



Massachusetts Department of Elementary and Secondary Education

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Jeffrey C. Riley
Commissioner

September 18, 2020

Based on the current COVID-19 public health data in your community, I am writing to request further information about your fall reopening plan for schools.

At a state level, [Johns Hopkins University](#) continues to report that Massachusetts is one of the states with sufficiently low test positivity rates to meet World Health Organization (WHO) standards for reopening. As of September 16, the two-week test positivity rate in Massachusetts as reported by the Massachusetts [Department of Public Health \(DPH\)](#) is at 0.9%, well below the threshold of 5% established by WHO.

In addition, state officials also recognize that public health metrics must be further differentiated at the local level. To that end, last month, DPH began to report a color-coded COVID-19 health metric for each municipality, based on the average daily cases per 100,000 residents in the community. **Since the inception of the weekly DPH color-coded reports, your community has consistently received a designation of green or gray, which indicates very low COVID-19 transmission in your municipality.**

As you know, consistent with 603 CMR 27.08(2)¹, the Department of Elementary and Secondary Education (DESE) has released school reopening guidance that prioritizes a return to in-person school for as many students as possible, safely. In our June 25th [Initial Fall Reopening Guidance](#), we stated, “There is a clear consensus from both education and medical groups: we must keep in mind not only the risks associated with COVID-19 for in-person school programs, but also the known challenges and consequences of keeping students out of school.” Indeed, the Massachusetts Chapter of the American Academy of Pediatrics endorsed this guidance in a [letter to DESE](#) and noted the specific harms to students and families without access to in-person schooling. The Centers for Disease Control (CDC) reinforced this guidance in a lengthy statement issued on July 23 entitled [The Importance of Reopening America’s Schools this Fall](#).

Given your community’s designation of green or gray, I am concerned that the school committee has voted to keep most students learning remotely for the start of the 2020-21 school year. We have recommended remote learning only for those municipalities receiving a “red” designation three weeks in a row on the color-coded metric unless the district identifies other extenuating circumstances that prevent in-person instruction. (This is consistent with previous DESE

¹ 603 CMR 27.08(2) provides: “Upon such a declaration by the Governor or determination by the Board, the Commissioner shall require each district to develop and submit a plan that prioritizes providing in-person instruction to all students in a safe environment.”

guidance that any change in learning model should be based on three weekly DPH color-coded reports.)

In light of the stark discrepancy between local public health data and your reopening plan, I am requesting a timeline by which you anticipate providing in-person instruction for the majority of your students including in-person instruction for vulnerable populations, such as students with disabilities, if these students have not already returned to in-person school. Please note that your response may trigger an audit to assess overall efforts to provide in-person instruction and to ensure your remote learning program is consistent with 603 CMR 27.08.

Please submit your written response within 10 calendar days to my attention via Helene Bettencourt, Associate Commissioner of Communication and Planning, at helene.h.bettencourt@mass.gov.

I know we share a goal of providing access to a high-quality education for all students. I look forward to working together to ensure as many students as possible can benefit from safe, in-person instruction this school year.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey C. Riley". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jeffrey C. Riley
Commissioner, Department of Elementary and Secondary Education