

November 24, 2020

Dr. Deirdre Gifford, Commissioner, Department of Public Health  
Dr. Miguel Cardona, Commissioner, State Department of Education

***DELIVERED VIA ELECTRONIC MAIL***

Dear Drs. Gifford and Cardona,

Thank you for your hard work on behalf of Connecticut citizens during these extraordinary times. In recognition of the accelerating and negative impact of school closures on vulnerable children's legal right to an education, the purpose of this letter is to request that the state consider issuing an updated framework designed to govern decisions for school closures. The framework would continue to be based on available data regarding school-based transmissions, both state and national, and endorsed by public health experts. However, any local decision to close schools for more than a very short duration would be done in writing, submitted to state officials for review, and accompanied by documentation and recommendations from public health experts that there is a demonstrable nexus between the proposed school closure and local disease mitigation. Just as municipalities cannot unilaterally shutter businesses, nor should they be permitted to unilaterally close the school-house doors.

We appreciate the Governor's and your collective commitment to children's health and education. The Governor's consistent encouragement of in-person learning, safely facilitated, is consistent with the recommendations of various public health experts, including yesterday's statements and recommendations from Dr. Ashish Jha, Dean of Brown University School of Public Health:

We have not seen schools become a source of spread in the community, and we have not seen, even with high levels of community transmission, kids or teachers getting sick in schools... It really does appear that school is one of the safest places both for kids and adults... We should try to think of schools as an essential service, and do everything we can to protect the workers and schools, teachers, staff and kids.... If you are going to close schools, my goodness, it should be the absolute last thing to close.<sup>1</sup>

Dr. Jha's comments echoed statements made last week by the Dr. Robert Redfield, the Director of the U.S. Centers for Disease Control:

The infections that we've identified in schools, when they've been evaluated, were not acquired in schools. They were actually acquired in the community and in the household...The truth is for kids K-12, one of the safest places they can be from our perspective is to remain in school.<sup>2</sup>

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<sup>1</sup> November 23, 2020 News Interview with Dr. Ashish Jha, with WPRI.12, found on the web at: <https://www.wpri.com/video/pulse-of-providence-dr-ashish-jha-dean-of-brown-school-of-public-health/6058357/>.

<sup>2</sup> NBC News: CDC Director Redfield says it does not recommend closing schools, Covid acquired 'in the household.' November 19, 2020. Found on the web: <https://www.nbcnews.com/now/video/cdc-director-redfield-says-it-does-not-recommend-closing-schools-covid-acquired-in-the-household-96256581558>.

As we know, many school districts serving highly vulnerable and high need students continue to receive pressure to close schools for the duration. Individual anxiety and concern is understandable in the midst of a global pandemic. But in the fight against the spread of Coronavirus, it is imperative that decisions regarding school closures be based at an individualized school level and on clear and demonstrable scientific evidence that such closures are required to ensure the public health. In the absence of a state requirement that such measures be scientifically justified, high need and vulnerable students will continue to be denied the protections needed to ensure their access to education.

Remote learning remains technically or circumstantially inaccessible to many students, whether due to lack of access to Wi-Fi or inadequate technical/technological support, as well as parental availability necessary to be successful. As we know, remote instruction is also difficult or impossible to access for many students due to young age, disability, language of origin, and household needs. The OCA and CCA have received a number of complaints from families all across Connecticut about the adequacy of the educational programming being provided remotely for children with disabilities. Recognizing this disparity, the SDE has previously recommended that students with disabilities “be prioritized for receiving instruction in school during the 2020-2021 school year, even if schools are operating in Hybrid or Remote model” consistent with public health and safety protocols.<sup>3</sup>

While some districts have opted to follow the SDE’s guidance and are providing students with disabilities additional in-person learning in a Hybrid learning model, others have chosen to continue to provide only a limited amount of in-person learning to these students. According to SDE’s Report of Attendance for September 2020, attendance rates for students with “high needs,” which includes those who are English learners, students with disabilities and students from low-income families, “in September 2020 are substantially lower than they were in 2019-20. This is particularly pronounced among students who are identified for more than one high need factor (e.g., free lunch eligible students who also have a disability.” During remote learning, Connecticut’s most vulnerable students are simply not receiving meaningful educational programming, a continuing harm without a remedy in sight. As more local boards of education contemplate a return to remote instruction, we must express our concerns regarding the extraordinary consequences of such decisions for students, particularly where decisions are made in the absence of a clear consensus that school closure is scientifically necessitated.

We know we share a collective commitment to the public health and education of our students, and that all of your efforts are being made to support the best outcomes for our citizens. Please let us know at your earliest possible convenience how these concerns regarding discretionary and indefinite school closures and their impact on students can be addressed, and how we can be helpful in the process.

Sincerely,

Sarah Healy Eagan  
Child Advocate  
State of Connecticut

Martha Stone  
Executive Director  
Center for Children’s Advocacy

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<sup>3</sup> SDE Addendum 3 in the Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together.