

Summary of Emergency Action Regulations Need to Provide Flexibility and Support During COVID-19 Crisis

Citation of Regulation	Topic	Regulatory Change
§100.2(d)(1), §100.4(c) §100.5, §100.6(b)(3)(iii)	180 days of Instruction	Exemption from units of study requirements due to state of emergency and where student would otherwise achieve the learning outcomes of such portion of unit of study completed.
§200.7(b)(5), §200.20(a)(6)	180 days for State approved-state-supported, Special Act and preschools	State approved private, state-operated, Special Act, State-supported and preschools may operate less than 180 days during 10 month school year for reasons related to state of emergency.
§200.5(j)(3)(xii)	Special Education-IHO hearings	Allows IHO to conduct hearings via video conference
§200.5(j)(5)(i)	Special Education-IHO hearings	IHO may extend cases up to 60 days due to state of emergency
§200.20(b)(6)	Special Education Preschool providers	Preschool providers required to make up missed services within 30 days not including days school closed due to state of emergency
§200.4(d),200.4€(1)	Special Education	Extends 60 school days required for placement to exclude days of school closure due to state of emergency.
§175.5(l)	-Public schools and charters may operate less than 180 days	-Public schools and charters may operate less than 180 days during 10 month school year due to state of emergency. -Permits missed instructional hrs. for any day school is closed AND the 180 day is waived to count towards min annual instructional hrs as a result of the state of emergency
§151-1.4(a)	Prek	Permits Prek to operate less than 180 day and 90 day where the program is in a school

§125.1	Prek,nursery school site visits	Permits staff to postpone required site visits to prek,nursery schools and kindergartens due to state of emergency to proceed as soon as possible after they reopen
§275.8	Commissioner Appeals	Permits service of pleadings and supporting papers for appeals to the Commissioner by alternative means during state of emergency
§83.5	Part 83 and Part 87 Appeals	Permits Commissioner to excuse timeframes relating to appeals from an IHO decision of good moral character where delays are due to state of emergency
§87.5	Part 83 and Part 87 Appeals	Excuse late submissions relating to due process for perspective employees clearance for employment and appeals of SED determination to deny perspective employees clearance when due to state of emergency
§87.2(k)(2)	Part 83 and Part 87 Appeals	Adds definition of prospective school employee-individual who will reasonably be expected to provide services which involve online communication or interaction directly to students under 21 during school closure due to state of emergency
§154-2.3(a)(5),b,(f)(3) and (g)(1)	Bilingual Education	Timelines for identification, parental notification, information, and placement to not include days when school is closed due to state of emergency
§154-2.3(h)	Bilingual Education	Exemption from units of study where student is not able to meet requirements due to state of emergency and where student would otherwise achieve learning outcomes.

154-2.3(l)	Bilingual Education	No ELL annual assessment as assessments suspended due to state of emergency
	Accountability	<p>USDE has granted NY's waiver (NYSEd will introduce regs )</p> <ul style="list-style-type: none"> <li>- SED will not conduct a review of school and district performance using 2019-20 school year results</li> <li>- Accountability status for 202-21 will be the same as 2019-20</li> <li>- 2018-19 school year results shall be used in any instance for which 2019-20 result would have been used in part of the process of making 2021-22 accountability determinations</li> <li>- Commissioner may modify 2019-22 school years timelines for plans, reports, or implementation activities upon a finding of good cause</li> </ul>
§52.21,57-4.5, and 80-1.13	DASA	Permits DASA training to be conducted online during state of emergency
§80-1.5(1)	edTPA	Creates safety net for candidates in educator prep programs whose student teaching or similar clinical experience in spring,2020 who were impacted by pandemic - holds them harmless. Would be able to take and pass either ATS-W or edTPA. Candidates that do not pass the edTPA could take and pass ATS-W or pursue the edTPA MMEQ if they qualify
§80-3.15	SOCE	Applications for SOCE is extended from 6/30/2020 to 6/30/2021

