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February 18, 2021

Honorable Dr. Betty A. Rosa  
Commissioner of the New York State Education Department  
The State Education Department / The University of the State of New York  
Albany, New York 12234

Dear Commissioner Rosa,

On behalf of the Erie-Niagara School Superintendents Association, I want to first congratulate you on your appointment as Commissioner of the New York State Education Department. We are grateful that this role will be filled by a highly decorated, child-centered career educator like yourself. We are also thankful for your leadership of the Department since the onset of this pandemic. We appreciate your efforts and look forward to our continued partnership.

Western New York's school districts have spared no expense or effort in following all of the Department's guidelines designed to ensure that schools are safe for students and staff, especially those that require masks *and* six feet of physical distance at all times. Students, staff and parents have faithfully followed all of the NYDOH and NYSED requirements of the "new now"; masking, physical distancing, hand hygiene, monitoring of symptoms and all of the other measures that we have undertaken. The unmistakable result is that schools are safe places for learning and work.

The parameters of our shared task of returning children to school for the 2020-2021 school year were initially established by New York State Education Department and the New York State Department of Education in mid-July of 2020.

Within days of the issuance of these guidance documents, the Department issued two FAQs to further clarify its guidance regarding reopening schools:

- The first was issued on July 17, 2020 "*based on clarification from the Governor's office regarding the intent of the NYSDOH Guidance released on July 13, 2020.*" It went on to state that "*schools must ensure that students and staff are protected by requiring at least one of the following: Social distancing of six feet OR face masks/coverings.*" This information served to solidify the plans for most districts that would allow for five days a week of in-person instruction for September 2020.
- The second (known by many as the "Red Memo") was issued on July 22, 2020 by NYSED which required school districts to "*ensure appropriate social distancing to protect against the transmission of the COVID-19 virus when on school grounds.*" This statement unequivocally rescinded the language in the July 17, 2020 memo, and effectively precluded school districts from making in-person learning available to all students every day. This memo was not accompanied by an explanation for the reversal.

It is important to note that the July 22, 2020 NYSED memo was as consequential as it was unexpected. School superintendents across the state were given no notice that a change was coming, nor did we have any opportunity to provide input about its potential impact on the communities we serve.

The purpose of this letter is to:

- acknowledge that if infection rates continue on their current trajectory, the Department's guidance to school districts could change in the coming months,
- share our concerns about the academic and non-academic costs to children of intermittent (hybrid programs), or fully interrupted (fully remote programs) in-person school attendance, and
- urge the Department to collaborate with superintendents when the time comes that changes to your guidance for school districts are contemplated.

The knowledge base of experts in public health about the transmission of COVID-19 in schools continues to expand as the relative benefits of non-pharmacological mitigation strategies (masks, six feet of distance, hand hygiene, etc.) are coming into clearer focus. We also have to be realistic about the potential benefits that would be immediately conferred on our students by returning them to daily in-person attendance as soon as NYSDOH and the NYSED determine that it is safe and responsible to do so.

Among the current understandings that weigh heavily on our collective minds and hearts:

- According to the **American Academy of Pediatrics**, the "physical distance between desks should follow current public health guidance, and desks should be placed at least 3 feet apart and ideally 6 feet apart."
- **Dr. Joseph Allen**, director of the Healthy Buildings Program and an associate professor at Harvard's T. H. Chan School of Public Health stated on the topic of physical distancing in schools that "the rule should be three feet for child-to-child interaction." He went on to say that "the combined efficacy of two children each wearing a blue surgical mask is 91% immediate exposure reduction" and that exposure reduction increases even more by just opening the window by a couple of inches. He made these comments in this WFAE-Charlotte (local National Public Radio affiliate) in support of opening schools without a six-foot physical distance requirement. The link to the entire segment can be found [here](#).
- While the CDC does not consider vaccination of adults who work in school settings a prerequisite for in-person school attendance, recent projections make it seem likely that most school employees in New York State will have the opportunity to be fully vaccinated by April 30.
- While we provide meals and nutritional services for children who are in Hybrid or 100% models, these meals would once again be much more readily available when we can increase the density within our school buildings.

- Young people would have much greater access to important on-demand mental/emotional health supports. As you know, students who suffer from mental illness are more likely to consider suicide, or to engage in other self-harming behaviors, when they are isolated from peers and kept away from the mental health professionals and other caring adults at school. Schools offer children and families the easiest and most immediate access to mental health professionals.
- Greater access to in-person learning at school returns children who suffer from abuse and neglect in their home to their safe place. As you know, it is school-based adults who are most likely to report child abuse and neglect, and we are best able to do so when we actually have the students in our physical care each day.
- Students are far less likely to be engaged in high risk behaviors, like alcohol and drug use when they are in school five days a week.

Volatility, Uncertainty, Complexity and Ambiguity (VUCA) have become the hallmarks of the COVID-era, and we have learned that collaboration among leaders and teams is vital to effectively leading our communities under these most difficult circumstances. It is in this spirit that the Erie-Niagara School Superintendents Association urges the Department to actively engage with school superintendents as you consider when, and the conditions under which, you might consider making significant changes to your guidance to school districts. Doing so will allow us to inform your deliberations, and allow school districts to execute the resulting decisions with the alacrity, transparency, and proper notice that the Department, and our stakeholders, will expect.

With that in mind, please always know that our team of leaders is ready to assist you and your team in any way that you feel that it would be appropriate and helpful.

On behalf of the Erie-Niagara County School Superintendents Association,

Michael R. Cornell



E-NSSA President

Dr. Brian Graham



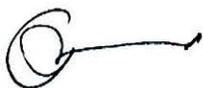
First Vice-President

Jon MacSwan



Second Vice-President

Co-signed by the following member superintendents,



Cathy Fabiatos, Holland CSD



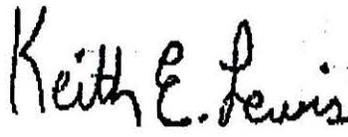
Dr. Geoffrey Hicks, Clarence CSD



Dr. Jeff Rabey, Depew UFSD



Joe D'Angelo, Maryvale UFSD



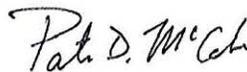
Keith Lewis, Lackawanna City



Adam Stoltman, Alden CSD



Dr. John McKenna, Williamsville CSD



Patrick McCabe, Akron CSD



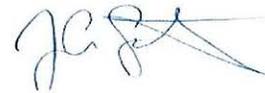
Michael Vallely, Lancaster CSD



Amherst CSD



Cheektowaga-Sloan UFSD



Eden CSD



Springville-GI



Iroquois CSD



Ken-Ton School District



Tonawanda City



Cheektowaga Central



North Collins CSD



East Aurora UFSD



West Seneca CSD

CC: Lieutenant Governor Kathy Hochul  
NYS Department of Health Commissioner Dr. Howard A. Zucker  
NYS Senator Sean Ryan (Senate Education Committee)  
NYS Assemblyman William Conrad (Assembly Education Committee)  
Erie County Executive Mark Poloncarz  
Erie County Commissioner of Health Dr. Gale R. Burstein  
Niagara County Legislature Chairwoman, Rebecca Wydish  
Niagara County Health Director, Daniel Stapleton  
Erie 1 BOCES District Superintendent Dr. Lynn M. Fusco  
Erie 2 BOCES District Superintendent Dr. David O'Rourke  
Orleans/Niagara BOCES District Superintendent Dr. Clark Godshall  
NYSCOSS Executive Director Charles S. Dedrick