

January 18, 2023- Summary of Public Comment given to the Board of Education:

Dear Secretary French and Board of Education,

The AOE has admitted they possess no evidence face masks are safe for children. That's because none exists.

Why are there no studies of children wearing masks for more than a few minutes? The reason is, conducting such a study is unethical.¹ There are too many harms to consider, and it violates "First, Do No Harm."

Despite years of parent, student, and staff complaints, and being urged by Secretary French to drop mask mandates, at least one school in Vermont is still forcing students and staff to wear masks in order to attend school. Newark School is forcing masks on entire classrooms of students using the confidential IEP and 504 special education process.

According to the following Statutes, Secretary French and the Board of Education not only have the authority, but also the obligation to address the harms caused by masks, as well as this use of special education teams to impose medical interventions on school communities:

Vermont Statutes: Title 16²:

Chapter 3, § 170. Control by federal agencies prohibited

No department, agency, officer, or employee of the United States shall, because of any provision of this title, direct, supervise, control, or prescribe in any manner, the administration, personnel, curriculum, or instruction in the public schools of Vermont. (Added 1969, No. 298 (Adj. Sess.), § 21.)

Chapter 3, § 164. State Board; general powers and duties

The State Board shall engage local school board members and the broader education community and, consistent with the provisions of this title, its own rules, and rules adopted by the Secretary, establish and regularly update a long-term strategic vision for the delivery of educational services in Vermont; **advise the General Assembly, the Governor, and the Secretary of Education on high-priority educational policies and issues as they arise;** and act in accordance with legislative mandates, including the adoption of rules and executing special assignments. In addition to other specified duties, the Board shall:

(1) **Establish such advisory commissions as in the judgment of the Board will be of assistance to it in carrying out its duties.** Advisory commission members shall serve with or without compensation at the discretion of the Board but shall receive actual expenses incurred in pursuance of their duties.

1 <https://brownstone.org/articles/masks-were-unethical-by-design/>

2 <https://legislature.vermont.gov/statutes/fullchapter/16/003>

(2) **Have the authority to enter into agreements with** school districts, municipalities, states, the United States, foundations, agencies, or individuals for service, educational programs, **or research projects.**

(3) **Examine and determine all appeals** that by law are made to it and prescribe rules of practice in respect thereto, not inconsistent with law. (SEE END OF CHEATSHEET FOR EXAMPLE APPEALS THAT MAY APPLY TO MASKS)

Chapter 101: Special Education

Subchapter 1: General Provisions

§ 2943. Secretary of Education for children with disabilities; powers

The Secretary of Education, by virtue of the office, shall be Secretary of Education for children with disabilities and ***shall superintend all matters relating to the essential early education and special education of children with disabilities.***

(f) The State Board of Education shall, by rule, require that whenever an individual education program requires related services, **the program shall include a statement that the team has made the determination that the services are necessary consistent** with the requirements of 34 C.F.R. § 300.16, as amended from time to time.

§ 2945. State Advisory Panel on Special Education

(Another place to bring our concerns)

(a) The State Advisory Panel on Special Education (Panel) is created to provide guidance with respect to special education and related services for children with disabilities in the State.

§ 2959. Rulemaking; mediation

(a) **The State Board shall adopt rules governing** the determination of a child's eligibility for special education, accounting and financial reporting standards, **program requirements, procedural requirements,** and the identification of the supervisory union or agency responsible for each child with a disability.

(b) Subject to rules established by the **State Board, the Secretary shall offer mediation to parents,** children with disabilities, and districts, supervisory unions, and agencies involved in special education disputes. (Added 1987, No. 235 (Adj. Sess.), § 6; amended 1995, No. 157 (Adj. Sess.), § 22; 2013, No. 92 (Adj. Sess.), § 203, eff. Feb. 14, 2014; 2015, No. 148 (Adj. Sess.), § 1, eff. July 1, 2017.)

16 V.S.A. § 212: Duties of the Secretary

Duties of Secretary:

- (4) Advise the General Assembly concerning proposed laws affecting the public schools.
- (8) Inform citizens of the condition of and opportunities within the public education system and provide other educational publicity for the enlightenment and well-being of the citizens of the State.
- (15) Annually, with the Commissioner of Health, shall jointly inform superintendents and principals of appropriate practices regarding students with life-threatening allergies and chronic illnesses; and prepare and distribute policies, training materials, and school guidelines for managing students with life-threatening allergies and chronic illnesses, including family responsibilities, school responsibilities, and student responsibilities.

Chapter 42: Student Rights: § 1623. Freedom of expression

(a)(1) The General Assembly finds that freedom of expression and freedom of the press are fundamental principles in our democratic society granted to every citizen of the nation by the First Amendment to the U.S. Constitution and to every resident of this State by Chapter I, Article 13 of the Vermont Constitution.

(2) These freedoms provide all citizens, including students, with the right to engage in robust and uninhibited discussion of issues.

APPEALS:

The Board is required to oversee *appeals*. Below are the relevant situations in which an appeal may be related to the issue of masks.

§ 165. Education quality standards; equal educational opportunities; independent school meeting education quality standards [Effective until July 1, 2024]

(8) The school maintains a safe, orderly, civil, and positive learning environment that is free from hazing, harassment, and bullying, and is based on sound instructional and classroom management practices and clear discipline policies that are consistently and effectively enforced.

16 V.S.A. § 1700

(a) Investigation committee. Upon receiving notice of either an applicant's appeal of a licensing office decision or an allegation of unprofessional conduct or incompetence on the part of a licensee, the hearing panel administrative officer shall assign one or more of its licensee members to serve on an investigation committee with an investigator and prosecuting attorney assigned by the Secretary of Education to investigate the licensing decision or allegation and make recommendations to the Secretary in accordance with subsections (b) and (d) of this section.

Criminal Statutes may also apply, including: Strangulation (13 V.S.A. § 1021), Coercion (13 V.S.A. §2652), and Fraud (13 V.S.A. §2005).

If the AOE is not responsible for the decision to allow masks in schools, who is? The school administrators, or the teachers and staff on the front lines?

Utilizing the authority and responsibility outlined in the Statutes above, we urge the Secretary and Board to take immediate action to protect all of those they serve (school personnel and their communities):

1. Decide that Vermont schools should no longer, under any circumstances, allow schools to require masks
2. Form of a commission to assess and address the harms masks have caused already
3. Conduct a formal a review of the use of the special education process to impose medical interventions on students and staff, to include the publication of minutes from previous annual meetings between the Health Commissioner and the Secretary as described in 16 V.S.A. § 212 (15)

Vermonters understand that masks do not work and are harmful, and most people choose not to wear them whenever possible. Your decision to end masks in schools will bring a huge amount of joy and relief to them- you will be heroes. Those few who still choose to mask themselves and the children in their care are doing so because they believe masks are safe. Those people deserve the truth (*informed consent*).

I look forward to your response.

Sincerely,
Amy Hornblas
Health Educator from Cabot, Vermont