




TO: The Honorable the Members of the Board of Regents
FROM: Daniel Morton-Bentley 
SUBJECT: Proposed Amendment to Sections 125.1, 135.4, and 52.21 of the Regulations of the Commissioner of Education and Section 30-3.2 of the Rules of the Board of Regents Relating to Addressing the COVID-19 Crisis and the Reopening of Schools

DATE: March 4, 2021

AUTHORIZATION(S):


SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amendment to sections 125.1, 135.4, and 52.21 of the Regulations of the Commissioner of Education and section 30-3.2 of the Rules of the Board of Regents relating to addressing the COVID-19 crisis and the reopening of schools?

Reason for Consideration

Review of Policy.

Proposed Handling

The proposed amendment will be presented to the Full Board for adoption as an emergency rule at its March 2021 meeting. A copy of the proposed rule is included as Attachment A, and a Statement of Facts and Circumstances which necessitate emergency action is included as Attachment B.

Procedural History

The proposed amendment was presented to the Board of Regents for adoption as an emergency rule at its October 2020 meeting. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on January 6, 2021. Supporting materials are available upon request to the Secretary to the Board of Regents.

Background Information

Generally

On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020, the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis, including orders directing the closure of schools for the remainder of the 2019-2020 school year and 2020 summer school except for extended school year (ESY) services. In response, the Department adopted emergency regulations to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. The Governor of New York announced that schools across the State were permitted to open in the fall and required all school districts to submit reopening plans to the Department and the Department of Health. Therefore, to address additional issues resulting from the interruptions caused by the COVID-19 crisis, and to plan for the reopening of schools, the Department is proposing further emergency regulatory amendments as follows:

- Early Learning
 - Section 125.1 is amended to provide that any voluntarily registered school whose registration expires in the 2019-2020 or 2020-2021 school year, and does not receive a required on-site visit from Department staff due to the COVID-19 crisis shall have their registration extended, subject to revocation for cause, and such registration shall be up for renewal in the 2021-2022 school year (Attachment A #1).
- Higher Education
 - Coaching Evaluations
 - Section 135.4(c) of the Commissioner's regulations is amended to provide additional flexibility for temporary coaching candidates of extracurricular interscholastic sports. These 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 to such section at the September 2020 Regents meeting, which provided that such candidates who held a temporary coaching certificate for the winter 2019-2020 and/or spring 2020 sports season are not required to have received 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 such candidates are not required to receive an evaluation for professional coaching certification to also include the fall 2020, winter 2020-2021, and/or spring 2021 sports seasons (Attachment A #2).

- School Building Leader Programs and Annual Professional Performance Reviews (APPR)
 - 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. The Department is proposing to amend section 52.21(c) of the Commissioner’s regulations 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 (Attachment A #3).
 - Additionally, the Department is proposing to make a corresponding amendment to section 30-3.2(l) of the Commissioner’s regulations to provide that the definition of “Leadership Standards” for purposes of APPR reviews shall mean the new PSELs for reviews conducted on and after the 2024-2025 school year. This amendment aligns the date by which SBL programs must adopt such standards with the date such standards will be used in conducting APPR reviews (Attachment A #4).

Related Regents Items

April 2020: [Proposed Amendments to Sections 52.3, 52.21, 57-4.5, 70.4, 74.6, 75.2, 75.5, 76.2, 79-9.3, 79-10.3, 79-11.3, 79-12.3, 80-1.13, 80-1.5, 80-3.15, 80-4.3, 83.5, 87.2, 87.5, 100.2, 100.4, 100.5, 100.6, 100.10, 100.21, 119.1, 119.5, 125.1, 151-1.4, 154-2.3, 175.5, 200.4, 200.5, 200.7, 200.20 and 275.8 and addition of Section 279.5 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/420bra6.pdf)
 (https://www.regents.nysed.gov/common/regents/files/420bra6.pdf)

May 2020: [Proposed Amendments to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/520bra9-REVISED.pdf)
 (https://www.regents.nysed.gov/common/regents/files/520bra9-REVISED.pdf)

May 2020: [Proposed Amendments to Sections 52.3, 52.21, 57-4.5, 70.4, 74.6, 75.2, 75.5, 76.2, 79-9.3, 79-10.3, 79-11.3, 79-12.3, 80-1.13, 80-1.5, 80-3.15, 80-4.3, 83.5, 87.2, 87.5, 100.2, 100.4, 100.5, 100.6, 100.10, 100.21, 119.1, 119.5, 125.1, 151-1.4, 154-2.3, 175.5, 200.4, 200.5, 200.7, 200.20 and 275.8 and addition of Section 279.5 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/520bra10.pdf)
 (https://www.regents.nysed.gov/common/regents/files/520bra10.pdf)

June 2020: [Proposed Amendments to Sections 60.10, 80-1.2, 80-4.3, 80-4.4, 80-5.6, 100.2, 100.5, 100.7, 100.10, 110.4, 119.4, 121.5, 135.4, 145-2.15 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/620bra10.pdf)
(<https://www.regents.nysed.gov/common/regents/files/620bra10.pdf>)

June 2020: [Proposed Amendments to Sections 52.3, 52.21, 57-4.5, 70.4, 74.6, 75.2, 75.5, 76.2, 79-9.3, 79-10.3, 79-11.3, 79-12.3, 80-1.13, 80-1.5, 80-3.15, 80-4.3, 83.5, 87.2, 87.5, 100.2, 100.4, 100.5, 100.6, 100.10, 100.21, 119.1, 119.5, 125.1, 151-1.4, 154-2.3, 175.5, 200.4, 200.5, 200.7, 200.20 and 275.8 and addition of Section 279.5 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/620bra11.pdf)
(<https://www.regents.nysed.gov/common/regents/files/620bra11.pdf>)

June 2020: [Proposed Amendments to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/620bra12.pdf)
(<https://www.regents.nysed.gov/common/regents/files/620bra12.pdf>)

July 2020: [Proposed Amendments to Sections 52.3, 52.21, 57-4.5, 70.4, 74.6, 75.2, 75.5, 76.2, 79-9.3, 79-10.3, 79-11.3, 79-12.3, 80-1.13, 80-1.5, 80-3.15, 80-4.3, 83.5, 87.2, 87.5, 100.2, 100.4, 100.5, 100.6, 100.10, 100.21, 119.1, 119.5, 125.1, 151-1.4, 154-2.3, 175.5, 200.4, 200.5, 200.7, 200.20 and 275.8 and addition of Section 279.5 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/720bra7.pdf)
(<https://www.regents.nysed.gov/common/regents/files/720bra7.pdf>)

July 2020: [Proposed Amendments to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/720bra5.pdf)
(<https://www.regents.nysed.gov/common/regents/files/720bra5.pdf>)

July 2020: [Proposed Amendments to Sections 60.10, 80-1.2, 80-4.3, 80-4.4, 80-5.6, 100.2, 100.5, 100.7, 100.10, 110.4, 119.4, 121.5, 135.4, and 145-2.15 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/720brca13.pdf)
(<https://www.regents.nysed.gov/common/regents/files/720brca13.pdf>)

July 2020: [Proposed Amendments to Sections 80-5.3, 80-5.4, 100.1, 100.2, 100.5, 100.6, 100.10, 117.3, 136.3, 145-2.1, 151-1.3, 154-2.2, 154-2.3, and 200.4 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis and the Reopening of Schools](https://www.regents.nysed.gov/common/regents/files/720bra8revised.pdf)
(<https://www.regents.nysed.gov/common/regents/files/720bra8revised.pdf>)

September 2020: [Proposed Amendments to Sections 52.3, 52.21, 57-4.5, 70.4, 74.6, 75.2, 75.5, 76.2, 79-9.3, 79-10.3, 79-11.3, 79-12.3, 80-1.13, 80-1.5, 80-3.15, 80-4.3, 83.5, 87.2, 87.5, 100.2, 100.4, 100.5, 100.6, 100.10, 100.21, 119.1, 119.5, 125.1, 151-1.4, 154-2.3, 175.5, 200.4, 200.5, 200.7, 200.20 and 275.8 and addition of Section 279.5 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/920bra6.pdf)
(<https://www.regents.nysed.gov/common/regents/files/920bra6.pdf>)

September 2020: [Proposed Amendments to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID19 Crisis](https://www.regents.nysed.gov/common/regents/files/920bra3.pdf)
(<https://www.regents.nysed.gov/common/regents/files/920bra3.pdf>)

September 2020: [Proposed Amendments to Sections 80-5.3, 80-5.4, 100.1, 100.2, 100.5, 100.6, 100.10, 117.3, 136.3, 145-2.1, 151-1.3, 154-2.2, 154-2.3, 156.3, and 200.4 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis and the Reopening of Schools](https://www.regents.nysed.gov/common/regents/files/920bra8.pdf)
(<https://www.regents.nysed.gov/common/regents/files/920bra8.pdf>)

September 2020: [Proposed Amendments to Sections 52.21, 79-8.5, 100.5, and 154-2.3 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis and the Reopening of Schools](https://www.regents.nysed.gov/common/regents/files/920bra7revised.pdf)
(<https://www.regents.nysed.gov/common/regents/files/920bra7revised.pdf>)

September 2020: [Proposed Amendments to Sections 60.10, 80-1.2, 80-4.3, 804.4, 80-5.6, 100.2, 100.5, 100.7, 100.10, 110.4, 119.4, 121.5, 135.4, 145-2.15 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/920brca3.pdf)
(<https://www.regents.nysed.gov/common/regents/files/920brca3.pdf>)

October 2020: [Proposed Amendments to Sections 125.1, 135.4, and 52.21 of the Regulations of the Commissioner of Education and Section 30-3.2 of the Rules of the Board of Regents Relating to Addressing the COVID-19 Crisis and the Reopening of Schools](https://www.regents.nysed.gov/common/regents/files/1020bra3.pdf)
(<https://www.regents.nysed.gov/common/regents/files/1020bra3.pdf>)

October 2020: [Proposed Amendments to Sections 52.3, 52.21, 57-4.5, 70.4, 74.6, 75.2, 75.5, 76.2, 79-9.3, 79-10.3, 79-11.3, 79-12.3, 80-1.13, 80-1.5, 80-3.15, 80-4.3, 83.5, 87.2, 87.5, 100.2, 100.4, 100.5, 100.6, 100.10, 100.21, 119.1, 119.5, 125.1, 151-1.4, 154-2.3, 175.5, 200.4, 200.5, 200.7, 200.20 and 275.8 and addition of Section 279.5 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/1020bra5revised.pdf)
(<https://www.regents.nysed.gov/common/regents/files/1020bra5revised.pdf>)

October 2020: [Proposed Amendments to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/1020bra4.pdf)
(<https://www.regents.nysed.gov/common/regents/files/1020bra4.pdf>)

October 2020: [Proposed Amendments to Sections 80-5.3, 80-5.4, 100.1, 100.2, 100.5, 100.6, 100.10, 117.3, 136.3, 145-2.1, 151-1.3, 154-2.2, 154-2.3, 156.3, and 200.4 of the Regulations of the Commissioner of Education Relating to Addressing the COVID19 Crisis and the Reopening of Schools](https://www.regents.nysed.gov/common/regents/files/1020brca5.pdf)
(<https://www.regents.nysed.gov/common/regents/files/1020brca5.pdf>)

November 2020: [Proposed Amendments to Sections 52.3, 52.21, 57-4.5, 70.4, 74.6, 75.2, 75.5, 76.2, 79-9.3, 79-10.3, 79-11.3, 79-12.3, 80-1.13, 80-1.5, 80-3.15, 80-4.3, 83.5, 87.2, 87.5, 100.2, 100.4, 100.5, 100.6, 100.10, 100.21, 119.1, 119.5, 125.1, 151-1.4, 154-2.3, 175.5, 200.4, 200.5, 200.7, 200.20 and 275.8 and Addition of Section 279.15 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/1120bra3.pdf>)

November 2020: [Proposed Amendments to Sections 52.21, 79-8.5, 100.5, and 154-2.3 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis and the Reopening of Schools](#)

(<https://www.regents.nysed.gov/common/regents/files/1120brca2.pdf>)

December 2020: [Proposed Amendments to Sections 80-5.3, 80-5.4, 100.1, 100.2, 100.5, 100.6, 100.10, 117.3, 136.3, 145-2.1, 151-1.3, 154-2.2, 154-2.3, 156.3, and 200.4 of the Regulations of the Commissioner of Education Relating to Addressing the COVID19 Crisis and the Reopening of Schools](#)

(<https://www.regents.nysed.gov/common/regents/files/1220brca7.pdf>)

December 2020: [Proposed Amendments to Sections 52.21, 79-8.5, 100.5, and 154-2.3 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis and the Reopening of Schools](#)

(<https://www.regents.nysed.gov/common/regents/files/1220brca6.pdf>)

December 2020: [Proposed Amendments to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and the addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/1220bra4.pdf>)

December 2020: [Proposed Amendments to Sections 155.17\(f\) and 100.5\(a\) of the Regulations of the Commissioner of Education and Section 30-3.16 of the Rules of the Board of Regents Relating to Addressing the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/1220bra3.pdf>)

January 2021: [Proposed Amendments to Sections 52.3, 52.21, 57-4.5, 70.4, 74.6, 75.2, 75.5, 76.2, 79-9.3, 79-10.3, 79-11.3, 79-12.3, 801.13, 80-1.5, 80-3.15, 80-4.3, 83.5, 87.2, 87.5, 100.2, 100.4, 100.5, 100.6, 100.10, 100.21, 119.1, 119.5, 125.1, 151-1.4, 1542.3, 175.5, 200.4, 200.5, 200.7, 200.20 and 275.8 and Addition of Section 279.15 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](#)

(<https://www.regents.nysed.gov/common/regents/files/121brca3.pdf>)

February 2021: [Proposed Amendments to Sections 52.21, 80-3.14, and 80-3.7 of the Regulations of the Commissioner of Education and Section 30-1.2 of the Rules of the Board of Regents Relating to Providing Flexibility Relating to Student Teaching, Individual Evaluation Pathway to Certification, Accreditation, and the Computer Science Tenure Area and Statement of Continued Eligibility in Response to the COVID-19 Crisis](#)

{<https://www.regents.nysed.gov/common/regents/files/221hea1.pdf>}

February 2021: [Proposed Amendments to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and the addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/221brca5.pdf) (<https://www.regents.nysed.gov/common/regents/files/221brca5.pdf>)

February 2021: [Proposed Amendments to Sections 52.3, 52.21, 57-4.5, 70.4, 74.6, 75.2, 75.5, 76.2, 79-9.3, 79-10.3, 79-11.3, 79-12.3, 801.13, 80-1.5, 80-3.15, 80-4.3, 83.5, 87.2, 87.5, 100.2, 100.4, 100.5, 100.6, 100.10, 100.21, 119.1, 119.5, 125.1, 151-1.4, 1542.3, 175.5, 200.4, 200.5, 200.7, 200.20 and 275.8 and Addition of Section 279.15 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/221brca6.pdf) (<https://www.regents.nysed.gov/common/regents/files/221brca6.pdf>)

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That sections 125.1, 135.4, and 52.21 of the Regulations of the Commissioner of Education and section 30-3.2 of the Rules of the Board of Regents be amended, as submitted, as an emergency measure, effective March 17, 2021, upon a finding by the Board of Regents that such action is necessary for the preservation of public health and the general welfare in order to immediately provide flexibility to certain regulatory requirements in response to the COVID-19 crisis and to plan for the reopening of schools and to ensure that the emergency action taken at the October meeting remains continuously in effect.

Timetable for Implementation

If adopted as an emergency measure at the March 2021 Regents meeting, the proposed amendment will become effective as an emergency rule on March 17, 2021. It is anticipated that the proposed amendment will be presented for permanent adoption at the April 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. If adopted at the April 2021 meeting, the proposed rule will become effective on April 28, 2021.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 210, 215, 305, 803, 911, 3001, 3004, 3009 and 3012-d of the Education Law.

1. Section 125.1 of the Regulations of the Commissioner of Education is amended by adding a new subdivision (e) to read as follows:

(e) Notwithstanding subdivision (b) of this section, any voluntarily registered school whose registration expires in the 2019-2020 or 2020-2021 school year, and does not receive a required on-site visit from Department staff due to the COVID-19 crisis pursuant to subdivision (d) of this section, shall have such registration extended, subject to revocation for cause, and such registration shall be up for renewal in the 2021-2022 school year.

2. Item (ii) of subclause (4) of clause (c) of subparagraph (i) of paragraph (7) of subdivision (c) of section 135.4 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) a professional coaching certificate shall be valid for a three year period, provided that such certificate may be renewed for additional three year periods upon the submission of a fee of \$50 together with a renewal application for each successive renewal period, in a form prescribed by the commissioner, which satisfactorily establishes that:

(A) ...

(B) the candidate has received a satisfactory evaluation by the principal or athletic director for each of the preceding three years that the candidate coached in the specific sport for which a professional coaching certificate is sought, provided, however that a candidate who held a temporary coaching certificate for the winter 2019-2020 [and/or],

spring 2020, fall 2020, winter 2020-2021, and/or spring 2021 sports seasons shall not be required to have received an evaluation by the principal or athletic director [for the winter 2019-2020 and/or spring 2020] during the applicable sport [seasons] season(s) for the professional coaching certificate due to [school closures pursuant to] the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis;

3. Clauses (a) and (b) of subparagraph (vi) of paragraph (2) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Prior to [December] September 1, [2020] 2022, programs shall require candidates to complete studies sufficient to demonstrate, upon program completion, the knowledge and skills necessary to perform the following:

(b) On or after [December] September 1, [2020] 2022, programs shall require candidates to complete studies sufficient to demonstrate, upon program completion, the knowledge and skills necessary to:

4. The opening paragraphs of paragraphs (1) and (2) of subdivision (l) of section 30-3.2 of the Rules of the Board of Regents is amended to read as follows:

(1) for annual professional performance reviews conducted prior to the [2022-23] 2024-2025 school year, the Educational Leadership Policy Standards: ISLLC 2008 as adopted by the National Policy Board for Educational Administration (Council of Chief State School Officers, Washington DC, One Massachusetts Avenue, NW, Suite 700, Washington, DC 20001-1431; available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, NY

12234). The Leadership Standards provide that an education leader promotes the success of every student by:

(2) for annual professional performance reviews conducted commencing in the [2022-23] 2024-2025 school year, the Professional Standards for Educational Leaders: PSEL 2015 as adopted by the National Policy Board for Educational Administration (1904 Association Drive, Reston, VA 20191 -- available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, NY 12234), as modified by the Board of Regents. The New York State Leadership Standards provide that an education leader shall:

STATEMENT OF FACTS AND CIRCUMSTANCE WHICH
NECESSITATE EMERGENCY ACTION

On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020, the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis, including orders directing the closure of schools for the remainder of the 2019-2020 school year and 2020 summer school except for extended school year (ESY) services. In response, the Department adopted emergency regulations to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. The Governor of New York announced that schools across the State were permitted to open in the fall and required all school districts to submit reopening plans to the Department and the Department of Health. Therefore, to address additional issues resulting from the interruptions caused by the COVID-19 crisis and to prepare for the reopening of schools, it is necessary for the Department to adopt further regulatory amendments. The proposed amendments provide flexibility related to the following:

- Registration of voluntarily registered nursery schools and kindergartens;
- School Building Leader (SBL) programs;
- Annual professional performance reviews (APPR); and
- Coaching evaluations.

Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular (nonemergency) adoption, after

publication in the State Register and expiration of the 60-day public comment period required in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), is the April 2021 Regents meeting. However, because the COVID-19 crisis is presently affecting the State of New York, emergency action is necessary for the preservation of public health and the general welfare in order to immediately provide flexibility for certain regulatory requirements in response to the COVID-19 crisis and to ensure that the emergency action taken at the October meeting remains continuously in effect.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the April 2021 Regents meeting, which is the first scheduled meeting after the 60-day public comment period prescribed in SAPA for State agency rule makings.