



MARY BETH WALSH
Assemblywoman 112th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

ASSISTANT MINORITY
LEADER PRO TEMPORE

RANKING MINORITY MEMBER
Committee on Education

COMMITTEES
Ethics and Guidance
Judiciary
Libraries and Education Technology
Mental Health

July 7, 2020

The Honorable Andrew M. Cuomo
Governor of New York State
New York State Capitol Building
Albany, New York 12224

Commissioner Howard Zucker MD, JD, LLM
New York State Department of Health
Corning Tower
Empire State Plaza
Albany, New York 12237

Interim Commissioner Shannon Tahoe
New York State Education Department
89 Washington Avenue
Albany, New York 12234

Chancellor Betty Rosa
Regents Office
State Education Building
89 Washington Avenue
Albany, New York 12234

Dear Governor Cuomo, Commissioner Zucker, Interim Commissioner Tahoe & Chancellor Rosa:

We write to you today at the request of the parents, teachers, students and school districts that we represent and to advocate on their behalf. We understand that throughout the COVID-19 crisis, the situation has continuously evolved, but, as the epicenter of one of the largest outbreaks in the U.S., we should be planning ahead to ensure there is statewide coordination in planning for school reopening this fall.

As you all know, schools provide much more than just academic instruction services; they are community hubs, and provide social services, food services, health services, childcare services, and specialized services for children with developmental needs. Over the course of the pandemic, our children have missed out on opportunities that schools provide for them and learning remotely full-time has left many children behind. Without the full scope of school resources, the burden has fallen on parents and guardians who are already struggling to balance budgets and manage their time throughout the duration of this crisis. We must work together on their behalf to ensure that come fall, we have a safe and proper learning environment for students

statewide, especially those with intellectual and developmental disabilities who rely heavily on in-person instruction.

As the leaders for our state's education system, we urge you to work with proper stakeholders to develop a sound school reopening plan that is flexible to account for whatever situation schools may face this upcoming school year. As your partners in government, members of our conference are ready and willing to do anything we can to move forward with necessary guidance and planning.

Governor, from day one you have emphasized that facts matter. In an open memorandum by the American Academy of Pediatrics, which represents over 67,000 pediatricians, they rightfully urge states to provide in-person instruction this fall and emphasize the importance of doing so. In the letter, they outline recommended policies every school district should follow. These include:

- Providing proper social distancing, school cleaning, viral testing, and screening of school staff and students;
- Developing strategies that can be revised and adapted to the needs of certain school districts, understanding that the situations may vary by school and by district;
- Providing physical distancing in specific enclosed spaces, such as busing, cafeterias, hallways, and playgrounds;
- Having policies that are practical, feasible, and appropriate for each developmental stage a child is at;
- Accounting for special considerations and accommodations for students of diverse backgrounds including the medically fragile, developmentally disabled, those that live in poverty, and those with special health care needs or disabilities;
- Not excluding any students unless it violates local public health mandates, and accommodating the needs of all students; and
- Communicating plans and updates in various languages based on those spoken in the community.

Additionally, the American Academy of Pediatricians outlines what they believe to be social distancing guidelines, again, based on facts. Their recommendations are broken down by age cohorts and have high-priority and low-priority strategies for schools to adhere to including:

- **For Pre-K Students:**

- High-Priority*

- Sequester classes to minimize crossover among children and adults within the school; the exact size of the cohort may vary, often dependent on local or state health department guidance.
- Utilize outdoor spaces when possible.
- Limit unnecessary visitors into the building.

- Low-Priority*

- Acknowledge that face coverings (cloth) for children in the Pre-K setting may be difficult to implement.
- Reducing classmate interactions/play in Pre-K aged children may not provide substantial COVID-19 risk reduction.

- **For Elementary Schools:**

High-Priority

- Require that children wear face coverings when harms (eg, increasing hand-mouth/nose contact) do not outweigh benefits (potential COVID-19 risk reduction).
- Position desks to be placed 3 to 6 feet apart when feasible (if this reduces the amount of time children are present in school, harm may outweigh potential benefits).
- Separate-classes to minimize crossover among children and adults within the school.
- Utilize outdoor spaces when possible

Low-Priority

- Recognize that the risk reduction of reducing class sizes in elementary school-aged children may be outweighed by the challenge of doing so.
- Similarly, reducing classmate interactions/play in elementary school-aged children may not provide enough COVID-19 risk reduction to justify potential harms.

- **For Secondary Schools:**

High-Priority

- Require universal face coverings in middle and high schools when not able to maintain a 6-foot distance (students and adults).
- Emphasize avoidance of close physical proximity in cases of increased exhalation (singing, exercise); these activities are likely safest outdoors and spread out.
- Ensure that desks are placed 3 to 6 feet apart when feasible.
- Isolate classes if possible, limit cross-over of students and teachers to the extent possible.

- **For Special Education:**

- Attempts to meet physical distancing guidelines should meet the needs of the individual child and their Individualized Education Plan (IEP) and may require creative solutions, often on a case-by-case basis.

These recommendations and the detailed guidelines outlined in their guidance for school re-entry should be considered for schools across New York. Children in this state have a right to a proper education, and over the past few months we have seen them suffer academically from a full-time remote learning scenario.

To highlight an example we have already done in New York, we should follow the model of Executive Order 202.37, in which we permitted special education services and instruction that is required under federal, state, and local laws to be provided in person during the summer term in school districts. These programs may be used as an example to determine best practices as other students anticipate returning in the fall, and the safety measures done under this model should be reviewed and used for the upcoming school year.

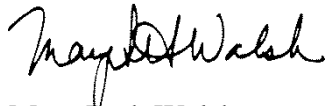
Part of what makes our schools a nurturing experience for children are the social skills they develop, the mentors they find in teachers, and the camaraderie they experience from being in a safe, secure setting. It may be an unfortunate reality, but for many children, schools are a safe haven that provide safety, food, and shelter for a majority of each day. The elements of an enriching education beyond the classroom instruction are what build character, create future leaders, and provide students with a road map to success.

As neighboring states start putting together their plans for the fall, we should be following suit and coordinating with them, as we have been doing with interstate business and transit.

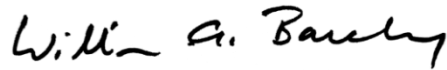
We ask for your consideration in the suggested guidance we have shared with you, and hope that we can work together to develop a comprehensive, flexible school reopening plan that can be adjusted accordingly, and communicated statewide to ensure our children get the education they deserve.

Thank you for your time and attention to this very important issue.

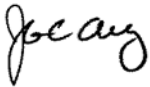
Sincerely,



Mary Beth Walsh
Ranking Minority Member on Education
112th Assembly District



Will Barclay
Assembly Minority Leader



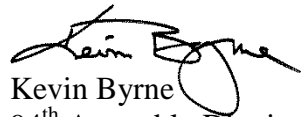
Jake Ashby
107th Assembly District



Ken Blankenbush
117th Assembly District



Karl Brabenec
98th Assembly District



Kevin Byrne
94th Assembly District



Marjorie Byrnes
133rd Assembly District



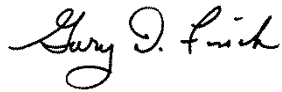
Clifford W. Crouch
122nd Assembly District



Joe DeStefano
3rd Assembly District



David DiPietro
147th Assembly District



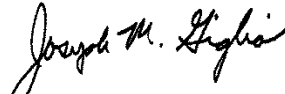
Gary D. Finch
126th Assembly District



Michael Fitzpatrick
8th Assembly District



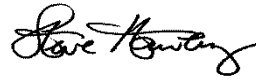
Andrew Garbarino
7th Assembly District



Joseph M. Giglio
148th Assembly District



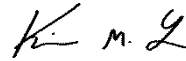
Andy Goodell
150th Assembly District



Steve Hawley
139th Assembly District



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105th Assembly District



Peter Lawrence
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Mike LiPetri
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