



KEVIN M. BYRNE
Assemblyman 94th District
Westchester & Putnam Counties

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Howard Zucker, MD
Commissioner, New York State Department of Health
Corning Tower
Empire State Plaza
Albany, NY 12237

Commissioner Zucker,

Thank you for participating in our joint health budget hearing this past February. While many questions remain unanswered and there is never enough time during these hearings to fully explore the very pressing issues our state faces, I was encouraged to hear your response to Assemblymember Schmitt's question regarding the need to update state guidance for in-person education.

While I understand you were careful not to commit to a concrete timeline, you acknowledged the importance of the issue and that you would get it done hopefully by the following week. I understand you and your department have been extremely busy covering many issues, but the continued lack of a response to this pressing need is very troublesome. While some schools have opened-up full time for in-person learning successfully, it seems clear others still lack the confidence to make a firm decision primarily citing the need for updated state guidance. The need for this guidance is urgent.

It is critical that NYSDOH and NYSED revise and update its guidance based on what we've learned about this virus since last summer and provide local school boards and administrators the information and confidence they need to safely bring back in-person learning.

Since New York first went on "Pause" in March, very few students in our state have been afforded the opportunity to participate in five-day in-person learning - something that we previously had considered a basic right prior to the COVID-19 pandemic. For several students, this loss of in-school instruction has been damaging to their social and educational development and health. This is why leading public health advocates like the American Academy of Pediatrics (AAP) have highlighted the importance of bringing back in-person classroom education. AAP President Lee Savio Beers, M.D., FAAP, said in a [release](#), "Children absolutely need to return to in-school learning for their healthy development and well-being, and so safety in schools and in the community must be a priority."

Last July and August, the NYS Department of Health (NYSDOH) & NYS Education Department (NYSED) published its initial guidance for schools regarding distancing, mask

wearing, busing, and the potential need for additional physical barriers to mitigate and reduce the risk of spreading this virus. While some schools have been able to successfully comply with these standards and offer parents a choice for five-day in-person education, the existing state guidance has caused significant confusion among many other local elected leaders and school administrators. As mentioned earlier, several of these stakeholders have expressed that the guidance lacks the clarity desired for them to confidently transition back to a traditional in-person learning option.

The state must also be mindful that it cannot simply place more costly unfunded mandates upon school districts that could impede their ability to re-open. Additionally, the state must consider and offer updated guidance as to whether desk barriers are necessary, including if students are less than 6 feet apart while also wearing masks. It should also be made clear that any and all barriers required must conform with local building department and fire protection regulations. The U.S. Congress recently passed a federal aid package to address the growing cost of this pandemic. I believe protecting our kids from this virus while allowing them the option to safely have in-person learning at school would be an appropriate use of those funds.

New York State must also provide clear quarantine guidelines that are safe and practical while permitting students to thrive in the classroom. In this instance, a county by county approach is less appropriate as it can increase confusion among local schools and creates an environment where various county health departments may contradict each other.

This issue is simply too important for us to delay any further. For students, parents, teachers, administrators and more, I ask this to be a top priority for you and your department so local officials fully understand that they can safely bring back in-person learning. Updated guidance must be provided as soon as possible.

Thank you for your detailed attention to this pressing issue.

Kevin M. Byrne
Member of Assembly
Ranking Member of Committee on Health
New York's 94th Assembly District