

STATE OF NEW YORK
COUNTY OF ORANGE: DEPARTMENT OF HEALTH
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IN THE MATTER OF
THE COVID-19 PANDEMIC OF 2020

**ORDER OF THE ORANGE
COUNTY COMMISSIONER
OF HEALTH**

Under and Pursuant to the Public Health Law
Section 2100 of the State of New York
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TO: All Public, Private, and Charter K-12 Schools and Educational Facilities including
Public and Private Transportation services

**RE: MASK WEARING REQUIREMENTS FOR ALL PUBLIC, PRIVATE,
AND CHARTER K-12 SCHOOLS AND EDUCATIONAL FACILITIES AS
WELL AS PUBLIC AND PRIVATE TRANSPORTATION SERVICES
PROVIDING TRANSPORTATION TO AND FROM SCHOOL (COVID-19)**

WHEREAS, 2019-Novel Coronavirus (COVID-19) is an infection associated with fever and signs and symptoms of pneumonia or other respiratory illness, appears to be transmitted from person to person predominantly through droplet transmission, and if spread in the population could have significant public health consequences; and

WHEREAS, there presently is no vaccine for COVID-19; and

WHEREAS, on January 30, 2020 the World Health Organization designated the COVID-19 outbreak as a Public Health Emergency of International Concern, advising that further cases may appear in any country; and

WHEREAS, on January 31, 2020, Health and Human Services Secretary, Alex M. Azar II, declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 7, 2020, Governor Andrew M. Cuomo issued Executive Order Number 202 declaring a Disaster Emergency in the State of New York; and

WHEREAS, Section 2100 of the Public Health Law mandates that all local health officers, being Commissioners of Health and Public Health Directors, as the case may be, of County Health Departments, guard against the introduction of such communicable diseases as are designated in the State Sanitary Code, by the exercise of proper and vigilant medical inspection and control of all persons and things infected with or exposed to such diseases by methods including but not limited to mandatory personal quarantine as defined in 10 NYCRR 2.25(f); and

WHEREAS, on February 1, 2020, pursuant to 10 NYCRR Section 2.1(a), Dr. Howard A. Zucker, as Commissioner of Health of the State of New York, designated COVID-19 as a communicable disease under the State Sanitary Code; and

WHEREAS, on February 6, 2020, the New York State Public Health and Health Planning Council ratified the designation of COVID-19 as a communicable disease under the New York State Sanitary Code through the adoption of emergency regulations amending 10 NYCRR Section 2.1; and

WHEREAS, on April 17, 2020, Governor Andrew Cuomo issued Executive Order 202.17 requiring that, “Any individual who is over age two and able to medically tolerate a face-covering shall be required to cover their noses and mouth with a mask or cloth face covering when in public...”; and

WHEREAS, on August 11, 2020, the CDC issued guidance entitled, “ K-12 School Administrators on the Use of Cloth Face Coverings in Schools Cloth Face Masks in Schools” which states that, “Cloth face coverings are recommended as a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people...”; and

WHEREAS, on July 13, 2020 the New York State Department of Health issued Interim Guidance For In-Person Instruction At Pre-K To Grade 12 Schools During The Covid-19 Public Health Emergency, which states that, “Face coverings are strongly recommended at all times, except for meals and instruction with appropriate social distancing. However, Responsible Parties can require face coverings at all times, even during instruction; and it is strongly recommended in areas with higher rates of COVID-19 community infection.” Additionally, it is recommended that, “All individuals in school facilities and on school grounds must be prepared to put on a face covering if another person unexpectedly cannot socially distance; and for this reason, individuals – including students – must wear face coverings in common areas, such as entrances/exits, lobbies, and when traveling around the school.” This would also include in restrooms. The guidance states, specifically for busing to and from school that, “Responsible Parties must develop protocols and procedures, which include that individuals must wear acceptable face coverings at all times on school buses (e.g. entering, exiting, and seated)”; and

WHEREAS, The New York State Education Department has issued reopening guidance entitled, “Recovering, Rebuilding, and Renewing: The Spirit of New York’s Schools,” which states that “school districts or schools must develop a plan which encourages students to wear a cloth face covering at all times, unless otherwise inadvisable.” Further, the guidance states that, “the school bus is an extension of the classroom and that both students and drivers will wear masks and socially distance.”; and

WHEREAS, the profession of teaching and the employees of schools see individuals ranging from immediate high school graduates to those persons who are above 65 years of age and with varying comorbidities which may or may not be obvious; and

WHEREAS, the profession of teaching routinely sees teachers moving around the classroom making it inherently less likely that students will be able to properly put on/take off face

coverings in a manner which fully protects either students (from an unknowingly infected teacher) or the teacher (from an unknowingly infected student); and

WHEREAS, New York State has more COVID-19 deaths than any State in the nation and the reality is that the counties in the greater New York City Metropolitan area faced a higher percentage of their population diagnosed with COVID-19 than similarly populated counties elsewhere and the State of New York and the “tri-State area” saw the COVID-19 virus circulating in our communities prior to the infection even being recognized as being in the United States causing such spread; and

WHEREAS, on August 12, 2020, the Orange County Department of Health issued FAQ’s to all school districts which answered the question of whether masks should always be worn on the bus or in school in the affirmative; and

WHEREAS, on August 24, 2020, Dr. Howard Zucker, New York State Commissioner of Health declared that an Imminent Threat to Public Health (ITPH) exists throughout New York State, pursuant to Public Health Law §621; and

WHEREAS, in light of various school districts and colleges already suspending in-person learning as a result of non-social distancing/non-mask wearing which had caused the spread of COVID-19, it is desirable to take steps designed to protect Orange County’s students, teachers and residents; and

NOW, THEREFORE, by virtue of the authority vested in me by section 2100 of the Public Health Law of the State of New York and applicable provisions of the New York State Code of Rules and Regulations, as Commissioner of Orange County, I do hereby:

ORDER, that, effective immediately, any individual over age two, and able to medically tolerate a face-covering, be required to cover their nose and mouth with a mask or cloth face-covering when in a congregate school setting in Orange County. This applies to all public and private school buses and public, private, and charter schools. Bus rides and classrooms are more congregate settings than the general guidelines consider. Acceptable face masks or acceptable face coverings must be worn by all those in school buildings and on all school buses, either public or private including students, faculty, staff, and visitors at all times except for meals, and other than for designated mask breaks unless otherwise medically inadvisable as certified by a student’s or employee’s or visitor’s physician; I do hereby further

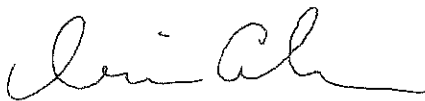
ORDER, that the use of masks or cloth face coverings in congregate settings is to be in addition to other control measures, including engineering controls such as implementing social distance practices and physical partitions or barriers; environmental controls such as proper ventilation and administrative controls, such as frequent cleaning and disinfection protocols, as per the district/school safety plan; I do hereby further

ORDER, that schools described herein shall develop “mask breaks” to ensure those persons in the school who utilize face coverings can be able, at specified and limited times during the day as approved by the Superintendent of Schools, outlined in the school’s safety plan for

reopening, and as approved by the school district medical director, or otherwise at the direction of the classroom teacher, to remove face coverings (masks) so as to enable persons in the school to remove such masks for the purposes of comfort and when possible, mask breaks should occur outside or in other areas with good air flow, and where maximum social distancing can be accomplished. Upon vigorous physical exertion where the physical education teacher determines that the wearing of a mask may be dangerous to the student, the mask may be removed, and a 12-foot separation must be maintained between students in a place of adequate ventilation; I do hereby further

ORDER, that medically fragile individuals with special needs, and/or underlying medical conditions requiring special accommodations (i.e. unable to wear mask but presents to school in person) may be more vulnerable and susceptible to COVID-19 and its complications. An outline of the special needs accommodations, as well as the safety plan from the person's licensed medical primary care provider, that include safety measures to protect the medically fragile individual from possibly contracting COVID-19, as well as potentially transmitting COVID-19 to others in a congregate setting must be on file with the school district prior to the resumption of any in-person learning as these plans will be instrumental in assisting with the local impact of this global pandemic.

DATED: September 2, 2020
Goshen, New York



Signed: Irina Gelman
Commissioner of Health
County of Orange, New York
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Received by: