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January 18, 2017

To: District Superintendents of Schools
Superintendents of Public Schools
Principals of Public and Nonpublic Schools
Charter School Leaders

From: Renée L. Rider

Subject: Tuberculosis Tests and School Enrollment

It has come to the attention of the New York State Education Department that some school districts are requiring students to present evidence of results of tuberculosis testing in order to enroll in school, or to resume attending school after spending a period of time in a foreign country. There is no legal authority for a school district to require that a student receive tuberculosis testing (Education Law Article 19 and Public Health Law §2164) and schools may not delay or refuse to enroll a student until the results of tuberculosis testing is shared with the school. Additionally, requiring students to submit tuberculosis testing results may have the effect of prohibiting or discouraging children, especially unaccompanied immigrant children, from enrolling in schools.

A memo dated September 10, 2014 was disseminated to the field on what steps to take to enroll refugee children, and children that are not United States citizens. The memo reviewed the requirements in Public Health Law 2164 for immunizations, which is the only health requirement a student must present in order to enroll in school. A copy of the memo is available at: <http://p1232.nysed.gov/sss/documents/EducationalServicesforRecentlyArrivedUnaccompaniedChildren.pdf>.

Public Health Law authorizes the Commissioner of the New York State Department of Health (DOH) to require tuberculosis testing of individuals as deemed necessary. The DOH provides information on tuberculosis on their website at: http://www.health.ny.gov/diseases/communicable/tuberculosis/fact_sheet.htm.

Schools should follow the directives of their local department of health regarding tuberculosis testing and whether students diagnosed with tuberculosis may attend school. Likewise, questions related to tuberculosis testing or disease should be directed to your local department of health. You can find information on how to contact your local department of health at: <http://www.nysacho.org/i4a/pages/index.cfm?pageid=3713>.

Contact the Office of Student Support Services for questions related to school health services or enrollment at 518-486-6090, or studentsupportservices@nysed.gov.