



Planning for Re-Opening September 2021

August 18, 2021

August 25, 2021

September 1, 2021

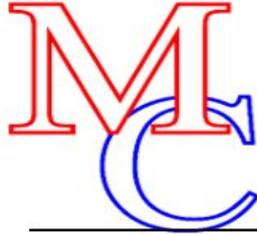


2021/22 CONFIRMED COVID CASES (August 30 - June 30)

8/31: CHS: 1 case
9/1: HP: 2 case
CHS: 3 cases

Running Total: 6

MIDDLE COUNTRY CENTRAL SCHOOL DISTRICT



8 43RD STREET • CENTEREACH, NY 11720
631-285-8005 • 631-738-2719 (fax) • www.mccsd.net

Roberta A. Gerold, Ed.D., Superintendent of Schools
Francine McMahon, Deputy Superintendent for Instruction
Beth Rella, Ed.D., Assistant Superintendent for Business
James G. Donovan, Assistant Superintendent for Human Resources

Dear Governor Andrew M. Cuomo
Senator Mario R. Mattera
Senator Alexis Weik
Assemblyman Joseph P. DeStefano
Assemblyman Steve Englebright
Assemblyman Douglas M. Smith

July 29, 2021

July 29 Letter

We are writing today on behalf of the Middle Country Central School District to ask for your assistance and support as we plan for the start of school in September. Over the past year and a half, we learned a great deal as the science and best practices on controlling and mitigating the transmission of COVID evolved. We found, fairly quickly, that schools are safe centers for students and staff. It was clear that school districts are skilled at ensuring safe environments for learning. Equally clear is how responsive school districts are to guidelines and how important local control is in designing structures and responses to implementation of plans. As a matter of fact and interest, the practices Middle Country studied and implemented throughout the past school year and this July continue to be highly effective, as evidenced by our summer programs in which pre-k through seniors are enrolled. As of this writing, we have had just one positive case and no in-district transmissions. The importance of this piece of information is that the wearing of face masks is optional for students in summer programs and we have seen no negative impact as a result of that flexibility. Had we experienced the opposite, we would have exercised our local control over masking and required universal wearing.

Middle Country, like every other school district in New York, needs to have clear direction in regard to the protocols that will be required when our school buildings re-open for instruction on September 2, 2021, just five weeks from today. We ask that you support local control over re-opening decisions, under the guidance of the New York State Department of Health. We ask that you continue to allow us local control over whether masks are optional, as long as our positive case rates remain low. We also urge you to keep the COVID-19 vaccination as an option for students, not as a mandate.

We thank you for your consideration and support as we plan for a safe re-opening of school in September.
Sincerely,

Karen J. Lessler, Ed.D.
Board of Education President

Dawn Sharrock
Board of Education 2nd Vice-President
Chair of the Middle Country
Legislative/Community Outreach Committee



For Immediate Release: 8/5/2021

GOVERNOR ANDREW M. CUOMO

STATEMENT FROM NEW YORK STATE DEPARTMENT OF HEALTH COMMISSIONER DR. HOWARD ZUCKER

"With the end of the state disaster emergency on June 25, 2021, school districts are reestablished as the controlling entity for schools. Schools and school districts should develop plans to open in-person in the fall as safely as possible, and I recommend following guidance from the CDC and local health departments."

Breaking News - August 12, 2021

Hochul wants masks in NY's schools *"NBC News"*

"My view is people and children and everyone in a school in environment will be wearing masks," Hochul said on NBC's "Today Show," adding that she doesn't currently have the authority to make that decision.

Incoming N.Y. Governor Says She Wants a Mask Mandate in Schools *"Bloomberg"*

Kathy Hochul Expects New York School Mask Mandate *"Newsweek"*

Hochul wants masks in NY's schools, says she plans to run in 2022 *"Newsday"*

Hochul said she would enforce masks because she thinks it's the only way to ensure schools can open full-time safely, and she wants to end remote learning. *"Dailymail.com"*

Newsday

LONG ISLAND EDUCATION

BREAKING NEWS

Masks mandatory for students, staff at schools throughout New York, Hochul says

<https://www.newsday.com/long-island/education/masking-in-schools-hochul-required-1.50342645>



Mask Mandate - Review*

Notification of Mandate: August 27, 2021: Department of Health e-mailed directive which read, in part: *Effective immediately, in accordance with the Commissioner's Determination issued pursuant to 10 NYCRR 2.60, any person over the age of 2 (including all students, personnel, teachers, administrators, contractors, and visitors) must wear masks at all times indoors in P-12 school buildings, regardless of vaccination status.*

Regulation 2.60 defines “Face Coverings for COVID-19 Prevention”: *(e) For purposes of this section face-coverings shall include, but are not limited to, cloth masks, surgical masks, and N-95 respirators that are worn to completely cover a person’s nose and mouth.*

Legal Basis of Mandate: *The DOH is authorized by New York Public Health Law Section 201 to control and promote the control of communicable diseases. Sections 206 and 225 of that law provide broad authority to the Commissioner of Health in regard to matters of public health and the transmission of communicable diseases. Based upon those statutory provisions, the DOH is authorized to issue regulations to address public health concerns in connection with, among other things, communicable disease. New Regulation 2.60 Face Coverings for Covid 19 Prevention is premised upon those statutory provisions.*

*Source: Volz & Vigliotta, PLLC; August 30, 2021



Mask Mandate - Review*

The mask mandate is law: *it is fashioned as a regulation, and promulgated according to the statutory authority bestowed upon the DOH Commissioner. This is similar, in concept, to the authority of the Commissioner of Education to issue regulations pursuant to the Education Law. Districts are governed, for example, by Part 100 Regulations regarding topics such as residency determinations, DASA training, codes of conduct, APPR, and diploma requirements.*

Some confusion has arisen in the field regarding the language of 2.60, which indicates individuals “may be required to cover their nose and mouth with a mask or face-covering ... in certain settings as determined by the Commissioner, which may include schools.” Use of the word “may” should not be construed by districts as making masks optional, as the word “may” pertains to the authority of the DOH Commissioner to impose such a requirement, which he has now explicitly done.

To Whom Does the Mandate Apply? *The language of the DOH Commissioner’s directive applies to “teachers, staff, students, and visitors to P-12 schools over age two ... regardless of vaccination status.” The only stated exception is for those who are unable “to medically tolerate a face covering/mask.” Everyone else must comply.*

Where Does It Apply? *This directive does not make any specific distinction as between indoor and outdoor settings. However, reference to the “CDC recommendations for face coverings/masks in school settings” would indicate that this is limited to indoor settings, as that is the extent to which the CDC recommends masks. We recommend this mandate be implemented, effective immediately, for all indoor activities in the schools, including indoor sports, Board of Education meetings, etc, except “when eating, drinking, singing, or playing a wind instrument.”*



Mask Mandate - Review*

DOH Penalties: Regulation 2.60 contains a penalty provision which subjects “individuals or entities that violate this Section ... to a maximum fine of \$1000 for each violation.” Reference to individuals and entities should be construed as applying to the school district, individual officers, and employees responsible for district operations, as well as parents, students, community members, and vendors who fail to abide by this regulation when at school.

State Penalties/Financial:** Total anticipated state aid for for the 2021/22 school year is \$103,076,124, which represents 38.3% of the budget. Losing state aid would require a 70.7% increase to maintain current programs from pre-k through grade 12.

District Enforcement/Students: Out of school suspension would seem to be the only appropriate disciplinary sanction for continued refusal since any other discipline would allow a student to be on school grounds without a mask. Grouping non-compliant students together (any longer than is necessary for someone to pick up the students) would be to allow a de facto exemption for the objectors and we would counsel against that. Should discipline be necessary, the usual disciplinary process must be followed, which means a suspension of up to five days can be issued by a Principal and, beyond that, a Superintendent’s Hearing pursuant to Education Law Section 3214 would be required. Families that continue to send their children to school and advise their children to refuse the mask mandate, can be referred to the Department of Social Services for educational neglect.

* Source: Volz & Vigliotta, PLLC; August 30, 2021

** Source: Middle Country CSD; NYSED



SCDOH Guidance/District Implementation

1. PHYSICAL DISTANCING

SCDOH: Maintain at least three feet of physical distance between students within classrooms, physical education, and music. If students are engaged in singing or playing a wind instrument, at least six feet of distance between students is recommended. In physical education, ensure any contact due to activities is quick and not for extended periods of time.

When outdoors, schools should encourage activities that allow for distancing and reduced contact

District Implementation: District is implementing physical social distancing of three feet in classrooms, in most circumstances. Six feet of social distancing will be in place as appropriate. When outdoors, activities that allow for distancing and reduced contact will be encouraged.



SCDOH Guidance/District Implementation

2. MASKS

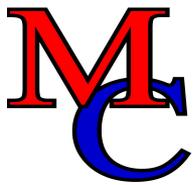
SCDOH: Mask guidance remains unchanged from the end of the prior school year in June 2021 consistent with CDC recommendations. Per existing CDC guidance, all students, staff, and visitors must wear masks indoors regardless of vaccination status. Mask wearing is not required outdoors.

District Implementation: Masking will not be required when activities are outdoors.

Indoor masking: The following structure will be evaluated regularly and, dependent upon state and/or county directives, positivity rates in the community, and positivity rates in the schools, may be revised with immediate implementation.

Masking is required in all school buildings. Mask breaks will be provided.

Visitors will have very limited access to schools and when they are on site, will be required to wear masks.



SCDOH Guidance/District Implementation

3. CONTACT TRACING AND QUARANTINE

SCDOH: School districts must continue to report positive cases of COVID-19 to SCDHS. All individuals who test positive for COVID-19 must remain in isolation for 10 days from date of symptom onset or test date if asymptomatic.

Consistent with CDC guidance, students in the K-12 indoor classroom who are within at least three of an infected student with masking are excluded from the definition of close contact and not required to quarantine. SCDHS concurs with CDC guidance which recommends that fully vaccinated persons who have come into close contact with someone with suspected or confirmed COVID-19 should be tested 3-5 days after exposure.

Close contacts of positive cases of COVID-19 which do not fall in the exception detailed below must quarantine for 10 days and monitor symptoms through the 14th day. Below is the CDC exemption for K-12 students in indoor classroom setting:

Exception: In the K–12 indoor classroom setting, the close contact definition excludes students who were within three to six feet of an infected student (laboratory confirmed or a clinically compatible illness) if both students correctly and consistently wore well fitting masks the entire time.

This exception does not apply to teachers, staff, or other adults in the indoor classroom setting. It is recommended that schools continue to contact trace and notify families of potential exposure so they may monitor for symptoms closely 14 days from date of last exposure. Any students who begin to exhibit symptoms of COVID-19 should remain home and seek testing. SCDHS recommends for any activities not in the classroom – recess, lunch, support services, etc. –schools keep records of seating charts and cohort students as possible to reduce exposure and assist with contact tracing.

District Implementation: Guidance will be implemented



SCDOH Guidance/District Implementation

4. SCHOOL DISTRICT REPORTING REQUIREMENTS

SCDOH: School districts must continue to report positive cases to SCDHS via the SCDHS portal. Only those who are required to quarantine must be reported. Those exempt from the definition of close contact (as described above and in the CDC guidance) should be informed of exposure and should be monitored closely for symptoms for 14 days from date of last exposure

District Implementation: Guidance will be implemented

5. VACCINATIONS

SCDOH: No SCDHS requirement for vaccination. Vaccination requirements for staff may be decided by the individual school districts.

District Implementation: Guidance will be implemented



SCDOH Guidance/District Implementation

6. TESTING

SCDOH: At this time, periodic COVID-19 testing is not required by SCDHS. SCDHS will monitor community transmission and revisit if warranted. Screening testing is a prevention strategy recommended by the CDC.

District Implementation: Contacted SCDOH (via survey response) re interest to conduct testing

7. TESTING RESOURCES

SCDOH: SCDHS has accepted State/Federal funding to aid schools in the establishment of COVID-19 screening testing programs to support and maintain in-person learning. SCDHS will issue a list of approved vendors schools may work with to conduct screening testing. This program is dependent upon available funding. Contact Ryan Attard at Ryan.Attard@suffolkcountyny.gov for more information.

District Implementation: Contacted SCDOH (via survey response) re interest to conduct testing



SCDOH Guidance/District Implementation

8. BUSSES

SCDOH: SCDHS concurs with existing CDC guidance that all students and adults must wear well-fitting masks while inside a bus, regardless of vaccination status.

At least three feet of physical distancing between non-household members should be maintained as much as possible on a school bus. Ventilation, loading from the rear forward, and alternate window/aisle seating can also help reduce risk of transmission.

District Implementation: Guidance will be implemented as required by DOT.