

COVID-19 Emergency Regulations Part V & Further Regulatory Flexibility for the Reopening of Schools

September 14, 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, June, and July 2020 Board of Regents meetings to address the issues resulting from the interruptions caused by the COVID-19 crisis and to plan for the reopening of schools.
- 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.

Professions

- **Renewal of Limited Permits for Medical Physics**

Commissioner's regulations are amended to permit the Department, in its discretion, to renew limited permits for medical physics for additional two-year periods beyond the current limit of no more than six years total, for good cause shown, as determined by the Department.

Higher Education

- **Accreditation of Educator Preparation Programs**

- The Commissioner's regulations are amended to provide additional time for institutions of higher education to complete the process for accreditation of their educator preparation programs from the time they notify the Department that they are seeking accreditation from a professional education accrediting association acceptable to the Department that is seeking recognition from the Council for Higher Education Accreditation or the United States Department of Education.
- Such institutions would now have six years, instead of five, to complete the accreditation process

Bilingual Education: Seal of Biliteracy

- **Seal of Biliteracy**

- The Commissioner's regulations are amended to provide that students who were unable to take Regents exams due to COVID-19 related cancellations will satisfy criteria for the New York State Seal of Biliteracy (NYSSB) that would have been met by the required June 2020 or August 2020 Regents exam(s), provided that such students have been exempted from the applicable Regents exam(s).

Bilingual Education (Seal of Biliteracy Continued)

- **Seal of Biliteracy**

- Additionally, the Commissioner's regulations are amended to provide that English Language Learners (ELLs) will satisfy criteria for the NYSSB that would have been met by a 2020 NYS English as a Second Language Achievement Test (NYSESLAT) score through a combination of having achieved an English language proficiency level of Transitioning or Expanding on the 2019 NYSESLAT or NYS Identification Test for ELLs (NYSITELL) and who earned credit in a course of study for English as a New Language or Bilingual Education in the 2019-2020 school year.
- This change provides parity for students who would otherwise be disadvantaged to earn the NYSSB due to cancelation of the 2020 NYSESLAT.

Bilingual Education (Seal of Biliteracy Continued)

- **Seal of Biliteracy**

- Finally, the Commissioner's regulations are amended to update the NYSSB's NYSESLAT score requirement. Prior to the 2015-2016 school year, the method of determining a student's English language proficiency level was based on separate proficiency levels for each of the four language modalities. Beginning with the 2016 administration of the NYSESLAT, the method for determining a student's English language proficiency level was changed to be based on a single scale score reflecting English language proficiency overall. The proposed new language will reflect this updated score reporting by allowing students to apply a NYSESLAT scale score of 290 towards the NYSSB. The Department has determined this score to be equivalent to the previous requirement of achieving the commanding proficiency level in two separate modalities.

Bilingual Education: ELL Identification

- **ELL Identification**

- Commissioner's regulations are amended to provide that for the 2020-2021 school year, any parent of a student who attends a school which is operating fully remotely or have opted to have their child receive instruction fully remotely in accordance with the district's reopening plan, and whose child has been provisionally identified as an English Language Learner, may submit a waiver of the administration of the English language proficiency identification assessment.

Bilingual Education (ELL Identification Continued)

- **ELL Identification**

- If a parent submits such waiver, their child will remain initially identified as an ELL for the 2020-2021 school year, unless the school such child attends changes to in-person or hybrid instruction during the school year, or the parent has opted to no longer have their child receive instruction entirely remotely.
- If either situation occurs, the student must be administered the English language proficiency identification assessment within 10 days of such occurrence.



Questions?