that there would be “No Blanket Exemption for D75 students” further stating “In a Sept. 30 letter to staff and a tweet on Friday

morning, the DOE wrongly stated that District 75 students would be exempt from the city's mandatory COVID-19 testing program in schools that begins next week. The article link is: <https://www.uft.org/news/news-stories/no-blanket-testing-exemption-district-75-students>

**WHEREAS**, the consent forms sent home to parents do not allow them to opt out from the agencies that have partnered up with the Department of Education to conduct these tests, including but not limited to SOMOS, Bio Reference Laboratory, and Fulgent Genetics to use the results and/or samples from the random covid-19 test for private, personal or further use or research in these companies. It is documented that the companies conduct DNA testing and may be provided your child's personal information including their birth date, age, gender, race and ethnicity.

**WHEREAS**, in an article posted by NY Teachers for Choice, <https://nyteachersforchoice.wordpress.com/2020/09/13/did-nyc-uft-sell-our-dna-without-our-permission/> it states that the UFT is selling our children's DNA without parents' expressed written permission, but that the consent forms may imply consent. It sites specifically that "Fulgent Genetics – the company NYC has contracted with to do the massive unprecedented testing – owns a "proprietary reference library of genetic information," according to a 2017 SEC filing from the company. This means they profit off of harvesting DNA samples, and the mandatory testing program they will be running in NYC schools is a treasure trove of new DNA samples." There is no protection that signing the Covid-19 testing consent is solely just for covid testing. The consent form has no opt out option.

**LET IT BE RESOLVED THAT**, The NYC Department of Education stand by its publicly posted and announced decision to parents, and the public that all District 75 students be exempt from random Covid-19 testing.

**LET IT BE RESOLVED THAT**, any parent can provide covid-19 testing results from their trusted pediatrician or any outside covid-19 testing facility to the school to show negative results instead of random covid-19 testing so they can be present to support their special need child with a medical provider of their personal choice.

**LET IT BE RESOLVED THAT**, parents who opt in to schools conducting Covid-19 testing may be present during this medical procedure of their child as their custodial care takers to provide the support to ensure the child is calm and safe.

**LET IT BE RESOLVED THAT**, all District 75 students fall under special need consideration where testing can "impair the child's mental or physical health due to that disability". Any parent wishing to opt of random covid-19 testing consent may do so with their school, without question and that the child's vital in-person instruction and IEP services would continue without threat of remote learning.

**LET IT BE RESOLVED THAT**, any parent wishing to provide consent for random Covid-19 testing, be given the option to OPT out of their child's DNA, saliva, or test results for any other purpose

other than to test for the Covid-19 virus by any administrator or facility used to conduct testing of their child in their school.

**LET IT BE RESOLVED THAT,** the Citywide Council for District 75 schools nor were any parents informed in a timely fashion, that the blended learning model would include random covid-19 testing or may be placed back on re mote learning. By implementing this testing protocol leaves District 75 students, the most vulnerable or our City 's constituents in unnecessary harm.

**LET IT BE RESOLVED THAT,** the Citywide Council for District 75 schools recommends that all Community Education Councils (CEC's) follow this resolution for their own districts; that no child be subject to random covid-19 testing procedures in schools without the above resolutions adjustments above.

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Council Co-President's Signature

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Date

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Council Co-President's Signature

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Date

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Witness Signature

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