

Congress of the United States
House of Representatives
Washington, DC 20515

August 27, 2020

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Dear Governor Cuomo,

We write to you on behalf of our local school superintendents, teachers, and parents from the Southern Tier, Finger Lakes, and Western regions. It has come to our attention that the New York State Department of Health (NYS DOH) issued new guidance regarding COVID-19 testing for schools. The announced guidance has caused a tremendous amount of uncertainty with our school administrators, county departments of health, and New York families. We urge you to immediately release updated guidance ensuring schools, families and their doctors are part of the decision as to when it is safe for a child to return to school.

Previously, the guidelines stated that if a school staffer or student exhibited one of the many symptoms of the COVID-19 virus, they would need to meet one of the following criteria:

- Be quarantined for a certain number of days and be symptom free upon return.
- Receive approval from a primary care provider or school medical director after receiving an alternative diagnosis with similar symptoms such as ear infections, strep throat, seasonal allergies, or other related illnesses.
- Receive a negative COVID-19 test.

The latest NYS DOH now implies staff and students must hit all three criteria, meaning all staff or students must receive a negative COVID-19 test in order to return to school after displaying symptoms. This will cause a tremendous amount of problems for school officials, county administrators, parents, and students.

First, requiring this level of testing will dramatically curtail available testing capacity. COVID-19 has a wide array of symptoms including fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea. These symptoms also correspond with several common illnesses children get every year. If parents are required to have their child tested for exhibiting these symptoms, it will needlessly overwhelm our current capacity and take resources away from those that truly need it.

Second, testing results can often be delayed for nearly a week. A child with a simple cough or runny nose, under these new rules, would be forced to stay at home and miss a week or more of school waiting for a COVID-19 negative test. Unnecessary absences will skyrocket, which in turn will limit children's capacity to learn.

Third, this new guidance takes a child's doctor out of the picture. There are illnesses that can be ruled out by family physicians. Under the current language, a child could see their doctor, test positive for Strep throat and still need a COVID-19 test before considering returning to school. This is not only a waste of COVID-19 testing capacity; increasing the number of tests unnecessarily delays the turnaround time for others waiting for a test result.

Fourth, most major insurers are only reimbursing the cost of a COVID-19 test if it is medically necessary. By taking the doctor out of the equation, families will be forced to burden the cost of an unnecessary COVID-19 test. This could result in parents deciding to either not seek medical care for their child for fear of being required to personally cover a COVID-19 test, or parents trying to hide a child's symptoms. This puts more of our kids at risk. Another financial burden is the requirement for a doctor's note whenever a child is kept home from school, regardless of the reason. This is a waste of a doctor's time and resources and a burden for families without a relationship with a family physician.

Our school administrators, faculty, parents, and local departments of health have been working overtime to conquer the monumental tasks of opening schools under very stringent public health guidelines. After everything these groups have done, why would the NYS DOH keep changing their requirements to add more unachievable rules? This is unacceptable with less than two weeks until the school year begins.

Please be advised at the federal level advocacy is occurring for the approval and release of additional rapid testing technology that will alleviate many if not all of the above concerns and we are encouraged such testing assistance and capacity will be delivered soon. In the meantime, it is still wrong for New York State to cut out a child's doctor and their school nurse from the decision-making process. A one-size-fits-all bureaucratic rule never works, and we ask this mandate be adjusted accordingly immediately.

We urge you to take these key problems into account and roll back the recently issued misguided rules. The rules, as written, will cause a tremendous amount of problems and put school reopening in jeopardy. After all the work our schools, families, and local officials have put into creating a safe environment for learning, we cannot set them up to fail with these new guidelines. Without changes, we worry many schools will be forced to move to virtual only classes despite support from the community for in-person classes. We remain available to work with you to ensure we can all succeed together. Our children depend on it.

Sincerely,

Congressman Tom Reed
Senator Fred Akshar
Senator George Borrello
Senator Rich Funke
Senator Andy Goodell
Senator Pam Helming
Senator Tom O'Mara
Assemblywomen Marjorie Byrnes
Assemblyman Gary Finch
Assemblyman Christopher Friend
Assemblyman Andy Goodell
Assemblyman Joseph Giglio
Assemblyman Brian Kolb
Assemblyman Phil Palmesano

CC: Howard A. Zucker, M.D., J.D., Commissioner, New York State Department of Health, Corning Tower, Empire State Plaza, Albany, NY 12237