



November 16, 2020

Dr. Jennifer Freiheit
Kenosha County Division of Health
Kenosha County Health Department
8600 Sheridan Road, Suite 600
Kenosha, WI 53143

Via Email Only: *jen.freiheit@kenoshacounty.org*

Dear Dr. Freiheit:

I represent the Kenosha Education Association (KEA) and write in follow-up to the complaint it filed with the Kenosha County Division of Health (Department) on October 29, 2020. In its complaint, the KEA reported serious deficiencies with quarantine, isolation and contact tracing protocols, lax mask enforcement and conditions that do not permit for social distancing in the Kenosha Unified School District (District). Yet, to date, the KEA has received no response from your Department.

Since the time of the KEA's letter, it appears you recognize more restrictions are needed in schools in light of the unprecedented surge in the virus and have "strongly recommended" that all schools in Kenosha County switch to virtual instruction for the holiday season (November 23 -January 4). While this was a step in the right direction, more action is required. The stated rationale for the recommendation is to decrease community gathering and movement over the period of six weeks which represents three COVID-19 incubation periods; however, returning students to school immediately after the holidays, when many will inevitably have gathered with extended family and friends, seems likely to spread the virus in school upon return.

Moreover, on November 10, the District announced that it will not follow your strong recommendation and instead will remain open for in-person instruction. It has become clear that school districts in the county are not going to take the action needed to slow the spread of the virus unless they are required to do so.

We urge the Department to follow the lead of the neighboring City of Racine Department of Public Health which has used its authority under Wis. Stat. § 252.03 to

Ron Martin, President
Bob Baxter, Executive Director

order, not just recommend, the closure of K-12 school buildings under its jurisdiction from November 27 to January 15.

Wisconsin Statute § 252.03 requires that your Department “promptly take all measures necessary to prevent, suppress and control communicable diseases.” In failing to promptly investigate and respond to the KEA’s complaint of serious COVID-related concerns in the District and in declining to require the closure of schools at a time when disease activity levels are critically high, your Department is shirking its statutory obligations. Immediate action is required to control the spread of COVID-19 within the District.

Please advise as to the status of your Department’s investigation of KEA’s complaint and whether you intend to take action in response to the District’s refusal to follow the strong recommendation of your Department to close schools over the holidays. The KEA will then assess whether additional action will be required by to ensure the safety of students and staff in the Kenosha Unified School District.

Sincerely,

/s/ Rebecca Ferber Osborn

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Cc: Kendra Koeppen Mulwana, KEA Executive Director (via email only)