

**NEW YORK STATE EDUCATION DEPARTMENT UPDATES – MARCH-APRIL 2020**

Board of Regents Item	Summary
<p><b>MARCH 20, 2020:</b></p> <p><b>Suspension of the NYS Elementary- and Intermediate-Level State Assessments for the Remainder of the School Year in Response to COVID-19 Related School and District Closures.</b></p>	<ul style="list-style-type: none"> <li>• All NYS Elementary- and Intermediate-Level State Assessments are suspended for the remainder of the school year in response to the COVID-19 statewide school closures. The tests that are suspended include:               <ul style="list-style-type: none"> <li>○ NYS Grades 3-8 English Language Arts Tests</li> <li>○ NYS Grades 3-8 Mathematics Tests</li> <li>○ NYS Grade 4 Elementary-Level Science Test</li> <li>○ NYS Grade 8 Intermediate-Level Science Test</li> <li>○ NYS English as a Second Language Achievement Test (NYSESLAT) in Grades K-12</li> <li>○ NYS Alternate Assessment (NYSAA) for students with severe cognitive disabilities in Grades 3-8 and high school.</li> </ul> </li> <li>• Next Generation Learning Standards-Aligned ELA and Math Assessments will begin in Spring 2022.</li> <li>• The NYS Science Learning Standards – Aligned Science assessments will begin in Spring of 2023.</li> <li>• The link to this memo can be found at:  <a href="http://www.nysed.gov/common/nysed/files/programs/coronavirus/suspension-nys-elementary-intermediate-state-assessments-3-20-20.pdf">http://www.nysed.gov/common/nysed/files/programs/coronavirus/suspension-nys-elementary-intermediate-state-assessments-3-20-20.pdf</a> </li> </ul>
<p><b>MARCH 26, 2020</b></p> <p><b>Amendment to Subparts 30-2 and 30-3 of the Rules of the Board of Regents Relating to Annual Professional Performance Reviews (APPR) of Classroom Teachers and Building Principals</b></p>	<ul style="list-style-type: none"> <li>• Due to the closure of schools declared by the Governor pursuant to Executive Order(s) for the COVID-19 crisis, NYSED recognizes that it will be difficult, if not impossible, for districts to implement their annual professional performance reviews in the 2019-2020 school year since State assessments have been suspended this year and many observations may not be able to be conducted before the end of the school year.</li> <li>• NYSED is seeking an Executive Order from the Governor to waive the requirements of Education Law 3012-d.</li> <li>• The link to the full memo can be found at:  <a href="https://www.regents.nysed.gov/common/regents/files/420brca1.pdf">https://www.regents.nysed.gov/common/regents/files/420brca1.pdf</a> </li> </ul>



<p><b>MARCH 26, 2020</b></p> <p><b>Resources for Mental Health and Talking to Young People About COVID-19</b></p>	<ul style="list-style-type: none"> <li>• NYSED has provided links to resources that offer guidance for self-care as well as strategies for talking about COVID-19 honestly and effectively with young people. Below is the link to the Memo that link to a variety of resources: <a href="http://www.nysed.gov/common/nysed/files/programs/coronavirus/talking-about-covid-19-memo-3-26-2020.pdf">http://www.nysed.gov/common/nysed/files/programs/coronavirus/talking-about-covid-19-memo-3-26-2020.pdf</a></li> </ul>
<p><b>MARCH 27, 2020</b></p> <p><b>Provision of Services to Students with Disabilities During Statewide School Closures Due to Novel Coronavirus (COVID-19) Outbreak in NYS</b></p>	<ul style="list-style-type: none"> <li>• Students with disabilities must be provided a free appropriate public education (FAPE) consistent with the need to protect their health and safety, as well as the health and safety of the individuals who provide them with their education, specialized instruction, and related services. NYSED will allow school districts as much flexibility as federal and State laws and regulations allow in determining how FAPE is to be provided during the Coronavirus outbreak.</li> <li>• This memo includes frequently Asked Questions to assist districts in providing continuity of learning for students with disabilities and English Language Learners. A few highlights include:             <ul style="list-style-type: none"> <li>○ For schools who are providing virtual online learning during a school closure, Students' IEPs do not need to be amended.</li> <li>○ Mandated IEP related services can be provided through telepractice during Statewide school closures due to Coronavirus.</li> <li>○ All students who are identified as English Language Learners with disabilities should, to the extent possible, be provided services in accordance with their IEPs and Part 154 of the Commissioner's regulations.</li> <li>○ When conducting Annual Reviews, Committees are not required to meet in person while schools are closed. When conducting Committee meetings, the parent of a student with a disability and a school district may agree to use alternative means of meeting participation requirements, such as video conferences and conference calls.</li> <li>○ The 60-day timeline for providing a final written response to State complaints can be extended.</li> <li>○ During the COVID-19 School Closure, if a student's IEP needs to be amended, a committee is not required to meet in person, provided the parent and school district agree.</li> </ul> </li> <li>• The full memo and FAQ can be found using the link below: <a href="http://www.p12.nysed.gov/specialed/publications/2020-memos/nysed-covid-19-provision-of-services-to-swd-during-statewide-school-closure-3-27-20.pdf">http://www.p12.nysed.gov/specialed/publications/2020-memos/nysed-covid-19-provision-of-services-to-swd-during-statewide-school-closure-3-27-20.pdf</a></li> </ul>



<p><b>MARCH 30, 2020</b> <b>Clarification on 180-day Requirements in Light of Executive Orders</b></p>	<ul style="list-style-type: none"> <li>Any day that a public school district (including Special Act School Districts) or charter school had been previously scheduled to be open but was closed prior to March 18, 2020 at the direction of state or local health officials as a result of the COVID-19 virus, will satisfy the requirements for a waiver of the usually required reduction in monies payable to school districts and charter schools under Education Law section 3604, provided that such school district or charter school has exhausted any available time, including snow days and vacation days.</li> <li>The link to this memo can be found at: <a href="http://www.nysed.gov/common/nysed/files/programs/coronavirus/nysed-covid-19-clarification-180-day-requirement-3-30-20.pdf">http://www.nysed.gov/common/nysed/files/programs/coronavirus/nysed-covid-19-clarification-180-day-requirement-3-30-20.pdf</a></li> </ul>
<p><b>APRIL 6, 2020</b> <b>Extension of the Subject Area Certification Requirement Effective Date and Statement of Continued Eligibility (SOCE) Application - Due to the Novel Coronavirus (COVID-19)</b></p>	<ul style="list-style-type: none"> <li>The effective date for the subject area certification requirement for special education teachers who teach one or more subject areas in a special class in grades 7-12 is extended from July 1, 2020 to <b>July 1, 2021</b>. The requirement otherwise remains the same.</li> <li>The SOCE application deadline is extended from June 30, 2020 to <b>June 30, 2021</b>.</li> <li>The date by which special education teachers must complete the teaching experience for the SOCE, or the teaching experience for one of the six pathways in the limited extension, is extended from June 30, 2020 to <b>June 30, 2021</b>.</li> <li>The link to this memo can be found at: <a href="http://www.nysed.gov/common/nysed/files/programs/coronavirus/nysed-covid-19-special-education-limited-extension-april-2020.pdf">http://www.nysed.gov/common/nysed/files/programs/coronavirus/nysed-covid-19-special-education-limited-extension-april-2020.pdf</a></li> </ul>
<p><b>APRIL 7, 2020</b> <b>Cancellation of the June 2020 Administration of the New York State (NYS) High School Regents Examination Program in Response to COVID-19 Related School and District Closures</b></p>	<ul style="list-style-type: none"> <li>NYSED has cancelled the June 2020 administration of the NYS High School Regents Examination Program in response to the statewide closures of schools and districts to prevent the spread of COVID-19. Below is who the exemption applies to:             <ul style="list-style-type: none"> <li>Grades 8-12 students currently enrolled in a course that will culminate in a Regents who <b>will</b> earn course credit by the end of 2019-20 school year.</li> <li>Grades 8-12 students who <b>are not</b> currently enrolled in a course that will culminate in a Regents, but were in the past and <b>have already</b> earned course credit and intended to take the Exam in June 2020. Student intention could be determined based on presence of at least one circumstance below:                 <ul style="list-style-type: none"> <li>the student informed the school that s/he wished to retake the examination; or</li> <li>the student was receiving academic intervention, supplemental instruction or tutoring of some kind in preparation to take the examination; or</li> </ul> </li> </ul> </li> </ul>



- the student took the examination in June 2019, August 2019, or January 2020 in an attempt to pass or better his/her score.
  - Grades 8-12 students currently enrolled in a course that will culminate in a Regents who **will not** earn course credit by the end of 2019-20 school year – will need to attend summer school in 2020 to earn course credit, they will then be exempt from the culminating Regents exam it is administered in August 2020.
  - Grade 7 students currently enrolled in a course of study leading to a Regents Examination, and has met the standards assessed in the provided course work.
  - Any student who will have earned 3 course credits by end of school year 2019-20 in LOTE, who was intending on taking the LOTE Checkpoint B Exam in June 2020 for an Advanced Regents Diploma.
    - If the principal in consultation with relevant faculty determines that the student has met the standards assessed in the provided coursework leading to the Checkpoint A LOTE exam, the district may choose to waive the exam requirement and grant the student their first unit of diploma credit in LOTE.
- Any student preparing to take a +1 Pathways Assessment in June 2020 will be exempt if:
  - Currently or previously enrolled in the course that leads to the pathway exam and will or has already earned course credit, or
  - The student is currently or was previously identified as an English Language Learner whose home language is one of the languages that is tested by the NYSED-approved Languages Other Than English (LOTE) +1 Pathway Assessments (Chinese, French, Italian, Korean, or Spanish),
  - Student intending to use the ASL +1 Pathway
- Any student exiting high school in June 2020 who is unable to meet the requirements of the CDOS Commencement Credential or the CDOS +1 Pathway who has demonstrated proficiency of the CDOS learning standards to be exempt they will be:
  - Granted a waiver from the completion of the 216 hours of CTE Instruction and/or
  - Granted a waiver of the 54 hours of work-based learning requirement and/or
  - Granted a waiver from any other NYSED approved exam that may have been being used to achieve the CDOS +1 Pathway
- Students with a disability will have access to the compensatory safety net option where a 65 or above on one exam can compensate for a 45-54 on another exam. An exempted Regents Exam



	<p>can NOT be used to compensate a lower Regents exam score (45-54 on science and social studies Regents exams only) using the compensatory safety net option.</p> <ul style="list-style-type: none"> <li>• The link to the Memo on the Regents Examination exemption can be found at: <a href="http://www.nysed.gov/common/nysed/files/programs/coronavirus/nysed-covid-19-memo-cancellation-june-2020-regents-exams.pdf">http://www.nysed.gov/common/nysed/files/programs/coronavirus/nysed-covid-19-memo-cancellation-june-2020-regents-exams.pdf</a></li> <li>• The link to the Guidance on the Regents Examination exemption can be found at: <a href="http://www.nysed.gov/common/nysed/files/programs/coronavirus/nysed-covid-19-regents-grad-req-faq.pdf">http://www.nysed.gov/common/nysed/files/programs/coronavirus/nysed-covid-19-regents-grad-req-faq.pdf</a></li> </ul>
<p style="text-align: center;"><b>APRIL 6-7, 2020</b></p> <p style="text-align: center;"><b>Summary of Emergency Regulations to Ease the Burdens on Educators, Students and Professionals in the Wake of the COVID-19 Pandemic</b></p>	<ul style="list-style-type: none"> <li>• The Board of Regents today adopted emergency regulations to ease the burdens and provide important flexibility for educators, students, professionals and others to address interruptions in the wake of the COVID-19 pandemic.</li> <li>• Summary of emergency regulations:             <ul style="list-style-type: none"> <li>○ Accountability: The federal government has provided NYS with a one-year waiver from provisions of the ESSA pertaining to State assessments and school and district accountability determinations.</li> <li>○ Special Education: impartial hearing officers to conduct special education due process hearings by video conference during the COVID-19 crisis. Additionally, the amendments allow hearing officers to extend cases up to 60 days rather than 30 days while schools are closed pursuant to the terms of the Executive Order(s) issued by the Governor.</li> <li>○ Bilingual Education: The Commissioner’s regulations are amended to not include any day(s) where a school is closed pursuant to an Executive Order of the Governor to count toward the following timelines: English language learner identification process timeline; parental notification and information timeline; and the English as a New Language/Bilingual Education placement timeline.                 <ul style="list-style-type: none"> <li>▪ Amendments provide that for the 2019-2020 school year, there will be no English language learner annual assessment due to such assessment being suspended as a result of the COVID-19 crisis.</li> </ul> </li> </ul> </li> </ul>



- Home Instruction: Commissioner’s regulations were amended to provide an alternative form of evaluation for students receiving home instruction, in lieu of an annual assessment, will be permitted for all grades in the 2019-20 school year.
- Early Learning: The regulations are amended to permit prekindergarten programs to operate for less than the 180-day requirement for a full-year program and the 90-day requirement for districts who started a half-year program using their Expanded Prekindergarten Grant.
- The link to the summary document can be found at:  
<https://www.regents.nysed.gov/common/regents/files/420bra6.pdf>