

Additional COVID-19 Requirements for New York Higher Education Institutions

On August 28, 2020, the New York State Department of Health released [supplemental guidance](#) for COVID-19 containment at higher education institutions. In addition to complying with the state's [reopening guidance](#), all higher education institutions in New York state are required to comply with this supplemental guidance.

The supplemental guidance provides when, and for how long, an institution must restrict in-person learning and on-campus activities as a result of COVID-19 infection rates. The guidance provides the minimum thresholds that institutions must adhere to, but local health departments and institutions may establish stricter thresholds.

Whenever the lesser of 100 individuals or 5% of the total on-campus population at an institution location tests positive for COVID-19 within a 14-day period, the location must immediately, for a period of at least 14 days:

- Deliver all classes remotely;
- Convert campus dining and food services options to takeout/delivery only; and
- Suspend in-person athletics, extracurricular programs, and non-essential student activities.

However, an institution, in consultation with the local health department, may conduct certain clinical, laboratory or other in-person activity required to obtain or maintain a professional licensure, or research activity which must be conducted in-person, only if public health and safety can be maintained.

During this two-week period, residential facilities must remain open. Only those students identified as contacts of a positive case are required to quarantine, and only positive cases will be ordered into isolation. If the institution decides to close for the semester or academic year, then the residence halls will be closed. In such instances, institutions may provide limited on-campus housing for students who otherwise lack access to secure housing, if approved by the local health department.

For purposes of computing the threshold, the total on-campus population includes all students, faculty and staff who are on the campus location. Students, faculty or staff who test positive for COVID-19 prior to arrival on campus, as well as those who test positive while quarantined due to out-of-state travel restrictions prior to participation in on-campus activities are not counted. An institution location refers to a self-contained location or campus of a given institution.

Even if the institution has fewer than 100 individuals or less than 5% of the total on-campus population who have tested positive for COVID-19 over a 14-day period, local health departments retain the ability to restrict in-person learning as the situation may warrant. Particularly, if the local health department, in consultation with the New York State Department of Health (DOH), finds that at any time a cluster of positive COVID-19 cases exceeds the institution's ability to contact trace, quarantine or isolate, it can require the institution to transition all in-person learning to remote and limit on-campus activities.

After 14 days, the local health department will evaluate the institution's efforts to contain COVID-19 infections. If the local health department, in consultation with the DOH, determines that the institution has effectively contained the spread of COVID-19, then the location will be authorized to reopen for in-person learning. If the institution has not demonstrated it has effectively contained the spread of COVID-19, then the local health department may require a continued suspension of in-person learning.

If you have any questions about the information presented here, please contact any [attorney](#) in Bond's [Higher Education practice](#), or the attorney in the firm with whom you are regularly in contact.



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