



STATE OF HAWAII
DEPARTMENT OF EDUCATION

P.O. BOX 2360
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OFFICE OF THE SUPERINTENDENT

September 21, 2020

The Honorable Donovan M. Dela Cruz
Hawaii State Capitol
415 South Beretania Street, Room 208
Honolulu, Hawaii 96813

The Honorable Jarrett Keohokalole
Hawaii State Capitol
415 South Beretania Street, Room 203
Honolulu, Hawaii 96813

The Honorable Michelle N. Kidani
Hawaii State Capitol
415 South Beretania Street, Room 228
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The Honorable Donna Mercado Kim
Hawaii State Capitol
415 South Beretania Street, Room 218
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The Honorable Sharon Y. Moriwaki
Hawaii State Capitol
415 South Beretania Street, Room 223
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The Honorable Kurt Fevella
Hawaii State Capitol
415 South Beretania Street, Room 217
Honolulu, Hawaii 96813

Dear Members of the Senate Special Committee on COVID-19:

The Hawaii State Department of Education (HIDOE) is responding to the following requests from the Senate meeting held on September 11, 2020, regarding Dole Middle School. We appreciate the opportunity to share information about the HIDOE's response to the COVID-19 cases impacting the school community.

(1) Request for details on the first contact made by the DOE to DOH regarding the Dole Middle School case:

Questions:

- *Which DOE staff member contacted the DOH to notify the department and acquire guidance once the outbreak was disclosed?*
- *Which health official in the DOH was contacted, and what was the date and time of this correspondence?*
- *What was the specific guidance given by the DOH to the DOE during that communication?*

Response:

The HIDOE's COVID-19 Core Response Team sends case updates to the Hawaii State Department of Health (DOH) on a nearly daily basis. In the Dole Middle School situation, HIDOE's School Health Section Administrator (TA) Ms. Jennifer Ryan notified the DOH when a positive COVID-19 case was reported to request follow-up. Below are the dates, times and details of Ms. Ryan's correspondence with DOH:

- **August 15, 2020, 5:49 p.m.:** Email to Ms. Karin Ng, DOH Schools Liaison for COVID-19, with notification of first reported case at school.
- **August 15, 2020, 7:57 p.m.:** Received phone call from Ms. Ng regarding the first case.
- **August 25, 2020, 4:11 p.m.:** Emailed Ms. Ng and requested follow-up on the first case.
- **September 1, 2020, 3:56 p.m.:** Left voicemail message for Ms. Ng and notified her of the second case.
- **September 2, 2020, 10:47 a.m.:** Received phone call from Ms. Ng and provided information regarding the second case.
- **September 3, 2020, 3:55 p.m.:** Emailed Ms. Ng and requested follow-up on the second case.
- **September 3, 2020, 4:35 p.m.:** Received an email from Ms. Ng, confirming that two close contacts of Case No. 2 were identified by the DOH investigator at the school.
- **September 3, 2020, 5:53 p.m.:** Emailed Ms. Ng and requested follow-up on Case Nos. 3 and 4 (Dayna Inouye).
- **September 5, 2020, 2:30 p.m.:** Emailed Ms. Ng and requested DOH consultation due to the quantity of cases reported at the school within a single week.
- **September 6, 2020, 12:10 p.m.:** Called DOH's Oahu after-hours line and requested consultation for Dole Middle School. Was referred to Mr. Joe Elm, Supervisor, Epidemiology and Surveillance Section.
- **September 6, 2020, 12:47 p.m.:** Received phone call from Mr. Elm and requested consultation for Dole Middle School. Was told that the DOH school COVID-19 team would be responding.
- **September 6, 2020, 1:02 p.m.:** Received a phone call from Ms. Augustina Manuzak, Supervisor, Epidemiology and Surveillance Section, and requested consultation for Dole Middle School. Was told that the school COVID-19 team would be responding.
- **September 6, 2020, 8:23 p.m.:** Emailed Ms. Ng, requested consultation for Dole Middle School on communications, and reported Case No. 5 at this school.
- **September 7, 2020, 10:34 a.m.:** Texted Ms. Ng to request consultation on indicators such as infection rate by ZIP code for possible Dole Middle school closure.
- **September 7, 2020, 12:09 p.m.:** Text received from Ms. Ng saying this would be brought up with the DOH school COVID-19 team.
- **September 7, 2020, 1:09 p.m.:** Texted Ms. Ng that HIDOE would be issuing a press release about Dole Middle School due to the frequency of cases and the fact that the cases do not appear to be connected.
- **September 7, 2020, 2:59 p.m.:** Text received from Ms. Ng stated that the investigator assigned will have to provide any guidance specific for the school/these cases.
- **September 10, 2020, 7:32 a.m.:** Left a voicemail message with Ms. Ng to request consultation for Dole Middle School.
- **September 10, 2020, 2:36 p.m.:** Spoke on the phone with Ms. Ng and Dr. Sarah Kemble,

Acting State Epidemiologist, regarding the Dole Middle School cases and scheduled a meeting for consultation on September 11, 2020.

During the communications listed above, the message from DOH was that their school COVID-19 response team would be providing guidance and consultation.

On September 11, 2020 at 10:15 a.m. a virtual meeting was held and attended by Ms. Karin Ng (DOH Schools Liaison for COVID-19), Dr. Sarah Kemble (DOH Acting State Epidemiologist), Dr. Marcia Nagao (DOH Immunization Branch Chief), Deputy Superintendent Phyllis Unebasami, Assistant Superintendent Cynthia Covell, Complex Area Superintendent Rochelle Mahoe, Ms. Jennifer Ryan (HIDOE's School Health Section Administrator (TA), Mr. Jeremy Koki (Auxiliary Services Specialist) and Ms. Lindsay Chambers (COVID-19 Core Response Team support). HIDOE asked DOH for an assessment and recommendation, specifically for Dole Middle School. HIDOE raised the question about the location of transmission and shared a timeline of cases, layout of facilities, and response efforts.

The guidance provided by DOH during this call included:

- Identifying a “safety champion” at the school;
- Performing routine cleaning at least daily, especially high-touch areas using products from Environmental Protection Agency (EPA) List N;
- Reminding custodial staff to clean areas considered “high-touch;”
- Reminding staff about areas where transmission can occur;
- Reinforcing mask wearing;
- Reminding staff not to congregate (e.g., at breaks, lunch);
- Having supplies for hand hygiene readily available;
- Having cleaning supplies available for staff (if they want to clean more often than the custodian's daily cleaning);
- When multiple cases are first identified within a short time period (two weeks), may be appropriate to close/exclude affected offices/classrooms while investigation is performed to learn more information, and to allow for thorough cleaning of impacted areas;
- School should be shut down, if needed, in order to learn more information and do deep cleaning of impacted areas; and
- A complete school closure for Dole Middle School is not necessary at this time.

DOH also reassured HIDOE that measures taken by the school adequately address the cases identified, which included identification and exclusion of close contacts; closure of the part of the office where transmission between employees may have occurred; testing of all staff in the affected office area; closure of the two classrooms the positive teacher's assistant had entered during infectious period; and, thorough cleaning of all high-touch surfaces with EPA List N-approved agent, in both the affected office and two classrooms.

In addition to these HIDOE efforts and the September 11, 2020 meeting, DOH reached out to Principal Mavis Tasaka on September 3 and September 9, 2020. During these conversations, DOH only asked

for additional details regarding the cases (e.g., dates, phone numbers of employees). DOH did not offer guidance on next steps.

(2) DOH's contact tracing efforts:

Questions:

- *Please provide a timeline of when DOH began its contact tracing efforts on this case, and to the best of your knowledge, when was it completed?*
- *When were your employees notified that they were exposed to a COVID-19 positive case?*

Response:

We cannot speak to DOH's timeline of contact tracing efforts, however, we can share when HIDEOE notified potential close contacts. Notification to DOH about cases along with relevant information, such as the individual's name and date of birth are outlined in the previous response.

In all cases, Dole Middle School administration notified potential close contacts within 24 hours of being alerted by an employee of their intent to get tested for COVID-19. The following is a timeline of cases and notifications. The date in bold is when the school was notified by the individual of their test results; in parenthesis is the date the individual was out sick. In most cases, confirmation of diagnosis via lab results or documentation from a physician was provided after a response was already in motion or completed.

- **School notified August 15, 2020** (out sick starting on August 14, 2020): The school's first case involved an employee and was confirmed via documentation on August 27, 2020. Close contacts who were identified through fact finding with the infected individual were notified by the school's administration on August 15, 2020. A letter was sent by HIDEOE to all staff and parents on the same day.
- **School notified September 1, 2020** (out sick starting August 27, 2020): The school's second case involved an employee. Potential close contacts were identified through fact finding with the infected individual and were asked to telework. They were notified by the school's administration when the employee went out sick and administration was made aware of the individual's intent to get a COVID-19 test. A letter was sent to all staff and parents on September 1, 2020 when the administration was notified by the individual that the test results were positive.
- **School notified September 3, 2020** (out sick starting on September 1, 2020): The third case involved a student who was last on campus August 17, 2020. No close contacts were identified as the student did not enter a classroom following a wellness check conducted by the teacher. A joint notification was sent to all staff and parents on September 4, 2020 one day after HIDEOE was notified of the student's diagnosis.
- **School notified September 4, 2020** (out sick starting on August 29, 2020): The fourth case was an employee. One potential close contact was identified by the infected individual and informed on August 29, 2020 when the school was made aware that she was tested for COVID-19. A joint notification was sent to all staff and parents on September 4, 2020 the same day HIDEOE learned of the diagnosis.

- **School notified September 5, 2020** (out sick starting on August 29, 2020): This case involved an employee who worked independently and no potential close contacts were identified. A letter to staff and parents was distributed on September 7, 2020 and included information about this case, even though it was not confirmed via documentation until September 15, 2020.
- **School notified September 7, 2020** (out sick starting on September 4, 2020): Potential close contacts were notified on September 7, 2020 when the school became aware of the employee's self-reported, positive COVID-19 test results and reason for absence on September 4, 2020. This potential case was included in the previously mentioned letter and is still pending confirmation via documentation.

Principal Tasaka and the school's administrative team followed up with the individuals who were diagnosed with COVID-19 to ensure that all potential close contacts were identified.

(3) No consistent follow-up or guaranteed action by the DOH:

Questions:

- *What are the DOE's protocols when there is not immediate follow up by DOH?*
- *How long does it take for the DOE COVID-19 Response Team to take action, and how is this response time monitored?*
- *What happens if your department does not meet its own timeline requirements?*

Response:

The HIDEOE's COVID-19 Core Response Team follows up with DOH when notified by administrators or complex area superintendents that a response was not received by DOH.

HIDEOE's team responds immediately to cases when notified. A response is provided within a day, but typically within an hour unless the team is working on other cases or in meetings. These responses are tracked via group text messages or, if it's a straightforward situation, through emails where one member of the team is able to respond and close out a case. An internal timeline requirement has not been set as each case is treated with urgency.

(4) DOH is creating a Contact Tracing Team dedicated to tracking school cases:

Question:

- *Are you aware as to when this team will be brought on board?*

Response:

During the September 11, 2020 meeting, Senator Kim mentioned that the Committee was introduced to the contact tracing team dedicated to education cases and the Superintendent was advised that there would be a contact tracing team dedicated to the HIDEOE. However, we have not been introduced to this or given specific contact information.

(5) Levels of risk assessment before a school is closed:

Questions:

- *What are these levels, and are they included in the Health and Safety Handbook?*
- *Who in DOH is developing the metrics that will determine when a school will close or reopen?*
- *Are there currently no metrics or handbook that determines when a school should close or reopen?*
- *If there are no current metrics in place to determine the closure or reopening of a school, why not choose to close Dole Middle School in an abundance of caution?*
- *Which DOH employee reviewed and approved the DOE Health and Safety Handbook created specifically for COVID-19?*

Response:

The HIDEOE's Health & Safety Handbook does not include metrics outlining when to close a school in response to a COVID-19 case. In the case of Dole Middle School, guidance was sought from DOH and HIDEOE was told that a complete school closure was not necessary at the given time.

The Health & Safety Handbook is based on DOH and Center for Disease Control and Prevention (CDC) guidance. If needed, clarification is sought from DOH on specific areas of guidance such as mask requirements in school.

In alignment with the CDC guidance to rely on the expertise and collaboration of the DOH to make critical decisions, the HIDEOE also requests a dedicated DOH staff member to support HIDEOE's COVID-19 Core Response Team. This person would facilitate communications across our agencies and provide timely recommendations to schools as needed, especially on weekends and after hours. Actions to prevent and reduce the spread of COVID-19 need to be taken immediately when a case is reported at a school, especially when these situations involve students who are medically fragile, or staff who are at increased risk for severe illness. Unfortunately, there are many examples of when it has taken several days or even weeks before a principal has received any contact from the DOH regarding a positive COVID-19 case at his/her school.

To assist the HIDEOE moving forward, we are requesting the following:

1. The DOH Risk Assessment Protocol that will be used with the HIDEOE.
2. The name of the DOH lead who will join the HIDEOE COVID-19 Core Response Team when there are high rates of infection in the community which have potential to impact schools.
3. Specific measures that will be used to determine the viability of schools remaining open or necessitating the need for school closure.

These requests have been relayed via meetings between HIDEOE and DOH leadership.

(6) Instances across the country, including the listing of specific care homes within the state. Additional specificity of cases is of benefit to the public:

Question:

- *Why are schools unable to be named when a positive case is identified on campus? Is this a HIPAA or FERPA violation, as previously mentioned?*

Response:

The HIDOE cannot speak to the procedures and laws governing the reporting of cases at long-term care facilities; however, it is important to note those disclosures are being done by the DOH, not the individual care homes. We believe DOH should remain the lead agency on reporting official data as they have the authority and access to critical and confidential information.

The HIDOE previously made a request to DOH for public reporting of case counts for Hawaii's education sector to include public, private and secondary institutions. As an example, the Arkansas Department of Health releases educational institution case counts, which is available at: www.healthy.arkansas.gov/programs-services/topics/covid-19-reports. We are currently unaware of any plans for this level of reporting by DOH and the current dashboard only lists "Schools" as a broad category.

HIDOE's data is only as good as the information being reported by employees, families, service providers and individuals. Our staff face the challenge of confirming the positive diagnosis without the scientific expertise or clinical laboratories that the DOH utilizes to validate lab results and determine the reliability of a physician evaluation. In some cases, the documentation provided is verbal only, late or incomplete. The constant follow up causes undue hardship and unnecessary burden on those who are suffering from illness and who should be contacting their health care provider rather than the HIDOE regarding the status of their health condition.

We understand HIDOE plays an important role in helping our state recover from the effects of COVID-19. We believe we are fulfilling this role by taking on the initial responsibility of identifying potential and confirmed cases in our schools and facilities. Under the guidance of HIDOE's COVID-19 Core Response Team, schools provide an immediate notification to employees and parents of students who may have had close contact with a COVID-19 positive individual. A secondary notification to all staff and parents is done in order to cast a wider net so the school community can be vigilant until proper contact tracing by DOH can occur.

While HIDOE is not a covered entity under the Health Insurance Portability and Accountability Act (HIPAA), as individuals, our employees, staff and students' medical and health information are still protected under the law. State law provides that an individual has a significant privacy interest in such information (*see* HRS § 92F-14(b)). In terms of the Family Educational Rights and Privacy Act (FERPA) and the Uniform Information Practices Act (UIPA)-Modified (HRS chapter 92F), the HIDOE is taking into consideration the level of reporting that can occur using our smallest schools as a guide. If a school like Maunaloa Elementary, for example, with an enrollment of 40 students, is reported as having a case involving a student along with the date of the case, is it possible that, "a reasonable person in the school community who does not have personal knowledge of the relevant circumstances" could identify this person based on the information provided, under FERPA. We

believe the current means of disclosure balances the privacy interest of the individual with the public's right to know.

The notification to close contacts and the immediate school community can be justified from a health and safety standpoint, but potentially disclosing the identity of a HIDOE employee or student at a statewide level is something that the HIDOE needs to evaluate carefully.

In a memorandum dated September 18, 2020 from the state Department of the Attorney General, it was recommended that: "The HIDOE should continue its practice of identifying the complex of schools but not the specific school. Identifying the specific school would affect the interests of the HIDOE to protect the individuals from harassment, ostracism, social discrimination, etc., as well as the school's ability to maintain a conducive learning environment and minimize disruptions at the school."

While the HIDOE is erring on the side of caution, weekly reports show that HIDOE is making strides in its broader communication of cases. Our priority remains school-level support and the impacted community, but we will continue to review our statewide reporting and evaluate how it can better serve the efforts of our state in the fight against COVID-19.

(7) Provide the HSCDD with the necessary information to further its discussions with your department regarding the specific protocols pertaining to SPED students:

Response:

The HIDOE provided a response regarding the HIDOE's efforts to communicate with Hawaii State Council on Developmental Disabilities (HSCDD) on September 17, 2020. If you have any follow up questions, please feel free to contact the HIDOE representative of the HSCDD at (808) 305-9806 or via email at michelle.arakawa@k12.hi.us.

For any questions regarding Dole Middle School, please contact me at (808) 784-6161 or via email at Phyllis.Unebasami@k12.hi.us.

Sincerely,



for Dr. Christina M. Kishimoto
Superintendent

CMK:lc

c: Board of Education Members
Assistant Superintendents
Office of Strategy, Innovation and Performance