

**ORDER OF THE BOARD OF HEALTH
AMENDING COVID-19 VACCINATION REQUIREMENTS
FOR DEPARTMENT OF EDUCATION
EMPLOYEES, CONTRACTORS, VISITORS AND OTHERS**

WHEREAS, on March 25, 2020, the Commissioner of Health and Mental Hygiene (“Commissioner”) declared the existence of a public health emergency within New York City to address the continuing threat posed by COVID-19 to the health and welfare of City residents, and such declaration and public health emergency continue to be in effect; and

WHEREAS, pursuant to Section 3.01(d) of the Health Code, when urgent public health action is necessary to protect the public health against an existing threat and a public health emergency has been declared, the Commissioner is authorized to issue orders and take actions that are deemed necessary for the health and safety of the City and its residents; and

WHEREAS, on September 15, 2021, the Commissioner issued, and on September 17, 2021, the Board of Health ratified and continued, an Order requiring proof of COVID-19 vaccination by September 27, 2021, for Department of Education (“DOE”) employees, visitors to school buildings, charter school staff, and individuals who work in-person in a DOE or charter school setting or DOE building (“September 15, 2021 Order”); and

WHEREAS, on September 28, 2021, the Commissioner extended the deadline by which DOE employees, visitors to school buildings, charter school staff, and individuals who work in-person in a DOE or charter school setting or DOE building were required to comply with the September 15, 2021 Order (“September 28, 2021 Order”), which extension was ratified and continued by the Board of Health on October 18, 2021; and

WHEREAS, as of January 26, 2023, more than 7.5 million City residents, representing 90% of residents of all ages, have received at least one dose of vaccination against COVID-19, with more than 81% of residents having completed a primary series of vaccination; among 5- to 12-year-olds, 58% have received at least one dose and 51% have completed a primary series; among 13- to 17-year-olds, 93% have completed at least one dose and 83% have completed a primary series; and

WHEREAS, as of February 1, 2023, 171,371 DOE employees, representing 99% of all DOE employees, have completed a primary series of vaccination; and

WHEREAS, high vaccination rates correlate with lower rates of hospitalization and death, and the high rate of vaccination among City residents has proven effective in lessening the burden of COVID-19 on the City’s healthcare system; and

WHEREAS, on September 20, 2022, based on guidance from New York State, the Commissioner issued an Order to Rescind the Covid-19 Vaccination Requirement for Participation in High Risk Extracurricular Activities, which was ratified and continued by the Board of Health on October 25, 2022;

NOW THEREFORE BE IT RESOLVED, the Board of Health hereby orders that the September 15, 2021 Order, as amended by the September 28, 2021, Order is further **AMENDED** as follows:

1. Paragraph 1 of the September 15, 2021 Order, as amended by the September 28, 2021 Order, is amended to **REPEAL** the requirement for new DOE staff and new City employees to provide proof of vaccination and **REPEAL** the requirement for staff of any charter school and staff of contractors working in DOE schools or buildings to provide proof of vaccination to their employer, and to **AMEND** the requirement that DOE staff and City employees who worked in-person in a DOE school setting, DOE building, or charter school setting were required to provide proof of vaccination to the DOE or their employer by October 1, 2021 or prior to beginning their employment, so that if any current staff or employee did not provide such proof, they are no longer required to do so.
2. Paragraph 3 of the September 15, 2021 Order, requiring visitors to DOE school buildings to have received at least one dose of a COVID-19 vaccine, as amended by the September 28, 2021 Order, is **REPEALED**.
3. Paragraph 4 of the September 15, 2021 Order, relating to remote participation in public meetings and hearings in DOE school buildings, is **REPEALED**.

Dated: February 9, 2023