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Board of Regents Acts on Second Series of Emergency Regulations to Ease Burdens on Educators, Students and Professionals in the Wake of the COVID-19 Pandemic

The Board of Regents today adopted emergency regulations to provide important flexibility for educators, students and professionals to address issues due to the COVID-19 pandemic.

"The vast challenges caused by the COVID-19 pandemic require creativity and flexibility to address them," Board of Regents Chancellor Betty A. Rosa said. "It is my hope that we will return to normal soon; however in the interim, we must continue to do everything in our power to ensure our educators and professionals are able to adapt to this situation so they can best serve our children and all New Yorkers."

"We have been in constant communication with our stakeholders throughout the pandemic listening to the challenges they are facing," Interim Commissioner Shannon Tahoe said. "With this package of emergency regulations, we are building on the amendments passed last month that will continue to allow schools, students and professionals much-needed flexibility while they respond to this evolving and unprecedented situation."

Summary of the Amendments

A summary of the amendments follows. Full descriptions of the changes can be found in the Regents items.

Professions

Permit one additional 24-month renewal of limited permits in medicine. Current regulations provide that limited permits in medicine shall not be renewed for more than one additional 24-month period. Amendments to the Commissioner's regulations will allow, at the Department's discretion, for the renewal of limited permits in medicine for another additional 24-month period during the COVID-19 crisis.

Waive the in-person CPR course requirement for Dentists and Dental Hygienists. Amendments to the Commissioner's regulations will allow, at the Department's discretion, alternative means to be used by dentists and dental hygienists to obtain and/or maintain the required CPR certification for their respective professional practice during the COVID-19 crisis.

Receivership

The Department will not use 2019-20 results in receivership determinations.

Specifically:

- The Commissioner shall not use 2019-20 school year results to newly identify any schools as struggling, place any schools under independent receivership, or remove the designation of any schools as struggling or persistently struggling;
- All schools identified as persistently struggling or struggling schools for the 2019-20 school year shall remain so identified for the 2020-21 school year and all schools that operated under a school district superintendent receiver in the 2019-20 school year shall continue to operate under a school district superintendent receiver in the 2020-21 school year; and
- The Commissioner may, upon a finding of good cause, modify for the 2019-20 through 2021-22 school years any timelines pertaining to notifications, plans, reports, or implementation of activities, except for any timelines prescribed by law.

Curriculum and Instruction

Earning units of credit through coursework. The Commissioner's regulations are amended to allow for a unit of credit to be earned where a student has not completed a unit of study due to the COVID-19 crisis but has otherwise achieved the standards assessed in the provided coursework.

Exempt students from State assessments. The amendments will allow the Department to provide an exemption to the Regents examination, pathway assessment, alternative assessment, technical assessment, and locally developed test requirements during the COVID_19 crisis so that students are still able to meet their diploma requirements.

Earning NYS Career development and occupational studies commencement credential. The Commissioner's regulations are amended to exempt students from the requirements for the career development and occupational studies commencement credential ("CDOS") provided that the student is otherwise eligible to exit from high school and has otherwise demonstrated knowledge and skills relating to the CDOS learning standards.

Alternative High School Equivalency Program

Amendments will allow the Department to provide an extension to the June 30th application deadline for alternative high school equivalency preparation programs to be operated during the 2020-2021 school year.

Higher Education

Certification through the Individual Evaluation Pathway. The Department will amend regulations to allow any undergraduate or graduate level course completed during the Spring, Summer, of Fall 2020 terms with a passing grade, or its equivalent, to count toward the content course or pedagogical core semester hour requirements for certification through the Individual Evaluation pathway. The passing grade, or its equivalent, must be in accordance with the pass/fail grading policy or its equivalent at the institution of higher education.

Extend the expiration date of the Initial Certificate, Initial Reissuance, Provisional certificate, and Provisional Renewal. Amendments to the Commissioner's regulations will extend the expiration date of the Initial certificate, Initial Reissuance, Provisional certificate, and Provisional Renewal from August 31,

2020 to January 31, 2021 to provide candidates with the time needed to work in schools and complete the requirements for the Professional or Permanent certificate.

Extend the expiration date of the Conditional Initial Certificate. Further, amendments to the Commissioner's regulations will extend the expiration date of the Conditional Initial certificate from August 31, 2020 to August 31, 2021 to provide candidates with the time needed to complete the edTPA, which requires working with students. An additional year gives candidates the time to establish a relationship with students, teach lessons and assess student learning, and prepare the edTPA submission once classroom routines are more consistent after the COVID-19 crisis.

Create an Emergency COVID-19 certificate. The Department will create an Emergency COVID-19 certificate for candidates seeking certain certificates and extensions due to limited test center availability during the COVID-19 pandemic

School District Leader (SDL) and School District Business Leader (SDBL) assessments. The Commissioner's regulations will be amended to exempt SDL and SDBL candidates from taking and passing their respective assessment for program completion and institutional recommendation for Professional certification, however, candidates will be required to take and pass these assessments for Professional certification.

Transitional D program assessments. The Commissioner's regulations will be further amended to exempt candidates admitted to Transitional D programs leading to SDL certification from taking and passing the SDL assessment for institutional recommendation for Transitional D certification, however, candidates will be required to take and pass such assessment to earn Transitional D certification.

Early Learning

The Department amends the Commissioner's regulations to waive the requirement that school districts must annually monitor and track prekindergarten program effectiveness for the 2019-2020 school year. The Department also proposes to waive the annual report of the percentage of prekindergarten children making significant gains for the 2019-2020 school year.

Timetable for Implementation

The emergency regulations will become effective on May 5, 2020. It is anticipated that the proposed amendment will be presented for permanent adoption at the September 2020 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act.

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