

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 Schools and Educational Facilities including Public and Private Transportation services that service residents of the Village of Kiryas Joel and/or the Town of Palm Tree.

RE: The Closure of all Public, Private, and Religious Schools and Educational Facilities when the 7-day rolling average percent positivity rate for COVID-19 exceeds 9% for the village, town, municipality, or city whose residents attend those schools.

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, 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, 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 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

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 determines when it is appropriate to close schools due to a high rate of community transmission of COVID-19. This guidance state, “Closure includes contingency plans, protocols, and procedures for decreasing the scale or scope of in-person education, and/or closing the school. At a minimum, plans must incorporate the following:

- Closure triggers: Identification of the conditions that may warrant reducing in-person education or closing the school, in consultation with state and local health departments, and plan for an orderly closure;
- Operational Activity: Determination of which operations will be decreased, or ceased and which operations will be conducted remotely; include process to conduct orderly closures which may include phasing, milestones, and involvement of key personnel; and
- Communication: Plan to communicate internally and externally throughout the closure process; and

WHEREAS, the New York State Department of Health with the New York State Education Department has declared the positive rate for the closure of schools in an area is 9% however, the Orange County Department of Health can make decisions locally to close schools and/or prevent resuming operations at rates below that maximum threshold of 9% in the best interest of public health; and

WHEREAS, Governor Cuomo has declared that the New York State Department of Health will issue an Order pursuant to PHL §16 which states that, “ Whenever the commissioner, after investigation, is of the opinion that any person is causing, engaging in or maintaining a condition or activity which in his opinion constitutes danger to the health of the people, and that it therefore appears to be prejudicial to the interests of the people to delay action for fifteen days until an opportunity for a hearing can be provided in accordance with the provisions of section twelve-a of this chapter, the commissioner shall order the person, including any state agency or political subdivision having jurisdiction, by written notice to discontinue such dangerous condition or activity or take certain action immediately or within a specified period of less than fifteen days. As promptly as possible thereafter, within not to exceed fifteen days, the commissioner shall provide the person an opportunity to be heard and to present any proof that such condition or activity does not constitute a danger to the health of the people,” in order to enforce health regulations to stop the spread of COVID-19: and

WHEREAS, currently, the above-Ordered town or village has the highest number of active cases of COVID-19 in Orange County. According to the New York State Department of Health, the above-Ordered town or village has a three-day average positive rate of 27.6%.

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:

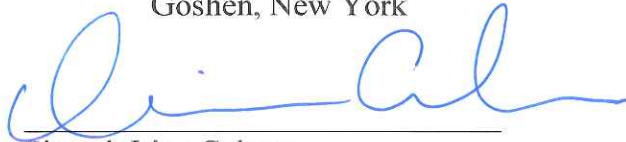
ORDER, that, effective immediately, schools for which the majority of students reside in the above-Ordered town or village are hereby closed for a period of at least two (2) weeks, but cannot resume operations without clearance to resume from the Orange County Department of Health. This includes schools which are not physically located in the above-Ordered town or village but have students whose primary residence is in those localities and any transportation services, public or private, shall not transport those students to said schools; I do hereby further

ORDER, that these schools who have a majority of their students residing in the above-Ordered Town or Village, even if not physically located therein, will continue to be closed until the above-ordered town or village’s seven-day rolling average percent positivity rate is below 9%, and there shall be no transportation provided to students residing in those localities to schools and/or services in other communities. I do hereby further

ORDER, that if these schools also provide in-person group special education pre-school (ages 3-5 years old), said services are also closed for the same amount of time as the regular school. Pre-school special education services are limited to individual in-person or distance learning and distance learning for group pre-school (ages 3-5) until the above-ordered town or village’s seven-

day rolling average percent positivity rate is below 9%, and there shall be no transportation provided to students residing in those localities to schools and/or services in other communities.

DATED: October 5, 2020
Goshen, New York



Signed: Irina Gelman
Commissioner of Health
County of Orange, New York
1887 County Building
124 Main Street
Goshen, NY 10924
845 291 2332

Received by: