

Summary of September 2022 Board of Regents Meeting

- The NYS Board of Regents conducted their monthly meeting on Monday, September 12 and Tuesday, September 13. Chancellor Lester Young opened the meeting commemorating the anniversary of the 9/11 tragedy with a moment of silence. The Chancellor also noted that NYSED has played a significant role in preserving the history of this tragic event. The **World Trade Center: Rescue, Recovery and Response Exhibit** at the NYS Museum in Albany includes many 9/11 related artifacts and stories that are on display to assist future generations with understanding the impact of this tragic event.
- Commissioner Rosa facilitated a discussion of the newly proposed Substantial Equivalence Regulations. The law requires that instruction provided to students in nonpublic schools be “substantially equivalent” to the instruction provided at the public school(s) where the nonpublic school is located.

NYSED staff members outlined the process that was followed with developing the new regulations. Key components of the proposed amendment were reviewed which included:

1. A summary of the roles and responsibilities of both public and non-public schools
2. The various pathways and local review options nonpublic schools will have available to demonstrate Substantial Equivalency
3. The proposed timeline for implementation.

During the Tuesday morning Board of Regents session, the Board unanimously approved the new regulations.

More detailed information on the presentation can be found in the link below.

<https://www.regents.nysed.gov/common/regents/files/FB%20Monday%20-%20Final%20Substantial%20Equivalence%20Regulations.pdf>

- The Board discussed adoption of an amendment which would allow for documents associated with appeals to the Commissioner to be filed electronically. Noting lessons learned during the pandemic, NYSED Counsel Daniel Morton-Bentley shared that the submission of electronic filings proved much more efficient and cost effective in comparison to filing of paper copies which is currently required.

The Board also discussed a provision which would allow a **confidential resolution conference** in lieu of the currently required presentation of an **oral argument** as part of the appeal process. Commissioner Rosa stated that she feels this change will better enable parties to work together toward a mutually acceptable resolution to the issue being addressed.

The proposed amendment will now go out for the 60 day public comment period.

<https://www.regents.nysed.gov/common/regents/files/922p12d1.pdf>

- The Board approved an amendment to implement Alyssa’s Law which will require schools to consider silent panic alarm systems in future reviews and revisions of school safety plans. NYSED will be collecting information on various silent alarm systems that are currently available, along with descriptions of how they function, to distribute to school districts and the public in the near future.

<https://www.regents.nysed.gov/common/regents/files/922p12a6.pdf>

- The Board approved a previously proposed amendment relating to the Dominic Murray Sudden Cardiac Arrest Prevention Act. Adopted as an emergency rule at the May 2022 Board meeting, the regulation requires that any student who displays signs or symptoms of pending or increased risk of sudden cardiac arrest shall immediately be removed from athletic activities.

Revisions to the original proposal include the differentiation between the terms “athletic activities” and “physical activities.” A definition for **physical activities** has been added that is defined as **participation in activities that occur during the regular school day such as physical education and recess**. The definition for the term **athletic activities** has been revised to include participation in **activities organized outside of the regular school day such as intramurals or interscholastic sports**.

The proposed rule has been revised to clarify that, with regards to athletic activities, any students who displays symptoms of pending or increased risk of sudden cardiac arrest must immediately be removed from such activities and cannot return until they receive clearance from a **physician**.

Any student who displays possible symptoms of cardiac arrest during physical activities must be removed from the activity and cannot return until they receive clearance from a health care provider which can be a **physician, nurse practitioner or physician's assistant**.

NYSED is currently working with the NYS Dept of Health and cardiology experts to develop guidance relating to cardiac arrest signs and symptoms which will be going out to the field shortly.

A concern was raised regarding the burden on school personnel for having to make a medical decision regarding potential cardiac distress and the associated potential liability for teachers and administrators. At this time, NYSED is recommending that final decisions regarding whether a student be removed from activities be made by a school nurse or health professional.

The amendment becomes effective immediately.

<https://www.regents.nysed.gov/common/regents/files/922p12a5.pdf>

- Deputy Commissioner for the Office of School Accountability, Jason Harmon, presented an overview of the most recent efforts to meet the federal requirements for restarting the school accountability system associated with Every Student Succeeds Act (ESSAA) for the 2022-2023 school year. NYSED is currently working with the US Dept of Education on potential options for flexibility and is discussing various accountability indicators and thresholds that could be modified.

The link below provides more detailed information on the topics that were discussed.

<https://www.regents.nysed.gov/common/regents/files/P-12%20-%20Preparing%20for%20the%20Every%20Student%20Succeeds%20Act%20%28ESSA%29%20Accountability%20System%20Restart%20for%20the%202022-23%20School%20Year.pdf>

- The Board formally adopted a previously discussed amendment which will allow districts that provide remote instruction when forced to close due to an emergency, to count the days toward the minimum instructional day requirement.

<https://www.regents.nysed.gov/common/regents/files/922p12a4.pdf>

The Board also passed a similar amendment related to the delivery of remote instruction during emergency closures that includes specific provisions for approved private schools for the education of students with disabilities, state supported schools, state operated schools and approved preschool special education programs.

<https://www.regents.nysed.gov/common/regents/files/922p12a3.pdf>

- Assistant Commissioner for Public Affairs, Emily DeSantis, and Deputy Commissioner for P-12 Instructional Support, Angelique Johnson-Dingle, updated Board of Regents members on the status of the Graduation Measures Initiative.

The names of the 64 individuals appointed to the Graduation Measures Blue Ribbon Commission were released to the public on September 13. It was emphasized that during the selection process, extensive efforts were made to ensure a very diverse cross-section of stakeholders that includes educators, administrators, researchers, school counselors, professionals from business and higher education, parents, and students.

<https://www.regents.nysed.gov/common/regents/files/P-12%20-%20Graduation%20Measures%20Blue%20Ribbon%20Commission%20Demographics.pdf>

- The Board approved an amendment relating to staffing qualifications for prekindergarten teachers which will expand the candidate pool for the increasing number of prekindergarten programs across the state.

<https://www.regents.nysed.gov/common/regents/files/922p12a2.pdf>

- The Board adopted an amendment relating to the 1,200 minute Laboratory Experience Requirement in Science Courses. During the COVID-19 pandemic, students were allowed to satisfy the 1,200 minute requirement through a combination of hands-on and simulated experiences which could include virtual internet-based experiences. Given the positive feedback received from the field on this initiative, the amendment makes this option permanent.

<https://www.regents.nysed.gov/common/regents/files/922p12a1revised.pdf>

- The Board discussed proposed amendments to regulations which would provide more flexibility for college professors pursuing the Transitional G certificate pathway to obtain teacher certification. Originally implemented to attract college faculty to STEM areas, it has also been used in recent years to recruit professors from other subject areas.

After the 60 day public comment period, it is anticipated that the proposed amendment could be presented for adoption at the January 2023 Board meeting.

<https://www.regents.nysed.gov/common/regents/files/922hed1.pdf>

- On Tuesday morning the board began discussing the priorities, process and timeline for developing the Legislative Initiatives and Non-State Aid requests which will be included in the proposed 2023-2024 Budget request.

<https://www.regents.nysed.gov/common/regents/files/SA%20-%202023-2024%20Regents%20Budget%20and%20Legislative%20Priorities%20Development%20Process.pdf>