



New York State  
**EDUCATION DEPARTMENT**

Knowledge > Skill > Opportunity

**GUIDANCE FOR NEW YORK STATE  
COLLEGES AND UNIVERSITIES ON  
REOPENING FOR THE 2020-21  
ACADEMIC YEAR**

**NOTE: THIS GUIDANCE IS CURRENT AS OF JULY 31, 2020 AND  
MAY BE REVISED PERIODICALLY. VISIT THE NEW YORK STATE  
EDUCATION DEPARTMENT'S [OFFICE OF HIGHER EDUCATION  
WEBSITE](#) FREQUENTLY TO ENSURE YOU HAVE THE MOST UP-  
TO-DATE VERSION.**

Board of Regents Higher Education Committee Co-Chairs

Kathleen M. Cashin, Regent J.D. #2 & Catherine Collins, Regent J.D. #8



# THE UNIVERSITY OF THE STATE OF NEW YORK

## Regents of The University

BETTY A. ROSA, <i>Chancellor</i> , B.A., M.S. in Ed., M.S. in Ed., M.Ed., Ed.D. ....	Bronx
T. ANDREW BROWN, <i>Vice Chancellor</i> , B.A., J.D. ....	Rochester
ROGER TILLES, B.A., J.D. ....	Manhasset
LESTER W. YOUNG, JR., B.S., M.S., Ed.D. . . . .	Beechhurst
CHRISTINE D. CEA, B.A., M.A., Ph.D. . . . .	Staten Island
WADE S. NORWOOD, B.A. ....	Rochester
KATHLEEN M. CASHIN, B.S., M.S., Ed.D. ....	Brooklyn
JAMES E. COTTRELL, B.S., M.D. ....	New York
JOSEPHINE VICTORIA FINN, B.A., J.D. ....	Monticello
JUDITH CHIN, M.S. in Ed. ....	Little Neck
BEVERLY L. OUDERKIRK, B.S. in Ed., M.S. in Ed. ....	Morristown
CATHERINE COLLINS, R.N., N.P., B.S., M.S. in Ed., Ed.D. ....	Buffalo
NAN EILEEN MEAD, B.A., M.A. ....	Manhattan
ELIZABETH S. HAKANSON, A.S., M.S., C.A.S. ....	Syracuse
LUIS O. REYES, B.A., M.A., Ph.D. ....	New York
SUSAN W. MITTLER, B.S., M.S. ....	Ithaca
FRANCES G. WILLS, B.A., M.A., M.Ed., C.A.S., Ph.D. ....	Ossining

## Interim Commissioner of Education and President of The University of the State of New York

SHANNON L. TAHOE

The State Education Department does not discriminate on the basis of age, color, religion, creed, disability, marital status, veteran status, national origin, race, gender, genetic predisposition or carrier status, or sexual orientation in its educational programs, services and activities. Portions of this publication can be made available in a variety of formats, including braille, large print or audio tape, upon request. Inquiries concerning this policy of nondiscrimination should be directed to the Department's Office for Diversity and Access, Room 530, Education Building, Albany, NY 12234.

## Table of Contents

<i>Message from Chancellor Betty A. Rosa</i> .....	5
<i>Message from Interim Commissioner Shannon Tahoe</i> .....	6
<b>INTRODUCTION AND EXECUTIVE SUMMARY</b> .....	7
Regional Meetings .....	7
Development of the Guidance Document .....	8
Key Resources .....	8
<b>HEALTH AND SAFETY</b> .....	10
NYS Governor and Department of Health Guidance and Requirements .....	10
Additional Considerations for Reopening .....	10
Input from Regional Meetings .....	10
Educating the IHE community about preventing the spread of COVID-19 .....	10
Creative use of outdoor and community space .....	11
Addressing mental health needs .....	11
Resources .....	11
Official government resources .....	11
Other resources .....	12
<b>ACADEMICS, STUDENT SUPPORT SERVICES, AND FINANCIAL AID</b> .....	13
Regulatory Context & Requirements .....	13
Regulatory Flexibilities & Guidance .....	13
Distance Education Flexibility Fall 2020 .....	13
Shortened Semester Flexibility 2020-21 Academic Year .....	13
Ability to Benefit (ATB) Tests .....	14
Pass/Fail Grading Policies and teacher certification reviews .....	14
GRE Requirement for Admission to Graduate Teacher and Educational Leadership Programs .....	14
Verification of High School (or Equivalent) Completion Status .....	14
General Education Core/Liberal Arts and Sciences .....	15
Additional Considerations for Reopening .....	15
Input from Regional Meetings .....	16
Equity .....	16
Financial Aid .....	16
The Digital Divide and Instructional Design for Remote and Blended Learning and Online Student Services .....	17
Resources .....	18
<b>CLINICAL EXPERIENCES AND EXAMINATIONS FOR EDUCATOR CERTIFICATION</b> .....	19
Regulatory Context/Requirements .....	19
Regulatory Flexibilities .....	19
Educator Preparation Program Clinical Experience Flexibilities .....	19
Educator Preparation Program Requirement Flexibilities .....	20
Educator Certification Flexibilities .....	21
Additional Considerations for Reopening .....	22

Resources.....	25
<b>CLINICAL EXPERIENCES AND EXAMINATIONS FOR PROFESSIONAL LICENSING .....</b>	<b>26</b>
Regulatory Context/Requirements .....	26
Regulatory and Policy Flexibilities .....	26
Alternatives to meet clinical experience requirements .....	26
Employment of recent graduates.....	29
Licensing examinations .....	29
Renewal of limited permit in medicine .....	30
Input from Regional Meetings.....	30
Resources.....	31
<b>OPPORTUNITY PROGRAMS.....</b>	<b>32</b>
Overview .....	32
Regulatory and Policy Flexibilities .....	32
Higher Educational Opportunity Program (HEOP) .....	32
Liberty Partnerships Programs (LPP) .....	32
Additional Considerations for Reopening.....	33
Programmatic Considerations .....	33
Budget and Fiscal Considerations.....	33
Input from Regional Meetings and recent MBK/TOC II Summits.....	33
Resources.....	34
<b>POSTSECONDARY STUDENTS WITH DISABILITIES .....</b>	<b>35</b>
Regulatory Context/Requirements .....	35
Resources.....	35
<b>BUDGET AND FISCAL MATTERS .....</b>	<b>36</b>
State Funding Context .....	36
CARES Act Funding .....	36
Input from Regional Meetings.....	37
Resources.....	37
<b>DATA REPORTING.....</b>	<b>38</b>
Regulatory Context/Requirements .....	38
Data Collection and Reporting Flexibilities .....	38
Additional Considerations for Reopening.....	38
General Considerations .....	38
Budget and Fiscal Considerations.....	38
Resources.....	38
<b>APPENDIX: STAKEHOLDER FEEDBACK GATHERED VIA THOUGHTEXCHANGE.....</b>	<b>40</b>

## Message from Chancellor Betty A. Rosa



New York State is fortunate to be home to public and private colleges and universities that attract students from across the country and globe. New York's rich diversity is an asset that must be leveraged as we start to reopen our institutions of higher education in the wake of this global pandemic. To do this, the Board of Regents, the Education Department, and I convened regional meetings with a diverse cross section of stakeholders connected to our higher education community participating and providing input to help create this guidance.

The four virtual meetings held in early July included participants with expertise in various substantive areas across the higher education spectrum. The feedback we received was truly invaluable and critical in informing the decision-making that went into developing this document.

The COVID-19 pandemic has underscored the notion that colleges are an integral part of our lives, our economy and our communities. We have come to rely on them to prepare our citizens for a life of productivity, research, and meaningful contribution that goes far beyond traditional academics.

As we developed this guidance, we were mindful that COVID-19 has had a particularly harmful effect on people of color and those that are economically disadvantaged – in terms of health, employment, and their ability to receive the supports and resources necessary for a successful college experience. As colleges shifted to off-campus learning models, many students from low-income and rural communities did not have access to the internet, technology, or the supports they need to meaningfully participate in remote learning. This kind of unequal access to resources only serves to strengthen my resolve, and the Regents' resolve, to ensure educational equity for all students.

We are truly grateful to all of the faculty, leadership, staff, and especially our student participants for their time and rich contributions. We also recognize the staff of the State Education Department for their valuable contributions to this document – with a special note of appreciation for the extraordinary efforts of Dr. John D'Agati, Senior Deputy Commissioner for Education Policy; Dr. William Murphy, Deputy Commissioner for Higher Education; and Allison Armour-Garb, Chief of Staff for Education Policy, who were paramount to the development of the guidance.

With the help of our fellow New Yorkers and all of our higher education partners, we will recover and work toward building a renewed system that ensures our campuses and college communities are meeting the needs of all students.

## Message from Interim Commissioner Shannon Tahoe



When the COVID-19 pandemic began to affect our institutions of higher education in the middle of the Spring 2020 semester, New York's college communities had to quickly pivot to remote learning, and mobilize their resources to ensure the safety and well-being of the entire campus community. Since that time, our campuses have been engaged in planning, transformation, and engagement to ensure that reopening for the 2020-21 academic year is done in a thoughtful and comprehensive manner.

The COVID-19 pandemic had a profound impact on New York and many of our public and private colleges were among the hardest hit in the country. My thanks and admiration are extended to the students, faculty, leaders, and the entire higher education community for adapting and working collaboratively to overcome the unprecedented challenges we faced in the Spring and Summer semesters.

As we look to 2020-21, we must all be mindful of the many uncertainties we will continue to face. The Board of Regents and I are hopeful that this comprehensive guidance document, which was informed by a collaborative engagement with the field, will assist each campus community as they plan for reopening. We understand that colleges are preparing for many scenarios, whether they be in-person instruction, remote or blended learning, or unique semester formats which utilize campus facilities and schedules in flexible ways.

The guidance addresses numerous issues including health and safety; academics, student support services, and financial aid; educator preparation programs and teacher certification; professional licensure clinical program issues; opportunity programs; postsecondary students with disabilities; budget and fiscal considerations; and data reporting.

The upcoming academic year may prove to be challenging but the higher education community is strong, and together the Board of Regents and the Department are committed to do everything in our power to support the faculty, students, and entire campus community.

I would like to thank the Board of Regents for its leadership throughout this arduous journey. I'd also like to thank the staff of the Education Department, not only for their exemplary work in putting this guidance document together, but also for their tireless efforts to ensure that our colleges received much-needed guidance and flexibility during this unprecedented time. I am forever grateful for your efforts, and the engagement and partnership that the higher education community has extended to us. I am hopeful that our continued collective partnership, strength and spirit will help our college communities face the challenges for reopening and beyond.

## INTRODUCTION AND EXECUTIVE SUMMARY

The COVID-19 pandemic severely disrupted operations at New York's institutes of higher education (IHE) during the Spring 2020 semester and continues to have profound impacts on campuses as they plan for the upcoming 2020-21 academic year. New York's IHE community has suffered tragic human loss, and the emotional impact of the pandemic on students, faculty, and staff is ongoing and will likely continue through the 2020-21 academic year and beyond.

Creating a framework to help support the reopening work of IHE campuses is a monumental undertaking – made even more challenging by the tremendous size and complexity of New York's higher education system, the vast array of national and international student and faculty representation, and the uniquely devastating impact the pandemic has had here in New York State. Without question, the paramount concern is to ensure the health and safety of everyone in our campus communities. At the same time, IHEs must also contend with a myriad of complex challenges: developing re-opening plans; addressing students' social, emotional and academic needs in the wake of this catastrophe; ensuring all students have the ability to participate equitably in remote learning; planning for the possibility of challenging enrollment and budget concerns; and so many others.

While the Board of Regents and the New York State Education Department (NYSED) do not make the determination of whether IHEs can re-open their campuses or whether their COVID-19 risk-reduction plans are approvable, we are committed to facilitating IHEs' planning for a safe and orderly return to educational operations—whether remote, in person, or a combination of the two. We have sought the field's input regarding what is needed to facilitate a safe reopening of your campuses, and our task now is to ensure that IHEs have the guidance and flexibilities necessary to develop and implement creative solutions to their unique campus circumstances.

### Regional Meetings

To gather the 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, the Board of Regents convened four regional meetings, which were conducted virtually, between July 2 and July 9, 2020.

Each regional meeting included more than 130 participants—faculty, administrators, students, and other interested parties—representing the public, non-profit, and for-profit higher education sectors. The Board of Regents and the Department also wishes to thank the many members of the New York State Legislature who participated in the meetings. In all, almost 900 stakeholders representing approximately 171 IHEs from throughout New York's diverse higher education community, attended and provided valuable feedback.

The Chancellor and Regents Higher Education Committee Co-Chairs, Regent Kathleen M. Cashin and Regent Catherine Collins, identified the key areas of focus and important stakeholders to set the foundation for the breakout session topics and regulatory considerations. Board of Regents members attended and participated in all of the focus area breakout sessions. The meetings were conducted with the assistance of the Region 2 Comprehensive Center, led by WestEd, and staff from the New York State Education Department and Capital Region BOCES. Representatives from the NYS Department of Health attended the Health and Safety breakouts, and representatives of the New York State Higher Education Services Corporation attended the Academics, Student Services, and Financial Aid breakouts; both agencies served as valuable resources.

Each meeting featured one of three distinguished guest speakers: Dr. Kimberly Cline, President of Long Island University and current Chair of the Long Island Regional Advisory Council on Higher Education, spoke at the Long

Island meeting; Dr. José Luis Cruz, Executive Vice Chancellor and University Provost of CUNY, spoke at the New York City meeting; and SUNY Senior Vice Chancellor and Provost Tod A. Laursen addressed the upstate meetings. Participants were highly engaged in the discussion during the meetings, as well as via “ThoughtExchange,” an online conversation tool the Department used to crowdsource thoughts and ideas (see Appendix).

## Development of the Guidance Document

At the conclusion of the regional meetings, staff from WestEd synthesized the rich and thoughtful input provided by participants. This document compiles the guidance provided by the Department to the field from early March through the date of its publication, augmented throughout with the input received at the regional meetings and via the ThoughtExchange.

“NYSED must continue to be flexible in its regulatory oversight,” wrote one stakeholder in the ThoughtExchange. “These are unprecedented times, and we need to respond quickly and creatively.”

Participants ranked the quote above as one of the top 5 comments that the Department received via the crowd-sourcing platform. In developing guidance, we are mindful that, while it is important to provide IHEs with guidelines and policies, it is just as important to give them appropriate flexibility to develop creative solutions to their unique challenges.

We also recognize that planning for colleges to reopen is not a one-time event. We will continue to monitor the situation and provide updated guidance, policies, and regulatory changes as needed. Consistent with the direction set forth by the Board of Regents, the following principles will continue to guide us: First, the health, safety, and well-being of the campus community is paramount. We will always keep the issue of educational equity at the forefront of our thinking and decision-making. Finally, we recognize that one size does not fit all. New York is a large state, in population and size. We will always consider the tremendous diversity that exists among our people, our geographic regions, and our higher education institutions.

## Key Resources

Association of Proprietary Colleges. [APC’s response to the COVID-19 Pandemic](#).

City University of New York (CUNY). [Coronavirus Update](#). This page contains a message from the CUNY Chancellor, hotline phone numbers, and guidance.

Commission on Independent Colleges & Universities. [Creating Safe and Resilient Campuses: Suggestions for Reopening and Reimagining Colleges and Universities in New York](#). May 2020.

Commission on Independent Colleges & Universities. [Guidance and Resources for Colleges and Universities Related to COVID-19 \(Coronavirus\)](#). This page on CICU’s website links to a [Dropbox folder](#) of announcements, guidance and resources for campuses.

New York State. [New York Forward: Phase Four Industries](#). This page on New York State’s website contains links to:

- [Reopening New York: Higher Education Guidelines](#)
- [Interim Guidance for Higher Education During the COVID-19 Public Health Emergency](#)
- [Checklist for Higher Education Institution Reopening Plans](#)

- [Higher Education Reopening Plan Submission Portal](#) for private and other non-public higher education institutions

New York State Education Department. [Information and Guidance for Colleges and Universities In Response to the COVID-19 Emergency](#). This page is a compilation of links to guidance and frequently asked questions on regulatory flexibility.

OpenSmartEdu. [COVID-19 Planning Guide and Self-Assessment for Higher Education](#). This site, produced jointly by the Johns Hopkins Bloomberg School of Public Health and the Council for Higher Education Accreditation, is a compilation of tools and resources to support higher education operations during the COVID-19 pandemic.

State Higher Education Executive Officers Association (SHEEO). [COVID-19 Resources](#).

State Higher Education Executive Officers Association (SHEEO). [COVID-19 State Plans/Resources](#).

State University of New York (SUNY) System Administration resources:

- [Coronavirus—What You Need to Know](#). This page contains a message from the SUNY Chancellor, hotline phone numbers, frequently asked questions, and resources.
- [Fall 2020 Reopening Plans](#).

U.S. Department of Education. [Coronavirus Program Information: FAQs and Responses](#). This page has a section on higher education that includes links to guidance and regulatory flexibilities.

## HEALTH AND SAFETY

The health and safety of the students, faculty, and staff must be the first priority for all our IHEs, and NYSED's guidance will consistently reflect that priority. This message came through loud and clear from the stakeholders who participated in the ThoughtExchange, as well as those who attended the virtual regional meeting hosted by the Department in early July (see Appendix for a summary of these stakeholder input processes). Health and safety considerations must be paramount in every decision made and every action taken by college and university leadership.

A key point that came out of the virtual regional meetings is that it is critical for IHEs to follow the recommendations of health authorities and coordinate efforts with their local health department. This section contains links to federal and state health guidance, a summary of relevant NYSED regulations, and links to other resources that IHEs may wish to consider.

### NYS Governor and Department of Health Guidance and Requirements

Health and safety information and guidelines for reopening New York State institutions of higher education have been posted on [Governor Cuomo's website](#). Select the section on "Higher Education."

Please note that toward the end of the section titled [Read and Affirm Detailed Guidelines](#), there is a [link to a submission form](#) for private and other non-public higher education institutions to file their plans with the NYS Department of Health. State University of New York (SUNY) and City University of New York (CUNY) institutions are directed to submit their plans to their respective Chancellor's office. Questions about the submission process for SUNY and CUNY institutions should be directed to their respective Chancellor's offices.

### Additional Considerations for Reopening

Institutions should post clear and up-to-date information about institutional requirements and procedures related to mandatory testing and quarantine requirements as well as any limitations or restrictions about parental and other family member access to campuses to assist students in moving into dormitories. If the information is not updated and accurate, students and their families will lose faith in the information and not use it as a resource, instead relying on other sources of information, possibly inconsistent with campus policies. Institutions should ensure that students and families are aware of where current information on these issues can be found and should provide contact information for offices or individuals at campuses where questions can be submitted and should ensure prompt and accurate responses to those inquiries. This information is especially important for out-of-state students who must make travel plans and arrangements in the face of continually changing circumstances.

### Input from Regional Meetings

New York's IHE community has suffered tragic human loss in pandemic. Participants in the virtual regional meetings hosted by the Department reminded us of the emotional impact this continues to have on students, faculty, and staff.

### Educating the IHE community about preventing the spread of COVID-19

Participants described some of the steps their colleges and universities, as educational institutions, are taking to educate their communities about preventing the spread of COVID-19. Some creative examples include:

- Using a peer leader approach to promote social distancing and mask-wearing from a community-building perspective, e.g., hiring and training students to be "social distancing ambassadors";

- Requiring students, faculty, and staff to engage in training—or even a 1-credit course—on COVID-19, to educate them and influence their behavior;
- Providing expanded, and in some cases mandatory orientations for all returning students; and
- Hearing students’ voices and involving them in solving problems.

### Creative use of outdoor and community space

Regional meeting participants described plans to take greater advantage of outdoor and community spaces on or near campus, for example:

- Using outdoor space for in-person instruction, studying, online course participation, socializing, and appropriate recreational activities;
- Enhancing outdoor space by adding lighting, seating, tents, Wi-Fi, and charging stations;
- Using large community spaces such as houses of worship for classroom space; and
- Securing discounted rates at local parking garages, to encourage commuter students, faculty, and staff to drive to campus rather than taking public transportation.

### Addressing mental health needs

Participants in the regional meetings shared a range of ideas for ensuring that mental health is attended to, such as:

- Designing opportunities for socializing and peer interaction, such as creating small groups of students who remain in a cohort or “pod” throughout the semester;
- Convening mental health forums where mental health can be discussed openly among students, faculty, and staff; and
- Hiring additional mental health counselors.

## Resources

### Official government resources

Institutions should monitor USDE, New York State Government, and State and Local Department of Health websites for up-to-date guidance and instructions concerning protocols for reopening, monitoring, containment, and shutdown.

Centers for Disease Control and Prevention (CDC). [\*Coronavirus Disease 2019 \(COVID-19\): College, Universities, and Higher Learning Plan, Prepare, and Respond.\*](#)

New York State. [\*New York Forward: Phase Four Industries.\*](#) This page on New York State’s website contains links to:

- [\*Reopening New York: Higher Education Guidelines\*](#)
- [\*Interim Guidance for Higher Education During the COVID-19 Public Health Emergency\*](#)
- [\*Checklist for Higher Education Institution Reopening Plans\*](#)
- [\*Higher Education Reopening Plan Submission Portal\*](#) for private and other non-public higher education institutions

New York State Department of Health resources:

- [Novel Coronavirus](#)
- [Protecting the Public Health of All New Yorkers: Colleges](#)

U.S. Department of Education. [Coronavirus Program Information: FAQs and Responses](#). This page has a section on higher education that includes guidance and regulatory flexibilities.

### Other resources

American College Health Association resources:

- [COVID-19 Resources](#). This page contains webinars, frequently asked questions, and other resources.
- [Considerations for Reopening Institutions of Higher Education in the COVID-19 Era](#). May 2020. This is a comprehensive set of guidelines.

Collegiate athletics health and safety resources:

- American College Health Association, [Considerations for Reopening IHEs](#) (May 2020), pp. 11-15.
- National Intramural-Recreational Sports Association. [Coronavirus Updates & Resources for Campus Recreation](#).

# ACADEMICS, STUDENT SUPPORT SERVICES, AND FINANCIAL AID

## Regulatory Context & Requirements

Registration of all academic programs that are offered for college credit is required pursuant to the program registration standards and requirements in Part 52 of the Regulations of the Commissioner of Education. Program registration demonstrates institutional compliance with standards related to resources, faculty, curricula and awards, admissions, administration and academic support services and protects students' educational interests and the financial interests of students and families as well as the taxpayers who support federal and state student financial aid programs with their tax dollars. Part 145 of the Regulations of the Commissioner of Education includes specific requirements concerning program and student eligibility for New York State student financial aid programs.

## Regulatory Flexibilities & Guidance

### Distance Education Flexibility Fall 2020

Registration of a program in the distance education format is normally required if 50% or more of the program can be completed online. Due to the COVID-19 public health emergency, and consistent with US Department of Education updated guidance, institutions are granted flexibility to offer online courses in programs without triggering the need to add the distance education format to the program for the Fall 2020 semester. Offering programs in the distance education format (50% or more of the program can be completed online) beyond the Fall 2020 semester will be subject to regular distance education approval requirements, including the submission of program registration applications to NYSED.

The need to extend this flexibility will be determined depending upon the COVID-19 emergency timeframe and circumstances. Professional licensure and educator preparation program clinical experience courses must meet regulatory requirements, and students must complete adequate clinical hours to ensure competency.

### Shortened Semester Flexibility 2020-21 Academic Year

At its July 13, 2020 meeting, the NYS Board of Regents approved an amendment to Section 145-2.1(a)(i) and(ii) of the Commissioner's Regulations to permit NYS colleges and universities to shorten the Fall 2020 and Spring 2021 semesters from a minimum of 15 weeks to no less than 12 weeks without impacting a student's eligibility for NYS financial aid.

It is important to note that, regardless of the number of weeks in the semester, colleges must still meet the semester hour requirement in Section 50.1(o) of the Regulations which requires at least 15 hours of instruction and at least 30 hours of supplementary assignments per semester hour/credit granted. Section 50.1(o) reads as follows:

(o) Semester hour means a credit, point, or other unit granted for the satisfactory completion of a course which requires at least 15 hours (of 50 minutes each) of instruction and at least 30 hours of supplementary assignments, except as otherwise provided pursuant to section 52.2(c)(4) of this Subchapter. This basic measure shall be adjusted proportionately to translate the value of other academic calendars and formats of study in relation to the credit granted for study during the two semesters that comprise an academic year.

Colleges that shift to a shorter semester for the Fall 2020 and/or Spring 2021 semesters, as permitted by this amendment, should revise their course schedules as necessary to ensure continued compliance with Section 50.1(o).

Questions about the shortened semester flexibility and the semester hour requirement should be sent to [OCUEinfo@nysed.gov](mailto:OCUEinfo@nysed.gov). Questions about if/how shifting to a shortened semester might impact programs that lead to professional licensure should be sent to [OPPROGS@nysed.gov](mailto:OPPROGS@nysed.gov).

### Ability to Benefit (ATB) Tests

Education Law §661 requires that, to be eligible for NYS student financial aid, certain students must have achieved a passing score on a federally approved ATB test identified by the NYS Board of Regents for that purpose. The NYS Board of Regents recently approved the following emergency amendment to Section 145-2.15(e)(1) of the Regulations of the Commissioner of Education permitting the remote administration and proctoring of the Ability-to-Benefit (ATB) tests approved by the Regents for purposes of eligibility for New York State student financial aid:

A new subparagraph (iv) is added to read as follows:

(iv) where testing centers and institutions are unable to administer and proctor the test at such locations identified in subparagraphs (i), (ii), or (iii) of this subdivision due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis the test may be administered and proctored remotely provided such remote administration and proctoring is in accordance with federal requirements.

This allowance is in effect as long as federal guidance allows it and the NYS emergency exists.

### Pass/Fail Grading Policies and teacher certification reviews

Several New York State institutions of higher education have instituted **pass/fail grading** for courses in the Spring, Summer, and Fall 2020 semesters in response to the COVID-19 crisis. In order to allow for flexibility related to these courses/semester hours being credited toward meeting the content core or pedagogical core semester hour requirements for teacher certification through the individual evaluation pathway, the Department will allow a passing grade or its equivalent in undergraduate or graduate courses, in accordance with the grading policy at the institution of higher education (e.g., pass/fail, satisfactory/unsatisfactory policy).

### GRE Requirement for Admission to Graduate Teacher and Educational Leadership Programs

The requirement that applicants must take the GRE (or equivalent) exam for admission to a graduate teacher or educational leadership program is a statutory requirement and cannot be waived by NYSED. The ETS website provides the latest information about the reopening of testing locations. In addition, ETS is currently offering an “at-home” administration of the GRE that may be an option for some students. The statute also provides institutions with flexibility to admit a limited number of applicants who have not met the statutory admissions requirements (up to 15% of an entering class) under certain circumstances.

### Verification of High School (or Equivalent) Completion Status

To be eligible for State student financial assistance, NYS Education Law section 661(4) states that a student receiving aid must have a certificate of graduation from a recognized school providing secondary education within the United States; or the recognized equivalent of such certificate; or received a passing score on a federally approved ability to benefit test that has been identified by the Board of Regents and has been independently administered and evaluated as defined by the commissioner.

Recognizing that official documentation of high school completion or documentation of the equivalent of high school completion may be difficult for some applicants to obtain during the COVID-19 emergency, the

Department is working with the field to explore solutions to ensure that students may be eligible for financial aid if their diploma is not readily accessible at present.

### General Education Core/Liberal Arts and Sciences

Section 52.21(b)(2)(ii)(a) of the Regulations of the Commissioner of Education require that candidates for initial teacher certification complete a general education core in the liberal arts and sciences (LAS). The regulations do not identify a required number of credits or courses that must be completed to meet this requirement. Institutions attest that they will ensure that their candidates have met the general education core in LAS as described in §52.21(b)(2)(ii)(a). It is up to the institution to determine what courses will be accepted to meet the requirements. The institution is required to establish and follow its own policies concerning acceptable study and to ensure that those determinations are made and applied on a consistent, equitable and transparent basis. NYSED does not provide a list of courses that will meet the requirements. NYSED does provide [guidance on our website concerning the types of courses that are generally considered to be within the liberal arts and sciences](#) and those that are not.

### Additional Considerations for Reopening

- Institutions should consult with their accrediting agencies for any specific guidance, requirements, and flexibilities that those agencies have issued.
- Institutions may consider exceptions to their published policies on granting course extensions or incompletes and extend the deadline for incompletes to be resolved but should be mindful of possible impact on student financial aid eligibility.
- Institutions may consider flexibility regarding withdrawal and refund policies but should be mindful of possible impact on student financial aid eligibility.
- Institutions may consider options for substitution of credit bearing courses for credit-bearing experiential programs (i.e., study-abroad programs).
- Institutions may consider assisting students in finding comparable courses at other institutions where necessary and practicable and may allow exceptions to their published policies on transfer credit and residency requirements.
- Programs and support services provided to all students, including those returning from studying abroad, should continue to meet program registration standards, while also noting the flexibility and provisions offered herein.
- Given the current economic climate as a result of the coronavirus pandemic, HESC is looking to further promote the student aid available through its 25+ student financial aid programs. In an effort to get important NYS grant and scholarship information directly into the hands of high school students and parents using district portals, NYSED and HESC have asked each New York school district to provide an email address for a centralized mailbox to [FinAidInfo@nysed.gov](mailto:FinAidInfo@nysed.gov). NYS financial aid updates will be sent to the email address provided, and districts will be responsible for pushing this information out through their district portals. These financial aid updates will provide important information regarding the availability of grants and scholarships, application periods, and program changes.

## Input from Regional Meetings

### Equity

Participants in the regional meetings pointed out that the pandemic and resulting shift to remote instruction are having disproportionate effects on students, faculty, and staff of color, those in rural areas, first-generation college students, undocumented college students, homeless students, and those living in poverty. Participants pointed to many specific issues, for example:

- Low-income students may have increased food insecurity and the need for financial aid, due to job loss or other COVID-related changes in family circumstances;
- School closures have led to unmet childcare needs for students and employees;
- Underserved communities may already feel isolated, and the online experience can exacerbate those feelings of isolation and lead to an increase in mental health issues;
- Students taking developmental courses may face additional challenges with remote learning; and
- Students, faculty, and staff who ordinarily rely on public transportation or rideshare to get to campus, childcare, or employment locations now face a dilemma whether to risk infection or seek more costly, but safer, transportation alternatives.
- Due to the pandemic, many international students face hurdles such as travel restrictions, limited flights, closed consulate offices, and extended quarantine requirements, all of which make it difficult to study at U.S. colleges. For those pursuing online instruction, time zone differences make synchronous participation challenging.

Some ideas for addressing financial aid issues and the digital divide and for improving the quality of the online/remote learning experience are noted in the following paragraphs. The topic of mental health is discussed above, in the Health and Safety section.

### Financial Aid

Participants in the regional meetings voiced concerns about financial aid that fell into three categories: the level of state funding, students' increased financial need due to the COVID crisis (as noted under **Equity**, above), and the need for regulatory flexibility to enable students to maintain financial aid eligibility.

One of the top-ranked comments on ThoughtExchange hit on the first and second of these categories:

*“The State should commit to maintaining financial aid and other programs that support low income students [and] first responders. Low income families were particularly hard hit by the virus. Cuts to programs like TAP [the Tuition Assistance Program], Bundy [Aid to Independent Colleges and Universities] and HEOP [the Higher Education Opportunity Program] would be a double whammy.”*

Regarding the need for regulatory flexibility, participants emphasized that the combination of federal, state, and accreditor requirements can be difficult to meet, and urged NYSED to continue to work to ensure alignment between state and federal financial aid regulations. Because institutions felt that the 15-week semester requirement was an impediment to creative academic calendars, the Board of Regents and the Department instituted flexibility allowing a shorter semester, as noted above.

Participants also voiced that the full-time, 12-credit minimum for certain financial aid programs could be more difficult for students in online environment. Note that The Higher Education Services Corporation (HESC) web page entitled [COVID-19 Updates for Students, Parents, Borrowers, and Lenders](#) states that “HESC has determined that impacted students receiving financial aid will not suffer negative consequences regarding their current or future awards” and contains information on specific scenarios that students may face during the pandemic, such as falling below the 12-credit minimum.

### The Digital Divide and Instructional Design for Remote and Blended Learning and Online Student Services

Many participants in the regional meetings hosted by the Board of Regents and the Department expressed that online instructional technology is part of the “new normal” and that higher education is unlikely to return to the status quo ante. As one commenter noted in the ThoughtExchange, “cop[ing] with this pandemic has shifted us to using academic tools and ideas we hesitated to use in the past. We have learned new tools [that have] added to our skill sets in teaching and mentoring students.”

The transition has not been a smooth one, however. Participants were adamant that IHEs need to be aware of the “digital divide” and how this form of inequity impacts students and faculty. For example, the cost of internet may be prohibitive, and certain areas lack good internet coverage. Furthermore, students and faculty may have to share bandwidth, devices, and workspace with others in their household; and some may only have a tablet or smart phone, which lack the full functionality of laptop and desktop computers. Finally, students and faculty who have devices and internet may face technical challenges in using the platforms and applications that their institutions require.

Participants described creative solutions to the varied technology-related issues they are facing, which IHEs may wish to explore:

**Figure 1. Suggestions from the field to address the digital divide and engage students in remote or blended environment**

Internet & Device Access	<ul style="list-style-type: none"> <li>• Reach out to students to conduct a technology needs assessment to identify the nature and extent of digital access issues</li> <li>• Mobile wi-fi hotspots</li> <li>• Wi-fi access in campus parking lots</li> <li>• CUNY Chancellor’s Emergency Relief Fund for individual student grants</li> <li>• Provide students with laptops or tablets</li> </ul>
Supports for Faculty in Using Instructional Technology	<ul style="list-style-type: none"> <li>• Professional development for faculty in remote learning tools and online instructional design</li> <li>• Utilize technology expertise of some faculty members to mentor other faculty members</li> <li>• Ensure all classrooms have video cameras, and consider using GoPro cameras for labs</li> <li>• Consider asynchronous or evening instruction and posting lecture videos online to facilitate participation by students in different time zones</li> </ul>

Supports for Faculty, Staff, and Students in Using Technology for Student Support Services	<ul style="list-style-type: none"> <li>• Professional development for faculty and staff in remote student advising—ensures advisors know which students will be online.</li> <li>• Guidance for students on how each technology platform is used for different services (classes, advising, career services, etc.)</li> <li>• Zoom office hours for student affairs</li> <li>• Ensure availability of IT staff</li> </ul>
--	---

## Resources

Questions about academic programs that lead to professional licensure should be directed to the Office of Professional Education Program Review (PEPR) at: [OPPROGS@nysed.gov](mailto:OPPROGS@nysed.gov)

Questions about all other academic programs, including teacher education, should be directed to the Office of College and University Evaluation (OCUE) at: [OCUEINFO@nysed.gov](mailto:OCUEINFO@nysed.gov)

Financial aid resources:

- U.S. Department of Education. [Contact Us & General Inquiries](#). The section of this page titled “Financial Aid Information” has contact information for federal student aid programs.
- Higher Education Services Corporation. [COVID-19 Updates for Students, Parents, Borrowers, and Lenders](#). This page contains newsletters, presentations, and frequently asked questions for students, parents, borrowers, and lenders/servicers.

Council for Higher Education Accreditation resources:

- [CHEA- and USDE-Recognized Accreditors and COVID-19 Information](#). This page has links to the COVID-19 flexibility pages of institutional and programmatic accrediting organizations.
- [COVID-19 Resources for Institutions and Accreditors](#). This page has links to information that can assist IHEs and accrediting organizations as they address the many challenges of COVID-19.

Goddard Riverside. [Understanding and Supporting Student Needs: A COVID-19 Resource Guide](#). This guide provides a list of questions about student needs in the COVID-19 context that organizations can use when designing needs assessments or seeking information from students. The guide also lists some NYC-based resources. The guide is divided into two areas: *Basic Living Needs* and *Educational Needs*.

New York State Education Department. [List of approved Ability to Benefit tests in New York State](#)

U.S. Immigration and Customs Enforcement (ICE). [ICE Guidance on COVID-19](#). This page has a section on the Student and Exchange Visitor Program.

# CLINICAL EXPERIENCES AND EXAMINATIONS FOR EDUCATOR CERTIFICATION

## Regulatory Context/Requirements

Registered educator preparation programs must meet Commissioner's Regulations Part 52 program registration requirements and standards applicable to these programs. This includes required clinical experience components of these programs which relate to a certificate candidate's competency to practice the profession once certified.

Pursuant to Education Law 3001, individuals employed to teach in New York State public schools must hold a valid certificate. Certification requirements in Part 80 of the Commissioner's Regulations include exams, such as the Content Specialty Tests, Educating All Students (EAS) test, and edTPA, depending on the certificate title sought.

## Regulatory Flexibilities

### Educator Preparation Program Clinical Experience Flexibilities

Many candidates in educator preparation programs are facing challenges related to completing their school clinical experience placements for the upcoming academic 2020-21 year. To the extent possible, we encourage institutions to work with their candidates and with P-12 schools and cooperating teachers to engage with their students in various distance education, hybrid and school-based formats and environments, permitting candidates to complete their clinical experience via various interactive instructional methods wherever possible.

Educator preparation programs (EPPs) whose candidates are unable to complete their traditional classroom-based clinical experience due to issues related to COVID-19 must develop and file a plan outlining the alternative models of clinical experiences the EPP will employ with their candidates to ensure that they receive a clinical experience that will help prepare them for future success as educators. In this alternative model, institutions must address the methods, technologies, and tools used to ensure that the candidates develop the expected knowledge and skills in order to enter the profession.

Clinical experiences include, but are not limited to:

- Student teaching, residencies or practica;
- Field experiences prior to student teaching;
- Transitional B and C mentored in-service component;
- Leadership experiences; and
- School counseling and school psychology supervised internship hours.

Alternative models may include, but are not limited to, completing clinical simulations, analyzing videos of best practice focused on pedagogical core requirements in the broad areas of planning, instruction and data driven assessment, and/or assisting cooperating teachers with their remote or virtual learning. For example, while there are many scenarios related to distance learning, hybrid or classroom-based teaching, teacher candidates may have opportunities with their cooperating teacher to engage in the various methods of instruction, developing lesson plans and materials, posing questions about the material, and developing a means of assessing student learning.

Institutions with candidates whose clinical experience is impacted by COVID-19 in academic year 2020-21 must file their alternative model plan(s) with NYSED's Office of College and University Evaluation (OCUE) by sending an email with "Alternative Model Plan" in the subject line; name of the institution; list of the programs (program name and program number) using the described alternative model; and narrative description of the alternative model that includes the methods, technologies, and tools used to ensure that the candidates develop the expected knowledge and skills during their clinical experience. Institutions may file one plan for multiple programs with similar clinical experience goals.

Please send the email with the alternative model plan(s) to [OCUEdapps@nysed.gov](mailto:OCUEdapps@nysed.gov). Please note that, while NYSED will not approve or disapprove Alternative Model Plans, all institutions with candidates who are unable to complete their school clinical experiences in the traditional student teaching classroom format are required to file their plan with NYSED. EPPs should use their best efforts to ensure that the clinical experience requirements of Parts 52 and 80 of the Commissioner's regulations are complied with to the greatest extent possible under these unprecedented circumstances. Below are guidelines and expectations for various certification program categories.

***Candidates enrolled in registered programs leading to their first teaching or pupil personnel services certificate:*** Clinical experiences during academic year 2020-21, other than field experience hours must include direct interaction with cooperating teachers/mentors/supervisors and P-12 students, either in person or remotely, and may be supplemented with alternative methods such as simulations, video case studies and other academic exercises. Candidates who are completing their **field experience hours** for their program leading to their first certificate may do so entirely through alternative methods, such as simulations, video case studies and other academic exercises.

***Candidates enrolled in registered programs leading to an additional teaching certificate:*** All clinical experiences for these candidates during academic year 2020-21 may include direct interaction with cooperating teachers/supervisors and p-12 students, either in person or remotely, supplemented with alternative methods such as simulations, video case studies and other academic exercises; or may be completed entirely through alternative methods, such as simulations, video case studies and other academic exercises.

***Candidates enrolled in registered programs leading to educational leadership certificates:*** Clinical experiences during academic year 2020-21, must include direct interaction with P-12 administrators, faculty, staff and/or students, either in person or remotely, and may be supplemented with alternative methods such as simulations, video case studies and other academic exercises focused on school or district leadership.

### **Educator Preparation Program Requirement Flexibilities**

***School District Leader and School District Business Leader programs:*** Until recently, candidates enrolled in school district leader (SDL) and school district business leader (SDBL) programs needed to take and pass the SDL and SDBL assessment, respectively, before they could be considered a "program completer" and obtain their institutional recommendation for certification. Given the fact that testing centers were closed, the regulations were amended so that SDL and SDBL candidates do not need to take and pass the SDL and SDBL assessment, respectively, in order to be recognized as a program completer **and obtain their institutional recommendation for certification**, provided that they completed all other program requirements during the Fall 2019, Winter 2020, Spring 2020, or Summer 2020 terms. By becoming a "program completer" and obtaining their institutional recommendation for certification prior to September 1, 2020, these candidates may be eligible for the [Emergency COVID-19 certificate](#), providing them with an additional year to take and pass their respective certification assessments.

The Department will revisit whether any extensions of these flexibilities are needed, given the evolving pandemic.

**Transitional D School District Leader programs:** Candidates are exempt from taking and passing the SDL assessment for the institutional recommendation for Transitional D certification, if they completed all requirements for admitted candidates other than the examination requirement on or before September 1, 2020. Candidates need to take and pass the SDL assessment to earn the Transitional D certificate. Candidates who receive an institutional recommendation for Transitional D certification on or before September 1, 2020, but have not taken and passed the SDL assessment, may be eligible for the [Emergency COVID-19 certificate](#).

The Department will revisit whether any extensions of these flexibilities are needed, given the evolving pandemic.

### Educator Certification Flexibilities

**Expiring Certificate Extensions:** In response to the COVID-19 crisis, educators who hold an Initial certificate, Initial Reissuance, Provisional certificate, or Provisional Renewal with an expiration date of August 31, 2020 had their expiration date extended to January 31, 2021 in order to provide them with the time needed to complete the requirements for the next level certificate.

In addition, educators who hold an extension of an Initial or Provisional certificate with an expiration date of August 31, 2020 had their expiration date extended to January 31, 2021 to correspond with the expiration date of their base Initial and Provisional certificates that were already extended from August 31, 2020 to January 31, 2021.

**Emergency COVID-19 Certificate:** The Emergency COVID-19 certificate was created to give candidates an opportunity to work in New York State public schools or districts for one year while taking and passing certain required exam(s) for the certificate or extension sought. With this one-year emergency certificate, candidates do not need to take certification exams immediately and could take them at a later date. Eligible candidates could also apply for a one-time, one-year renewal of the emergency certificate.

Currently, candidates must apply for the non-emergency certificate or extension sought on or before September 1, 2020 (e.g., Initial Childhood Education certificate). They must also apply for the Emergency COVID-19 certificate or extension, in the same title as the non-emergency certificate or extension (e.g., Childhood Education), on or before September 1, 2020. In addition, they must meet all requirements for the non-emergency certificate or extension sought, other than the exam requirement(s) and/or base certificate requirement, depending on the certificate title, on or before September 1, 2020.

The Department will revisit whether any further extensions are needed, given the evolving pandemic. Information about the emergency certificate is available on the [Emergency COVID-19 Certificate webpage](#).

**edTPA Safety Net:** The current [edTPA safety net](#) allows certain candidates to have the option of taking and passing the Assessment of Teaching Skills – Written (ATS-W) (Elementary or Secondary) in lieu of taking and passing the edTPA, provided that such ATS-W is taken by September 1, 2023. Currently, candidates are eligible for the edTPA safety net if they:

- Were enrolled in a New York State registered EPP during the Spring 2020 and Summer 2020 terms, including traditional, Transitional B, and Transitional C programs;

- Completed a student teaching or similar clinical experience through traditional and/or alternative models during one or more of these terms; and
- Are on a list submitted by the EPP dean or dean’s designee to the Office of Teaching Initiatives (OTI) verifying that the candidates could not complete their edTPA submission as a result of the COVID-19 crisis.

In response to the feedback we obtained through our virtual meetings and through informal communications with the field, the Department is considering whether a further extension of the edTPA safety net for the 2020-21 academic year is warranted.

Eligible candidates who still choose to take the edTPA, but do not pass it, could take and pass the ATS-W, or pursue the edTPA Multiple Measures Review Process (MMRP), if they qualify. For candidates who meet the edTPA safety net eligibility requirements, and already took and passed the ATS-W in the past, the passing ATS-W score would be acceptable in lieu of the edTPA passing score.

**DASA Training Requirement:** The Dignity for All Students Act (DASA) training may be conducted entirely online during the time period of the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.

**Pass/Fail Grading Flexibility for Individual Evaluation Pathway:** Any undergraduate or graduate level course completed during the Spring, Summer, or Fall 2020 terms with a passing grade, or its equivalent, may count toward the content core or pedagogical core semester hour requirements for certification through the Individual Evaluation pathway. The passing grade, or its equivalent, must be in accordance with the pass/fail grading policy, or its equivalent, at the institution of higher education (e.g., credit/no credit, pass/fail, satisfactory/unsatisfactory policy).

**Fingerprinting:** Educator preparation programs have reported challenges related to availability and accessibility to fingerprinting sites, in addition to challenges for Canadian and international students. As such, we continue to update the [fingerprinting website](#) to reflect the most recent information and frequently asked questions.

A list of currently available **NYS MorphoTrust/IDEMIA (IdentoGo)** locations can be found at [MorphoTrust Services](#). To find a center, type “New York” or enter a zip code and then click “GO” to view the listing.

Please note that New York State does not allow for the transmission of fingerprints to New York State from foreign countries. In addition, the use of Canadian SIN’s are NOT allowed when getting fingerprinted for certification, thus these applicants should seek to obtain a 9-digit identifier as noted below.

For international applicants for certification who do not have an SSN and are trying to create a TEACH account, please see the Office of Teaching Initiatives (OTI) [evaluation of foreign credentials webpage](#). Per OTI’s instructions, if applicants do not have an SSN, they can send an email to [otiaadmin@nysed.gov](mailto:otiaadmin@nysed.gov) with “TEACH Access Number” in the subject line to request a nine-digit identifier to use in the creation of an applicant account. The email must include a PDF-formatted copy of either a valid passport or a valid visa. After all other requirements for the certificate application have been evaluated and are marked as “met” in TEACH, applicants should contact NYSED’s OSPRA office by email at [OSPRA@nysed.gov](mailto:OSPRA@nysed.gov) before scheduling an appointment for fingerprinting for further instructions on how to proceed.

## Additional Considerations for Reopening

At a time when our education system is facing such uncertainty, it is more important than ever to ensure that the pipeline of well-trained teachers remains open and active. The Board of Regents and State Education

Department are strongly encouraging school districts to continue to welcome student teachers into schools and classrooms - whether in person or remote - during the 2020-21 school year. While it is important to remember that a student teacher may not serve as the teacher of record in a classroom and must be under the direct supervision of a certified teacher who is the teacher of record, student teachers can play important roles in terms of bridging gaps related to remote/online instruction, and in supporting the teachers of record and the students, especially during these challenging times. In addition, given the teacher shortages we already face, and which may increase over the next few years, it is essential that student teachers are given the opportunity to complete their clinical experiences, which are required to complete their program. College/University Educator Preparation Programs should work with school districts to identify appropriate ways in which student teachers can support classroom instruction while ensuring that the student teacher is given the opportunity to develop critical knowledge and skills.

## Input from Regional Meetings

The issue of clinical experiences and certification exams for educator preparation elicited particularly robust input from stakeholders during the process of developing this guidance document. Indeed, eight of the top-ten-ranked ideas in the ThoughtExchange were on these topics (see **Figure 2**, below). Stakeholders' overriding concern was the availability and nature of clinical placements, given the disruptions to P-12 schooling caused by the pandemic.

To help secure placements, educator preparation program representatives expressed that they are working with their P-12 partners to ensure that student teachers provide valuable support to teachers of record. Participants at the Long Island meeting said their approach is to ask districts and schools how IHEs can support them, share the workload, and help to increase teaching capacity. The upstate sessions yielded the following examples:

- 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 cooperating teachers and student teachers for remote instruction; topics include classroom management, engagement, assessment, providing feedback, and working with families.

Strong support was voiced for extending the regulatory flexibilities described above for the full 2020-21 academic year:

- **Alternative models:** "Teacher candidates will need maximum SED flexibility allowing in-person, remote, and virtual student teaching and fieldwork scenarios. We'll see great variation in instructional format by school, and candidates will have little control in how they earn their clinical hours."
- **Emergency certificate:** "It will be challenging for candidates to complete certification tests in the next year given limited availability of testing seats."
- **edTPA Safety Net:** "We need an edTPA safety net again. It could be difficult to gather artifacts and get support from school personnel in the fall."

Strong support was also voiced for having the Department send out a communication to P-12 districts highlighting how student teachers could be an asset to them in these challenging times.

Finally, participants emphasized the importance of receiving timely guidance from NYSED, to enable students to make informed decisions for the upcoming semester.

**Figure 2. Top-ranked ThoughtExchange comments having to do with educator preparation**

Ranking	Comment
1	Teacher candidates are an integral part of the P-12 teaching and learning culture. The profession of teaching, like those of medicine and law requires the apprenticeship of novices to accomplished mentors.
3	The Emergency COVID-19 Teaching Certificate should be available to any candidate who graduates in the next year. It will be challenging for candidates to complete certification tests in the next year given limited availability of testing seats.
5	August 1 deadline for updated guidance for teacher prep programs. We need to know about hybrid formats and fingerprinting options ASAP. Our students are making their plans to attend in the Fall based on this.
6	We need an edTPA safety net again. It could be difficult to gather artifacts and get support from school personnel in the fall.
7	Teacher candidates will need maximum SED flexibility allowing in-person, remote, and virtual student teaching and fieldwork scenarios. We'll see great variation in instructional format by school, and candidates will have little control in how they earn their clinical hours.
8	We need flexibility for student teaching placements this semester. The continued state of emergency, need for more staff to cover socially distanced classrooms, and pause in reopening at Phase 3 demand virtual options
9	Successful partnerships between schools and IHEs allow schools to take advantage of IHE resources including faculty presence and expertise. School/university partnerships have been proven in empirical research to be tremendously advantageous for both partners. (See <a href="http://NAPDS.org">NAPDS.org</a> )
10	Putting teacher candidates "on hold" while schools are returning this fall will cause irreversible damage to the available pool of skilled teachers. The supply of skilled teachers will not be served by a period of shortage following a "pause" any more than a "pause" in P-12 student learning.
12	DASA Workshop providers should be able to offer this workshop fully online/virtually. There is no reason any part of this workshop needs to be offered "face to face."

## Resources

**For institutions:** For guidance and frequently asked questions on regulatory flexibility relevant to IHEs and educator preparation programs during the pandemic, please visit the [COVID-19 Information and Guidance for Colleges and Universities](#) page of NYSED's Office of College and University Evaluation website. Institutions with questions about registered programs that lead to certification can contact the Office of College and University Evaluation at [ocueinfo@nysed.gov](mailto:ocueinfo@nysed.gov).

**For prospective and practicing educators:** For links to COVID-19 updates relevant to prospective and practicing P-12 educators and certification, please visit NYSED's [Office of Teaching Initiatives website](#). Prospective and practicing educators who have questions about certification, including their certificate application, can contact the Office of Teaching Initiatives at [tcert@nysed.gov](mailto:tcert@nysed.gov). The following links may also be helpful resources for the upcoming academic year:

- [Search Certification Requirements](#)
- [Guidance for edTPA in an Alternative Arrangement: Virtual Learning Environment](#)

This guidance outlines the flexibility in the allowable edTPA technical formats and explains how the candidate will submit equivalent forms of evidence to meet all edTPA handbook instructions and requirements. As noted in the [OHE July Newsletter](#) there will also be a webinar series to clarify the Virtual Learning Environment edTPA features and protocol.

# CLINICAL EXPERIENCES AND EXAMINATIONS FOR PROFESSIONAL LICENSING

## Regulatory Context/Requirements

Clinical experience in licensure-qualifying programs must meet statutory and/or regulatory requirements. For some professions, the programs must also meet accreditation standards and guidelines.

## Regulatory and Policy Flexibilities

### Alternatives to meet clinical experience requirements

The Department recognizes that New York's professional education programs face uncertainty regarding clinical placements for the upcoming fall. To help mitigate these challenges, the Office of the Professions (OP) is issuing the following guidance that describes options for professional education programs that may need additional flexibility if their clinical partners limit or terminate on-site clinical education opportunities due to the COVID-19 pandemic.

After exhausting all the avenues for students to complete on-site clinical experience, the program could consider the following options.

- Suspending clinical placements and offering an extension for students to complete the clinical courses.
- Reducing clinical hours (for programs exceeding the minimum number of clinical hours required by Education Law, Commissioner's Regulations, and/or national standards).
- Using acceptable alternative methods appropriate to the profession to substitute clinical hours. Depending on the profession, if permissible by applicable accrediting agencies, the following alternative methods could be used:
  - a) tele-practice and tele-supervision to the extent authorized by law, regulations, and current Executive Orders;
  - b) standardized simulation-based experiences in a lab setting that may include the use of standardized patients, high-and medium-fidelity simulation equipment, and/or simulation software designed by content experts;
  - c) deliberately designed virtual simulation that allows students to observe, assess, diagnose, and provide interventions for virtual patients; or
  - d) other acceptable methods, such as case studies, applied research, virtual demonstrations, role-playing, etc. that is appropriate to the profession.

If the program plans to suspend clinical courses or use tele-practice and tele-supervision, please notify [opprogs@nysed.gov](mailto:opprogs@nysed.gov). Using the other options requires prior approval utilizing the application form provided to New York State licensure-qualifying programs.

### Clinical Competencies:

To protect the public and patients, the program shall ensure that 1) each student engages in adequate hours and types of clinical experiences; and 2) through the combined experiences (on-site and alternative methods), achieves identified clinical competencies (in each specialty area, when applicable) and that each student meets licensure requirements.

In addition, it is the responsibility of the program to ensure that the modified clinical courses meet program registration standards, including (but not limited to) the following:

- The modified clinical courses meet course outcomes;
- The amount of time on learning activities meets the credit hour requirement and the clinical hour requirement;
- The modified course syllabus sets clear expectations for students, including the grading policy. The syllabus shall be made available upon request; and
- The proposed modification is consistent with standards/guidelines of the accreditation agency, if applicable.

Institutions should frequently check the [NYSED Office of Professions COVID-19 \(Coronavirus\) web page](#) for updates on meeting clinical experience requirements.

If a student enrolled in a licensure-qualifying program has a question regarding meeting the clinical hour requirements, they should first contact the program director. If there are any challenges, program directors should contact [opprogs@nysed.gov](mailto:opprogs@nysed.gov).

Specific clinical experience flexibilities for particular professions are outlined below:

#### **Occupational Therapy:**

- The Board of Regents approved an emergency regulation that allows the Department to excuse the requirement for occupational therapy pre-licensure supervised experience to be provided on a continuous basis if such continuous experience cannot be completed during the State of Emergency declared by Governor Cuomo in Executive Order 202 relating to the COVID-19 health crisis. For the duration of the current state of emergency, the requirement that supervised experience be obtained on a “continuous” basis has been suspended. Students can resume supervised experience where they left off before it was interrupted by COVID-19.
- Telehealth is permissible for the completion of supervised experience. However, telehealth should not be used as the sole modality, while earning experience toward licensure.
- Appropriate supervision of clinical fellows can be provided through the use of distance technology. However, individuals earning their experience will still need direct, regular real-time interactions with their supervisor whether that is accomplished in person or through modern telecommunication technology.

#### **Psychology/Applied Behavior Analysis Professions:**

- During the State of Emergency declared by the Governor pursuant to Executive Order 202 relating to the COVID-19 health emergency, a permit holder, intern or other person only authorized to practice under supervision may provide client services by distance technology rather than in person. The supervisor remains responsible for the assessment, evaluation and treatment of each client seen by the supervisee and must ensure that all aspects of a supervisee’s practice receive proper oversight.
- Supervised experience hours completed through distance technology may be submitted on Form 4, as part of the supervised experience requirement for licensure and do not have to be designated as such. During the State of Emergency declared by the Governor pursuant to Executive Order 202 relating to the COVID-19 health emergency, face to face supervision may be provided using distance technology.

The supervisor remains responsible for the professional services being provided by the supervisee and must ensure that all aspects of a supervisee's practice receive proper oversight, not just what is reported in a supervisory session. If supervision takes place across state lines, the supervisor must be licensed in both the jurisdiction where he/she is physically located and the jurisdiction where the services are provided.

- If a student placed in an internship/practicum by a license-qualifying program is not able to complete the required hours, the student should first contact the licensure-qualifying program director at their institution. If there are any challenges to meeting the requirements even after considering alternative means using distance technology (i.e., tele-practice and tele-supervision), program directors should contact [opprogs@nysed.gov](mailto:opprogs@nysed.gov).

### **Speech-Language Pathology and Audiology:**

- The Board of Regents approved an emergency regulation that allows the Department to excuse the requirement for speech language pathology and audiology to be provided on a continuous basis if such continuous experience cannot be completed during the State of Emergency declared by Governor Cuomo in Executive Order 202 relating to the COVID-19 health crisis. For the duration of the current state of emergency, the requirement that supervised experience be obtained on a "continuous" basis has been suspended. Students can resume their supervised experience where they left off before it was interrupted by COVID-19.
- Telehealth is permissible for the completion of supervised experience. However, telehealth should not be used as the sole modality, while earning experience toward licensure.
- Appropriate supervision of clinical fellows can be provided through the use of distance technology. However, individuals earning their experience will still need direct, regular real-time interactions with their supervisor whether that is accomplished in person or through modern telecommunication technology.
- Clinical Simulations (CS) may be used, in part, to fulfill the experiential requirement for direct clinical contact for licensure as a Speech-Language Pathologist or Audiologist, provided that the supervisor is certified by the Council for Academic Accreditation (CAA), an affiliate of the American Speech-Language-Hearing Association (ASHA). CS may be used for up to 75 hours of experience for Speech-Language Pathologist and 10% for Audiologist.

### **Social Work and Mental Health Professions:**

- The Board of Regents approved an emergency regulation that allows supervision of permit holder, intern, or other person only authorize to practice under supervision (supervisees) by telephone or video technology during the period covered by the Executive Orders relating to the COVID-19 health crisis. The supervisor remains responsible for the assessment, evaluation, diagnosis and treatment of each client seen under supervision. The emergency regulation provides flexibility to the supervisor in regard to the weekly duration and frequency of supervision sessions, during the COVID-19 related State of Emergency declared by the Governor in Executive Order 202. All treatment and supervision provided through distance technology must be completed through secure means, whether on the telephone or through the use of video conferencing. Texting and email are not acceptable forms of supervision at any time, other than to notify the supervisor of an urgent situation that requires intervention. Supervised client

contact hours completed through distance technology may be submitted on Form 4B, as part of the supervised experience requirement for licensure and do not have to be designated as such.

- The Department will review applications from license-qualifying programs that seek to reduce the duration of the supervised internship to no less than 85% of the 900 hours required in the calendar year 2020 MSW program. This is consistent with the standards from the Council on Social Work Education (CSWE) in other jurisdictions. The MSW program remains responsible for ensuring that students are under the in-person or distance supervision of a LMSW or LCSW, consistent with the services rendered by the student intern. Schools may propose alternative activities in the event the current COVID-19 emergency makes traditional interventions and activities impossible.

### Employment of recent graduates

- The Governor has signed Executive Orders to allow recent graduates in certain professions to practice temporarily without licensure. For details on the Governor's Executive Orders, please visit the [Office of the Professions COVID 19 website](#).

### Licensing examinations

- COVID-19 is impacting the administration of examinations necessary to meet the qualifications for professional licensure in NYS. Please refer to the examination provider's website for the latest information about your examination. There is a link to the examination provider and/or administrator on the Requirements page for your profession.
- The [status of Department-administered exams](#) can be found on the Office of the Professions COVID 19 website.
- **Certified Public Accountancy Exam:**
  - As a result of the COVID-19 related State of Emergency declared by the Governor in Executive Order 202, the Board of Regents has approved an emergency regulation that allows the Department to accept passing examination scores that are outside the 18-month requirement where such examinations cannot be completed in the required 18-month period. As a result of the recent closure of the Prometric test sites due to COVID-19, the New York State Board for Public Accountancy has recommended to the Department that those NY jurisdiction candidates whose exam credit expired from April 1, 2020 through March 31, 2021 be granted an extension until June 30, 2021 for those applicable exam sections. Candidates do not need to contact the Department as the extension will be granted automatically.
  - The State Board has also recommended that NY jurisdiction exam candidates who were impacted in Quarter 1 from January 2020 through March 31, 2020 due to COVID-19, will be assessed on a case by case basis. Candidates impacted during the January to March time period, need to contact the Board Office at: [CPABD@nysed.gov](mailto:CPABD@nysed.gov) with their full, legal name, jurisdiction and candidate ID, and provide an explanation of how they were impacted in Quarter 1 (i.e. could not travel from international location, test center closed, etc.). If approved, candidates will be granted an extension until June 30, 2021 for those applicable exam sections.

## Renewal of limited permit in medicine

- For the renewal of a limited permit in medicine for physicians seeking to renew their limited permits for the first time, pursuant to [Section 60.6 of the Commissioner's Regulations](#), the Department may accept satisfactory evidence of personal or family illness or extenuating circumstances preventing the candidate from taking the licensing examination, or satisfactory performance on a significant part of the New York State licensing examination in medicine, provided that such permit must not be renewed for more than 24 months.
- For the renewal of a limited permit in medicine for physicians seeking to renew their limited permits in medicine for one additional 24-period due to the COVID-19 related State of Emergency declared by the Governor in Executive Order 202, pursuant to the recent amendment of Section 60.6 of the Commissioner's Regulations, the Department, in its discretion, may renew limited permits in medicine for one additional 24-month period. The need for this one additional 24-period limited permit renewal must be related to the COVID-19 related State of Emergency.
- In both of the above-referenced instances, applicants must apply for renewal of the limited permit. See the Office of Professions' [License Application Forms web page](#) for the appropriate forms and instructions.

## Input from Regional Meetings

The regional meetings hosted by the Department were attended by educators from professional licensure-qualifying programs in a broad array of professions including nursing, medicine, speech, respiratory therapy, chiropractic, dentistry, physical therapy, occupational therapy, and others. The input was very helpful, and participants welcomed the opportunity for continued conversation and collaboration going forward.

Two primary themes were echoed by participants in each breakout sessions. One was the **need for more available clinical sites** for students to complete their required experience:

- Some settings that were previously utilized have closed or students were removed during the height of the pandemic so that supervisors could focus on patient care.
- Certain settings, including hospitals, nursing homes, school districts and sports facilities are reluctant to take students back given the uncertainty of what the future holds.
- In settings where students are allowed, access is often limited and there are challenges in obtaining needed PPE for the students since they are often not considered essential.
- Participants also expressed general agreement on the value and flexibility of utilizing telehealth during these challenging times and noted that some required clinical hours could now be met using telehealth and tele-supervision. They urged continuation of such flexibility.

The alternative that was promoted by some participants is **greater flexibility** to utilize high-fidelity simulation to meet a portion of the required clinical experience. There are some very high-tech options that allow students to learn by doing and see the result of their decision making through to its conclusion, which can be very instructive. However, the participants were generally in agreement that simulation is not the same as live patients, and that a balance needs to be found to ensure the best quality education for these students.

Another important theme emerged from our conversations, and that was about **equity**. It was noted that, even with more flexible telehealth and tele-supervision permitted during the current State of Emergency, not everyone has the ability to supervise remotely or conduct a session remotely:

- The appropriate equipment and privacy is not available to everyone.
- One school noted that it is recording all lectures because many students have childcare issues or need to share a computer or WiFi with other family members.
- Another professor noted that a mental health counselling session cannot be held from home when there are other family members nearby.

These inequities and challenges need to be kept in mind as future decisions are made.

## Resources

NYSED Office of the Professions' [COVID-19 \(Coronavirus\)](#) page contains links to guidance, frequently asked questions, and other resources related to the professions specific to the current State of Emergency.

All questions about academic programs that lead to professional licensure, including questions about clinical experiences and if/how shifting to a shortened semester might impact such programs, should be sent to the Office of Professional Education Program Review (PEPR) at: [OPPROGS@nysed.gov](mailto:OPPROGS@nysed.gov)

Telepractice guidance, including links to external resources, can also be found on the NYSED Office of the Professions' website: [http://www.op.nysed.gov/COVID19\\_Telepracticeguidance.html](http://www.op.nysed.gov/COVID19_Telepracticeguidance.html)

Information about profession-specific licensing requirements, licensing examinations (including contact information for examination vendors), and practice guidance may be found on the webpage for each profession. A list of all professions is at [www.op.nysed.gov/prof/](http://www.op.nysed.gov/prof/) with links to the specific professions. Please note that in most instances, these sites contain the permanent requirements for licensure and practice and may not be updated to reflect temporary changes made due to the current State of Emergency or Executive Orders. That information can be found on the [OP COVID-19 \(Coronavirus\) website](#), as noted above.

# OPPORTUNITY PROGRAMS

## Overview

The Department's Office of Access, Equity and Community Engagement Services (OAECES) administers a variety of opportunity and community-oriented programs targeted toward the State's most economically and academically challenged students. The office administers approximately \$175 million dollars in grants, contracts, and scholarships to colleges and universities; schools, school districts, and BOCES; community-based and non-profit organizations; and students. Many of these programs seek to assist students with the access and support services necessary for the successful completion of a postsecondary program, certificate or degree.

The Department realizes that the COVID-19 pandemic has disproportionately impacted the students, families, and communities which Opportunity Programs are designed to serve. We have only begun to understand the many consequences the pandemic has on the enterprises of education and student success. As such, SED is committed to providing appropriate flexibility on regulatory and policy matters when it supports the educational goals the programs are designed to achieve. The following section summarizes some of the regulatory and policy flexibilities that have been approved thus far, and examples and strategies for continued engagement and support.

## Regulatory and Policy Flexibilities

### Higher Educational Opportunity Program (HEOP)

**Summer Programming:** As per the HEOP request for proposals (RFP), there is a requirement for a minimum of a four-week summer program for incoming HEOP students. However, due to the current emergency crisis, we understand that there are some conditions that HEOP directors cannot control. If HEOP programs face challenges related to campus re-opening and summer orientation, programs should develop plans to ensure replacement of missed time/activities or provide an alternative means for the on-campus summer program (based on the campus availability). The alternative offering (such as hybrid virtual online and on-campus summer program) must seek to provide all elements required for students to be successful in school as with the regular summer program.

**Additional Semester for HEOP Students:** Many financial aid and grant recipients, including HEOP participants, may have been impacted by COVID-19 as noted in the following HESC guidance: [here](#) and [here](#). As such, HEOP students may be allowed one additional semester of HEOP eligibility concurrent with the additional semester of TAP eligibility in circumstances noted in the HESC guidance. Please note that this additional semester of student eligibility for HEOP does not involve additional funding to the institution beyond the contractual HEOP awards.

### Liberty Partnerships Programs (LPP)

**Summer Programming:** As per the LPP request for proposals (RFP), grantees are required to provide a four-week summer program for LPP students. However, due to the current emergency crisis, we understand that there are some conditions that LPP directors are unable to control. If LPP programs face challenges related to campus re-opening and summer programming, programs should develop plans so alternative means are provided for the summer program (based on the campus availability). The alternative offering (such as hybrid virtual online and on-campus summer program) must seek to provide all elements required for LPP students.

As more information becomes available, we will update our guidance. Additionally, you can expect this and other formal communications to be shared via email to Opportunity Program (OP) Administrators.

## Additional Considerations for Reopening

Please communicate with your SED Opportunity Program Liaisons any additional regulatory or policy matters you would like to have considered, in light of the current circumstances.

### Programmatic Considerations

The Office of Access, Equity and Family and Community Engagement Services advises all opportunity programs to provide the same services that they have historically provided in person. We have found that programs that have creatively found ways to bring their in-person experiences with students online are better able to keep their students engaged.

### Budget and Fiscal Considerations

Due to the COVID-19 Public Health Emergency and its impact on the State budget, the Division of the Budget (DOB) has implemented strict spending controls for all state agencies, including NYSED. [Budget Bulletin B-1223](#) directs agencies to hold all discretionary local aid grants and awards until further notice and to submit essential and statutory payments to DOB for their approval. DOB has directed us to not execute contracts and grants, and not issue requests for proposals, unless we first receive their approval.

Although funding for opportunity programs was included in the 2020-21 enacted NYS Budget, DOB's Enacted Budget Financial Plan stated that DOB would be sending the Legislature a plan for over \$8 billion in local assistance reductions. While DOB initially expected to finalize this plan in May 2020, on July 8, 2020, DOB stated that this plan will not be delivered until September 2020 at the earliest and that, in the interim, without assurance of Federal aid, DOB has begun withholding a minimum of 20 percent of most local aid payments to achieve the cash flow savings anticipated in the Financial Plan. Moreover, DOB stated that it is expected that, in the absence of unrestricted Federal aid, DOB will continue to withhold a range of payments in the second quarter of FY 2021.

NYSED is preparing and reviewing budgets, contracts and awards, but some financial approvals cannot be finalized at this time.

In recent months, the Department has issued budgetary guidance to many of the opportunity, early college high school, My Brother's Keeper (MBK), and community-based and partnership programs. If you have questions regarding the guidance that is relevant to your program, please contact the pertinent SED Program Liaison or email [KIAP@nysed.gov](mailto:KIAP@nysed.gov). Thank you for your commitment to our students and these programs.

## Input from Regional Meetings and recent MBK/TOC II Summits

The Office of Access, Equity, and Community Engagement Services has continued its commitment to a high level of outreach and engagement with the communities it serves. In addition to a dedicated breakout session for opportunity and MBK programs at each of the regional Higher Education reopening meetings, OAECS staff conducted several virtual meetings during the pandemic. These platforms gave students, staff, college and university administrators, and faculty an opportunity to voice challenges and experiences with remote learning, supports needed during the pandemic, and creative solutions to address student needs.

The office conducted a 6-week My Brother's Keeper Fellows Mastermind "Advice to Action" book study series. Comprised of the 25 MBK communities, these weekly meetings gave students and their mentors, district staff and administrators an opportunity to dialogue about their life during quarantine. The office was also able to connect with Teacher Opportunity Corps II students and staff with a TOC II virtual summit entitled **MBK Teacher Opportunity Corps II - All Eyes on Equity During COVID-19**. This summit held on June 10, 2020 provided the

office with the opportunity to discuss equity for all students during the current pandemic. Participants heard from nationally renowned professor Dr. Pedro Noguera regarding equity in the classroom. During this meeting students shared their feedback on how opportunity programs were helping support them during the pandemic, how the COVID-19 pandemic impacted their teacher preparation program experience and issues of access and equity in the classroom during the pandemic.

These platforms provided concrete examples of creative solutions to challenging problems that Institutions of Higher Education could face with reopening. Some of those were as follows:

- Food pantries stay open for students with food insecurities;
- Increased mental health professionals for virtual appointments for students/staff and more promotion of mental health services;
- Campus possibly absorb a portion of health insurance for opportunity students;
- More telehealth options and extensions of insurance coverage of telehealth services without copays;
- Student-driven Zoom “chill & chats” to inspire students to see STEM as an option;
- Incentivize providers to support opportunity programs at a discount or free (e.g. virtual escape room opportunities);
- Students utilize online tutoring; and
- Virtual orientations with best practices for remote learning.

Participants also provided feedback on how the Department could help address institutional or regulatory issues that have been impacted by COVID-19. The following are examples of some feedback given:

- Flexibility on RFP requirements (e.g. expenditure limitations and enrollment numbers, orientation timelies);
- Requirements to keep costs of attendance (fees, room & board, services) affordable for opportunity students;
- Expedited contracts; and
- Relax or creatively redesign requirements for clinical hours - more virtual support to meet requirement

## Resources

New York State Education Department [My Brother's Keeper \(MBK\) Videos](#). The videos collected here include words of encouragement to opportunity program participants to stay focused on education, safety, and engagement as we work collectively to overcome the COVID-19 pandemic.

# POSTSECONDARY STUDENTS WITH DISABILITIES

## Regulatory Context/Requirements

As New York State colleges and universities continue to move programs and classes to online learning formats during the COVID-19 emergency, it is important to remember that institutions receiving federal funding continue to have an affirmative obligation under federal law (Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act (ADA) to provide equal access to educational services for eligible students with disabilities.

## Students with Disabilities Considerations for Reopening Plans

Regional meeting participants expressed that students with disabilities face increased needs and challenges in the current learning environment, for example:

- Technology for delivering remote instruction may not be accessible for students with disabilities. Participants mentioned the need for software that works with Zoom and Blackboard to create closed captioning.
- Students with disabilities may face increased difficulties or risks related to transportation to campus.
- Long periods of screen time may be a particular challenge for students with disabilities.
- Students who read lips are unable to do so if others wear masks.
- Students with special needs or students who are medically fragile may not be able to maintain social distancing, hand or respiratory hygiene, or wear a face covering or mask.

## Resources

For further information about the federal guidance on serving students with disabilities and for other matters pertaining to COVID-19 related school interruptions, please refer to the [April 3, 2020 guidance memo published by the U.S. Department of Education](#) (USDE).

ADA National Network. [Disability & COVID-19: Schools and Education](#).

Southeast ADA Center. [Disability Issues Brief: The ADA and Face Mask Policies](#). Analyzes requirement to provide reasonable accommodations to individuals with disabilities under the Americans with Disabilities Act.

USDE urges institutions to consult its Office for Civil Rights (OCR) webinar to learn more about reasonable accommodations, available [here](#) or by linking to [USDE's coronavirus webpage](#).

Institutions may seek additional information or technical assistance from OCR's Outreach, Prevention, Education and Non-discrimination (OPEN) Center at [OPEN@ed.gov](mailto:OPEN@ed.gov).

# BUDGET AND FISCAL MATTERS

## State Funding Context

Due to the COVID-19 Public Health Emergency and its impact on the state budget, the Division of the Budget (DOB) has implemented strict spending controls for all state agencies, including NYSED. [Budget Bulletin B-1223](#) directs agencies to hold all discretionary local aid grants and awards until further notice and to submit essential and statutory payments to DOB for their approval. DOB has directed us to not execute contracts and grants, and not issue requests for proposals, unless we first receive their approval.

Although funding for opportunity programs was included in the 2020-21 enacted NYS Budget, DOB's Enacted Budget Financial Plan stated that DOB would be sending the Legislature a plan for over \$8 billion in local assistance reductions. While DOB initially expected to finalize this plan in May 2020, on July 8, 2020, DOB stated that this plan will not be delivered until September 2020 at the earliest and that, in the interim, without assurance of Federal aid, DOB has begun withholding a minimum of 20 percent of most local aid payments to achieve the cash flow savings anticipated in the Financial Plan. Moreover, DOB stated that it is expected that, in the absence of unrestricted Federal aid, DOB will continue to withhold a range of payments in the second quarter of FY 2021.

## CARES Act Funding

The federal CARES Act Higher Education Emergency Relief Fund (HEERF) has two components: Institutional Costs and Student Aid. An IHE must agree to provide emergency grants to students under the Student Aid portion in order to receive funds under the Institutional Costs portion.

**Institutional Costs:** IHEs may use up to 50% of HEERF funds to cover costs associated with significant changes to the delivery of instruction due to the coronavirus. Examples of allowable costs include:

- providing refunds to students for room and board, tuition, and other fees as a result of significant changes to the delivery of instruction, including interruptions in instruction, due to coronavirus;
- purchasing equipment or software, paying for online licensing fees, or paying for internet service to enable students to transition to distance learning; and
- additional emergency financial aid grants to students, provided that such emergency financial aid grants are for expenses related to the disruption of campus operations due to coronavirus.

**Student Aid:** The Student Aid portion provides funding to IHEs to provide emergency financial aid grants to students whose lives have been disrupted, many of whom are facing financial challenges and struggling to make ends meet. Students cannot apply for assistance directly from the U.S. Department of Education (USDE) but are directed to contact their institution for further information. IHEs have the responsibility of determining how grants will be distributed to students, how the amount of each student grant is calculated, and the development of any instructions that are provided to students about the grant. Emergency financial aid grants to students can be used for expenses related to the disruption of campus operations due to coronavirus, including eligible expenses under a student's cost of attendance, such as food, housing, course materials, technology, health care, and childcare.

Detailed information about these funds, including how to apply, guidance on allowable uses, and frequently asked questions, may be found on the USDE Office of Postsecondary Education [CARES Act: Higher Education Emergency Relief Fund](#) web page. Please note that these allocations are established by the USDE and the USDE

provides these funds directly to IHEs - the New York State Education Department does not have control over these funds.

## Input from Regional Meetings

Concern about the financial impact of COVID on the higher education sector looms large. The major economic impact the crisis is having on small, private colleges was the highest-ranked comment on ThoughtExchange among administrators and those from the not-for-profit college sector. Some of the other concerns raised during the regional meetings and on ThoughtExchange included:

- concern that economic pressures would drive IHEs to reopen at the expense of public health and safety;
- students' need for increased financial support due to losing jobs and other changes in family circumstances;
- the need for additional funding for COVID-related expenses such as testing and increased mental health services;
- the need for funding and investment in technology and improving online and distance education; and
- the possibility that revenue loss would lead to staff furloughs.

## Resources

American Association of University Professors. [Coronavirus Resources](#). Frequently asked questions, webinars, and other resources that situate faculty issues in the context of COVID-related financial exigency.

Kim, Charles and David Woodward (Kaufman Hall). [Navigating the Financial Impact of COVID-19 on Higher Education](#). This article recommends steps for financial risk mitigation.

National Conference of State Legislatures. [Higher Education Responses to Coronavirus \(COVID-19\)](#). This page discusses COVID-related financial challenges, including unexpected costs and potential reductions in revenue, and the role of state legislatures in addressing those challenges.

Startz, Dick (Brookings). [University finances and COVID-19: Different schools, different risks](#). June 2020. Analysis of the variability in university exposure to specific financial risks, based on IPEDS data.

University Business. [Coronavirus](#).

U.S. Department of Education, Office of Postsecondary Education. [CARES Act: Higher Education Emergency Relief Fund](#). The funding opportunity number is ED-GRANTS-041020-003. Direct any questions concerning this program via e-mail to [HEERF@ed.gov](mailto:HEERF@ed.gov) or by phone at 202-377-3711.

# DATA REPORTING

## Regulatory Context/Requirements

All institutions of higher education under the educational supervision of the State of New York, subject to Education Law §§ 214 and 215 and Rules of the Board of Regents §3.51, are required to submit verified reports containing such information as the Regents or the Commissioner may prescribe. The Commissioner has authorized the collection of such reports using the Higher Education Data System (HEDS) collection forms. The requirement to submit reports applies to all institutions of higher education and is not limited to institutions that receive Bundy aid or any other form of State or federal aid. The NYSED HEDS Instruction Manual can be found [here](#).

Statutory requirements for reporting federal Integrated Postsecondary Education Data System (IPEDS) data can be found at the National Center for Education Statistics [webpage](#). New York State has no authority over this data collection and this link is provided for informational purposes only.

## Data Collection and Reporting Flexibilities

The NYS Enough is Enough statute, Education Law Article 129-B, requires institutions of higher education to conduct campus climate assessments (surveys) concerning the provisions of the Enough is Enough statute every other year. Colleges planning to conduct campus climate survey during the Spring 2020 semester faced challenges conducting the surveys. NYSED will interpret Education Law Article 129-B requirement that the campus climate surveys be conducted “no less than every other year” as allowing the surveys to be conducted until the end of the 2020 calendar year.

When requested by Institutions of Higher Education, NYSED will consider extending HEDS data due dates to the extent practicable for those data not tied to State or federal aid. Any changes to HEDS data due dates will be posted on our [webpage](#).

## Additional Considerations for Reopening

### General Considerations

- Ensure that data reporting timelines are considered when developing reopening plans.
- Identify data that may be difficult to collect or that may have reduced data quality.
- Identify additional data that an institution may want to collect in order to measure the effects and outcomes of COVID-related changes and policies, whether or not the data is required to be reported.

### Budget and Fiscal Considerations

- 20% of the May 2020 payment for Bundy Aid was reserved by order of the New York State Division of the Budget. It remains unknown if the reserved funds will be released and if the October 2020 and February 2021 payments will be affected.
- It is also possible that funding for the State Aid for High Needs Nursing Program could be reduced for the November 2020 payment.

## Resources

Data Quality Campaign resources:

- [The Role of Data in COVID-19 Recovery: The Higher Education Perspective](#). July 2020.

- [\*The Role of Data in COVID-19 Recovery: The Educator Preparation Perspective\*](#). July 2020.

National Center for Higher Education Management Systems. [\*Modeling the Impacts of COVID-19 on Public Institutions\*](#). June 2020. NCHEMS, in partnership with the State Higher Education Executive Officers and with funding from the Bill & Melinda Gates Foundation, has developed an [Excel tool](#) to help state agency staff think about and model the potential impacts of the COVID crisis on enrollments, finances, costs, and completions. They also have produced a [white paper](#) describing the underlying theories and assumptions that inform the tool, how the tool might be used, a few example scenarios using three different states, and step-by-step instructions for using the tool.

## APPENDIX: STAKEHOLDER FEEDBACK GATHERED VIA THOUGHTEXCHANGE

Participants were highly engaged via “ThoughtExchange,” an online conversation tool the Department used to crowdsource thoughts and ideas. Participants’ comments are captured in an [online report](#) that shows the top-ranked thoughts and groups them together by keywords under themes. For example, thoughts surrounding ‘Safety Measures’ were grouped under that theme. The report is interactive, enabling viewers to:

- use filters to see how comments were rated by users from different regions, higher education sectors, or roles (i.e., administrators, faculty, or staff);
- hover over different themes and click to see the thoughts that fall under that specific theme.

Concerns about clinical placements and certification exams and workshops for prospective teachers were the single biggest set of issues raised on ThoughtExchange, making up 8 of the top 10 ranked comments.

**Figure 3. Top 10 ranked comments not having to do with educator preparation**

<b>1</b>	Concerned about this crisis having a major economic impact on small, private colleges.
<b>2</b>	NYSED must continue to be flexible in its regulatory oversight. These are unprecedented times and we need to respond quickly and creatively and not be hindered by rules that make no sense given the times.
<b>3</b>	The State should commit to maintaining financial aid and other programs that support low income students--first responders. Low income families were particularly hard hit by the virus. Cuts to programs like TAP, Bundy and HEOP would be a double whammy.
<b>4</b>	Masks, masks, masks! Worn correctly, enforced wearing, worn because we keep each other safe in a community. If not a mask, then a shield. No exception. Short of everyone staying in their homes all the time, evidence has it as the best tool to fight the spread.
<b>5</b>	Safety—First priority is safety for faculty, staff and students.
<b>6</b>	Requiring everyone to wear mask and continue practicing social distancing especially in areas where student congregate.
<b>7</b>	Oversight of schools’ enforcing social distancing/PPE measures for student and staff safety; having Licensed Clinical Social Workers to support trauma.
<b>8</b>	Provide more funding for schools. Schools are more important than ever for the well-being of the city.
<b>9</b>	Reopening plans need to be as flexible as possible to allow for individualization (for vulnerable people) and the ability to change quickly. Vulnerable people need to have some leeway and choice when it comes to reopening.
<b>10</b>	The State should support alternative means of training health professionals. Clinical rotations are hard to secure. We must do more with simulation or find ways of incentivizing rotations, to avoid shortages.

**Figure 4. Different issues rose to the top among different groups**

Groups	Top-Ranked Comments
<b>Administrators and Not-For-Profit IHEs</b>	Concerned about this crisis having a major economic impact on small, private colleges.
<b>Faculty, Staff, SUNY Faculty, and IHEs in the North Country</b>	Safety: First priority is safety for faculty, staff and students
<b>CUNY</b>	<ol style="list-style-type: none"> <li>1. Requiring everyone to wear mask and continue practicing social distancing, especially in areas where student congregate.</li> <li>2. Clinical Placements for Nursing Students. Can clinical simulation be used to augment clinicals? Pre-Licensure Programs need to meet clinical hour requirements.</li> </ol>
<b>CUNY Faculty</b>	Reopening means we need to accept that there will be COVID cases endangering faculty and students. We need to have a discussion about the medical science and what it means as we learn more about COVID.
<b>For-Profit IHEs</b>	<ol style="list-style-type: none"> <li>1. Teacher candidates are an integral part of the P-12 teaching and learning culture. The profession of teaching, like those of medicine and law, requires the apprenticeship of novices to accomplished mentors.</li> <li>2. I would like to explore the idea of doing more classes and activities outdoors to increase safety and ability for students to interact in person. Students (and faculty!) benefit greatly from in-person interactions; this would create a break from spending so much time in front of screens.</li> </ol>
<b>SUNY and IHEs in Central New York</b>	It is difficult to plan when there are so many variables. This is important because it causes stress and anxiety.
<b>IHEs in Long Island</b>	I am concerned that despite our best planning efforts, the anticipated second wave in Oct. will require us to go back to an entirely online environment. Students will abandon their education plans, opting to sit out a year or more until the "dust settles."
<b>IHEs in the Mid-Hudson region</b>	Putting teacher candidates "on hold" while schools are returning this fall will cause irreversible damage to the available pool of skilled teachers. The supply of skilled teachers will not be served by a period of shortage following a "pause" any more than a "pause" in P-12 student learning.
<b>IHEs in New York City</b>	<ol style="list-style-type: none"> <li>1. Safety: Being able to meet with students again</li> <li>2. Requiring everyone to wear mask and continue practicing social distancing, especially in areas where students congregate.</li> </ol>
<b>IHEs in Western New York</b>	As an education preparation provider, I am very worried about our student's getting the clinical experiences they need. P-12 Schools are obviously very hesitant to open their doors to our students, given the uncertainty of the future and safety of their schools.