

From: NYSUT Officers <alert@nysutinfo.org>
Sent: Friday, December 4, 2020 5:35 PM
To: Lupe Sauer
Subject: NYSUT Alert -- December 4, 2020 - Update from NYSUT



800 Troy-Schenectady Road, Latham, NY 12110-2455 ■ (518) 213-6000 ■ www.nysut.org

Andrew Pallotta
President
Jolene T. DiBrango
Executive Vice President
Ronald Gross
Second Vice President
J. Philippe Abraham
Secretary-Treasurer

TO: NYSUT Board of Directors
NYSUT Local Presidents
FROM: NYSUT Officers
DATE: December 4, 2020
SUBJECT: *NYSUT Alert – December 4, 2020 - Update from NYSUT*

Please read below for several important updates and resources:

Governor Cuomo's Covid-19 Winter Plan and Revised Department of Health Guidance

In New York State's continued effort to eliminate COVID-19, Governor Cuomo issued a Winter Plan that details five strategies designed to systematically reduce its spread, in anticipation of a spike due to holiday gatherings. Strategy number three is related to schools with a focus on keeping k-8 and special education schools open. As part of this, the Governor announced that schools in the orange zone must test 20% of in-person students and staff and schools in the red zones must test 30% of students and staff over the course of a month. Governor Cuomo also stated that the state may adjust requirements for specific districts based on special circumstances.

Early this evening, the New York State Department of Health issued revised guidance to schools located in red or orange zones. The memo states that schools have reported nearly 500,000 test results of students, faculty, and staff since September with approximately 13,000 on-site positive cases, yielding a low positivity rate of 2.6%.

The full guidance can be found using the link below. Some of the most notable changes are:

- As stated in the press conference on Monday:

-- Orange zone schools conduct testing of 20% of in-person students, faculty and staff over the one-month period following designation. Testing is to be spread out over the month with 10% tested bi-weekly.

-- Red zone schools conduct testing of 30% of in-person students, faculty and staff over the one-month period following designation. Testing is to be spread out over the month with 15% tested bi-weekly.

- While the schools are not required to close, the guidance states “that if the random sampling generates 9 or more positive cases in any school, or if for a sample size of more than 300 weekly tests, achieves a positivity rate of 2% or higher (6 cases or more depending on sample size) in New York City, or 3% (9 or more cases depending on sample size) outside of New York City, of one such discrete sample, then the school will be required to close.”

- Schools must ensure that face coverings are worn by students, faculty and staff.

- Testing requirements apply to children attending programs (supporting hybrid or virtual learning) operated by the Office of Children and Family Services located in the school.

- Guidance clarifies that schools may conduct pool testing and accept COVID-19 test results from health care providers.

NYS DOH Guidance Memo:

[guidanceforschoolsinredandorangezones.pdf \(ny.gov\)](#)

Here is a link to the Governor’s press release on the Winter Plan:

[Governor Cuomo Announces Winter Plan to Combat COVID-19 Surge in New York State |](#)

[Governor Andrew M. Cuomo \(ny.gov\)](#)

This information is intended solely for the use of the recipient. It should be used discreetly and kept internal to the organization. Please do not post it on a public-accessible website, forward or copy it.



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

Interim Guidance on COVID-19 Testing Requirements for Public and Non-Public Schools Located in Areas Designated as “Red” or “Orange” Cluster Zones Under the New York State Cluster Action Initiative

*Updated December 4, 2020,
Originally Issued November 3, 2020*

Background

After more than 8 months of strict adherence to data-driven, evidence-based protocols, including required social distancing and mandatory face coverings, and strategic, phased-in reopening after the pause of our economy, New Yorkers have successfully reduced the spread of COVID-19 to one of the lowest rates in the nation.

However, as certain areas of the State continue to see an increase in COVID-19 cases and test positivity, Governor Andrew M. Cuomo implemented the cluster action initiative to address COVID-19 hot spots as they occur. This science-based approach focuses on addressing clusters of cases and aims to prevent further community-wide transmission of the virus, and includes new rules and restrictions directly targeted to areas with the highest concentration of COVID-19 cases and surrounding communities. The initiative divides clusters and the areas around them into three categories – the cluster itself (red zone), a warning zone (orange zone), and a precautionary zone (yellow zone). Areas can also become a zone based upon metrics established by New York State Department of Health (DOH).

New York State recognizes that safely keeping pre-kindergarten through grade 12 schools open for in-person instruction is critical to student success and parent stability. In alignment with international and national experts, the State is committed to allowing schools to remain open as long as a school's infection rate is under control and remains under the infection rate of the community at large, particularly for younger students (i.e., Pre-K to Grade 8). In fact, schools have reported nearly 500,000 test results of students, faculty, and staff since September with approximately 13,000 on-site positive cases, yielding a low positivity rate of 2.6%.

Under the authority of Executive Order 202.79, schools in red and orange zones must adhere to strict health guidelines, as detailed herein, to keep schools in focus areas safely open to in-person instruction. The guidelines require daily symptom and exposure screening, as well as testing of in-person students, faculty and staff.

For Schools Located in a Geographic Area Designated as a Red or Orange Zone

There is no longer a requirement for schools located in red or orange zones to close to in-person instruction. Schools in these zones may remain open for in-person instruction, subject to strict adherence to this guidance and any directives issued by DOH.

Schools in red and orange zones must complete an attestation on the school survey, in addition to required dashboard reporting, that the school is complying with the testing requirements below.

Schools in an Orange Zone

For schools located in a geographic area designated as an Orange Zone, a total of 20% of in-person students, faculty and staff must be tested for COVID-19 over the one month period following the zone designation. The numbers tested should be proportionately spread across the month with 10% the maximum/minimum to be tested biweekly.

Schools in a Red Zone

For schools located in a geographic area designated as a Red Zone, a total of 30% of in person students, faculty and staff must be tested for COVID-19 over the one month period following the zone designation. The numbers tested should be proportionately spread across the month with 15% the maximum/minimum to be tested biweekly.

Schools in either an Orange or Red Zone

If the random sampling generates 9 or more positive cases in any school, or if for a sample size of more than 300 weekly tests, achieves a positivity rate of 2% or higher (6 cases or more depending on sample size) in New York City, or 3% (9 or more cases depending on sample size) outside of New York City, of one such discrete sample, then the school will be required to close.

In addition, all schools in orange or red zones are required to continue to adhere to all existing State-issued requirements, including completion of the daily school survey. Schools must also:

- Ensure face coverings are worn by students, faculty, and staff, in accordance with Department of Health's (DOH) Interim Guidance for In-Person Instruction at Pre-K to Grade 12 Schools, particularly since orange and red zones reflect higher rates of COVID-19 community infection, or any local department of health order regarding the use of face coverings in this setting.
 - Face coverings provide protection to the wearers and individuals around wearers by placing an effective barrier over the nose and mouth that prevents spread of COVID-19 through respiratory droplets. The use of face coverings is particularly important when social distancing of at least six feet is unable to be maintained as close contact remains the main method of transmission, according to the Centers for Disease Control and Prevention (CDC).

- The school should ensure that it provides the opportunity to be tested on school grounds, or otherwise support testing and/or accept test results from healthcare providers.
 - If the school does not hold a testing event or provide on grounds testing, test results provided to the school must be received within 7 days from the date of specimen collection and specimen collection must be after the date that geographic area in which the school is located was designated an orange or red zone.
 - If at any point the geographic area in which the school is located is designated as a yellow zone, the yellow zone biweekly testing requirement of 20% of the in-person population (i.e., students, faculty and staff) applies immediately, and such school shall only be required to test 20% beginning that week, in accordance with DOH's Interim Guidance on Mandatory COVID-19 Testing in Public and Non-Public Schools Located in Areas Designated as "Yellow Zones" Under the New York State Cluster Action Initiative.

Students who are participating in hybrid learning or in all-virtual learning, and who are attending an OCFS-licensed/registered or enrolled legally exempt group child program located within a school during school hours, are subject to the testing requirements and must be included in the school's random testing protocols. Additionally, the testing requirement applies to Pre-K classes that are taking place on a school site.

Members of the school community who test positive for COVID-19 must isolate, according to established DOH guidance. Further, schools must notify health authorities immediately upon being informed of any positive test results by an individual within school facilities or on school grounds, including students, faculty, and staff, pursuant to DOH guidance. Partnerships between schools and local health departments are critical to effective implementation of COVID-19 protocols in this educational setting. Specifically, schools must support all contact tracing efforts from health authorities and such tracing must be promptly performed to ensure that contacts to newly identified positive individuals are quarantined, according to established DOH guidance.

Testing Options

To ensure that students, faculty and staff have been tested for COVID-19, schools have the following options:

- Schools can accept written test results from healthcare providers;
- Schools can have students, faculty, and/or staff go to a test site run by New York State to have specimens collected for testing;
- Schools can establish partnerships with other entities who are authorized to perform testing to have their students, faculty, and staff tested;
- Schools that currently have a limited service laboratory (LSL) registration can add COVID-19 antigen testing to their existing LSL registration, request to receive rapid tests from the state and perform testing on their students, faculty, and staff; or

- Schools can become approved to perform testing by obtaining an LSL registration and once approval is granted, request to receive rapid tests from the state and perform testing on their students, faculty, and staff. For schools that do not have an LSL, Local Health Departments (LHDs) are required to allow schools to operate under their LSL for the purposes of conducting weekly testing. If the LHD does not have an operational LSL or is unable to support the school in conducting testing, the LHD must work with the school to identify community partners with an LSL. See Guidance.
- Schools can utilize *pooled testing*. However, pooled testing must be conducted by a laboratory that is approved to conduct diagnostic pooled testing so that individuals receive their test results and they can be reported to the state.

New York State is providing schools through local health departments with rapid test kits upon request. Schools must provide trained personnel, with necessary laboratory permits, to conduct the tests.

Questions on amending or obtaining an LSL and requests for test kits should be sent to Covid19rapidtest@health.ny.gov.

Data and Reporting

Consistent with existing requirements, any testing conducted through schools, in partnership with other health care entities, must also be reported separately through the school dashboard survey and to ECLRS, including all rapid point-of-care testing.

Failure to Meet these Requirements by Schools in Geographic Area Designated as a Red or Orange Zone

Schools that do not meet the reopening requirements set forth in this guidance must remain in remote/distanced learning until such time as the requirements are met.

Reopened schools that fail to comply with these requirements may be subject to Public Health Law Section 16 orders, or other fines and penalties.

Notwithstanding a school's compliance with the testing requirements, New York State and DOH reserve the right to keep any school closed if there is determined to be a threat to public health or extenuating circumstances exist.

Questions about this guidance should be sent to Covid19rapidtest@health.ny.gov.

Resources

- [New York State Department of Health \(DOH\) COVID-19 Website](#)
- [Centers for Disease Control and Prevention \(CDC\) COVID-19 Website](#)