



Jan. 13, 2022

Local school boards and charter school governing boards,

Thank you for your service to students across the state of Utah during this unprecedented surge of the Omicron variant. The surge has challenged students' learning and stretched educators thin. At the same time, we have reached testing resource capacity, and statutorily required test-to-stay programs in schools are overextending those resources.

This letter announces several efforts to alleviate these strains on our students, educators, schools, and testing capacity through (1) the conditional availability of a temporary, four-day, remote learning period, (2) the formalization of a process for a remote learning exception to required in-person learning, and (3) the suspension of test-to-stay programs.

Temporary Remote Learning Period

The Utah Code requires schools to offer in-person instruction at least four days per week. In effect, this means that if a school has provided in-person instruction Monday through today this week, the school has met the statutory requirement and is free to offer remote learning on Friday.

Additionally, the Utah Code also provides a temporary exception to that in-person requirement when "the governor, the president of the Senate, the speaker of the House of Representatives, and the state superintendent of public instruction jointly concur with an LEA's assessment that due to public health emergency circumstances, the risks related to in-person instruction temporarily outweigh the value of in-person instruction."

Many LEAs have inquired about using this exception to offer remote learning. Because of the number of schools severely impacted by this surge, it has become necessary to provide flexibility to allow certain schools to pivot temporarily to remote learning under

this statutory exception. We give our concurrence that triggers the exception to the in-person requirement under Section 53G-9-210, allowing remote learning, if:

- 1) a school has reached the case threshold for a test-to-stay program;
- 2) the relevant local school board or charter school governing board determines that, due to the transmission of the virus among students or educators in the school, the risks related to in-person instruction temporarily outweigh the value of in-person instruction;
- 3) the board approves the pivot to remote learning for the four days that would have otherwise been required to be in-person learning during either of the next two weeks beginning Jan. 17, 2022 or Jan. 24, 2022; and
- 4) the board ensures sufficient measures for the given school to return to in-person learning following the selected temporary remote learning period.

Formalization of Process for Remote Learning Exception

To provide clarity going forward, legislation is being prepared for introduction during the first week of the annual legislative session that will formalize a process for LEAs to request applications of the exception to the in-person learning requirement.

Suspension of Test-to-stay Programs

The Omicron variant spreads faster than previous COVID-19 variants. This rapid transmission makes it easier for the virus to spread widely before test-to-stay testing can identify infected students and prevent their further interaction with other students. Given this rapid transmission, Utah's test-to-stay program does not effectively identify infection of the Omicron variant in time for isolation to limit its spread.

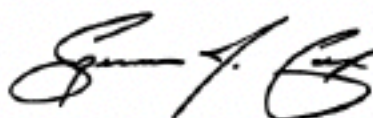
Omicron's rapid spread has already caused many schools to surpass the case threshold, statutorily requiring LEAs to institute test-to-stay programs. The law also requires the Utah Department of Health to support LEAs' test-to-stay programs when requested. As a result, test-to-stay during the Omicron surge draws heavily on limited state testing resources while having limited benefit.

Given the unique characteristics of the Omicron variant, the availability of vaccinations, and developing guidance from health authorities, it is necessary to step back from test-to-stay programs, allowing the Utah Department of Health to devote its testing resources to congregate-care facilities, long term care facilities, and community testing sites.

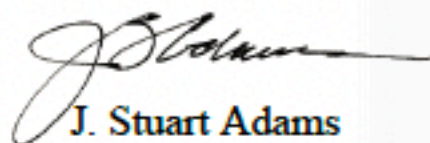
Therefore, in addition to the process laid out above, the proposed legislation will suspend the requirement for LEAs to operate test-to-stay programs while we are in the middle of this Omicron surge. We would ask you to defer conducting or scheduling any additional testing events in anticipation of this change to the test-to-stay requirement. We ask that if you are experiencing any symptoms, please remain at home and follow the UDOH guidelines found [HERE](#).

Again, thank you for your efforts, patience, and service to the students of the state of Utah. These measures are intended to support your efforts and the overall delivery of education through the state's system of public education.

Signed,



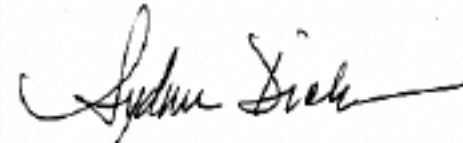
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President, Utah State
Senate



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Sydnee Dickson
Superintendent of
Public Instruction