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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

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Background

After more than 7 months of strict adherence to data-driven, evidence-based protocols, including required social distancing and mandatory face coverings, and after the pause of our economic engine, New Yorkers have successfully reduced the spread of COVID-19 to one of the lowest rates in the nation. While New York has continued this positive trajectory, other states that have taken a less cautious approach are now experiencing rapidly increasing rates of transmission of this deadly virus.

At the end of September, certain areas of the State have seen an increase in COVID-19 cases and test positivity in areas in New York State. The State has deployed rapid testing machines to specific counties throughout the state that are experiencing this uptick and seeing this cluster activity. On October 6, 2020, Governor Cuomo implemented a new cluster action initiative to address COVID-19 hot spots that have cropped up in Brooklyn and Queens, and in Broome, Orange, and Rockland Counties. This science-based approach will focus on addressing these clusters and aims to prevent further 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).

Under the authority of E.O. 202.68, schools in red and orange zone must close in-person instruction for at least two weeks. Furthermore, schools open to in-person instruction in yellow zones are required to conduct random surveillance testing for a portion of their in-person students, staff, and teachers at least once a week, subject to NYS Department of Health (NYS DOH) guidance as stated herein, for the entirety of time the school remains in a yellow zone. School districts conducting its entirely remote operations must continue plans to ensure the availability of meals.

Testing Requirements for Schools in Yellow Zones

The NYS DOH has determined that schools open to in-person instruction in yellow zones are required to test 20% of in-person students, teachers and staff, at least once a week starting Friday October 16, 2020, for as long as the school remains in a designated yellow zone.

NYS DOH will provide rapid testing kits for the virus that causes COVID-19 to local health departments (LHDs), hospitals, pharmacies, and other health care providers. Materials will be provided at no cost so long as testing is open to the public, offered free of charge, and prioritizes vulnerable and at-risk populations that may not currently have equitable access to testing.

These resources should be utilized as necessary to assist schools in a designated yellow zone with the surveillance testing requirement. Consistent with the requirements above, these tests will be offered at no cost to students and staff. As the Governor announced on September 28, 2020, several counties with hotspot zip codes have already begun to receive testing equipment to support their efforts to prevent clusters from turning into outbreaks of community transmission.

Schools, particularly those in a yellow zone, should contact their LHDs, and other local health care partners to establish partnerships and make arrangements for deployment of these tests in their school setting to facilitate the required testing of students, teachers, and staff attending in-person. To be eligible for the free testing, schools must be current with their daily reporting as required under E.O 202.61. LHDs have been advised to request enough testing resources to support weekly testing of 20% of the in- person student, staff, and teacher population within the yellow zone in their area for as long as such schools remains in the yellow zone (a minimum of 14 days). LHDs may also have the test kits sent directly to the partnering provider(s).

Consistent with existing requirements, any testing conducted through schools in partnership with LHDs or other health care partners, must be reported through the school dashboard survey.

Questions about this opportunity should be sent to SchoolQuestionsCOVID@health.ny.gov.