

COVID-19 Emergency Regulations Part XI

July 13, 2021



Higher Education: Incidental Teaching

State of Emergency Regulation Change: Extended incidental teaching from up to 5 classroom hours a week to up to 10 classroom hours a week during the 2020-21 school year.

Post-State of Emergency Proposed Action: Extend this incidental teaching flexibility through the 2021-22 school year.

Higher Education: Substitute Teaching

State of Emergency Regulation Change: Allowed substitute teachers who did not hold a valid certificate and were not working toward certification, but held a high school diploma or its equivalent, to be employed by a school district or BOCES for more than 40 days during the 2020-21 school year under certain circumstances.

Post-State of Emergency Proposed Action: Permit this flexibility again for the 2021-22 school year.

- Enables districts to continually address the teacher shortages exacerbated by the COVID-19 pandemic with substitute teachers.

Higher Education: Special Education Teaching Assignments in Grades 7-12

The field is experiencing a shortage of special education teachers who are certified to teach students with disabilities in grades 7-12 during the COVID-19 pandemic.

Post-State of Emergency Proposed Action: Proposes to allow teachers who hold a valid certificate in Students with Disabilities (SWD)(Grades 1-6), SWD (Grades 5-9) generalist, or SWD (Grades 5-9) content specialist to teach students with disabilities in grades 7-12 during the 2021-22 school year, provided that they otherwise meet all certification requirements for the teaching assignment.

Higher Education: Ability-to-Benefit Test

State of Emergency Regulation Change: Allowed testing centers and institutions to administer and proctor the Ability-to-Benefit Test (ATB) remotely in accordance with federal requirement during the state of emergency.

Post-State of Emergency Proposed Action: Extend this flexibility and remove the language tying such amendment to the state of emergency.

- The requirement that the ATB test be administered and proctored in accordance with federal requirements remain.

P-12: Snow Day Reporting

State of Emergency Regulation Change: Offered a pilot program in 2020-21 allowing school districts to shift to remote instruction for days that a district would have otherwise closed due to a snow emergency.

Post-State of Emergency Proposed Action: Implement extending the school day pilot program through the 2021-22.

P-12: Special Education Due Process Hearings

State of Emergency Regulation Change: Allowed impartial hearing officers to extend due process cases for up to 60 days rather than 30 days.

Post-State of Emergency Proposed Action: Extend this regulatory flexibility as the COVID-19 crisis continues to affect witnesses', administrators', and parents' availability to partake in due process hearings.

Professions: Continuous Experience

State of Emergency Regulation Change: Allowed the Department to excuse the continuous experience requirements for speech language pathology, audiology, and occupational therapy where such continuous experience could not be completed due to the state of emergency.

Post-State of Emergency Proposed Action: Extend this flexibility for the continuous experience requirements for individuals impacted by the COVID-19 crisis.

Professions: In-Person Supervision Experience Requirements

State of Emergency Regulation Change: Granted an exemption for 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 where such in-person supervision could not be completed due to the state of emergency.

Post-State of Emergency Proposed Action: Continue this flexibility for in-person supervision experience requirements for individuals impacted by the COVID-19 crisis.

Professions: COVID-19 Vaccine Administration

Chapter 110 of the Laws of 2020 amended the Education Law to authorize licensed pharmacists to immunize patients against COVID-19.

Post-State of Emergency Proposed Action: Conform the Commissioner's regulations to law by adding the COVID-19 vaccine to the list of immunizations licensed pharmacists are authorized to administer.

- Pharmacists must be certified by the Department following completion of a satisfactory training program to administer the COVID-19 vaccination.

Professions: Public Accounting Examination Timeframe

State of Emergency Regulation Change: Accepted passing examination scores from Public Accounting applicants that are outside the required 18-month examination window where such examinations could not be completed within 18 months due to the state of emergency declared for the COVID-19 crisis.

Post-State of Emergency Proposed Action: Continue this flexibility for individuals who continue to be impacted by the COVID-19 crisis.

Professions: Social Work Experience Requirements

State of Emergency Regulation Change: Modified professional educational program requirements for professional licensure, to the extent authorized by law, if such requirements could not be successfully completed due to the State of emergency.

Post-State of Emergency Proposed Action: For the profession of Social Work, allow the Department to modify, to the extent authorized by law, the experience requirements for registered programs in licensed master social work and licensed clinical social work.

Part 83 and Part 87 Appeals

State of Emergency Regulation Change: Provided flexibility relating to Part 83 and Part 87 appeals and procedures, specifically the amendments:

- excused late submissions relating to due process procedures for prospective employees' clearance for employment;
- excused late submissions relating to appeals of the Department's determination to deny prospective school employees' clearance for employment; and
- amended the definition of "prospective school employee" to include any individual who will reasonably be expected to provide services which involve online communication or interaction directly to students under the age of 21.

Post-State of Emergency Proposed Action: Continue this flexibility for individuals impacted by the COVID-19 crisis.

Office of State Review

State of Emergency Regulation Change: Allowed State Review Officers to authorize certain filings through electronic means during the State of emergency.

Post-State of Emergency Proposed Action: Continue this flexibility to individuals impacted by the COVID-19 crisis.



Questions?