

Amid the ongoing COVID-19 pandemic, the New York State Department of Health (NYSDOH) continues to monitor the public health situation to inform the State's response activities and reopening approach. NYSDOH, in consultation with the New York State Education Department (NYSED), has regularly provided guidance and updates to local health departments, school districts, and schools on the latest policies, protocols, and precautions to reduce transmission of COVID-19 among New Yorkers, including students, faculty, and staff.

### Purpose


On May 1, 2020, Governor Andrew M. Cuomo [announced](#) that all K-12 schools statewide will remain closed for the rest of the academic year and continue to provide distance learning during that time. On June 5, 2020, Governor Cuomo [issued](#) Executive Order 202.37, which provided that “[n]otwithstanding any prior Executive Order to the contrary, special education services and instruction required under Federal, state or local laws, rules, or regulations, may be provided in person for the summer term in school districts. Any district providing such services in person must follow State and Federal guidance.”

Special education services may be provided at locations not operated by a school district (e.g., 853 schools, 4201 schools, 4410 schools), herein referenced as “independent schools”.

Services may be provided at independent schools under the following circumstances:

- a school district may request a student receive special education services at an independent school;
- an independent school that receives a request from a school district to serve a special education student pursuant to Executive Order 202.37 or its successor may provide such services; and
- if an independent school chooses to provide such special education services at the request of a school district, such independent school must adhere to all safety guidelines herein applicable to the school district.

This interim advisory is provided to inform in-person special education services and instruction while helping to protect against the spread of COVID-19 as in-person education has been authorized for this specific purpose. The guidance referenced in this advisory represents minimum requirements and any district or school may provide additional precautions or increased restrictions. This guidance is based on the best-known public health information and practices at the time of publication, and the documentation, data, and evidence upon which this guidance is based can and does frequently change. NYSDOH will revise and reissue this advisory as necessary.

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