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Board of Regents Acts on Sixth 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 a sixth series of emergency regulations that afford essential flexibility for educators, students and professionals to address issues due to the COVID-19 pandemic. The emergency regulations include the continuation of previously adopted amendments as well as new regulatory changes.

"The COVID-19 pandemic continues to present challenges and disruptions in every aspect of our daily lives," said Vice Chancellor T. Andrew Brown. "The latest series of regulatory amendments will allow additional flexibilities for our educators to keep students and staff safe while operating efficiently during these difficult times."

"The efforts of our educators to prepare for this school year and keep our students safe throughout the pandemic have been truly remarkable," said Interim Commissioner Betty A. Rosa. "The regulatory amendments passed today will allow for this work to continue and provide schools, students and professionals much-needed flexibility while they continue to respond to this unprecedented pandemic."

Summary of the Amendments

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

Early Learning

Registration extension for voluntarily registered schools. Commissioner's regulations are amended to provide that any voluntarily registered nursery school or prekindergarten whose registration expires in the 2019-20 or 2020-21 school year, and does not receive a required on-site visit from Department staff due to the COVID-19 crisis will have their registration extended, subject to revocation for cause, and their registration will be up for renewal in the 2021-22 school year.

Higher Education

Coaching Evaluations. Commissioner's regulations are amended to provide additional flexibility for temporary coaching candidates of extracurricular interscholastic sports. Candidates are required to receive a satisfactory evaluation by the principal or athletic director for each of the preceding three years that they coached in the sport for which a professional coaching certificate is sought.

The Department permanently adopted amendments at the September 2020 Regents meeting which provided that candidates who held a temporary coaching certificate for the winter 2019-20 and/or spring 2020 sports season did not have to receive an evaluation by the principal or athletic director for such sports seasons for professional coaching certification due to the COVID-19 crisis. The Department is now proposing to expand the time period during which candidates are not required to receive an evaluation for this certification to include the fall 2020, winter 2020-21, and spring 2021 sports seasons.

School Building Leader (SBL) Programs. At its December 2017 meeting, the Board of Regents approved requiring school building leader (SBL) programs, that are registered or seek registration on or after December 1, 2020, to be aligned with the Professional Standards for Educational Leaders (PSELs), with some modifications. Programs have been aligned with the Interstate School Leaders Licensure Consortium (ISLLC) Standards.

Commissioner's regulations are amended to extend the date by which SBL programs must be aligned with the new PSELs until September 1, 2022 to provide SBL programs additional time to conform with the new standards due to the COVID-19 crisis.

Annual Professional Performance Reviews (APPR). Commissioner's regulations are amended to provide that the definition of "Leadership standards" for purposes of APPR reviews will mean the new PSEL standards for reviews conducted on and after the 2024-25 school year. This amendment aligns the date by which SBL programs must adopt the new PSEL standards with the date the PSEL standards will be used in conducting APPR reviews.

Timetable for Implementation

The emergency regulations will become effective on October 20, 2020. It is anticipated that the proposed amendment will be presented for permanent adoption at the February 2021 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. Because the emergency adoption will expire before the February 2021 Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the January Regents meeting.

Revisions to Existing Emergency Regulations

The Board also acted on revisions to previously approved emergency regulations to provide additional flexibility for regulatory requirements to address the ongoing COVID-19 crisis. The revisions to emergency regulations relating to the COVID-19 crisis, which were initially adopted at the April and May 2020 Regents can be found in the Regents items.

The revisions made to the emergency regulations include changes to the provisions regarding special education impartial hearing case extensions, annual visits to voluntarily registered kindergarten and

nursery schools by Department staff, as well as the provisions regarding school district leader (SDL), school district business leader (SDBL), and Transitional D programs.

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