



Ellington Public Schools

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December 10, 2021

Commissioner Manitha Juthani, M.D.
Connecticut Department of Public Health
410 Capitol Avenue
Hartford CT 06134

Re: Concerns of Differentiated Masking Policies for Vaccinated and Unvaccinated Students

Dear Commissioner Juthani:

The Ellington Board of Education writes to express its concerns regarding the direction of potential guidance creating distinctions between students whose families make different legally protected medical decisions, specifically on the choice to vaccinate, or not, against COVID-19.

The Ellington Public Schools has been a leader in efforts combating the pandemic. Our concern about the holistic health of our children continues to be the driving force in our decision making during these trying times. Using DPH/SDE guidance, we were able to return students to full session on October 5, 2020. We implemented many layers of mitigation—from masks to ventilation, to contact tracing—that allowed our students and staff to remain safe at school.

Recent Connecticut Interscholastic Athletic Conference (CIAC) guidance and comments expressed on the weekly Departments of Public Health and Education (DPH/SDE) COVID-19 Health and Safety Meetings, as attended by Ellington Superintendent of Schools Dr. Scott Nicol, indicates a direction of moving towards different policies for vaccinated and unvaccinated students. Already the Board must choose if it will implement a policy that distinguishes between student-athletes whose families have made different medical decisions, allowing vaccinated athletes to decide not to wear a mask when playing in basketball, ice hockey and indoor track events, whereas unvaccinated athletes will be required to wear a mask.

The Board recognizes the effectiveness of vaccines to combat COVID-19. We believe that every family should strongly consider getting their children vaccinated after consultation with their medical providers. The Ellington Public Schools ran and promoted vaccine clinics for staff and students in the spring. At last check, 72.26% of children ages 12-17 had initiated vaccination, ranking Ellington in the top third of all communities in the state.

However, we do have concerns about policy that visibly distinguishes between students whose families may choose different medical paths. These are detailed below:

- Such policies create potential compliance issues with the Family Educational Records Protection Act ("FERPA"). The only way that a school can know of a student's lack of vaccination and the reasons for it are through the receipt of student records from the family. Taking that information and publicly identifying the student by requiring a visible marker may be a direct violation of FERPA and associated regulations (34 CFR §99.30).
- Policy options whereby only the unvaccinated would be required to mask presents such students as potential targets for discrimination and harassment within the school setting. We have heard reports from within our

community about the exclusion of students and families who are unvaccinated from social settings. We are concerned such a visible distinction could deepen divides within the community and spill over into our schools.

- Decisions to vaccinate cut along demographic lines by socio-economic status, race, and religious convictions. The Board does not wish to see an unintentional distinction between students based on protected demographics.

These decisions are highly complex, taking into consideration both long-standing and emerging scientific evidence, but also education-based factors, policy consistency and risk tolerance. Following science is not an absolute, black-or-white proposition, but one filled with gradation. Other nearby states such as New Jersey deemed masks optional for the vaccinated and unvaccinated in all high school and youth sporting events. The CIAC, in consultation with Connecticut State Medical Society's (CSMS) Sports Medicine Committee, composed of medical professionals including infectious disease specialists, also provided options with similar mask-optional guidance for all.

At this point in time, all K-12 students are eligible to be vaccinated. Families can legally make that choice for themselves and their children. Families that don't make this choice are implicitly deciding to take on additional risk based on communicated public health guidance. We recognize that some of this risk affects the broader school community.

However, the Board believes that future state guidance should continue in the policy direction of past decades: to remove visibly stigmatizing practices in schools (e.g. school lunch) and build more inclusive environments for all students. Any well-intentioned public health policy, guidance, or legislation currently under consideration—be it through Executive emergency powers or legislative process—that would make visible differences between students from K-12 based on any characteristic is a reversion to the stigmatizing practices of the past.

The Board is encouraged by your recent statements around off-ramping from the emergency protocols put in place. We are also aware that this pandemic is a fluid situation and increases in cases and new variants require constant monitoring and adjustments to be made. Like you, we are hopeful that we are nearing the end of the most restrictive pandemic-era restrictions as we move into the next phase of our response.

We appreciate your efforts and consideration. Please direct any inquiries to Ellington's Superintendent of Schools, Dr. Scott Nicol at 860-896-2300 or snicol@ellingtonschools.net.

Sincerely,



Jennifer Dzen, Chair



Dr. Michael Young, Vice-Chair



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CT Association of Public School Superintendent,
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