

Vermont Agency of Education  
Secretary Daniel M. French  
1 National Life Drive, Davis 5  
Montpelier, VT 05620-2501

January 12, 2023

Dear Secretary French and the Vermont State Board of Education,

Most schools in Vermont have required students and staff wear to face masks over their noses and mouths at all times in order to attend school and participate in activities since 2020. Last spring, Secretary French urged schools to [drop their mask requirements](#), yet schools in Vermont are continuing to mask students and staff again this year through a confidential process, using [special education laws](#).

Most people assume that if the Agency of Education is allowing schools to make children wear masks, they must have ample evidence to assure concerned parents that it is safe. However, after three years of mask mandates in Vermont schools, we finally have this admission by the Vermont Agency of Education:

*“...in response to your public records request, dated 1/9/2023, seeking ‘**public records that contain any evidence the Agency of Education has used to determine that the use of face masks are safe for any age student, including students with special health needs, for both short and prolonged periods of time.**’ After consulting with relevant Agency staff, I can and do certify pursuant to 1 V.S.A. § 318(b)(4) that no records as specified by your request exist at this Agency.”*

If the AOE possess no evidence of safety, then there is only the evidence of harm to consider.

For three years school administrators have been hearing complaints from parents, students, and staff. Not only has there been [public testimony](#) at school board meetings, but complaints have been received behind the scenes, as well. Through a FOIA request last spring, I acquired all the email correspondences concerning masks to and from the superintendent of the Caledonia Central Supervisory Union. The emails show that as soon as school began in the fall of 2020, the district received complaints. One student received treatment at the emergency room. Families pulled their children from school, and staff resigned. “Compliance” issues arose, and staff were reprimanded. Many of the complaints were identical with the types of hazards known to be caused by wearing PPE.

The symptoms people are suffering in Vermont schools as a result of wearing masks are precisely those described by the World Health Organization, the Centers for Disease Control and Prevention, and the Occupational Health and Safety Administration. In July of 2021 I wrote an [Open Letter](#) to your agency referencing all of these resources, describing the basic OSHA workplace protections which your agency is not granting to the children and staff in your schools, and asking the Board to make a plan to assess and address the harms being done.

Educators are not PPE experts, nor are they trained in the proper supervision of respiratory protection, yet they feel they are empowered, even required, to mask themselves and others under authority of the AOE. School board members are not only squelching efforts to raise this issue at public meetings, but have also asked staff and board members not to read correspondence from or respond to concerned members of the public. The AOE needs to step up and provide clear guidance, based on the evidence, since the legal ramifications of inaction continue to mount. There are numerous laws and regulations being violated, and it is only a matter of time before the courts recognize this.

A recent [Vermont court decision](#) regarding the authority of school boards to impose mask mandates on students cites Title 16 in the Vermont Statutes:

[Local school boards] *May take any action that is required for the **sound** administration of the school district.*

There doesn't appear to be a legal definition for the word *sound*, but common definitions include: *unharmful, healthy, and a sound policy would consider long-term consequences over all groups of people, not just the good intentions behind the policy.*

Whatever school boards decide about the *soundness* of using masks, the final decision as to whether or not an action is sound lies with Secretary French, as section 16 VSA continues to explain:

*"The Secretary, with the advice of the Attorney General, upon application of a school board, **shall decide** whether any action contemplated or taken by a school board under this subdivision is required for the **sound** administration of the district and is proper under this subdivision. The Secretary's decision shall be final."*

It is time to stop passing the buck. The responsibility for deciding what is sound policy in Vermont schools lies with the Secretary of the AOE. Deferring to the Department of Health is not acceptable. If the Department of Health possessed any evidence to support the use of masks in schools, why haven't they shared it by now? As the final decision-maker, this is information Secretary French should already possess.

Secretary French has already urged schools not to re-impose mask mandates, or follow CDC guidance concerning community infection levels because they are irrelevant to our small state. By these actions, he acknowledges that federal "guidance" does not supersede the Secretary's authority or responsibility. Now is the time to stand by those decisions based on his own authority, and backed by the evidence.

A thorough and transparent assessment of the use of masks in Vermont schools will assure the public that his decisions on these matters are sound.

Sincerely,

Amy Hornblas  
Licensed Health Educator