To: Westchester County School Administrators

From: Dr. Sherlita Amler, M.D., M.S. Commissioner of Health

Re: Clarification on exclusion from in-person attendance due to COVID-19

Date: October 22, 2020

Dear School Administrators:

The Westchester County Department of Health is sending this memo to clarify when students or staff may be excluded from in-person attendance due to COVID-19. It is important to recognize that although the NYS and WCDOH guidance documents address specific protocols for reporting, contact tracing, quarantine and isolation, the authority of school districts to exclude students and staff for communicable and infectious diseases remain in effect through state education law.

While it is clear that under Governor Cuomo’s Executive Order 202 and the various extensions, and the rules and regulations promulgated thereunder, as well as the orders of the Westchester County Department of Health with myself as Commissioner, individuals who are deemed to be contacts must quarantine, and those who test positive must isolate.

Independent of all this, schools continue to have the authority to exclude individual students showing symptoms of communicable and/or infectious diseases of which SARS-COV-2 is one. This authority is found in NYS Education Law §906.

NYS Education Law §906

1. Whenever, upon investigation and evaluation by the director of school health services or other health professionals acting upon direction or referral of such director for care and treatment, a student in the public schools shows symptoms of any communicable or infectious disease reportable under the public health law that imposes a significant risk of infection of others in the school, he or she shall be excluded from the school and sent home immediately, in a safe and proper conveyance. The director of school health services shall immediately notify a local public health agency of any disease reportable under the public health law.

2. Following absence on account of illness or from unknown cause, the director of school health services may examine each student returning to a school without a certificate from a local public health officer, a duly licensed physician, physician assistant, or nurse practitioner.

3. The director of school health services, or other health professionals acting upon direction or referral of such director, may make such evaluations of teachers and any other school employees, school buildings and premises as, in their discretion, they may deem necessary to protect the health of the students and staff.

Please feel free to contact the Westchester County Health Department should you have additional questions or concerns.

Department of Health
25 Moor Avenue
Mount Kisco, New York 10549

Telephone: (914) 813-5000
Fax: (914) 813-5970