



TO: The Honorable the Members of the Board of Regents
FROM: Tony Lofrumento *Anthony Lofrumento Jr*
SUBJECT: Summary of the July and August 2020 Meetings
DATE: September 3, 2020
AUTHORIZATION(S): *Bellotti*

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents approve the Summary of the July and August 2020 Meetings of the Board of Regents?

Reason(s) for Consideration

Not applicable.

Proposed Handling

This issue will come before the Full Board for action at its September 2020 meeting.

Procedural History

This document summarizes the actions of the Board of Regents during the monthly meeting and is brought before the Board the following month for approval.

Background Information

Not applicable.

Related Regents Items

Not applicable.

Recommendation

Approval of the Summary of the July and August 2020 meetings.

VOTED, that the Summary of the July and August 2020 Meetings of the Board of Regents of The University of the State of New York be approved.

Timetable for Implementation

Effective September 14, 2020.



SUMMARY OF THE JULY AND AUGUST 2020 MEETINGS

OF THE BOARD OF REGENTS

OF

THE UNIVERSITY OF THE STATE OF NEW YORK

Held by Video Conference

***July 13 and 14, July 24 postponed to July 31, and
August 11, 2020***

***Anthony Lofrumento, Secretary
Board of Regents***

THE BOARD OF REGENTS

The Board of Regents of The University of the State of New York held a public session by video conference on Monday, July 13, 2020 at 9:15 a.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Monday, July 13th at 9:15 a.m.

Board Members in Attendance:

Betty A. Rosa, *Chancellor*
T. Andrew Brown, *Vice Chancellor*
Roger Tilles
Lester W. Young, Jr.
Christine D. Cea
Wade S. Norwood
Kathleen M. Cashin
James E. Cottrell
Josephine Victoria Finn
Judith Chin
Beverly L. Ouderkirk
Catherine Collins
Nan Eileen Mead
Elizabeth S. Hakanson
Luis O. Reyes
Susan W. Mittler
Frances G. Wills

Also present were Interim Commissioner, Shannon L. Tahoe; Acting Counsel and Deputy Commissioner for Legal Affairs, Aaron Baldwin; and, Secretary, Board of Regents, Anthony Lofrumento.

Chancellor Rosa called the meeting to order and reviewed ground rules for the video conference. Regent Wills then provided the reflection.

ACTION ITEM

Executive Session Motion

MOVED, that the Board of Regents convene in executive session on Monday, July 13th at 3:00 p.m. to discuss personnel matters.

Motion by: Vice Chancellor T. Andrew Brown
Seconded by: Regent Christine D. Cea
Action: Motion carried unanimously.

PRESENTATIONS

Guidance on Statewide Task Force on Reopening New York's Schools

Chancellor Rosa, Kim Wilkins, Kathleen DeCataldo, Christina Coughlin, Brian Cechnicki, Shannon Logan, Marybeth Casey, Chris Suriano, Elisa Alvarez and Alex Trikalinos provided an update on the work of the Statewide Task Force on Reopening New York's Schools (Attachments I and II.)

Higher Education Reopening Regional Meetings

John D'Agati, William Murphy and Sarah Benson provided the Board with an update on the Higher Education Reopening Regional Meetings (Attachment III.)

ACTION ITEMS

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 BR (A) 8 - REVISED

MOVED, that 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 be amended, as submitted, as an emergency measure, effective July 14, 2020, 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. (Attachment IV.)

Motion by: Vice Chancellor T. Andrew Brown
Seconded by: Regent Lester W. Young, Jr.
Action: Motion carried. Regent Ouderkirk was absent for this vote.

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 BR (A) 7

MOVED, that 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 be amended and Section 275.8 be added, as submitted, as an emergency measure, effective July 17, 2020, 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.

Motion by: Vice Chancellor T. Andrew Brown
Seconded by: Regent Judith Chin
Action: Motion carried. Regent Ouderkirk was absent for this vote.

**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
BR (A) 5**

MOVED, that Sections 52.21, 60.6, 61.19(b), 80-3.7, 80-1.2(b), 151-1.3(b), 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 be amended and a new section 80-5.27 be added, as submitted, as an emergency measure, effective July 17, 2020, 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.

Motion by: Vice Chancellor T. Andrew Brown
Seconded by: Regent Christine D. Cea
Action: Motion carried. Regent Ouderkirk was absent for this vote.

**Proposed Amendment to Section 119.3 of the Regulations of the Commissioner of Education Relating to Financial Transparency and Data Reporting Requirements for Charter Schools
BR (A) 3**

MOVED, that Section 119.3 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 29, 2020.

Motion by: Vice Chancellor T. Andrew Brown
Seconded by: Regent Roger Tilles
Action: Motion carried. Regents Finn and Ouderkirk were absent for this vote.

DISCUSSION ITEM

Proposed Amendments to Sections 200.1 and 200.5 of the Regulations of the Commissioner of Education Relating to Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures BR (D) 4 - REVISED

Christopher Suriano presented revised proposed amendments to §200.5 of the Commissioner's Regulations to permit impartial hearing officers (IHOs) to conduct hearings by teleconference.

ACTION ITEMS

Revision Recommendation for a Charter School Authorized by the Board of Regents BR (A) 6

MOVED, that the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to amend the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to amend the charter will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for Stradford Preparatory Charter School for Boys and amends the provisional charter accordingly.

Motion by: Vice Chancellor T. Andrew Brown
Seconded by: Regent Roger Tilles
Action: Motion carried. Regents Ouderkirk was absent for this vote.
Regent Collins abstained.

Revision Recommendation for a Charter School Authorized by the New York City Department of Education Chancellor BR (A) 4

MOVED, that the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to amend the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to amend the charter will have a significant

educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for Bronx Lighthouse Charter School and amends the provisional charter accordingly.

Motion by: Regent James E. Cottrell
Seconded by: Regent Elizabeth S. Hakanson
Action: Motion carried. Regents Ouderkirk was absent for this vote.
Regents Collins and Reyes abstained.

DISCUSSION ITEMS

Proposed Addition of Section 80-5.28 to the Regulations of the Commissioner of Education Creating a Transitional J Certificate for Spouses of Individuals on Full-Time Active Duty with the Armed Forces Whose Permanent Duty Station is in New York State BR (D) 2

Laura Glass presented on a regulatory amendment to Part 80-5 of the Commissioner's regulations to create a one-year Transitional J teaching certificate for candidates who are spouses of individuals on full-time active duty with the Armed forces whose station is in New York State and meet certain requirements, which may be renewed once for an additional two years if the candidate has taken and passed the Educating All Students test and the Content Specialty Test(s).

Proposed Amendment to Section 80-1.5 of the Regulations of the Commissioner of Education Creating a Safety Net for the School Building Leader Assessment BR (D) 1

Laura Glass presented on a regulatory amendment to Section 80-1.5 of the Commissioner's regulations to create a safety net for the two-part Revised (May 2019) School Building Leader Assessment, such that when the assessment becomes available, a candidate may take Part One of either the Revised (May 2019) School Building Leader Assessment or the Revised (September 2013) School Building Leader Assessment, and may take Part Two of either the Revised (May 2019) School Building Leader Assessment or the Revised (September 2013) School Building Leader Assessment, for two years after the Revised (May 2019) School Building Leader Assessment become operational.

Proposed Amendment to Section 80-1.5 of the Regulations of the Commissioner of Education Creating Safety Nets for the Arts Content Specialty Tests (CSTs) BR (D) 3

Laura Glass presented on a regulatory amendment to Section 80-1.5 of the Commissioner's regulations to create safety nets for the Dance, Music, Theater, and

Visual Arts Content Specialty Tests (CSTs), such that when these CSTs become available, a candidate may take either the applicable revised CST or the applicable predecessor CST in Dance, Music, Theater, and Visual Arts, for one year after the applicable revised CST(s) become operational.

ACTION ITEMS

Charter Applications BR (A) 1

MOVED, that the Board of Regents approve each application in accordance with the recommendations contained in the summary table (see Appendix I.)

Summary of the June 2020 Meeting of the Board of Regents BR (A) 2

MOVED, that the Summary of the June 2020 Meeting of the Board of Regents of The University of the State of New York be approved.

Motion by: Regent Roger Tilles
Seconded by: Regent Susan W. Mittler
Action: Motion carried. Regent Ouderkirk was absent for the vote.

PROGRAM AREA CONSENT ITEMS

Cultural Education

Proposed Amendment of Section 185.5 and Addition of Section 185.15 of the Regulations of the Commissioner of Education Relating to Local Government Records Management BR (CA) 1

MOVED, that Section 185.5 be amended and Section 185.15 be added to the Commissioner's Regulations, as submitted, effective August 1, 2020.

Higher Education

Regents Authorization to Award Degrees: State University of New York at Buffalo, Doctor of the Science of Law (J.S.D.) Degree BR (CA) 2

MOVED, that the Board of Regents authorize the State University of New York at Buffalo to award the Doctor of the Science of Law (J.S.D.) degree.

**Regents Authorization to Award Degrees: The City University of New York
(CUNY), York College: Bachelor of Music (Mus.B.) Degree
BR (CA) 3**

MOVED, that the Board of Regents authorize The City University of New York (CUNY), York College to award the Bachelor of Music (Mus.B.) degree to students successfully completing the registered Music program.

**Conferral of Degrees: Glasgow Caledonian New York College and City Seminary
of New York Graduate Center
BR (CA) 4**

MOVED, that the Board of Regents confer upon the following individuals, who have completed the requirements for registered degree programs at Glasgow Caledonian New York College and City Seminary of New York Graduate Center, the respective degree as listed below.

Glasgow Caledonian New York College

The following students have completed the requirements for the Master of Science (M.S.) award:

Archer, Alexis
Arzadon-Suelto, Maila
Chang-Russell, Jessica
Frazer, Nathan
Moretz, Amanda Michelle
Rhodes, Nancy Celia
Rodriguez, Angela Nicole
Sanchez-Martinez, Heber N.
Simmons, Megan Elizabeth
Van Son, Kathryn

City Seminary of New York Graduate Center

The following students have completed the requirements for the Master of Arts (M.A.) award:

Acevedo, Peter
Agyemang, Rex Boateng
Cates, Kari Jo
Chin, May
George, Reji
Gibson, Nancy B.
Hairston, Andrea Irene
Jewoola, Olatubosun Emmanuel

John, Daniel
Kelly, Mitchell J.
Kim, Chantal Jaeun
McInnis, Robert D.
Ramos, Staci Johnson
Sam, Rojan
Thomas, Bobby
Washington, Fatimah L.

**Amendments to Sections 145-6.2, 145-6.5, and 145-6.6 of the Regulations of the
Commissioner of Education Relating to the Eligibility Requirements for Loan
Forgiveness and Grant Programs
BR (CA) 5**

MOVED, that Sections 145-6.2, 145-6.5, and 145-6.6 of the Regulations of the
Commissioner of Education be amended, as submitted, effective July 29, 2020.

P-12 Education

**Petition of the City School District of the City of Geneva for Consent to Exceed
the Constitutional Debt Limit
BR (CA) 6**

MOVED, that the Board of Regents hereby gives consent to the issuance of bonds
and/or bond anticipation notes by the Board of Education of the City School District of the
City of Geneva in an amount not to exceed \$845,649.38 for the purchase of six (6) large
school buses and two (2) small school buses, in excess of the constitutional debt limit of
said school district.

**Petition of the City School District of the City of Tonawanda for Consent to
Exceed the Constitutional Debt Limit
BR (CA) 7**

MOVED, that the Board of Regents hereby gives consent to the issuance of bonds
and/or bond anticipation notes by the Board of Education of the City School District of the
City of Tonawanda in an amount not to exceed \$47,469,266 for a capital project consisting
of the reconstruction and renovation of, and the construction of improvements, additions
and upgrades to, the Fletcher Elementary School building and facilities (and the sites
thereof), and the related consolidation of the district's three elementary schools into a
single improved Elementary School Campus at Fletcher, in excess of the constitutional
debt limit of said school district.

**Proposed Addition of Part 122 to the Regulations of the Commissioner of
Education Relating to Military Ballots for School District and School District
Public Library Elections, Budget, and Referenda
BR (CA) 8**

MOVED, that Part 122 of the Regulations of the Commissioner of Education be added, as submitted, effective July 29, 2020; and it is further

MOVED, that Part 122 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 27, 2020, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to immediately conform the Regulations of the Commissioner of Education to the requirements of Chapter 489 of the Laws of 2019, which requires military ballots for school district and school district public library elections, budget, and referenda and to ensure that the emergency action taken at the May meeting remains in effect until the proposed rule can be permanently adopted.

**Proposed Amendment of Section 135.4 of the Regulations of the Commissioner of Education Relating to Eligibility for Participation of Students Who Have Section 504 or ADA plans in Interschool Competition and Inclusive Athletic Activities
BR (CA) 9**

MOVED, that Section 135.4 is amended, as submitted, effective September 7, 2020, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the public health and general welfare to immediately clarify that schools and associations, etc., are not precluded from considering accommodation requests from otherwise qualified students with disabilities for participation in interschool competition or inclusive athletic activities who, pursuant to an approved 504 or ADA plan, are not registered in the equivalent of three regular courses and to ensure that the emergency action taken at the June meeting remains in effect until the proposed rule can be permanently adopted.

**Proposed Amendments to Sections 156.1, 156.2, 156.3, 156.4, 156.5, and 156.12 of the Commissioner's Regulations Relating to Pupil Transportation
BR (CA) 10**

MOVED, that sections 156.1, 156.2, 156.3, 156.4, 156.5, and 156.12 of the Commissioner's Regulations be amended, as submitted, effective July 29, 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
BR (CA) 13**

MOVED, that 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 be amended, as submitted, as an emergency measure, effective September 7, 2020, 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 ensure that the emergency action taken at the June meeting remains in effect until the proposed rule can be permanently adopted.

Professional Practice

**(Re)Appointments of Members to the State Boards for the Professions and
(Re)Appointments of Extended Members to the State Boards for the Professions
for Service on Licensure Disciplinary and/or Licensure Restoration and Moral
Character Panels
BR (CA) 14**

MOVED, that Board of Regents approve the proposed (re)appointments.

**Proposed Amendment to Section 64.1 of the Regulations of the Commissioner of
Education Relating to the Professional Study of Nursing
BR (CA) 15**

MOVED, that section 64.1 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 7, 2020, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the public health and general welfare to immediately conform the Regulations of the Commissioner of Education to the requirements of Chapter 502 of the Laws of 2017 and Chapter 380 of the Laws of 2018, which require licensed registered professional nurses to obtain a baccalaureate degree in nursing ten years after initial licensure in order to continue to practice in New York State unless otherwise exempted and to ensure that the emergency action taken at the June meeting remains in effect until the proposed rule can be permanently adopted.

**Proposed Amendment to Section 70.4 of the Regulations of the Commissioner of
Education Relating to Licensing Examinations in the Profession of Public
Accountancy
BR (CA) 16**

MOVED, that section 70.4 of the Regulations of the Commissioner of Education be amended, as submitted, effective, September 7, 2020, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to immediately conform the Regulations of the Commissioner of Education to the national licensing examination standards in the profession of public accountancy and to ensure that the emergency action taken at the June meeting remains in effect until the proposed rule can be permanently adopted.

**Report of the Committee on the Professions Regarding Licensing Petitions
BR (CA) 17**

MOVED, that the Board of Regents approve the recommendations of the Committee on the Professions regarding the degree conferrals.

**Maria College of Albany (Maria College) – Master Plan Amendment for the M.S.
Program in Occupational Therapy
BR (CA) 18**

MOVED, that the Board of Regents approve an amendment to the master plan of Maria College to offer the M.S. program in Occupational Therapy.

Office of Counsel

**Interim Action by Standing Committees
BR (CA) 19**

MOVED, that the Standing Committees of the Board of Regents, be and they hereby are, authorized to take interim action for the Board of Regents during the period commencing on July 14, 2019 and ending on September 13, 2020 and that any such action shall be reported to the Board at its meeting on September 14-15, 2020.

MOVED, that the Regents approve the consent agenda items.

Motion by: Regent James E. Cottrell
Seconded by: Regent Elizabeth S. Hakanson
Action: Motion passed. Regent Ouderkirk was absent for the vote.

STANDING COMMITTEE REPORT

PROFESSIONAL PRACTICE

Your Professional Practice Committee held its scheduled meeting on July 13, 2020. All members participated in the meeting by video conference call. Chancellor Betty A. Rosa and Regents Luis O. Reyes, Frances G. Wills, and Lester W. Young, Jr. also participated but did not vote on any case or action.

ACTION ITEMS

Professional Discipline Cases

Your Committee recommends that the reports of the Regents Review Committees, including rulings, findings of fact, determinations as to guilt, and recommendations, by unanimous or majority vote, contained in those reports which have been distributed to you, be accepted in 5 cases. In addition, your Committee recommends, upon the recommendation of the

Committee on the Professions, that 22 consent order applications and 12 surrender applications be granted.

These recommendations are made following the review of 39 cases involving eight licensed practical nurses, eight registered professional nurses, four licensed practical nurses who are also registered professional nurses, two licensed master social workers who are also licensed clinical social workers, two veterinarians, one dentist, one dentist who is also a holder of a certificate to administer general anesthesia, one physical therapist, one professional engineer, one psychologist, one registered professional nurse who is also a nurse practitioner (Psychiatry), and one speech-language pathologist.

Long-Term Clinical Clerkships [PPC EXS (A) 4]

Your Committee recommends the following: That the application for Xavier University School of Medicine to place students in long-term clinical clerkships in New York be approved, in accordance with and subject to the recommendations of the Advisory Committee on Long-term Clinical Clerkships

MOTION FOR ACTION BY FULL BOARD

Madam Chancellor and Colleagues: Your Professional Practice Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on July 13, 2020, copies of which have been distributed to each Regent.

MOVED, that the Committee Report be approved.

Motion by: Vice Chancellor T. Andrew Brown

Seconded by: Regent Susan W. Mittler

Action: Motion carried. Regent Ouderkirk was absent for the vote.

Chancellor Rosa adjourned the meeting.

The Board of Regents of The University of the State of New York held a public Retreat on Monday, July 13, 2020 at 1:30 p.m. pursuant to a call to duty sent to each Regent.

PRESENTATION

Substantial Equivalency Update

The Board of Regents and Department staff discussed issues related to substantial equivalency for nonpublic schools and the Department's plan to reengage the field in order to develop recommendations for the Board (Attachment V.)

THE BOARD OF REGENTS

The Board of Regents of The University of the State of New York held a public session by video conference on Friday, July 31, 2020 at 8:30 a.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Friday, July 31, 2020 at 8:30 a.m.

Board Members in Attendance:

Betty A. Rosa, *Chancellor*
T. Andrew Brown, *Vice Chancellor*
Roger Tilles
Lester W. Young, Jr.
Christine D. Cea
Wade S. Norwood
Kathleen M. Cashin
James E. Cottrell
Josephine Victoria Finn
Judith Chin
Beverly L. Ouderkirk
Catherine Collins
Nan Eileen Mead
Elizabeth S. Hakanson
Luis O. Reyes
Susan W. Mittler
Frances G. Wills

Also present were Interim Commissioner, Shannon L. Tahoe; Acting Counsel and Deputy Commissioner for Legal Affairs, Aaron Baldwin; and, Secretary, Board of Regents, Anthony Lofrumento.

Chancellor Rosa called the meeting to order and reviewed ground rules for the video conference and took attendance.

ACTION ITEM

Executive Session Motion

MOVED, that the Board of Regents convene in executive session on Friday, July 31, 2020 at 8:35 a.m. to discuss personnel matters.

Motion by: Vice Chancellor T. Andrew Brown
Seconded by: Regent Christine D. Cea
Action: Motion carried. Regent Ouderkirk was absent for the vote.

Chancellor Rosa adjourned the meeting. The Board went into Executive Session.

THE BOARD OF REGENTS

The Board of Regents of The University of the State of New York held a public session by video conference on Tuesday, August 11, 2020 at 8:30 a.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Tuesday, August 11, 2020 at 8:30 a.m.

Board Members in Attendance:

Betty A. Rosa, *Chancellor*
T. Andrew Brown, *Vice Chancellor*
Roger Tilles
Lester W. Young, Jr.
Christine D. Cea
Wade S. Norwood
Kathleen M. Cashin
James E. Cottrell
Josephine Victoria Finn
Judith Chin
Beverly L. Ouderkirk
Catherine Collins
Nan Eileen Mead
Elizabeth S. Hakanson
Luis O. Reyes
Susan W. Mittler
Frances G. Wills

Also present were Interim Commissioner, Shannon L. Tahoe; Acting Counsel and Deputy Commissioner for Legal Affairs, Aaron Baldwin; and, Secretary, Board of Regents, Anthony Lofrumento.

Chancellor Rosa called the meeting to order and reviewed ground rules for the video conference and took attendance.

ACTION ITEM

Executive Session Motion

MOVED, that the Board of Regents convene in executive session on Tuesday, August 11, 2020 at 8:35 a.m. to discuss personnel matters.

Motion by: Vice Chancellor T. Andrew Brown
Seconded by: Regent Christine D. Cea
Action: Motion carried unanimously.

Chancellor Rosa adjourned the meeting. The Board went into Executive Session.

Chancellor Rosa called the meeting to order at 9:00 a.m.

APPRECIATION/TRANSITION

Chancellor Rosa thanked Shannon Tahoe for her work as Interim Commissioner for the past 9 months and gave well wishes to Shannon on her departure from the Department effective August 13th.

Interim Commissioner Tahoe praised the Board and SED Staff for all their efforts especially in response to the challenges of COVID-19.

ACTION ITEMS

USNY Fiscal Agent Authorization BR (A) 1

MOVED, that the Board of Regents designate Julia Patane as fiscal agent for USNY effective August 11, 2020.

Motion by: Regent Catherine Collins
Seconded by: Regent Christine D. Cea
Action: Motion carried unanimously.

Appointment of Interim Commissioner of Education and President of The University of the State of New York BR (A) 2

MOVED, that the Board of Regents approves the appointment of Dr. Betty A. Rosa to Interim Commissioner and President of the University of the State of New York effective August 14, 2020.

Motion by: Regent Catherine Collins
Seconded by: Regent Roger Tilles
Action: Motion carried unanimously.

Vice Chancellor Brown adjourned the meeting.

Appendix I
NEW YORK STATE BOARD OF REGENTS CHARTER ACTIONS

Name of Institution	Program Area	County (City/Town) of Location	Description of Charter Action(s)
Kulanu Academy	P12	Nassau (Cedarhurst)	Extend provisional charter for three years.
Metropolitan Montessori School	P12	New York (New York)	Amend charter to expand the corporate purposes.
Our Sons and Daughters School	P12	Suffolk (Sag Harbor)	Amend charter to change the corporate name to "Harbor Waldorf School" and extend provisional charter for three years.
The School of Two Hearts	P12	Erie (Buffalo)	Grant a conditional provisional charter for one year.
The Westchester School for Special Children	P12	Westchester (Valhalla)	Merge with "Westchester Exceptional Children, Inc.", a domestic NFP corporation, with The Westchester School for Special Children as the survivor with expanded purposes.
The Whole Child Academy	P12	Suffolk (Melville)	Extend provisional charter for three years.
Maria College	OP	Albany (Albany)	Amend charter to add authority to confer the Master of Science (M.S.) degree.
Russell Sage College	OP	Rensselaer (Troy)	Amend charter to add authority to confer the Doctor of Occupational Therapy (O.T.D.) degree
Yeshiva University	OP	New York (New York)	Amend charter to add authority to confer the Doctor of Occupational Therapy (O.T.D.) degree

Appendix II

REGENTS ACTIONS IN 39 PROFESSIONAL DISCIPLINE CASES

July 13, 2020

The Board of Regents announced disciplinary actions resulting in the revocation of 1 license, surrender of 12 licenses and 26 other disciplinary actions. The penalty indicated for each case relates solely to the misconduct set forth in that particular case.

I. REVOCATION AND SURRENDERS

Dentistry

Ricky Gonzalez-Lopez; Dentist; Caguas, PR 00727, San Juan, PR 00918; Lic. No. 056529; Cal. No. 31962; Application to surrender license granted. Summary: Licensee did not contest the charge of willfully failing to comply with the mandatory continuing education requirements to be registered to practice as a dentist.

Nursing

Jessica E. Rowe a/k/a Jessica E. Hoover a/k/a Jessica Hoover; Licensed Practical Nurse; Webster, NY 14580-9501; Lic. No. 313200; Cal. No. 29029; Found guilty of professional misconduct; Penalty: Revocation.

Candice Elaine Rowley; Registered Professional Nurse; Corning, NY 14830; Lic. No. 694400; Cal. No. 29671; Application to surrender license granted. Summary: Licensee did not contest charges of removing diphenhydramine and hydromorphone from the Pyxis without a physician order and administering diphenhydramine and hydromorphone to patients without a physician order.

Francoise Consuela Jarvis; Licensed Practical Nurse, Registered Professional Nurse; Arlington, TX 76017; Lic. Nos. 195754, 448090; Cal. Nos. 30926, 31906; Application to surrender licenses granted. Summary: Licensee admitted to the charge of having been employed as a registered nurse in the State of Texas without possessing a valid nursing license.

Linda Ann Barschefski; Licensed Practical Nurse; Trinity, NC 27370-3246; Lic. No. 255164; Cal. No. 31781; Application to surrender license granted. Summary: Licensee admitted to the charge of having been found guilty of professional misconduct in North Carolina.

Patricia Judy Barrios; Registered Professional Nurse; Oakhurst, CA 93644; Lic. No. 498085; Cal. No. 31907; Application to surrender license granted. Summary: Licensee did not contest the charge of abandoning and failing to monitor a newborn patient in respiratory distress in the State of Oregon.

Annieamma Augustine; Licensed Practical Nurse, Registered Professional Nurse; West Hempstead, NY 11552; Lic. Nos. 210166, 439234; Cal. Nos. 31945, 31946; Application to surrender licenses granted. Summary: Licensee admitted to the charge of having been convicted of Willful violation of Public Health Laws, an unclassified misdemeanor.

Catherine Marie Hanson; Licensed Practical Nurse, Registered Professional Nurse; Arcade, NY 14009; Lic. Nos. 181120, 401578; Cal. Nos. 31976, 31977; Application to surrender licenses granted. Summary: Licensee admitted to the charge of having been convicted of Driving While Intoxicated, an unclassified misdemeanor; Driving While Ability Impaired by Drugs, a class E felony; and Criminal Possession of a Controlled Substance in the 5th Degree, a class D felony.

Jonathan Forby Hosford; Licensed Practical Nurse; Richfield Springs, NY 13439-4765; Lic. No. 297832; Cal. No. 31979; Application to surrender license granted. Summary: Licensee did not contest the charge of practicing the profession with moral unfitness.

Veterinary Medicine

John Raymond Long; Veterinarian; Batavia, NY 14020; Lic. No. 002270; Cal. No. 32016; Application to surrender license granted. Summary: Licensee did not contest the charge of failing to maintain adequate documentation, performing an elective surgery on a canine that had uncontrolled diabetes and failing to prescribe appropriate medication for a canine following surgery.

II. OTHER REGENTS DISCIPLINARY ACTIONS

Dentistry

Philip Herbert Artenberg; Dentist, Certificate to Administer General Anesthesia; New York, NY 10028; Lic. No. 040883, Cert. No. 000537; Cal. Nos. 31552, 31663; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$2,500 fine.

Engineering, Land Surveying and Geology

Aaron Jason Ovios; Professional Engineer; Plattsburgh, NY 12901; Lic. No. 077500; Cal. No. 31410; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Nursing

Tammie Renee Grant a/k/a Tammie R. Robert Grant; Licensed Practical Nurse; Malone, NY 12953; Lic. No. 294295; Cal. No. 28612; Found guilty of professional misconduct; Penalty: Indefinite suspension until substance abuse-free and until fit to practice, upon return to practice, 2 years probation.

Amy C. Salem; Licensed Practical Nurse; Syracuse, NY 13203; Lic. No. 306136; Cal. No. 30372; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Suzanne J. McLean-Halberstadt; Registered Professional Nurse; Webster, NY 14580; Lic. No. 624590; Cal. No. 31094; Found guilty of professional misconduct; Penalty: Indefinite suspension until alcohol abuse-free and until fit to practice, upon return to practice, 2 years probation, \$500 fine.

Brittany Rose McKean; Registered Professional Nurse; Plattsburgh, NY 12901; Lic. No. 674681; Cal. No. 31533; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon return to practice, 2 years probation.

Michael R. Stengl; Licensed Practical Nurse; North Babylon, NY 11703; Lic. No. 319675; Cal. No. 31685; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Dawn J. Kahler; Registered Professional Nurse, Nurse Practitioner (Psychiatry); Huntington, NY 11743; Lic. No. 683329, Cert. No. 402310; Cal. Nos. 31711, 31712; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Shane C. Sackett; Licensed Practical Nurse; Waverly, NY 14892; Lic. No. 302580; Cal. No. 31761; Application for consent order granted; Penalty agreed upon: 3 months actual suspension, 21 months stayed suspension, upon return to practice, 2 years probation, \$250 fine.

Irena Madera; Registered Professional Nurse; Selden, NY 11784; Lic. No. 518580; Cal. No. 31770; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$1,000 fine.

Megan Renee Raster; Registered Professional Nurse; New Orleans, LA 70131; Lic. No. 767818; Cal. No. 31773; Application for consent order granted; Penalty agreed upon: Censure and reprimand, \$500 fine.

Lori Ann Duncan; Licensed Practical Nurse, Registered Professional Nurse; West Seneca, NY 14224; Lic. Nos. 256502, 502936; Cal. Nos. 31776, 31775; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Jean A. Meier a/k/a Jean A. Rouse; Licensed Practical Nurse; Hilton, NY 14468; Lic. No. 322943; Cal. No. 31779; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Anthony Mastracco a/k/a Anthony Biaggio Mastracco; Registered Professional Nurse; Baldwinsville, NY 13209; Lic. No. 692395; Cal. No. 31799; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Wildy Thelusmond; Registered Professional Nurse; Huntington, NY 11743-6450; Lic. No. 659571; Cal. No. 31825; Application for consent order granted; Penalty agreed upon: 6 months actual suspension, 18 months stayed suspension, 2 years probation.

Physical Therapy

Gabriel Timothy Briggs; Physical Therapist; Camillus, NY 13031; Lic. No. 026816; Cal. No. 31766; Application for consent order granted; Penalty agreed upon: 2 months actual suspension, 22 months stayed suspension, upon return to practice, 2 years probation, \$500 fine.

Psychology

Autumn Lynn Porubsky; Psychologist; Springfield, MA 01108; Lic. No. 020933; Cal. No. 31254; Application for consent order granted; Penalty agreed upon: Censure and reprimand, upon return to practice in the State of New York, 1 year probation.

Social Work

Aimee Lynn Gales a/k/a Aimee Lynn Richards; Licensed Master Social Worker, Licensed Clinical Social Worker; Greenville, NY 12083-3424; Lic. Nos. 076148, 080867; Cal. Nos. 30015, 30014; Found guilty of professional misconduct; Penalty: Licensed Master Social Worker: 2 years probation, \$500 fine; Licensed Clinical Social Worker: 3 months suspension to run concurrently, 2 years probation, \$500 fine.

Sharon L. Roberts; Licensed Master Social Worker, Licensed Clinical Social Worker; Apalachin, NY 13732; Lic. Nos. 079934, 080764; Cal. Nos. 31718, 31717; Application for consent order granted; Penalty agreed upon: 6 months actual suspension, 18 months stayed suspension, upon return to practice, 2 years probation, \$500 fine.

Speech-Language Pathology and Audiology

Lisa Anne Trent; Speech-Language Pathologist; Ithaca, NY 14850; Lic. No. 013190; Cal. No. 31642; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Veterinary Medicine

Camilo Bravo Sierra; Veterinarian; Northport, NY 11768; Lic. No. 006798; Cal. No. 31786; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$1,500 fine.

ATTACHMENT I



NYS BOARD OF REGENTS AND STATE EDUCATION DEPARTMENT REGIONAL TASK FORCE MEETINGS AND STUDENT FORUM ON SCHOOL REOPENING

*RECOVERING, REBUILDING & RENEWING
THE SPIRIT OF OUR SCHOOLS*

June 15, 17, 22, 23 and 24, 2020



New York State
EDUCATION DEPARTMENT
Knowledge > Skill > Opportunity

THANK YOU!

Thank you to

**Chancellor Rosa, Board of Regents Members,
and Interim Commissioner Tahoe**

for your leadership, support and participation in planning and conducting the School Reopening Regional Task Force Meetings and Student Forum!

THANK YOU!

The School Reopening Regional Task Force Meetings and Student Forum could not have taken place without the support of the

Region 2 Comprehensive Center

led by WestEd

THANK YOU!

SPECIAL THANKYOUS go to:

- our **BOCES District Superintendents** for their leadership and planning, for hosting the meetings, and so much more;
- **Dr. Jack DeHovitz**, our medical expert, and **Natalie Walrond**, our SEL expert, who took the time to share their expertise;
- to our **SED senior managers and staff associates** who acted as facilitators, notetakers, and reporters; and
- **Lynne Wells, Project Manager**, who coordinated everything!

THANK YOU!

THANK YOU to all the

Regional Task Force Meeting Participants
and Student Forum Participants...

...for taking the time to share their expertise and diverse perspectives.

Their input is reflected throughout our guidance document.

SUMMARY OF PARTICIPATION

MEETING	NUMBER OF PARTICIPANTS *Registered - actual # may be different
Regional Meeting 1	356
Regional Meeting 2	409
Regional Meeting 3	387
Regional Meeting 4	379
Student Forum	123
TOTAL # OF PARTICIPANTS	1,654*

GOAL OF THE TASK FORCE

Goal:

The Task Force will provide the Board of Regents and the Education Department with thoughtful and inclusive input needed to develop the guidance and regulatory changes that will enable New York's school districts, charter schools, and non-public schools to safely open their schools.

GUIDING PRINCIPLES

1. The health, safety, and well-being of the children and adults is paramount.
2. Educational equity will be at the forefront of decision-making.
3. One size does not fit all. New York is a large state, in population and size. There is tremendous diversity among New York's people, geographic regions, and schools and school districts.
4. While it is important to provide districts with guidelines and policies, it is important as well to give them appropriate leeway to develop creative solutions to their unique challenges.
5. Districts will be enabled and encouraged to work directly with parents, teachers, administrators, and their local communities to develop and deliver workable solutions to their unique needs and succeed through a collective effort.
6. Planning for schools to reopen is not a one-time event. The Board and Department will continuously monitor the situation and provide updated guidance, policies, and regulatory changes as the situation requires.

AREAS OF FOCUS

The Regents and the Department will consider the following areas of focus as they develop the guidance and regulatory changes that will enable New York's school districts to safely open their schools.

Health and Safety

Transportation/
Facilities/Nutrition

Teaching and
Learning

Digital Equity and
Access

Budget and Fiscal

Social-Emotional
Needs

Special Education

Bilingual Education/
MLL/ELL

Staffing/Human
Resources

GUIDING QUESTIONS

- What do you think are the greatest challenges that schools and school districts will face under each of the three instructional models: in person, remote, or a combination of the two?
- Can you provide us with concrete examples of creative solutions to challenging problems that could work in your school or district under each of the three schooling scenarios?
- Can you tell us how the Regents and Department can help eliminate any of the institutional, budgetary, and regulatory obstacles that stand in the way of your success?

CONCLUSION

Thank you!

ATTACHMENT II



Recovering, Rebuilding, and Renewing: the Spirit of New York's Schools

Reopening Guidance

Presentation to the Board of Regents

July 13, 2020



New York State
EDUCATION DEPARTMENT
Knowledge > Skill > Opportunity

Development of the Guidance



Informed by five virtual regional educator and student forums, attended by over 1,000 parents, students, teachers, administrators, and stakeholders, representing New York's diversity.



The Region 2 Comprehensive Center, led by WestEd, provided a synthesis of the information gathered at the 4 Regional Task Force Meetings and the Student Forum.



P-12 program offices worked along with multiple SED program offices to develop draft guidance to best support students and schools.



Guidance is student centered; has equity and flexibility at the heart of the guidance.

Introduction to the Guidance

The 2020-2021 school year will be our time to recover, rebuild, and renew the spirit of New York’s schools.

Working together, educators, students, parents and communities will continue to address this challenge with resiliency, tenacity, and grit.

This document is intended to provide guidance to local educational agencies (LEAs) as they plan to reopen their schools – whether instruction occurs in person, remotely, or in some combination of the two.

New York is a large and diverse state – so there will be no “one size fits all” model for reopening our schools.



New York State
EDUCATION DEPARTMENT
Knowledge > Skill > Opportunity



**RECOVERING, REBUILDING, AND RENEWING:
THE SPIRIT OF NEW YORK'S SCHOOLS**
REOPENING GUIDANCE

Table of Contents

- ✓ *Foreword from the Chancellor*
- ✓ *Foreword from the Commissioner*
- ✓ *Executive Summary*
- Table of Contents
- Introduction
- Communication/Family & Community Engagement
- Health and Safety
- Facilities
- Child Nutrition
- Transportation
- Social Emotional Well-Being
- School Schedules
- Budget and Fiscal Matters
- Attendance and Chronic Absenteeism
- Technology and Connectivity
- Teaching and Learning
- Special Education
- Bilingual Education and World Languages
- Staffing
- Glossary of Terms

Health and Safety

Focused on preventive actions in schools:

Health Checks



- schools must instruct staff to recognize signs and symptoms of illness in students and staff, and health screenings per DOH guidance.

Health Hygiene



- schools must instruct students and staff in proper hand and respiratory hygiene and provide necessary supplies.

Social Distancing



- schools must develop plans to maximize social distancing whenever possible.

Face Coverings and PPE



- requires students and staff to wear face coverings (or PPE based on job functions), per DOH guidance.

Management of ill persons



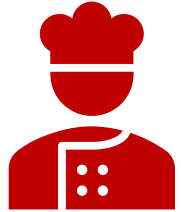
- requires persons with signs and symptoms of COVID-19 to be isolated until they can be sent home.

Cleaning and Disinfecting



- reviews cleaning and disinfecting procedures for the school in accordance with CDC recommendations.

Nutrition



Include school food service directors in reopening plan discussions.



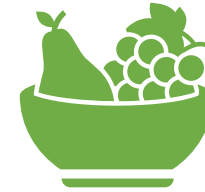
Provide all enrolled students access to school meals each school day.

- Students in attendance at school
- Students learning remotely



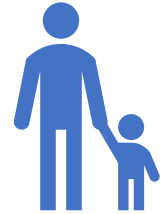
Address all applicable health and safety guidelines.

- Update standard operating procedures



Ensure compliance with Child Nutrition Program requirements.

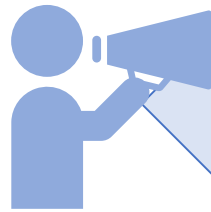
- Election and utilization of USDA flexibility waivers



Communicate with families through multiple means in the languages spoken by families.

Social-Emotional Well-Being

Social emotional well-being must be schools' and districts' top priority in supporting school transitions, not at the expense of academics, but in order to create the mental, social, and emotional space for academic learning to occur.



Communicate social emotional well-being and learning as a priority and engage members of the school community in implementation efforts.

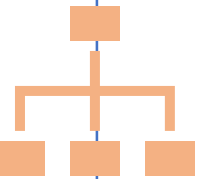


Identify or build a team to lead your implementation. Decide how students, staff, and family will contribute.

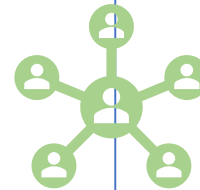


Consider a prolonged orientation or transition period to support the social and emotional well-being and resiliency before phasing in academic content.

Social-Emotional Well-Being



The district's school counseling/guidance program should be reviewed and revised to plan, develop, and implement a Multi-Tiered System of Supports (MTSS).



As part of an MTSS framework, SEL, mental health, and well-being supports offered at all levels should reflect school-wide implementation of effective, efficient, and evidence-based practices and strategies that all students can access.



Offer all staff opportunities to heal together, to build strong, mutually supportive relationships, and to process their own emotions, including bus drivers, cafeteria workers, office workers, nurses, pupil personnel services staff, and administrators.



Leverage Transformative SEL to support the work of adult anti-racism and anti-bias work.

Facilities

Promote social distancing while maintaining existing safety requirements that protect students from fire or other hazards:

Physical Footprint / Utilization of Space

- Districts may expand their physical footprint or change the way they utilize spaces.

Planning

- Many potential changes require that plans be submitted to NYSED's Office of Facilities Planning for fire/building code review. This includes leased space or temporary classroom units.

Fire and lockdown drills

- Must still be conducted – districts must plan to ensure that social distancing measures are considered.

Facilities

Ventilation

- Schools should continue to meet or exceed minimum ventilation requirements and may wish to consult with design professionals to increase ventilation and filtration.

Plumbing Facilities

- Maintain minimum fixture quantities, access to drinking water.

Operations & Procedures

- SED will expedite review of COVID-19 Projects.

Transportation

- ✓ The school bus is an extension of the classroom and services need to be provided to all with consistency and equity.
- ✓ Each district will need to develop its own plan, considering its own geography, community resources, and resident student needs.



Transportation: Mandatory Requirements

School Bus

- Regular Cleaning/Disinfecting



School Bus Staff

- Must be trained and supported



Routing Considerations

- Sharing, Municipal, Piggybacking, Parents, Students with Disabilities, Foster Care, Homeless, Nonpublic, and Charter School Students



Student Riders

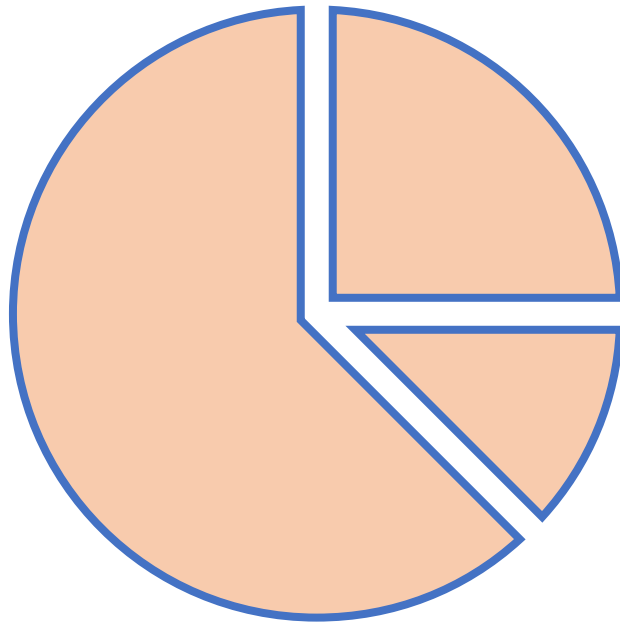
- Training to social distance at stops, at unloading times
- Wearing masks, per DOH guidance



School Site Loading/Unloading

- Safety, Separation, Staggered

Budget and Fiscal



All existing state aid reporting requirements and deadlines must be maintained.

The content of data submissions will largely remain consistent with past practice, except where modified by law, regulation, or executive order.

Attendance

Attendance for State Aid purposes

- Districts will continue to report attendance for state aid purposes through SAMS Form A, in accordance with the guidelines for instruction. Charter schools should continue to follow applicable guidance.

Attendance for instructional purposes

- Schools are responsible for developing a mechanism to collect and report daily teacher/student engagement or attendance regardless of the instructional setting.

Attendance for reporting purposes

- Attendance of any student of compulsory age, who resides in the district or is placed in another public school district, a charter school, or in an educational program outside the district, must be reported in SIRS.

Chronic Absenteeism

School policies and procedures must focus on the academic consequences of lost instructional time and address absences before students fall behind in school.



Critical for schools to use a variety of creative methods to reach out to students and their families who have not engaged in distance learning.

Before initiating Educational Neglect or PINS processes, schools and districts should collaborate with local Departments of Social Services.



School Schedules

Schools must create a comprehensive plan for a schedule that includes:



In-person Instruction



Remote Instruction



Hybrid Instruction
(in-person and remote)

Plans should be clearly communicated with as much advanced notice as practicable to students, families/caregivers, and staff.

Teaching and Learning: Mandatory Requirements



Clear opportunities for equitable instruction for all students



Maintain continuity of learning when using any of the three instructional models (in person, remote, hybrid)



Standards-based instruction

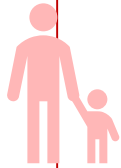


Substantive daily interaction
(teacher to students and students to teacher)



Clear communication plans between parents and schools

Teaching and Learning: Flexibility



Flexible student/staff ratio requirements in Prekindergarten



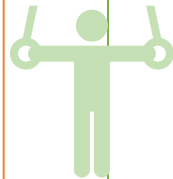
Extended time for Prekindergarten and Kindergarten screening to be completed



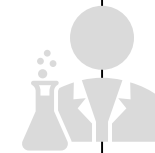
Waiver allowing districts to convert UPK seats from full-day to half-day



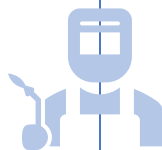
Flexibility with the 180 minutes per week Unit of Study requirement



Flexibility in the delivery of Physical Education



Allowance for a blend of hands-on and virtual science laboratory experiences



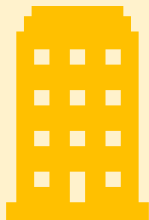
When appropriate, schools may utilize remote or virtual work-based learning experiences for CTE and CDOS programs

Technology and Connectivity

Sufficient access to a computing device and high-speed broadband is essential for educational equity.

Districts and Schools **must**:

Have knowledge of the level of access all students and teachers have in their places of residence.



To the extent practicable, address the need to provide devices and internet access to students and teachers who currently do not have sufficient access.



Provide multiple ways for students to participate in learning and demonstrate mastery of learning standards in remote/blended models.



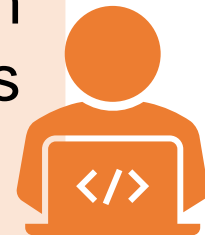
Technology and Connectivity

Districts and schools **should provide:**

Instruction on using technology and IT support for students, teachers, and families.



Professional Development for teachers and leaders on designing effective online/remote learning experiences and best practices for instruction in online/remote settings.



Special Education: Mandatory Requirements



Provision of a Free Appropriate Public Education consistent with the need to protect the health and safety of students with disabilities and those providing special education and services

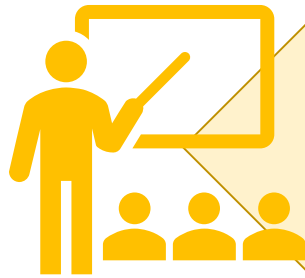
Meaningful parent engagement in the parent's preferred language or mode of communication regarding the provision of services to their child

Collaboration between the CSE/CPSE and program providers representing the variety of settings where students are served

Access to the necessary instructional and technological supports to meet the unique needs of students

Documentation of programs and services and communications with parents

Special Education: Recommended Elements



Consider in-person services a priority for high-needs students and preschool students with disabilities whenever possible; and



Consider contingency plans developed by the CSE/CPSE to address remote learning needs in the event of intermittent or extended school closures.

Bilingual Education and World Languages: Mandatory Requirements



Communications and translations to parents/guardians must be in their preferred language and mode of communication.



Instructional Units of Study must be provided to all English Language Learners (ELLs) based on their most recently measured English Language Proficiency, including Former ELLs.

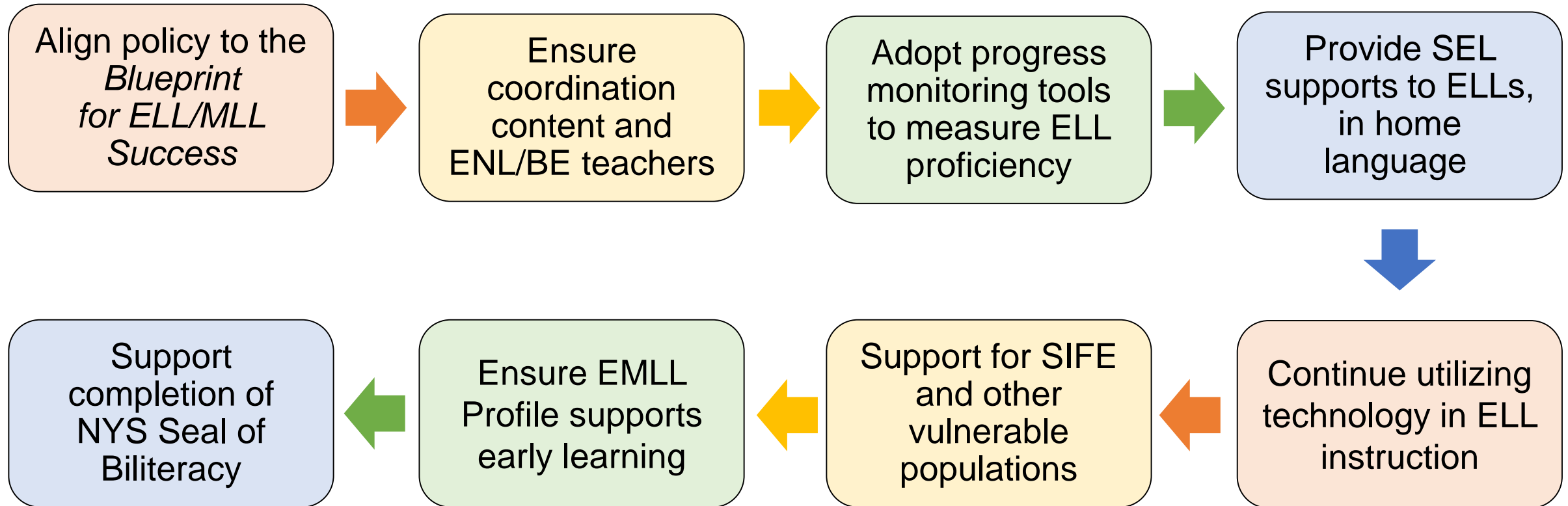


Update to the Identification timeline, including proposed regulatory change for newly enrolled students during COVID-19 closures as well as newly enrolled students within the first 20 school days of 2020-21 re-opening.



Professional learning opportunities for all teachers need to cover topics that support best practices and an equitable instruction for ELLs and help address the learning gaps caused by COVID-19 school closures.

Bilingual Education and World Languages: Considerations and Best Practices



Staffing and Human Resources

Among school-based factors, teaching and school leadership are the two greatest influences on student learning. As LEAs create their plans for the 2020-2021 school year, they:

Must ensure that all teachers, school and district leaders, and pupil personnel service professionals hold a valid and appropriate certificate for their assignment.

Can continue to utilize incidental teaching when determining how to staff their classrooms.

Can also employ substitute teachers to address staffing needs for the allowable amount of days, given their qualifications and teaching assignment.

Should work with educator preparation programs to identify appropriate ways in which student teachers can support classroom instruction.

Should consider whether their currently approved APPR plans may need to be revised in order to be consistent with their plans for re-opening under an in-person, remote, or hybrid instructional model.

Guidance and Portal Timeline

Wednesday, July 15th Dissemination

- Guidance will be ready for dissemination on Wednesday, July 15, 2020.

Friday, July 17th Portal Opening

- The School Reopening Plan Portal will open on Friday, July 17, 2020.

Friday, July 31st Submission Deadline

- School Reopening Plans must be submitted to the Portal by Friday, July 31, 2020.

Submitting Reopening Plans to the Portal

- All districts and schools are required to create Reopening Plans at the school level.
 - ✓ Plans should be posted on the LEA's public website.
 - ✓ Plans must contain mandatory elements outlined in NYSED's School Reopening Guidance Document.
- By July 31, 2020, districts and schools must provide to NYSED
 - ✓ Live, public links to reopening plans for every school under their responsibility.
 - ✓ Assurances that their plan contains all mandatory elements outlined in NYSED's Reopening Guidance Document.



Thank you!

ATTACHMENT III



THE BOARD OF REGENTS AND NEW YORK STATE EDUCATION DEPARTMENT'S REOPENING INSTITUTIONS OF HIGHER EDUCATION

RECOVERING, REBUILDING & RENEWING THE SPIRIT OF OUR COLLEGES/UNIVERSITIES

July 2020



New York State
EDUCATION DEPARTMENT
Knowledge > Skill > Opportunity



Chancellor Betty A. Rosa, the Board of Regents and Interim Commissioner Shannon Tahoe held a series of 4 regional meetings that:

- *Provided an opportunity for members of the Board of Regents and Department staff to engage with the field regarding plans to reopen institutions of higher education in the fall*
- *Attended by faculty, college administrators, students, and other interested parties from every region of the state*
- *Prioritized health, safety, educational quality, and equity*

GOAL OF THE MEETINGS

Goal:

These meetings were designed to provide the Board of Regents and the Education Department with thoughtful and inclusive input needed to develop the policies and regulatory changes that will support New York's colleges and universities as they open their campuses this Fall and beyond.

MEETING DATES AND PARTICIPATION BY REGION

Date	Region	Number of Participants	Number of IHEs
July 1, 2020	Long Island	132	18
July 2, 2020	Western NY, Central NY, Finger Lakes, Southern Tier	233	41
July 2, 2020	Capital Region, Mohawk Valley, North Country, Hudson Valley	259	55
July 9, 2020	New York City	268	57
	Total	892	171

AREAS OF FOCUS

Breakout sessions focused on 5 areas, to gather input that will aid the Board of Regents and the Department in developing guidance and regulatory changes that will enable New York's colleges and universities to safely open their campuses.

Health and Safety

Academics, Student
Support Services
and Financial Aid

Opportunity
Programs

Clinical Experiences
for Educator
Preparation
Programs

Clinical Experiences
for Professional
Licensure Programs

GUIDING QUESTIONS

1. What are the greatest challenges that institutions of higher education will face with reopening?
2. Can you provide concrete examples of creative solutions to challenging problems that could work in your college or university?
3. How can the Regents and Department help address institutional or regulatory issues that stand in the way of your success?

GATHERING INPUT

- NYSED Senior Staff facilitated breakout conversations
- Region 2 Comprehensive Center, led by West Ed, hosted the Zoom meetings and is helping compile the data
- NYSDOH staff were a valuable resource in Health and Safety breakouts
- Participants were highly engaged in discussion and Chat
- Thought Exchange is an online conversation tool to crowdsource thoughts and ideas

KEY TAKEAWAYS OVERALL

- First priority is safety for students, faculty, and staff
- New York's IHE community has suffered tragic human loss in pandemic. Participants reminded us of emotional impact this continues to have on students, faculty, and staff.
- Concern about economic impact of COVID on higher education sector
- *“NYSED must continue to be flexible in its regulatory oversight. These are unprecedented times, and we need to respond quickly and creatively.”*

HEALTH AND SAFETY

- IHEs are required to follow guidance provided by NYS Dept. of Health
- Most IHEs are well underway with planning
 - Differences depending on unique features of each IHE
- Critical for IHEs to coordinate efforts with their local health department (testing, contact tracing, quarantine, etc.)
- Participants asked for metrics to know when a college should shut down, e.g., after a certain number of cases on campus

ACADEMICS, STUDENT SUPPORT SERVICES, FINANCIAL AID

- Department should continue to provide flexibility for IHEs to offer programs in online/distance education formats for entire 2020-21 academic year
- Flexibility to adjust length of semester
- Digital divide—applies to students and faculty:
 - Cost of internet may be prohibitive, and certain areas lack good internet coverage
 - Students and faculty may have to share bandwidth and devices with others in household; some may only have tablet or smart phone
- Additional supports needed for students with disabilities, including accessible technology and academic advising

OPPORTUNITY PROGRAMS

- Concern that financial support for opportunity programs may be eliminated from the budget —
 - Some IHEs cannot afford to front the expenses
 - Low-income students and students from underrepresented groups face increased burdens
- Challenges to creating a supportive community among students in off-campus and virtual environments
 - Summer on-campus orientation was disrupted
 - Challenges are compounded for students in dual-enrollment programs

CLINICAL EXPERIENCES FOR EDUCATOR PREP PROGRAMS

- IHEs are seeking continued flexibilities from Department for 2020-21 academic year:
 - alternative models for clinical experiences
 - extension of emergency COVID-19 certificate
 - edTPA safety net
- To help secure placements, IHEs are working to ensure that student teachers provide valuable support to teachers of record:
 - Student teachers may have strong technology skills and be able to assist veteran teachers in remote learning context
 - Some IHEs have developed curriculum and training to prepare candidates to work in remote learning environments

CLINICAL EXPERIENCES FOR PROFESSIONAL LICENSURE

- IHEs are concerned about the limited availability of clinical sites for students to complete their required experience
 - Seek assistance in securing placements
 - Telehealth/tele-supervision has provided some needed flexibility in certain professions
- Some IHEs seek permission to allow expanded use of simulation to meet a portion of the required clinical experience
 - High-fidelity models can enhance the learning experience
 - Important to find the right balance to ensure adequate preparation for licensure
- Equity issues must also be considered

NEXT STEPS

- Region 2 Comprehensive Center is completing compilation of data
- Senior staff are reviewing data and using it to develop further guidance
- Considering possible regulatory changes and other recommendations, including guidance and best practices

CONCLUSION

Thank you!

ATTACHMENT IV

Regulatory Flexibility for the Reopening of Schools

July 13, 2020



COVID-19 PANDEMIC

- As a result of the pandemic and the Governor's numerous Executive Orders, the Department adopted emergency regulations at the April, May, and June 2020 Board of Regents meeting to address the issues resulting from the interruptions caused by the COVID-19 crisis.
- The following emergency regulations relating to the COVID-19 crisis, previously adopted at the April, May, and June 2020 Regents meetings, are continued for the 2020-21 school year:

COVID-19 Regulations Continued Through 2020-21 School Year: Operations & Reporting Deadlines

- Waiver of instructional hour requirement (900/990 hour requirement) for the 180 day requirement for State aid purposes;
- Extension of the date required for adopting and publishing data security and privacy policies by educational agencies to October 1, 2020;
- Extension of deadline to complete child abuse in an educational setting training until September 30, 2020.

COVID-19 Regulations Continued Through 2020-21 School Year: Appeals

- Authorizes alternative service of 310 Appeals to the Commissioner;
- Extends Part 83 and Part 87 appeal filing timeframes;
- Expands the definition of prospective school employee for fingerprinting regulations to include employees who are not face to face;
- Allows State Review Officer to accept certain filings by electronic means.

COVID-19 Regulations Continued Through 2020-21 School Year: Charter Schools

- Excuses delays in required reporting by charter schools to public schools for the length of time of a school closure but no more than 30 days. When a delay is excused for a charter school, the regulations also permit the Commissioner to excuse a delay in payment by the public school;
- Allows charter school lotteries to be remote;
- Extends the deadline to conduct public hearings until September 30, 2020 for the formation of a new charter school, renewal of an existing charter school, or a charter school's request to revise its existing charter and allows the hearings to be conducted remotely.

COVID-19 Regulations Continued Through 2020-21 School Year: Professions

- Allows the Department to waive the continuous experience requirements for speech language pathology, audiology, and occupational therapy when continuous experience could not be obtained due to the pandemic;
- Allows the Department to accept CPA examination scores beyond the 18-month examination window exception due to pandemic related test center closures;
- Allows the Department to modify professional educational program requirements, to the extent authorized by law, for licensure (including field experience, practicums, etc.), if such requirements cannot be met due to the crisis;
- Allows the Department to accept alternative means to satisfy the in-person supervision experience requirements for licensed clinical social work, licensed master social work, mental health counseling, marriage and family counseling, creative arts therapy, and psychoanalysis, if such in-person supervision cannot be completed due to the pandemic;

COVID-19 Regulations Continued Through 2020-21 School Year: Professions (continued)

- Permits the Department, in its discretion, to renew limited permits in medicine for one additional 24-month period;
- Permits the Department, in its discretion, to accept alternative means to be used by dentists and dental hygienists to obtain and/or maintain the required CPR certification, in lieu of the in-person CPR course requirement;
- Permits the Department, in its discretion, to accept a lower number of live patient experiences and a specified number of Objective Structured Clinical Examinations for dentists and post-dental school residents seeking dental anesthesia certification.

COVID-19 Regulations Continued Through 2020-21 School Year: Curriculum and Instruction

- Extension of the application deadline for alternative high school equivalency preparation programs to be operated during the 2020-21 school year until, at the latest, 60 days after the expiration of applicable Executive Orders;
- Home instruction instructional day and/or hour requirement flexibility where a home instruction program is unable to provide such instructional days due to the State of emergency provided that such home instruction provided continuity of learning for the student;
- Provides exemptions from the sub-tests of the high school equivalency general comprehensive examination to provide flexibility during periods of test center closure.

COVID-19 Regulations Continued Through 2020-21 School Year: Special Education

- IHOs permitted to conduct special education due process hearings by video conference;
- Permit hearing officers to extend cases up to 60 days while schools are closed;
- Excludes days where schools are closed in 30-day timeline for preschool providers to make up missed services;
- Excludes days where schools are closed in 60-day timeline for arranging special education programs and services and 30-day timeline for arranging an approved nonpublic school placement.

COVID-19 Regulations Continued Through 2020-21 School Year: Accountability

- All schools identified as persistently struggling or struggling for the 2019-20 school year are to 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 are to continue to operate under a school district superintendent receiver in the 2020-21 school year;

COVID-19 Regulations Continued Through 2020-21 School Year: Accountability (continued)

- The Commissioner may, upon a finding of good cause for the 2019-20 through 2021-22 school years modify any timelines pertaining to notifications, plans, reports, or implementation of activities required by section 100.21 of the Commissioner's regulations.

COVID-19 Regulations Continued Through 2020-21 School Year: English Language Learners

- Excludes days where schools are ordered to close toward the timelines required for: English language learner identification process timeline, parental notification and information timeline, and the English as a New Language/Bilingual Education placement timeline.

COVID-19 Regulations Continued Through 2020-21 School Year: Higher Education

- Allows online DASA training;
- Extends the application deadline for Statement of Continued Eligibility and Limited Extension for special class special education teachers to June 30, 2021;
- Allows undergraduate or graduate level courses completed during the Fall 2020 term with a passing grade, or its equivalent, to count toward the content core or pedagogical core semester hour requirements for certification through the Individual Evaluation pathway;
- Extends the expiration date of the Initial certificate, Initial reissuance, Provisional certificate, and Provisional Renewal to January 31, 2021;
- Extends the expiration date of the Conditional Initial certificate to August 31, 2021;

COVID-19 Regulations Continued Through 2020-21 School Year: Higher Education (continued)

- Allows remote proctoring of Ability to Benefit (ATB) tests;
- Extends the expiration date of Teaching Assistant Level I certificates, Level I Renewals, Level II certificates, Pre-Professional certificates, and Pre-Professional Renewals to January 31, 2021;
- Allows teaching assistant experience gained while a candidate holds the Emergency COVID-19 Teaching Assistant certificate to satisfy the teaching experience requirement for the Teaching Assistant Level II, Level III, and Pre-Professional certificates;
- Allows emergency COVID-19 Teaching certificate to serve as a base certificate for certain certificate extensions and the severe or multiple disabilities annotation.

COVID-19 Pandemic and Reopening of Schools

- In addition to the regulations already discussed, the Department is proposing further regulatory changes to provide additional flexibility to the field and students during this crisis, to address anticipated issues resulting from the continued interruptions caused by the COVID-19 crisis and to prepare for the reopening of schools.

Curriculum & Instruction

- **Unit of Study**

The definition of “Unit of study” is amended to provide that “equivalent” shall mean at least 180 minutes of instructional time per week for instruction delivered in a traditional face to face model, or through alternative instructional experiences, including but not limited to through digital technology or blended learning, that represents standards-based learning under the guidance and direction of an appropriately certified teacher. Instructional experiences shall include, but need not be limited to: meaningful and frequent interaction with an appropriately certified teacher; academic and other supports designed to meet the needs of the individual student; and instructional content that reflects consistent academic expectations as in-person instruction. Any alternative instructional experience must include meaningful feedback on student assignments and methods of tracking student engagement.

Curriculum & Instruction (continued)

- **Career Development and Occupational Studies (CDOS)**

The Commissioner's regulations are amended to provide that the CDOS commencement credential may be awarded to students exiting school in the 2020-21 school year who are unable to complete all of the 54 hours of documented school supervised work-based learning experiences required and who otherwise meet all other requirements for such credential, where such schools are unable to provide students a certain portion of their scheduled work-based learning experience in the 2020-21 school year due to the COVID-19 crisis;

Curriculum & Instruction (continued)

- **Science Laboratory Experience**

The Commissioner's regulations are amended to provide that for the 2020-21 school year as a result of the COVID-19 crisis the 1,200 minutes of lab experience may be met through a combination of hands-on and simulated laboratory experience;

- **Diagnostic Screening**

The Commissioner's regulations are amended to provide that for the 2020-21 school year diagnostic screening for new entrants and students with low test scores shall be conducted as soon as practicable due to the COVID-19 crisis rather than by December 1st of the school year.

Early Learning

- **Staffing Ratios Flexibility**

The Commissioner's regulations are amended to provide that due to the COVID-19 crisis, for the 2020-21 school year for school districts outside of NYC: for 3-year old students with a class size of 7 children or less, there must be one teacher assigned to each class; and for 4-year old students with a class size of 8 children or less, there must be one teacher assigned to each class. For the City School District of the City of New York, for 3-year old students with a class size of 10 children or less, there must be one teacher assigned to each class; and for 4-year old students with a class size of 12 children or less, there must be one teacher assigned to each class.

Academic Intervention Services

- **Academic Intervention Services Identification Process**

The Commissioner's regulations are amended to provide that schools are not required to conduct the two-step identification prescribed for identification of students to receive AIS for the 2020-21 school year due to the cancelation of State assessments for the 2019-20 school year due to the COVID-19 crisis.

Health Screening Waiver

- **Health Screening Waiver**

The Commissioner's regulations are amended to provide that hearing, vision, and scoliosis screenings required to be provided by public schools are waived for the 2020-21 school year due to the COVID-19 crisis, unless the screening is otherwise deemed necessary.

Home Instruction

- **Submission of Written Notice of Intention to Instruct at Home**

The Commissioner's regulations are amended to provide that for the 2020-21 school year, the home instruction program deadline for submission of the written notice of intention to instruct at home is extended from July 1 until August 1, 2020 due to the COVID-19 crisis.

Pupil Transportation

- **School Bus Drill**

The Commissioner's regulations are amended to provide that for the first school bus drill to be conducted during the first seven days of schools, such seven days shall exclude any days where school is closed pursuant to an Executive Order of the Governor for the COVID-19 crisis for the Fall term for 2020-21 school year.

Higher Education

- **Incidental Teaching**

The Commissioner's regulations are amended to allow a superintendent of schools to assign certified teachers to teach a subject not covered by their certificate for a period not to exceed ten classroom hours a week, when no certified or qualified teachers are available after extensive and documented recruitment, during the 2020-21 school year due to the COVID-19 crisis;

Higher Education (continued)

- **Substitute Teaching**

The Commissioner's regulations are amended to allow substitute teachers who do not hold a valid certificate and who are not working toward certification, but who hold a high school diploma or its equivalent, to be employed by the school district or BOCES beyond the 40-day limit, for up to an 90 days in extreme circumstances and for more than 90 days in rare circumstances, under specified conditions during the 2020-21 school year due to the COVID crisis;

Higher Education (continued)

- **Shorter Semester**

The definitions of full-time and part-time student for Tuition Assistance Programs (TAP) is amended to provide that for the 2020-21 academic year, students shall be considered full-time and part-time where the student is unable to enroll in credit-bearing courses for at least 15 weeks for a semester due to the COVID-19 crisis, provided that such student is enrolled in such credit-bearing courses for a minimum of 12 weeks for a semester and still meets the semester hour requirements.

Special Education

Psychological Evaluations and Student Observations

- The Department proposes to amend regulations so that no individual psychological evaluation for an initial evaluation will be required if schools are closed per an Executive Order of the Governor and students are learning remotely, unless it is determined necessary by a school psychologist;
- The Department proposes to amend regulations so that if schools are closed per an Executive Order of the Governor and students are learning remotely, an observation will only be a required component for an initial evaluation, where determined appropriate by the Committee on Preschool Special Education or Committee on Special Education. Classroom observations would continue to be a required component of an initial evaluation for students suspected as having a learning disability.

English Language Learners

- **Identification of ELL Students with Inconsistent/Interrupted Formal Education**

The Commissioner's regulations are amended to provide that day(s) during a school closure ordered pursuant to an Executive Order(s) of the Governor pursuant to a State of emergency for the COVID-19 crisis shall not count toward the calculation of less than 12 months for identifying English language learner (ELL) students with inconsistent/interrupted formal education;

English Language Learners (continued)

- **Individual Interviews for Identification of ELLs**

Commissioner's regulations are amended to provide that the individual interview for the identification process to determine if a student is an English language learner is waived where a school district can document that video conferencing was used to remotely conduct an individual interview during a school closure ordered pursuant to an Executive Order(s) of the Governor pursuant to a State of emergency for the COVID-19 crisis. In such cases, qualified personnel will review the previously completed Home Language Questionnaire with the parent or person in parental relation;

English Language Learners (continued)

- **Review of ELL Determination Deadline**

Commissioner's regulations are amended to provide that due to the COVID-19 crisis for the 2020-21 school year, the 45-day timeline for a school district to initiate a review of a determination made in the initial or reentry identification process for English language learners, after receipt of a written request, is extended to 65 days from the beginning of the 2020-21 school year for any student that was either newly enrolled during the COVID-19 closures in the 2019-20 school year, Summer 2020, or within the first 20 days of the 2020-21 school year;

English Language Learners (continued)

Process for Initial Enrollment or Reentry Identification and Parent Notification, Orientation, and Placement

- For the 2020-21 school year, the process for initial enrollment or reentry identification and parent notification, orientation, and placement shall be completed such that a student who was either newly enrolled during the COVID-19 closures in the 2019-20 school year, Summer 2020, or the first 20 days of the 2020-21 school year is placed in either a Bilingual Education or English as New Language program within 30 school days after commencement of the 2020-21 school year for school districts with 150 or more ELLs, or where ELLs comprise 10% or more of the district's population;
- School districts with 149 or fewer ELLs, or where ELLs constitute less than 10% of the district's population, may seek an exemption from the English language learner identification timeline for students who are newly enrolled during the COVID-19 closures in the 2019-20 school year, Summer 2020, or the first 20 days of the 2020-21 school year on a form and within a timeframe prescribed by the Commissioner; provided that such school demonstrates sufficient need for such exemption notwithstanding the size and percentage of its ELL population.



Questions?

ATTACHMENT V

SUBSTANTIAL EQUIVALENCY UPDATE

July 2020 Regents Meeting

- ▶ Education Law §3204(2) states that “[i]nstruction given to a minor elsewhere than at a public school shall be at least **substantially equivalent** to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor resides” [emphasis added].

“AT LEAST SUBSTANTIALLY EQUIVALENT”

- ▶ In April 2018, the Legislature amended the Education Law relating to the substantial equivalence determination for nonpublic schools that meet the following criteria—namely, (1) they must be a non-profit corporation; (2) they must have a bilingual program; (3) elementary and middle schools must have an educational program that extends from no later than 9 a.m. until no earlier than 4 p.m. for grades 1-3, and no earlier than 5:30 p.m. for grades 4-8 on the majority of weekdays; and (4) secondary schools must have been established for pupils in high school who have graduated from an elementary school that provides instruction as described in Education Law 3204 and have an educational program that extends from no later than 9 a.m. until no earlier than 6 p.m. on the majority of weekdays.
- ▶ For these schools, the amendment: (i) shifts ultimate responsibility for making the final substantial equivalence determination to the Commissioner of Education; and (ii) requires the Commissioner to consider, without limitation, additional enumerated factors in making the final substantial equivalence determination see Education Law 3204[2] [ii]-[iii], [v]).

2018 AMENDMENT

- ▶ In order to implement the 2018 amendment and address concerns from the field that updates were needed to our longstanding guidance on substantial equivalency, the Department released updated guidance on November 20, 2018, including toolkits for nonpublic and public schools.
- ▶ From December 2018 through March 2019, the Department conducted trainings across the State for public and nonpublic school leaders.

UPDATED GUIDANCE AND TRAINING



- ▶ In April 2019, the Albany County Supreme Court annulled the updated guidance on the grounds that the guidance was a “rule” and needed to be formally promulgated in accordance with the State Administrative Procedures Act.

LEGAL CHALLENGE TO GUIDANCE

- ▶ Thereafter, the Department proposed regulations which were discussed at the June 2019 Regents meeting.
- ▶ The Regents Item including the text of the proposed regulation: <https://www.regents.nysed.gov/common/regents/files/619p12d2.pdf>
- ▶ A Notice of Proposed Rule Making was published in the State Register on July 3, 2019 for a 60-day public comment period.
- ▶ The Department received over 140,000 comments on the proposed regulations. An overview of these comments was presented to the Board of Regents at the February 2020 meeting.

PROPOSED REGULATION

- ▶ Given the wealth of comments and varying views expressed, the Department recommended to the Board of Regents at its February 2020 meeting that we re-engage stakeholders for feedback on the proposed amendments toward the common goal of ensuring all children receive the instruction to which they are entitled.

STAKEHOLDER FEEDBACK NEEDED



- ▶ The Regents concurred with the staff recommendation that the Department undertake a stakeholder engagement process that would take into account desired outcomes, means of measuring those outcomes and the need to respect the diversity of the communities served within the broader religious and independent school community.

REGENTS DIRECT AN ENGAGEMENT PROCESS

- ▶ Due to the COVID -19 crisis and the Executive Orders closing schools across the State for the remainder of the 2019-2020 school year and the uncertainty surrounding the reopening of schools for the 2020-2021 school years, this consultation process was delayed.

CONSULTATION PROCESS

- ▶ Under the State Administrative Procedures Act, a notice of proposed rule making expires within 365 days after its publication of in the State Register unless it is revised within 90 days before its expiration date.
- ▶ The proposed regulation was initially set to expire July 1, 2020, which is 365 days after its publication in the State Register.
- ▶ However, due to COVID-19 crisis, Executive Order 202.15, which was subsequently extended by Executive Orders 202.29 and 202.39, the expiration dates of certain proposed rule makings are extended until October 5, 2020.

EXECUTIVE ORDER EXTENSION OF PROPOSED RULE MAKINGS' EXPIRATION DATES

- ▶ If the Department revises the proposed rule making within 90 days of its expiration, this will extend the expiration of the proposed rule for an additional 90 days. Therefore, if the Department revises the proposed rule before October 5, 2020, its current expiration date, the new expiration date would be January 2, 2021.
- ▶ Thus, if the stakeholder engagement process indicates that the proposed rule should be amended, the expiration date can be extended.

EXTENSION OF EXPIRATION DATE
POSSIBLE IF AMENDED

- ▶ With the assistance of the Region 2 Comprehensive Center, led by West Ed, the Department recommends establishing 6 regional meetings across the State. The regions would be determined based on the concentration of religious and independent schools within the local communities.
- ▶ The Department would engage nonpublic school leaders and educators across the State in both the independent and religious school sectors as well as local school authorities.
- ▶ The Department recognizes that religious and independent schools will have different ways of delivering substantially equivalent instruction to their students, and that a flexible and inclusive approach with great collaboration between the local school authorities and non-public schools is necessary.
- ▶ In New York, our diversity is our strength, and the process we undertake should respect this.

RECOMMENDATIONS FOR CONSULTATION PROCESS

- ▶ Thus, the Department recommends seeking input from stakeholders on the following issues:
 - ▶ Core Principles that should guide the review process
 - ▶ What does “substantial equivalence” mean? This could require a statutory change.
 - ▶ Procedures and timelines for substantial equivalency reviews
 - ▶ Reporting requirements
 - ▶ How can the Department ensure that all children are prepared for participation in society while, at the same time, respect families’ rights to raise their children within their community’s values?

TOPICS FOR ENGAGEMENT

- ▶ Practically speaking, the Department would seek stakeholder input on the criteria to be used for substantial equivalency determinations, including but not limited to:
 - ▶ Teacher competency
 - ▶ Language of instruction
 - ▶ Limited English proficiency
 - ▶ Subjects and course requirements to be taught at each grade level
 - ▶ Unit of study requirements
 - ▶ Whether alternative mechanisms can be used to determine substantial equivalency (e.g. Registered high schools, accreditation, standardized test results, graduation and job placement rates, etc.)

TOPICS FOR ENGAGEMENT

QUESTIONS?

