



New York State
EDUCATION DEPARTMENT
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**NEW YORK STATE EDUCATION DEPARTMENT
AMERICAN RESCUE PLAN (ARP)**

ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF (ESSER)
STATE PLAN



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Grantee and Contact Information

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By signing this document, I agree to each of the assurances listed in USDOE Appendix C and further assure that: To the best of my knowledge and belief, all information and data included in this plan are true and correct.	
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Signature of Authorized SEA Representative <i>Phyllis D. Morris</i>	Initial Submission Date: June 7, 2021 Revised Submission Date: July 13, 2021

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A. DESCRIBE THE STATE'S CURRENT STATUS AND NEEDS

The American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) Fund, authorized under the American Rescue Plan (ARP) Act of 2021, will provide nearly \$9 billion to New York State to help safely return more of our students to in-person learning and maintain safe operations while meeting the academic, social, emotional, and mental health needs of students resulting from the Coronavirus 2019 (COVID-19) pandemic. Moreover, these funds will help to address long-standing inequities in our communities and schools that were exacerbated by the pandemic so that we can ensure the students most severely affected by the pandemic are provided with the resources and support they need as they recover from its impacts.¹

New York State's K-12 public education system is the third largest system in the United States and includes the largest, most culturally diverse city in the country.² The New York State Education Department (NYSED) oversees more than 1,000 local education agencies (LEAs) that collectively serve some 2.5 million students in 4,421 public schools. NYSED is committed to working in partnership with its LEAs so that these unprecedented resources are put to work using effective research and evidence-based strategies. Many of these strategies are already being deployed in New York State and across the country to ensure the rapid implementation necessary to start ameliorating the effects of the pandemic as quickly as possible. This document is intended to share NYSED's overall plan for the use of ARP ESSER funds with the public and the United States Department of Education (USDOE).

A.1. Progress and Promising Practices

Background: School Reopening for In-Person Instruction from March 2020 - Present

When the impact of the COVID-19 pandemic first reached New York State in the spring of 2020, New York State's educators took on the extraordinary challenge of quickly shifting teaching into remote formats to promote student learning. Both public and private school buildings remained closed throughout the remainder of the 2019-2020 school year. Our educational leaders spent the summer of 2020 developing reopening plans for the 2020-2021 school year to address myriad and complex challenges, including but not limited to: catching up on months of lost in-person instruction; addressing students' social emotional needs; ensuring all students can participate equitably in remote and/or hybrid learning; and planning for safe in-person instruction. The 2020-2021 school year was NYSED's opportunity to recover, rebuild, and renew the spirit of New York's schools by collaborating with educators, students, families, and communities to address this challenge with resiliency, tenacity, and grit.

To support planning, NYSED developed and distributed a framework to help guide schools and districts—*Recovering, Rebuilding, and Renewing: The Spirit of New York's Schools* (distributed July 13, 2020, see Appendix A). The guide was informed by input gained from the field during four regional task force meetings and one youth forum that were virtually convened by the

New York State Board of Regents (“BoR” or “Board”) in June 2020. Each regional meeting included more than 350 experts and stakeholders from health and education fields. In all, more than 1,650 parents/guardians, students, teachers, administrators, school board members, and other stakeholders attended and provided valuable feedback. To ensure that students’ voices were represented in the guidance, NYSED held a virtual Youth Forum on June 23, 2020 that was attended by over 100 students from across the state.

NYSED integrated this community input with information from federal and state agencies to provide schools and districts with guidance on the following key aspects to be addressed in reopening school buildings in a safe and supportive manner for the 2020-2021 school year:

- Health and Safety;
- Facilities;
- Nutrition;
- Transportation;
- Social Emotional Well-being;
- School Schedules;
- Budget and Finances;
- Attendance and Chronic Absenteeism;
- Technology and Connectivity;
- Teaching and Learning;
- Special Education;
- Bilingual Education and World Languages; and
- Staffing and Human Resources.

LEAs then used the *Recovering, Rebuilding, and Renewing: The Spirit of New York’s Schools resource* to support schools in developing reopening plans. The requirement to develop reopening plans was mandated by the New York State (NYS) Governor, NYS Department of Health (DOH), and NYSED and was communicated to LEAs on July 13, 2020.³ This required LEAs to post their re-opening plans on their public websites by July 31, 2020 to ensure that students and families could prepare for fall 2020. LEAs also submitted critical information about the building reopening plans through NYSED’s Monitoring and Vendor Reporting System (“the Portal”). NYSED used this data as baseline information for monitoring progress throughout the 2020-2021 school year. Based on this data, NYS schools planned for the following instructional modes during the 2020-2021 school year: remote or online only, hybrid, or fully in-person. See table 1 for data on the prevalence of instructional modes across LEAs in New York.

**Table 1. New York State Instructional Modes 2020-2021 School Year
All Students**

Based on Basic Educational Data System (BEDS) Day Enrollment (October 7, 2020)

Reopening Mode	Number of Schools	Number of Students	Offered to all students attending the schools?
Remote or online only	664	372,999	Y
Hybrid - school buildings open with both remote/online and in-person instruction	3,293	1,813,434	Y
Fully In-Person – school buildings open with full-time in-person instruction	453	174,597	Y

When disaggregated by subgroups, NYSED recognizes several significant disparities in terms of instructional modes (Table 2). While 7% of students statewide had access to fully in-person learning, many more white students (13%) had in-person access than Black/African American (1%), American Indian (2%) or Latinx/Hispanic (3%). Similarly, while 7% of all students statewide had access to fully in-person learning, only 3% of English language learners had such access. The trend continues for economically disadvantaged students; only 4% had access to fully in-person learning. Additionally, a higher percentage of students with disabilities (SWDs) experienced hybrid learning (80% SWD compared to 77% of all students statewide).

**Table 2. New York State Instructional Modes 2020-2021 School Year
Percentage Served by Subgroup**

Based on BEDS Day Enrollment (October 7, 2020)

Student Group	% Hybrid	% In-Person	% Remote
All Students	77%	7%	16%
Economically Disadvantaged	81%	4%	15%
Black/African American	78%	1%	20%
Latinx/Hispanic	83%	3%	14%
Asian/Pacific Islander	86%	6%	8%
White	70%	13%	17%
Multiracial	70%	9%	21%
American Indian	85%	2%	13%
English Language Learners	83%	3%	14%
Students with Disabilities	80%	6%	14%

NYSED issued a memorandum on December 1, 2020 to all LEAs regarding the provision, recording, and reporting of both fully in-person and remote instruction pursuant to the reopening plans required of school districts, Boards of Cooperative Educational Services (BOCES), and charter schools (see Appendix C). LEAs could update their report of instructional

mode to NYSED throughout the year and were required to do so when they closed a school building and when they subsequently reopened it. NYSED will continue to collect this data through at least the fall of 2021.

Promising Practices from the 2020-2021 School Year

In July 2020, the USDOE announced that New York was awarded almost \$20 million under the federal Rethink K-12 Education Models Grant.⁴ This grant is providing more than 190,000 teachers and educational leaders across New York State with a combined 450,000 hours of professional support to implement effective practices in remote/hybrid learning environments which, in turn, will reach an estimated two million students. During the first phase of the grant program, NYSED provided a rapid infusion of professional support into the field with an emphasis on supporting educators in the 25 counties hardest-hit by COVID-19.⁵ The support focused on six “core competencies” for remote/hybrid instruction:

1. Shifting to Teaching Online;
2. Engaging Families as Partners in Remote/Hybrid Learning Environments;
3. Meeting the needs of Students with Disabilities through Remote/Hybrid Learning Environments;
4. Meeting the needs of English Language Learners (ELLs) through Remote/Hybrid Learning Environments;
5. Integrating Culturally Responsive and Sustaining Education (CRSE) in Remote Learning Environments; and
6. Integrating Social Emotional Learning (SEL) in Remote Learning Environments.

NYSED’s 14 Level 1 Centers⁶ (12 Regional Information Centers, the phase 1 work as outlined below: New York City Department of Education, and the Yonkers City School District) facilitated this first phase of intensive professional development. NYSED also contracted with SUNY Stony Brook’s Center for Teaching and Learning in Community (CTLIC) to conduct an ongoing evaluation of

- Program evaluation and improvement – Through surveys, focus groups, and interviews, CTLIC is gathering data from various groups of stakeholders to inform the grant program and better serve educators and students; and
- Action research – CTLIC is facilitating professional learning communities to address problems of practice that will lead to the creation of a Quality Remote/Hybrid Teaching Framework and related professional development for educators in New York State.

CTLC will issue a report on phase 1 work in fall 2021 but preliminary findings from the action research component identify several promising practices developed and implemented during the pandemic:

1. Flexible Scheduling and Use of Facilities – Schools utilizing hybrid instructional modes accommodated social distancing requirements (6 feet and later in the school year, 3 feet) by splitting students into cohorts that cycled through in-person and remote instructional periods (typically a period of 2-3 days). Gyms were turned into learning labs, hallways and stairwells used one-way traffic flows, and live streaming of instruction across multiple classrooms allowed remote students to experience shared group instruction followed up by in-person individualized instructional support;
2. Virtual Extended Day Programs – Many schools partnered with community-based organizations to provide students with enrichment and academic support programs. Typical activities included one-on-one tutoring via Zoom or Google Meets, virtual peer mentoring, virtual clubs based on shared web applications (e.g., robotics, coding, chess). Some more unique examples included a STEM Challenge that allowed teachers and students to work virtually with National Aeronautics and Space Administration (NASA) scientists and engineers to solve real STEM issues faced by NASA; virtual culinary arts programs through which students explored international cultures and recipes; and collaboration with renowned/famous artists (e.g., filmmakers and Broadway performers). By leveraging the shift to online communication and collaboration, our schools brought world-class learning opportunities to their students; and
3. Virtual Social Emotional Support – Students have been experiencing and continue to experience the effects of pandemic-related trauma. Schools shifted social emotional learning and support practices online, often in collaboration with community partners. For example, some schools that had been utilizing “Help Zones” in their buildings for students experiencing conflict, shifted these interventions online through tools such as Zoom and Google Meets. Doing so, they were able to provide drop-in counseling, mediations, and restorative justice practices to help students cope, adapt and grow during these challenging times.

NYSED launched a website in Spring 2020 called [Staying Connected](#). Through the website and corresponding newsletter, LEAs are asked to submit effective practices that are later posted on the *Staying Connected* website and periodically shared through the newsletter. Through other existing newsletters, NYSED will encourage teachers to submit their work and will disseminate these lessons learned and promising practices through the *Safer Schools and Campuses Best Practices Clearinghouse*.⁷ We believe findings from this work will help guide the reopening, recovery, renewal, and transformation of all NYS LEAs over the coming school years.

A.2 Overall Priorities

NYSED has identified three priority areas of focus that our schools must address as they prepare for fall 2021:

- 1) Addressing lost instructional time and closing academic performance gaps;
- 2) Providing social emotional support within a culturally responsive sustaining framework;
and
- 3) Implementing evidence-based interventions within the integrated statewide multi-tiered system of supports (MTSS-I).

Together, the efforts taken under these priorities will allow for a holistic approach to student support that integrates academic and social emotional support and growth.

Priority 1: Address lost instructional time and close academic performance gaps

In spring 2020, NYS cancelled state assessments, which, along with locally available assessments, are a main source of data used to monitor student progress for educators. State assessments were administered to students attending school in person in spring 2021. Student participation in state assessment administration in the Spring 2021 was significantly lower than historic testing patterns as a result of not requiring remote learners to attend in person solely for the purposes of testing pursuant to USDOE guidance. Students attending remotely in spring 2021 were not required to come into school to take the exams. Therefore, the spring 2021 results are not reflective of the overall student population and cannot be used for their traditional purposes. State assessment data will not be available again until spring 2022 assessments are completed, scored, and reported (the data is typically publicly available by end of summer or fall of the following school year).

LEAs historically used state assessment data as one key metric to monitor student progress within and across their schools, including by Every Student Succeeds Act (ESSA) subgroups. Thus, one of the main sources by which to measure the impact of “lost instructional time” will not be available as we begin this critical work of addressing lost instructional time and closing opportunity and performance gaps (see Section A.4 for more information about the forms of local assessment schools and LEAs have been using in place of the statewide assessments). We note that the state assessment does not measure lost instructional time directly but could signal the degree of impact of lost instructional time. Therefore, NYS has focused on the use of local assessments to measure the impact of lost instructional time and student engagement to estimate and address student needs. When NYSED is able to fully implement the state assessment program we will also utilize that as a key tool to measure the impact of lost instructional time and assist LEAs in providing supports and interventions to students (see the [guidance on using local assessments that](#) NYSED has provided to some LEAs).

Through the federal Rethink K-12 Education Models grant, NYSED has been able to conduct a needs assessment among educators in the 25 counties hardest hit by the COVID-19 pandemic.

Teachers were asked to rate the level at which they believe their students were engaged during the following time periods: pre-pandemic, Spring 2020, and the 2020-2021 school year. Most teachers (66%) rated student engagement at the lowest levels (1 or 2) during Spring 2020 (the first wave of the pandemic) while only 22% percent of the same teachers rated student engagement at the lowest levels during the 2020-2021 school year. While this shift seems promising, a substantial portion of teachers (47%) rated student engagement as moderate (3) during the 2020-2021 school year. Research tells us that the level of student engagement directly corresponds with student outcomes, both academic as well as social emotional.⁸

Teachers were also asked if they agreed or disagreed with a series of statements about how prepared they felt to teach in a remote or hybrid context. Approximately one-quarter to one-half of teachers “disagreed” or “strongly disagreed” with the statements, as noted in Table 3.

**Table 3. Teachers’ Perceived Preparedness for Remote/Hybrid Instruction
Survey Responses – Fall 2021**

To what extent do you agree that you have the tools and skills necessary to:	Percent “Disagreed” or “Strongly Disagree”
Promote student learning in the shift to teaching online	22%
Engage with families in remote/hybrid learning environments	28%
Address the needs of students with disabilities in remote/hybrid learning environments	50%
Address the needs of English Language Learners in remote/hybrid learning environments	46%
Promote culturally responsive and sustaining education in remote/hybrid learning environments.	27%
Integrate social emotional learning in remote/hybrid learning environments	28%

These data, combined with broader research studies, suggest that our students will experience a significant adverse impact of lost instructional time, particularly our most vulnerable students—students with disabilities, English language learners, and economically disadvantaged students.⁹ One study estimated that students returned to school for the 2020-2021 school year with approximately 63-68% of the learning gains in reading relative to a typical school year and with 37-50% of the learning gains in math.¹⁰ The study also notes that in some grade levels, students may have come back close to a full year behind in math.¹¹ More recent national studies find similar trends. A preliminary national study of 98,000 students from Policy Analysis for California Education¹² found that as of late fall 2020, second graders were 26% behind where they would have been, absent the pandemic, in their ability to read aloud accurately and quickly. Third graders were 33% behind.

Even before the pandemic, there were profound inequities within NYS’s public education system that manifested in performance gaps. Consider the five hardest-hit counties in New York State (Bronx, Queens, Kings, Richmond, and Rockland), and the inequities are clear.¹³

Collectively, these counties serve 915,556 students or 35% of the total student population in NYS. Of these students, 75% are economically disadvantaged, 8% are experiencing homelessness, 15% are English language learners, and 22% are students with disabilities. On 2019 Grade 3-8 English language arts (ELA) state assessments, the proficiency gap between general education students, at 53% proficient, and students with disabilities (SWDs), at 15% proficient, was 39 percentage points; the gap between non- ELLs, at 51% proficient, and ELLs, at 9% proficient, 42 percentage points; and the gap between not economically disadvantaged students, at 62% proficient, and economically disadvantaged students, at 37% proficient, was 25 percentage points. On the 2019 Grade 3-8 math state assessments, the proficiency gap between general education students, at 54% proficient, and SWDs, at 17% proficient, was 37 percentage points; the gap between non-ELLs, at 51% proficient, and ELLs, at 17% proficient, was 34 percentage points; and the gap between not economically disadvantaged students, at 64% proficient, and economically disadvantaged students, at 38% proficient, was 27 percentage points.

To address the pre-existing and expanding inequities and opportunity and performance gaps, NYSED plans to use ARP ESSER SEA reserve funds to:

1. Make grants to LEAs to address the impact on K-12 students of lost instructional time. Using local assessment data, and state assessment results when available, LEAs will determine how to use these grant funds to have the greatest impact on their communities. Funds must be used to support evidence-based interventions that address the academic impact of lost instructional time such as summer learning or enrichment programs, extended-day programs, comprehensive afterschool programs, and extended-year programs, particularly for those students most impacted by lost instructional time during the pandemic. To facilitate this, NYSED guidance directed LEAs to focus interventions and supports pertaining to the academic, social, emotional, and mental health needs of all students, particularly those students disproportionately impacted by the COVID-19 pandemic, including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, and migratory students.¹⁴ Lastly, NYSED will disseminate data collected through a ThoughtExchange Platform (see Section C.1 and Appendix F for additional information) that outlines the most frequently identified needs to address the impacts of lost instructional time during the pandemic on K-12 students that the public identified. This data brought into focus, as indicated by the top comments received and ranked, that ameliorating the effects of lost instructional time will need to include addressing academic needs (including academic enrichment) as well as social emotional/mental health needs;
2. Fund new full-day universal prekindergarten programs for 4-year-olds and expand existing programs. The pandemic dramatically impacted pre-school children as many daycare, pre-school, and enrichment programs closed for much of the past year. NYS will expand opportunities for 4-year-olds to attend free, public pre-K programs where they will be able to catch up on lost early childhood learning, socialization, and other foundational skills required for long-term success. A crucial goal of these programs will be to accelerate learning to mitigate the impact of lost instructional time and help close pre-existing

performance gaps. The Office of Early Learning monitors all new programs to ensure they in compliance with Education Law and Commissioner’s Regulations, and to provide technical assistance to LEAs to ensure they are running a high-quality prekindergarten program. This is typically done through on-site monitoring visits or through desk reviews of programs depending on the availability of staff; and

3. Expand facilities funding for New York City (NYC) charter schools experiencing increased enrollment during the pandemic. Charter schools in New York City serve a high number of economically disadvantaged students who were disproportionately impacted by the pandemic. In addition, the number of students served in charter schools during the pandemic increased.¹⁵ A portion of ARP ESSER SEA reserve funds will allow these public schools to equitably access facilities as they shift back to in-person learning and must accommodate the increased number of students.

These plans are discussed further in Section D.

Priority 2: Provide social emotional support within a culturally responsive sustaining framework

When SEL is integrated with CRSE, described below, it can generate “transformative SEL”—a process in which young people and adults build strong, respectful relationships founded on an appreciation of similarities and differences, learn to critically examine root causes of inequity, and develop collaborative solutions to community and societal problems.¹⁶

Over the past 15 months, NYS’s students have faced extraordinary challenges, including loss of loved ones, isolation, economic stress on their families, disrupted home and school lives, and much more. Adverse childhood experiences and resulting trauma can have a negative impact on young people’s social and emotional wellbeing, physical wellness, mental health, and consequently, their capacity to learn.¹⁷ Students and adults are grappling with new and exacerbated trauma that can have far-reaching impacts on health and educational outcomes, potentially well beyond the pandemic. In addition, anxiety and depression may present or worsen in response to these additional stressors and traumas.¹⁸

New York State has long faced a chronic shortage of mental health care services for its students. The NYS Department of Health estimated (before the pandemic) that 1 in 5 children in NYS have a diagnosable mental health disorder but less than half receive any professional care.¹⁹ Suicide is the second leading cause of death for teenagers (15-19) in NYS, with numbers rising fastest among Black/African American youth. A 2018 report to the Congressional Black Caucus found that the suicide rate among Black youth is increasing faster than any other racial/ethnic group and the suicide rate for Black children 5-12 is roughly twice that of white children of the same age group.²⁰

Throughout the spring of 2020, NYSED distributed resources for teachers and parents/guardians to address the immediate impacts of COVID-19, including strategies for trauma-informed remote instruction, helping students cope with the crisis, and addressing

stress, anxiety, and grief, as well as resources to help students, parents/guardians, and teachers maintain social emotional health as they engaged in remote instruction. NYSED also adapted trainings to focus on integrating SEL and trauma-responsive practices into remote learning environments to support development of students' SEL competencies related to self-awareness, self-management, social awareness, relationship skills, and reasonable decision making.²¹ Intentional development of these five core SEL competencies helps students build a foundation of protective factors that support the development of positive mental health, increase resilience and, in turn, improve their capacity to cope and thrive amidst uncertainty.²²

Despite NYSED's best efforts to support teachers during the pandemic, many teachers felt ill-equipped to integrate SEL in remote/hybrid learning environments this past year. Moreover, they struggled to promote CRSE during the pandemic (see Table 3). CRSE helps educators create equitable learning environments that: affirm racial, linguistic, and cultural identities; prepare students for rigor and independent learning; develop students' abilities to connect across lines of difference; elevate historically marginalized voices; and empower students as agents of social change.²³ In NYS we view SEL and CRSE as interrelated with both being under the umbrella of diversity, equity, and inclusion (DEI), whereas CRSE encompasses many processes to achieve positive, equitable learning environments, one of which is SEL.

SEL is an integral part of education and human development. SEL is the process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities; manage emotions and achieve personal and collective goals; feel, and show empathy for others; establish, and maintain supportive relationships; and make responsible and caring decisions. SEL advances educational equity and excellence through authentic school-family-community partnerships to establish learning environments and experiences that feature trusting and collaborative relationships, rigorous and meaningful curriculum and instruction, and ongoing evaluation. SEL can help address various forms of inequity and empower young people and adults to co-create thriving schools and contribute to safe, healthy, and just communities.²⁴

In 2018, NYSED released [New York State Social Emotional Learning Benchmarks](#) for voluntary implementation and [Social Emotional Learning: Essential for Learning, Essential for Life](#), a framework explaining SEL concepts, and the need for and benefit of SEL in NY. This was followed in March, 2019 with [Social Emotional Learning: A Guide to Systemic Whole School Implementation](#), providing strategies and resources for districts and schools. These resources were developed using the definition of social emotional learning established by the Collaborative for Academic, Social, and Emotional Learning (CASEL). In addition, they rely upon CASEL's definitions of the five core social emotional competencies: self-awareness, self-management, social awareness, relationship skills, and responsible decision-making.

Our recent efforts to address SEL during the pandemic built upon several years' worth of initiatives in this area. In October 2020, CASEL released updates to their definition of and [framework for SEL](#). These revisions reflect their commitment to, "advance high-quality SEL in schools everywhere so that all adults and young people can thrive," and, "leverage SEL to work

together toward a more just world.” NYSED shares CASEL’s commitment to promoting SEL that furthers educational equity and, “justice-oriented citizenship, with issues of culture, identity, agency, belonging, and engagement explored as relevant expressions of the five core SEL competencies.” Over the coming months we will be working to revise existing resources to reflect these updates.

To address pre-existing and expanding inequities, utilizing an overarching lens of DEI and disseminating MTSS-I strategies to help educators prioritize the needs of the whole child and inform academic, behavioral, and social emotional support, within a culturally responsive and sustaining framework,²⁵ NYSED will support LEAs to integrate evidence-based practices in SEL and CRSE to ameliorate the effects of lost instructional time and pre-existing performance gaps. As LEAs develop plans to use ARP ESSER funds for summer learning and enrichment programs, extended day programs, comprehensive afterschool programs, extended year programs and other evidence-based interventions, NYSED will share best practices to encourage LEAs to integrate SEL and CRSE approaches in ways that will support students to recover and grow following the pandemic.²⁶

These plans are discussed further in section D.1.i.

As a framework toward addressing the impacts of the COVID-19 pandemic on students across New York State, based on the work of Dr. David E. Kirkland, Vice Dean of Equity, Belonging, and Community Action, Executive Director of The NYU Metropolitan Center for Research on Equity and The Transformation of Schools, and Associate Professor of English and Urban Education²⁷, research suggests that opportunities to learn are greatly expanded for all students when strong principles of diversity, equity and inclusion (DEI) are present and operative in a district or school. These principles - equity and excellence for all students, are essential to the development of thriving educational environments that celebrate differences among student groups.

Ensuring coherent and well-articulated opportunities for students to actively participate in experiences that prepare them for a lifetime of civic engagement and social success provides further rationale in support of putting DEI at the heart of NYSED’s work with LEAs. Additionally, the materials developed by NYSED’s Civic Readiness Task Force, a group of teachers, curriculum specialists, school administrators, college professors, and representatives of civic organizations of diverse backgrounds from all parts of the State, charged with making recommendations that included, but were not limited to, defining “civic readiness” and considering such initiatives as a State Seal of Civic Engagement and Capstone Projects, provide a helpful foundation for the necessary DEI work it supports. This includes policy positions relating to the participation and empowerment of students, families, parents/guardians, and community members in organizational leadership and institutional supports that are guided by strong principles of DEI, such as:

- Helping students learn about themselves and various aspects of their identities;
- Encouraging students to learn about their classmates and/or communities;

- Building strategic relationships among students, staff, parents/guardians, and families;
- Analyzing relevant data such as discipline outcomes for various racial groups;
- Providing staff development on topics such as culturally responsive sustaining instruction and student support practices, privilege, implicit bias, and reactions in times of stress;
- Selecting curricula and texts that reflect students' backgrounds, contributions; and
- Ensuring that all districts and schools in New York State are rightly designed to meet the educational needs of all students in the state.

The NYS BoR is committed to **creating an ecosystem of success built upon a foundation of diversity, equity, inclusion, access, opportunity, innovation, trust, respect, caring, relationship-building, and much more.** It is the policy of the Board to promote diversity, equity, and inclusion in all NYS districts and schools through the budgeting process, allocation of resources, and development of Board policies to achieve the vision that every school will be a thriving one, preparing every student to graduate from high school ready for college, career, and civic engagement. To provide informed, authentic leadership for DEI, the Board, thus, strives to:

- See diversity, inclusion, and equity as integral to our mission and critical to ensure the well-being of the students, families, teachers, leaders, and communities we serve;
- Acknowledge and dismantle any inequities within our policies, systems, programs, and services, and continually update and report progress;
- Explore potential underlying, unquestioned assumptions that interfere with diversity, equity, and inclusion;
- Advocate for and support board-level thinking about how systemic inequities impact education across New York State, and how best to address those issues, consistent with our mission which is to raise the knowledge, skill, and opportunity of all the people in New York;
- Practice and encourage transparent communication in all interactions;
- Commit time and resources to unique needs of students and communities across New York State; and
- Lead with respect and tolerance. We expect all districts and schools to embrace this notion and to express it in their interactions and through everyday practices.

This policy statement builds upon the important work districts and schools across New York State do every day, with a variety of partners and stakeholder groups, to make education in our State welcoming, affirming and culturally responsive and sustaining for all New York's students. As stated in [*The New York State Board of Regents Framework on Diversity, Equity, and Inclusion in New York's Schools*](#) (NYS DEI Framework), a tool to guide LEAs in operationalizing this work:

We recognize that much of this work is already happening in districts and schools across the State. Equity warriors are working to create school communities that are more diverse, more equitable, and more inclusive than ever before. Many of New York's

education stakeholders and their organizations have elevated this issue to the very top of their agendas. Their efforts must be recognized and applauded. It is a palpable and needed movement that is growing every day in state houses, schoolhouses and at dinner tables across New York and the nation.

Through the use of the NYS DEI Framework and the dissemination of effective practices, as described in Section B.1.i, LEAs across New York State will develop the individual and organizational knowledge, attitudes, skills, and practices to create culturally responsive sustaining learning and working environments that expect and support high academic achievement for students and employees from all racial and ethnic backgrounds. Differences will not only be seen as strengths but will also be nourished, celebrated, and welcomed because they are what make students, families, schools, districts, and communities unique.

Please see the New York State Board of Regents [Policy Statement on Diversity, Equity and Inclusion In New York State Schools](#).

Priority 3: Implementing evidence-based interventions within MTSS-I

All evidence-based interventions selected by the LEAs and approved by NYSED must be implemented within the integrated MTSS-I. With the support of a State Personnel Development Grant (SPDG), NYSED is developing and implementing a pilot program to establish MTSS-I as a framework that helps educators prioritize the needs of the whole child and integrates academic, behavioral, and social emotional support within a culturally responsive and sustaining framework. The multi-tiered system of supports helps LEAs and schools prioritize interventions by establishing tiers of support.

More information on priority three, MTSS-I, and the difference between integrated and school-based MTSS can be found in Section D.1.ii of this Plan.

A.3 Identify the Needs of Underserved Students

Data and Research on Needs of Underserved Students

In Section A.2, above, NYSED describes the inequities in educational outcomes and experiences both before and during the pandemic for students who are economically disadvantaged, come from underserved racial or ethnic groups, are English language learners, and/or are students with disabilities.²⁸ NYSED will encourage and support LEA use of ARP ESSER funding to address these inequities both in the short and long term, as well as to support the needs of other underserved students.

Students Experiencing Homelessness

Even before the COVID-19 pandemic, the rate of students experiencing homelessness in NYS was on the rise: from 2006 to 2018, NYS registered a 122% increase in the total number of

children and youth identified as experiencing homelessness.²⁹ From recent data we know that students experiencing homelessness exhibit lower engagement in schools and have unique SEL needs³⁰. Research has shown that feelings of isolation and lack of positive peer relationships contribute to higher rates of chronic absenteeism.³¹ For example, the chronic absenteeism rate among students experiencing homelessness in New York City averaged around 37%.³² The chronic absenteeism rate among students experiencing homelessness in the Big Five school districts (NYC, Buffalo, Rochester, Syracuse, Yonkers) was more than 50%³³. NYSED anticipates this rate to be higher during the pandemic, though it has been challenging to measure given the greater difficulty in identifying students experiencing homelessness.

As LEAs fully reopen school buildings, NYSED will work with them to identify and serve students who are experiencing homelessness.³⁴ Prior to the pandemic, this was a challenge.³⁵ Government agencies, nonprofits and advocacy organizations note that capturing the full scope in the rise in homelessness over the past year is more difficult, since many of the points of contact where individuals experiencing homelessness are accounted for have been closed at times throughout the pandemic³⁶ and individuals experiencing homelessness are wary of accessing resources, such as shelters and soup kitchens, due to fear of exposure to the virus.³⁷ This challenge is particularly acute when it comes to identifying students experiencing homelessness as schools have been closed or delivering instruction through remote or hybrid modes since March 2020. So, while studies have shown that the number of students experiencing homelessness is higher than ever, it is difficult to identify them: a recent national analysis³⁸ found a 28-percentage-point drop in the number of students experiencing homelessness identified in fall 2020 compared to the same time in 2019 (data based on reports from nearly 1,500 liaisons supporting students and families experiencing homelessness in 49 states). This drop does not indicate a decline in the number of students experiencing homelessness during the pandemic, but rather the inability to identify them, as well as unaccompanied youth.³⁹

To improve outcomes for students experiencing homelessness, NYSED has taken specific steps to help counselors remove barriers to enrollment and attendance, ensure timely review of academic transcripts and seek opportunities to award credits so these students can maintain momentum in their educational progress.

NYSED will continue to work closely with the NYS DOH and the New York State Technical and Education Assistance Center for Homeless Students (NYS TEACHS).⁴⁰ NYS TEACHS provides technical assistance and support to McKinney-Vento liaisons, and other school-based staff, to help them quickly and appropriately identify students and implement the provisions of the McKinney-Vento Act. At the heart of the McKinney-Vento legislation is a commitment to providing students who are experiencing homelessness with a continuous and quality education.⁴¹

Children in Foster Care

Prior to the pandemic, the number of students in foster care across New York State was 8,824 as reported by LEAs in 2020. The number of children in foster care rose throughout 2020-2021

and the challenges facing children in foster care have been exacerbated by the pandemic.⁴² Updated numbers of students in foster care will be provided by the NYS Office of Children and Family Services (OCFS) in the future. During the pandemic, some of the following key aspects of serving foster care students were made more challenging, including: identifying children for voluntary or involuntary placements; placing children in foster homes; caseworker visits; parent-child visits; achieving permanence for children through reunification and adoption; and youth aging out of the foster care system during a pandemic. Moreover, of the thousands of children in New York State who experienced the death of a parent or caregiver due to COVID-19, many required foster care placements. One study found that of the 4,200 NYS children who lost a parent to COVID-19 in the first wave (March-June 2020), 57% reside in three counties—Bronx, Kings (Brooklyn), and Queens—and are disproportionately Black and Latinx. Twenty three percent of these children were at risk of entering the foster care system or kinship care.⁴³ In addition, approximately 50% of the children were deemed likely to risk becoming impoverished due to the loss of a caregiver from the coronavirus.⁴⁴

To address these challenges, NYSED will empower LEAs to use research and evidence based interventions to address lost instructional time, close the academic performance gaps, and provide social emotional support within a culturally responsive and sustaining framework schools to support the needs of children in foster care.

To facilitate this, NYSED will continue to work closely with the OCFS, which oversees the child welfare system. Through that collaboration, NYSED and OCFS have established a communication system at the local level between social services districts and LEAs to identify students in foster care and collaboratively work to provide students with the services and supports they need to achieve and thrive.⁴⁵ The state has a robust foster care transportation system in place to support school stability, despite changes in foster care placement. NYSED and OCFS meet regularly to review school achievement data and discuss further guidance and technical assistance for schools and social services districts to continue to encourage local collaboration.

Migratory Students

Migratory students, defined as those who relocate because of involvement with agriculture-related industries or other seasonal work, struggle to achieve the same level of educational success as their peers. Such relocations cause interruptions in their formal education, create social, geographic, and linguistic isolation, and amplify poverty, food insecurity, homelessness, and health-related concerns.

In the 2019-2020 school year, there were 2,375 grade K-12 migrant-eligible students across the State, with the highest student count in one school district at 155 migrant students. Most school districts had one [1] migrant-eligible student based on the “mode” (i.e., the number value that appears most often) in the data group. The “median” (i.e., the "middle" number value that separates the higher and lower half) in the data group is four [4] migrant-eligible

students among all school districts in the State. Additionally, there were 282 migrant students in pre-k grade levels P0-P2 and 474 migrant students in pre-k grade levels P3-P5.

On March 20, 2020, Governor Cuomo implemented the “New York State on PAUSE” Executive Order which directed all non-essential businesses and schools to close in-person operations and to adopt strategies aimed at mitigating the spread of COVID-19, such as maximizing opportunities for “tele-work” and “tele-education”. This action, while necessary, further exacerbated the barriers and risk factors outlined above. For migratory children, this led to a lack of:

- Educational continuity;
- Time for instruction;
- School engagement;
- English language development;
- Education support in the home;
- Health and mental care; and
- Access to services.

The pandemic pivot to remote/virtual teaching and learning at all levels of Grades K-12 education, especially for migrant children, revealed varying student access to Wi-Fi as well as computer hardware and software. This led to potential unequal and inequitable teaching and learning experiences that focused more on troubleshooting than creating a sustained educational experience.

The New York State Migrant Education Program (NYS-MEP) is a federally funded supplemental program that supports the implementation of educational and supportive services for migratory children and their families.⁴⁶ The goals of the NYS-MEP are to support migratory children in addressing educational disruption, cultural and language barriers, social isolation, health problems, food insecurity, homelessness, poverty, and other factors that inhibit such migratory children from doing well in school and making the transition to postsecondary education or employment. During the pandemic, NYS-MEP has collaborated and coordinated with local, state, and federal programs to deliver critical services to migrant students throughout the State. As school buildings reopen, NYS-MEP will continue this work and provide LEAs with the training, technical assistance, and resource coordination necessary to meet the needs of migratory students.

Based on the 2017-2019 Evaluation Report conducted by Arroyo Research Services, the State Performance Target Status of the NYS-MEP can be summarized as follows:

- While migrant student proficiency on the NYS Grades 3-8 ELA Assessment increased overall from 11.2% in 2017 to 14.2% in 2019, the gap between migrant students and non-economically disadvantaged students rose from 18.9 points in 2017 to 21.6 points in 2019;

- While migrant student proficiency on the NYS Grades 3-8 Mathematics increased overall from 12.8% in 2017 to 16.3% in 2019, the gap between migrant students and non-economically disadvantaged students rose from 16.5 points in 2017 to 20.2 points in 2019; and
- The four-year cohort graduation rate for migrant students rose overall from 40% in 2017 to 43% in 2019. The graduation rate gap between migrant students and all NYS students decreased by 5% between 2017 and 2018, then held steady for 2019.

During the 2019-2020 school year, 1,179 school-aged migrant children were identified as ELLs, with varying levels of English Language proficiency based on their New York State English as a Second Language Achievement Test (NYSESLAT) scores.

During the pandemic, migratory children have been at an even greater disadvantage in terms of accessing continuous learning experiences. Many lack the resources to take courses online, such as computers and other types of digital technology devices.⁴⁷ Likewise, migratory children typically encounter more difficulties in terms of language learning, which impacts their ability to participate in remote or hybrid learning environments.⁴⁸ Furthermore, many migratory and children may suffer from psychological trauma, marginalization or stigma, in addition to not being able to receive psychological support during the pandemic due to the circumstances surrounding human migration.⁴⁹

NYSED will facilitate technical assistance to LEAs regarding best practices to support through [NYS-MEP](#) services and programs. NYS-MEP facilitates the use of research-based interventions to address lost instructional time and close academic performance gaps while simultaneously providing social emotional support within a culturally responsive and sustaining framework.

Concurrently, the lack of personal feedback and meaningful engagement with migrant children and their parents/guardians and families became a roadblock to the highest quality remote/virtual teaching and learning. At the same time, migrant children and their parents/guardians and families experience first-hand how proficiency in the English language, or lack thereof, can allow or restrict access to different school and community resources, including access to health, work opportunities, schools and school districts, and other networks.

Community-Identified Priorities for Underserved Students

In addition to referencing research studies and existing data sources, NYSED reached out directly to its communities to obtain input on the development of our ARP ESSER State Plan through an online “Thought Exchange” application.⁵⁰ NYSED posed one open-ended question to which participants responded confidentially:

As we prepare for the next school year in New York, what are the most important academic, social emotional, and/or mental health supports for schools to provide to serve all students (i.e., general education students, students with disabilities, English language learners, and others)?

Participants were able to post their own thoughts, see comments posted by others and rate posts on a scale of 1-5, allowing the most common or shared “thoughts” to rise to the top.

As of May 25, 2021, almost 5,000 participants provided 6,844 unique responses and over 95,000 ratings. Respondents come from across NYS and additional information can be found in Section C.1 and Appendix F.

The needs identified with the highest frequency (i.e. the highest-rated responses) are:

1. Additional school counselors to support the social emotional needs of students;
2. Concerns about additional supports for students and smaller class sizes;
3. Additional supports for teachers; and
4. The need for student enrichment opportunities

NYS LEA ARP ESSER allocations may be used to address these needs by significantly investing in extended day, week, and year programming to both accelerate student learning, and support students’ social emotional needs. **LEAs have the discretion to allocate ARP ESSER funding to best meet individual local needs within the communities they serve where statewide and local data demonstrates efficacy in accelerating learning.**

A.4 Understanding the Impact of the COVID-19 Pandemic

NYSED disaggregates the above-referenced data (sections A.2 and A.3) by region and LEA (where possible) and shares this data with our LEAs to help them understand the impact of the pandemic on their communities and students. Following is a description of 2020-2021 school year policies and procedures for identifying, developing, and administering student assessments, as well as how NYSED is assisting LEAs in the analysis and use of this data to diagnose areas of need within their communities and schools.

LEAs and Student Assessments

NYS cancelled state assessments in spring 2020 and administered state assessments to students attending school in person in spring 2021. Students attending remotely in spring 2021 were, pursuant to USDOE guidance, not required to come into school solely to take them. As a result, one of the main data sets by which NYSED monitors student progress will not be available until spring 2022 assessments are completed, scored, and reported (the data is typically publicly available by late summer/ early fall of the following school year). LEAs typically use this data, along with local assessments, to monitor student progress within and across their schools, including by ESSA subgroups. Without state assessment data, NYSED has provided charter LEAs with [guidance on using local assessments](#) and all LEAs received guidance on [graduation data and course requirements](#), [attendance data](#), and other locally collected data sets to identify vulnerable students and plan to effectively meet their needs.

As context, in July 2020, NYSED required every public school in the State to develop and disseminate a comprehensive building reopening plan for the 2020-21 school year.⁵¹ These comprehensive plans detailed how the school would attend to several mandatory assurances. The assurances addressed such areas as teaching and learning, social emotional wellbeing, special education, bilingual education and world languages, and technology and connectivity.⁵²

The plans also required schools to document how they would measure student mastery of State learning standards through coursework, local assessments, graduation, and post-secondary plans. In addition, all LEAs were required to use LEA-developed procedures to identify those students who would be entitled to receive academic intervention services in the upcoming school year. LEA-developed procedures aligned with NYS's statewide MTSS-I approach helps educators prioritize the needs of the whole child and integrates academic, behavioral, and social emotional support within a culturally responsive and sustaining framework.

In March 2021, NYSED issued a statewide survey to collect information from LEAs about local approaches to student assessment. Specifically, LEAs were asked to share information about their use of the following types of assessments:

- “Traditional” teacher-prepared assessments created by an individual teacher (for formative and/or summative assessment purposes);
- “Traditional” school/district-prepared assessments developed by groups of faculty members (sometimes called “department exams”);
- Performance- or project-based classroom assessments created by an individual teacher (for formative and/or summative assessment purposes);
- School or district-wide performance- or project-based assessments developed by groups of district faculty members;
- Vendor-prepared summative assessments developed by a third party to measure program or learning activity outcomes; and
- Vendor-prepared interim, formative, or curriculum-embedded assessments developed by a third party to monitor student learning during program and learning activities.

Respondents identified which assessment practices were being used at the elementary (up to grade 5), middle (grades 6-8), and high school (grades 9-12) levels. For each level, respondents indicated the practices used in ELA, math and/or science. For each identified assessment practice, LEAs provided information about: (1) how results of the assessments are communicated to members of the school community; (2) the prevalence of the practice; and (3) how the LEA's use of these assessment practices in this current school year (2020-21) compares with its use in the prior school year (2019-2020).

Analysis and Dissemination of 2020-2021 School Year Assessment Data

While currently being analyzed, these data will allow for the analysis of assessment practices by grade span and region. NYSED also provided charter school LEAs with technical assistance

regarding the use of interim/local assessments through [Remote Monitoring and Oversight Guidance](#) regularly updated throughout the pandemic.

Assessment practices will be cross walked with schools that were previously identified under the state's approved accountability system to provide focused supports and resources to Comprehensive Support and Improvement (CSI) and Targeted Support and Improvement (TSI) schools. NYSED's priority regarding this work is ensuring that schools and students already vulnerable before the pandemic (thus necessitating an ESSA accountability identification) are actively monitored throughout the pandemic. While it was important to determine the type of assessment tool being used, a key component of this work is to confirm that these schools had assessment systems and cycles to ensure that student learning was being measured along the way. This work is commencing in the spring of 2021 as part of NYSED's work with schools developing 2021-2022 school year School Comprehensive Education Plans and will continue throughout the Fall of 2021.

In the 2021-2022 school year, NYSED will also examine how learning in remote, hybrid, and in-person environments affected outcomes including, but not limited to:

- Student academic achievement and academic growth on available assessment data;
- Academic growth;
- Attendance;
- English Language Proficiency gains;
- Credit accrual;
- Four-, five-, and six-year graduation rates;
- Teacher turnover;
- Parent and family engagement; and
- Fiscal equity.

Ultimately, understanding the impact of the pandemic on those indicators for all student subgroups will inform both NYSED's and LEAs' short- and long-term deployment of supports, technical assistance, and fiscal resources based on the needs of each unique school community such as those described in Section D.1.

Data Collection and Analysis

NYSED will also continue to expand its collection and communication of available student data. NYSED has a robust data collection and reporting system that will be leveraged to provide parents/guardians, school and district leaders, and the public with available data on how students are achieving and progressing. This data system is not limited to test result data and includes detailed information on student enrollment, attendance, course completion, and graduation as well as school climate.

In the 2020-2021 school year, NYSED enhanced its data collection by adding student-level attendance data for both in person and remote instructional settings, as well as school-level collections focused on device and connectivity. Additionally, NYSED will continue to require LEAs to report on student achievement as well as other important school-level variables.

Beginning in December 2020, NYSED began collecting Daily Student Attendance by Mode through our Student Information and Repository System (SIRS).⁵³ Starting in fall 2021, NYSED will use this data to analyze the impact the pandemic has had on student attendance, suspension, and performance over time for all ESSA subgroups. NYSED will report this data to LEAs so they can fully understand the impact of the pandemic on their communities and students and can most effectively implement research and evidence based academic and social emotional intervention services.

Collection of these data elements will directly support NYSED's efforts to better understand the pandemic's impact on school communities and identify appropriate actions to meet the academic, social emotional, and physical health and safety needs of students.

A.5 School Operating Status

A.5.i - Data Collection on School Operating Status (SY2020-2021)

In July 2020, NYSED issued a school building reopening guidance document, *Recovering, Rebuilding, and Renewing: The Spirit of New York's Schools* (Appendix A), that required BOCES, school districts, and charter schools to create comprehensive building reopening plans with a schedule that included in-person instruction, remote instruction, or a hybrid of both in-person and remote. Once finalized, those reopening plans were posted on the LEA's public website in a location easily located by students, parents/guardians, teachers, administrators, and other community stakeholders. In addition, LEAs were required to provide NYSED with a link to the public website where each school plan has been publicly posted.

As a next step, NYSED issued the *2020-21 School Reopening – Instructional Models Report*, a brief survey through the SED Monitoring and Vendor Reporting System ("the Portal") to collect essential information about the reopening instructional modes that were to be deployed at each school/site across the state. The survey was made available to all BOCES, school districts, charter schools, special act school districts, approved private schools and programs serving school-age and preschool students with disabilities, and state operated schools – more than 1,300 entities.

Specifically, this brief survey collected the following school/site-level information:

- The first day of school for school year 2020-2021;
- The instructional mode (in-person, hybrid, or remote) reflected in the most recent reopening plan that was communicated to parents/guardians and other stakeholders; and

- The planned end date for using a fully remote instructional mode, if applicable.

Initial completion of the survey was due in mid-September 2020. LEAs made updates to their data on an as-needed basis if instructional models changed in the opening weeks of the school year.

NYSED issued a memorandum on December 1, 2020 to all LEAs regarding the provision, recording, and reporting of both in-person and remote instruction pursuant to the reopening plans required of school districts, BOCES, and charter schools (see Appendix C). LEAs were required to update their schools' instructional modalities; this data is required to be reported to NYSED in fall 2021. Once this data becomes available, NYSED will be able to utilize this data to analyze the impact of the pandemic on student attendance, suspension, and performance over time for all ESSA subgroups. NYSED will be able to identify and analyze the impact of instructional mode, enrollment, and attendance at various levels (statewide, district, school, student). Districts and schools will have the same ability to work with their local data for instructional programmatic and individualized classroom and student planning of teaching and learning.

A.5.ii - Plan for Collecting Future Data

Mode of Instruction

NYSED is requiring LEAs to report by fall 2021, through a survey similar to ones administered during the 2020-2021 school year, the following school/site-level information:

- The first day of school for the 2021-2022 school year;
- The instructional mode (in-person, hybrid, or remote) reflected in the most recent reopening in plan that was communicated to parents/guardians and other stakeholders; and
- The planned end date for using a fully remote instructional model, if applicable.

LEAs will be required to make updates on an as-needed basis if instructional modes change during the school year.

Enrollment

All reporting entities are required to submit the annual BEDS (NYSED's count day) District and BOCES Summary Forms and School Data Forms online using the IRS Data Exchange (IDEx) application available via the NYSED Business Portal. This reporting must be completed using enrollment data on BEDS day, which NYSED sets annually in consultation with the NYSED Office Information and Reporting Services. This provides the enrollment on the specified date for all students in any given LEA. BEDS day is always the first Wednesday in October because it is

expected that by this date in the school year, returning and new student registrations have been processed and stable enrollment counts can be obtained.

Attendance

NYSED will maintain the attendance reporting policy and system established in December 2020. This system requires reporting entities to report to NYSED each day, for each enrolled student, whether the student was present or absent. All student level attendance data must be reported daily throughout the school year. The reporting entity must also report the attendance (both positive and negative attendance [absence]) by instructional modality (in-person, remote or both on the same day). See Appendix C, which details this policy and others regarding the provision, recording, and reporting of both in-person and remote instruction. Attendance reporting is mandatory for all LEAs.

School Operating Status and Instructional Modes (the 2020-2021 School Year)

Beginning in December 2020, NYSED began collecting Daily Student Attendance by Modality through our Student Information and Repository System (SIRS).⁵⁴ Starting in fall 2021, NYSED will use this data to analyze the impact the pandemic has had on student attendance, suspension, and performance over time for all ESSA subgroups. NYSED will report this data to LEAs so they can fully understand the impact of the pandemic on their communities and students and can most effectively implement research-based academic and social emotional intervention services. See Appendix C for additional information.

A.5.iii Planned Operational Status and Mode of Instruction for Summer 2021 and the 2021-2022 School Year

For the 2021-2022 school year, NYSED will maintain the attendance reporting model described above and further detailed in Appendix C.

B. SAFELY REOPENING SCHOOLS AND SUSTAINING THEIR SAFE OPERATIONS

B.1 Support for LEAs

B.1.i – Implementation of Prevention and Mitigation Policies in line with Centers for Disease Control and Prevention (CDC) Guidance

To support all LEAs in adopting and implementing safe and effective practices, including those recommended by the CDC for operation and reopening of school facilities, NYSED will explore the coordination of statewide cohorts of LEAs starting in the 2021-2022 school year focused on shared problems of practice that emerged during the COVID-19 pandemic and response. These convenings will focus on a wide variety of school-based decision makers. NYSED will support identification, testing, and sharing of effective practices among LEAs as promising practices emerge and are demonstrated to be effective. NYSED envisions that cohorts will be structured based on the research on interorganizational learning to provide the structures for identification, testing, and sharing of promising practices.⁵⁵ Best practices that emerge relevant to CDC guidance will be submitted to the USDOE’s *Safer Schools and Campuses Best Practices* Clearinghouse for consideration.

The NYS DOH determines whether schools in the state follow CDC guidance or state specific guidance. Below is a summary of NYSED’s response to mitigation strategies (listed as Table 4 in the ARP ESSER plan instructions).

Table 4: NYSED Prevention and Mitigation Policies to Support the Implementation of CDC Guidance

Mitigation Strategy	NYSED’s Response
Universal and correct wearing of masks	NYSED Office of Student Support Services released its Reopening Guidance in July 2020, which provides guidelines on mask wearing.
Physical distancing (e.g., including use of cohorts/podding)	NYSED provides guidance on physical distancing by linking to the most recent NYS DOH instructions entitled “Interim Guidance for In-Person Instruction At Pre-K to Grade 12 School During the COVID-19 Public Health Emergency” (See Appendix B).
Handwashing and respiratory etiquette	NYSED Office of Student Support Services released its Reopening Guidance in July 2020, which provides guidance on this topic.

Cleaning and maintaining healthy facilities, including improving ventilation	NYSED Office of Student Support Services released its Reopening Guidance in July 2020, which details cleaning and maintaining healthy facilities.
Contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments	Guidance on contact tracing is described in NYSED Office of Student Support Services Reopening Guidance from July 2020. NYSED reinforced schools to follow NYS DOH April 2021 Guidance .
Diagnostic and screening tests	NYSED Office of Student Support Services released its Reopening Guidance in July 2020, which describes the use of diagnostic and screening tests.
Efforts to provide vaccinations to educators, other staff, and students, if eligible	NYSED reinforced schools to follow NYS DOH April 2021 Guidance .
Appropriate accommodations for children with disabilities with respect to the health and safety policies	This topic was addressed in the NYSED Office of Student Support Services Reopening Guidance in July 2020.

B.1.ii – Reopening and Operation of School Facilities

Guidance Memos and Other Information Documents

The following guidance documents and memos were disseminated to schools through the New York State Center for School Health (NYSCSH) listservs. NYSCSH is NYSED’s contracted technical assistance center supporting school health professionals and school health educators. The NYS DOH and NYSED disseminated the information through their respective listservs and posted them on their websites.

- 2/5/20 NYSED and NYS DOH released a joint [Guidance Memo to Schools on COVID-19](#)
- 2/5/20 NYSED released a letter to parents/guardians on coronavirus [Coronavirus Parent Letter](#)
- 2/7/20 NYSED and NYS DOH provided a [joint webinar](#) to schools on the guidance
- 3/5/20 NYSED released [Handwashing Recommendations and Alcohol-based Hand Sanitizer Use in Schools](#)
- 03/06/2020 NYSED [notifies schools how to report in the even that a school must close due to a COVID-19 outbreak or other emergency](#)

- 3/9/20 NYS DOH provided a [webinar update on COVID-19](#) to schools
- 3/9/20 NYSED and NYS DOH released a [joint guidance memo](#) to schools
- 3/13/20 NYSED released [Preliminary Guidance on the Preparation for Novel Coronavirus \(COVID-19\) Outbreak in New York State](#)
- 3/17/20 NYSED released [Additional Guidance on Statewide School Closures Due to Novel Coronavirus \(COVID-19\) Outbreak in New York State](#)
- 4/2020 NYS DOH released [NYS DOH Guidance on the Contacts of a Close or Proximate Contact of a Confirmed or Suspected Case of COVID-19](#)
- 5/21/20 NYSED issues memo [School Health Examinations in Light of COVID-19 Pandemic](#) to allow for additional time for students to obtain required health examinations for school attendance, and participation in sports.
- 6/8/20 NYS DOH released [Interim Advisory for In-Person Special Education Services and Instruction](#)
- 6/14/20 NYS DOH released [Updated Interim Guidance for Graduation Celebrations](#)
- 7/02/20 NYS DOH released [COVID-19 Travel Advisory](#)
- 7/16/20 NYSED Issues [Recovering, Rebuilding, and Renewing: The Spirit of New York's Schools - Reopening Guidance](#)
- 7/22/20 NYSED Reopening FAQs [School Reopening FAQs](#)
- 7/27/20 NYSED released [Reopening Guidance for Religious and Independent Schools](#)
- 8/07/20 NYS DOH released [Supplement to the Interim Guidance for In-Person Instruction at Pre-K to Grade 12](#)
- 8/12/20 NYS DOH released [Interim Cleaning and Disinfection Guidance for Primary and Secondary Schools for COVID-19](#)
- 8/15/20 NYS DOH released [Interim Guidance for Sports and Recreation](#).
- 8/26/20, the NYS DOH released [Interim Guidance for In-Person Instruction at Pre-K-12 Schools Detailed Guidelines](#). This was an update to the Interim Guidance released on 7/13/21.
- 8/28/20 NYS DOH released a memo regarding [school immunization requirements during COVID-19](#)
- [School Immunization Requirements during COVID-19](#), reminding schools that all students, including those attending remotely, may only attend school for 14 days (which may be extended to 30 days) without proof of immunizations.
- 9/01/20 NYSED released [Eligibility for Interscholastic Athletics, Inclusive Athletic and Extracurricular Activities](#)
- 09/2020 NYSED released [Suggested Considerations in Planning Required Emergency Drills for New York State Schools \(Including Adjustments for the COVID-19 Pandemic\)](#)
- 09/09/2020 NYSED released [2020-2021 School Reopening – Instructional Models Report and Report of School Closure and Report of School Re-Opening](#)
- 10/12/20 NYS DOH released [Guidance for School Administrators Regarding Limited Temporary Enforcement of Student Immunization Requirement](#), extending the grace period to 11/01/20 for remote learners to continue to attend remotely while obtaining required immunizations.

- 10/23/20 NYSED released [Responding to the Challenges of Learning in Masked Environments.](#)
- 11/03/20 NYS DOH released, then revised on 12/4/21 Interim Guidance on Mandatory COVID-19 Testing in Public and Non-Public Schools Located in Areas Designated as "Yellow Zones" Under the New York State Cluster Action Initiative.
- 11/10/20 NYS DOH released [Updated Guidance for School Administrators Regarding Limited Temporary Enforcement of Student Immunization Requirement](#) extending the grace period to 12/11/20 for remote learners to continue to attend remotely while obtaining required immunizations.
- 11/12/21 NYS DOH released then revised 11/14/21 [ADDENDUM to Interim Guidance on Mandatory COVID-19 Testing in Public and Non-Public Schools Located in Areas Designated as "Yellow Zones" Under the New York State Cluster Action Initiative October 9, 2020 \(Updated November 12, 2020\)](#)
- 11/30/20 the State released [Governor Cuomo's Winter Plan to Combat COVID-19 Surge In New York](#)
- 12/1/20 NYSED and the NYS Center for School Health (NYSCSH) release a sample [School COVID-19 Testing Consent Form](#)
- 12/03/20 NYSED released guidance on [Recent Amendments to Education Law 2801-a Regarding Pandemic Planning](#) that require LEAs to adopt a continuation of operations plan if the governor declares a public health emergency involving a communicable disease
- 12/11/20 NYS DOH released [Updated Guidance for School Administrators Regarding Limited Temporary Enforcement of Student Immunization Requirement](#), extending the grace period for remote learners to 1/10/21 to continue to attend remotely while obtaining the required immunizations.
- 12/17/20 NYSED released revised memo [School Health Examinations in Light of COVID-19 Pandemic](#)
- 12/26/20 the NYS DOH released a Health Advisory: [Quarantine for Persons Exposed to COVID-19](#) to align with CDC quarantine guidance changes.
- 1/10/21 the NYS DOH released [Updated Guidance for School Administrators Regarding Limited Temporary Enforcement of Student Immunization Requirement](#) extending the grace period to 2/9/21 for remote learners to continue to attend remotely while obtaining the required immunizations.
- 1/22/21 the NYS DOH released the [Interim Guidance For Sports and Recreation During The COVID- 19 Public Health Emergency.](#)
- February 2021 NYS DOH released a revised [Pre-K to Grade 12 COVID-19 Toolkit](#)
- 4/9/21 NYS DOH released guidance that directs schools to submit their revised reopening plans to NYSED, and that local departments of health have enforcement authority in schools: [Interim Guidance for In-person Instruction at Pre-K to Grade 12 Schools During the COVID-19 Public Health Emergency](#)
- 4/10/21 NYDOH released [Updated Guidance for School Administrators Regarding Limited Temporary Enforcement of Student Immunization Requirement](#), extending the grace period for remote learners to obtain the required vaccines to 6/30/21.

- 4/27/21 NYS DOH released revision of 4/12/21 guidance
- 5/13/21 NYS DOH released FAQs with specific section on schools [SARS-CoV-2 Point of Care \(POC\) Antigen Tests](#)

#SeeYouInSeptember In-Person Learning Campaign

NYSED plans to launch a #SeeYouInSeptember communications campaign in the coming weeks with the goal of having as many students as possible return to in-person learning full-time in September 2021. The campaign's three objectives are:

Objective 1: For LEAS to do everything possible to be able to safely accommodate in-person learning for all students, or as many as possible, on a full-time basis in Fall 2021, prioritizing at-risk populations.

Objective 2: For LEAs to communicate with families and students about the importance of safely returning to school in person in Fall 2021.

Objective 3: For parents/guardians and families to choose to send their children to school in person, full time in Fall 2021.

NYSED will use a variety of platforms (social media, news release, webpage, video, and newsletters) to disseminate messaging about the importance of sending students back into the classroom in person. In addition, NYSED will provide LEAs with a communications toolkit for them to target parents/guardians, families, and students directly, including template letters for families and social media posts.

B.1.iii – Consultation with Federal, State, and Local Health Officials

NYSED has collaborated with the NYS DOH, which has been the lead state agency on all health issues related to COVID-19.⁵⁶ NYS DOH consults directly with the Centers for Disease Control and Prevention (CDC).⁵⁷ NYS DOH has provided school guidance on COVID-19 testing along with antigen test kits to schools that either were required to conduct testing because they are in an area with high transmission rates, or who chose to conduct testing in the schools.⁵⁸

B.1.iv – Guidance, Professional Learning and Technical Assistance to LEAs

NYSED contracts with the New York Center for School Health (NYSCSH) to provide guidance, professional learning, technical assistance, and resources to assist school health professionals and health educators. The NYSCSH is very responsive to schools' needs, and created a NYSCSH COVID-19 webpage that provides a wealth of information and resources, including:

- Trending Information and Updates;
- State and Federal Resources;
- Testing and School Data Reporting;
- School Specific Resources; and

- COVID-19 Vaccine Information.

NYSCSH also provides professional development webinar sessions throughout the year on various health related topics.⁵⁹ In fall 2020, NYSCSH held webinars on the NYS DOH COVID-19 toolkit, Suicide Safety Prevention Awareness, and Adverse Child Experiences and Trauma-Informed Care in Schools. In October 2021, they will hold an in-person professional development day for all LEAs, including school health professionals and health educators in the state, that will include updates on COVID-19 and schools.⁶⁰ More information and recorded webinars can be found on their Professional Learning Webpage.⁶¹

In addition, the Office of Student Support Services also oversees two other contracted technical assistance centers: the New York State Center for School Safety (CFSS)⁶² and the Safe and Supportive Schools Technical Assistance Center (SSSTAC).⁶³ One of the primary functions of the CFSS is to provide technical assistance and professional learning to LEAs and schools. In January 2021, the CFSS began providing training to LEAs and schools on Developing LEA-wide and Building-Level Emergency Response Plans under a USDOE-funded Grant to States for Emergency Management (GSEM).⁶⁴ Additional recorded training resources on topics related to measuring and improving school climate can be found at [On-Demand Webinars](#).

The NYSED Teaching in Remote/Hybrid Learning Environments (TRLE) grant program, funded through the USDE's Education Stabilization Fund-Rethink K12 Education Models Grant fund, also provides professional learning opportunities to LEAs across New York State. TRLE is being implemented in three phases:

1. Phase 1 focuses on a rapid infusion of professional support in the field with an emphasis on supporting educators in the 25 counties hardest-hit by COVID-19;
2. Phase 2 focuses on developing and disseminating statewide resources to support remote/hybrid instruction, including a Quality Remote/Hybrid Teaching (QRT) Framework and a series of competency-based professional learning experiences (PLEs); and
3. Phase 3 focuses on providing statewide PLE trainings and in-field support for educators to implement effective remote/hybrid instructional practices.

As of May 28, 2021, over 100 professional learning events have been held as part of the implementation of Phase 1 focusing on the six core competencies of the TRLE program:

1. Shifting to Teaching Online;
2. Engaging Families as Partners in Remote/Hybrid Learning Environments;
3. Meeting the needs of Students with Disabilities through Remote/Hybrid Learning Environments;
4. Meeting the needs of ELLs through Remote/Hybrid Learning Environments;
5. Integrating CRSE in Remote Learning Environments; and
6. Integrating SEL in Remote Learning Environments.

The Request for Proposals for development of phase 2 resources of the TRLE program has been posted on the NYSED website and NYSED plans to identify successful bidders soon.

More information regarding the TRLE program can be found in Section D.1.i or on the [TRLE website](#) which includes a list of professional learning opportunities available to educators in any LEA across NYS.

NYSED also utilized federal CARES Act SEA reserve funds to contract with the New York State Association for Computers and Technology in Education to offer professional development courses developed and facilitated by New York educators, aligned to New York State standards and expectations of quality, that reflect an understanding of New York's regional variations and needs. NYSCATE will also provide two webinar series, one for teachers and one for parents/guardians, on topics related to technology and remote learning.

B.2 Safe Return to In-Person Instruction and Continuity of Services

B.2.i.- Ensuing each LEA plan includes, or will be modified to include, the extent to which it has adopted policies and description of any such policies on each of the strategies listed in table 4

In the first step of the application process for ARP ESSER funds, in May of 2021, each LEA was required to submit a set of assurances that certify the LEA will meet the requirements in section 2001(i) of the ARP Act and the ARP ESSER Interim Final Requirements, which include assurances signaling that within 30 days of receipt of the funds, LEAs will develop and make publicly available on the LEA's website a plan for the safe return to in-person instruction and continuity of services.⁶⁵

B.2.ii.- Ensuring continuity of learning

The second step will be the of the application process for ARP ESSER funds will require LEAs to submit a full application and budget to NYSED. Part two of the application will be issued in the coming weeks. In part two of the application, LEAs will submit narrative responses within the ARP ESSER application for funds that describe:

- The extent to which and how the funds will be used to implement prevention and mitigation strategies that are, to the greatest extent practicable, consistent with the most recent CDC guidance on reopening schools, to continuously and safely open and operate schools for in-person learning;
- How the LEA will use the funds it reserves under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year;
- How the LEA will spend its remaining ARP ESSER funds consistent with section 2001(e)(2) of the ARP Act; and

- How the LEA will ensure that the interventions it implements, including but not limited to the interventions implemented under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time, will respond to the academic, social, emotional, and mental health needs of all students, and particularly those students disproportionately impacted by the COVID-19 pandemic, including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, and migratory students.

B.2.iii.- SEA review of LEA plans

B.2.iv - LEA implementation of the most up-to-date CDC guidance listed in table 4

Prior to application approval, each application will receive a comprehensive review by trained NYSED staff to ensure compliance with each of the requirements in 2001(i) of the ARP Act and the requirements relating to the ARP ESSER funds published in the Federal Register.

As part of the technical assistance and comprehensive monitoring of ARP funds, NYSED will ensure that the LEA periodically reviews, at least every six months for the duration of the ARP ESSER grant period (i.e., through September 30, 2023), and revises as appropriate, its plan for safe return to in-person learning and continuity of services. NYSED will ensure that the LEA seeks public input and that the LEA takes such input into account regarding (1) whether revisions are necessary and, if so, (2) that the revisions to the plan are informed by stakeholder input.

On May 19, 2021, NYSED issued a [memorandum to LEAs on the two federally required ARP ESSER plans](#) (see Appendix D).

C. PLANNING FOR THE USE AND COORDINATION OF ARP ESSER FUNDS

C.1 SEA Consultation

Ongoing SEA Consultations with the Public

Monthly Stakeholder Meetings

Each month, the Commissioner and senior NYSED staff meet with the leadership of numerous stakeholder groups including the New York State United Teachers, the New York State Council of School Superintendents, the New York State School Boards Association, the Big 5 Schools, the Council of School Supervisors and Administrators, Empire State Supervisors and Administrators Association, New York State Federation of School Administrators, New York State Parent and Teacher Association, and the School Administrators Association of New York State. Since the start of the pandemic, these meetings have included seeking and receiving ongoing input and feedback from these groups on what is working well and what challenges have arisen because of the pandemic. Similarly, the Commissioner and staff meet monthly with the BOCES District Superintendents seeking the same information. These meetings have informed the guidance NYSED issued since March 2020. The May 2020 stakeholder meetings were devoted to seeking feedback from the stakeholders on these three questions:

1. What has worked best to serve your students, teachers, families, communities, and your LEAs during the 2020-2021 school year? What successful practices would you like to continue into the 2021-2022 school year?
2. What have been the challenges for your students, teachers, families, communities, and your LEAs during the 2020-2021 school year? What would help you address these challenges in the 2021-2022 school year?
3. What guidance, support or regulatory flexibility is needed from SED so that you can better serve your students and families in the upcoming school year?

The information gathered during these meetings were considered by NYSED in developing reopening guidance as well as future guidance to help support LEAs as they prepare to return to school in the 2021-2022 school year.

Regional Task Force Meetings

During Regional Task Force Meetings held in summer 2020, stakeholders discussed the variety of student, family, and school personnel needs that must be addressed during transitions back to school. Students were a key stakeholder group represented in these meetings. Student voice was actively sought out, and they were given an opportunity to share their perspective throughout the pandemic including experiences with remote, hybrid, and in-person instruction. LEAs and district superintendents, were asked to encourage students from a wide variety of backgrounds to participate.

Overall, many students, families, and staff expressed concern that students and staff will return with fear or anxiety, and school and district staff will need to balance physical safety with social emotional needs.⁶⁶ Stakeholders expressed concern over local capacity to address increased social emotional needs with existing staff, and discussed opportunities to better position existing staff to build capacity to enhance student and family engagement, trauma-responsive practices, social emotional learning, restorative practices, and fostering relationships, within both in-person and virtual environments.⁶⁷ They also expressed concerns about screen time for students should remote or hybrid learning be necessary, and the ability of students and families to access resources during periods of remote learning.

The guiding principles resulting from feedback received at the Regional Task Force Meetings, including feedback received from student participants, were:

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

Stakeholders, including student participants, also stressed the importance of clear communication with all stakeholders, including students, families, staff, and community, and considered how community partnerships could be leveraged to increase capacity. They recommended that social and emotional wellbeing be prioritized during transitions back to school and for as long as necessary to appropriately support student needs and emphasized that physical and emotional safety is necessary for the brain and body to be ready to learn.

Finally, stakeholders stressed the critical need to address adults' social emotional needs before the return to school and on an ongoing basis. Adults must have systems of support including meaningful peer relationships, opportunities to connect, and resources to support self-care. Without these supports in place, adults will not have optimal capacity to support the needs of students and families. This formative input shaped the Social Emotional Well-Being section of *Recovering, Rebuilding, and Renewing: The Spirit of New York's Schools: Reopening Guidance* pages 64-74.

NYSED plans to add artifacts of these public engagement activities in future versions of this plan.

Office of Bilingual Education and World Languages

The Office of Bilingual Education and World Languages (OBEWL) convened the ELL Leadership Council, a group of district administrators (ELL Directors and Assistant Superintendents) from the 41 districts that have the highest ELL enrollments within New York State.⁶⁸ This group has met regularly throughout the pandemic with the Associate Commissioner and staff to share information, identify student needs, and address concerns. In addition to these convenings, NYSED developed multiple working groups comprised of members of NYSED staff and the Leadership Council. These working groups focused on five key issues: Social Emotional Learning; Regulatory Compliance; Progress Monitoring, Feedback and Engagement Strategies; Strengthening ELL Instruction in Response to COVID-19 Closures; and Adapting ELL Instruction in a post COVID-19 Learning Environment. The result of these working groups included the development of new guidance that was distributed to the field and is published on the OBEWL website.⁶⁹

OBEWL staff have also held multiple meetings with advocacy groups throughout the State, including the New York State Association of Bilingual Educators, the New York State Teachers of English to Speakers of Other Languages, SOMOS, Inc., the Hispanic Federation, and others, to gather feedback from stakeholders, help share the work and updates from NYSED, and disseminate effective practices.

OBEWL has maintained a partnership with the City University of New York Initiative on Immigration and Education (CUNY IIE).⁷⁰ The goal of this program is to create opportunities for educational stakeholders to learn from immigrant students, families, and educators directly impacted by restrictive immigration policies and educational inequality. CUNY IIE has created a series of videos and guidance resources to provide information for administrators, teachers, and community members named “Supporting Immigrants in School.”⁷¹

Office of Special Education

The NYSED Office of Special Education (OSE) meets frequently with various stakeholder groups representing the interests of students with disabilities.⁷² These stakeholder groups include, but are not limited to, the Commissioner’s Advisory Panel for Special Education Services, Youth Advisory Panel (a group comprised of student leaders with disabilities), Board of Cooperative Educational Services Special Education Directors, the Conference of the Big 5 City School Districts (New York City, Buffalo, Rochester, Syracuse and Yonkers), NYS Coalition of 853 Schools, Special Act School District Coalition, 4201 School Association, Birth to Five Coalition, Interagency Council of Developmental Disabilities Agencies (IAC), Cerebral Palsy Associations of New York State (CP of NYS), The Alliance for Children with Special Needs, The ARC New York, ACTS Agencies for Children’s Therapy, Advocates for Children, Birth to Five Coalition, and other

parent and community advocacy groups, and organizations representing educators, administrators and school leaders.⁷³

The OSE Educational Partnership, NYSED's primary professional development network for special education, also engages parents/guardians, families and LEA staff regarding issues that impact the education of students with disabilities.⁷⁴ With 16 regional teams across the State, the OSE Educational Partnership continually engages with parents/guardians and LEA personnel to gather information and feedback at the local level.⁷⁵ NYSED's OSE relies on this communication to both disseminate State and federal guidance related to education of students with disabilities during the COVID-19 pandemic and receive specific information regarding ever evolving needs identified by our primary stakeholders.⁷⁶

The NYSED School Reopening Plan included a priority that high need students, including students with disabilities, would return to in-person learning. OSE released several guidance documents to support LEAs and programs in ensuring the safety of students with disabilities while meeting their unique needs during the COVID-19 pandemic and continues to provide frequent guidance to the field in response to expectations and challenges to providing education to students.⁷⁷ OSE has dedicated an electronic mailbox where it received over 2,100 questions and/or comments from parents/guardians, families, advocates, schools, and agencies. These questions inform the guidance and written communication issued by OSE. For the 2021-2022 school year, OSE will issue additional guidance regarding the extended school year and compensatory services for students with disabilities.

OSE staff has led virtual meetings in every region of the State where groups of LEA special education administrators had the opportunity to ask questions and seek clarification regarding State and federal guidance related to COVID-19 and the education of students with disabilities. These meetings included over 1,000 participants representing most of the State's LEAs.

Office of ESSA-Funded Programs

The Office of ESSA-Funded Programs solicited input from all McKinney-Vento liaisons statewide. The team also reached out to all regional Migrant Education Program directors and its Title I Committee of Practitioners. The Committee of Practitioners meets at least quarterly and if needed, materials for comment are distributed between meetings. Like many other stakeholder groups, NYSED conducts regular communications throughout the year to McKinney-Vento liaisons and Migrant Education Program directors regarding supports for impacted students through listservs and other NYSED communications. To facilitate input on the State ARP plan, NYSED conducted outreach to these groups to coincide with the launch of a NYSED ARP ESSER ThoughtExchange platform (see "Solicitation of Public Input on the ARP ESSER Plan" below).

Digital Equity Summits

The Board of Regents and the State Education Department convened Digital Equity Summits in 2021 to establish a shared understanding of digital inequity in the state and to create a joint

vision for achieving digital equity.⁷⁸ The summits brought together education, government, community, and business partners from across the state, including student leaders, to develop recommended next steps in the short-term and long-term involving business, industry, community organizations and all levels of government to benefit students and their families.⁷⁹ Following Summits 1 and 2 (held in February and March 2021), NYSED compiled the feedback received, and used an equity lens for analysis, and identified existing and emerging solutions that can serve as exemplars for digital equity work in the state. This work will help to identify opportunities for systems and policy change. On June 8, 2021, NYSED will present a report to the Board of Regents that outlines priority areas for focus and future attention. NYSED will host a third and final Summit on June 15, 2021 that will focus specifically on digital equity and inclusion efforts in P12 education. Participants will provide specific strategies, tools, and recommended solutions that other districts and schools can replicate in the key areas of Instruction and Digital Content, Devices and Broadband Access, and Community Connections and Support. The goal of the third Summit will be to identify both barriers and solutions/supports to better target future funding and/or programming and positively impact the digital divide in New York State.

Solicitation of Public Input on the ARP ESSER Plan

As LEAs develop their ARP ESSER plans, they must take into consideration the allowable use of these funds. LEAs may use their ARP ESSER allocations to invest in extended day, week, and year programming with a focus on accelerating student learning, supporting students' social emotional needs, and providing students with engaging enrichment opportunities. LEAs have the discretion to allocate funding to best meet local needs.

To provide LEAs with input and feedback from the public as they develop their ARP ESSER Plans, NYSED performed direct outreach to a wide range of stakeholders in NYS through [an online "Thought Exchange" application](#) to solicit input on the ARP ESSER plan. The ThoughtExchange platform was facilitated through a partnership with the Capital Region BOCES and was accessible in multiple languages.

To ensure a wide range of feedback representative of the diversity across NYS, NYSED issued a [press release regarding the opportunity to provide public input on the NYS ARP ESSER Plan](#). A one-page guide translated into 11 different languages, was created to provide background and instructions on [how to submit public comment](#). A wide range of stakeholders, listed in Appendix E, were directly sent information on the ThoughtExchange and how to access it.

In addition, NYSED promoted the survey through its social media channels (Twitter with 36,900 followers, Facebook with 19,500 followers and LinkedIn with 12,500 followers) and sent out information through its listservs which reach hundreds of thousands of New Yorkers. This outreach resulted in news coverage across New York State as well as features regarding this

public input opportunity on a wide variety of stakeholder websites including those of civil rights organizations and LEAs.

Participants were highly engaged via “ThoughtExchange,” an online conversation tool NYSED 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](#).

Through the ThoughtExchange Platform, NYSED posed one open-ended question to which participants responded confidentially: “As we prepare for the next school year in New York, what are the most important academic, social emotional, and/or mental health supports for schools to provide to serve all students (i.e., general education students, students with disabilities, English language learners, and others)?” Participants could post their own thoughts, see posts by other users, and rate posts on a scale of 1-5, allowing the most common or shared “thoughts” to rise to the top.

As mentioned in Section A.3, as of May 26, 2021, almost 5,000 participants have provided 6,844 unique responses and over 95,000 ratings of the responses shared by stakeholders. Of the respondents, 37% are parents/guardians of a current student, 37% are faculty, staff, or an educator, 6% are district level administrators, 3% are building-level administrators, and 14% identify as “other.” Respondents participated from across NYS with the following distribution:

- Capital Region: 11%
- Central NY: 8%
- Finger Lakes: 7%
- Long Island: 14%
- Lower Hudson Valley: 7%
- Mid-Hudson Valley: 9%
- Mohawk Valley: 2%
- New York City: 25%
- North Country: 3%
- Southern Tier: 5%
- Western New York: 9%

The most frequently identified needs (responses with most consensus and the highest ratings) are:

1. More counselors and resources to support social emotional learning and mental health for students and faculty;
2. Smaller class sizes and/or student-to-teacher ratios that allow for more individualized instruction; and
3. More teacher-selected classroom resources to meet the specific needs of their students.

The top themes that emerged from the comments, in order of prevalence, were:

1. Graduation pathways, special classes for students, and extracurricular activities;
2. Social emotional supports;
3. Academic supports and services;
4. Technology equipment and supplies;
5. Professional development;
6. Community support and engagement;
7. In-person instructional supports; and
8. Health and safety.

These themes will be shared with LEAs through the dissemination of this report and on [the NYSED ARP ESSER website](#) with the purpose of providing LEAs with public engagement data to inform the development of their ARP ESSER Plans.

A full report of the Thought Exchange data is available in Appendix F.

C.2 - Coordinating Funds

C.2.i – Use of Federal COVID-19 Funding

New York State was allocated \$1.037 billion in Elementary and Secondary School Emergency Relief (ESSER 1) funds. All but \$5.2 million in ESSER 1 funding was awarded to LEAs that received 2019-2020 Title I, Part A subgrants, including charter schools, Special Act School Districts and school districts employing fewer than eight teachers. Pursuant to the terms of the CARES Act, LEA allocations were calculated using the relative shares of grants awarded under Title I, Part A of the Elementary and Secondary Education Act (ESEA) for the most recent fiscal year (2019-2020).

The \$5.2 million SEA reserve is being used as follows:

- \$2.5 million to leverage the resources and experience of community-based partners to build capacity for parent and family support, including but not limited to family adjustment and resources, particularly in high-need communities;
- \$1.35 million to provide instructional technology support to assist school districts in providing online learning;
- \$1.25 million to support NYSED staff engaged in COVID-19 response; and
- \$104,778 for NYSED administration of ESSER 1 funds.

New York State was allocated \$164.2 million in Governor’s Emergency Education Relief (GEER 1) funding. Pursuant to the 2020-2021 enacted State budget, all but \$24.9 of the \$164.2 million in GEER 1 funding was awarded to the State’s 673 major school districts using the relative shares

of grants awarded under Title I, Part A of ESEA for the most recent fiscal year (2019-2020). NYSED is retaining \$24.9 million for administration of GEER 1 funds.

New York State was allocated just over \$4 billion in Elementary and Secondary School Emergency Relief (ESSER 2) funds under the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act). \$3.6 billion (90 percent) has been allocated to LEAs, including charter schools that are LEAs. Pursuant to the terms of the CRRSA Act, LEA allocations have been calculated using the relative shares of grants awarded under Title I, Part A of the ESEA for the most recent federal fiscal year (2020). \$395 million in ESSER 2 SEA reserve funds has been allocated to provide LEAs of lower wealth with a minimum per pupil allocation. \$5.1 million in ESSER 2 SEA reserve funds is being used by NYSED for administration.

New York State was allocated \$322.9 million under CRRSA's Governor's Emergency Education Relief (GEER 2) Fund. Of the \$322.9 million, \$250.1 million is for a new Emergency Assistance to Non-Public Schools (EANS) grant program. The remaining \$72.8 million in GEER 2 funds has been allocated to provide LEAs of lower wealth with a minimum per pupil allocation.

C.2.ii – ESSER I and ESSER II Funds Awarded/Available to LEAs

NYSED issued LEA allocations for the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding on July 20, 2020. When the USDOE equitable services Interim Final Rule was invalidated, NYSED made the necessary changes to the application form and guidance and re-issued the application on October 26, 2020 (the allocations remained unchanged). NYSED invited eligible LEAs to submit a single CARES Act Combined Funding Application for both ESSER 1 and, if applicable, Governor's Emergency Education Relief Fund (GEER 1), funding using the SED Monitoring and Vendor Reporting System. Completed applications were due by November 23, 2020 (with extensions by request) and were reviewed on a rolling basis. At the same time, NYSED issued guidance to LEAs regarding the uses of both GEER 1 and ESSER 1 funds.

Pursuant to the terms of the 2020-2021 enacted state budget, GEER 1 funding was allocated to the State's 673 eligible school districts.⁸⁰ Similarly, ESSER 1 funds to LEAs were also programmed in the 2020-2021 enacted New York State budget.⁸¹ ESSER 1 funding (both the required 90% minimum allocation to LEAs and all but \$5.2 million in SEA reserve funds) was allocated to NYS' LEAs, including charter schools and Special Act School Districts, that received 2019-2020 Title I, Part A subgrants. NYSED staff reviewed and approved applications and Grant Award Notifications were issued for more than 1,000 LEAs that applied for funds by May 4, 2021 – the one-year anniversary of receipt of funds.

On May 4, 2021, NYSED issued LEA allocations for the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA Act) ESSER 2 funding.⁸² New York State was allocated just over \$4 billion under the CRRSA Act's Elementary and Secondary School Emergency Relief (ESSER 2) Fund. Pursuant to the terms of the CRRSA Act, minimum 90% LEA allocations were calculated using the relative shares of grants awarded under Title I, Part A of the ESEA for the most recent federal fiscal year (2020). In addition, New York State was allocated \$72.8 million

under CRRSA's Governor's Emergency Education Relief (GEER 2) Fund. The 2021-2022 enacted state budget directed that \$395 million in ESSER 2 SEA reserve funds and the full \$72.8 million of GEER 2 funds be allocated to provide LEAs of lower wealth with a minimum per pupil allocation. NYSED is retaining \$5.1 million in ESSER 2 SEA reserve funds for administration.

On May 10, 2021, NYSED invited eligible LEAs to submit a single CRRSA Act Combined Funding Application for both ESSER 2 and, if applicable, GEER 2, funding. Completed applications are due by June 15, 2021 and will be reviewed on a rolling basis. LEAs have been encouraged to submit completed applications as soon as possible to expedite the review and approval process of CRRSA Act funding. To date, approximately 20 LEA applications have been received and are currently under review. Funds will be awarded upon completion of a standardized review process.⁸³

C.2.iii – Use of Other Federal Funding

Office of ESSA-Funded Programs

On April 6, 2020, the USDOE offered states the ability to apply for waivers related to the expenditure of School Year (SY) 2018-2019 and 2019-2020 funds. NYSED pursued several waivers to ensure that LEAs could be afforded the maximum flexibilities allowable. These waivers included, but were not limited to, waiving the statutory limit on carryover for Title I, Part A funds; flexibility under Title II, Part A to provide professional development for educators to meet the immediate needs of children whose education has been severely disrupted by school closures; and increased flexibility in the use of Title IV, Part A funds to support continuity of services. As a result of these USDOE-approved waivers, LEAs were able to take advantage of the following flexibilities:

- The period of availability for school year SY 2018-2019 funds has been extended through the end of school year 2020-2021. LEAs will continue to have access to 2018-2019 funds through the carryover process by submitting an FS-10A budget amendment;
- LEAs could carryover up to 100% of 2019-2020 Title I, Part A funds to use during the 2020-2021 school year to meet new identified needs without submitting a waiver request to NYSED;
- For school year 2019-200 Title II, Part A funds, flexibility has been granted to the meaning of professional development as defined in section 8101(42) of ESEA. Therefore, LEAs were not required to provide only sustained professional development activities, but may also provide one-time, stand-alone training (if needed) to better meet the needs of teachers and students during this time;
- For SY 2019-2020 funds, LEAs with Title IV, Part A allocations of \$30,000 or more were no longer required to conduct a formal needs assessment to be eligible to receive the LEA's allocation or make changes to planned use of funds;
- For SY 2018-2019 and SY 2019-2020, LEAs with Title IV, Part A allocations of \$30,000 or more are no longer required to meet the content area spending requirements of using

at least 20 percent of funds received for Well-Rounded Educational Opportunities, at least 20 percent for Safe and Healthy Students, and a portion of funds for the Effective Use of Technology in section 4106(e)(2)(C), (D), and (E); and

- For SY 2018-2019 and SY 2019-2020, all LEAs that received Title IV, Part A funds were no longer required to limit the expenditure of funds for technology infrastructure to no more than 15% of the portion of funds obligated for the Effective Use of Technology.

On December 4, 2020, the USDOE offered states the ability to apply for waivers related to the expenditure of School Year 2020-2021 Student Support and Academic Enrichment Grant Program (Title IV, Part A of the Elementary and Secondary Education Act of 1965 (ESEA)) funds. NYSED immediately pursued the waivers to ensure that LEAs could be afforded the maximum flexibilities that were available. Pursuant to USDE's authority under section 8401(b) of the ESEA, NYSED was granted a waiver, on behalf of all local educational agencies (LEAs), to waive the following requirements in Title IV, Part A of the ESEA:

- Section 4106(d) of Title IV, Part A of the ESEA, related to LEA needs assessments for the 2020-2021 school year;
- Section 4106(e)(2)(C), (D), and (E) of Title IV, Part A of the ESEA, with respect to content-area spending requirements for Federal fiscal year (FY) 2020 Title IV, Part A funds; and
- Section 4109(b) of Title IV, Part A of the ESEA, with respect to the 15% spending limitation for technology infrastructure for FY 2020 Title IV, Part A funds.

These waivers provide LEAs the opportunity to leverage their federal Title funding in coordination with the CARES and CRRSA funding to support a safe return to and safely maximize in-person instruction, sustain these operations safely, and address the disproportionate impact of the COVID-19 pandemic on individual student groups (including students from low-income families, children with disabilities, English learners, racial or ethnic minorities, students experiencing homelessness, children and youth in foster care, and migratory students).

Office of Student Support Services

The NYSED Office of Support Services applied for, and subsequently was approved for, the federal waiver made available to 21st Century Community Learning Centers (21st CCLC - Title IV Part B which primarily serves low-income students and their families), to provide services to students to help them stay engaged with their remote classes during the school day when students were not physically present in school.⁸⁴ The 21st CCLC program office and the two 21st CCLC Technical Assistance Centers (TACs) provided guidance and resources to 21st CCLC subgrantee lead educational agencies (LEAs), and community-based organizations (CBOs) in partnership with LEAs, to support outreach efforts to meet the most immediate needs of participating students (over 60,000 statewide) and their families, including delivering lunches, delivering school supplies and take-home packets, as well as providing innovative and engaging virtual and in-person enrichment programming.⁸⁵ They also assisted and supported students and families with troubleshooting remote learning tools/technology, hosting informal virtual

meetings for parents/guardians to connect and share best practices for virtual learning, helping families find foodbanks and food pantries to address food scarcity issues, providing students and families with COVID related resources such as information on COVID testing sites in NYC, quarantine protocols, and places to get free personal protective equipment (PPE).

Schools relied on their 21st Century Community Learning Center (CCLC) community-based organization partners to stay connected to the needs of families in their communities. The program office was able to facilitate, via their 21st CCLC Technical Assistance Center's (TAC), weekly check-ins with families via Zoom and other platforms and held regular town hall meetings to assess student and family needs. The 21st CCLC TACs also provided webinars to support subgrantees on the following COVID-related topics: Effective Trauma Responses for Working with Schools and Communities, Mental Health Self Care, and Building Back Together: Recovery After COVID-19.⁸⁶

The Office of Student Support Services also amended two Community School TAC (CSTACs) contracts with Fordham University and the Research Foundation of SUNY on behalf of Binghamton University.⁸⁷ The amendments are supported by \$2.5 million in ESSER 1 (CARES Act) SEA reserve funds. The CSTACs are using the funding to partner with and convene community and faith-based organizations, as well as LEAs, to leverage the resources and experience of community-based partners to build capacity for parent and family support, support LEAs and build local capacity, and meet the social emotional and mental health needs of students, family and staff members while addressing transportation issues, with particular focus placed on addressing the needs of special populations and demographic groups most adversely impacted by coronavirus.⁸⁸

Office of Child Nutrition

The Office of Child Nutrition administered over \$73 million to schools through the Consolidated Appropriations Act, 2021, which provides funding for School Food Authorities that received less reimbursement in March – June of 2020 than they would have typically received if not for school shutdowns.

The Office of Child Nutrition is also administering funds to School Food Authorities to reimburse local-level administrative costs associated with Pandemic Electronic Benefit Transfer (P-EBT) made available through the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159) and Sec. 721 of the FY 2021 Omnibus and COVID Relief Response Act (P.L. 116-260).

Office of Bilingual Education and World Languages

The Office of Bilingual Education and World Languages (OBEWL) worked with LEAs to modify Title III budgets to create new programs and provide other supports that address the inequities of remote and hybrid learning on English Language Learners (ELLs) and their families.⁸⁹ This has included adoption of supplemental online tools that help ELLs engage with the virtual classroom, professional development that addresses the special needs of ELLs in remote

learning, and—when allowed by USDOE—the ability to purchase equipment and support high speed internet for families that otherwise were unable to access their online classes.⁹⁰

OBEWL has also provided additional state funding to 25 school districts that had the largest number of English Language Learners who dropped out of high school last year. This funding will provide additional intensive tutoring by qualified English as a New Language (ENL) teachers, as well as funding for additional counselors and social workers to ensure that the academic, social, emotional, and mental health needs of the English Language Learner and Immigrant students are being met.

D. MAXIMIZING STATE-LEVEL FUNDS TO SUPPORT STUDENTS

D.1 - Academic Impact of Lost Instructional Time

D.1.i – Evidence-Based Interventions and Ongoing Evaluation

The 2021-2022 enacted state budget fully allocated the three required SEA reserves under section 2001(f)(1) of the ARP Act as subgrants to 398 LEAs. Similar to NYSED's administration of school improvement plans and related grant programs, NYSED plans to provide the 398 LEAs with a list of evidence-based interventions, and will require these 398 LEAs to utilize subgrant funds to implement evidence-based interventions either chosen from the NYSED-selected list or from another reputable source (e.g., What Works Clearinghouse). NYSED will provide technical assistance to support implementation and will monitor LEA progress in implementation efforts on an ongoing basis. (Please see [Evidence-Based Interventions](#) for an example of how NYSED provides guidance to schools and LEAs on how to identify and select evidence-based interventions.)

Previous efforts to identify promising practices have often relied on self-reporting from high-performing schools, with little assessment of local context, generalizability, or scalability of the specific practice. To capture, test, and scale promising practices as they emerge, NYSED will encourage the coordination of cohorts of LEAs through BOCES, NYSED stakeholder groups, and effective practice sharing opportunities, to facilitate interorganizational learning. Through programs like NYSED's TRLE grant program, all LEAs will be encouraged to participate in voluntary cohorts focused on specific problems of practice emerging from the identified needs of students because of the COVID-19 pandemic. Guided by [the Regional Educational Laboratory Northeast and Islands](#), a USDOE-funded center that translates research to practice in partnership with policymakers and practitioners in Connecticut, Maine, Massachusetts, New Hampshire, New York, Puerto Rico, Rhode Island, the U.S. Virgin Islands, and Vermont, [Toolkit on Continuous Improvement](#), as highlighted in [the USDOE's COVID-19 Handbook v.2](#), NYSED will encourage facilitators to guide cohorts toward the identification and sharing of best practices and encourage stakeholder groups to provide the capacity support necessary for individual LEAs as they test, document, and disseminate promising practices in a variety of contexts and working with various student populations. For an example of how NYSED supports educators, schools, and LEAs in interorganizational learning, see the [TRLE website](#), which provides a summary of NYSED's federal Rethink K-12 Education Models Grant.

Based on NYSED's review of data, community input, and research on evidence-based practices to address lost instructional time and close performance gaps, LEAs will be able to use their allocations of SEA reserve ARP ESSER funds to address the impact of lost instructional time as follows:

- LEAs, based on locally available data, public engagement feedback, including from students, families, and educators, and data disseminated to LEAs from the NYSED ARP

ESSER ThoughtExchange platform (see Section C.1 and Appendix F), will determine how they use these grant funds to have the greatest impact on their students and communities. ThoughtExchange data brought into focus that, as indicated by the top comments received and ranked, ameliorating the effects of lost instructional time will need to include addressing academic needs (including academic enrichment) as well as social emotional/mental health needs. Furthermore, guidance from NYSED directed LEAs to focus interventions and supports pertaining to the academic, social, emotional, and mental health needs of all students, particularly those students disproportionately impacted by the COVID-19 pandemic, including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, and migratory students.⁹¹ NYSED will support LEAs as they use their SEA reserve ARP ESSER allocations to support evidence-based interventions that address the academic impact of lost instructional time. A key goal is to accelerate learning for all students and close performance gaps; and

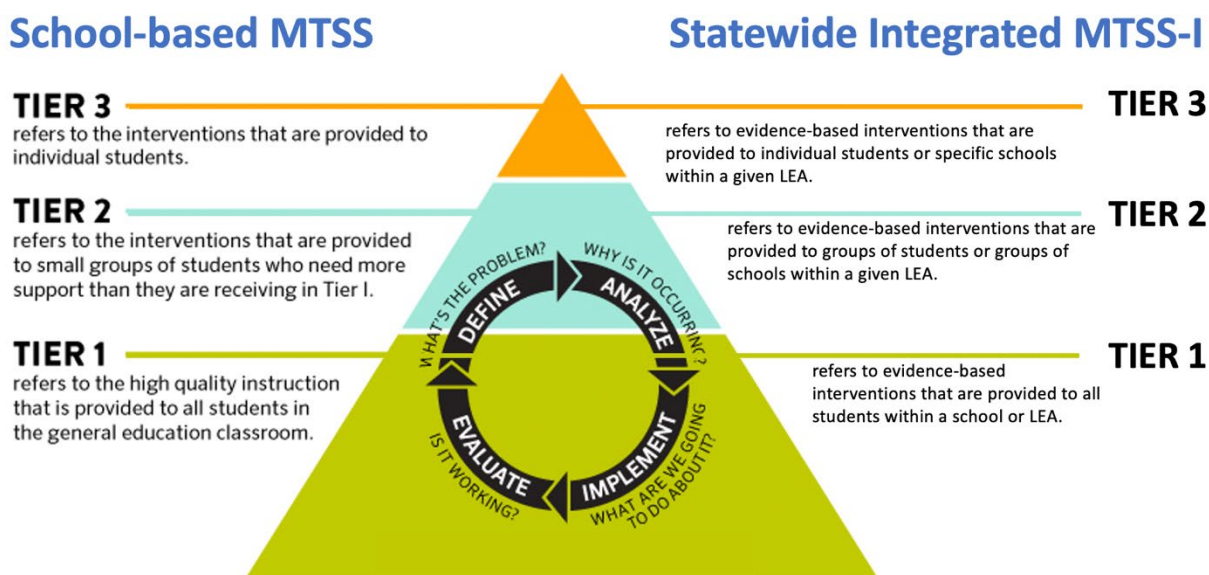
- As the LEAs select evidence-based interventions, NYSED will work with LEAs, under the general framework of DEI as described in Section A of the plan, to integrate SEL and CRSE approaches in ways that will support students to recover and grow following the pandemic. NYSED is preparing a series of briefs to provide technical assistance to LEAs in implementing CRSE principles. The roadmap for implementation is forthcoming. In addition, NYSED, through a lens of equity, is updating guidance pertaining to equity focused SEL to better support young people and adults in schools, families, and communities, and strengthening identity, agency, and belonging through the five core SEL competencies of self-awareness, self-management, social awareness, relationship skills, and responsible decision-making. NYSED has convened a workgroup comprised of internal NYSED partners, the NYC Department of Education (DOE), parents/guardians, students, BOCES, and teachers, among others, to help guide this work.

To ensure that the SEA reserve funds granted to LEAs for evidence-based interventions to address the academic impact of lost instructional time will be used only to address learning loss consistent with section 2001(f)(1) of the ARP Act, NYSED will provide clear guidance to LEAs on the required use of such funds, including examples of best practices of evidence-based interventions that LEAs may consider implementing to address the academic impact of lost instructional time. All LEA application materials, including budgets and budget narratives, will be reviewed by NYSED program staff for allowability and consistency with the requirements of the ARP Act. Staff completing reviews will be provided with training prior to conducting application reviews. Reviewers will also be engaged in subsequent trainings using a community of practice approach to help troubleshoot questions or concerns that arise throughout the review process. Post award, NYSED will monitor each LEA's use of ARP ESSER SEA reserve funds to ensure compliance with all applicable requirements, including but not limited to ensuring that funds are used in a manner that is consistent with section 2001(f)(1) of the ARP Act for allowable purposes.

D.1.ii – Differentiated and Targeted Interventions through MTSS-I

NYSED will support LEAs in implementing evidence-based interventions within MTSS-I, an overarching priority in NYSED’s ARP ESSER Plan.⁹² With the support of a State Personnel Development Grant (SPDG),⁹³ NYSED is developing and implementing a pilot program to establish MTSS-I as a framework that helps educators prioritize the needs of the whole child and integrates academic, behavioral, and social emotional support within a culturally responsive and sustaining framework.⁹⁴ The multi-tiered system of supports helps LEAs and schools prioritize interventions by establishing tiers of support. School-based multi-tiered systems of support (MTSS) focuses on providing interventions to students whereas MTSS-I (“Statewide Integrated MTSS”) focuses on the larger systemic components (e.g., groups of students across schools/LEAs, schools, or groups of schools). The purpose of MTSS-I is to better align interventions with the needs of communities and individual students (see Figure 1). NYSED is currently expanding MTSS-I to all LEAs and will use the framework in Figure 1 to help LEAs identify and deliver evidence-based interventions with ARP ESSER funds.

**Figure 1. MTSS and MTSS-I
New York State**



At the core, the MTSS process, both school-based and integrated statewide, is a continuous improvement process that uses data to identify and analyze challenges, select evidence-based interventions, and target them to the appropriate student(s)/school(s), and then evaluate the effectiveness of the interventions. Please see section A.4 for a description of NYSED’s approach to collecting data during and after the pandemic; these data sources, as well as others collected by the LEAs and schools, will be used to drive the continuous improvement process.

The MTSS/MTSS-I processes directly address the disproportionate impact of COVID-19 across our diverse communities by ensuring that solid data sources inform the kind, form, amount, and implementation of evidence-based interventions at all levels.

D.1.iii – Identifying Most Vulnerable Students

NYSED has already implemented data reporting systems that allow schools, LEAs and NYSED to identify those students who missed the most in-person instruction during the COVID pandemic, as well as those students who did not consistently participate in remote instruction. Please see Section A.5 for details.

D.2 – Evidence-Based Summer Learning and Enrichment Programs

Based on NYSED’s review of data, community input, and research on evidence-based summer learning and enrichment programs to address the academic, social, emotional, and mental health needs of students, LEAs will be able to use their allocations of SEA reserve summer learning ARP ESSER funds as follows:

- LEAs will determine how to use these grant funds to have the greatest impact on their communities through expanded summer learning opportunities. NYSED will support LEAs in using these funds to support evidence-based summer learning and enrichment interventions that address the academic, social, emotional, and mental health needs of students.
- As the LEAs select summer learning-focused evidence-based interventions, NYSED will provide LEAs with best practices and guidance to enable SEL and CRSE approaches to be integrated in ways that will support student recovery and development following the pandemic. NYSED program staff will work with experts in summer learning to identify evidenced-based research interventions to share with LEAs as they implement summer learning programs.
- To help facilitate strong summer learning intervention programs, and to assist LEAs incorporate SEL practices into these supports, NYSED will collaborate with [the Mental Health Association of New York State](#) to provide LEAs with Mental Health First Aid Training.⁹⁵ Mental Health First Aid is a public education program that introduces participants to risk factors and warning signs of mental illnesses, builds understanding of their impact, and overviews common supports. This training program is included on the Substance Abuse and Mental Health Services Administration’s (SAMHSA) National Registry of Evidence-based Programs and Practices.⁹⁶ NYSED will support LEAs through a SAMHSA Project AWARE (Advancing Wellness and Resiliency in Education) State Education Agency Grant.⁹⁷ The focus of this program is to build connections between LEAs and community-based mental health resources.
- NYSED will engage with stakeholders (including parents/guardians and students) and measurement experts in discussions about how to best measure and report the effectiveness of these initiatives and engage in considerations regarding applicable

performance measures. NYSED will survey LEAs to rate the effectiveness of their evidence-based summer learning initiatives on addressing student academic, social, emotional, and mental health needs.

To ensure that the SEA reserve funds granted to LEAs for evidence-based summer learning and enrichment programs to address the academic, social, emotional, and mental health needs of students consistent with section 2001(f)(2) of the ARP Act, NYSED will provide clear guidance to LEAs on the required use of such funds, including examples of best practices of evidence-based summer learning and enrichment programs that LEAs may consider implementing to address the academic, social, emotional, and mental health needs of students. All LEA application materials, including budgets and budget narratives, will be reviewed by NYSED program staff for allowability and consistency with the requirements of the ARP Act. Staff completing reviews will be provided with training prior to conducting application reviews. Reviewers will also be engaged in subsequent trainings using a community of practice approach to help troubleshoot questions or concerns that arise throughout the review process. Post award, NYSED will monitor each LEA's use of ARP ESSER SEA reserve funds to ensure compliance with all applicable requirements, including but not limited to ensuring that funds are used in a manner that is consistent with section 2001(f)(2) of the ARP Act for allowable purposes.

D.3 – Evidence-Based Comprehensive Afterschool Programs

Based on NYSED's review of data, community input, and research on evidence-based comprehensive afterschool programs to address the academic, social, emotional, and mental health needs of students, LEAs will be able to use their allocations of SEA reserve ARP ESSER funds for afterschool programs as follows:

- LEAs will determine how to use these grant funds to have the greatest impact on their communities through expanded comprehensive afterschool programs. NYSED will support LEAs in using these funds to support evidence-based comprehensive afterschool programs that address the academic, social, emotional, and mental health needs of students.
- As the LEAs select comprehensive afterschool evidence-based programs, NYSED will provide LEAs with best practices and guidance to enable SEL and CRSE approaches to be integrated in ways that will support student recovery and development following the pandemic. NYSED program staff will work with afterschool program experts to identify evidenced-based research interventions to share with LEAs as they implement comprehensive afterschool programs.
- To help facilitate strong afterschool programs, and to assist LEAs incorporate SEL practices into these supports, NYSED will collaborate with [the Mental Health Association of New York State](#) to provide LEAs with Mental Health First Aid Training.⁹⁸ Mental Health First Aid is a public education program that introduces participants to risk factors and warning signs of mental illnesses, builds understanding of their impact, and overviews common supports. This training program is included on the Substance Abuse

and Mental Health Services Administration’s (SAMHSA) National Registry of Evidence-based Programs and Practices.⁹⁹ NYSED will support LEAs through a SAMHSA Project AWARE (Advancing Wellness and Resiliency in Education) State Education Agency Grant.¹⁰⁰ The focus of this program is to build connections between LEAs and community-based mental health resources.

- NYSED will engage with stakeholders (including parents/guardians and students) and measurement experts in discussions about how to best measure and report the effectiveness of these initiatives and engage in considerations regarding applicable performance measures. NYSED will survey LEAs to rate the effectiveness of their evidence-based comprehensive afterschool programs on addressing student academic, social, emotional, and mental health needs.

To ensure that the SEA reserve funds granted to LEAs for evidence-based comprehensive afterschool programs to address the academic, social, emotional, and mental health needs of students consistent with section 2001(f)(3) of the ARP Act, NYSED will provide clear guidance to LEAs on the required use of such funds, including examples of best practices of evidence-based comprehensive afterschool programs that LEAs may consider implementing to address the academic, social, emotional, and mental health needs of students. All LEA application materials, including budgets and budget narratives, will be reviewed by NYSED program staff for allowability and consistency with the requirements of the ARP Act. Staff completing reviews will be provided with training prior to conducting application reviews. Reviewers will also be engaged in subsequent trainings using a community of practice approach to help troubleshoot questions or concerns that arise throughout the review process. Post award, NYSED will monitor each LEA’s use of ARP ESSER SEA reserve funds to ensure compliance with all applicable requirements, including but not limited to ensuring that funds are used in a manner that is consistent with section 2001(f)(3) of the ARP Act for allowable purposes.

D.4 Emergency Needs

NYSED is utilizing ARP ESSER SEA reserve funds for emergency needs under ARP section 2001(f)(4) as follows:

- \$195 million to support a multi-year expansion of new full-day 4-year-old universal prekindergarten expansion grants;
- \$15 million for prekindergarten expansion grants via a competitive bid; and
- \$35 million to support NYC charter school facilities.

LEA grants to fund creation of new full-day universal prekindergarten programs for 4-year-olds and expansion of existing programs. Pre-school children have been dramatically impacted by the pandemic as daycares, pre-school programs, enrichment programs and the like were closed for much of the past year. NYS will expand the opportunities for 4-year-olds to attend free, public pre-K programs where they will be able to catch up on lost early childhood learning, socialization, and other foundational skills required for long-term success. NYSED is in the

process of developing quality indicators to document and monitor efficacious early childhood programs. These quality indicators will be updated and approved in the 2021-2022 school year. LEAs will complete and submit their 2-year self-assessment and action plan starting in September 1, 2022. More information on the NYSED pre-K quality indicators can be found at the [State-Administered Prekindergarten Programs Quality Indicators webpage](#). Charter LEA grants to expand facilities funding for charter schools that increased enrollment during the pandemic. Charter schools in New York City serve a high number of economically disadvantaged students who were disproportionately impacted by the pandemic. In addition, the number of students served in charter schools during the pandemic increased.¹⁰¹ A portion of ARP ESSER SEA reserve funds will allow these public schools to equitably access facilities as they shift back to in-person learning and must accommodate the increased number of students.

E. SUPPORTING LEAs IN PLANNING FOR AND MEETING STUDENTS' NEEDS

E.1 - LEA Plans for the Use of ARP ESSER Funds

To enable New York State's LEAs to begin to obligate ARP-ESSER funds by USDE's May 24, 2021 deadline, the application for LEA 90% base ARP-ESSER allocations is being administered by NYSED as a two-part application process:

- ARP-ESSER Application – Part 1: The first step was for each LEA to submit signed assurances to NYSED by no later than May 24, 2021. Upon receipt of signed LEA assurances, NYSED provided an email notice to the LEA of substantially approvable application status. Upon receipt of such notice, LEAs were able to begin obligating their allocation of 90% base ARP-ESSER funds.
- ARP-ESSER Application – Part 2: The second step is the submission of a full application and budget by the LEA. NYSED will issue a Grant Award Notice (GAN) to the LEA after the LEA's application is fully reviewed and approved by NYSED. Part 2 of the application is due by August 31, 2021, with extensions provided upon request.

On May 19, 2021, NYSED issued a [memorandum to LEAs on the two federally required ARP ESSER plans](#) (see Appendix D). The USDE ARP ESSER Interim Final Rule requires that each LEA that receives ARP ESSER funds must develop, submit to the SEA on a reasonable timeline determined by the SEA, and make publicly available on the LEA's website, a plan for the LEA's use of ARP ESSER funds. New York State's combined ARP ESSER application (Part 1 and Part 2) will serve as the LEA ARP ESSER plan.

In the first step of the application process for ARP ESSER funds, by May 24, 2021, each LEA was required to submit a set of assurances that certify the LEA will meet the requirements in section 2001(i) of the ARP Act and the ARP ESSER Interim Final Requirements, which included assurances signaling that within 30 days of receipt of the funds, LEAs will develop and make publicly available on the LEA's website a plan for the safe return to in-person instruction and continuity of services.¹⁰² LEAs will also submit narrative responses within the Part 2 application for ARP ESSER funds that describe:

- The extent to which and how the funds will be used to implement prevention and mitigation strategies that are, to the greatest extent practicable, consistent with the most recent CDC guidance on reopening schools to continuously and safely open and operate schools for in-person learning;
- How the LEA will use the funds it reserves under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year;
- How the LEA will spend its remaining ARP ESSER funds consistent with section 2001(e)(2) of the ARP Act; and

- How the LEA will ensure that the interventions it implements, including but not limited to the interventions implemented under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time, will respond to the academic, social, emotional, and mental health needs of all students, and particularly those students disproportionately impacted by the COVID-19 pandemic, including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, and migratory students.¹⁰³

Prior to application approval, each application will receive a comprehensive review by trained NYSED staff to ensure compliance with each of the requirements in 2001(i) of the ARP Act and the ARP ESSER Interim Final Requirements. As part of the technical assistance and comprehensive monitoring of ARP ESSER funds, NYSED will ensure that the LEA periodically reviews, no less frequently than every six months for the duration of the ARP ESSER grant period (i.e., through September 30, 2023), and revises as appropriate, its plan for the safe return to in-person learning and continuity of services. NYSED will ensure that the LEA seeks public input and takes such input into account on (1) whether revisions are necessary and, if so, (2) the revisions to the plan through the collection of evidence of public input during the monitoring and oversight process.

E.2 - LEA Consultation

As part of the LEA's application for ARP ESSER funds, the LEA will submit narrative responses that describe how they will engage in meaningful consultation with stakeholders, including but not limited to students, families, school, and LEA administrators (including special education administrators), as well as teachers, principals, school leaders, other educators, school staff and their unions. To the extent present in or served by the LEA, the narrative must also include how they will engage in meaningful consultation with Native American Nations, civil rights organizations (including disability rights organizations), and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children and youth in foster care, migratory students, children who are placed in the juvenile justice system, and other underserved students.¹⁰⁴ Finally, LEAs will be required to give assurances that they will publicly post their plans for the use of ARP ESSER on websites and supply online tools to allow the public to provide input on the plan and its development.

On May 19, 2021, NYSED issued a [memorandum to LEAs on the two federally required ARP ESSER plans](#) (see Appendix D).

E.3 – Support and Monitoring of LEA use of ARP ESSER Funds

E.3.i – SEA Support and Monitoring of LEA Implementation of Evidence-Based Interventions

As part of the technical assistance and comprehensive monitoring of ARP ESSER funds, NYSED will ensure that the LEA periodically reviews its plan for the safe return to in-person learning

and continuity of services, no less frequently than every six months for the duration of the ARP ESSER grant period (i.e., through September 30, 2023), and revises as appropriate. NYSED will ensure that the LEA seeks public input and takes such input into account on (1) whether revisions are necessary and, if so, (2) the revisions to the plan through the collection of evidence of public input during the monitoring and oversight process.

E.3.ii – SEA Support and Monitoring of LEA Addressing the Needs of Vulnerable Students

Please see our responses to A.4 and A.5 for summaries of how NYSED is supporting LEAs in the collection of student performance and outcomes data as well as school operational data such as mode of instruction, enrollment, and attendance. NYSED will help LEAs use these data sets to identify the impact of the pandemic on individual students and groups of students so that they can effectively implement MTSS-I strategies described in Section D.1.ii.

E.3.iii – SEA Support and Monitoring of LEA Addressing Students Experiencing the Impact of Lost Instructional Time

Please see our responses to A.4 and A.5 for summaries of how NYSED is supporting LEAs in the collection of student performance and outcomes data as well as school operational data such as mode of instruction, enrollment, and attendance. NYSED will help LEAs use these data sets to identify the impact of the pandemic on individual students and groups of students so that they can effectively implement MTSS-I strategies described in Section D.1.ii.

E.4 – Educational Equity

E.4.i – Allocating funding based on student need

The 2021-22 enacted state budget allocated the three required ARP ESSER SEA reserves via a formula to 398 of the state’s highest need LEAs. The formula was based on an equity-driven approach to ensure LEAs received a minimum per pupil allocation.

E.4.ii – Equitable and Inclusive Return to Instruction

Please see Section D1.ii for additional information. MTSS-I is an integration of Response to Intervention (RtI) models that focus on academic interventions and Positive Behavioral Intervention Systems (PBIS) that employ tiered interventions in relation to student behavioral and social emotional needs. MTSS-I helps ensure that students are educated in the least restrictive learning environments and that schools avoid the over-use of exclusionary measures to address behavioral issues. MTSS-I supports the creation and development of positive and supportive learning environments for all students. MTSS-I, coupled with the implementation of SEL and CRSE supports, and the recourses provided under ARP ESSER, will provide LEAs with the

tools and supports needed to facilitate an equitable and inclusive return to in-person instruction.

F. SUPPORTING THE EDUCATOR WORKFORCE

F.1 – Supporting and Stabilizing the Educator Workforce

F.1.i - Shortages of Educators in NYS

NYSED collects data on teacher shortages in certain subject areas at the statewide level for the USDOE. The 2020-2021 teaching assignment data collection is currently underway. The 2021-2022 teacher shortage areas are listed below and are based on 2019-2020 teaching assignment data:¹⁰⁵

- Bilingual Education;
- Bilingual Special Education;
- Career and Technical Education;
- English Language Arts;
- Health Education;
- Literacy;
- Social Studies;
- Special Education (all grades); and
- World Languages other than English

More than 10% of New York City public school teachers who had teaching assignments in the following subject areas during the 2019-2020 school year were not certified in the subject area: arts (art, dance, music, theater), library media specialist, mathematics, sciences, and all the subject areas listed above. In addition, more than 10% of teachers in the Big Four school districts (Buffalo Public Schools, Rochester City School District, Syracuse City School District, and Yonkers Public Schools) who had teaching assignments in the following subject areas during the 2019-2020 school year were not certified in the following subject areas: bilingual education, bilingual special education, career and technical education, English language arts, literacy, sciences, and special education (middle school/secondary).

F.1.ii – Assisting LEAs to Identify Most Urgent Area of Shortages

Although NYSED collects data on statewide teacher shortages, shortage areas within a particular LEA or school vary based on local needs. Therefore, NYSED will develop a survey to be administered to LEAs during the 2021-2022 school year through which they will identify their most urgent shortages or potential shortages and most significant needs, which would be specific to their context. With the survey results, NYSED will explore identifying resources for the LEAs and/or develop policies that would address their shortages and needs.

In May 2020, in response to limited test center availability for certification exams during the pandemic, the Emergency COVID-19 certificate was created to allow individuals to work in New

York State public schools while taking and passing the required exams for the certificate sought. The certificate is valid for two years, enabling these individuals to fill vacancies for the upcoming school year and expanding the educator pipeline while they complete the exam requirement for certification.

Another teacher shortage area is in UPK education. NYSED plans to use a portion of ARP ESSER SEA reserve funds to dramatically expand Universal Pre-Kindergarten (UPK) throughout the state as a means to bring greater equity to educational opportunities to all New York families, regardless of income.¹⁰⁶ As daycares and early childhood programs were disproportionately impacted during the pandemic, this will also allow New York to accelerate learning for the youngest students so that they gain the foundational skills and attributes necessary for long-term success. A by-product of this expansion, however, will be a need to increase the workforce focused on UPK and teachers trained in early childhood education.

UPK teachers have two pathways for preparation to become certified to teach UPK. Teacher candidates can attend an Institution of Higher Education (IHE) and work toward an approved program to receive certification in Birth - Grade 2 as an Early Childhood Educator. Teacher candidates can also attend an IHE and work toward a degree in Childhood Education (Grades 1 - 6) but can take additional coursework to receive an extension to obtain certification in Birth - Grade 2. LEAs may allocate a portion of their ARP ESSER funds for hiring of UPK personnel.

F.1.iii – Actions to Fill Gaps in the Teacher Workforce, Expand the Educator Pipeline, and Promote Educator Diversity

NYSED is currently implementing several programs that will continue to support, expand, and diversify the teacher pipeline:

- Teacher Opportunity Corps II (TOC II). This program seeks to increase the participation rate of historically underrepresented and economically disadvantaged individuals in teaching careers. NYSED has awarded TOC II grants to 16 colleges and universities to date and recently issued a new Request for Proposals (RFP) to fund programs from September 2021 through August 2026;¹⁰⁷
- Teacher Diversity Pipeline Pilots. The state funds two Teacher Diversity Pipeline pilots designed to assist teacher aides and teaching assistants in attaining the necessary education and professional training to obtain teacher certification. The goals of this program include increasing the diversity of the teaching force in high-need districts and schools, as well as addressing teacher shortages/needs in high-need districts and high-need schools;¹⁰⁸ and
- Teachers of Tomorrow. The Teachers of Tomorrow grant program provides incentives to encourage prospective teachers to teach in a school district experiencing a teacher shortage or subject shortage, especially low-performing schools.¹⁰⁹

NYSED addresses shortages in a variety of ways for the following groups of potential teachers.

- **Prospective teachers.** The Emergency COVID-19 certificate was created to give individuals who meet all requirements for certification, other than the exam requirement(s), an opportunity to work in New York State public schools for two years while taking and passing the required exam(s) for the certificate sought.
- **Career changers.** Individuals who hold an undergraduate or graduate degree in a subject area can enroll in an alternative teacher program at a New York State institution of higher education. After they are hired by a school district, they would apply for a Transitional B or C certificate that enables them to teach while they complete their program requirements for the Initial certificate. The certificate is valid for three years or until the completion of the program, whichever occurs first.
- **College professors.** The Transitional G certificate is an option for individuals who hold a graduate degree in the subject area of a certificate title and have at least two years of satisfactory teaching experience at the postsecondary level in the subject area. Individuals who are employed by a school district and meet the certificate requirements can teach for up to two years to gain the teaching experience needed for the Initial certificate.
- **Practicing teachers.** Teachers who hold a valid certificate are eligible for the five-year Supplementary certificate in a subject area if they pass the appropriate content specialty test, complete a specified number of semester hours of coursework in the subject area, and have a school district recommendation explaining that they are seeking to employ the teacher in a position with a demonstrated shortage of certified teachers in the subject area. The certificate gives teachers time to fulfill the coursework requirement for a subject area extension or additional certificate in the subject area.
- **Out-of-state teachers.** Teachers who have at least three years of experience teaching in public schools in another state within the past seven years may be eligible for certification through the “Endorsement of a Certificate” (reciprocity) pathway. In this flexible pathway, teachers do not take certification tests.

Collaborative partnerships between LEAs and institutions of higher education (IHEs) with teacher preparation programs are critical for expanding the educator pipeline and educator diversity as well as addressing the needs of students disproportionately impacted by the COVID-19 pandemic. Grow Your Own programs and clinical experiences for teacher candidates, such as student teaching, residencies, practicum, and alternative teacher preparation program in-service components, are examples of initiatives that LEAs and IHEs could jointly pursue. For example, Grow Your Own programs can address teacher shortages and lack of diversity in the workforce by recruiting potential teachers into the profession who have a deep and shared cultural understanding of the students they will eventually teach.

NYSED encourages LEAs and IHEs to develop clinical experiences for teacher candidates that enable them to gain the knowledge and skills needed to effectively teach students, such as providing supportive learning environments. Through clinical experiences, teacher candidates have opportunities to work with teachers to meet students’ academic, social, and emotional needs while becoming familiar with the roles and responsibilities of teachers; school/district

priorities and initiatives; and the whole school community. Residencies and other LEA/IHE clinical experience partnerships, including clinical experiences that employ the co-teaching model, can also help address the urgent learning and opportunity gaps created by COVID-19 by more rapidly impacting student outcomes during the school year, and in afterschool and summer programs.

F.2 - Staffing to Support Student Needs

Pupil Personnel Services (PPS) staff, school counselors, school nurses, school social workers and school psychologists are integral members of the education team in a school setting. School counselors are the only mandated personnel under NYS law. As such, it is imperative that school administrators are knowledgeable and supportive of the roles PPS staff members play in the supporting students and helping them thrive and achieve. During the pandemic, their presence has proven to be crucial to the health and safety of students. NYSED and the New York State Center for School Health (NYSCSH) will continue to educate school administrators regarding the importance of having PPS staff in school to support both physical and mental health of students.¹¹⁰

G. MONITORING AND MEASURING PROGRESS

G.1 - Capacity for Data Collection and Reporting

NYSED will continue to ensure its capacity and the capacity of its LEAs to collect data on reporting requirements as we prepare for and implement evidence-based strategies this summer, throughout the 2021-2022 school year, and beyond. This will enable NYSED to build off existing data collection to grow a more robust data set to ensure availability of needed data and to improve and maintain a high level of data quality. Working with stakeholders will allow NYSED to determine the best method for collecting and reporting of the data, whether it be student level or institutional level data, and using the appropriate mechanism for that type of collection.

NYSED's capacity and strategy to collect data from LEAs begins with focusing on the end reporting product to clearly identify the outcome of the data reporting and the integrated data elements. This must be done while incorporating appropriate timelines that coordinate with current reporting requirements to make the data available when needed with an easy to use, integrated data collection over time. This will ensure quality and timely reporting for programmatic planning and an opportunity to learn with a focus on ensuring equity. NYSED will collaborate with its Level 1 Regional Centers and Big 5 School Districts to identify the best source to ensure ease of collection to increase data quality and improve timely reporting while continuing to observe and inform LEAs of the appropriate guidelines for data privacy and information security. This will support LEA compliance with all reporting requirements at such time, in such manner and containing such information as the Commissioner may reasonably require.

Please see the responses to A.4 and A.5 for summaries of how NYSED is supporting LEAs in the collection of student performance and outcomes data as well as school operational data such as mode of instruction, enrollment, and attendance. NYSED will help LEAs use these data sets to identify the impact of the pandemic on individual students and groups of students so that they can effectively implement the MTSS-I strategy described in Section D.1.ii.

In those pilot schools participating in NYSED's MTSS-I initiative, multiple measures are used to collect and report student academic, behavioral, and social emotional progress. Formative assessment processes are embedded in instruction to assist in determining where students are in their learning and where gaps in knowledge and understanding exist to inform day-to-day teaching and learning. Evidenced-based interim assessments are also used to evaluate student skills and knowledge in specific areas and assist in measuring the effectiveness of MTSS-I strategies on student outcomes as well as inform classroom and LEA level decision-making.

Furthermore, each LEA, as part of its submission for ARP ESSER funding, was required to provide an assurance by May 24, 2021 that the LEA will comply with all reporting requirements, including on matters such as, but not limited to:

- Data on each school’s mode of instruction (remote, hybrid, in-person), including student attendance data (disaggregated by student subgroup) for each modality;
- LEA uses of funds to meet students’ social, emotional, and academic needs, including through summer enrichment programming and other evidence-based interventions, and how they advance equity for underserved students;
- LEA uses of funds to sustain and support access to early childhood education programs;
- Impacts and outcomes (disaggregated by student subgroup) through use of ARP ESSER funding (e.g., quantitative, and qualitative results of ARP ESSER funding, including on personnel, student learning, and budgeting at the school and district level);
- Student data (disaggregated by student subgroup) related to how the COVID-19 pandemic has affected instruction and learning;
- Requirements under the Federal Financial Accountability Transparency Act (FFATA); and
- Additional reporting requirements as may be necessary to ensure accountability and transparency of use of ARP ESSER funds.

Part 1 of the ARP ESSER Application can be found at [the ASP-ESSER Application: Part 1 website](#). As of May 27, 2021, all 1,008 LEAs in New York State have provided the mandated assurances required in part 1 of the application.

G.2 - Monitoring and Internal Controls

NYSED’S Office of ESSA-Funded Programs, in collaboration with NYSED’s Chief Financial Officer and Office of Grants Finance, will be responsible for the administration of New York State’s ARP ESSER funds. NYSED will use a triangulated approach in supporting its LEAs in the use and monitoring of ARP ESSER funds which includes ARP ESSER technical assistance, application review, and monitoring of use of funds.

Technical Assistance

Technical assistance will be provided to LEAs on a continuous basis via multiple platforms including but not limited to 1-1 phone calls, emails, webinars and office hours to support schools and districts and to help ensure fidelity in implementation of the ARP ESSER funds.

Application Review

In consultation with NYSED’S Chief Financial Officer, the Office of ESSA-Funded Programs has determined an allocation amount for each Local Education Agency (LEA) to be awarded the minimum 90% allocation of ARP ESSER funds based on each eligible LEA’s relative Title I Part A allocation in the 2020-2021 school year. Each LEA awarded an ARP ESSER allocation is required to submit to NYSED a completed “ARP ESSER Application” through NYSED’s secure online business portal. Each ARP ESSER application must include a program narrative, budget, and budget narrative. All application materials must be signed and submitted by the Chief Administrative Officer (or a properly authorized designee) and sent to NYSED for review and

approval. Part 2 of the application is still under development, and the application for the 398 LEAs allocated ARP ESSER SEA reserve funds is also still under development.

All application materials, including budgets and budget narratives, will be reviewed by NYSED staff for allowability and consistency with the requirements of the ARP Act pertaining to ESSER funds; the relevant Terms and Conditions listed in NYS' ARP ESSER Grant Award Notification; the relevant assurances in New York State's Certification and Agreement for Funding under the Education Stabilization Fund Program, Elementary and Secondary School Emergency Relief Fund; and the terms of the U.S. Department of Education's Interim Final Requirements. Staff completing reviews will be provided with training prior to conducting application reviews. Reviewers will also be engaged in subsequent trainings using a community of practice approach to help troubleshoot questions or concerns that arise throughout the review process.

The budgets will be entered by the program office administrator into the Project Tracking System (PTS) component of NYSED's internal grant payment system, CAFÉ. Approval of the FS-10 Budget (or FS-10-A if applicable) will be documented by signature of the program administrator on the FS-10. The budget's status will be updated in PTS by the program administrator to reflect the program office decision to approve or disapprove. The total amount of the budget will be entered into the PTS system by the approving Program Officer.

Upon receiving programmatic approval, application materials including the FS-10 Budget with original signature and one copy are sent to the Grants Finance office for further administration. Grants Finance reviews the FS-10 for mathematical accuracy, use of proper indirect cost rate, and then assigns an initial advance payment. While NYSED anticipates providing most LEAs with an initial advance of 10% of each LEA's minimum 90% ARP ESSER allocation, this percentage may vary depending on the size of the LEA's allocation and whether the LEA has an assigned monitor. NYSED anticipates providing the 398 LEAs receiving the three required ARP ESSER SEA reserve set-aside funds with a 20% initial advance. Subsequent payments are made as eligible reimbursement claims are received, reviewed, and approved.

The CAFÉ system generates a Grant Award Notice that is mailed out to the local education agency/grantee. Separately, a copy of the approved budget and project summary report is then returned to the local agency so that any budget changes can be noted and project accounting records established. To ensure continuity, budget amendments submitted during the project period will be reviewed and approved by the same program staff that conducted initial reviews of an LEA's initial application.

Monitoring

NYSED will monitor each LEA's use of ESSER funds to ensure compliance with all applicable Federal requirements, including but not limited to ensuring that funds are used in a manner that is consistent with section 2001 of the ARP Act for allowable purposes, and with 2 CFR §200.303 under the Uniform Grants Guidance. NYSED will develop and implement monitoring protocols and create a schedule for subrecipient monitoring that includes both programmatic

and fiscal indicators. The monitoring operates on a risk-based system. This system may consider the total allocation and items noted in the LEAs application/budget. NYSED’s monitoring activities occur in two phases: 1. Pre-Award, and 2. Post-Award Monitoring:

1. **Pre-Award Monitoring:** NYSED will utilize the secure online business portal (already in use for distribution of Federal funds under ESSA) for the LEA ARP ESSER application submission to NYSED. The secure online portal allows LEAs to upload materials for review by program staff and allows NYSED staff to ensure that an LEA’s use of funds is consistent with approved applications, budgets, and budget amendments. While NYSED’s primary purpose is to ensure funds are delivered as efficiently as possible to LEAs, ESSA Funded Program Office staff will collaborate closely with LEA staff to ensure the application and budget are aligned with ESSER uses of funds and other statutory requirements.

2. **Post-Award Monitoring:** In addition to the programmatic and fiscal monitoring activities conducted during the data collection and application review processes, NYSED will conduct follow-up monitoring with LEAs that receive funds under the ARP ESSER program. NYSED will deploy a review protocol to collect and review programmatic and fiscal documents from awarded LEAs. Such a review protocol will include indicators requiring LEAs to provide evidence of allowability and primary documentation demonstrating accordance with cash management principles and the Uniform Guidance and 2 CFR §200.331 and private school participation, as applicable.

As needed, NYSED will leverage existing on-site monitoring protocols that are used for LEAs with an elevated risk of non-compliance to follow up with any LEAs that are non-responsive or for which additional information is needed. In all cases, NYSED will take appropriate enforcement actions if it determines that an LEA’s use of funds does not meet the requirements of the program.

To complete these key application review, technical assistance, and monitoring functions, NYSED will increase current capacity through the hiring of 12 temporary project staff in the Office of ESSA-Funded Programs and the hiring of 6 temporary project staff in the Office of Grants Finance. These staff will complete key functions under the direction of the Director and Supervisor of Education Programs and the Assistant Director of Financial Administration, as detailed below in Table 5:

**Table 5. ARP ESSER Application Reviews
The Office of ESSA-Funded Programs**

Roles	Responsibilities
Director	Oversee administration of ARP ESSER funds Develop ARP ESSER Funding Application Establish application review protocol Provide staff training on procedure for reviewing and approving applications

	<p>Review and approve applications</p> <p>Provide LEAs targeted technical assistance</p>
Supervisor of Education Programs	<p>Develop and manage a grant project workplan</p> <p>Assist in application development</p> <p>Assist in development of review protocol</p> <p>Participate in application review training</p> <p>Provide staff targeted support with application reviews</p> <p>Review and approve applications</p> <p>Provide LEAs targeted technical assistance</p>
Project Coordinators (Temporary Staff) Project Assistants (Temporary Staff)	<p>Facilitate clear and timely communication among internal and external grant stakeholders;</p> <p>Prepare LEA application forms and review protocols to ensure consistent assessment of all LEA grant applications</p> <p>Assist LEAs in the preparation and completion of their grant applications</p> <p>Prepare monitoring forms and monitoring review protocols to ensure the successful oversight of grant programs</p> <p>Develop data collection tools focused on reporting elements required by the USDOE</p> <p>Present grant status reports and findings to internal and external stakeholders</p> <p>Manage grant implementation according to the Uniform Grants Guidance</p> <p>Develop and manage a grant project workplan</p> <p>Collaborate with NYSED’s fiscal team to track budgets and facilitate multiple procurement processes</p> <p>Collaborate with internal staff to ensure the collection, analysis, and dissemination of data required for the successful implementation and coordination of the grant</p> <p>Manage the effective administration of grant activities including, but not limited to, data reporting and analysis, budget administration, and workplan amendments</p> <p>Ensure compliance with State and federal statute and regulations</p> <p>Monitor ESSER programs to determine LEA compliance with programmatic and fiscal requirements</p> <p>Prepare and submit all required reports and oversee recordkeeping of all documents related to the grant</p> <p>Serve as a subject matter expert in the delivery of LEA technical assistance regarding grant implementation</p> <p>Develop various technical assistance resources including but not limited to guidance documents, webinars, and presentations</p>
Support Staff	<p>Process materials submitted by mail in a timely fashion</p> <p>Enter budgets on CAFÉ system</p> <p>Programmatically approve budgets on CAFÉ system after reviewer issues application approval</p> <p>Transmit approved budget to Grants Finance Unit for final processing</p>



New York State
EDUCATION DEPARTMENT

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

THE UNIVERSITY OF THE STATE OF NEW YORK

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Message from Chancellor Betty A. Rosa



When the Board of Regents, the Education Department, and I decided to convene a Task Force to help create this guidance document, it became immediately clear that we needed to hear from as many voices as possible. New York is a large and diverse state, and we knew that our diversity had to be well-represented on the Task Force.

By holding four separate regional meetings, we were able to ensure the work of the Task Force was done in a thorough and deliberative way. By including stakeholders with expertise in various substantive areas, we were able to elicit the critical input we needed to inform the decision-making that went into this guidance document.

We also held a statewide Youth Forum to hear directly from students, because we must always consider their perspective and listen to their voices. The students did not disappoint; the Regents and I were absolutely amazed at their mature and thoughtful contributions. They told us what has worked for them and what has not, and they suggested actions the State can take to improve their educational experience next year and into the future. As with the adult stakeholders, the students' input is reflected throughout this guidance document.

We are truly grateful to all the Task Force and Youth Forum participants for their time and rich contributions. As well, we would like to thank 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. Kimberly Young Wilkins, Deputy Commissioner for P-12 Instructional Support, who oversaw every aspect of the project.

The COVID-19 pandemic has confirmed what many of us have always known: schools are an irreplaceable part of our lives and our communities. We have come to rely on them to provide essential services that go far beyond traditional academics. Simply put, schools must function for our society to function.

Everybody wants our students back in school. But it would be reckless to return until it is safe to do so. That is why this guidance document contemplates three possible reopening scenarios: in-person instruction, remote instruction, and a combination of the two.

COVID-19 has had a particularly harmful impact on people of color and the poor – in terms of health, in terms of employment, and in terms of their ability to receive a meaningful education. Many poor students in poor communities simply did not have access to the internet or the devices they needed to meaningfully participate in remote learning. This kind of unequal access to resources occurs throughout the entire education system and only serves to strengthen my resolve, and the Regents' resolve, to ensure educational equity for all students.

When you experience a tragedy – and to be sure, we are all living through a profound national tragedy – it is important to try to take something meaningful from that experience and to build and grow from it. That is what we are hoping to accomplish as we work our way through this pandemic.

With the help of our fellow New Yorkers, we will recover, rebuild, and renew the spirit of our schools.

Message from Interim Commissioner Shannon Tahoe



On March 16, 2020, Governor Andrew Cuomo issued an Executive Order closing schools for two weeks due to the COVID-19 crisis, and subsequent Executive Orders closed schools for the remainder of the school year. These orders triggered fundamental changes to New York's education system.

Educators and students were forced to shift to remote learning overnight, parents had to convert their living space into classrooms and become teachers, and students needed to adjust to a new way of learning. Millions of meals were prepared and delivered, millions of lessons have been taught virtually, millions of phone calls, texts, zoom calls and millions of small gestures of dedication and compassion demonstrated the best of who we are as New Yorkers.

My greatest thanks and admiration must be extended to students, parents, and the entire education community for adapting and working collaboratively to overcome the unprecedented challenges we faced this past school year.

As the mother of three school-aged children, I know just how difficult this time has been, and continues to be, for so many people, on so many levels. Like countless parents who worked from home while overseeing their children's schoolwork this past spring, I now have an even deeper respect for the work New York's teachers and school leaders do every day to educate our children.

As we look to the next school year, we must be mindful of the many uncertainties we continue to face. The Board of Regents and I are hopeful that this comprehensive guidance document, which was informed by the four regional task force meetings and the student forum, will assist the field in developing their reopening plans so that they can be prepared for the multiple circumstances that may exist over the next school year: whether it be in-person instruction, remote learning or a blended learning situation. The guidance addresses numerous issues including health and safety; transportation, facilities, and nutrition; teaching and learning; digital equity and access; budget and fiscal; social-emotional needs; special education; bilingual education and the needs of multilingual learners and English language learners; and staffing and human resources.

The next school year may be even more challenging, but the educational community is strong and together the Board of Regents and the Department are committed to do everything we can to support the educators, parents and students of this State.

I would like to thank the Board of Regents for its leadership throughout this arduous journey. Finally, I must 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 instruction and meals continued through the crisis – and for ensuring that the needs of all students, including English language learners, students with disabilities, homeless students, and migrant students were met. At the same time, staff also worked to ensure districts and school leaders received much-needed guidance and flexibility during this unprecedented time. I am forever grateful for your efforts.

The COVID-19 pandemic has pushed and challenged us in ways we never could have imagined. I am overwhelmed by the compassion and caring I see every day from so many administrators, teachers, school staff, parents and students across the State. I know in my heart that their strength and their spirit will carry us through these troubling times.

Executive Summary

The closing of schools in March 2020 has profoundly affected the lives of New Yorkers. This impact will continue through the 2020-21 school year and beyond. While no one can predict all the challenges that may arise over the coming weeks and months, it is imperative that we plan for a safe and orderly return to school.

Without question, our paramount concern is to ensure the health and safety of everyone in our schools, children and adults alike. At the same time, we must also contend with a myriad of complex challenges – catching up on months of lost in-person instruction; addressing students’ social and emotional needs in the wake of this catastrophe; ensuring all students have the ability to participate equitably in remote learning; planning for the possibility of deep budget cuts; and so many others.

The Board of Regents and Department's task was to create a framework to help guide schools and school districts as they continue to plan for school to return in the fall, whether instruction takes place in person, remotely, or through some combination of the two. That framework is presented here, in this guidance document.

The guidance provides schools and districts with the flexibility they will need to develop and implement creative solutions to their unique, local circumstances. It describes the reopening actions that schools must take and those that are recommended best practices to be considered.

Regional Task Force Meetings and Youth Forum

Creating a framework to reopen schools is a monumental undertaking – made even more challenging by the tremendous size and complexity of New York's education system, the vast array of languages spoken by students and their families, and the uniquely devastating impact the pandemic has had here in New York State.

To help guide this work, the Board of Regents convened four regional Task Force meetings, which were conducted virtually, between June 15 and June 24, 2020. Each regional meeting included more than 350 experts and stakeholders from health and education fields. In all, more than 1,650 parents, students, teachers, administrators, school board members, and stakeholders, representing New York's diversity, attended and provided valuable feedback. The meetings were conducted with the assistance of the Region 2 Comprehensive Center, led by WestEd; the BOCES District Superintendents; and State Education Department and BOCES staff. Every member of the Board of Regents attended and participated in at least one meeting.

Participants heard from Dr. Jack DeHovitz, an expert on infectious diseases, and from Natalie Walrond, an expert on social-emotional learning and wellness; both stressed the connections between physical and emotional health, and their importance to student success.

To ensure that students' voices are represented in the guidance, on June 23, 2020, the Department held a virtual Youth Forum that was attended by over 100 students from across the State. The students spoke about what worked for them and what didn't during their time of remote learning and proposed creative solutions to improve their educational experience going forward.

Development of the Guidance Document

At the conclusion of the Task Force and Youth Forum meetings, staff from WestEd synthesized the rich and thoughtful input provided by participants. That input is reflected throughout this guidance. The document also reflects the guidance provided by the Department to the field from early March through the end of June. Finally, the document reflects the current work and best practice recommendations of our P12 program offices.

The Board of Regents developed the following principles to guide the work of developing this guidance document :

- The health, safety, and well-being of the children and adults in our schools is paramount.
- We will always keep the issue of educational equity at the forefront of our thinking and decision-making.
- 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 schools and school districts.
- While it is important to provide districts with guidelines and policies, it is important as well to give them appropriate leeway to develop creative solutions to their unique challenges.
- We will enable and encourage districts to work directly with parents, teachers, administrators, and their local communities to develop and deliver workable solutions to their unique needs. We will succeed through our collective effort.
- We will proceed with the understanding that planning for schools to reopen is not a one-time event. We will continuously monitor the situation and provide updated guidance, policies, and regulatory changes as the situation requires.

Reflecting all of these inputs and considerations, the guidance document presented herein is student-centered, with equity and local flexibility at its core. Additionally, the guidance stresses the need for regular and frequent communication between districts and parents and the critical importance of parental involvement and family engagement. Finally, the document reminds schools and districts that they must always work to create and foster culturally responsive, student-centered learning environments that affirm racial, linguistic and cultural identities; prepare students for rigor and independent learning; develop students' abilities to connect across lines of difference; elevate historically marginalized voices; and empower students as agents of social change.

Summary of the Guidance Document's Provisions

- **Health and Safety**

Focused on preventive actions, schools and districts will be required to perform health checks and screenings, per DOH guidance, and recognize signs and symptoms of illness in students and staff; develop plans to maximize social distancing; develop plans to manage and isolate ill persons until they can be sent home; instruct students and staff in proper hand and respiratory hygiene; require wearing appropriate face coverings; and develop cleaning and disinfection procedures for the school in accordance with CDC and DOH guidance.

- **Facilities**

Schools and school districts should promote social distancing while maintaining existing safety requirements designed to protect students. To accomplish this, schools may expand their physical footprint or change the way they utilize space. Schools should also continue to meet or exceed ventilation requirements and may wish to consult with design professionals to increase ventilation and filtration.

Schools must continue to conduct mandatory fire and lockdown drills according to the existing statutory schedule. School leaders will need to plan for these drills to be conducted in a manner that maintains social distancing at exits and gathering points outside the building, while still preparing students to respond in emergencies.

- **Nutrition**

Schools and school districts should include food service directors in reopening plan discussions so they are able to meet their requirements to provide all enrolled students with access to school meals each school day whether school is in-person or remote; address all applicable health and safety guidelines; ensure compliance with Child Nutrition Program requirements; and communicate with families through multiple means, in the languages spoken by those families.

- **Transportation**

The school bus is an extension of the classroom and services should be provided to all students with consistency and equity. Each district will be required to: perform regular school bus disinfection measures; train students and school bus staff regarding social distancing on the bus, at stops, and at unloading times; and train students and staff regarding the wearing of masks. Both students and drivers will wear masks and social distance on the bus. Districts will continue to provide transportation to homeless students, students in foster care, those who attend religious, independent or charter schools – and those with disabilities – just as they always have.

- **Social-Emotional Well-Being**

As school and district personnel adapt to environments that result in substantially less time spent interacting in-person, ensuring intentional and meaningful inclusion of social emotional learning (SEL) across all aspects of operating strategies is critical to support the well-being and success of students, staff, and families. Along with physical health and well-being, schools and districts must also prioritize social emotional well-being – not at the expense of academics, but in order to create the mental, social, and emotional space for academic learning to occur.

- ***School Schedules***

Schools must create a comprehensive plan for a schedule that includes in-person instruction, remote instruction or a hybrid of both in-person and remote. All plans should be clearly communicated, with as much advance notice as practicable, to students, families and staff.

To adhere to state and local health and safety guidelines and ensure social distancing practices, schools may consider various reopening plans and schedules that stagger or alternate their students' return to campus. Schools should collaborate with district stakeholders when considering alternate schedules.

- ***Budget and Fiscal***

All schools and school districts must continue to meet existing state aid reporting requirements. Additionally, the content of data submissions, such as attendance data, will remain consistent with past practice, except where modified by law, regulation or executive order.

- ***Attendance and Chronic Absenteeism***

Schools must develop a mechanism to collect and report daily teacher student engagement or attendance. While this requirement is straightforward in an in-person setting, a procedure should be developed to make daily contact with students in remote or hybrid settings. Schools may consider for instance, assigning the homeroom teacher or advisory teacher to be the point of contact to touch base with a specific group of students daily. Attendance data must be reported in the student information reporting system or SIRS. School policies and procedures must focus on the academic consequences of lost instructional time and address absences before students fall behind in school. It is critical for schools to use a variety of creative methods to reach out to students and their families who have not engaged in distance learning.

- ***Technology and Connectivity***

Adequate access to a computing device and high-speed broadband is essential for educational equity. Schools and districts must determine the level of access all students and teachers have in their places of residence; to the extent practicable, address the need to provide devices and internet access to students and teachers who currently do not have

sufficient access; and provide multiple ways for students to participate in learning and demonstrate their mastery of the learning standards in remote and hybrid instructional models.

Schools and districts should provide instruction on using technology and IT support for students, teachers and families and provide professional development for teachers and leaders on designing effective online/remote learning experiences.

- ***Teaching and Learning***

Mandatory teaching and learning requirements include providing clear opportunities for equitable instruction for all students; ensuring continuity of learning regardless of the instructional model used; providing standards-based instruction; ensuring substantive daily interaction between teachers and students; and clearly communicating information about instructional plans with parents and guardians.

To allow for schools and districts to adapt to complications caused by the pandemic, certain flexibilities will be authorized, including: flexible student/staff ratio in prekindergarten; extended time for prekindergarten and kindergarten screening to be completed; a waiver allowing districts to convert UPK seats from full-day to half-day (not applicable to Statewide Universal Full Day Pre-K programs); flexibility with the 180 minutes per week Unit of Study requirement; flexibility in the delivery of physical education; allowance for a blend of hands-on and virtual science laboratory experiences; and when appropriate, districts and charters may utilize remote or virtual work-based learning experiences for CTE and CDOS programs.

- ***Special Education***

Schools and school districts are required to provide: a Free Appropriate Public Education consistent with the need to protect the health and safety of students with disabilities and those providing special education and services; meaningful parental engagement regarding the provision of services to their child; collaboration between the Committee on Preschool Special Education/Committee on Special Education (CPSE/CSE) and program providers representing the variety of settings where students are served; access to the necessary instructional and technological supports to meet the unique needs of students; and documentation of programs, services and communications with parents.

Schools and school districts should consider in-person services a priority for high-needs students and preschool students with disabilities whenever possible and consider contingency plans developed by the CPSE/CSE to address remote learning needs in the event of intermittent or extended school closures.

- ***Bilingual Education and World Languages***

Reopening plans must address the learning loss experienced by many English language learners (ELLs), in both their English language development and their mastery of content

area knowledge. The Department has identified the following requirements and considerations that will allow schools to provide ELL services that address the impact of last year's school closures and prepare them for potential challenges in the coming year. Schools and districts must:

- provide all communications to parents/guardians of ELLs in their preferred language and mode of communication to ensure that they have equitable access to critical information about their children's education;
- ensure that all ELLs receive appropriate instruction that supports their college, career, and civic readiness, by providing them the required instructional Units of Study in their English as a New Language or Bilingual Education program based on their most recently measured English language proficiency level;
- conduct ELL identification for all students who enrolled during COVID-related school closures in 2019-20, during the summer of 2020, and during the first 20 days of the 2020-21 school year within 30 days of the start of the school year; and
- recognizing that all teachers are teachers of ELLs, provide professional learning opportunities related to the instruction and support of ELLs to all educators, as required by Part 154 of the Commissioner's regulations.

Schools and districts should align their policies to the Blueprint for English language learner/Multilingual learner (ELL/MLL) Success; adopt progress monitoring tools to measure ELL proficiency; provide social-emotional learning supports to ELLs in their home language; continue utilizing technology in ELL instruction; support Students with Interrupted/Inconsistent Formal Education (SIFE) and other vulnerable populations; ensure the Emergent Multilingual Learners (EMLL) Profile supports early learning; and support completion of the NYS Seal of Biliteracy.

- *Staffing and Human Resources*

As schools and school districts create their plans for the 2020-21 school year, they must ensure that all teachers, school and district leaders and pupil personnel service professionals hold a valid and appropriate certificate for their assignment; can continue to utilize incidental teaching when determining how to staff their classrooms; can employ substitute teachers to address staffing needs for the allowable amount of days given their qualifications and teaching assignment; should work with educator preparation programs to identify appropriate ways in which student teachers can support classroom instruction; and should consider whether their currently approved APPR plans may need to be revised in order to be consistent with their plans for re-opening under an in-person, remote or hybrid instructional model.

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INTRODUCTION

The COVID-19 pandemic has affected all New Yorkers in myriad ways. Individuals, families, and communities have suffered physically, emotionally, financially, and educationally. But, when New York's schools were required to close their buildings in March, instruction and support services continued. School communities have worked tirelessly with their local health agencies and community-based organizations to ensure that students and their families continue to receive critical resources, like food and child care.

The 2020-21 school year will be our time to recover, rebuild and renew the spirit of New York's schools. Work-



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

This document is intended to provide guidance to local educational agencies (LEAs) as they plan to reopen their schools – whether instruction occurs in person, remotely, or in some combination of the two. Specifically, the document outlines the essential elements that must be included in an LEA's

school reopening plan, as well as recommended best practices for moving forward in these unprecedented times.

Please note that where guidance in this document differs from COVID-19-related guidance previously issued by the NYS Education Department, the more recent guidance shall apply. Further, should any health and safety-related guidance in this document conflict with guidance issued by the NYS Department of Health (DOH), the DOH guidance shall apply.

The COVID-19 pandemic has highlighted the need for LEAs to always consider and address the health and safety needs, as well as the social-emotional needs, of their students, families, and staff. Schools and districts will need to coordinate with their local health departments and community stakeholders to ensure adherence to all health and safety protocols, especially if their regional health status changes and they are required to develop contingency plans. Identifying a site/district health/resource monitor can help LEAs to ensure compliance with State and local health and safety requirements.

New York is a large and diverse state – so, there will be no “one size fits all” model for reopening schools. Each LEA will have unique challenges and issues to be addressed within its reopening plan. These are unprecedented times and it is imperative that school leaders and their communities take this opportunity to build upon the educational opportunities provided to students. This guidance document is intended to help make the return to school in 2020-21 a safe and successful one for all.

QUESTIONS REGARDING THIS GUIDANCE CAN BE DIRECTED TO REOPENINGGUIDANCE@NYSED.GOV

SUBMISSION OF REOPENING PLANS

As Reopening Plans are developed, LEAs must ensure that the mandatory elements outlined in this guidance document and in the [guidance released by NYS Department of Health \(DOH\) on July 13, 2020](#) are included.

Once finalized, Re-Opening Plans must be posted on the LEA’s public website in a location that is easily located by students, parents, teachers, administrators, and other community stakeholders. Re-Opening Plans for each school may be posted on individual school websites or centrally on one district-wide page. All efforts should be made to make the plans available in the dominant languages spoken by the school community.

On or around July 17, 2020 NYSED will issue a survey through the [SED Monitoring and Vendor Reporting System](#) (“the Portal”) to collect essential information about the comprehensive Re-Opening Plans developed for the 2020-21 school year.¹ Specifically, by July 31, 2020 LEAs must complete the survey to provide NYSED with:

- A link to the public website where each school plan has been publicly posted; and
- A set of mandatory assurances completed by the Chief Executive Officer affirming that the LEA will address, in each re-opening plan, all of the mandatory elements outlined in this guidance document.

Within the Portal survey, assurances related to the mandatory elements will be addressed in the same order as they appear in this guidance document.

Please note that unlike the previous processes used to collect Continuity of Learning, Child Care, and Child Nutrition plans, the information submitted through the Portal will not include detailed

¹ LEAs not able to submit through the Portal will be required to submit through alternate means developed by NYSED.

narratives or descriptions of specific actions to be taken by a school or district as part of their Re-Opening Plan. Instead, those details must be articulated in the materials that are publicly posted on the school/district website. This approach will allow schools to develop plans in their preferred format, to rapidly address changes that may be needed based on local needs, and to update their plan materials on a regular basis throughout the school.

Once LEAs have completed and submitted their survey within the Portal, a confirmation notice indicating that the completed survey has been received by NYSED will be generated and sent to the Chief Executive Office. Plans should be implemented with fidelity upon submission and should be considered as approved unless the LEA is notified that modifications are necessary to ensure compliance with this guidance.

As a final step, by July 31, 2020, LEAs must complete a short companion [Department of Health survey](#). LEAs are encouraged to provide weblinks to the publicly posted plans within the “Plan Description” portion of the DOH survey.

COMMUNICATION/FAMILY AND COMMUNITY ENGAGEMENT

Regular and frequent communication between schools, families, and the wider community has always been an essential element of effective family and community engagement. With all the uncertainty surrounding COVID’s spread and its impact on local communities, communication and family engagement will be more important than ever this year. When families, schools, and communities work together and keep each other informed, students are more successful, and everyone benefits.



As plans for reopening schools are being developed, districts must work together with families to foster trust and instill confidence. Building these strong relationships takes regular, frequent, and transparent two-way communications. These communications should be clear and consistent, and families should be encouraged to engage in the process.

NYS Communication Requirements

On July 13, 2020, New York State, the Reimagine Education Advisory Council, and the NYS Department of Health released [finalized guidance and guiding principles](#) for reopening schools. Pursuant to this guidance, a school, district, or other party responsible for developing the school’s reopening plan must sign an assurance that its plan includes provisions to meet the following communication requirements:

- Responsible Parties must engage with school stakeholders and community members (e.g., administrators, faculty, staff, students, parents/legal guardians of students, local health departments, local health care providers, and affiliated organizations, such as unions,

alumni, and/or community-based groups) when developing reopening plans. Plans for reopening should identify the groups of people involved and engaged throughout the planning process.

- Responsible Parties must develop a communications plan for students, parents or legal guardians of students, staff, and visitors that includes applicable instructions, training, signage, and a consistent means to provide individuals with information. Responsible Parties may consider developing webpages, text and email groups, and/or social media groups or posts.
- Responsible Parties must ensure all students are taught or trained how to follow new COVID-19 protocols safely and correctly, including but not limited to hand hygiene, proper face covering wearing, social distancing, and respiratory hygiene.
- Responsible Parties must encourage all students, faculty, staff, and visitors through verbal and written communication (e.g., signage) to adhere to CDC and DOH guidance regarding the use of PPE, specifically acceptable face coverings, when a social distance cannot be maintained.”



Additionally, communications must be provided in the language(s) spoken at home among families and throughout the school community. Written plans must be accessible to those with visual and/or hearing impairments.

Additional Considerations for Effective Communications and Family Engagement

- Districts should provide regular updates about health and safety, scheduling, and all other information families should be aware of.

When distributing plans and information, schools should make clear the ways that families can provide feedback.

- As suggested by the DOH guidance, schools should present information through a wide array of platforms, including, for example, traditional mail, email, telephone calls, texting, social media, news media, and website postings. It will be important for schools and districts to develop a hot-line and website for parents and families to access the latest information and updates.
- All families should have access to technology and there should be supports in place to help operate and maintain the equipment.

Additionally, the DOH guidance recommends that responsible parties “should designate a coordinator or other point(s) of contact to be the main contact upon the identification of positive COVID-19 cases and to be responsible for subsequent communication. Coordinators should be

responsible for answering questions from students, faculty, staff, and parents or legal guardians of students regarding the COVID-19 public health emergency and plans implemented by the school.”

Resources

- [The Dual-Capacity Framework for Family-School Partnerships](#) - Karen L. Mapp & Eyal Bergman

HEALTH AND SAFETY

The health and safety of the children and adults in our schools is paramount. Health and safety considerations must always come first in every decision made and every action taken by our schools and districts.

Whether instruction is provided in-person, remotely, or through some combination of the two, schools have an important role to play in educating and communicating with school communities about the everyday preventive actions they can take to prevent the spread of COVID-19. Prevention is accomplished by following the recommendations of health authorities in the following areas:

- Health Checks;
- Healthy Hygiene Practices;
- Social Distancing;
- Personal Protective Equipment (PPE) and Cloth Face Coverings; • Management of Ill Persons; and
- Cleaning and Disinfection.

In each of these categories, schools should note those recommendations that are essential as they represent the minimum standards. Additional considerations are based on best practice or recommendations from the Centers for Disease Control and Prevention (CDC) and the New York State Department of Health (NYSDOH) and should also be reviewed and included as feasible in reopening plans. Schools and districts must continually monitor the CDC and DOH websites to keep current with the latest COVID information and guidance.

Reopening Plan Mandatory Requirements

- Districts/schools must review and consider the number of students and staff allowed to return in person. These factors should be considered when determining resumption of in person instruction:
- Ability to maintain appropriate social distance
- PPE and cloth face mask availability
- Availability of safe transportation
- [Local hospital capacity](#) – consult your local department of health.
- Districts/schools must engage with school stakeholders and community members (e.g., administrators, faculty, staff, students, parents/legal guardians of students, local health departments, local health care providers, and affiliated organizations, such as unions,

alumni, and/or community-based groups) when developing health and safety reopening plans. District/school plan should identify the groups of people involved and engaged throughout the planning process.

- District/school plan must include a communications plan for students, parents/guardians, staff, and visitors that includes applicable instructions, training, signage, and a consistent means to provide individuals with information.
- District/school plan has a written protocol developed in collaboration with the district or school's director of school health services to instruct staff to observe for signs of illness in students and staff and requires symptomatic persons to be sent to the school nurse or other designated personnel.
- District/school plan has a written protocol for daily temperature screenings of all students and staff, along with a daily screening questionnaire for faculty and staff and periodic use of the questionnaire for students.
- District/school plan requires that ill students and staff be assessed by the school nurse (registered professional nurse, RN) or medical director and that if a school nurse or medical director is not available, ill students and staff will be sent home for follow up with a healthcare provider.
- District/school plan has written protocol requiring students or staff with a temperature, signs of illness, and/or a positive response to the questionnaire to be sent directly to a dedicated isolation area where students are supervised, prior to being picked up or otherwise sent home.
- District/school plan has written protocol to address visitors, guests, contractors, and vendors to the school which includes health screening.
- District/school plan has a written protocol to instruct parents/guardians to observe for signs of illness in their child that require staying home from school.
- District/school plan has written protocol and appropriate signage to instruct staff and students in correct hand and respiratory hygiene.
- District/school plan has written protocol to ensure all persons in school buildings keep social distance of at least 6 feet whenever possible.
- District/school plan has written protocol detailing how the district/school will provide accommodations to all students and staff who are at high risk or live with a person at high risk.

- District/school plan has written protocol requiring all employees, adult visitors, and students to wear a cloth face covering whenever social distancing cannot be maintained.
- District/school plan has written protocol regarding students taking mask breaks.
- District/school has plan for obtaining and maintaining adequate supplies of cloth face coverings for school staff, students who forget their masks, and PPE for use by school health professionals.
- District/school plan has written protocol for actions to be taken if there is a confirmed case of COVID-19 in the school.
- District/school plan has written protocol that complies with CDC guidance for the return to school of students and staff following illness or diagnosis of confirmed case of COVID-19 or following quarantine due to contact with a confirmed case of COVID-19. Return to school will be coordinated with the local health department.
- District/school plan has written protocol to clean and disinfect schools following CDC guidance.
- District/school plan has written protocol to conduct required school safety drills with modifications ensuring social distancing between persons.
- District/school has written plan for district/school run before and aftercare programs.
- District/school must designate a COVID-19 safety coordinator (administrator) whose responsibilities include continuous compliance with all aspects of the school's reopening plan, as well as any phased-in reopening activities necessary to allow for operational issues to be resolved before activities return to normal or "new normal" levels.

Considerations for Reopening

- District/school has designated a COVID-19 resource person(s) to assist each school building and the community.
- District/School plan should be translated into any additional languages spoken in the school community.
- District/school should consider limiting the number of visitors on school grounds or in school facilities.
- District/school plan should include steps that will be taken to instruct parents/guardians in screening students at home for signs of illness by multiple means which may include written communication, short videos and parent forums.

- District/school plans which rely on parent/guardian screening before school should take into account the parent/guardian's ability to access internet or complete a written check list accessible in the language spoken by the family.
- Alternatively, district/school plan should include written protocols to screen students before entering school. Such protocols should meet CDC requirements for PPE and social distancing, have sufficient supplies to conduct screenings, along with ensuring waiting students are supervised.
- District/school plan encourages students to wear a cloth face covering at all times, unless otherwise inadvisable.
- District/school plan includes a requirement that school health personnel wear PPE when assessing ill persons or conducting certain respiratory treatments.
- District/school plan will designate 2 rooms if available for school health service personnel. One room will be for healthy students to obtain medications and nursing treatments. The second room will be for isolating ill persons.
- District/school will use disposable equipment and supplies in the health office as much as practicable.
- District/school plan includes providing PPE to custodial and other personnel cleaning and engaging in disinfection at the school if required by the manufacturer of the agent being used.
- District/school plan includes a daily checklist for school personnel to inspect their area and ensure they have sufficient supplies each day (e.g., face covering, tissues, hand hygiene supplies, cleaning supplies, etc.)
- It is recommended that all districts/schools designate a staff member to be the COVID-19 resource person. Considerations include:
 - Resource person has a health background such as the school nurse or the district or schools's director of school health services (a.k.a. medical director). If such person is not available, school administrator(s) familiar with the district plan may act as the resource person
 - Be the main contact upon the identification of positive COVID-19 cases and to be responsible for subsequent communication
 - Information on how to contact the resource person should be readily available to the entire school community
 - Schools are strongly encouraged to include the resource person, the medical director if not the resource person, and other school health professionals in their reopening plan development
- Policies regarding district/school run before and aftercare programs, should consider social distancing, PPE usage, cleaning and disinfection requirements, as well as risk of

COVID-19 transmission. Policies should consider how to maintain cohorts, if applicable, or group members of the same household.

Health Checks

Parents/guardians and staff members must be provided resources to educate them regarding the careful observation of symptoms of COVID-19 and health screening that must be conducted each morning before coming to school. Parents/guardians and school staff must be instructed that any student or staff member with a fever of 100°F² or greater and/or symptoms of possible COVID-19 virus infection should not be present in school. The Centers for Disease Control and Prevention (CDC) keep an up to date list of [symptoms of Coronavirus](#) on its website. This list is not all inclusive as some individuals may display other symptoms or none at all. As of 7/13/2020, the following are listed as the most common symptoms of COVID-19:

- Fever or chills (100°F or greater);
- Cough;
- Shortness of breath or difficulty breathing;
- Fatigue;
- Muscle or body aches;
- Headache;
- New loss of taste or smell;
- Sore throat;
- Congestion or runny nose;
- Nausea or vomiting; and/or • Diarrhea.

It is strongly recommended that all staff are educated to observe students or other staff members for signs of any type of illness such as:

- Flushed cheeks;
- Rapid or difficulty breathing (without recent physical activity);
- Fatigue, and/or irritability; and
- Frequent use of the bathroom.

² Centers for Disease Control and Prevention, Stay Home When You Are Sick. <https://www.cdc.gov/flu/business/stay-home->

Students and staff exhibiting these signs with no other explanation for them should be sent to the school health office for an assessment by the school nurse. If a school nurse is not available, the school should contact the parent/guardian to come pick up their ill child or send the staff member home. Health screenings including daily temperature checks and completion of a screening questionnaire are required for staff, contractors, vendors, and visitors. Students are required to have a daily temperature check and periodic completion of a screening questionnaire. Anyone who has a temperature of 100°F or greater or has a positive response on the screening questionnaire must be isolated from others and sent home immediately. Students should be supervised in the isolated area while awaiting transport home. Schools should refer such persons to a healthcare provider and provide [resources on COVID-19 testing](#).

Students and staff are required to notify the school when they develop symptoms or if their answers to the questionnaire change during or outside school hours. Schools are advised to set up a means to collect this information such as a dedicated email or telephone line.

Schools should encourage staff to complete required screenings prior to arrival at school and encourage parents/guardians to screen their child before sending them to school. Screening by the parent/ guardian prior to school is preferred in lieu of temperature checks and symptom screening being performed after arrival to school. Screening of students includes a daily temperature check and periodic completion of a screening questionnaire.

A screening questionnaire determines whether the individual has:

- knowingly been in close or proximate contact in the past 14 days with anyone who has tested positive through a diagnostic test for COVID-19 or who has or had symptoms of COVID-19;
- tested positive through a diagnostic test for COVID-19 in the past 14 days;
- has experienced any symptoms of COVID-19, including a temperature of greater than 100.0°F in the past 14 days: and/or
- has traveled internationally or from a state with widespread community transmission of COVID-19 per the [New York State Travel Advisory](#) in the past 14 days.

Per NYSDOH, schools are prohibited from keeping records of student, faculty, staff, and visitor health data (e.g., the specific temperature data of an individual), but are permitted to maintain records that confirm individuals were screened and the result of such screening (e.g., pass/fail, cleared/not cleared).

Schools should consider providing staff and parents/guardians periodic reminders of the requirement. This may be accomplished by:

- Providing weekly or daily reminders - such as an automated telephone message, email, or text; and

- Weekly written notices to homes in the parent/guardian's native language where it is known that families cannot access the information through the other methods.

Schools may collect screening information from staff and parents/guardian using:

- Texting apps;
- Phone systems;
- Online reporting; and/or
- Paper checklists.

Schools should have a designated staff person (administrative assistant, attendance person, or school nurse - only if they can handle this additional duty with other job duties) to review the incoming reports of screening by staff and parent/guardians and attesting that they are completed. This person may also be the contact for staff or students to inform if they later experience COVID-19 symptoms.

Procedures which require the parent/guardian to report the results of such screening rely on the parent/guardian to complete the report. If the parent/guardian symptom screen evaluation is done at home the school must:

- Ensure all students are treated equally; and
- Ensure students whose parent/guardian did not complete the screening are not singled out.

Remember, it may not be possible for some families to conduct screenings at home for the following reasons:

- The family may not have access to use of an online system or phone app;
- The information may not be in their primary language;
- The home environment may not be conducive to this process each morning; and/or
- The family may not remember to complete the screening.

Schools must take steps to ensure that any process has multiple avenues of completion and is not used as a basis to exclude students from school. Students who may require screening to be completed at school must be treated in a confidential manner and must have the screening completed as quickly as possible to minimize time away from class.

Screenings

Temperature

In some cases, it will not be practical for temperature checks to be performed prior to students arriving at school.³ Therefore schools will need to develop plans for checking temperatures of students whose parent/guardian did not perform the screening. Schools should also implement screenings for unscheduled visitors.

Schools conducting temperature screenings should have:

- Staff members to supervise students who are waiting their turn. While waiting, students must be socially distanced;
- Trained staff members to perform temperature screenings;
- Sufficient supplies for taking temperatures such as disposable thermometer probes; and
- PPE or barriers for staff members conducting the screening. Depending on the availability of trained staff and supplies, the following methods are recommended by the CDC⁴ for conducting temperature screenings⁵.

Reliance on Social Distancing

- Ask parents/guardians to take their child's temperature either before coming to the facility or upon arrival at the facility. Upon their arrival, stand at least 6 feet away from the parent/guardian and child.
- Ask the parent/guardian to confirm that the child does not have fever, shortness of breath or cough.
- Make a visual inspection of the child for signs of illness which could include flushed cheeks, rapid breathing or difficulty breathing (without recent physical activity), fatigue, or extreme fussiness.

³ American Academy of Pediatrics, COVID-19 Planning Considerations: Guidance for School Re-entry. <https://services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/covid-19-planning-considerations-return-to-in-person-education-in-schools/>. Accessed 6/30/2020.

⁴ Centers for Disease Control and Prevention, Guidance for Childcare Programs that Remain Open. Updated April 21, 2020. <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-childcare.html#ScreenChildren>. Accessed 6/30/2020.

⁵ Centers for Disease Control and Prevention, *Guidance for Childcare Programs that Remain Open*. Updated April 21, 2020. <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-childcare.html#ScreenChildren>. Accessed 6/30/2020.

Use of Barriers/Partition Controls for conducting temperature screenings:

- Stand behind a physical barrier, such as a glass or plastic window or partition that can serve to protect the staff member's face and mucous membranes from respiratory droplets that may be produced if the child being screened sneezes, coughs, or talks;
- Perform hand hygiene;
- Wash your hands with soap and water for 20 seconds. If soap and water are not available, use a hand sanitizer with at least 60% alcohol;
- Put on disposable gloves;
- Check the child's temperature, reaching around the partition or through the window;
- Make sure your face stays behind the barrier at all times during the screening;
- If performing a temperature check on multiple individuals, ensure that you use a clean pair of gloves for each child and clean the thermometer thoroughly between each check;
- If disposable or non-contact (temporal or infrared) thermometers are used and there was no physical contact with the child, you do not need to change gloves before the next check; and
- If non-contact thermometers are used, clean them with an alcohol wipe (or isopropyl alcohol on a cotton swab) between each student. You can reuse the same wipe if it remains wet.

Use of Personal Protective Equipment when Barriers/Partition Controls are not available

If social distancing or barrier/partition controls cannot be implemented during screening, personal protective equipment (PPE) can be used when within 6 feet of a child. However, reliance on PPE alone is a less effective control and more difficult to implement, given PPE shortages and training requirements.

- Upon arrival, wash your hands and put on a facemask, eye protection (goggles or disposable face shield that fully covers the front and sides of the face), and a single pair of disposable gloves. A gown could be considered if extensive contact with a child is occurring;
- Take the child's temperature;
- If performing a temperature check on multiple individuals, ensure that you use a clean pair of gloves for each child and clean the thermometer thoroughly between each check;

- If disposable or non-contact (temporal or infrared) thermometers are used and there was no physical contact with an individual, you do not need to change gloves before the next check.
- If you use non-contact thermometers, clean them with an alcohol wipe (or isopropyl alcohol on a cotton swab) between each client. You can reuse the same wipe if it remains wet;
- After each screening, remove and discard gloves; and
- Use an alcohol-based hand sanitizer that contains at least 60% alcohol or wash hands with soap and water for at least 20 seconds.

Healthy Hygiene Practices

Healthy hygiene practices should be taught and re-taught in school settings for both students and staff. Schools are strongly encouraged to provide instruction to the school community in hand and respiratory hygiene, along with providing adequate supplies and time to allow for frequent hand hygiene. Additionally, schools must post signs throughout the school and should regularly share messages with the school community. Signage should be used to remind individuals to:

- Stay home if they feel sick.
- Cover their nose and mouth with an acceptable face covering when unable to maintain social distance from others or in accordance with any stricter policy implemented by the school.
- Properly store and, when necessary, discard PPE.
- Adhere to social distancing instructions.
- Report symptoms of, or exposure to, COVID-19.
- Follow hand hygiene, and cleaning and disinfection guidelines.
- Follow respiratory hygiene and cough etiquette.

Teaching healthy hygiene practices can be accomplished in person, by videos, announcements, and posters or signs. Schools must post signage in highly visible areas such as:

- Entrances
- Restrooms
- Cafeteria or other dining areas
- Classrooms

- Administrative offices
- Auditorium
- Janitorial staff areas

The CDC provides sample [announcements](#) on reducing the spread of COVID-19, [videos](#) about behaviors that prevent the spread of COVID-19, and print and digital resources on CDC's [communications resources](#) main page, along with the NYSDOH [COVID-19 signage](#).

Hand Hygiene

Students and staff must practice good hand hygiene to help reduce the spread of COVID-19. Schools should plan time in the school day schedule to allow for hand hygiene. Hand hygiene includes:

- Traditional hand washing (with soap and warm water, lathering for a minimum of 20 seconds), which is the preferred method;
- Use of alcohol-based hand sanitizers (60% alcohol or greater) when soap and water are not available, and hands are not visibly dirty. [NYSED's Memo: Handwashing Recommendations and Alcohol-based Hand Sanitizer Use in Schools](#) provides information to schools regarding the use of alcohol-based hand sanitizers;
- Provide hand sanitizer throughout common areas (e.g. entrances, cafeteria), near high touch surfaces, and use touch free dispensers when able;
- Signage should be placed near hand sanitizer indicating visibly soiled hands should be washed with soap and water; and
- Some students or staff may be unable to use alcohol-based hand sanitizers for health reasons therefore they must be permitted to wash their hands with soap and water.

As noted in prior NYSED memos, hand sanitizers contain alcohol and are flammable. Alcohol-based hand sanitizer dispensers are permitted to be installed in rooms and corridors in limited quantities in accordance with FCNYS 2020 Section 5705.5.

[The CDC guidance on when and how to wash your hands](#) provides information on when handwashing should occur, how to wash hands correctly, and how to correctly use alcohol-based hand sanitizers. Schools should provide the following:

- Adequate facilities and supplies for hand washing including soap and water;
- Paper towels or touch free paper towel dispensers where feasible (hand dryers are not recommended as they can aerosolize germs);
- No-touch/foot pedal trash can;

- Alcohol based hand sanitizers with at least 60% alcohol or disinfectant hand wipes;
- Time in the schedule to allow for frequent hand washing; and
- Promotion of proper hand washing before meals, after recess or physical education, before and after removing PPE, and other times, as appropriate.

Portable sinks may be an option for schools to increase access to soap and water. At a minimum, students and staff should wash hands, as follows:

- Upon entering the building and each classroom;
- After using shared objects or surfaces (e.g. electronic devices, musical instruments, writing utensils, tools, toys, desks or table tops);
- Before and after snacks and lunch;
- After using the bathroom;
- After helping a student with toileting;
- After sneezing, wiping or blowing nose, or coughing into hands;
- Upon coming in from outdoors; and
- Anytime hands are visibly soiled.

Respiratory Hygiene

Processes and procedures for respiratory hygiene must be included in reopening plans.

The COVID-19 virus spreads from person to person in droplets produced by coughs and sneezes. Therefore, it is important that students and staff cover their mouths or noses with a tissue when coughing or sneezing and dispose of the tissue appropriately.

A supply of tissues and no touch/floor pedal trash cans should be available in each room when feasible. If no tissue is available, using the inside of the elbow (or shirtsleeve) to cover the mouth or nose is preferable to using the hands. Always perform hand hygiene after sneezing, coughing and handling dirty tissues or other soiled material.

Social Distancing

Social Distancing also called “physical distancing” means keeping a six foot space between yourself and others. Schools are to develop, implement, and enforce social distancing in all school facilities and on school grounds, including transportation.

Ensure that student groupings are as static as possible by having the same group/cohort of students stay together. Additionally,

- It is recommended that the size of groups/cohorts of students be determined by the number of students who can be in each classroom while maintaining 6 feet social distancing.
- Stagger arrival and/or dismissal times to allow increased social distancing on buses as well as in classrooms. Consider dividing up student entry points rather than funneling all students through the same entry space, to limit the amount of close contact between students in high-traffic situations and times.

- Schools should follow all safety requirements when considering the use of other entrances and ensure that all entrances are monitored and are locked after use.
- Making arrival schedule changes for students who walk or are dropped off at school by a parent or caregiver is another possibility;
- Establish designated areas for student drop-off and pick-up, limiting contact and entry of parents/ guardians into the building, to the greatest extent possible.
- Reduce in-school movement where possible by keeping students within a defined area or classroom and modifying class schedules or class transitions using these recommendations:
 - If possible, have the same cohort of students with the same teacher each day
 - Special area teachers (e.g., music, art, physical education) may go to individual classrooms versus rotating all students through a shared space that is not able to be cleaned with each new use. Whenever possible, hold physical education and music classes outside and encourage students to spread out
 - Stagger the use of restrooms, allowing use at other times when necessary. Bathrooms may be monitored by staff to ensure social distancing, that it is clean, and students are washing hands after use.
- Turn desks (including teachers) to face in the same direction rather than facing each other to reduce transmission caused by virus-containing droplets (e.g., from talking, coughing, sneezing);
- Open windows to improve ventilation. Do not open windows if there is a health or safety risk (e.g., allergies, or potential fall);
- Keep individual student belongings separated. Limit use of shared supplies to one group of students, clean between use by cohorts of students;
- Consider using visual aids (e.g., painter’s tape, stickers, posters, cones etc.) to illustrate traffic flow and appropriate spacing to support social distancing;
- Explore the use of alternate spaces (e.g., classroom) for eating lunch and breakfast. If alternate spaces are not available, ensure classroom groups are together in lunchrooms while adhering to the social distancing rules;
- Restrict the use of classrooms and other places where students, faculty, and staff gather (e.g., lockers, cubbies, entryways, hallways), so that individuals can be socially distanced. Assign lockers or other student storage areas by cohort or eliminate their use – however, students should not carry an unreasonable number of books or materials throughout the day;
- Limit gathering in small spaces (e.g., elevators, faculty offices) by more than one individual at a time, unless all individuals in such space are wearing acceptable face coverings;
- Playgrounds may continue to be used when proper safeguards are in place. In elementary school settings, consider staggering playground use rather than allowing multiple classes

to play together. Limit other activities where multiple groups interact. Wash hands before and after touching play structures and keep 6 feet of space from other children as much as possible. When possible, build in visual cues that demonstrate physical spacing;

- Ensure that a distance of twelve feet in all directions is maintained between individuals while participating in activities requires projecting the voice (e.g., singing), playing a wind instrument, or aerobic activity.
- Cancel/limit student assemblies, athletic events/practices, performances, school-wide parent meetings. Consider transitioning field trips to free virtual opportunities. Consider changing in-school events to a virtual format; and
- Limit visitors to school buildings. Consider using online meetings with parents and other persons when feasible.

The Kentucky Department of Education (KDE) has released a classroom capacity calculator to assist schools. The link to this calculator is

<https://education.ky.gov/comm/Documents/RoomCapacityCalculator.xlsx>.

Medically Vulnerable/High-Risk Groups

The following groups are at increased risk for complications from COVID-19 and may need added or alternative provisions for social distancing. Students who have family members who are in high risk groups may also need to attend school remotely. Schools will need to make accommodations and be able to accommodate the needs of these students in the school community.

Persons in these groups should consult with their healthcare provider regarding prevention:

- Individuals age 65 or older;
- Pregnant individuals;
- Individuals with underlying health conditions including, but not limited to:
 - chronic lung disease or moderate to severe asthma
 - serious heart conditions
 - immunocompromised
 - severe obesity (body mass index [BMI] of 30 or higher)
 - diabetes
 - chronic kidney disease undergoing dialysis
 - liver disease
 - sickle cell anemia
 - children who are medically complex, who have neurologic, genetic, metabolic

conditions, or who have congenital heart disease are at higher risk for severe illness from COVID-19 than other children.

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. It is important for parents/ guardians to work with their child's healthcare providers so that an informed decision can be made on how best to meet the child's needs at school while protecting their health and safety. Transitioning these students back to school requires:

- Planning and coordination of:
 - school health services personnel
 - special education personnel
 - pupil personnel services and
 - administration.
- Being aware that such families are already under significant stress and COVID-19 has made their situations more critical.

Alternate plans created in consultation with school health personnel on how to meet the needs of the child while keeping social distancing may include:

- Additional PPE for staff caring for such students;
- Assigning only one staff member to care for the student; and/or
- Decreased students in a classroom, alternating schedules, and provision of related services to an individual instead of group setting.

Finally, if the parents/guardians choose not to send their child back to school, schools will need to provide instruction remotely. Please see the section on Special Education for more details.

Personal Protective Equipment (PPE)

Schools should review the [OSHA COVID-19 guidance](#) for information on how to protect staff from potential exposures, according to their exposure risk pursuant to their [Exposure Control Plan](#). The OSHA guidance also sets forth when PPE is needed by staff pursuant to the OSHA standards.

The CDC recommends that school-based health personnel use [Healthcare Facilities: Managing Operations During COVID19 Pandemic Updated June 29, 2020](#) guidance when providing care to ill persons as part of infection control protocols:

- Licensed healthcare professionals must utilize standard precautions at all times;
- [Transmission-based precautions](#) should be used when assessing persons suspected of having COVID-19;

- Schools should ensure they have adequate supplies of PPE for use by school health professionals to assess and care for ill students and staff members;
- Such PPE includes, but is not limited to:
 - face masks (disposable surgical masks)
 - respirators (N95) masks that are fit tested
 - eye protection or face shields
 - gloves
 - disposable gowns.

For optimal protection, when worn, the face shield must be used with a face mask and:

- Extend below the chin anteriorly;
- To the ears laterally;
- There should be no exposed gap between the forehead and the shield’s headpiece;
- Only be worn one person per shield;
- Be cleaned between use; and
- The wearer should wash their hands after removing the shield and before putting it on.

Obtaining PPE may be difficult due to high demand. To assist schools in meeting these requirements they are encouraged to consult their BOCES or [County or City Emergency Manager](#) and use a tool to calculate how much PPE is needed. One available tool was developed by the Massachusetts Department of Education.

DISPOSABLE MASKS

Initial recommended quantities per 100 individuals per group per school

Group	Quantity per 100 per group	12-week Supply at 100% Attendance	12-week Supply at 50% Attendance	12-week Supply at 25% Attendance	Assumptions
Students	100 masks per week	1,200	600	300	1 disposable mask per week per student (to supplement the cloth masks provided by parent/guardian).

Teachers and other staff	500	6,000	3,000	1,500	5 disposable masks per week per teacher.
School nurses and health providers	1,000	12,000	6,000	3,000	10 disposable masks per week per school nurse.

MATERIALS FOR STAFF MEMBERS WHO MAY BE IN HIGH-INTENSITY CONTACT WITH STUDENTS OR HANDLING WASTE MATERIALS

Initial recommended quantities calculated per 1 staff (e.g. nurses, custodians, and some special education teachers and other staff)

Item	1-week Supply for 1 Staff	12-week Supply	Assumptions
Disposable Nitrile Gloves	10	120	10 pairs disposable nitrile gloves per week, per staff.
Disposable Gowns	10	120	10 disposable gowns per week, per staff.
Eye Protection	2	n/a	2 re-usable eye protection per staff total.
Face Shields	2	n/a	2 reusable face shields per staff total.
Waste Disposal Medium	1	n/a	1 unit per staff total.
N-95 Ventilating Masks* <i>Note: N-95 masks are recommended only if staff will be in contact with a suspected COVID-19 positive case and/or performing aerosol-generating procedures</i>	10	120	10 N-95 masks per week, per staff.

PPE is recommended when performing aerosolized treatments, assessing and caring for a person who is suspected of having COVID-19. Health care professionals should review the

[CDC guidance on the correct use of PPE.](#) Face shields worn without other face coverings are not considered adequate protection against COVID-19 and should not be used alone.

Aerosol Generating Procedures

Respiratory treatments administered by nurses generally result in aerosolization of respiratory secretions. These aerosol generating procedures (AGPs) potentially put healthcare personnel and others at an increased risk for pathogen exposure and infection. The CDC recommends PPE use when administering AGPs. PPE consists of:

- Gloves;
- N95 or surgical [facemask](#);
- In lieu of N95 - a surgical mask with face shield;
- Eye protection; and
- A gown (if necessary).

PPE should be used when:

- Suctioning;
- Administering nebulizer treatments; or
- Using peak flow meters with students who have respiratory conditions.

Treatments such as nebulized medication treatments and oral or tracheostomy suctioning should be conducted in a room separate from others with nursing personnel wearing appropriate PPE. For nebulizer treatments, if developmentally appropriate, the nurse could leave the room and return when the nebulizer treatment is finished. Due to limited availability of [data, it is uncertain whether aerosols generated by nebulizer treatments are potentially infectious](#).⁶ Cleaning of the room should occur between use and cleaning of the equipment should be done following manufacturer's instructions after each use. [The CDC recommends](#)⁷ during the COVID-19 pandemic that respiratory medications utilizing metered dose inhalers (MDI) with a spacer or valved holding chamber be used over nebulizer treatments whenever possible. Based on limited data, use of MDIs (with or without spacers or valved holding chambers) is not considered an aerosol-generating procedure. Nebulizer treatments at school should be reserved for children who cannot use an MDI (with or without spacer or valved holding chamber). Use of peak flow meters, including in the school setting, includes forceful exhalation. Based on limited available data, forceful exhalation is not considered an aerosol-generating procedure associated with increased risk of transmitting the virus that causes

⁶ Centers for Disease Control and Prevention- Healthcare Infection Prevention and Control FAQs for COVID-19 <https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-faq.html>. Accessed 6/20/2020.

⁷ Centers for Disease Control and Prevention- K-12 Schools and Child Care Programs FAQs for Administrators, Teachers, and Parents. <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools-faq.html>. Accessed 6/30/2020.

COVID-19. However, for some people with asthma, using a peak flow meter can trigger coughing.

Cloth Face Coverings

Cloth face coverings are meant to protect other people in case the wearer is unknowingly infected but does not have symptoms. [Cloth face coverings](#) are not surgical masks, respirators, or other medical personal protective equipment. All individuals in school facilities and on school grounds must be prepared to put on a face covering if another person unexpectedly cannot socially distance. All students and staff members must wear cloth face coverings:

- Whenever they are within 6 feet of someone;
- In hallways;
- In restrooms; and
- In other congregate settings, including buses.

Schools must provide acceptable face covering to employees (and students if they forget their own) and have an adequate supply in case of need for replacement per Executive Order 202.16. Schools should allow an employee to wear their own acceptable face covering but may not require they supply their own face coverings. Employees with healthcare provider documentation stating they are not medically able to tolerate face covering cannot be required to do so.

Face coverings may be challenging for students (especially younger students) to wear in all-day settings such as school, so scheduling mask breaks is important. Face coverings should **not** be placed on:

- Children younger than 2 years old;
- Students where such covering would impair their health or mental health, or where such covering would present a challenge, distraction, or obstruction to education services and instruction;
- Anyone who has trouble breathing or is unconscious; or
- Anyone who is incapacitated or otherwise unable to remove the cloth face covering without assistance.

Schools should instruct students, parents/guardians and staff, contractors and vendors on:

- The proper way to wear face coverings;
- Washing hands before putting on and after removing their face covering;
- Proper way to discard disposable face coverings;

- The importance of routine cleaning of reusable face coverings; and
- Face coverings are for individual use only and should not be shared.

Information and resources to assist schools in instructing on the proper use and cleaning of facemasks are on the CDC webpage on [cloth face coverings](#).

Students and staff may use alternate PPE (i.e., face coverings that are transparent at or around the mouth) for instruction or interventions that require visualization of the movement of the lips and/or mouths (e.g., speech therapy). These alternate coverings may also be used for certain students (e.g., hearing impaired) who benefit from being able to see more of the face of the staff member.

Management of Ill Persons

Students and staff with symptoms of illness must be sent to the health office. Ideally a school nurse (Registered Professional Nurse, RN) is available to assess individuals as chronic conditions such as asthma and allergies or chronic gastrointestinal conditions may present the same symptoms as COVID-19 but are neither contagious nor pose a public health threat.

If a school nurse is not available, schools will have to isolate and dismiss any student or staff member who has a fever or other symptoms of COVID-19 that are not explained by a chronic health condition for follow up with a health care provider. Administrators should work collaboratively with school nurses to determine if additional staff is needed to assist with non-nursing tasks such as:

- Student supervision;
- Telephone calls, text, or emails to parent/guardians; and
- Assistance with completing any required paperwork other than nursing documentation.

If Students or Staff become Ill with Symptoms of COVID-19 at School

Schools should follow [Education Law § 906, which provides](#) [w]henver...a student in the public schools shows symptoms of any communicable or infectious disease reportable under the public health law that imposes a significant risk of infection of others in the school, he or she shall be excluded from the school and sent home immediately, in a safe and proper conveyance. The director of school health services shall immediately notify a local public health agency of any disease reportable under the public health law⁸. The director of school health services, or other health professionals acting upon direction or referral of such director, may make such evaluations of teachers and any other school

⁸ Effective February 1, 2020, the 2019-Novel Coronavirus was added to the Public Health Law as a significant threat to the public health, and the NYS Commissioner of Health designated 2019-Novel Coronavirus as a communicable disease under 10 NYCRR Section 2.1.

employees, school buildings and premises as, in their discretion, they may deem necessary to protect the health of the students and staff.

School staff must immediately report any illness of students or staff to the school nurse or other designated school staff. Such reports should be made in compliance with FERPA, and Education Law 2-d. If nurses choose to go to classrooms to make assessments of students, this also should be done in a manner that protects the student's confidentiality. If there are several students waiting to see the school nurse, arrangements should be made to have students wait at least 6 feet apart. Ideally schools should have two rooms for school health personnel - one room for healthy students who have injuries or need their medications or nursing treatments, and another room for assessing and caring for ill students and staff. Both rooms require a supervising adult to be present and should have easy access to a bathroom and sink with hand hygiene supplies. School nurses and other school health professionals assessing or providing care to ill students and staff should follow [Transmission-based precautions](#) which includes the use of appropriate PPE (see section on PPE).

Students suspected of having COVID-19 awaiting transport home by the parent/guardian must be isolated in a room or area separate from others, with a supervising adult present utilizing appropriate PPE. Multiple students suspected of COVID-19 may be in this isolation room if they can be separated by at least 6 feet

The CDC and NYSDOH recommend:

- Closing off areas used by a sick person and not using these areas until after cleaning and disinfection has occurred;
- Opening outside doors and windows to increase air circulation in the area.
- Waiting at least 24 hours before cleaning and disinfection. If waiting 24 hours is not feasible, wait as long as possible;
- Clean and disinfect all areas used by the person suspected or confirmed to have COVID-19, such as offices, classrooms, bathrooms, lockers, and common areas.
 - Once the area has been appropriately cleaned and disinfected it can be reopened for use.
 - Individuals without close or proximate contact with the person suspected or confirmed to have COVID-19 can return to the area and resume school activities immediately after cleaning and disinfection.
 - Refer to DOH's "[Interim Guidance for Public and Private Employees Returning to Work Following COVID-19 Infection or Exposure](#)" for information on "close and proximate" contacts.

- If more than seven days have passed since the person who is suspected or confirmed to have COVID-19 visited or used the facility, additional cleaning and disinfection is not necessary, but routine cleaning and disinfection should continue.

If a separate room is not available, keep at least a 6-foot distance between ill students and other persons. If they cannot be isolated in a separate room from others, it is recommended that a facemask (e.g., cloth or surgical mask) be provided to the student if the ill person can tolerate wearing it and does not have difficulty breathing, to prevent the possible transmission of the virus to others while waiting for transportation home. It is recommended that:

- Students should be escorted from isolation area to the parent/guardian;
- The parent or guardian be instructed to call their health care provider, or if they do not have a health care provider, to follow up with a local clinic or urgent care center;
- Symptomatic students or staff members follow CDC's [Stay Home When You Are Sick](#) guidance unless otherwise directed by a healthcare provider or the local department of health. If the student or staff member has emergency warning signs such as trouble breathing, persistent pain or pressure in the chest, new confusion, inability to arouse, bluish lips or face, call 911 and notify the operator that the person may have COVID-19;
- School staff be aware of the symptoms of [Multisystem Inflammatory Syndrome in Children \(MIS-C\) associated with COVID-19](#) which is a serious condition associated with COVID-19 in children and youth. Schools should notify the parent/guardian if their child shows any of the following symptoms and recommend the child be referred for immediate follow up with a healthcare provider:
 - fever
 - abdominal pain
 - vomiting
 - diarrhea
 - neck pain
 - rash
 - bloodshot eyes
 - feeling extra tired
- Schools must call for emergency transport (911) following district policies, for any student showing any of these emergency warning signs of MIS-C or other concerning signs:
 - trouble breathing
 - pain or pressure in the chest that does not go away
 - new confusion

- inability to wake or stay awake
- bluish lips or face
- severe abdominal pain
- If a student or staff member reports having tested positive for COVID-19, school administrators or his/her designee should notify the local health department to determine what steps are needed for the school community.

Return to School after Illness

Schools must follow CDC guidance for allowing a student or staff member to return to school after exhibiting symptoms of COVID-19. If a person is not diagnosed by a healthcare provider (physician, nurse practitioner, or physician assistant) with COVID-19 they can return to school:

- Once there is no fever, without the use of fever reducing medicines, and they have felt well for 24 hours;
- If they have been diagnosed with another condition and has a healthcare provider written note stating they are clear to return to school.

If a person is diagnosed with COVID-19 by a healthcare provider based on a test or their symptoms or does not get a COVID-19 test but has had symptoms, they should not be at school and should stay at home until:

- It has been at least ten days since the individual first had symptoms;
- It has been at least three days since the individual has had a fever (without using fever reducing medicine); and
- It has been at least three days since the individual's symptoms improved, including cough and shortness of breath.

The CDC provides specific guidance for individuals who are on home isolation regarding when the isolation may end. [Discontinuation of Isolation for Persons with COVID-19 Not in Healthcare Settings](#). CDC recommendations for discontinuing isolation in persons known to be infected with COVID-19 could, in some circumstances, appear to conflict with recommendations on when to discontinue quarantine for persons known to have been exposed to COVID-19. CDC recommends 14 days of quarantine after exposure based on the time it may take to develop illness if infected. Thus, it is possible that a person known to be infected could leave isolation earlier than a person who is quarantined because of the possibility they are infected.

COVID-19 Testing

It is strongly recommended that schools comply with CDC guidance and not conduct COVID-19 testing or require testing or antibody testing of students or staff members. The decision of whether a test needs to be conducted should be determined by a healthcare provider or the local department of health. [CDC Interim Considerations for K-12 School Administrators for SARS-CoV-2 Testing](#)

Schools should identify who in the community is responsible for referring, sourcing, and administering testing (e.g., local health department testing site, physician offices, hospital system) particularly in the event that large-scale testing at the school is needed. Schools wanting to perform COVID-19 testing must apply and be approved as a limited service laboratory (LSL). Please refer to the [instructions and application materials](#), and if applicable, the [worksheet for multiple locations](#).

Contact Tracing

Contact tracing is a public health function performed by local public health departments to trace all persons who had contact with a confirmed case of COVID-19. This allows public health officials to put in place isolation or other measures to limit the spread of the virus. Schools must cooperate with state and local health department contact tracing. Schools can assist public health departments in knowing who may have had contact at school with a confirmed case by:

- keeping accurate attendance records of students and staff members;
- ensuring student schedules are up to date;
- keeping a log of any visitors which includes date, time and where in the school they visited; and
- Assist local health departments in tracing all contacts of the individual at school in accordance with the protocol, training, and tools provided through the [New York State Contact Tracing Program](#). This does not mean schools are required to have staff members take the contract tracing program. Questions should be directed to the local health department.

Confidentiality must be maintained as required by federal and state laws and regulations. School staff should not try to determine who is to be excluded from school based on contact without guidance and direction from the local department of health.

School Closures

Schools must collaborate with their local health department to determine the parameters, conditions or metrics (e.g., increased absenteeism or increased illness in school community)

that will serve as early warning signs that positive COVID-19 cases may be increasing beyond an acceptable level.

School administrators should consider closing school if absentee rates impact the ability of the school to operate safely. Schools may choose to modify operations prior to closing to help mitigate a rise in cases. Schools should consult their medical director and/or the local department of health when making such decisions.

Cleaning and Disinfection

The CDC provides [Reopening Guidance for Cleaning and Disinfection](#) with specific guidance for schools along with the [Cleaning and Disinfection Decision Tool](#) to aid in determining what level of cleaning and/or disinfection is necessary. School wide cleaning must include classrooms, restrooms, cafeterias, libraries, playgrounds, and busses. The guidance provides a general framework for cleaning and disinfection practices. The framework is based on doing the following:

- Normal routine cleaning with soap and water will decrease how much of the virus is on surfaces and objects, which reduces the risk of exposure;
- Disinfection using [US Environmental Protection Agency \(EPA\)-approved disinfectants against COVID-19](#). Where disinfectants are used, products should be registered with EPA and the [NYS Department of Environmental Conservation \(DEC\)](#). Frequent disinfection of surfaces and objects touched by multiple people is important;
- When [EPA-approved disinfectants](#) are not available, alternative disinfectants can be used (e.g., 1/3 cup of bleach added to 1 gallon of water or 70% alcohol solutions). Do not mix bleach or other cleaning and disinfection products together. This can cause fumes that may be extremely dangerous to breathe in. Keep all disinfectants out of the reach of children;
- Schools must identify cleaning and disinfection frequency for each facility and area type; and
- Schools must maintain logs that include the date, time, and scope of cleaning and disinfection in a facility or area.

Cleaning plans should include considerations regarding the safety of custodial staff and other people who are carrying out the cleaning or disinfection. In order to disinfect areas frequently, additional staff may need to be trained. For more information on concerns related to cleaning safety, including training staff, see [the Occupational Safety and Health Administration's website on Control and Prevention](#).

High touch surfaces should be cleaned and disinfected frequently throughout the day. Examples of high touch surfaces include:

- Tables;
- Doorknobs;
- Light switches;
- Countertops;
- Handles;
- Desks;
- Phones;
- Keyboards and tablets;
- Toilets and restrooms; and
- Faucets and sinks.

Students should not be present when disinfectants are in use and should not participate in cleaning and/or disinfection activities.

- It is important to establish a schedule for cleaning and/or changing heating/air conditioning system filters. Opening windows, if it can be done safely, and conducting classes outdoors are other strategies to increase airflow;
- Follow the manufacturer's instructions for cleaning and disinfection of electronic devices such as laptops, iPads or Chromebooks, keyboards and computer mice, etc., between use. Consider the use of wipeable covers for electronics. If the manufacturer's guidance is unavailable, consider the use of alcohol-based wipes or spray having at least 70% alcohol [per CDC Guidance](#). Dry surfaces thoroughly to avoid the pooling of liquids;
- Shared wind musical instruments should be cleaned between use per the manufacturer's directions;
- Playgrounds should be cleaned [per CDC guidance](#):
 - outdoor areas, like playgrounds in schools and parks generally require normal routine cleaning, but do not require disinfection
 - do not spray disinfectant on outdoor playgrounds- it is not an efficient use of supplies and is not proven to reduce risk of COVID-19 to the public
 - high touch surfaces made of plastic or metal, such as grab bars and railings should be cleaned routinely
 - cleaning and disinfection of wooden surfaces (play structures, benches, tables) or groundcovers (mulch, sand) is not recommended
- sidewalks and roads should not be disinfected.

- Shared athletic/gym equipment (e.g., balls, protective gear) should be cleaned between use per manufacturer’s directions.

School Health Office Cleaning

School health office cleaning must occur after each use of:

- Cots;
- Bathroom; and
- Health office equipment (e.g. blood pressure cuffs, otoscopes, stethoscopes, etc.) should be cleaned following manufacturer’s directions.

Disposable items should be used as much as possible including:

- Disposable pillow protectors; or
- Disposable thermometers, or disposable thermometer sheaths or probes, and disposable otoscope specula.

More information on cleaning health office equipment is on the [New York State Center for School Health’s](#) website under COVID-19.

Other Considerations

Health Physicals and Screenings

Due to the COVID-19 pandemic and the effect it is having on healthcare providers, the Department released the memo [Health Examinations in Light of COVID-19 Pandemic](#), which provides direction to schools when students are delayed in obtaining required health physical examinations, along with information on the required health exam form [Required NYS School Health Examination Form](#).

The memo states:

- Schools are to continue to accept proof of a health examination regardless of the form it is completed on for exams conducted on or before January 31, 2021;
- Parents/guardians are provided with additional time to provide the completed health exam to the school;
- Student athletes are able to participate in the fall 2020 sports season even if they do not have a current health examination if they meet certain criteria;
- Beginning February 1, 2021 health examinations for schools are to be completed on the NYS Required Health Examination Form or an electronic health record equivalent form. This directive may change depending on the status of the COVID-19 pandemic in the fall; and

- Hearing, vision, and scoliosis screenings will be waived for the 2020-2021 school year due to the COVID-19 crisis, unless such screening has otherwise been deemed necessary, pursuant to an amendment to Commissioner’s Regulations section 136.3(e).

Safety Drills

Education Law § 807 requires that schools conduct 8 evacuation and 4 lockdown drills each school year. When planning drills, consideration should be given to how a school may modify their drill procedures to minimize risk of spreading infection. Conducting drills is an important part of keeping students and staff safe in an emergency, however, steps should be taken to minimize the risk of spreading infection while conducting drills. As such, it may be necessary for schools to conduct drills in the 2020-21 school year using protocols that are different than they are used to.

Regardless of the modification used when conducting a drill, students should be instructed that if it was an actual emergency that required evacuation or lockdown, the most imminent concern is to get to safety; maintaining social distancing in an actual emergency that requires evacuation or lockdown may not be possible and should not be the first priority.

Modifications to evacuation drill protocols may include, but are not limited to:

- Conducting drills on a “staggered” schedule, where classrooms evacuate separately rather than all at once, and appropriate distance is kept between students to the evacuation site. Staggering by classroom, minimizes contact of students in hallways, stairwells, and at the evacuation site. If conducting drills using a modified procedure, it is required that the drill be conducted with all students in the school building on that school day, it may be necessary to do so during a class period that is extended for this purpose; and
- If schools re-open with a “hybrid” in-person model, such as one where students attend school alternate school weeks to reduce the occupancy of the school building, schools must be certain that all students are receiving instruction in emergency procedures, and participating in drills

while they are in attendance in-person.

Modifications to Lockdown Drills may include, but are not limited to:

- Conduct lockdown drill in classroom setting while maintaining social distancing and using masks;
- Conducting lockdown drills on a “staggered” schedule with smaller numbers of students present to maintain social distancing, however schools must be certain that all students are receiving instruction in emergency procedures and participating in drills while they are in attendance in-person; and

- Conduct lockdown drill in classroom without “hiding”/ “sheltering” but provide an overview of how to shelter or hide in the classroom.



FACILITIES

When students and adults return to their school buildings for in-person instruction, it will be vitally important that the physical spaces they occupy are configured and maintained in a way that provides the maximum possible protection from spreading the coronavirus.

School districts will follow health guidance related to social distancing and other safety measures that must be put in place to slow the spread of COVID-19. To meet the requirements of that guidance, school districts or other applicable schools may need to rearrange or re-purpose physical space within their buildings, expand buildings’ or districts’ footprints or alter existing spaces through construction or changes in programming or operation. Several of these alternatives have implications for fire code compliance and may require code review by the New York State Education Department’s (NYSED’s) Office of Facilities Planning.

Many questions will arise as districts or other applicable schools balance fire safety and building security needs with efforts to prevent the spread of COVID-19. NYSED’s team is in consultation with other state agencies to ensure that all factors are fully considered, and the risks to building occupants are minimized across the full range of potential concerns.

Reopening Mandatory Requirements

General Health and Safety Assurances

- School districts or other applicable schools must follow all guidance related to health and safety. This will include meeting social distancing requirements and cleaning frequently touched spaces regularly to prevent spread of infection. These requirements will be addressed in more detail in other parts of the NYSED Re-Opening Guidance. The Facilities portion of the district’s, or other applicable school’s, reopening plan will seek assurance that school districts or other applicable schools will meet all requirements associated with building space related changes that they may elect to make.

Fire Code Compliance

- Changes or additions to facilities require review by the Office of Facilities Planning (OFP), since all spaces to be occupied by public school students and staff must meet the requirements of the 2020 New York State Uniform Fire Prevention and Building Code (BC) and the State Energy Conservation Code. In their plans, districts or other applicable schools will provide assurances that, should alterations be made, districts and other applicable schools will submit the proposed changes to the OFP for review and approval - just as with any other project.

Doorways

- Many stairs and corridor doors have closers with automatic hold opens. These doors are normally held in the open position and are automatically released by the fire alarm system. The function, position, and operation of those doors must remain unchanged. Fortunately, they need not be touched during normal use.

Emergency Drills

- Districts or other applicable schools shall conduct standard operations and procedures to the best of their abilities without deviating from current requirements. Fire (evacuation) Drills and Lockdown Drills are required by Education Law and regulation and the Fire Code and they must be conducted without exceptions. Fire Code Section 404 requires that schools maintain Fire Safety, Evacuation, and Lockdown Plans and these plans include how lockdown and evacuation drills are conducted. Methods to promote and provide for social distancing during the evacuation drills are ultimately the district's or other applicable school's decision and responsibility. Those changes must be included in the Fire Safety plans.

Inspections

- Statute has not been changed to provide an extension to the submission deadline for the Building Condition Survey or Visual Inspections. These deadlines must be met.

Lead Testing due in 2020

- At present, the statutory requirement that lead testing occur in 2020 continues. NYS DOH regulation 67-4, Lead-In-Water Testing, DOH requires lead-in-water testing to be conducted when the building is "normally occupied." Sampling should not be conducted when the building is vacant or has been vacant for an extended period due to COVID-19 closure. Simulation of "normally occupied operation" for the purpose of lead-in-water testing is not permitted. NYS DOH advises that schools follow recommended procedures to the extent possible to provide clean and safe drinking water upon reopening.

Considerations for Reopening Plans

Means to Control Infection

These are arrangements that can be considered to reduce transmission of infection:

- **Time Management:** School leaders should manage time and schedules to reduce student use of the corridors. The traditional practice of changing classes between periods results in congested hallways and creates challenges to precludes social distancing.
- **Leave Doors Open:** To reduce the spread of the virus from touching door levers and knobs, doors may be fixed in the open position. This is only permitted at doors without door closers and doors which are not fire rated.
- **Plastic Separators:** The use of light-transmitting plastics is recommended in locations where social distance or mask requirements cannot be complied with or easily regulated. For example, to separate individual lavatory sinks from each other. Light-transmitting plastics must comply with 2020 BCNYS Section 2606 to mitigate the negative impact of life and safety features of a school.
- **Alcohol-based Hand Rub Dispensers:** Districts or other applicable schools should assess each building's capacity to provide adequate hand washing facilities and determine if the use of alcohol-based hand rub dispensers is required. Alcohol-based Hand-Rub Dispensers are permitted to be installed in rooms and corridor in limited quantities in accordance with FCNYS 2020 Section 5705.
- **Dividers at doors and other points of congregation:** It may be advisable to use dividers at queue lines and other areas subject to overcrowding to control the groups. These dividers must be approved by the OFP. Consult your architect and submit floor plans to OFP for approval. This review is required because improperly placed dividers could obstruct escape during an emergency.

Required Square Footage

While recommendations on social distancing suggest that maintaining a six-foot distance from others is optimal, the building code itself does not mandate a minimum square footage per person on which districts or other applicable schools must base the number of students and staff in a building. Code sets standards for individual rooms and it varies on room function. If contemplating a change in class size use 20 square foot (SF) per person for a classroom, 15 SF per person for cafeterias, 50 SF Vocational, Tech and Special Ed., 150 SF for offices, 5-15 SF at gymnasiums.

Contact an architect at the OFP with questions pertaining to change of room use and occupant load or if a proposed change in occupancy of a space results in an occupant count greater than 49. A higher expected number of occupants may change the requirements for exits.

Facility Alterations and Acquisition

Districts or other applicable schools may choose to ease social distancing by changing the way they use space in their existing buildings or by acquiring additional space. All spaces to be occupied by school students and staff must meet the requirements of the 2020 New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Code.

Changes to Space Utilization and/or Alterations

Alterations Mandatory Requirements

If districts/schools expect to make space alterations to the physical space or the building, these items will be required:

- Alterations to the configuration of existing classrooms or spaces or the introduction of temporary and/or movable partitions, the change must be submitted to OFP, the local municipality and/or code enforcement officials for review.
- Means of egress, fire alarm system, ventilation, and lighting may be affected and must be indicated on all submitted plans.
- Consult your architect and submit floor plans to OFP for approval.
- COVID-19 Projects shall be indicated as “COVID-19 Reopening” when submitted to the OFP. This will allow NYSED to expedite those reviews.
- The installation of movable partitions (gym, cafeteria, Library classroom dividers) and queue barricades shall require an abbreviated submission consistent with the Form FP-AU Request for Approval of Use of a Facility.
- Use of Cafeterias, Libraries, Auditoriums and Gymnasiums: A floor plan of the entire room showing the furniture layout with egress aisles shall be submitted to OFP for approval. Lighting, ventilation, means of egress, and fire alarm coverage must be indicated.

Districts or other applicable schools can utilize available space in the cafeteria, gyms, auditorium, and libraries (or sections thereof), as classroom space. Minor alterations and the use of space dividers may be utilized in existing classrooms. The need for social distancing may be enhanced by alterations to a lobby or corridor and /or interior spaces/rooms.

Space Expansion

Space Expansion Mandatory Requirements

If districts or other applicable schools choose to expand their square footage in order to enable improved social distancing (e.g. building additions, lease space, transportable classroom units

or spaces such as tents) the following requirements apply for all spaces to be occupied by school district staff and students:

- Code Review: Per statute, NYSED’s Office of Facilities Planning must review and approve the above types of projects to ensure that the proposed spaces meet the fire code.
- Offsite Lease Requirements: For offsite facilities, the district or other applicable schools must contact their project manager at NYSED Office of Facilities Planning (OFP) and submit a Temporary Quarters (TQ) Project submission.

To ensure that these sites meet all requirements, TQ submissions require submission of:

- OFP Form FP_AU-Request for Approval of Use of a Facility;
- architectural quality floor plan;
- site plan;
- AHERA Plan;
- Fire Safety Report;
- Confirmation of Americans with Disabilities Act compliance;
- Local Code Authority Certificate of Occupancy; and
- Approval of use of space.
- Please note – if a Change of Occupancy in the Existing Building Code applies (e.g. office or B-occupancy to E-occupancy) code requirements such as rescue windows; accessibility; fire protection systems such as sprinkler or emergency voice alarm communication systems; ventilation – may make it infeasible.
- Districts or other applicable schools should identify COVID-19 Projects as “COVID-19 Reopening” when required materials are submitted to OFP for review.
- Consult with OFP for a preliminary evaluation of all facilities under consideration for leasing. All leased facilities must be submitted to OFP for review and approval.

Please consult with your architect/engineer of record.

Districts or other applicable schools should identify COVID-19 Projects as “COVID-19 Reopening” when required materials are submitted to OFP for review.

Tents for Additional Space

Tents for Additional Space Mandatory Requirements

If tents are used as alternate spaces, then the following requirements apply:

Tents, both temporary and permanent are regulated by code and must be submitted for a building permit.

- Temporary structures and tents are those erected for 180 days or less. The Building Code Section 3103.1 indicates, “tents and membrane structures erected for a period of less than 180 days shall comply with the Fire Code of NYS”.
- The Fire Code (FC) Chapter 31 contains extensive requirements for Tents and Other Membrane Structures. FC Section 3103.2 indicates that a permit and approval of temporary tents is required. FC Section 3103 contains requirements for temporary tents and Section 3104 has requirements for permanent tents. They include requirements for construction documents, access roads, location, seating plans, means of egress, illumination, exit signs, construction, use.
- Permanent tents are considered a membrane structure and are regulated by Building Code Section 3102 and other applicable sections.
- Districts or other applicable schools must consult their design professional to prepare submission drawings for approval by OFP.
- The following information must be shown on the drawings: Dimensions, Minimum separation distance to other structures, Tent sides (yes) (no), Duration of use, Type of use/activity, Anchorage, Number of Exits, Width of each exit, Table/Chair/Contents, layout, Fire extinguisher Location, Occupant load, Heating or Cooking equipment, Utilities, Exit signs, NFPA 701 testing/label/certification.
- If the tent is used for E-occupancy, consult with local municipalities and/or code enforcers provide code-compliant design for mechanical heat and ventilation; lighting; emergency lighting; power; fire alarm; plumbing; etc. as required.
- Districts or other applicable schools must consult their architect and submit to OFP for approval. The district, or other applicable school, must provide an architectural quality floor plan, which clearly indicates existing and proposed use of space showing the furniture layout with egress aisles. Lighting, ventilation, means of egress, and fire alarm coverage must be indicated.

Plumbing Facilities and Fixtures

Toilet and Sink Fixtures: Districts or other applicable schools may consider reducing the number of toilet fixtures in a building in order to facilitate frequent cleaning. However, the minimum number of toilet fixtures that must be available for use in a building is established in the building code.

The usual minimum requirement may be reduced by certain circumstances that may be relevant: (1) the building’s aggregate number of toilet fixtures already exceeds the minimum amount required by the Building Code or (2) the building occupancy is reduced using partial remote learning or reductions.

Reminder: frequent handwashing is a key component to avoiding the spread of COVID-19, so sinks and soap must be available to building occupants at all times.

Plumbing Facilities and Fixtures Mandatory Requirements

- The number of toilet and sink fixtures must meet the minimum standards of the New York State Building Code. In order to ensure compliance, a design professional should be consulted prior to any modifications to layouts or number of fixtures.
- All temporary facilities must be approved through the Office of Facilities Planning.

Drinking Water Facilities: Districts or other applicable schools may wish to reduce number of drinking fountains available, in order to facilitate frequent cleaning. However, drinking fountains are a code required plumbing fixture. One fountain is required for each one hundred occupants.

In the event drinking fountains need to be taken out of service, the following should be considered to provide potable drinking water to all occupants of the building:

- Drinking fountains may be replaced with units with bottle fillers.
- Supplying students with bottled drinking water or water in disposable cups at specified locations is an acceptable alternative source.

The district or other applicable school may provide student with personal containers to fill at home.

Ventilation

Ventilation Mandatory Requirements

- Maintain adequate, code required ventilation (natural or mechanical) as designed.

If other air cleaning equipment is proposed, submit to OFP for review and approval.

Districts and schools are encouraged to increase the fresh air ventilation rate to the extent possible to aid in maintaining a healthy indoor air quality. We recognize there are many different types of ventilation systems, natural or mechanical, that may be limited for increasing ventilation outside air due to available heat or fan/relief airflow capacity. Schools may consider installing a higher efficiency filter. A higher efficiency filter may require a larger filter housing and will create greater resistance to airflow, and the fan and HVAC system may require rebalancing to maintain the code required ventilation rate.

New Technology

Some school leaders may have been contacted by vendors promoting new technology that claims to purify air. Some of these systems may be proven over time to have merit, but the use of new technologies in school facilities must be stringently reviewed prior to the installation and issuance of permits for those technologies. Some of them could have a negative impact on the building occupants' health and safety. New technologies must be proven safe by

independent and impartial studies by a nationally recognized governing body, and the equipment must be listed/labeled for the intended use by a Nationally Recognized Testing Laboratory.

NYSED Procedures

Projects that are labeled as “COVID-19 Reopening” will be expedited. Leased facilities, modular buildings, tents, additions, and alterations require an LOI and typical project submission requirements; prescreening will be waived. Questions can be directed to the OFP.

CHILD NUTRITION

A successful nutrition program is a key component to a successful educational environment. Children cannot focus on learning when they are hungry. School meals boost learning, and studies show that students perform best academically when they are well nourished. School districts around the State did an incredible job, with tremendous community support, in ensuring that students received nutritious meals while schools were closed this past year. No child should ever go hungry, and school reopening plans must provide for the feeding of all students who require food assistance.

As school food service operations transition from serving meals during unanticipated school closures and summer meals to serving school meals, School Food Authorities (SFAs) will need to consider



national, state, and local health and safety guidelines. It is important that SFAs engage school food service directors in district or system wide discussions regarding plans for reopening schools to ensure that students participating in all learning models have access to healthy meals.

SFAs will need to consider the resources and flexibilities necessary to transition food

service operations to an onsite or off-site student meal delivery system or operate both at the same time. This includes utilizing state or nationwide waivers and updating school policies, standard operating procedures, and trainings to ensure compliance with Child Nutrition Program requirements.

Reopening Plan Mandatory Requirements

- District/School Plan must provide all students enrolled in the SFA with access to school meals each school day. This must include:
 - students in attendance at school; and students learning remotely.
- District/School Plan must address all applicable health and safety guidelines.

- District/School Plan must include measures to protect students with food allergies if providing meals in spaces outside the cafeteria.
- District/School Plan must include protocols and procedures for how students will perform hand hygiene before and after eating, how appropriate hand hygiene will be promoted, and how sharing of food and beverages will be discouraged.
- District/School Plan must include protocols and procedures that require cleaning and disinfection prior to the next group of students arriving for meals, if served in the same common area.
- District/School Plan must ensure compliance with Child Nutrition Program requirements.
- District/School Plan must include protocols that describe communication with families through multiple means in the languages spoken by families.

Considerations for Reopening Plans

The following considerations should be taken into account when developing the reopening plan. These best practices are intended to highlight additional actions that the SFA may take to communicate with and ensure families understand the processes to ensure access to meals as needed:

- Follow SFA policies to communicate about school meal service, eligibility, options, and changes in operations;
- During the public health emergency, meal benefits have been available to many students that may not usually have access to free meals. As school returns, it will be important to communicate to families that all meals may not be available at no cost to all children;
- Use a variety of communication methods (e.g., website, social media, emails, robocalls, newsletters) and ensure communications are translated into the languages spoken by families in the district;
- Identify a specific contact person(s) to receive and respond to communications from families. The contact's information should be included in all written materials that are provided to families and to school staff;
- Assess areas where additional or clearer information may be needed to enhance communication about the program. Provide links to directly access documents and answers to frequently asked questions. Ensure that information is presented in a user-friendly format including language translations where appropriate;
- Develop program-specific information that details program activities that affect families such as:
 - availability of meals
 - payment methods
 - use of vending machines
 - a la carte sales

- outside food brought into the building, and
 - restrictions on visitors during the meal service.
- More families may now qualify for benefits than prior to the public health emergency due to changes in the economy. Before school starts, remind families that they can submit a new application for free or reduced-price meals right now and at any time during the school year;
 - Provide multiple opportunities for families to complete meal benefit applications;
 - Assess if new technology may be needed in order to provide online household applications, obtain electronic signatures or transfer protected student identifying information;
 - Provide meal benefit applications with summer meals;
 - Make applications available online and at the front office of each school site; and
 - Provide phone and in-person support to assist families in applying.

Safety and Sanitation

- Update standard operating procedures for sanitation of school kitchens, cafeterias, food warehouses, and central production kitchens;
- Identify any additional equipment or supplies such as thermometers, alcohol wipes or other equipment that may be needed to keep food, students, and staff safe;
- Consider the special feeding needs of students with severe disabilities whose safety and sanitation needs at mealtimes may differ from those of their peers;
- Install barriers at the point of sale/point of pickup (see the Facilities Guidance section);
- Have adequate supplies of face masks, soap, hand sanitizer, and tissues in food service areas (see the Health and Safety section);
- Routinely clean and disinfect high-touch surfaces including tables, chairs, carts used in transportation, and point-of-service touch pads;
- Use timers for cleaning reminders;
- Wear single-use gloves when handling or delivering all foods;
- Wear a disposable apron when handling or delivering foods;
- Allow only program staff, custodial staff, and approved volunteers to enter program areas.

Food Service Staff

- Evaluate staffing and make any needed adjustments;
- Ensure staff are trained on district policies and protocols on health and safety;
- Review, and retrain staff as needed on standard operating procedures for food service;
- Consider cross-training program staff to perform essential activities in the event of key absences or emergency situations.

Contact Vendors and Suppliers

- The unexpected closures may have impacted food supply chains or availability of certain services and it will be important to account for any of these changes prior to the start of operations; • Work with food service vendors to determine the safest way to handle deliveries;
- Have supplies on hand for in person and grab and go meal delivery.

USDA Waivers approved for the National School Lunch Program and School Breakfast Program, July 1, 2020 – June 30, 2021

- Notify the NYSED Office of Child Nutrition of the SFA’s plan to use any of the following waivers necessary for operations:
 - Non-Congregate Feeding
 - Meal Service Time Flexibility
 - Bulk meals require both non-congregate and meal service time waivers
 - Parent/Guardian Meal Pick Up
 - Meal Pattern Flexibility
 - “Offer Versus Serve” Flexibility for Senior High Schools.

Contact your NYSED Child Nutrition Program Representative to ensure operations are within waiver allowances.

Meal Service

- Revise district, charter, and site food safety plans to include standard operating procedures for meal service in classroom, additional meal service procedures in the cafeteria, social distancing and PPE during meal prep and delivery, and receiving and storage;
- Ensure meals meet meal pattern requirements;
- Production records must be completed for each meal;
- Develop meal counting procedures for meals served outside of the cafeteria. Procedures will depend on eligibility determinations – CEP, Provision 2, or Free/Reduced/Paid status;
- Consider how to handle transactions that normally would occur in a cafeteria line – how payments will be collected, receipts issued, and money secured;
- Documented requests for children with special dietary needs (e.g., food allergies) must be accommodated;
- Strongly encourage the use of the online school payment system;
- Rather than payment submitted by each child in the cafeteria line, consider cash or check payment collected and sent to the cafeteria by classroom teachers.

Meals Consumed Onsite

- Assess where meals will be served (classroom, cafeteria, other);
- Remove or suspend the use of share tables, salad bars and other self-service refrigerators and buffets for food and condiments;
- Discourage food sharing between students;

- Coordinate with custodians to establish sanitation procedures;
- Clean and disinfect tables, chairs and other frequently touched hard surfaces between groups of students;
- Consider increasing access points for providing meal service;
- Provide physical distancing guides in food service areas such as:
 - tape on floors ○ signage
 - increase table spacing, remove tables, mark tables as closed, or provide a physical barrier between tables
- Plan for one class at a time to go through the cafeteria line and return to the classroom if meals will be eaten in the classroom;
- Use pre-portioned condiments that cashiers & servers place on each tray;
- Place meals on a counter or tray line for quick pick up;
- Consider “Grab and Go” kiosks in hallways or gymnasiums;
- Consider whether teachers can take meal orders in classrooms and send orders to the kitchen via email, Google Docs, SharePoint, etc.;
- Consider student meal pick up at building entrances or security checkpoints;
- Coordinate with school personnel in order to meet the feeding safety needs of students with disabilities;
- When students eat in classrooms:
 - train teachers on food allergies, including symptoms of allergic reactions to food
 - train all non-food service staff on any meal service-related activities they will be responsible for
 - obtain or develop posters or other aids to assist non-food service staff to implement meal service.

Meals Consumed Offsite (with election of waivers)

- Assess service methods (grab and go, curbside pick-up, delivery, etc.);
- Determine if there are students who are unable to access school meal distribution sites and identify ways to address these gaps;
- Bulk meals packaged in boxes or containers for multiple days of meals picked up/delivered at one time;
- In hybrid situations, where students are attending in person and remotely, create an area with cones or signs where families can easily pull in to receive foods away from where students will be entering;
- Place meals for curbside pick-up on a table or place in the trunk of the vehicle.

Additional Food Service Resources

- [The NYSED Child Nutrition Office website](#)
- [USDA Food and Nutrition Service](#)
- [Institute of Child Nutrition](#)

- [New York State Department of Health Food Safety Guidance](#)
- [CDC Guidance for Schools](#)



TRANSPORTATION

The school bus is an extension of the classroom; therefore, many of the recommendations that apply to school buildings (like social distancing and frequent cleaning) should be applied to the school bus, as well. Pupil transportation also presents certain unique challenges, especially with regard to the transportation of homeless students, students in foster care, students in nonpublic and charter schools, and students with disabilities. So, it is critical that schools and

school districts must be sure to include Transportation Department staff in all school re-opening planning.

School District Policies/Practices

Reopening Mandatory Requirements

- School districts and other applicable schools are expected to fulfill existing mandates regarding the safe and effective transportation of students who are homeless (McKinney-Vento), in foster care, have disabilities and attend non-public schools and charter schools. Although meeting these obligations will certainly pose challenges, these expectations continue to be in place. Districts and other applicable schools should plan accordingly.

The School Bus

School Bus Mandatory Requirements

Assurances of the following will be required when submitting the Reopening Plan:

- Students who are able will be required to wear masks and social distance on the bus;
- All buses (conforming and non-conforming to Federal Motor Carrier Safety Standards, as well as type A, C or D) which are used every day by districts and contract carriers must be cleaned/ disinfected once a day. High contact spots must be wiped down after the am and pm run depending upon the disinfection schedule. (For example,

some buses might be cleaned between the am and pm runs while other buses may be cleaned/disinfected after the pm run);

- School buses shall not be equipped with hand sanitizer due to its combustible composition and potential liability to the carrier or district. School bus drivers, monitors and attendants must not carry personal bottles of hand sanitizer with them on school buses;
- Wheelchair school buses must configure wheelchair placement to ensure social distancing of 6 feet.

School Bus Considerations

Districts and other applicable schools may want to consider adding the following best practices to their reopening plan:

- School bus companies may choose to install sneeze guards by the driver's seat and in between each seat to protect children and increase capacity. If installed, the sneeze guards must be made of a material approved by the Department of Transportation. Sneeze guards will need to be disinfected every day;
- Sneeze guards may be installed on wheelchair buses between securement stations with the approval of the Department of Transportation;
- When temperatures are above 45 degrees, school buses should transport passengers with roof hatches or windows slightly opened to provide air flow.

School Bus Staff

School Bus Staff Mandatory Requirements

- School bus drivers, monitors, attendants and mechanics shall perform a self-health assessment for symptoms of COVID-19 before arriving to work. If personnel are experiencing any of the symptoms of COVID-19 they should notify their employer and seek medical attention;
- School bus drivers, monitors, attendants and mechanics must wear a face covering along with an optional face shield;
- Transportation staff (drivers, monitors, attendants, mechanics and cleaners) will be trained and provided periodic refreshers on the proper use of personal protective equipment and the signs and symptoms of COVID-19;
- Transportation departments/carriers will need to provide Personal Protective Equipment such as masks and gloves for drivers, monitors and attendants in buses as well as hand sanitizer for all staff in their transportation locations such as dispatch offices, employee lunch/break rooms and/or bus garages.

- Drivers, monitors and attendants who must have direct physical contact with a child must wear gloves.

Considerations for Reopening Plans

Districts and other applicable schools may want to consider adding the following best practices to their reopening plan:

- The driver, monitor, and attendant may wear gloves if they choose to do so but are not required unless they must be in physical contact with students;
- Transportation staff should be encouraged to wash their hands with soap and water before and after am and pm runs to keep healthy and prevent the spread of respiratory and diarrheal infections from one person to the next. Germs can spread from other people or surfaces when you:
 - touch your eyes, nose, and mouth with unwashed hands
 - touch a contaminated surface or objects
 - blow your nose, cough, or sneeze into hands and then touch other people's hands or common objects

Students on Transportation

Students on Transportation Mandatory Requirements

- As was outlined in the Health and Safety section of this guidance, all parents/guardians will be required to ensure their child/children are not experiencing any signs and symptoms of COVID-19 and do not have a fever of 100 degrees or more prior to them boarding their method of transportation to school;
- Students must wear a mask on a school bus if they are physically able. Students who are unable to medically tolerate a face covering, including students where such covering would impair their physical health or mental health are not subject to the required use of a face covering;
- Students must social distance (six feet separation) on the bus;
- Students who do not have a mask can NOT be denied transportation;
- Students who do not have masks must be provide one by the district;
- Students with a disability which would prevent them from wearing a mask will not be forced to do so or denied transportation.

Students on Transportation Considerations

Districts and other applicable schools may want to consider adding the following best practices to their reopening plan:

- Siblings or children who reside in the same household should be encouraged to sit together.

- A student without a mask may be provided a mask by the driver/monitor/attendant. Students who are unable to medically tolerate a face covering, including students where such covering would impair their physical health or mental health are not subject to the required use of a face covering. In such a situation the seating will have to be rearranged so the student without a mask is socially distanced from other students.
- Students who are transported in a mobility device should use seating positions that provide the required social distancing or have NYS-approved sneeze guards installed.
- Students should be reminded of the bus rules, like, to not eat or drink on the school bus, which would require them to remove their mask.
- When students embark and disembark the bus, they should follow social distancing protocols.

This will increase the time required to load and unload buses at stops.

Protocols Once Students Disembark from Transportation

Districts and other applicable schools may want to consider adding the following best practices to their reopening plan:

- When students embark and disembark the bus, they should follow social distancing protocols. This will increase the time required to load and unload buses at schools in the morning and afternoon.
- Schools should consider staggered arrival and departure times to ensure social distancing.
- Schools should reconfigure the loading and unloading locations for students who are transported by bus, car or are pedestrians.
- Since hand sanitizer is not permitted on school buses, schools should consider policy to dispense hand sanitizer when students enter the building or classroom.

Pupil Transportation Routing

Pupil Transportation Routing Mandatory Requirements

- If the school district is in session remotely or otherwise, pupil transportation must be provided to nonpublic, parochial, private, charter schools or students whose Individualized Education Plans have placed them out of district whose schools are meeting in in-person sessions when/ if the district is not;
- All students are entitled to transportation by the district to the extent required by law. Transportation departments do not have the ability or the right to deny transportation for children who are in foster care, homeless or attend private or charter schools. Parents who may have missed the due date to request out of district

transportation due to a reasonable excuse may file a 310 appeal with the Commissioner of Education.

Pupil Transportation Routing Considerations

Districts and other applicable schools may want to consider adding the following best practices to their reopening plan:

- School districts and other applicable school transportation departments that use contract transportation should consider the use of add and delete clauses to configure their routing needs depending upon school scheduling, staggering start times and virtual learning days. Districts or other applicable schools should submit addendums to the Pupil Transportation Unit when the increased routing requires an increased cost in a pupil transportation contract.
- School districts should pursue every avenue to provide transportation for their student populations using creative means of district routing, municipal contracts, piggybacking contracts, parent contracts or public transportation.
- Districts or other applicable entities which consider the use of mass transit to provide pupil transportation may want to strongly suggest that students on these vehicles wear masks and practice social distancing. If a mass transit vehicle is used solely for pupil transportation routes

all the applicable mandatory requirements and considerations must be applied.

SOCIAL EMOTIONAL WELL-BEING



Communities and schools are facing unprecedented challenges as they respond to the compounded difficulties of a global pandemic, an economic recession, and civic unrest in response to structural racism. But these challenges also offer unprecedented opportunities to re-envision and renew the capacity of our schools and communities to be welcoming, supportive, inclusive, and equitable environments. To meet these challenges, individuals must start with the inner work of

healing their own hearts and minds, finding the capacity within themselves to support healing for students, families, peers, and

communities. While district and school personnel cannot solve every problem, collectively they are a powerful force in improving the well-being of themselves and those around them. As district and school personnel adapt to environments that result in substantially reduced time spent interacting in-person, ensuring intentional and meaningful inclusion of social emotional learning (SEL) across all aspects of operating strategies is critical to supporting the well-being and success of students, staff, and families. Along with physical health and well-being, schools and districts must prioritize social emotional well-being -- not at the expense of academics, but in order to create the mental, social, and emotional space for academic learning to occur.

It is unrealistic to expect that students will return to instruction as they left it months ago. Students have experienced an extremely stressful, and for many, traumatic experience while isolated from school, friends, and community.

Some students have had positive experiences during school closures, learning, growing, and discovering new identities as activists, caregivers, and leaders in their communities. Schools should support and nurture new skills and mindsets.

Students known to be vulnerable, as well as those not previously on district and school radars, may return to instruction anxious, fearful, withdrawn, grieving, and/or unprepared to self-manage new or exacerbated negative behaviors. And some students have thrived in an on-line environment, as school anxiety has lessened. Should additional periods of remote learning be required, students who had an adult available to assist them previously may now be home alone as adults return to work. Older students may be tasked with the care of younger family members. Schools and districts must be prepared to meet students where they are, regardless of the circumstances in which they find themselves.

During the Regional Task Force Meetings, stakeholders discussed the variety of student, family, and school personnel needs that must be addressed during transitions back to school in the fall, whether that is in-person, remote, or a hybrid. Overall, worry was expressed that many students, families, and staff will return with fear or anxiety, and school and district staff will need to balance physical safety with social and emotional needs.

Stakeholders expressed concern over local capacity to address increased social and emotional needs with existing staff, and discussed opportunities to better position existing staff to build capacity around student and family engagement, trauma-responsive practices, social emotional learning, restorative practices, and fostering relationships, within both in-person and virtual environments. They further expressed concerns about screen time for students should remote or hybrid learning be necessary, and the ability of students and families to access resources during periods of remote learning.

Stakeholders stressed the importance of clear communication with all stakeholders including students, families, staff, and community, and considered how community partnerships could be leveraged to increase capacity. They recommended that social and emotional well-being be prioritized during transitions back to school and for as long as necessary to appropriately support student needs; physical and emotional safety is necessary for the brain and body to be ready to learn.

Finally, stakeholders stressed the critical need to address adults' social and emotional needs before the return to school and on an ongoing basis. Adults must have systems of support including meaningful peer relationships, opportunities to connect, and resources to support

self-care. Without these supports in place, adults will not have optimal capacity to support the needs of students and families.

The following considerations are intended to assist in creating a welcoming and caring school community that ensures its members are met with compassion and the support they need to achieve and thrive. Academic learning cannot be effective until the basic human needs for physical and emotional safety are met. This is an embodied practice. Breathe, notice, feel, and be present.

Except where otherwise noted, the considerations outlined below are relevant regardless of whether instruction is in-person, remote, or hybrid.

Reopening Plan Mandatory Requirements

- Ensure that a district-wide and building-level comprehensive developmental school counseling program plan, developed under the direction of certified school counselor(s), is reviewed and updated to meet current needs.
- Establish an advisory council, shared decision-making, school climate team, or other collaborative working group comprised of families, students, members of the board of education, school building and/or district/charter leaders, community-based service providers, teachers, certified school counselors, and other pupil personnel service providers including school social workers and/or school psychologists to inform the comprehensive developmental school counseling program plan.
- Address how the school/district will provide resources and referrals to address mental health, behavioral, and emotional support services and programs.
- Address professional development opportunities for faculty and staff on how to talk with and support students during and after the ongoing COVID-19 public health emergency, as well as provide supports for developing coping and resilience skills for students, faculty, and staff.

Considerations for Reopening Plans

- Deepen your understanding of mental health, well-being, trauma-responsive and restorative practices, and SEL through professional learning, and work collaboratively with staff, students, and families to strengthen partnerships and plan for implementation.
- Communicate social emotional well-being and learning as a priority and engage members of the school community in implementation efforts.
- Identify or build a team that will lead your implementation. Decide how students, staff, and family will contribute.
- Determine how you will build upon existing strengths as a foundation for growth.

- Examine opportunities to leverage community school strategies to support and sustain the work.
- Leverage mental health and social emotional well-being strategies to support and sustain increased educational equity.
- Leverage collaborative community partnerships to strengthen your initiatives.
- Use data to identify SEL needs and incorporate strategies to meet those needs in the district's or school's comprehensive school counseling plan.
- The district's or school's counseling/guidance program should be reviewed and revised to plan, develop, and implement a Multi-Tiered System of Supports (MTSS).
- As part of an MTSS framework, SEL, mental health, and well-being supports offered at all levels should reflect school-wide implementation of effective, efficient, and evidence-based practices and strategies that all students can access.
- Pupil personnel staff should develop or adopt a screening tool that, administered with parental consent and student assent, can assist the district or school with identifying the needs of returning students.
- Once student needs are broadly and individually identified, tier 1, 2 and 3 activities and services can be developed or adopted to address those needs.

Mental Health and Trauma-Responsive Practices

Adverse childhood experiences (ACEs) and trauma can have a negative impact on young people's social emotional well-being, and consequently, their capacity to learn. Students and adults are grappling with new and exacerbated traumas that can have far-reaching impacts on health and educational outcomes. In addition, anxiety and depression may present or worsen in response to these additional stressors and traumas.

Trauma-responsive practices help shift negative reactions to inappropriate student behavior to thoughtful responses that consider the root causes of behavior and help to support individual student needs to address those causes.

Multi-Tiered Systems of Support (MTSS)

MTSS is an evidence-based approach to comprehensive program delivery that addresses academic and behavioral challenges including proactive activities for all students (universal interventions), targeted activities for students identified at-risk (secondary interventions) and intensive activities for students identified at high risk (tertiary interventions). MTSS is grounded in the belief that all students can learn, and all school professionals must be responsive to the academic and behavioral needs of all students. MTSS focuses on evidence-

based practices, relies on student progress data to inform instructional decisions, and ensures that each student, based on their unique needs, receives the level and type of support necessary to be successful. It is an important means of addressing equity and most importantly, ensures that all young people are provided with the support they need to thrive. A strong set of universal interventions designed to support social emotional well-being will be crucial to our collective success as students and adults return to instruction and the school environment with increased needs. The supports represented in the universal tier are foundational to secondary and tertiary supports. In general, universal interventions should be effective for most students, but targeted and intensive supports will be needed to address student needs that could not be met with universal interventions. A strong foundational tier helps ensure that schools are not overidentifying students and adults for tier 2 and 3 supports, which allows them to more strategically allocate resources for the higher tiers. An example of aligned social emotional well-being supports in chart format is included on page 42 of [Social Emotional Learning: Essential for Learning, Essential for Life](#).

[Pupil Personnel Services \(PPS\) Roles within MTSS](#)

Pupil personnel service (PPS) staff, which include school counselors, school social workers, school psychologists, mental health counselors and school nurses are uniquely poised to be the primary source of expertise upon which the entire school community can draw. These professionals have overlapping skills, such as counseling, assessment, consulting, collaboration, parent/school liaison, professional development for faculty and staff, and crisis response. They share in facilitating social emotional and physical well-being, strengthening family, school, and community partnerships, increasing access to instruction and promoting a positive school climate.



A key function of the school counselor's Tier 1 role is to promote a safe and supportive learning environment for everyone in the school community. School counselors utilize their specialized knowledge of curriculum and child and adolescent development to design and implement comprehensive programs to help all students build fundamental academic, career development, and social emotional skills. School counseling

programs are most effective when there is collaboration among the school counselor, other PPS staff, teachers, administrators, and families to promote a school climate that facilitates student achievement, student engagement, and equitable access to educational opportunities so that all students can reach their full potential in school and beyond.

At the secondary and tertiary levels, supports become increasingly targeted to meet students' specific needs. At the Tier 2 level, some of these supports may be provided by school counselors but are often referred to school social workers and school psychologists and are targeted to students identified as vulnerable due to academic, social emotional, and mental

health challenges. At the Tier 3 level, school social workers, school psychologists, and licensed mental health

counselors address a smaller number of high need students who require more specialized individual interventions and/or referral to community-based counseling and resources. It should be noted that specific roles can become overburdened when the full complement of PPS professionals are not available in a school. For example, if a school does not have the services of a certified school social worker, the school counselor and psychologist must then compensate for the missing service provider.



Social Emotional Learning (SEL) and Transformative SEL

The Collaborative for Academic, Social, and Emotional Learning (CASEL) defines SEL as, “the process through which children and adults understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions.”⁹ By developing core intra- and

inter-personal competencies, including self-awareness, self-management, social awareness, relationship skills, and responsible decision-making, students and adults build capacity to thrive by building a variety of protective factors, including increased resilience, stronger empathy, heightened self-efficacy and agency, and more. SEL is not synonymous with mental health, but it does provide a foundational set of competencies that serve as tools to navigate challenges in healthy, productive ways.

SEL must be culturally and linguistically responsive and sustaining to equitably meet the needs of our young people and adults. Transformative SEL elaborates on the core competencies from an educational equity lens and envisions their operationalization to better prepare young people and adults for critical, active citizenship, and considers the roles and implications of culture, identity, agency, belonging, and engagement.¹⁰ Youth Participatory Action Research (YPAR) and Project-Based Learning (PBL) offer opportunities for young people to shape their own learning and can support transformative SEL.

A variety of resources for understanding SEL, including developmentally appropriate benchmarks and a whole school implementation guide are available on NYSED’s [SEL web page](#).

⁹ Collaborative for Academic, Social, and Emotional Learning. (2020) [What is SEL?](#)

¹⁰ Jagers, R., Rivas-Drake, D. & Williams, B. (2019) [Transformative Social and Emotional Learning \(SEL\): Toward SEL in Service of Educational Equity and Excellence](#), *Educational Psychologist*, 54:3, 162-184.

Restorative Practices

Considering implementation of restorative practices within your school community invites an opportunity to reflect on school culture, discipline policies, practices, and disparities, and how policies and practices may contribute to the school to prison pipeline.

Addressing behavior that is inappropriate from a whole child perspective requires students' and adults' acquisition of, and practice in using, all five SEL core competencies, and is strengthened by an understanding of and sensitivity toward Adverse Childhood Experiences (ACEs) and trauma-informed practices.

Restorative practices are processes and approaches designed to build community and meaningful relationships, develop shared values, help students better understand their behavior, how it impacts themselves and others, and ultimately to use that self- and social awareness to repair damage caused to relationships as a result of inappropriate behavior. It focuses on strategies and skills such as understanding and managing one's emotions and behavior, negotiating conflict constructively, building empathy, making constructive decisions about personal behavior, and realistically evaluating the consequences of one's behavior. Replacing traditional discipline with restorative alternatives offers opportunities for youth to learn from mistakes and may reduce disciplinary disparities and negative outcomes.

Planning and Capacity Building

Central to a school or district's effective reopening or re-envisioning strategy is clear prioritization of mental health, well-being, and SEL that is communicated clearly and consistently to staff, students, family, and community. Whether the district or school has established SEL and well-being initiatives or are just beginning to formalize strategies, you can find areas of strength to build on.

Developing the comprehensive school counseling plan and reviewing it annually with stakeholder input is an appropriate vehicle for districts or charter schools to coordinate their efforts around ensuring a positive school climate and the social emotional well-being of students returning to school in the fall. To help schools and districts achieve these important expectations, a variety of resources are offered in this guidance, such as [Guidance Programs and Comprehensive Developmental School Counseling/Guidance Programs Commissioner's Regulation §100.2\(j\)](#).

It is important that an annual process of gathering, reviewing, and responding to data is established allowing for ongoing program development that is directly responsive to student need. With students returning in the fall, no matter which method is adopted, assessing student needs is the first objective that should be met, followed by being prepared to meet those needs. Pupil personnel staff should be utilized to develop or adopt a screening tool that, administered with parental consent and student assent, can assist the district or charter school with identifying the needs of returning students. Once needs are broadly and individually identified, tier 1, 2 and 3 activities and services can be developed or adopted to address those needs.

Consider the following recommendations to engage staff, students, families, and community as you address the foundational learning that needs to happen and the work that needs to be done.

Resources

- [Social Emotional Learning: A Guide to Systemic Whole School Implementation](#) and other [Social Emotional Learning Benchmarks, Guidance, and Resources from the New York State Education Department](#)
-NYSED
- [Reunite, Renew, and Thrive: Social and Emotional Learning Roadmap for Reopening School](#) - CASEL
- Visit [our companion webpage for additional social emotional well-being resources](#) to support this guidance.

Adult SEL & Well-Being

Adults in our school communities must take care of themselves and our peers, both for their own well-being and so that they may be better able to help young people heal. Adults in the school community have experienced stress, anxiety, grief, and trauma. It is important to consider the impact this will have on their return to an in-person or virtual school environment. Additionally, adults need access to professional learning opportunities that can better prepare them to support their own well-being as well as the well-being of the students and families they serve.

For students, investing in strong tier one social emotional supports for adults will reduce reliance on more resource-intensive tier 2 and 3 supports. Before school reopens, and throughout the school year, consider the following:

- School leadership is faced with overwhelming challenges. Consider district/school-level supports for school leaders, especially those new to their roles, to provide mentorship.
- Build school community structures that encourage human connection, and that acknowledge it is necessary for us to take care of our physical and emotional safety and comfort before we can effectively teach and learn. Offer ongoing embedded opportunities for adults to develop and strengthen their own social and emotional competencies.
- Offer all staff opportunities to heal together, to build strong, mutually supportive relationships, and to process their own emotions, including bus drivers, cafeteria workers, office workers, nurses, pupil personnel services staff, and administrators.
- Offer professional learning opportunities to all staff. Address critical topics related to personal, student, and community well-being, including trauma-responsive practices, social emotional learning, restorative practices, mental health education, culturally and linguistically responsive-sustaining practices, implicit bias and structural racism, and facilitating difficult conversations about race.

- Prior to the re-entry of students, invite the staff into the building to talk about differences, losses, and newness of preparation for teaching and learning.
- Survey staff regularly. Ask about their needs. Do not wait for people to come to you. Be prepared to respond with assistance or referrals.
- Support access to mental health and trauma supports for adults in the school community.
- Leverage Transformative SEL to support the work of adult anti-racism and anti-bias work. Nurture SEL competencies to improve cultural and linguistic responsiveness and sustainability.

Resources

- [Advancing Adult Compassion Resilience: A Toolkit for Schools](#) - WISE Wisconsin and Rogers InHealth
- [SEL Online Learning Module: Creating a Well-Rounded Educational Experience](#): American Institutes for Research
- Visit [our companion webpage for additional social emotional well-being resources](#) to support this guidance.

Student SEL and Well-Being

Improving school climate promotes critical conditions for learning, including an engaged school community responsive to culture, race, ethnicity, language, and socio-economic status; safe and inclusive academic environments that recognize and value the languages and cultures of all students; caring connections, trust, respect, and activities and curricula that engage and challenge young people. All these conditions are improved by socially and emotionally competent adults and young people in the school community. Schools may wish to:

- Consider a prolonged orientation or transition period to support the social and emotional well-being and resiliency of students before beginning to phase in academic content. Encourage connection, healing, and relationship-building.
- Use community-building circles to ensure all voices can be heard.
- Foster increased resiliency for students to help prepare them for the possibility of additional transitions between in-person and remote learning.
- Create safe, supportive, engaging learning environments that nurture students' social and emotional learning.
- Consider how community school strategies might be leveraged for greater impact. Community Schools are public schools that emphasize family and community

engagement, collaborative leadership, expanded learning, and integrated student supports. These areas of emphasis comprise the context for effective SEL competency development, and stronger SEL competencies increase the effectiveness of community school initiatives.

- Nurture adult-student relationships to ensure that every student has a trusted adult at their school, and that the adult checks in on the student regularly, regardless of the mode of instruction.
- Offer opportunities for movement and physical activity to the extent possible. Social emotional and physical well-being are interconnected.
- Survey students regularly. Ask about their needs. Do not wait for them to come to you. Be prepared to respond with assistance or referrals.
- Leverage transformative SEL to support the work of anti-racism and anti-bias.
- Support access to mental health and trauma supports for students.
- Leverage the expertise of all school community members, including pupil personnel services staff, to support students. Gather input from staff delivering or distributing meals. They can provide valuable insights about what they have seen and heard.
- Provide professional learning to support all staff in developing a deeper understanding of their role in supporting student social emotional competencies and well-being.
- Scaffold SEL to best support the developmental needs of students at all grade levels, from Pre-K through high school.
- Implement explicit SEL lessons and embed opportunities to develop and practice SEL competencies within academic lessons.
- Embed SEL and trauma-responsive practices in restorative discipline policies.
- Consider ways to mitigate the absence of school social activities, like sports or clubs, with socially distanced or online replacements.
- Consider teaching teams that work with the same cohort of students, with teacher teams meeting and communicating regularly. Consider a case-management style of checking in on students in the cohort.
- Collaborate with community partners such as afterschool program providers, tapping into their expertise to provide additional support services, to increase the school's capacity to meet student needs and know students and families, including their strengths, needs, and aspirations.

Using Data for Continuous Improvement

Data collection for continuous improvement and reflection means data is used to understand what is happening, to identify challenges or roadblocks, and to figure out what is working. Districts must assess immediate needs but recognize the need to continue to reassess regularly as circumstances are likely to change frequently in this tumultuous time. Continuing to collect data to ensure accurate understandings of need is necessary to continue providing the most effective and efficient response. Districts may want to:

- Consider first why they are collecting data and what they want to learn from it;
- Collect and use data to support deeper relationships and improved supports for students, staff, and families;
- Engage stakeholders in the collection and review of data; and
- Support staff in reflecting upon data to inform continuous improvement.

A more thorough overview of issues surrounding social and emotional data collection and use is available on pages 44-47 of [Social Emotional Learning: A Guide to Systemic Whole School Implementation](#).

Resources

- [NYS Mental Health Education Resource & Training Center](#)
- [NYS Safe and Supportive Schools Technical Assistance Centers](#)
- [Mental Health Education Literacy in Schools: Linking to a Continuum of Well-Being Comprehensive Guide](#) - New York State Education Department
- [Guidance Programs and Comprehensive Developmental School Counseling/Guidance Programs Commissioner's Regulation §100.2\(j\)](#) - New York State Education Department
- Visit [our companion webpage for additional social emotional well-being resources](#) to support this guidance.

SCHOOL SCHEDULES



COVID-19 required schools to make critical adjustments to their instructional model in March 2020 with little or no time to plan. As schools devise their re-opening plans for the 2020-21 school year, plans must address resuming in-person instruction. However, scheduling decisions must be informed by health and safety standards and the most up to date guidance from the New York State Department of

Health.

Consideration must also be given to the needs of students, families, and staff as well as the realities of available space and student enrollment in each unique school and district. Schools are given the ability to restructure their programs using flexible scheduling models— taking advantage of in-person, remote, or hybrid learning models—and to provide synchronous and/or asynchronous instruction.

Per the New York State Department of Health guidance, plans should address a combination of in-person instruction and remote learning to facilitate a phased-in approach or hybrid model, which may be necessary at various times throughout the 2020-2021 school year. In cases where in-person instruction is not feasible, phased-in and hybrid models of education will need to consider if certain students will be prioritized for in-person instruction first or more frequently based on educational or other needs (e.g., early grades, students with disabilities, English language learners), and must balance this with equity, capacity, social distancing, PPE, feasibility, and learning considerations. These priorities if applicable shall be determined at the individual school or district level based upon the needs of student populations within such schools or districts.

If COVID-19 cases develop, schools/districts may consider restricting access within school facilities and across school grounds, particularly in affected areas to avoid full school closures. In such instances, schools/districts may choose to temporarily move classes where an individual has tested positive for COVID-19 to remote/virtual format until all contacts can be identified, notified, tested, and cleared. To maximize in-person instruction, Schools/districts should consider measures that can be implemented to decrease density and congregation in school facilities and on school grounds, when possible, such as:

- finding alternative spaces in the community to allow for more in-person instruction;
- adjusting class or work hours, where appropriate and possible;

- limiting in-person presence to only those staff who are necessary to be at the school during normal school hours;
- maintaining or increasing remote workforce (e.g., administrative staff) to accommodate social distancing guidelines;
- staggering schedules and allowing more time between classes to reduce congestion in hallways, walkways, and buildings; and/or
- shifting design of class schedules to accommodate social distancing guidelines, including cohorts (e.g., alternative classroom schedules, full-time in-person learning for younger students, and part-time distance learning for older students).

Schools/districts should collaborate with stakeholders including, but not limited to, teachers, staff members, parents, and community groups when considering alternate schedules. Plans must include how schedules will be shared and made available to the school community. Schools should share their scheduling plans with students, families, and staff as soon as possible before the start of the school year and anytime a change is required in order to allow families to plan childcare and work arrangements. If schools/districts begin to implement in-person and hybrid learning models, they must also be prepared to shift back to fully remote learning models should circumstances change and school buildings are required to close. Regardless of the instructional model implemented, equity and access must be the priority for all students including, but not limited to, students with disabilities, English language learners, and students experiencing homelessness.

BUDGET AND FISCAL MATTERS

Economic Overview

Both the national economy and New York State's economy have been dramatically impacted by the COVID-19 crisis and the various mitigation efforts that have been undertaken since March 2020. What is still unknown is the extent to which the impact will improve or worsen, how long it will last, and which sectors of the state economy will be most severely impacted. It is important to understand the fundamentals of education finance policy in New York State to develop the most responsible—and flexible—budget plans for reopening schools. The economic demographics of school districts across the state vary widely, from some of the wealthiest districts in the country to some of the poorest. The various state aid formulas work to complement that reality, with the wealthiest district receiving less state aid and the districts with less local fiscal capacity receiving more.

New York State government operations are funded through a blend of many revenue sources, including the personal income tax, sales tax, corporate taxes, user fees, and federal grants and entitlements. Each of these sources is impacted in different ways by the changes in economic activity in the state due to COVID-19.

School District Fiscal Preparedness

Another major factor in the fiscal outlook for school districts is the availability of undesignated reserve funds, which districts set aside for times of fiscal hardship. Again, the individual district circumstance can vary widely. According to the most recent data available to the Department, overall unexpended fund balances total 13.83 percent of all school spending outside the big five city school districts,¹¹ but the level available in individual districts ranged from 0.04 percent to 86.19 percent.

These reserves are approximately two thirds capital, retirement, and employee benefit accrued liability reserve (EBALR) reserves. Unrestricted reserves total approximately 4.5% of total proposed spending, again excluding the five dependent city school districts. Relaxing rules around withdrawals from certain purpose driven reserves would provide districts additional flexibility in budgeting for the upcoming years with a diminished prospect of increases in state aid, but such changes would require enactment of legislation.

When districts consider how much of those reserve funds should be tapped into during any single school year or crisis, they should remember that this situation has the potential to be long-lasting.

2020-21 Enacted State Budget

Governor Cuomo's Executive Budget proposal in January 2020 initially called for a statewide increase in school aid for the 2020-21 school year of \$825 million, or 3 percent. As the COVID-19 crisis emerged prior to the enactment of the final budget, that planned increase did not materialize, resulting in a school aid apportionment that held unrestricted funds flat for districts and maintained reimbursements at statutory levels. A reduction in state-funded aid was partially offset by an increase in emergency federal funds.

Pandemic Adjustment and CARES Act Funds

State Aid was reduced in the 2020-21 school year by a total of \$1.13 billion through a "Pandemic Adjustment", which reduced school district aid allocations at their bottom line, commensurate with the amount of federal Coronavirus Aid, Relief and Economic Security (CARES Act) funds each district was projected to receive. Districts were then allocated an amount of federal funding through the combination of the CARES Act Elementary and Secondary School Emergency Relief Fund (ESSERF) and the Governors Emergency Education Relief Fund (GEERF). As a result, school districts will experience a decrease in state aid payments but will be eligible to apply for an amount from these federal grants. However, it

¹¹ Source: PTRC balance divided by budgets

should be noted that the CARES Act requires a portion of the funds to be used to provide equitable services to non-public schools.

Potential Further Aid Reductions

The 2020-21 Enacted Budget also included provisions that will allow the Director of the Budget, subject to amendment by the Legislature, to reduce appropriations across any and all program areas of the state budget should actual revenues come in at levels that are below the assumptions made in the Executive Budget. As of April 2020, this projected total shortfall was \$13.3 billion for the 2020-21 state fiscal year. The actions noted above reduced this gap by nearly \$1.2 billion.¹¹ Combined with other budget actions, the remaining gap was projected to be \$8.2 billion. Absent additional federal support, the Division of Budget has stated that further reductions to school aid, Medicaid, social services, and transportation might be necessary to eliminate that projected budget gap.

180 Day Calendar and Attendance Reporting for State Aid Purposes

School districts report certain enrollment, attendance, and school calendar information through the State Aid Management System (SAMS). While this data submission process differs from other procedures, the underlying data provided should be consistent with all other attendance reporting and requirements.

The minimum annual instructional hour requirement and 180 days of session requirement are also both reported through SAMS. For both the 2019-20 and 2020-21 school years, school districts will be required to continue the same information, based on the schedule provided for the average student, rather than reporting for each individual student. Under regulatory changes adopted as an emergency rule by the Board of Regents on July 13, 2020, school districts may be eligible to apply for a waiver from the minimum instructional hour requirement for both the 2019-20 and 2020-21 school years

11 See: <https://www.budget.ny.gov/pubs/archive/fy21/enac/fy21-enacted-fp.pdf> page 14

to the extent that “the district is unable to meet such requirement as a result of an Executive Order(s) of the Governor pursuant to the State of emergency declared for the COVID-19 crisis, or pursuant to Education Law §3604(8), as amended by Chapter 107 of the Laws of 2020, or reopening procedures implemented as a result of the COVID-19 crisis”. Successful application of the waiver will shield school districts from a reduction in aid for failure to meet the minimum instructional hour requirement. However, the 180 days of session requirement is in statute, and for the 2020-21 school year there are currently no statutory provisions that would allow a school district to provide fewer than 180 days of instruction over the course of the full school year.

Impact of Low Attendance on State Aid

School districts have expressed concerns about the impact that students choosing to stay home during the pandemic will have on their state aid calculations. State Aid formulas use multiple

attendance counts in the calculation of aid apportionments for school districts. Statewide over 70 percent, largely in Foundation Aid, is based on Average Daily Membership or district enrollment, which is a measure of student registration in the district and does not take attendance into account. These aid formulas should not be impacted by attendance rates. Some formulas use Average Daily Attendance in the calculation of reimbursement rates, and Education Law §3602(1)(d)(2) provides for the commissioner to exclude from that calculation “days on which school attendance was adversely affected because of an epidemic...”. NYSED plans to advance a proposed COVID-specific change to such regulations in September for consideration by the Board of Regents.

Flexibility in Non-NYSED-Governed Activities

While budget and fiscal matters have implications in nearly all operational and instructional program areas, the laws, regulations, and business rules are largely outside of the discretion of the State Education Department. Below are a few areas where recommendations have been made to NYSED staff that deserve further consideration by state policymakers:

- Reserve funds: consideration for providing temporary flexibility in the immediate use of designated or restricted reserve funds, and requirements to repay funds over a set period of time;
- Transportation issue: as mentioned in the Transportation section of this guidance, providing flexibility on the adoption of contracts with providers and pursuing a streamlined bus driver licensing process with the Department of Motor Vehicles to ease the burden of hiring new bus drivers;
- Personal Protective Equipment (PPE) and technology purchases: provide more avenues for shared service agreements and ease burdens on BOCES to expanding service in this area.

Flexibility for Budgetary Transfers

It is anticipated that there may be costs in 2020-21 that districts did not budget for in necessarily the correct account codes. In particular, the need for additional equipment has been noted above. Flexibility for budget transfers in the 2020-21 school year only for additional equipment needed (associated with re-opening and the maintaining of buildings primarily) would help school districts in that position. Historically, school districts have been advised that money cannot be transferred into an equipment account code because equipment is considered a non-contingent expense (generally) and transfers into non-contingent line items are prohibited. This determination appears to be based primarily on Formal Opinion of Counsel No. 213 (www.p12.nysed.gov/mgtserv/budgeting/handbook/appendixg.html).

In addition, school districts are encouraged to maximize their state-aided hardware in order to ensure that all necessary equipment is being purchased.

Tax Collection

School districts that rely on banks or other outside entities, such as a town, to collect school taxes, could face an issue of capacity for in-person collection. Limited staffing or hours may make it more difficult for taxes to be paid in the period without penalty. In addition, at least one instance of a bank not wanting to have citizens coming in to pay taxes and bank staff having to handle all of that paper has resulted in a district needing to have to come up with a new process. Having to change to a collection process that is all in-district may not be feasible, either due to costs or staffing.

Districts should be reviewing their tax collection process to try and anticipate any issues or problems that they may face based on the ability of residents to pay taxes in person and without penalty.

Other Considerations

All existing state aid reporting requirements and deadlines must be maintained; the content of data submissions will largely remain consistent with past practice, except where modified by law, regulation, or executive order.

Additional costs for PPE, transportation, food service, and other mitigation needs will likely be necessary. Districts should not assume additional state or federal support will be available beyond what has already been budgeted for the 2020-21 school year and should plan those needs accordingly.

Charter Schools

District schools should continue to process charter school per pupil invoices as required by Education Law § 2856 and Commissioner's Regulation §119.1. Although many of the considerations above are applicable to all schools, charter schools should consult with the school's authorizer regarding specific budgetary requirements.

All existing state aid reporting requirements and deadlines must be maintained; the content of data submissions will largely remain consistent with past practice, except where modified by law, regulation, or executive order.

Additional costs for PPE, transportation, food service, and other mitigation needs will likely be necessary. Districts should not assume additional state or federal support will be available beyond what has already been budgeted for the 2020-21 school year and should plan those needs accordingly.

Resources

[Flexibility in Maximizing Instructional Materials Aid, including Hardware Aid](#)

[Smart Schools Bond Act](#)

ATTENDANCE AND CHRONIC ABSENTEEISM

As described in the Technology and Connectivity section of this guidance, remote learning did not work for everyone during the spring 2020 school closures. In many schools and districts, large numbers of students did not log on or otherwise participate in online learning opportunities. It is therefore critical for schools to use a variety of creative methods to reach out to students and their families who did not engage in distance learning. School policies and procedures must focus on the academic consequences of lost instructional time and address absences before students fall behind in their learning. Initiating an educational neglect or Person in Need of Supervision (PINS) proceeding should be a last resort; schools and districts should work with their local departments of social services prior to bringing any legal action against students or their families.

Attendance for Instructional Purposes

Reopening Mandatory Requirements

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

Attendance Considerations

Certain hybrid models may not lend themselves to every content teacher connecting with every student enrolled in their class every day. This is true especially in departmentalized settings. Schools may wish to assign each homeroom teacher or advisory teacher as the daily point of contact for attendance purposes;

- Flexibility should be considered when monitoring attendance in a remote model. Parent schedules, availability of technology or other barriers may preclude students from connecting with teachers at a certain time;
- When in the remote mode of a hybrid in-person/remote learning model, districts should to the greatest extent possible record students' attendance in mandated units of English as a New Language and Bilingual Education.

Attendance for Reporting Purposes

Reopening Mandatory Requirements

- Attendance of any school-age student of compulsory age, who resides in the district or is placed by a parent/guardian in another public school district, a charter school, or is placed by a district administrator or the CSE of the school district in educational programs outside the district (such as, another school district, BOCES, approved private in-State or out-of-State school, and State supported school) must be reported in SIRS. To date, the reporting of daily attendance of Prekindergarten students is not required;

- Attendance must be reported by any reporting entity that is required to take attendance;
- Resident students of compulsory age who were not in attendance in a public school, including charter schools, nonpublic school, or approved home schooling program in the current school year must be reported until they exceed compulsory school age, they no longer reside in the district, or the district has documentation that the student has entered another educational program leading to a high school diploma;
- Students who drop out while still of compulsory school age must be kept on the school attendance register until they exceed compulsory school age or move out of the district.

Attendance for State Aid Purposes

School districts report certain enrollment, attendance, and school calendar information through the State Aid Management System (SAMS). While this data submission process differs from other procedures, the underlying data provided should be consistent with all other attendance reporting and requirements.

As discussed in the Budget and Fiscal Matters section of this guidance, the minimum annual instructional hour requirement and 180 days of session requirement are also both reported through SAMS. For both the 2019-20 and 2020-21 school years, school districts will be required to continue to submit the same information through SAMS that has been required in previous years, namely aggregate instructional days and hours, as well as daily calendars. Under regulatory changes adopted as an emergency rule by the Board of Regents on July 13, 2020, school districts may be eligible to apply for a waiver from the minimum instructional hour requirement for both the 2019-20 and 2020-21 school years to the extent that “the district is unable to meet such requirement as a result of an Executive Order(s) of the Governor pursuant to the State of emergency declared for the COVID-19 crisis, or pursuant to Education Law §3604(8), as amended by Chapter 107 of the Laws of 2020, or reopening procedures implemented as a result of the COVID-19 crisis”. Successful application of the waiver will shield school districts from a reduction in aid for failure to meet the minimum instructional hour requirement. However, the 180 days of session requirement is in statute, and for the 2020-21 school year there are currently no statutory provisions that would allow a school district to provide fewer than 180 days of instruction over the course of the full school year.

For charter schools, instructional time requirements are set forth in Education Law Section 2851(2)(n) and Commissioner’s Regulation Section 175.5. These requirements were effectively waived as stated above. See the Budget and Fiscal Matters section of this guidance for additional details.

Chronic Absenteeism

Extensive research indicates that missing ten percent of school days tends to be the “tipping point” when student achievement declines.¹² Chronic absence, or absenteeism, is defined as missing at least ten percent of enrolled school days, which in New York State is eighteen days per school year, or two days per month.

- Chronic absence includes all absences from instruction, both excused and unexcused. Instead of school policies and procedures focusing on truancy, it is essential for school attendance policies to focus on the academic consequences of lost instructional time and for the school procedures to address absences before students fall behind in school.
- During these challenging times, the development of positive school relationships may be a lifeline for students disconnected from school.
- Although flexibility is recommended when monitoring attendance in a remote instructional model, for students who have not engaged in remote learning and school staff outreach to parents/guardians has been unsuccessful, districts and other schools should explore a variety of methods for reaching out such as:
 - phone calls to families are often the simplest solution and provide an immediate opportunity to offer resources and assess student and family needs
 - where families do not respond to phone calls, texting may offer a lower-stress alternative and a subsequent phone call can be arranged
 - seeking out adults in the school who have established a connection with the student and/or family may yield improved results. Counselors, coaches, social workers, and psychologists are often logical choices, in addition to teaching staff. Social media contact or using friends to reach out can also be effective strategies.
- Assign each student an “ally” – an adult who is responsible to check in on the student every day, whether instruction is in-person, remote, or online.

School districts and other school entities have the responsibility to provide translation for families who speak a language other than English in the home. Once contact is made, emphasis should be on addressing the student’s or family’s barriers to “attendance” or engagement with instruction.

Educational Neglect

An allegation of educational neglect may be warranted when a custodial parent or guardian fails to ensure a child’s prompt and regular attendance in school or keeps the child out of school for impermissible reasons resulting in an adverse effect on the child’s educational progress, or imminent danger of such an adverse effect. Educational neglect should not be considered where the parent/guardian has kept their child home because they believe it is unsafe for their child to attend school in person during the pandemic, and the child is participating in remote learning opportunities.

¹² Balfanz, Robert & Byrnes, Vaughan, *Chronic Absenteeism: Summarizing What We Know from Nationally Available Data*, John Hopkins University Center for Social Organization of Schools, May 2010.

Schools and districts are urged to reach out to their local departments of Social Services (LDSS) with any questions or concerns related to child welfare. The LDSS point of contact (POC) for your area may be found through the following link: [LDSS POCS](#). The Statewide Central Register of Child Abuse and Neglect, the hotline to report child abuse and neglect, should be contacted only as a last resort, after you have exhausted all other strategies to connect with students and families.

Reporting and investigation of suspected cases of educational neglect present a range of complex issues and challenges for local social services districts and school districts. It is in the best interest of these agencies, school districts, and the families they serve, to collaborate in addressing their concerns. From the process of reporting - a school responsibility - and throughout the process of investigation, which is the purview of Child Protective Services (CPS), there will be numerous opportunities for timely intervention and collaboration involving students, parents, school officials, and CPS staff. This collaborative approach should lessen the need for Family Court referral and proceedings.

Persons in Need of Supervision (PINS)

Under the Family Court Act Article 7, a PINS proceeding may, in certain circumstances, be initiated to have a person under eighteen years of age, who does not attend school, is incorrigible, ungovernable, habitually disobedient and beyond the lawful control of a parent, or other person legally responsible for such child's care, or appears to be a sexually exploited child, adjudicated by the Family Court as a PINS.

Before taking such drastic action, outreach to the appropriate LDSS may provide the student and family access to additional services designed to prevent a young person from being adjudicated a PINS. Family Support Services programs have been established to provide comprehensive services to children and families. The LDSS point of contact (POC) for your area may be found through the following link: [LDSS POCS](#).

Resources

[Attendance Playbook: Smart Solutions for Reducing Chronic Absenteeism in the COVID Era](#)

TECHNOLOGY AND CONNECTIVITY



For New York State students to lead productive and successful lives upon graduation, they must understand and know how to use digital technologies.

Technology knowledge and skills are vital for full participation in 21st Century life, work, and citizenship. Sufficient access to computing devices and high-speed internet are essential for educational equity. Even before the COVID-19 pandemic, the inequitable access to technology

and internet services in students' places of residence was a priority to be addressed. The closure of New York schools and subsequent shift to remote learning only highlighted this urgent need. The

period of remote learning due to school closures presented significant challenges, especially due to the digital divide, but also unprecedented opportunity for schools, students, and families to leverage technology to support instruction, learning, communication, and meaningful connections. The effective use of digital technology can assist educators in differentiating and personalizing learning; provide flexibility in scheduling and pace; and provide multiple entry points for students to engage in learning. As schools plan for reopening, technology and connectivity must remain essential areas of focus.

Regardless of whether in-person, remote, or hybrid models are utilized, schools should seek to provide students and teachers, for use in their places of residence, with access, to the extent practicable, to:

- A computing device, such as a laptop, desktop, Chromebook, iPad, or full-size tablet, for their exclusive use; and
- Consistent, reliable access to high-speed internet at a sufficient level to fully participate in remote/online learning (e.g., a hotspot).

In alignment with the Board of Regents' vision for teaching and learning, as articulated in the [USNY Statewide Learning Technology Plan](#) (2010), NYSED is committed to working with schools and partners to help ensure students have "all the time, everywhere" access to devices and high-speed internet, both at school and at their places of residence. NYSED is aware that in specific, limited areas of the state, high-speed internet is not yet available. Students' places of residence may not be connected to fiber, and/or cellular service may not be available. In these limited cases, assisting students in obtaining access to high-speed internet may not be possible at the school or district level at this time.

In the limited cases where students may still lack internet access in their places of residence, despite best efforts, districts and schools must ensure that all efforts are being made to provide some form of internet access availability, such as by boosting WIFI signals to parking lots.

Reopening Plan Mandatory Requirements

School and District Reopening Plans must include information on how the school will:

- Have knowledge of the level of access to devices and highspeed broadband all students and teachers have in their places of residence;
- To the extent practicable, address the need to provide devices and internet access to students and teachers who currently do not have sufficient access; and
- Provide multiple ways for students to participate in learning and demonstrate mastery of Learning Standards in remote or blended models, especially if all students do not yet have sufficient access to devices and/or high-speed internet.

While the mandatory shift to remote learning in Spring 2020 has highlighted the work that must be done to ensure all New York State students have equitable access to technology, it also revealed a significant capacity for innovation. Districts and schools are encouraged to reflect on lessons learned during remote learning, and to assess the effectiveness of digital tools, platforms, and resources utilized.

Considerations for Reopening Plans

The following recommendations should be considered as schools develop reopening plans:

- Survey parents and guardians to determine the level of access to computing devices and highspeed internet to which students have access in their places of residence.
- Ensure surveys are crafted to gather useful data.
 - An indication of “access” to a device in the home, in many circumstances, does not ensure the student is able to access the device at the specific times and/or for the length of time necessary to be successful in a remote or online setting. In many families, “access” could mean multiple children sharing a single device, sometimes with one or more adults who themselves are attempting to work remotely.
 - Similarly, craft questions about internet access to produce usable data. Merely asking whether a not a student has “access” would not provide useful context for informing decisions on instruction. Many students are in situations where multiple household members are connecting to the internet through a prepaid cell phone with a limited data plan, or the student has to drive fifteen miles to a parking lot where WIFI is free.
- Provide professional development for leaders and educators on designing effective remote/online learning experiences and best practices for instruction in remote/online settings.

- Provide instruction to students to build digital fluency.
- Adjust Information Technology (IT) Support as necessary to support teachers, students, and families. The following innovative strategies identified by NYS educators may be possible considerations for increasing IT support:
 - Tech-Savvy Staff: Designate staff members to provide ongoing support with technology to students, teachers and families. Consider developing a schedule and assigning a technology point person to teachers by grade level or content area.
 - Student Technology Support: Several schools across NY have student technology support programs. [The May 2018 Edition of NYSED's Ed Tech Innovators Newsletter](#) highlighted several examples.
 - Video Library: Create a video library on tech tutorials for student, teacher, and family technology use.
- Ensure student data privacy and security will be maintained and that the school and/or district are in compliance with Federal and State laws related to student technology use, including NY Education Law 2-d and Part 121 of the Commissioner's Regulations.
- Consider streamlining the number of different tools that students will be expected to utilize

after an assessment of the effectiveness of digital tools, platforms, and resources utilized during school closures.

- Provide both support and flexibility to students when designing remote/blended/online learning experiences.
 - Work with colleagues, students, and families to identify multiple effective structures and supports. Open deadlines, ambiguous expectations, and/or lack of direct support from a qualified educator are difficult conditions for students and families. Students who participated in the Regents' Reopening Task Force Meetings indicated that students who felt supported by their teachers and schools were more likely to have increased levels of engagement during remote learning.
 - Examples of structures and supports could include, but are not limited to, consistent methods of communication and times that communications are sent, predictable deadlines, and the provision of instruction in multiple modalities (recorded video, recorded audio, written translation).
 - Provide flexibility to decrease stress and increase equitable access for students and families. Older students may be taking on responsibilities such as caregiving or working outside of the home and may not be available during traditional school hours. Younger students may not be supervised by a parent or guardian during the school day, and their caregivers may not be in a position to effectively guide remote/online instruction.

- One area requiring flexibility is printing. Many students do not have access to a printer, especially if libraries are closed. Consider alternative learning activities that do not require students to print.
- Other examples of flexibility include, but are not limited to, weekly instead of daily deadlines and choice boards with activities requiring varied levels of technology access. For students with extremely limited internet access, schools may wish to provide materials and assignments on a flash drive or other file storage device.

Resources

- [Aurora Institute \(Formerly iNACOL\) Continuity of Learning Resources](#)
- [CoSN Guidance and Resources](#)
- [ISTE Providing Effective and Equitable Digital Learning for all Students: Key Considerations for Districts](#)
- [Joint Statement of Education and Civil Rights Organizations Concerning Equitable Education During the COVID-19 Pandemic School Closures and Beyond](#)
- [NYSED: Funding Educational Technology](#)
- [SETDA E-Learning Coalition](#)

TEACHING AND LEARNING



New York students are entitled to a free public education, even as we face the unprecedented challenges presented by the COVID-19 pandemic. All students must have the opportunity to feel safe, engaged, and excited about their learning, whether in-person, remote, or some combination of the two. At the heart of teaching and learning are the relationships that students have with their peers, teachers, and school community

members. Students are searching for a return to their routines and a sense of normalcy, so all efforts should acknowledge the importance of setting a positive routine and welcoming environment that supports students during this unpredictable time. During the upcoming school year, it is of the utmost importance that individual student needs and equity are put at the center of all learning experiences. Flexibility is essential when planning for the fall, and schools should be prepared to shift between in-person, remote learning, and a hybrid model in a way that is least disruptive to students.

All schools must provide 180 days of instruction each school year to their students. Instructional days shall be counted for programs that are delivered in-person, remotely, or through a hybrid model.

The following section includes information about the mandatory requirements and recommended practices for schools as they prepare for the 2020-2021 school year, including information about Prekindergarten, K-12 Programs, and Career and Technical Education.

Reopening Plan Mandatory Requirements¹³

- All schools must ensure that they have a continuity of learning plan for the 2020-2021 school year. Such plan must prepare for in-person, remote, and hybrid models of instruction.
- Instruction must be aligned with the outcomes in the [New York State Learning Standards](#).
- Equity must be at the heart of all school instructional decisions. All instruction should be developed so that whether delivered in-person, remotely, or through a hybrid model due to a local or state school closure, there are clear opportunities for instruction that are accessible to all students. Such opportunities must be aligned with State standards and include routine scheduled times for students to interact and seek feedback and support from their teachers.
- Instruction aligned to the academic program must include regular and substantive interaction with an appropriately certified teacher regardless of the delivery method (e.g., in person, remote or hybrid).
- Schools must create a clear communication plan for how students and their families/caregivers can contact the school and teachers with questions about their instruction and/or technology. This information needs to be accessible to all, available in multiple languages based on district or charter school need, widely disseminated, and include clear and multiple ways for students and families to contact schools and teachers (e.g., email, online platform, and/or by phone).

Considerations for Reopening plans

- Develop instructional experiences that are inclusive, culturally responsive, consider the needs of all students, and adhere to all established state regulations and guidelines
(please see the Special Education and English Language Learner sections for more specific guidance).

¹³ Charter schools are required to develop re-opening plans that adhere to the principles set forth in the school's charter. The charter school will be required to comply with authorizer specific requirements including, but not limited to, authorizer approval or review of the school's re-opening plan. Pursuant to Article 56 of the Education Law not all Commissioner's Regulations set forth in this guidance are applicable to charter schools and schools should confer with their authorizer.

- Develop a plan for how to support students who, due to the 2019-2020 school closure, need additional social, emotional, or academic support to ensure success in the 2020-2021 school year. Students and their families should be involved in the planning for any remediation or support whenever practicable.
- Maintain a positive mindset about student learning loss during the 2020 school closure. Allow ample time for students to re-adjust to the school setting. Before students are assessed, spend time on socialization and creating a climate of safety, comfort, and routine.
- Use a locally determined formative or diagnostic assessment to determine individual student needs and target extra help to ensure both academic *and* social-emotional needs are addressed.
- Provide opportunities for staff to meet prior to the start of school to discuss individual student needs and share best practices with in-person, remote, or hybrid models of learning.
- Identify any additional professional development needs for administrators, teachers, and teaching assistants for the upcoming school year, particularly those needs related to teaching remotely and the use of technology.
- Offer training and support for students and families/caregivers to ensure comfort and ease with instructional programs and any technological platforms and devices used to deliver instruction.

Early Learning

Prekindergarten



All children are capable of learning, achieving, and making developmental progress through access to a high-quality Prekindergarten program. When planning for the reopening of Prekindergarten programs, care must be taken to ensure that the needs of our youngest learners are addressed, whether instruction is provided in- person, remotely, or through a hybrid model. It is essential that districts, schools,

and eligible agencies, including Community Based Organizations (CBOs), operating Prekindergarten programs create a plan for providing continuity of instruction for in-person, remote, and hybrid learning models.

Reopening Plan Mandatory Requirements

- Districts and schools operating Prekindergarten programs must include Prekindergarten in the mandatory requirements outlined under Teaching and Learning above.
- All Prekindergarten programs that have a direct contract or a Memorandum of Understanding (MoU) with NYSED must submit a Reopening Plan to the Office of Early Learning. Additional information on the format and submission requirements will be forthcoming.
- Districts that contract with eligible agencies, including CBOs, to provide Prekindergarten programs must attest that they have measures in place to ensure eligible agencies with whom they contract will follow health and safety guidelines outlined in this guidance and required by the New York State Department of Health. The district must also ensure their eligible agencies have a Continuity of Learning plan that addresses in-person, remote, and hybrid models of instruction.

Health and Safety Considerations

State-administered Prekindergarten Programs should follow all guidelines set forth by the New York

State Department of Health when planning for 2020-21 Prekindergarten programming. The following health and safety guidance should also be considered:

- Family style eating should not be practiced due to social distancing requirements and for health and safety requirements.
- For classrooms without an interior bathroom, an adult should accompany each child to and from the bathroom outside the classroom and ensure that proper handwashing protocols are followed.
- Napping materials should be sanitized daily and, to the extent practicable, assigned to individual students for the school year.
- Center-based and small group learning is a critical component of a Prekindergarten instructional program. Districts, schools, and eligible agencies (including CBOs) should:
 - avoid centers that include multiple students using it at one time, such as water/sand tables, sensory tables, etc.;
 - provide students with individual sets of materials to avoid sharing of common items; and
 - follow proper sanitation guidelines from the Department of Health after children have been at a learning center or in small groups.

Instructional Practices and Programming Considerations

- While the Department recognizes the importance of teacher and student interaction and peer interaction as part of the best practices of Early Learning, districts, schools and eligible agencies (including CBOs) should refrain from strategies and practices that encourage physical contact, such as hand-holding buddy systems.
- When developing remote learning plans, districts, schools and eligible agencies, (including CBOs), should be cognizant of the amount of time young learners are spending directly viewing screens. Time spent learning remotely can be devoted to authentic learning activities at home. For suggestions on websites and activities, please visit NYSED's [Continuity of Learning webpage](#).

Budget and Fiscal Considerations

- For Universal Prekindergarten (UPK) and Statewide Universal Full-Day Prekindergarten (SUFDPK) programs that intend to operate in person, the maximum grant payable will continue to be based on a system of 1.0 Full Time Equivalency (FTE) calculated by combining the number of prekindergarten students in full-day and half-day programming.
 - If a program decides to convert Prekindergarten seats from full-day to half-day, the maximum grant payable would be proportionately reduced based on the decreased FTE. ○ The FTE calculation and maximum grant payable will be determined by the number of full-day and half-day students enrolled as of December 1, 2020, not on Basic Education Data System ([BEDS](#)) day only for the 2020-2021 school year.
- As set forth in Education Law 3602-e, districts receiving UPK funding will continue to be required to set aside at least 10% of their allocation to collaborate with eligible agencies, including CBOs, to deliver prekindergarten instruction. To make available as many Prekindergarten seats as possible, while keeping social distancing factors in place for in-person learning, districts should consider partnering with eligible agencies, as defined in Education Law 3602-e, beyond the 10% minimum collaboration requirement.
- If a district or program decides that it is not feasible to operate a UPK or SUFDPK program in the 2020-2021 school year, the UPK allocation/SUFDPK grant award will remain available for the 2021-2022 school year unless action is taken by the legislature.
- Districts and schools that operate a full-day Prekindergarten must describe in their reopening plan how they will provide Continuity of Learning in an in-person, hybrid, or remote model that is aligned to the Prekindergarten standards. Regardless of the instructional model chosen, districts can count such participating students as 1.0 FTE.

- Eligible agencies, (including CBOs), that are running an in-person, full-day program must submit to the district they contract with a Continuity of Learning plan should they have to move to a hybrid or remote model in order to continue to be paid for their services.

Staffing Regulatory Flexibilities

To provide flexibility for in-person Prekindergarten programs in the 2020-2021 school year, the following will be allowable:

- Primary Instruction
 - Primary instruction should be delivered by a certified teacher as outlined in Education Law sections 3602-e and 3602-ee.
 - For flexibility and to comply with social distancing requirements for the 2020-21 school year, another staff member can oversee students during learning centers in an alternate learning space so the lead teacher can provide primary instruction to students.
- Staffing Ratios ○ 8 [NYCRR 151-1.3](#) requires that for classes with 18 or fewer students, 1 teacher and

1 paraprofessional are required to be in the classroom. For classes with more than 18 students, but not exceeding 20 students, 1 teacher and 2 paraprofessionals are required to be in the classroom. To provide flexibility and to maintain social distancing requirements, in the 2020-21 school year, districts may choose to offer smaller Prekindergarten class sizes with only 1 certified teacher in the room.

- For districts and programs outside of New York City:
 - For 3-year-olds: 1 teacher in a classroom with up to 7 students including, but not limited to, preschoolers with disabilities and English Language learners.
 - For 4-year-olds: 1 teacher in a classroom with up to 8 students including, but not limited to, preschoolers with disabilities and English Language learners.
 - For districts and programs receiving UPK/SUFDPK funding, any class size above 7 students for 3-year-olds or 8 students for 4-year-olds must adhere to the staffing ratios required by 8 NYCRR [151-1.3 \(as described above\)](#).

- For New York City:
 - For 3-year-olds: 1 teacher in the classroom with up to 10 students including, but not limited to, preschoolers with disabilities and English Language learners to comply with [New York City Health Code 47.23](#).
 - For 4-year-olds: 1 teacher in the classroom with up to 12 students including, but not limited to, preschoolers with disabilities and English Language learners, to comply with [New York City Health Code 47.23](#).
 - For districts and programs receiving UPK/SUFDPK funding, any class size above 10 students for 3-year-olds and 12 students for 4-year-olds must adhere to the staffing ratios required by 8 [NYCRR 151-1.3](#).

Cohorts Consideration

- To the extent practicable, districts, schools, and eligible agencies (including CBOs), should “cohort” students to limit the potential exposure to the COVID-19 virus. For the younger students, this means that they are self-contained, preassigned groups of students with reasonable group size limits.
 - Responsible parties should enact measures to prevent intermingling between cohorts, to the extent possible and make reasonable efforts to ensure that the cohorts are fixed – meaning containing the same students – for the duration of the COVID-19 public health crisis.
 - Faculty may instruct more than one cohort so long as appropriate social distancing is maintained.

Flexibility in Duration of Half-Day and Full Day Programs

- While many half-day programs operate two sessions for 3 hours a day, school districts may consider operating their half-day Prekindergarten and Kindergarten classes for 2.5 hours of instructional time per day to allow for proper sanitization of the classroom between sessions.
- While many full-day programs operate for 6 hours a day, these programs may operate at a minimum of 5 hours of instructional time per day under existing regulations. For information regarding the 180-day requirement please refer to [page #]

Prekindergarten/Kindergarten Screening Considerations and Flexibility

- Prekindergarten and Kindergarten screening should be done as soon as possible, following guidance from the New York State Department of Health.

- Under [NYCRR 117.3\(b\)](#), districts have until December 1, 2020 to complete screening of new students. Students who were screened by the district as a Prekindergarten student, under regulations, do not have to be screened in Kindergarten.
- To allow for flexibility, in the event schools are closed due to COVID-19, any student entering New York State public schools for the first time or who are re-entering a New York State public school with no prior screening record after December 1, 2020, should be screened as soon as practicable.
- To the greatest extent possible, the Emergent Multilingual Learner language profile to assess home language exposure should be administered to newly enrolled Prekindergarten students as soon as practical.

Considerations for Volunteers, Visitors, and Service Providers

- Districts, schools, and eligible agencies (including CBOs) should limit the number of volunteers and unnecessary visitors to Prekindergarten classrooms.
- Districts, schools, and eligible agencies (including CBOs) should communicate clearly to volunteers and visitors any protocols that must be followed prior to entering prekindergarten classrooms.
- While in prekindergarten classrooms, volunteers and visitors should follow all the health guidance and protocols set forth by the Department of Health, districts, and eligible agencies (including CBOs).
- Disability service providers for preschoolers should follow all health and safety protocols set forth by the Department of Health, districts, and eligible agencies (including CBOs) prior to entering the classroom.



Nursery Schools

Voluntary Registered Nursery Schools and Kindergartens (VRNS/Ks)

- The maximum class size should be no more than the number determined by the New York State [Department of Health](#).
- Parent Cooperatives that are VRNS/Ks should follow the New York State Department of Health guidelines for health and safety to

allow parents to continue to fulfill their commitment to the VRNS/Ks throughout the school year.

- For further guidance on volunteers and visitors in VRNS/Ks, please see the above section.

Grades K-6

Per Commissioner’s regulations, all students shall receive instruction that is designed to facilitate their attainment of the State learning standards. Schools must insure that students receive high quality rigorous, standards based instruction that will meet their academic needs and allow them to attain the learning standards in all curricular areas.

There are no subject specific time requirements in grades K-6 for any subject with the exception of physical education (PE) (see separate section on PE). Educational programs delivered in these grades should employ the best available instructional practices and resources and be mindful of maximizing instructional time and supports with these young learners.

Schools must plan for the possible contingency of fully remote learning. Remaining connected with a methodology in place to support student learning while at home must be considered in a school’s reopening plan. All students should have access to and interaction with an appropriately certified teacher on a regular basis. Understanding that there are challenges with remote instruction that are particular to certain school communities as well as individual students, schools should strive to ensure teachers have daily contact with students in some format in order to support both their academic needs and social emotional wellbeing. Schools are responsible for developing a reporting mechanism to track teacher/student contact regardless of the instructional setting. (See Attendance section of this guide)

Grades 7–12 – Units of Study



Per Commissioner’s regulations Part 100.4 and 100.5, all students shall be provided instruction designed to enable them to achieve the State’s learning standards. These regulations outline specific time (unit of study) requirements for various subject areas. The unit of study definition (180 minutes per week or the equivalent) provides a framework for the instructional entitlement for our students in these grades. The intention is to

provide a mandated minimum amount of instruction (contact hours) a school must provide in order to give students the opportunity to master a body of content in a certain subject.

Under normal

circumstances, in a face-to-face, in-person teaching environment, the State requires that school schedules for students be built in adherence to this time requirement.

As a result of the COVID-19 pandemic, schools must plan for various contingencies that may make it impossible for a specified amount of face-to-face contact between teachers and students. In order for schools to plan for various types of instructional models, including remote and hybrid models, schools should consider the time requirement of 180 minutes of instruction/week as a benchmark for comparison when designing and delivering instruction aligned to the intermediate and commencement level standards. It is important to ensure that all students have equitable access to high quality rigorous instructional opportunities, and experiences, provided by highly qualified, certified teaching professionals, competent in the content or discipline of the course. The key question that districts should consider when developing or adopting new modalities of instruction is the following:

Are the instructional experiences, when considered as a whole, comparable in rigor, scope and magnitude to a traditionally delivered (180 minutes/week) unit of study?

Instructional experiences are not defined solely as a student's time spent in front of a teacher or in front of a screen, but time engaged in standards-based learning under the guidance and direction of a teacher. These experiences might include, but are not limited to: completing online modules or tasks; viewing instructional videos; responding to posts or instructor questions; engaging with other class participants in an online or phone discussion; conducting research; doing projects; or meeting with an instructor face to face, via an online platform or by phone. Schools must ensure that the learning is supported, and students have access to assistance from a qualified teacher when they need it.

The definition of a "unit of study" has been revised in Commissioner's Regulations to further clarify what may be considered in the design of such units of study.

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

Units of Credit

The priority for the instruction should be that which best prepares students to meet the learning outcomes for the course. The design of the course, the selection of the curriculum, and the student expectations are set locally by the school or district. Any student who achieves the learning outcomes for the course must be granted the unit of credit for such course if applicable.



Science Laboratory Requirements

Per Commissioner's Regulations, courses that culminate in a Regents examination in science must include 1200 minutes of laboratory experiences. Due to the possibility of a hybrid or fully remote model of instruction as a result of COVID-19, the 1200-minute lab requirement can be met through hands-on laboratory experiences, virtual laboratory experiences, or a combination of virtual and hands-on

laboratory experiences coupled with satisfactory lab reports for the 2020-21 school year.

This laboratory requirement

is in addition to the course requirement and entitles a student to admission to a culminating Regents Exam. The school district is responsible for aligning laboratory experiences specific to each science course; determining the mode or modes of instruction; and identifying a viable vetted list of acceptable virtual labs or a combination of virtual and hands-on labs that a student would need to complete for each science course that culminates in a Regents examination. Schools must determine a method for students to record laboratory experiences and satisfactory lab reports. In a virtual environment, emphasis should be placed on the quality of the experience and the satisfactory completion of each laboratory experience rather than the time spent in completing such laboratory experience. Any student who has completed all laboratory experiences in accordance with teacher expectations shall be deemed to have met the 1200-minute requirement.

Arts

Due to the hands-on nature of Arts instruction, additional considerations should be given to both the managing of Arts instructional spaces, as well as the development of instructional methods to teach the Arts via remote or hybrid models.



In-person Instructional Model

- Consider what students have already learned when designing curricula for next year. What artistic processes have students focused on during previous remote learning? What might need to be emphasized in the 2020-2021 school year?
- Prepare possible remote lessons in advance that enhance and align to classroom instruction to prepare for possible future school closures.
- Arts classrooms, sinks, costumes, instruments, mirrors, props, and other shared materials and surfaces should be cleaned following appropriate CDC State and local guidelines. This includes drying racks, changing rooms, easels, stage/dance studio floors, and music stands.
- As with speaking loudly, singing can transmit the virus. Consider taking extra precautions such as having chorus outside and increasing the distance between students.
- Consider asking students to maintain individual kits of “high touch” supplies such as scissors, markers, pencils, erasers, etc. to limit sharing of supplies between students. These supplies could also be taken home and used should schools or students return to remote learning.
- Do not share instruments among students or staff.
- Responsible Parties should ensure that a distance of twelve feet in all directions is maintained between individuals while participating in activities requires projecting the voice (e.g., singing), playing a wind instrument.
- Consider limiting use of or alternatives for hard-to-clean supplies that are usually recycled such as clay.
- Create visuals and markings on the floor to reinforce social distancing and manage the flow of students in the classroom.
- Have hand hygiene supplies close to shared materials and surfaces.
- Increase transition time to account for time needed for cleaning.

Remote Instructional Model

- Prepare for remote learning by planning individualized projects that can connect and reinforce in-person classroom learning.
- Consider in advance what materials might be suggested for students to have on hand at home or create assignment that can be completed with items easily found at home.
- Create a plan for how to give students assignments, feedback, and track their progress.
- Consider combining synchronous and asynchronous learning opportunities to maintain community and teacher access.

- Develop digital and non-digital options for sharing student’s creative works within the classroom community and with the broader school community.

Hybrid Instructional Model

- Organize curricular lessons according to which must be done in person and which might be completed remotely to support in-person instruction.
- Anchor standards, Creating and Presenting lend themselves more so to in-person instruction, while Responding and Connecting are standards that may be able to be addressed in a remote instructional model.
- Determine methodologies to connect with students and support learning while students are at home.
- During in-person instruction, prepare students with the skills and knowledge they will need when working remotely (e.g., online platforms, tools, available resources, etc.).
- Use digital platforms and other methodologies that will enable students to collaborate on group projects even if at home.
- Focus on personalized learning.
- Utilize resources such as digital field trips and online arts collections. Resources such as these can be found on the [Continuity of Learning Website](#).

Arts Resources

- [COVID-19 instrument Cleaning Guidelines](#) by National Federation of State High School Associations, National Associations for Music Education, and the NAMM foundation.
- [Guidance for Return to High School Marching Band](#) from the National Federation of State High School Associations Music Committee and Sports Medicine Advisory Council.
- School Bands Committee of the American Bandmasters Association has released [Considerations and Program Ideas for Band Teachers](#).
- [National Art Education Association’s Preparing for the 2020-2021 School Year](#) published by the National Art Education Association
- Educational Theatre Associations [Recommendations for Reopening School Theatre Programs](#)
- Dance USA [Return to Dancing and Training Considerations due to Covid-19](#)

Physical Education



Participating in Physical Education (PE) is important for our students' health and wellbeing. Not only do PE activities benefit students' physical health, but research indicates regular physical activity improves students' mental health as well as contributes to academic success. School re-opening plans should ensure that whether in-person, remote, or hybrid models are utilized, students should be participating in physical

activity under the direction and supervision of a certified physical education teacher to the extent prac-

ticable. Understanding that hybrid schedules may limit face-to-face class time with a certified PE instructor, such

instructors should plan, to the best of their ability, a menu of learning activities for students to engage in under the direction of their classroom teachers, other staff, or independently.

The Society of Health and Physical Educators (SHAPE) has released a website outlining [school reentry considerations](#) for returning to school in the 2020-2021 school year. The website provides a number of excellent resources including, but not limited to: equipment and safety; personal hygiene; recess; classroom-based activity; social emotional learning; trauma-sensitive learning environments; and student assessments. They also give suggestions for instructional strategies for in-person, remote and hybrid models. Several considerations are listed below, however, all resources can be found at the link above.

In-Person Learning

- Per New York State Health Department Guidelines districts and schools should ensure that a distance of twelve feet in all directions is maintained between individuals while participating in activities that require aerobic activity and result in heavy breathing (e.g., participating in gym classes).
- Consider using a microphone and speaker when delivering instruction to students. The use of face coverings and the need for students to spread out to accommodate physical distancing may make it more difficult for teacher instructions to be heard.
- Focus more on individual pursuits or skills rather than traditional team sports or activities (e.g., dance and rhythms, exercises without equipment, fitness, mindfulness, outdoor pursuits, track and field, throwing underhand, kicking, and target games).
- Use games and activities that require no physical contact and do not require students to be in close physical proximity to each other.
- Include opportunities for student choice and incorporate student-suggested activities when appropriate.
- Ensure lessons are planned around the available space for instruction.

Remote Learning

- Create opportunities for students to share and connect with one another.
- Review current curriculum and determine which lessons or activities can be repurposed as at home work or completed online (depending on students' access to technology).
- Consider if students can participate safely in the selected activities. (Will students have enough space? Will an adult need to help or supervise the activity?)
- Consider if regular daily classroom routines and procedures can be translated into a remote activities. This will help students feel a sense of familiarity while reinforcing the sense of community for the class.
- Consider special events or activities that can be done remotely (e.g., [At-Home Family Field Day](#)).
- Consider using videos or images demonstrating activities or skills.

Hybrid Model

- Consider assigning tasks for at-home completion and then have students apply the knowledge gained in the school setting (i.e., have students practice a skill at home and then apply it during a class activity).
- In school, have students participate in individual physical activities (e.g., dance, yoga, track and field, fitness stations) that comply with physical distancing guidelines and require little or no equipment. When students are at home, have them focus on activities for motor skill development (e.g., underhand throwing, self-toss and catch, catching with a parent or sibling).
- Consider a [flipped classroom](#) approach where students first learn about a topic at home and then come prepared to learn more about it in class (e.g., students watch a video about The Haka at home, then in school the teacher answers questions and teaches in more depth).
- Consider switching from providing direct instruction to more of a student-directed instruction approach (e.g., [project-based learning](#) or flipped classroom).
- Provide synchronous learning opportunities (distance learning that happens in real time) with opportunities for asynchronous learning as much as possible; record lessons to provide to students who may not have access in real time.
- Allow for optimal student choice and provide opportunities for students to engage with teachers directly and often. This will be crucial to keep students motivated. Additionally, students are more interested in seeing videos created by their own teachers than shared videos created by other teachers.

Physical Education Resources

[CDC Consideration for Youth Sports](#), Guidance as of June 12, 2020 from the [CDC COVID-19 Youth Sports Web Page](#).

[CDC Cleaning and Disinfection Community Facilities](#), Guidance as of June 12, 2020 from the [CDC Covid-19 Cleaning and Disinfection Web Page](#).

SHAPE- K-12 Physical Education Health Education and Physical Activity Re-entry: https://www.shapeamerica.org/advocacy/K-12_School_Re-entry_Considerations.aspx

CDC- Guidance as of 5/19/20: <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html>

CAREER AND TECHNICAL EDUCATION (CTE)



CTE Content and Delivery

While planning for CTE instruction, whether through in-person, remote, or hybrid models, school districts and BOCES must ensure that all applicable NYS Learning Standards are met and content that is critical for meeting these standards as well as requirements for applicable industry certifications or other postsecondary credentialing is identified.

Additionally, for those programs in fields such

as health sciences, barbering, and appearance enhancement where specific curricula and/or clinical hours are mandated by other state agencies (Department of Health and Department of State respectively), consideration must be given to ensuring requirements of the programs are met. All planning should be done within the context of meeting NYS Department of Health guidelines for health and safety and social distancing policies. CTE laboratory spaces should be set up to accommodate all such policies.

CTE coursework must continue to be taught by appropriately certified CTE teachers. Instructors who are required to hold a NYS professional license for a particular content area (i.e., health sciences, barbering, appearance enhancement) must maintain such license without lapse. All CTE laboratory/clinical instruction and supervision must be delivered by the appropriately certified CTE teacher. Flexibility is allowed for other staff (under the guidance of the CTE teacher) to supervise student groups in a non-laboratory/clinical setting to better adhere to social distancing guidelines. Considerations for CTE content and delivery include:

Modifying learning for social distancing and/or remote learning

- Identify content that takes precedence in the event instructional capabilities are modified and/or changed throughout the year.
- Identify those activities that must take place in a classroom and those that can be completed independently.

- Determine what students need to complete all learning activities and how to provide access to necessary materials.
- Consider providing individualized student “to go” kits to enable students to pivot to remote learning if necessary. These kits could be assembled by learning module and exchanged out as students complete each module.
- Utilize online platforms when teaching in person to build practice among students in the event that districts may need to switch to remote learning.
- Create instructor videos demonstrating skills or teaching content for use both in and outside of the classroom.
- Consider livestreaming video of what is taking place inside the classroom in the event some students are home, and some are present.
- Consider opportunities for instructors to operate portable video cameras during lessons. For example, when an instructor is providing a laboratory demonstration, he or she can display to students in their seats instead of them standing closely watching the demonstration.
- Consider modifications to laboratory skills or clinical days to reduce risk of transmission (i.e., designated lab/clinical days)
- Determine procedures for sharing, disinfection, and decontaminating materials and equipment

Keeping students engaged remotely

- Create a set schedule for class meeting times. Class meeting times should be used to address large group instruction and/or issues impacting the whole class.
- Schedule small group and/or individual check-ins around full class meeting times.
- Consider incorporating current topics into the field of study to aid in interest and engagement along with incorporating current industry safety and infection control practices within curricula.
- Ensure a positive and respectful classroom culture exists to support students’ social-emotional needs. (link to the SEL section)

Work-based Learning

School districts and BOCES will need to collaborate with all business and industry partners to identify and ensure safe and healthy work-based learning opportunities. Students should be provided opportunities to participate in work-based learning, either in-person or remotely to the extent possible. In implementing work-based learning for the 2020-2021 school year, consider the following:

Supervision

- All registered work-based learning programs must be supervised by an appropriately certified work-based learning coordinator.
- Refer to the work-based learning manual for guidelines on certification and how frequently students should be supervised.

Work-Site Placements

- Depending on the region or industry, business and industry partners may have a reduced ability to sponsor students for work-based learning experiences. Priority for experiences should be given to those students who need work-based learning hours to meet graduation or CDOS exit credential requirements. The work-based learning coordinator should remain actively engaged with the needs of business and industry as they may change rapidly.

Flexibility in Program Requirements

- Registered Internship Programs (CEIP, Co-op, GEWEP, and WECEP): Internship hours for registered programs may be completed in a fully remote format where practical. The work-based learning coordinator and other interested school staff should determine, in collaboration with business and industry partners, where remote and/or hybrid (some onsite, some remote) experiences are practical given a student's training plan.
- Non-Registered Work-Based Learning Experiences: Where practical, and when supervised by school staff, non-registered work-based learning experiences may be conducted in a remote or hybrid format.
- For those programs which require a minimum number of work-based learning hours, schools should strive to provide comprehensive and thorough work-based learning experiences that meet the needs of the students (may be through remote or hybrid means, if practical). However, schools may exercise discretion if a student is not able to meet the minimum hours requirement set for the program and/or credential being sought.
- Health Sciences students are required to complete supervised clinical hours under regulations set forth by the Department of Health. All regulations from the Department of Health must be followed when planning and supervising clinical experiences.
- Supervised clinical experiences for students in appearance enhancement programs must meet all guidelines set forth by the Department of State.
- School-based enterprises must follow all NYS Department of Health guidelines for cleaning and social distancing. Consider alternative methods of transactions (e.g., direct deliveries, e-commerce, etc.).

Considerations for Students with Disabilities

- The work-based learning coordinator, transition coordinator, and all other service providers must work collaboratively to design work-based learning experiences that are in line with students' individualized education program (IEP) goals.
- Where practical, remote or hybrid experiences may be used towards work-based learning hours.
- Consider placements in the school building if participating outside businesses are not able to meet students' IEP requirements (job coaching, PPE, etc.).
- Additional guidance and best practices are available from the National Technical Assistance Center on Transition

Business and Community Partnerships

A high quality CTE program is planned with input from business and community partners. Consider the following for the 2020-2021 school year to continue business and community partner engagement:

- Continue to have business and community participation in advisory council meetings. Utilize videoconferencing if necessary.
- Establish and communicate clear safety protocols that will be expected prior to student and instructor participation at internship or clinical sites. Determine who will provide appropriate PPE for students and instructors.
- Incorporate industry partners into virtual student interactions, student career development, and instruction to the extent possible.
- Seek legal counsel regarding potential changes and the implementation of those changes into existing agreements and waivers, especially in light of COVID-19.
- Re-evaluate labor market needs with business and industry partners and adapt curriculum and program offerings as appropriate.

Student Career Development

CTE programs of study should continue to provide high quality career advisement and exploration opportunities to students through either an in-person, remote, or blended instruction environment. Consider the following when planning student career development experiences in the 2020-2021 school year:

- Using the CTE Career and Financial Management framework to enrich career development if hands-on learning and skill practice may not be feasible in person.
- Using virtual options to facilitate career exploration including, but not limited to, job shadowing; guest speakers; career fairs; interview skills; job training; professionalism and proper use of virtual platforms; and other activities that allow safety guidelines to be followed by all involved.

- Utilizing school counselors and other school staff to facilitate and support career development and advisement within the district or BOCES.

Career and Technical Student Organizations (CTSOs)

- Consult with the respective state and national organizations for each CTSO to determine what their policies and procedures are for a COVID-19 impacted school year.
- Consider if conferences, meetings, service projects, programs of work, and events can be conducted remotely if face to face meetings cannot take place. NYS Department of Health guidelines regarding social distancing, equipment, and events must be followed when planning CTSO events.
- Consult with local legal counsel regarding any concerns regarding EdLaw 2D and any other questions regarding allowable platforms for teleconferencing.
- Consult the NYSED CTSO page for additional information as it becomes available.

Program Approval, Data Reporting, Perkins, and Civil Rights

Program Approval

- Program applications for reapproval and/or initial approval of CTE programs, work-based learning programs, and health science operational approvals will continue to follow established schedules and deadlines.
- Digital signatures and/or a PDF of a signed application(s) are acceptable for the initial electronic submission of re-approval and initial approval forms. Original signatures should be on the paper applications which still need to be mailed to the CTE Office.
- Any changes to NYSED-approved CTE programs will require a submission of a program amendment form to the Office of CTE for approval.

CTE Data Reporting

- CTE data reported for the 2019-20 school year will be reported only for NYSED-approved CTE programs using streamlined procedures [found on the Office of CTE data reporting page](#).
- CTE data will be reported to the SIRS by the program provider—the agency that operates the NYSED-approved CTE program (i.e., BOCES will report on the programs they deliver).
- BEDS Business/Employer/Community Involvement data collection for Grades 7 and 8 will be discontinued starting with the 2020-21 school year. Reporting of work-based learning experiences for Grades 9-12 will continue.

Perkins

- Grant documentation submission deadlines are posted on the Office of CTE home page.

- Amendments to submitted Comprehensive Local Needs Assessments (CLNA) will be considered for COVID-19 related needs.
- Digital signatures and/or a PDF of a signed application are acceptable for the initial electronic submission of the CLNA, CLNA Summary, and application with budget forms FS-10 and FS-10A. Original signatures should be on the paper grant applications and FS10s which still need to be mailed to the CTE Office.

Civil Rights

No flexibilities in the compliance with federal civil rights laws will be granted. Districts and BOCES must continue to comply with federal civil rights requirements, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and requirements under the Individuals with Disabilities Education Act. It is New York's responsibility to comply with these civil rights requirements, including through the State's Methods of Administration State Plan under 34 C.F.R. Part 100, Appendix B.

Remote procedures will be utilized for civil rights monitoring.

Resources

[High Quality CTE: Planning for a COVID-19 Impacted School Year, Association for Career and Technical Education \(ACTE\)](#)

[CTE Technical Assistance Center of New York](#)

Academic Intervention Services

Students in grades 3-8, including students with disabilities and English Language learners, who are at risk of not achieving State Learning Standards in English Language Arts, Mathematics, Social Studies, and or Science are entitled to receive Academic Intervention Services in accordance with Commissioner's Regulations section 100.2(ee). As the New York State Assessments in grades 3-8 were not administered in the 2019-20 school year, districts shall use a district developed procedure to be applied uniformly at each grade level for determining which students are entitled to such services. Districts may consider students' scores on multiple measures of student performance, which include, but are not limited to, one or more of the following measures:

- Developmental reading assessment
- Benchmark and lesson embedded assessments
- Common formative assessments
- Unit and lesson assessments
- Results of psychoeducational evaluations
- Diagnostic screening for vision, hearing, and physical disabilities as well as screening for possible disabilities pursuant to Commissioners Regulations Part 117

Grading

Determination of grading policies continues to be the purview of each local school or district. Due to local control, these policies vary widely across the state. Given the flexible instructional models, schools should develop grading policies applicable to each model that are clear and transparent to students, parents, and caregivers. Such policies should align clearly to the outcomes of the course and the State’s learning standards.

Assessment

As districts and charter schools develop instructional models under the three delivery methods (in-person, remote and hybrid), attention must be paid to how students are assessed and further, how student progress will be communicated to parents and caregivers.

The following are some criteria districts or charter schools may wish to consider when developing their plan for assessments in the 2020-2021 school year:

- Focus on preassessment and embedded formative assessments to inform instruction
- Build in time and opportunities for educators to collaborate and plan for the creation of preassessments
- Consider the testing accommodation needs of some students when planning the approach to assessments.
- Determine a suite of assessment tools that can be utilized in various instructional models, remote, hybrid and in-person
- Develop a strategy to determine those students who are in need of academic intervention services (AIS) in accordance with the Department’s guidance and plan to provide in-person, remotely, or in a hybrid model.

Libraries

School Libraries are an integral part of the learning ecosystem, and school library media specialists play an essential role in helping students gain information, media, and digital fluency skills. Schools and districts are encouraged to consider ways in which school library media specialists can support high-quality instruction in hybrid and remote models.

Resources

The following websites may be of assistance as districts and charter schools plan for the re-opening of schools:

- [Prekindergarten and Early Learning Resources](#)
- [Content Area Learning Standards/Office of Curriculum and Instruction](#)
- [Career and Technical Education](#)
- [Culturally Responsive Sustaining Education](#)
- [Continuity of Learning Resource Page](#)
- [Bilingual Education and World Languages](#)

- [Office of Special Education](#)

ATHLETICS AND EXTRACURRICULAR ACTIVITIES

Interscholastic sports, and extracurricular activities are an important aspect of student life and the school community. During the COVID shutdown students were unable to engage in and enjoy these social activities that are part of the fabric of any school program. As schools plan for reopening in September, attention should be paid to bringing back activities that can be conducted in a safe environment with appropriate social distancing protocols. In addition, schools might consider the creation of extracurricular activities that can be continued remotely in the event of another shut down.

Per the [reopening guidance issued by the NYS Department of Health](#), schools/districts must develop policies regarding extracurricular programs including which activities will be allowed, considering social distancing, PPE usage, and cleaning and disinfection, as well as risk of COVID-19 transmission (e.g., interscholastic sports, assemblies, and other gatherings). Policies should consider how to maintain cohorts, if applicable, or members of the same household. Schools/districts should refer to [DOH's "Interim Guidance for Sports and Recreation During the COVID-19 Public Health Emergency"](#) to assist in development of these policies; however, interscholastic sports are not permitted at the time of publication of this guidance, and additional information on athletic activities is forthcoming.

Interscholastic Athletics

Per the [NYDOH Guidance](#) Interscholastic sports are not permitted at the time of publication of this guidance, and additional information on athletic activities is forthcoming.

The [New York State Public High School Athletic Association](#) (NYSPHSAA) has established a COVID-19 Task Force comprised of NYSPHSAA member superintendents, principals, athletic directors and executive directors in addition to representatives from New York State Athletic Administrators Association and State Education Department. The Task Force will provide guidance when New York high school student-athletes are allowed to return to athletics. The task force is reviewing State and local health guidelines, as well as NYSED guidance, regarding the 2020-2021 school year to determine, among other things, the extent to which changes may be needed for each interscholastic sports season. The COVID-19 Task Force will continue to review all aspects of the fall 2020 season and the 2020-2021 school year related to the COVID-19 crisis, such as practice requirements; fan attendance; resocialization efforts; protocol; procedures; transportation; etc. As more information becomes available it will be shared on the [NYSPHSAA website](#)

Considerations for Athletics and Extracurricular Activities

- Restrict and/or limit use of school/district facilities to district or school sponsored extracurricular activities and groups. If any external community organizations are

permitted to use school/district facilities, schools/districts must ensure such organizations follow State and locally developed guidance on health and safety protocols.

- Maximize the use of technology and online resources to create or continue some extracurricular activities that may not need or has limited person-to-person contact.

Extracurricular Activities and Use of Facilities Outside of School Hours

All extracurricular activities and external community organizations that use school facilities must follow

State and local on health and safety protocols and must comply with applicable social distancing requirements and hygiene protocol.

- Follow [New York State Department of Health guidelines](#) and [CDC guidelines](#) on wearing of masks, handwashing and social distancing.
- For more information on cleaning and disinfection, review sanitation guidelines from CDC at [CDC Cleaning and Disinfection Community Facilities](#) , [CDC Reopening Guidance on Cleaning and Disinfection Public Spaces Workplaces, Businesses Schools and Homes](#)



SPECIAL EDUCATION

Students with disabilities were particularly impacted by the closing of schools in spring 2020. In some cases, these students were unable to fully access the programs and services they needed to progress academically, particularly those programs and services that are best delivered in person. School reopening plans must always consider the special needs and requirements of students with

disabilities.

Special education programs and services provide equity and access for students with disabilities to be involved in and to participate and progress in the general education curriculum. School reopening plans must provide a framework to ensure that all students with disabilities continue to have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. In consideration of the health, safety, and well-being of students, families, and staff, school reopening plans must be designed to enable transitioning between in-person, remote, and hybrid learning

environments to ensure the provision of FAPE consistent with the changing health and safety conditions that exist.

NYSED's Office of Special Education (OSE) has created guidance documents to address frequently asked questions raised by parents, educators, administrators, and other key stakeholders regarding the implementation of special education programs and services and the provision of FAPE during this public health crisis. The OSE guidance is based on current information released from the United States Department of Education (USDE) as well as information contained in New York State Executive Orders and New York State Department of Health guidance. For your reference, links to the relevant federal and NYS resources are included at the end of this section.

Reopening Plan Mandatory Requirements

- The school reopening plan, whether services are provided in-person, remote, and/or through a hybrid model, must address the provision of FAPE consistent with the need to protect the health and safety of students with disabilities and those providing special education and services.
- The school reopening plan must address meaningful parent engagement in the parent's preferred language or mode of communication regarding the provision of services to his/her child to meet the requirements of the IDEA.
- The school reopening plan must address collaboration between the committees on preschool special education (CPSE) and committees on special education (CSE) and program providers representing the variety of settings where students are served to ensure there is an understanding of the provision of services consistent with the recommendations on individualized education programs (IEPs), plans for monitoring and communicating student progress, and commitment to sharing resources.
- The school reopening plan must ensure access to the necessary accommodations, modifications, supplementary aids and services, and technology (including assistive technology) to meet the unique disability related needs of students.
- The school reopening plan must address how it will document the programs and services offered and provided to students with disabilities as well as communications with parents, in their preferred language or mode of communication.

Considerations for Reopening Plans

- The school reopening plan encourages CPSEs/CSEs to prepare contingency plans to address students' remote learning needs in the event of potential future intermittent or extended school closures.

- The school reopening plan considers in-person services a priority for high-needs students and preschool students with disabilities whenever possible.

Least Restrictive Environment (LRE)

Students with disabilities must have equal access to high-quality programs that are designed, based on their individual needs and abilities, to enable them to achieve the desired learning results established for all students. Schools are encouraged to be creative in ensuring that students with disabilities have opportunities for instruction with students without disabilities to the greatest extent possible consistent with their IEP. If providing in-person instruction, schools must ensure that health and safety requirements do not result in the unnecessary separation of students with disabilities from their non-disabled peers.

LRE Documentation

As schools plan to reopen and make determinations about how students with disabilities will receive access to the LRE, they must consider how that process is documented, including who is involved in making those determinations. Schools should consider how the parent voice in making LRE considerations is documented.

IEP Implementation

Until schools return to normal operating conditions, the same flexibility with respect to IEP implementation for delivery of services during school closures due to the COVID-19 outbreak continues to apply to the programs and services whether delivered in-person and/or remotely (e.g., flexibility with respect to the mode and/or manner; group or individual sessions; specific group size for related services, frequency, duration and location of related services, and special class size ratio etc.).

Provision of Services

Consistent with previously issued OSE guidance, school districts must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP. During the 2020-21 school year, due to the health and safety requirements that must be in place when schools resume, schools may not be able to provide all services in the same mode and/or manner they are typically provided. Schools will need to determine what methods of delivery of services will be utilized to deliver special education programs and services to meet the needs of students with disabilities as they plan for various types of instructional models including in-person and remote learning. When providing remote services, schools should continue to use the information included in OSE's [March 27, 2020](#) and [April 27, 2020](#) guidance documents.

Progress Monitoring

Teachers and service providers must continue to collect data, whether in-person or remotely, and use these data to monitor each student's progress toward the annual goals and to evaluate the effectiveness of the student's special education services. Determining student progress is necessary for understanding the student's present levels of academic achievement and functional performance, and for determining whether, and to what extent, the school closures may have disrupted the student's learning. Reports of progress to parents may be made via telephone or other electronic means if progress reporting procedures specified in the student's IEP cannot be met with reasonable efforts.

Best Practice for Contingency Plans

In March 2020, NYSED provided guidance in conformance with the federal Office of Special Education Programs (OSEP) that IEPs did not need to be amended as schools converted to online or virtual learning platforms. As the COVID-19 pandemic evolves, CPSE/CSE should prepare for all contingencies and consider plans to address students' remote learning needs in the event of potential future intermittent or extended school closures.

Compensatory Services

Because schools were required to provide FAPE consistent with the need to protect health and safety in the first instance, students may have experienced a loss of skills despite best intentions, efforts and creative solutions when providing educational programs and services. In these circumstances, CPSEs/ CSEs must make an individualized determination whether and to what extent compensatory services are to be provided once school reopens; how those services will be provided in conjunction with the school's reopening plan and continue if the school must close again over the next school year.

IEP Implementation Documentation

- Schools must determine how they will process and maintain the additional documentation regarding changing student needs due to the period of remote instruction and a return to a traditional classroom environment after a lengthy period away from in-person instruction.
- Schools must determine how documentation will be maintained on the instruction and services that were provided to each student so that it may be communicated to the CPSE/CSE for consideration when making any individualized determinations of subsequent student needs, including transition services.
- Schools must consider how formative assessment and ongoing monitoring of student progress will be documented and maintained and how that documentation will be available to the CPSE/ CSE and parents, in their preferred language or mode of communication.
- Schools must maintain documentation of collaboration with parents to develop any contingency remote learning plans that may be implemented during a school closure.

- Schools must document the ongoing provision of compensatory services to individual students upon the reopening of schools. Documentation will then be available to parents, CPSE/CSE and other relevant parties, in their preferred language or mode of communication.

Child Find

As schools reopen, it is important for school districts to remember their responsibilities under IDEA to identify, locate, and evaluate all students with disabilities who are in need of special education and related services while keeping in mind the impact that school closures may have had on all students.

Referral

Before referring a student for special education, school districts should take into consideration all factors that may have influenced the student's progress during school closures due to COVID-19. If the school district suspects a student of having a disability, it must refer the student for an initial special education evaluation and obtain parent consent for the evaluation. However, a referral may not be warranted if the reason for underperformance is due to school closures and a change in the provision of education. All parent referrals and request for referrals by school staff should be considered as usual per the procedures in Commissioner's Regulations section 200.4(a).

Initial Evaluation/Reevaluation

Reopening plans must ensure that special education evaluations (i.e., initial and reevaluations) are conducted whether in-person or remotely within required timelines. The use of technology should be considered to meet timelines for evaluations and reevaluations that must be conducted remotely. CPSEs/CSEs should review records to determine which students are due for an initial evaluation or reevaluation and have a plan to address any backlog of evaluations. Schools should continue to follow OSE's [March 27, 2020](#) and [April 27, 2020](#) guidance for conducting evaluations and reevaluations during the COVID-19 pandemic to meet the special education timelines.

Eligibility Determination/Annual Review Meetings

School districts should develop clear procedures and expectations for CPSEs/CSEs to meet as required including to make eligibility determinations following initial evaluations and to review and, if appropriate, revise each student's IEP at least annually. When conducting CPSE/CSE meetings, the parent of a student with a disability and a school district may agree to use alternative means of meeting participation requirements, such as video conferences and teleconferences..

Communication/Coordination

Ensuring clear, ongoing, and shared communication and collaboration is critical to ensuring equitable access to special education programs and services and the continued offer of FAPE for students with disabilities. School districts and approved programs serving students with disabilities must collaborate with parents and families to ensure that students continue to be provided FAPE consistent with the need to protect the health and safety of students and their service providers.

Meaningful Outreach and Engagement with Parents of Students with Disabilities

In addition to the communication efforts schools make for all students, parents of students with disabilities have a legal right to be informed regarding the identification, evaluation, educational placement, and the provision of FAPE to their child. Whether special education programs and services are provided in-person, remotely, or through a hybrid model, effective communication between school personnel and parents includes the following:

- Working collaboratively and creatively to help ensure there is an understanding of the school's efforts to provide services consistent with the recommendations on the IEP and monitor student progress; and
- Communicating with parents in their preferred language or mode of communication and documenting outreach efforts.

Procedural Safeguards and Prior Written Notice Requirements

- School districts must continue to provide the procedural safeguards notice to parents.
- School districts must continue to provide parents with prior written notice in a reasonable time before a change in the identification, evaluation, educational placement or provision of FAPE to the student.
- The procedural safeguards notice, prior written notice, and CPSE/CSE meeting notice may be provided to the parent by email if the parent elected to receive documents by email.
- Prior written notice is not required if instruction or related services continue to be provided remotely or through a hybrid model because remote learning and telepractice is considered an alternate mode of instructional delivery and not considered a change in the student's educational placement. If, however, based on current circumstances, revisions or additions to a student's IEP need be made to continue to meet the student's needs while school is closed due to COVID-19, such changes must be made by the CPSE/CSE at a meeting or through a written agreement with the parent to amend the IEP without a meeting (with the expectation that parents must be provided a copy of the document amending the IEP and prior written notice of the proposed changes to the IEP).

Partnership and Collaboration to Reflect All Settings Where Students are Served

The diverse educational needs of students with disabilities are reflected through the continuum of services that are provided in a variety of settings. As school districts are ultimately responsible for the provision of FAPE, frequent opportunities to interact with representatives from all applicable school settings will best facilitate the collective review of effective service delivery and student progress monitoring. For those students who are receiving special education programs and services in a charter school, Board of Cooperative Educational Services (BOCES) program, independent or religious school, approved school-age program serving students with disabilities, or for approved preschool special education providers contracted by the county, each school district must conduct outreach efforts to remain informed regarding the planned activities for the nature and delivery of instruction and related services and to identify shared resources, materials, and technology that may be available to students, as appropriate.

For those special education programs and services delivered via a contract with a school district or county, the provision of instruction and related services must continue to be documented by the student's contracting school district program, BOCES program, nonpublic school with an approved special education program, Special Act school district, State-operated school, State-supported school, preschool special class or preschool special class in an integrated setting program, preschool special education itinerant service provider, or related service provider, as applicable, so that these activities may be communicated to the school district responsible for developing students' IEPs. This documentation is necessary for consideration when making individualized determinations as to whether changes to the IEP recommendation or compensatory services are needed, under applicable standards and requirements. Successful and continued partnerships between program providers and school districts will reflect coordinated efforts necessary to best respond to student needs.

Accommodations and Modifications

Schools must review their instructional practices to plan for the necessary accommodations and modifications for students with disabilities to progress in the general education curriculum. Accommodations are alterations in the way tasks and/or assignments are presented. Modifications are changes in what students are expected to learn. Both accommodations and modifications ensure equity and access to the general education curriculum in consideration of a student's unique disability related needs.

Supplementary Aids and Services

Supplementary aides and services means aids, services, and other supports that are provided in regular education classes, other education-related settings and in extracurricular and nonacademic settings to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate in accordance with the least restrictive

environment. Schools must ensure students with disabilities have access to supplementary aids and services to meet their unique instructional and social emotional needs.

Technology

Schools should be aware of the students with disabilities requiring assistive technology that is used to increase, maintain, or improve their functional capabilities. Consideration needs to be given to ensure students have access to their working technology and any accompanying programs. Protocols detailing availability of an assistive technology service are necessary to directly assist a student in the selection, acquisition or use of an assistive technology device. Schools should consider providing parents and families with a list of individuals, including their contact information, available to respond to questions and concerns regarding the assistive technology device and/or service for their child(ren).

Budget and Finance Provisions for Approved Providers of Preschool and School-Age Programs Serving Students with Disabilities

Preschool and School-Age approved programs receiving funding under Article 81 and/or Article 89 of the Education Law pursuant to tuition rate setting methodology are subject to specific attendance and reimbursement rules. The Department remains committed to ensuring its guidance is responsive to these essential programs and to the students they serve.

Attendance and Enrollment

All schools must follow the provisions outlined in the Attendance for Instructional Purposes section of this report. For purposes of the tuition to be charged for nonpublic schools with approved special education programs, State-supported Schools, State-operated Schools, Special Act School Districts, preschool special class and special class in an integrated setting programs, pursuant to NYS Education Regulation §175.6, a student with a disability is deemed to be in attendance during the period of enrollment. The full-time equivalent (FTE) enrollment starts on the first day students are physically present or legally absent from the approved program. Student absences due to school closure per Governor Executive Order due to the COVID-19 outbreak are considered legal absences per §175.6. Billing can occur the first week of the student's enrollment (physical presence or legal absence) after three consecutive days.

180-Day and 30-Day Requirement

- 8 NYCRR 200.7(b)(5) and 200.16(a)(6) provides that “[i]nstruction for not less than 180 days each year shall be provided for each student.” Emergency regulations adopted in April 2020 further amended these regulations to waive the 180-day requirement in accordance with the terms of Executive Order(s) of the Governor to close schools due to the State of emergency for the COVID-19 crisis. The Division of the Budget has agreed to provide 2019-20 reconciliation rate waivers via a streamlined approval process to hold providers harmless for the impact of reduced care days due to the 10-month 2019-20 session operating less than 180 days as a result of COVID-19 closures, pursuant to the terms of Executive Order(s) issued in response to the COVID-19 emergency.

- For the purposes of the 2019-20 school year, consistent with the 180-day waiver, regulatory amendment, and applicable Executive Orders, session days are the sum of the following days:
 - Those days in-person instruction was provided during the 2019-20 school year at the approved school site per the student’s IEP;
 - Those days the program was previously scheduled to be open but was closed prior to March 18, 2020 at the direction of state or local health officials as a result of the COVID-19 virus, or pursuant to a properly executed declaration of an emergency for the COVID-19 crisis;
 - Those days the program was previously scheduled to be open but was closed during the period of March 18, 2020 through March 31, 2020; and
 - Those days during the period of April 1, 2020 through June 30, 2020 where continuity of learning and IEP services were delivered remotely via distance learning and telepractice.
- For the 2020-21 extended school year program, days where programs and services are provided remotely count toward the 30 days of service requirement. Flexibility has also been provided for the 2020-21 extended school year program to allow amended calendars beginning at a later start date and/or operating less than five days of instruction per week provided that amended calendars reflect as least six weeks of instruction and will be funded for 30 days of programs and services. Prior approval from NYSED is not required and the new start and end dates must be updated in the System to Track and Account for Children (STAC).
- Further direction and authorization on how to satisfy session day requirements for the 2020-21 10-month program will be issued under separate cover.

Tuition Rate Setting

- During the Reopening Task Force meetings, stakeholders provided feedback that tuition rate flexibility is needed to better respond and prepare for school reopening. Interim tuition rates for the 2020-21 school year have been authorized and published on the [RSU website](#). To the extent additional funding is made available, the Department has advocated that approved programs serving students with disabilities receive an amount commensurate with the growth provided in state aid to school districts.
- The Department does not have unilateral authority to approve flexibility in reimbursement methodology but has proposed changes to better respond to program needs. In terms of flexibility to allow approved programs to retain short-term surpluses to apply against short term deficits, and offer flexibility with the direct/non-direct parameter, the Department recommended an approach to discontinuing the issuance of annual reconciliation rates effective with the 2020-21 tuition rate year. The Department is also recommending that the prospective tuition rates for years 2021-22 through 2024-

25 be established based on the prior year’s prospective tuition rate plus approved annual trend factors plus approved targeted funding initiatives. Pursuant to the proposal, at the conclusion of the 5-year period 2020-21 through 2024-25, a reconciliation will be performed for the 5-year period of the allowable expenses as compared to the provided funding for the 5-year period. If allowable expenses are less than the provided funding by more than 1%, the Department will calculate an adjustment to recoup the surplus funding exceeding the 1% surplus. This proposal is not currently approved for implementation and the Department will provide additional information when it is available.

- The OSE and the Rate Setting Unit continue to have scheduled meetings with stakeholders representing the approved programs serving students with disabilities to obtain feedback and seek input regarding ongoing operational concerns. Any future guidance will continue to reflect this essential communication.

Resources

Links to the relevant federal and NYS resources that are available to schools for the delivery of special education programs and services:

Federal

- [US Department of Education \(USDE\) COVID-19 \(“Coronavirus”\) Information and Resources for Schools and School Personnel](#) – Provides “Program Information: FAQs and Responses” from OSEP and the Office of Civil Rights as well as resources for learning at home and remote learning resources for educators, administrators, and related service providers.
- [National Center for Systemic Improvement’s COVID-19 Resources for Supporting Students with Disabilities](#) – Designated by the USDE as resource hub for COVID-19 policy guidance, remote learning and tele-practice/tele-therapy.
- [Early Childhood Technical Assistance Center \(ECTA\): COVID-19 Resources and Information Webpage](#) – Designated by USDE as a resource hub for information for state’s early intervention Part C and early childhood special education IDEA Part B Section 619 programs.
- [OSEP Ideas that Work Continuity of Learning During COVID-19](#) – Provides information, tools, and resources to help educators, parents and families, and related service providers meet the educational, behavioral, and emotional needs of children and youth with disabilities through remote and virtual learning. A searchable database is available to filter these resources by age, audience and topic.

Office of Special Education

- [Provision of Services to Students with Disabilities During Statewide School Closures Due to Novel Coronavirus \(COVID-19\) Outbreak in New York State](#) (March 27, 2020) – Provides guidance regarding the provision of services to students with disabilities, including English Language Learners with disabilities.

- [Supplement #1](#) (April 27, 2020) – Provides follow-up questions and answers to the March 2020 guidance.
- [Supplement #2](#) (June 20, 2020) – Provides considerations for CPSEs and CSEs when making recommendations for extended school year services; revisions to IEPs to ensure the continued provision of a free appropriate public education due to a student’s changing needs; and compensatory services.
- [Supplement #3](#) (June 20, 2020) – Provides information regarding the Governor’s Executive Order 202.37 which indicates that special education services and instruction required under federal, State or local laws, rules, or regulations, may be provided in person for the summer term in school districts.

BILINGUAL EDUCATION AND WORLD LANGUAGES



The spring 2020 COVID-19 crisis was extremely challenging for all students, but created particular difficulties for our most vulnerable students, including English Language Learners (ELLs). These challenges exacerbated existing educational inequities, like a lack of access to technology and reliable Wi-Fi needed for remote learning. It is critical

that school reopening plans address the special needs of ELLs, and that all communications with ELL students and their families be in their preferred language and mode of communication.

As schools prepare to reopen schools in 2020-21, they must remain mindful of legal requirements and proactively address inequities, including, to the greatest extent feasible, providing support and instruction to all parents/guardians regarding the use of technology in their preferred language of communication. ELLs must be provided with the supports needed to close the potential learning loss that may have been a result of the school closures due to COVID-19.

As schools design their reopening plans, ELLs must be afforded the opportunity for full and equal participation whether it be through an in-person, remote, or hybrid model of instruction. While many ELLs may have benefitted from learning through remote learning platforms, it is important to consider their unique needs and to strengthen the home language and supports necessary for English language development utilizing synchronous and asynchronous learning. Schools are strongly encouraged to examine resources available on the [NYSED Office of Bilingual Education and World Languages](#) website as they develop their plans, as their curriculum is reviewed, as instructional plans are developed, and as educational materials are

selected. Districts and schools should contact their [Regional Bilingual Education Resource Networks \(RBERNs\)](#) if they need additional guidance/support during this process.

Mandatory Requirements for Reopening

- Qualifying schools that reopen using in-person or hybrid instruction will be required to complete the ELL identification process within 30 school days of the start of the school year for all students who enrolled during COVID-19 school closures in 2019-20, as well as all students who enroll during summer of 2020 and during the first 20 school days of the 2020-21 school year. After this 20day flexibility period, identification of ELLs must resume for all students within required 10 school days of initial enrollment as required by Commissioner’s Regulations Part 154.
- Provision of required [Instructional Units of Study](#) must be provided to all ELLs based on their most recently measured English language proficiency level during in-person or hybrid instruction.
- Maintain regular communication with the parents/guardians and other family members of ELLs to ensure that they are engaged in their children’s education during the reopening process Provide all communications for parents/guardians of ELLs in their preferred language and mode of communication

Considerations For Reopening Plans

- Ensure that all teachers and administrators receive professional learning on topics related to use of technology and hybrid or remote learning strategies in topics related to ELLs. Adopt policies to meet the guidelines outlined in the [Blueprint for English Language Learner/Multilingual Learner Success in the delivery of remote and hybrid learning.](#)
- Establish protocols that promote coordination among English as a New Language (ENL) and content area teachers for the delivery of remote and hybrid learning.
- Adopt or develop progress monitoring tools to provide data that identifies gaps in student learning towards English language proficiency and towards content area proficiency in both English and students’ home languages.
- Resume and create programs to address the specific needs of Students with Interrupted/Inconsistent Formal Education (SIFE), ELLs with IEPs, and other vulnerable populations during the reopening process.
- Prioritize 12th grade students who were unable to complete requirements in 2019-2020 to continue work towards earning the New York State Seal of Biliteracy in 2020-2021.
- Continue to utilize educational technology when teaching ELLs in both in-person and hybrid models to reinforce students’ familiarity with these tools.
- Provide Emergent Multilingual Learners enrolled in Prekindergarten programs with instruction in their home languages during remote and hybrid learning.

- Actively engage students on a regular basis to assess their need for Social Emotional Well Being supports that address the unique experiences of ELLs and are delivered in or interpreted into students’ home languages during remote or hybrid learning.
- To the greatest extent possible, districts are to ensure that all ELLs and other vulnerable students can access technology and wi-fi needed for periods of remote learning so they do not fall further behind as a result of COVID-19 closures and remote/hybrid learning.
- Schools have the [flexibility](#) to provide additional units of study if they deem necessary based

on student need. This flexibility could take the form of additional ENL programming to address oral language development, writing and reading skills, and academic vocabulary development to provide more access to content.

- Schools are advised to keep the unique needs of parents of ELLs/MLLs in mind and provide support and guidance on the logistics and functionality of a remote or hybrid learning model—including interpretation and translation needs as described above—to ensure that they have equitable access to critical information about their children’s education as they transition back to school in fall 2020.
- Implement the practices described in the [Culturally Responsive-Sustaining Education Framework during hybrid or remote learning.](#)

Initial Identification of Potential ELLs

NYSED has approved temporary emergency regulatory changes to the ELL identification process to address the backlog of newly enrolled students who need to complete the ELL identification process mandated by Part 154- 2.3(a) at the commencement of the 2020-21 school year.

- Qualifying schools that reopen using in-person instruction or blended/hybrid instruction will be required to complete the ELL identification process within 30 school days of the start of the academic school year for all students who enrolled during COVID-19 school closures in 2019-20, as well as all students who enroll during summer of 2020 and during the first 20 school days of the 2020-21 academic school year. After this 20- day flexibility period, all schools that reopen using in-person or hybrid instruction will be expected to complete identification of ELLs within the required 10 school days of initial enrollment for all students pursuant to Commissioner’s Regulations Part 154, including the ELL screening, identification, and placement processes. The initial screening process should be followed in person for new entrants following the district’s safety protocols to ensure compliance with the Governor’s Executive Orders and Center for Disease Control (CDC) health and safety guidelines after commencement of regional reopening.
- Any new entrant enrolling in a school district, to the extent feasible, must be provisionally placed in a Bilingual Education program while awaiting NYSITELL results, as this is the program of default for districts which meet the enrollment threshold set forth under Section 154-2.3(d).

Units of Study for English as a New Language (ENL) and Transitional Bilingual Education (BE) Programs

All ELLs must be provided the required instructional Units of Study in their ENL or BE program based on their most recently measured English language proficiency level as evidenced in their most recent NYSESLAT or their NYSITELL assessment during in-person or hybrid learning.

Former ELLs at the

Commanding level of proficiency within two years of exiting ELL status are to continue receiving Former

ELL services in the form of Integrated ENL or other Former ELL services approved by the Commissioner under Part 154-2.3(h) during in-person or hybrid learning.

Districts and schools are encouraged to review the proficiency of students who are entering their third year as a Former ELL at the Commanding level of proficiency in 2020-21 (students who achieved Commanding on the 2018 administration of the NYSESLAT) and to provide these students with supplemental Former ELLs services as they deem appropriate.

Communications and Language Access

All communications for parents/guardians of ELLs must be in their preferred language and mode of communication. As discussed in previous [guidance](#), language access obligations under federal and state law – including but not limited to those pursuant to Part 154 – have remained in effect throughout school closures, and schools continue to have the responsibility to ensure that parents/guardians of ELLs/MLLS receive access and information available to other parents in the language or mode of communication they best understand.

School districts should, to the greatest extent possible, provide interpretation and translation through a qualified interpreter/translator in the languages most commonly spoken in the district, and at a minimum in those languages spoken by a large number and percentage of ELLs.

Professional Learning for Educators

As districts design professional learning opportunities for reopening, special consideration must be given to promote an understanding of Bilingual Education, use of home language, and the linguistically diverse needs of ELLs. In order to ensure that all NYS educators are aware of and able to address ELL needs, all teachers and administrators must receive professional learning related to serving ELLs as required by Commissioner’s Regulations Part 154. Districts must adhere to professional learning requirements set forth under Section 154-2.3(k), pursuant to which – unless the district is eligible for and NYSED has approved a waiver – 15% of all teachers’ professional learning hours, and 50% of all professional learning hours for Bilingual Education and ENL teachers, must be targeted to the specific needs of ELLs.

In addition to continuing their usual course of ELL-focused professional learning, teachers of ELLs (including ENL and Bilingual Education teachers, as well as content area teachers in non-ELL specific classes in which ELLs are enrolled) may require focused professional learning to strengthen their knowledge and skills to address new learning challenges that ELLs may face as

a result of spring 2020 COVID-19 closures. In order to address these challenges, schools should consider targeted professional learning focused on utilizing technology to promote student independence and engagement, providing effective and meaningful feedback, and promoting peer to peer interaction. For ELLs, collaboration or cooperative learning with peers who have mastery in English or are non-ELLs is an impactful practice that should become a part of their learning. OBEWL recommends that focused professional learning opportunities be offered in, but not limited to, the following areas:

- Implementing collaborative models of instruction: co-planning, sharing best practices to support standards-based curriculum accessibility for ELLs;
- Progress monitoring: analyzing and interpreting data to inform instructional decisions; differentiating instruction; designing lessons that accelerate learning; and utilizing formative and summative assessments to identify and address instructional gaps;
- Implementing language-based strategies in all four modalities and teaching language skills across a standards-based curriculum;
- Utilizing digital tools that cultivate independent learning, critical thinking, and student engagement; and
- Building positive relationships/rapport among teachers, students and parent/guardians.

The [Regional Bilingual Education Resource Networks \(RBERNs\)](#) are available to provide technical assistance and resources and are in the process of identifying and developing additional professional learning opportunities to address the needs of ELLs. Please see the section on Special Education for information regarding the particular needs of ELLs with disabilities.

Guiding Principles for Ensuring the Success of ELLs/MLLs

The [Blueprint for English Language Learner/ Multilingual Learner Success](#) is a statewide framework that sets expectations for administrators, policymakers, and practitioners to prepare ELLs/MLLs for academic success, beginning in prekindergarten, and to lay the foundation for college, career, and civic readiness. The Blueprint sets forth eight principles of ELL education within which mandates of the Every Student Succeeds Act (ESSA) and Part 154 of the Regulations of the Commissioner are implemented. These principles provide guidance and resources to districts, schools, and teachers as they promote a better understanding and appreciation of Bilingual Education, English as a New Language (ENL), and World Language studies (including the indigenous languages of NYS). As schools plan for reopening, it is appropriate to build pedagogical best practices in which every teacher is prepared to design units of study in their own content area capitalizing on the home language and the English linguistic demands of ELLs. ELLs encounter many teachers and staff in school beyond the language development instructors in ENL and BE programs, which is why the *Blueprint for ELL/MLL Success* declares that “All teachers are teachers of ELLs/MLLs and must plan accordingly.” Districts are expected to continue to apply the principles of the Blueprint in planning for the reopening of schools in 2020-21.

Progress Monitoring

With the cancelation of the 2020 NYSESLAT, schools must determine new methods to measure the English language proficiency levels of their ELLs to ensure that these students are receiving the appropriate level of instruction. Districts and schools are encouraged to identify and adopt additional progress monitoring tools to track language skills progress toward English Language Proficiency. Some options for schools to consider are provided below.

- ***Local Progress Monitoring Assessment Tool:*** District leaders are encouraged to formalize the use of their existing local informal progress monitoring tools, implement tools that will allow the monitoring and collection of student performance data to inform instruction, develop instructional goals for English and Home Language development, and help accelerate the learning. These progress monitoring tools can be used to plan, modify, and/or differentiate instruction. Refer to the [Checklist for Developing or Selecting an English Language Proficiency \(ELP\) Progress Monitoring \(Interim\) Assessment](#) provided by NYSED to guide the selection of progress monitoring tools to measure English Language Proficiency.
- ***Multilingual Literacy SIFE (MLS) Screener:*** The MLS, which is generally used in NYS for identification of SIFE, can also be administered for a general literacy evaluation. The MLS is a multilingual screener that determines students' home language literacy and math skills to identify SIFE and design appropriate instruction. However, it can also be used by districts to conduct a general literacy screening of any newly identified ELL – even if they are not considered SIFE.
This tool will provide a baseline of their academic and literacy level in their home language. Districts that use the MLS for this purpose are to use it to gain a snapshot of a student's initial literacy level when school resumes for 2020-21, but not as an assessment of a student's knowledge for the purpose of informing ongoing instruction.

A district that chooses to use the MLS as an initial literacy screener must take the following steps to ensure that the analysis does not impact their SIFE recordkeeping and data (i.e., to ensure that an ELL who undergoes the MLS for this purpose is not accidentally included in its SIFE count). If a district has never administered the MLS, they must first create an account on the MLS website and individually register each student (please see the [MLS User Manual](#) for detailed instructions). When answering the question “Why is the school district administering this test?” during registration of a student for an initial literacy screener, the district must select “This is going to help NYSED collect data about the usage of the MLS and the correct number of SIFE identified through the MLS” on the dropdown menu of four multiple choice options.

Educational Technology

In order to help students prepare for potential future closures, and to familiarize them with new technological trends in learning that will enhance their college, career, and civic readiness, NYSED strongly suggests the continued use of technology, including online learning, and other

educational digital tools, to not only address the needs of and build on ELLs' knowledge, but to help ELLs become digital learners.¹⁴ Strategically including online resources, digital tools, and media in daily in-person or hybrid routines and lessons will facilitate a smoother transition into any future school closure.

OBEWL has created a [Resource Collection for ELLs and World Language Students](#) to support educators in adapting and developing lessons and units of study to meet the needs of ELLs at all levels of proficiency and develop appropriate scaffolds for use in the virtual classroom. In addition, the Regional Bilingual Education Resource Networks (RBERNs) have created a repository of professional learning videos, known as [RBERN on Demand](#), which includes a section on technology integration for ELLs.

Students with Interrupted/Inconsistent Formal Education (SIFE)

SIFE¹⁵ are among the most vulnerable ELL subgroups, having already endured interruptions in their education prior to their arrival in NYS. Many SIFE are refugees and others may have left family and friends behind when they immigrated to the US. While school closures have been difficult on all students, SIFE have been among those having the hardest time adjusting, and many were not able to remain engaged with their learning. In response, NYSED has approved a temporary emergency regulatory change that time out of school due to COVID closures do not count toward the 12 months that SIFE may be enrolled in US schools prior to initial identification as a SIFE pursuant to Part 154-2.2(y), regardless of whether they were engaged in remote schooling during that time.

NYSED recognizes the complex additional educational needs of SIFE and has created and provided numerous [resources](#) to guide and support educators in addressing the unique needs of these students. Tools, resources, and strategies for supporting and scaffolding instruction for SIFE identified in previous [guidance](#) for districts to utilize during COVID-19 closures remain relevant and useful to support SIFE instructional needs during and after the transition to reopen schools in 2020-21.

Emergent Multilingual Learners in Prekindergarten

As more children in New York State begin their education in prekindergarten, there is an increasing

14 When using online tools, districts must be aware of their responsibility to ensure compliance with all applicable laws and regulations, including student privacy laws such as the Family Educational Rights and Privacy Act (FERPA), the Children's Online Privacy Protection Act (COPPA), Education Law § 2-d, and Commissioner's Regulations Part 121. Education Law § 2-d and Commissioner's Regulations Part 121 outline requirements for educational agencies related to the protection of the personally identifiable information (PII) of students in the student's records, as well as PII related to annual professional performance reviews (APPR).

15 Under Section 154-2.2(y), SIFE are defined as ELLs "who have attended schools in the United States (the 50 States and the District of Columbia) for less than twelve months and who, upon initial enrollment in such schools are two or more years below grade level in literacy in their home language and/or two or more years below grade level in Math due to inconsistent or interrupted schooling prior to arrival in the United States (the 50 States and the District of Columbia)."

need to support children from families who speak a language other than English at home in order to ensure that they have equitable access to these programs' advantages. As discussed in previous [guidance](#), the Emergent Multilingual Learners (EMLLs), profile process allows prekindergarten programs to assess the home language exposure of children in Prekindergarten. EMLLs are identified by the Profile as having exposure to a language other than English but are not assessed for English proficiency (which occurs in kindergarten when the ELL identification process is conducted).

Prekindergarten programs are expected to continue to implement best practices to leverage the home language in instruction, as well as to implement culturally responsive-sustaining education, in accordance with NYSED's [Culturally Responsive-Sustaining Education Framework](#). This practice will help set the foundation for positive self-identity and acceptance.

[Family Partnerships and Communication](#)

Stakeholders who participated in the Reopening Schools Taskforce consistently stressed the need to provide information to families of ELLs in a language they understand in order to ensure that they can actively participate in their children's education. Also, as described above, the obligation of districts to provide language access remains in effect throughout COVID-19 closures and during the school reopening process. Educators, administrators, and parents/guardians must continue to work together to meet the needs of all ELLs/MLLs as seamlessly as possible as schools reopen in the fall. Collaboration and communication with parents/guardians and other family members must continue to be maintained and provided in their language of preference, in accordance with federal and state language access obligations.

Schools are advised to continue to create and disseminate parent/guardian resources in the language(s) most frequently spoken by a school's ELL/MLL population on how to access technology used in on-line education. Such resources should be posted on districts' websites, and/ or via social media platforms.

[New York State English Language Learner Parent Hotline:](#) Parents and students can contact the NYS ELL/MLL [Parent Hotline](#) if they have questions or concerns related to language access or other aspects of parents and students' educational rights. This resource is operated by the New York State Language RBERN and it serves as a way for parents of ELLs/MLLs and persons in parental relation to inquire about their rights and the delivery of services for their children based on state regulations. It is intended to allow parents/guardians and students to inquire and receive responses in the top ten ELL/MLL home languages in NYS. The Parent Hotline can be reached via phone at (800) 469-8224 or via email at nysparenthotline@nyu.edu.

[Culturally Responsive-Sustaining Education Framework](#)

NYSED has created the [Culturally Responsive-Sustaining \(CR-S\) Education Framework](#) to help educators create student-centered learning environments that affirm racial, linguistic and cultural identities, prepare students for rigor and independent learning, develop students' abilities to connect across lines of difference, elevate historically marginalized voices, and empower students as agents of social change. The Framework provides guidelines that address

contributions to be made by multiple stakeholders—including teachers, administrators, students, and community partners—in developing a strong CR-S education. Districts are encouraged, to the greatest extent possible, to continue to apply the principles of the CR-S Framework in planning for the reopening of schools in 2020-21.

Documents and Resources

OBEWL and RBERNs resources are available to support ELLs/MLLs and World Language students and their parents/guardians as schools transition from COVID-19 closures to the reopening of schools in an in-person, remote, or hybrid model.

- [OBEWL Home Page](#)
- [OBEWL ELL Resource Collection](#)
- [RBERN Contact Information](#)
- [The Blueprint For ELL/MLL Success](#)
- [Provision of Services to English Language Learners and World Languages Students During Statewide School Closures Due to the Novel Coronavirus \(COVID-19\) Outbreak in New York State](#)
- [Bridges SIFE Resources](#)
- [Interpretation and Translation Supports](#)
- [NYSESLAT Cancellation Parent Notification Letter](#)



STAFFING

Among school-based factors, teaching and school leadership are the two greatest influences on student learning. As LEAs create their plans for the 2020-2021 school year, they: must ensure that all teachers, school and district leaders, and pupil personnel service professionals hold a valid and appropriate certificate for their assignment; can continue to utilize incidental teaching when determining how to staff their classrooms; can also employ substitute teachers to address staffing needs for the allowable number of days, given their qualifications and teaching assignment; should work with educator preparation programs to identify appropriate ways in which student teachers can support classroom instruction; and should consider whether their currently approved APPR plans may need to be revised to be consistent with their plans for reopening, whether in-person, remote, or a combination of the two.

TEACHER AND PRINCIPAL EVALUATION SYSTEM (EDUCATION LAW §3012-D/APPR)

Consistent with research and best practices, the Department believes that well-designed and implemented teacher and principal evaluations (“Annual Professional Performance Review”; “APPR”) are an important tool to help support educator growth and development. With this goal in mind, the measures that are used as part of an annual evaluation should provide useful information to district administrators and the educators who are being evaluated that helps support educators and leverage their expertise. In turn, this helps ensure equitable access to effective educators for all students so that students are given the skills to succeed.

In this unprecedented time of school closures, LEAs are facing new challenges in evaluating and supporting their professional staff. Although LEAs should not penalize their educators as a result of the challenges to learning presented by the COVID-19 crisis, they must still make sure students are being taught as effectively as is practical to expect. Therefore, providing support that teachers and school leaders require is critical at this time.

Providing feedback and support to educators through the evaluation process can both equip them as they adjust their practice to distance learning, as well as guide focus areas for future growth once students and teachers return to their physical classrooms.

The following section includes information about the mandatory requirements and recommended practices for LEAs as they prepare for the 2020-2021 school year.

Reopening Plan Mandatory Requirements

- Pursuant to Education Law 3012-d, each school district and BOCES must fully implement its currently approved APPR plans in each school year¹⁴.

Considerations for Reopening Plans

- Each educator’s evaluation must include at least one required student performance measure (SLOs for teachers; SLOs or an input model for principals). The Commissioner’s regulations for student performance measures are inherently flexible and are designed to encourage educators to be systematic and strategic in their instructional decisions. These measures are intended to increase the quality of discussions taking place in LEAs, schools, and classrooms that focus on student growth and learning, provide clearer indications of when and how to adjust instruction to meet students’ needs, and support more targeted professional learning opportunities.
 - LEAs should review their current systems for developing and implementing student performance measures in light of their plans for teaching and learning. Doing so can help to streamline the evaluation process by reducing unnecessary paperwork or time taken away from instructional preparation.

¹⁴ Governor Andrew Cuomo’s Executive Order (202.39) related to APPR only suspended the requirement to complete APPRs for the 2019-20 school year.

- LEAs should also review the assessment(s) that were chosen as the evidence of student growth in the approved APPR plan to ensure that these assessment(s) are aligned with their instructional plans for the coming school year and do not result in any testing of students that is not necessary to support teaching and learning. Similarly, LEAs should review their processes for setting growth targets and measuring student growth to ensure strong alignment to instructional priorities.
 - Understanding that learning and demonstrating understanding during the COVID-19 crisis has taken on new complexities, what is locally determined to be a year’s worth of growth may look different from previous years.
- The Observations/School Visits subcomponent for educators can also be adapted to meet local needs depending on whether instruction happens in-person, remotely, or in a hybrid model.
 - Elements of the teacher and principal practice rubrics locally selected by the LEA should be reviewed to determine the priority areas depending on the given instructional model.
 - As a reminder, LEAs must designate the subcomponents of a rubric that they deem to be observable. This may be all subcomponents in the rubric, or a limited number of observable rubric subcomponents for focus.
 - LEAs should review the practice rubrics in collaboration with their educators to determine the types of evidence that could be collected and used for evaluation in each instructional model with the priority on collecting authentic evidence of practice that can be used to provide feedback and support to educators.
- For those LEAs who desire greater flexibility when designing an evaluation system that is responsive to local context, the most recent APPR regulations adopted by the Board of Regents include an option for LEAs to submit an APPR Variance to develop and implement a new and innovative evaluation plan.
 - While some aspects of New York State’s evaluation system are prescribed by the law, several key decisions are described in regulations. The variance process allows an LEA to implement a system which varies from what is outlined in the Commissioner’s regulations and through the Department’s guidance documents, so long as it is still consistent with the minimum statutory requirements. This additional flexibility may be especially important to LEAs as they work to re-open schools.

- LEAs may apply for an APPR variance through the [NYSED Business Portal](#) for one or more of the requirements of APPR (e.g., student performance category, observations) that meets the specific needs of the applicant¹⁵.

Resources

Please visit the Office of Educator Quality and Professional Development's [website](#) for further information related to Teacher and Principal Evaluation, including:

- [APPR Guidance](#)
- [SLO Guidance, Tools, and Resources](#)
- [Memos to the Field](#)

CERTIFICATION, INCIDENTAL TEACHING, AND SUBSTITUTE TEACHING

The following section provides information regarding certification for prospective and practicing educators as well as personnel who are involved with staffing at the school, district, and/or BOCES levels.

Reopening Plan Mandatory Requirements

- Pursuant to Education Law 3001, individuals employed to teach in New York State public schools must hold a valid certificate. School districts, BOCES, and charter schools can review the SIRS 329 Staff Certifications report, which is available in Cognos for authorized users, to ensure that teachers hold the appropriate certificates for their teaching assignments. This report is refreshed weekly and lists all valid certificates for all staff identified in the school district, BOCES, or charter school Staff Snapshot.

Considerations for Reopening plans

- In response to the COVID-19 crisis, a superintendent of schools may assign certified teachers to teach a subject not covered by their certificate (incidental teaching) for a period not to exceed ten classroom hours a week during the 2020-2021 school year, when no certified or qualified teacher is available after extensive and documented recruitment. BOCES review and approve the requests for incidental teaching. Additional information about incidental teaching is available on the [Employment Authorization webpage](#).
- Substitute teachers may be an important resource for schools during the COVID-19 crisis and currently fall into one of the three following categories.
 - Substitute teachers with a valid teaching certificate can work in any capacity, for any number of days. If they are employed for more than 40 days by a school district or

¹⁵ Subject to collective bargaining and approval by the Commissioner.

BOCES in a school year, they must be employed in an area for which they are certified.

- Substitute teachers without a valid certificate, but who are working towards certification (taking college coursework) at a rate of not less than six semester hours per year, can work in any capacity, for any number of days, in any number of school districts. If they are employed for more than 40 days by a school district or BOCES in a school year, they must be employed in the area for which they are seeking certification.
- Substitute teachers who do not hold a valid teaching certificate and are not working towards certification may work for no more than 40 days in a school district or BOCES in a school year, except as described below.
 - During the 2020-2021 school year, due to the COVID-19 crisis, substitute teachers who do not hold a valid teaching certificate and are not working towards certification, but hold a high school diploma or its equivalent, may be employed by the school district or BOCES beyond the 40-day limit, for up to an additional 50 days (90 days total in a school year), if the district superintendent (for BOCES's and districts that are a component district of a BOCES) or the superintendent (for school districts that are not a component district of a BOCES) certifies that the district or BOCES, as applicable, has conducted a good faith recruitment search for a properly certified candidate and there are no available certified teachers that can perform the duties of such position. In rare circumstances, a district or BOCES may hire a substitute teacher beyond the 90 days, if a district superintendent or superintendent attests that a good faith recruitment search has been conducted and that there are still no available certified teachers who can perform the duties of such position and that a particular substitute teacher is needed to work with a specific class or group of students until the end of the school year.

Resources

For information about certification, please see the Office of Teaching Initiatives (OTI) website through the following link. The “Topics A-Z” and “Search Certification Requirements” web pages may be particularly helpful. Updates about certification, including changes in response to the COVID-19 crisis, are posted on the OTI website homepage.

- [OTI website](#)
- [Topics A-Z](#)
- [Search Certification Requirements](#)

Contact Information

Prospective and practicing educators who have questions about certification, including their certificate application, can contact OTI at tcert@nysed.gov.

STUDENT TEACHING

Commissioner's Regulations Section 52.21(b)(1) (xvi) defines student teaching as follows:

Student teaching means a structured, college-supervised learning experience for a student in a teacher education program in which the student teacher practices the skills being learned in the teacher education program and gradually assumes increased responsibility for instruction, classroom management, and other related duties for a class of students in the area of the certificate sought. These skills are practiced under the direct supervision of the certified teacher who has official responsibility for the class.

Considerations for Reopening Plans

- The Board of Regents and State Education Department strongly encourage school districts to continue to welcome student teachers into schools and classrooms, whether in person or remote, during the 2020-2021 school year.
- 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.
- School districts should work with the College/University Educator Preparation Programs 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.
 - 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.

Please visit the Office of College and University Evaluation's [web site](#) for further information. Contact the Office of College and University Evaluation at ocueinfo@nysed.gov.

GLOSSARY OF TERMS BY TOPIC

Bilingual Education and World Languages

Bilingual Education Program (BE): A research-based educational program comprised of the following instructional components: 1) Language Arts, which includes Home and English Language Arts; 2) English as a New Language; and 3) Bilingual content areas.

Emergent Multilingual Learner (EMLL): Students who are identified by the Emergent Multilingual

Learner Profile Process as prekindergarten students whose home or primary language is other than

English. The English language proficiency of prekindergarten students is not assessed, and therefore EMLLs may or may not be identified as ELLs when the ELL identification process is conducted in kindergarten.

English As a New Language (ENL) Program: A research-based English language development program comprised of two components: 1) Integrated ENL: Students receive core content area and English language development instruction including home language supports and appropriate ELL scaffolds; and 2) Stand-alone ENL: Students receive English language development instruction taught by a New York State certified English for Speakers of Other Languages (ESOL) teacher in order to acquire the English language needed for success in core content areas.

English Language Learner: A student who, by foreign birth or ancestry, speaks or understands a language other than English and who scores below a NYS designated level of proficiency on the NYSITELL or the NYSESLAT. The federal Every Student Succeeds Act (ESSA) refers to ELLs as “English Learners,” and ELLs are also sometimes referred to as Emergent Bilinguals or Dual Language Learners.

Former ELL: Once an ELL has reached the Commanding level of English language proficiency, that student is designated as a Former ELL and is entitled to receive two years of Former ELL services in the form of a ½ unit of Integrated ENL or other services as approved by the Commissioner.

Multilingual Learner: All students who speak or are learning one or more language(s) other than

English, including: 1) current ELLs, 2) students who were once ELLs but have exited out ELL status, 3) students who were never ELLs but are heritage speakers of a language other than English, and 4) World Languages students.

Multilingual Literacy SIFE Screener (MLS): A state-wide diagnostic tool that was created to determine SIFEs’ literacy levels in their home language in order to provide or to design appropriate instruction for SIFE.

New York State English As a Second Language Achievement Test (NYSESLAT):

The New York State English As a Second Language Achievement Test is an assessment designed to annually assess the English language proficiency of all ELLs enrolled in grades kindergarten through 12th grade.

New York State English As a Second Language Identification Test for English Language Learners (NYSITELL): An assessment that is administered once during the ELL identification process (or during reentry after an absence of two or more years from NYS schools). It is designed to determine if a student is an ELL at the time of the student’s enrollment in the NYS public school system.

Students with Inconsistent or Interrupted Formal Education (SIFE): ELLs who have attended schools in the U.S. for less than twelve months and who, upon initial enrollment in schools are two or more years below grade level in literacy in their home language and/or two

or more years below grade level in math due to inconsistent or interrupted schooling prior to arrival in the U.S. (NYSED is currently pursuing regulatory flexibility in order that time spent in remote learning during COVID-19 closures do not count toward the twelve months of enrollment at the time of SIFE identification).

World Languages: Languages other than English, which are broken down into two categories: modern languages and classical languages. Modern languages include any language that has living, native speakers, such as Romance Languages (Spanish, French, Italian, Portuguese, etc.), Germanic languages (German, etc.), Asian languages (Chinese, Japanese, Korean, etc.), Indigenous languages (Mohawk, Seneca, Oneida, etc.), American Sign Language, and many more. Modern languages are contrasted with classical languages, which no longer have living, native speakers such as Latin, ancient Greek, ancient Hebrew, and others from earlier time periods in human history.

Career and Technical Education

Career and Technical Education (CTE): A kindergarten through adult program area of study that includes rigorous academic content closely aligned with career and technical subject matter, using the State learning standards of career development and occupational studies as a framework. It includes the specific disciplines of agricultural education, business and marketing education, family and consumer sciences education, health sciences education, technology education, and trade/technical education.

Career and Technical Student Organization: An organization for individuals enrolled in a career and technical education program that engages in career and technical education activities as an integral part of the instructional program.

Career Exploration Internship Program (CEIP): A registered work-based learning program that offers unpaid career exploration experiences in the business setting. The focus is on hands-on career exploration rather than on skill development. The experience assists students in choosing courses that will help them to reach their college and career objectives. It also assists students in understanding the linkages among school, work, and post-secondary education. Students may earn $\frac{1}{4}$, $\frac{1}{2}$, or 1 unit of elective or CTE sequence credit.

CDOS Credential: An exit credential that meets the definition under section 100.6(b) of Commissioner's Regulations

CDOS 4+1 Graduation Pathway: A Regents Diploma graduation pathway which allows a student to graduate with a high school diploma if the student meets the graduation course and credit requirements; passes four required Regents Exams or Department approved alternative assessments (one in each of the following subjects: English, mathematics, science, and social studies); and meets the requirements to earn the NYS CDOS Commencement Credential.

Cooperative Career and Technical Education Work Experience (CO-OP): A registered work-based learning program that provides an important link between the classroom and the workplace for students age 16 and older. The CO-OP is essentially a partnership that links school, community, and business/industry to provide a real-world environment in which students have the opportunity to apply, and thereby augment, the knowledge and skills obtained in the classroom.

General Education Work Experience Program (GEWEP): A registered work-based learning program open to any student 16-21 years of age who is enrolled in school. These work experiences can be a paid or unpaid and must be registered with the NYSED Career and Technical Education Team and be re-registered every five years.

NYSED-Approved CTE Program: An approved program of study that meets both the requirements under Perkins V for a program of study as well as Section 100.5(d)(6) of Commissioner's Regulations. Approved programs may be utilized to meet the 4+1 CTE graduation pathway.

Perkins Act: The primary Federal source of CTE funding to support CTE instruction and field support. The act was reauthorized for the fifth time in 2018 as the Strengthening Career and Technical Education for the 21st Century Act (Perkins V)

School-Based Enterprise: A school-based business enterprise exists within a school to provide services for students, staff, and/or customers from the community. No additional credit is awarded for participation in this experience; the credit exists within the related course.

Supervised Clinical Experience: Supervised clinical experience involves students performing health care services in a work setting after having instruction and practice in a supervised skills laboratory. The services must be performed under the supervision of an instructor who holds the appropriate NYS license/certification in the health care discipline for which the students are being prepared.

Training Plan: A document developed by the work-based learning coordinator in conjunction with the student and other appropriate school personnel that outlines the tasks, goals, and objectives to be accomplished during a student's work-based learning experiences.

Work-Based Learning: Sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution that foster in-depth, first-hand engagement with the tasks required in a given career field that are aligned to curriculum and instruction.

Work Experience Career Exploration Program (WECEP): A registered work-based learning program open to students 14-15 years of age who are considered "at risk". These work experiences must be paid and must be registered with the NYSED Office of Career and Technical Education and be re-registered every two years.

Early Learning (Prekindergarten)

Diagnostic Screening: A preliminary method of distinguishing from the general population those students who may possibly be gifted, those students who may be suspected of having a disability and/or those students who possibly are limited English proficient; as defined in 8 NYCRR 117.2(f).

Eligible Agencies: An eligible agency, as defined in 8 NYCRR 151-1.2(b), are providers of child care and early education, a day care provider, early childhood program or center or community-based organization including, but not limited to, approved preschool special education program, Head Start, nursery schools, libraries and museums which meet the minimum standards and requirements.

Statewide Universal Full-Day Prekindergarten: Programs for three- and four-year-old students that incentivize and fund state-of-the-art innovative prekindergarten programs to encourage program creativity.

Universal Prekindergarten: Programs that provide three- and four-year-old children with universal opportunity to access Prekindergarten programs as set forth in 8 NYCRR 151-1.

Voluntary Registered of Nonpublic Nursery Schools and Kindergartens: Programs for preschool children between the ages of three and five years as outlined in 8 NYCRR Part 125.

Health and Safety

Aerosol Generating Procedures: Procedures performed on patients which are more likely to generate higher concentrations of infectious respiratory aerosols than coughing, sneezing, talking, or breathing.

Cleaning: The removal of germs, dirt, and impurities from surfaces. Cleaning does not kill germs, but by removing them, it lowers their numbers and the risk of spreading infection.

Cloth Face Covering: Masks made from fabric, preferably tightly woven cotton. Cloth masks should include multiple layers of fabric.

Disinfection: A process using chemicals to kill germs on surfaces. This process does not necessarily clean dirty surfaces or remove germs, but by killing germs on a surface after cleaning, it can further lower the risk of spreading infection.

Fit Testing: A process in which all people who are required to wear negative-pressure respirators are examined and interviewed to determine which mask best conforms to their facial features; a rigorous protocol in which the tester challenges the face-to-facepiece seal with a chemical agent.

Hand Hygiene: Hand washing with soap and water or alcohol-based hand sanitizer

Metered Dose Inhaler (MDI): A device that sprays a pre-set amount of aerosolized medicine through the mouth to the airways.

***N95 mask:** A type of respirator, an N95 mask offers more protection than a surgical mask does because it can filter out both large and small particles when the wearer inhales. As the name indicates, the mask is designed to block 95% of very small particles.

Nebulizer: An air compressor machine when used with a nebulizer cup, tubing, and mouthpiece or face mask delivers aerosolized medicine to the airways in a fine, steady mist.

Peak Flow Meter: An asthma management device used to measure a person's ability to push air out of the lungs.

Personal Protective Equipment (PPE): Wearable equipment that is designed to protect from exposure to or contact with infectious agents. PPE that is appropriate for various types of patient interactions and effectively covers personal clothing and skin likely to be soiled with blood, saliva, or other potentially infectious materials (OPIM) should be available. These

include gloves, face masks, protective eye wear, face shields, and protective clothing (e.g., reusable or disposable gown, jacket, laboratory coat).

Respiratory Hygiene: Cough etiquette infection prevention measures designed to limit the transmission of respiratory pathogens spread by droplet or airborne routes. Apply to anyone with signs of illness including cough, congestion, runny nose, or increased production of respiratory secretions.

Spacer: A device that attaches to the mouthpiece of a quick-relief inhaler to create space between the mouth and the MDI. The space created helps the medicine break into smaller droplets allowing the asthma medication to move easier and deeper into the lungs of the student when he/she breathes in the quick-relief or controller medicine formulated in an MDI.

Standard Precautions: A group of infection prevention practices that apply to all patients and residents, regardless of suspected or confirmed infection status, in any setting in which healthcare is delivered and include: hand hygiene; use of gloves, gown, mask, eye protection, or face shield, depending on the anticipated exposure; respiratory hygiene/cough etiquette, safe injection practices, and use of masks. Standard Precautions combine the major features of Universal Precautions and Body Substance Isolation and are based on the principle that all blood, body fluids, secretions, excretions except sweat, non-intact skin, and mucous membranes may contain transmissible infectious agents.

Surgical Mask: Also called a medical mask, a surgical mask is a loose-fitting disposable mask that protects the wearer's nose and mouth from contact with droplets, splashes and sprays that may contain germs. A surgical mask also filters out large particles in the air.

Transmission Precautions: When Standard Precautions alone cannot prevent transmission, they are supplemented with Transmission-Based Precautions. This second tier of infection prevention is used when patients have diseases that can spread through contact, droplet or airborne routes (e.g., skin contact, sneezing, coughing) and are always used in addition to Standard Precautions.

Valved Holding Chamber: A type of spacer that has a one-way valve at the mouthpiece. A VHC also traps and holds the medicine giving more time for the student to take a slow, deep breath reducing the amount that settles in the mouth and throat.

**Some N95 masks, and even some cloth masks, have one-way valves that make them easier to breathe through. But because the valve releases unfiltered air when the wearer breathes out, this type of mask doesn't prevent the wearer from spreading the virus.*

Social Emotional Learning

Adverse Childhood Experiences (ACEs): Potentially traumatic events that occur in childhood (0-17 years).¹⁸

Multi-Tiered Systems of Support (MTSS): An evidence-based approach to comprehensive program delivery that addresses academic and behavioral challenges including proactive activities for all students (universal interventions), targeted activities for students

identified at-risk (secondary interventions) and intensive activities for students identified at high risk (tertiary interventions).

Pupil Personnel Services (PPS): Staff which includes school counselors, school social workers, school psychologists, mental health counselors and school nurses.

Restorative Practices: Processes and approaches designed to build community and meaningful relationships, develop shared values, help students better understand their behavior, how it impacts themselves and others, and ultimately to use that self- and social awareness to repair damage caused to relationships as a result of inappropriate behavior.

Social Emotional Learning (SEL): The Collaborative for Academic, Social, and Emotional Learning (CASEL) defines SEL as, “the process through which children and adults understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions.”¹⁹

18 Centers for Disease Control, (2020) Preventing Adverse Childhood

Experiences 19 Collaborative for Academic, Social, and Emotional

Learning. (2020) [What is SEL?](#)

Restorative Practices: Processes and approaches designed to build community and meaningful relationships, develop shared values, help students better understand their behavior, how it impacts themselves and others, and ultimately to use that self- and social awareness to repair damage caused to relationships as a result of inappropriate behavior.

Trauma-Responsive Practices: Practices that help shift negative reactions to inappropriate student behavior to thoughtful responses that consider the root causes of behavior and help to support individual student needs to address those causes.

Special Education

Annual Review: An evaluation, conducted at least annually by the committee on preschool special education (CPSE)/committee on special education (CSE), of the status of each student with a disability and each student thought to have a disability who resides within the school district for the purpose of recommending the continuation, modification or termination of the provision of special education programs and services for the student to the board of education.

Assistive Technology Devices: Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. Such term does not include a medical device that is surgically implanted or the replacement of a surgically implanted device.

Assistive Technology Service: Any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device.

Child Find: A process which requires all school districts to identify, locate and evaluate all students with disabilities, including students with disabilities who are homeless or wards of the

State, regardless of the severity of their disability and who are in need of special education and related services.

Committee on Preschool Education (CPSE)/Committee on Special Education (CSE): A multidisciplinary team established in accordance with the provisions of Education Law that determines a student's special education needs and services. The CPSE is responsible for children with disabilities ages 3-5. The CSE is responsible for children with disabilities ages 5-21.

Compensatory Services: Services provided to students with disabilities to remedy the school district's failure to provide a student with a disability with "appropriate services" during the time the student was entitled to FAPE and was denied appropriate services.

Free Appropriate Public Education (FAPE): Special education programs and related services that are provided at public expense, under public supervision and direction, and without charge to the parent, and are provided in conformity with an individualized education program.

Individualized Education Program (IEP): A written statement for a student with a disability that is developed, reviewed and revised by a CSE, Subcommittee on Special Education or CPSE to meet the unique educational needs of a student with a disability.

Individuals with Disabilities Education Act (IDEA): The IDEA is a federal law that provides students with disabilities the right to receive a free appropriate public education in the least restrictive environment from age 3 through the end of the school year in which the student turns 21 years or graduates with a high school diploma.

Initial Evaluation: Any procedures, tests or assessments used selectively with an individual student, including a physical examination, an individual psychological evaluation, except where a school psychologist has determined that a psychological evaluation is unnecessary to evaluate a student of school age, a social history and other appropriate assessments or evaluations as may be necessary to determine whether a student has a disability and the extent of his/her special education needs, but does not include basic tests administered to, or procedures used with, all students in a school grade or class.

Least Restrictive Environment (LRE): Placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that, even with the use of supplementary aids and services, education cannot be satisfactorily achieved.

Reevaluation: The evaluation procedures that are conducted at least once every three years, except where the school district and the parent agree in writing that such reevaluation is unnecessary to review the student's need for special education programs and services and to revise the IEP, as appropriate. A reevaluation may also occur when conditions warrant or when requested by a parent or teacher.

Special class: A class consisting of students with disabilities who have been grouped together because of similar individual needs for the purpose of being provided specially designed instruction.

Supplementary Aids and Services and/or Program Modifications: Aids, services and other supports that are provided in general education classes or other education-related settings to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate in the least restrictive environment.

Telepractice: Although not specifically defined in Part 200 of the Regulations of the Commissioner of Education, the NYSED Office of the Professions defines telepractice as the provision of professional service over geographical distances by means of modern telecommunications technology. This methodology engages audio and/or video technology to connect providers with students, parents or other caregivers in ways that support the student’s learning and development.

Teaching and Learning:

Academic Intervention Services: Additional instruction which supplements the instruction provided in the general curriculum and assists students in meeting the State learning standards; services may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance.

Device: A computing device, such as a laptop, desktop, Chromebook, iPad, or full-size tablet. Phones and mini-tablets are not sufficient devices for learning purposes.

Equivalent : At least 180 minutes of instructional time for instruction delivered in a traditional face to face model, or a comparable amount of time for instructional experiences, taken as a whole when the student is engaged in standards-based learning under the guidance and direction of an appropriately certified teacher, for instruction delivered in an online or blended model.

Hybrid (blended) model: A combination of in person and remote learning.

In-person instruction: Instruction that takes place with students in attendance at the school building.

Remote learning: Instruction that takes place outside of the school building while the students are not in attendance at the school.

Unit of Credit: The mastery of the learning outcomes set forth in a New York State-developed or locally developed syllabus for a given high school subject, after a student has had the opportunity to complete a unit of study in the given subject matter area.

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

All the Time access is a reference to the [National Educational Technology Plan](#), which states the expectation that technology-enabled learning should be available for all students, everywhere, all the time (NETP 2017).

Sufficient access to the internet means that the student or teacher does not regularly experience issues (slowdowns, buffering, disconnections, unreliable connection, etc.) while participating in required or assigned instruction and learning activities.



The Board of Regents and the State Education Department would like to extend our sincerest gratitude to all of the participants of the Regional Task Force meetings and the Youth Forum for their valuable contributions that informed this guidance. The Department will release a separate document that will include participant comments that helped guide the work.

APPENDIX B – NYS DEPARTMENT OF HEALTH INTERIM COVID-19 GUIDANCE FOR SCHOOLS



Department
of Health

INTERIM GUIDANCE FOR IN-PERSON INSTRUCTION AT PRE-K TO GRADE 12 SCHOOLS DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

When you have read this document, you can affirm at the bottom.

As of June 7, 2021

Purpose

This Interim Guidance for In-Person Instruction at Pre-K to Grade 12 Schools during the COVID-19 Public Health Emergency (“Interim COVID-19 Guidance for Schools”) was originally created in August 2020 to provide all elementary (including pre-kindergarten), middle, and high schools, as well as their employees, contractors, students, and parents/legal guardians of students with precautions to help protect against the spread of COVID-19 for schools that are authorized to provide in-person instruction in the 2020-2021 school year. This June 2021 update is intended to align this guidance with the most recent recommendations from the Centers for Disease Control and Prevention (CDC) on how to prioritize safe in-person learning in schools while adhering to layered mitigation strategies.

This guidance is intended to address all types of public and private (both secular and non-secular) elementary (including pre-kindergarten), middle, and high schools. Each school/district must meet the minimum standards set forth in this guidance and reflect engagement with school stakeholders and community members, including but not limited to administrators, faculty, staff, students, parents/legal guardians of students, local health departments, local health care providers, and, where appropriate, affiliated organizations (e.g., union, alumni, and/or community-based groups). Specifically, each school district, BOCES, charter school, and private school must develop, in conjunction with opportunities for local community feedback from parents, community members, teachers, staff, and local health departments, and post online a plan that, at minimum, covers:

- (1) Reopening of school facilities for in-person instruction,

- (2) Monitoring of health conditions,
- (3) Containment of potential transmission of the 2019 novel coronavirus (COVID-19), and
- (4) Closure of school facilities and in-person instruction, if necessitated by widespread virus transmission.

Responsible Parties must work with these same stakeholders to make decisions regarding the updating of plans. **The NYS Department of Health does not review or approve revisions to school reopening plans, which have been previously approved. Modified plans must be posted online, shared with Local Health Departments and the State Education Department. Local Health Departments are the entity charged with ensuring the enforcement of these minimum standards.**

Core Health and Safety Principles and Definitions

- **Responsible Parties:** Responsible Parties shall be responsible for developing the plan, and meeting the standards set forth herein. For school districts and BOCES, the district superintendent, or another party as may be designated by the district superintendent, and for private and charter schools, the head of school, or another party may be designated by the head of school, is the Responsible Parties. The designated party can be an individual or group of individuals responsible for the operations of the school or schools.
- **Face Masks:** Responsible Parties must maintain protocols and procedures for students, faculty, staff, and other individuals to ensure appropriate personal protective equipment (PPE) is used to protect against the transmission of the COVID-19 virus when in indoor school facilities. Specifically, appropriate PPE means, at least, an acceptable mask, which is required to be worn by all individuals in all classroom and non-classroom settings, including but not limited to hallways, school offices, restrooms, gyms, auditoriums, etc. All visitors must wear masks. Masks should have at least two layers of material (e.g. 2-ply). However, Responsible Parties should allow students to remove their mask during meals. Acceptable masks include but are not limited to cloth-based masks (e.g., homemade sewn, quick cut,) and surgical masks that cover both the mouth and nose. Effective June 7, 2021, face masks are not required to be worn outdoors on school grounds, including during outdoor school sports. However, Responsible Parties may choose to require face masks outdoors on school grounds, subject to the parameters of this guidance. No student, teacher, staff member, or visitor may be prevented from wearing an acceptable face mask voluntarily on school grounds.
- **Physical Distancing:** Responsible Parties must maintain protocols and procedures for students, faculty, and staff to ensure appropriate physical distancing to protect against the transmission of the COVID-19 virus when on school grounds and in school facilities.
- **Spaces:** To reduce density, Responsible Parties should consider and assess additional and/or alternate indoor space(s) that may be repurposed for instruction or other required

purposes in support of in-person instruction within the school facility, school grounds, municipal facilities, municipal grounds, or community (e.g., community centers), as well as outdoor space(s) where health and safety conditions (e.g., allergies, asthma) allow for such potential usage.

- **In-Person Instruction:** To ensure equity in education, Responsible Parties should prioritize efforts to return **all** students to in-person instruction. However, based on the dynamic nature of local community transmission of the COVID-19 virus, a phased-in approach or hybrid model combining in person instruction and remote/distance learning in cohorts may be necessary at various times through the 2020-2021 school year. In planning for these approaches and models, school plans should indicate if certain students will be prioritized to return to in-person instruction first or more frequently based on educational or other needs (e.g., early grades, students with disabilities, English language learners), given requirements for equity, capacity, physical distancing, PPE, feasibility, and learning considerations. Responsible Parties should consider prioritizing in-person instruction for students with disabilities who require special education and related services directly provided in school environments, as well as student populations that are at greater risk for learning loss.
- **Cohorts:** Responsible Parties should “cohort” students, to the extent practicable, to limit potential exposure to the COVID-19 virus. Cohorts, particularly for younger students, are self-contained, preassigned groups of students with reasonable group size limits set forth by the Responsible Parties in their plans. Responsible Parties should enact measures to prevent intermingling between cohorts, to the extent possible (e.g., separation by appropriate physical distancing, particularly if there are multiple cohorts in one area). Responsible Parties should make reasonable efforts to ensure that cohorts are fixed – meaning contain the same students – for the duration of the COVID-19 public health emergency. Faculty may instruct more than one cohort so long as appropriate physical distancing is maintained. At some levels of community transmission, cohorting is recommended if a school is using less than six feet of physical distance in classrooms. Please refer to Table 2 in the CDC guidance for more detail.
- **Screening:** Responsible Parties must implement mandatory health screenings, including temperature checks, of students, faculty, staff, and, where applicable, contractors, vendors, and visitors to identify any individuals who may have COVID-19 or who may have been exposed to the COVID-19 virus. Specifically, all individuals must have their temperature checked each day. If an individual presents a temperature of greater than 100.0°F, the individual must be denied entry into the facility or sent

directly to a dedicated area prior to being picked up or otherwise sent home. Responsible Parties must also use a daily screening questionnaire for faculty and staff reporting to school; and periodically use a questionnaire for students, particularly younger students, who may require the assistance of their parent/legal guardian to answer. Remote health screening (e.g., by electronic survey, digital application, or telephone, which may involve the parent/legal guardian) before any individual reports to school, is strongly advised.

- **Transportation:** Consistent with State-issued public transit [guidance](#), Responsible Parties must develop protocols and procedures, which include that individuals must wear acceptable masks at all times on school buses (e.g., entering, exiting, and seated), and that individuals should maintain appropriate physical distancing, unless they are members of the same household. Responsible Parties should encourage parents/legal guardians to drop off or walk students to school to reduce density on buses.
- **Food Services:** Responsible Parties must continue to provide school breakfast and/or lunch to students who were previously receiving school meals, both on site and remote. For students on site, Responsible Parties must provide meals while maintaining appropriate physical distancing between students. Students do not need to wear masks when seated and eating so long as they are appropriately physically distanced. Responsible Parties may serve meals in alternate areas (e.g., classrooms) or staggered meal periods to ensure physical distancing and proper cleaning and disinfection between students.
- **Ventilation and Filtration:** Indoor air quality should be improved by increasing outdoor air delivery to the building (ventilation) and removing particulates/viral particles from the air (air filtration) to the greatest extent possible. Ventilation and filtration together can reduce the risk of COVID-19 transmission.
- **Hygiene, Cleaning, and Disinfection:** Responsible Parties must adhere to and promote hygiene, cleaning, and disinfection guidance set forth by DOH and the CDC. Responsible Parties must train all students, faculty, and staff on proper hand and respiratory hygiene. Responsible Parties must maintain logs that include the date, time, and scope of cleaning and disinfection, as well as identify cleaning and disinfection frequency for each facility and area type and assign responsibility to staff.
- **Contact Tracing:** Responsible Parties must notify the state and local health department immediately upon being informed of any positive COVID-19 diagnostic test result by an individual within school facilities or on school grounds, including students, faculty, staff, and visitors. In the case of an individual testing positive, Responsible Parties must develop and maintain plans to support local health departments in tracing all contacts of the individual, in accordance with the protocols, training, and tools provided through the [New York State Contact Tracing Program](#). Confidentiality must be maintained as required by federal and state law and regulations. Responsible Parties must cooperate with all state and local health department contact tracing, isolation, and quarantine efforts. Consistent with Executive Order 202.61, Responsible Parties must continue to make reports to the New York State Department of Health COVID-19 School Report Card Dashboard every day that school is in session, regardless of whether any new tests have been reported or whether the school was completely remote on that day.
- **Return to School:** Responsible Parties must establish protocols and procedures, in consultation with the local health department(s), about the requirements for determining when individuals, particularly students, who screened positive for COVID-19 symptoms can return to the in-person learning environment at school.

Plan Requirements

Reopening of in-person instruction includes protocols and procedures for restarting school operations including students, faculty, and staff returning to in-person instruction. At a minimum, plans must incorporate the following:

- **Capacity:** Phasing and quantity of students, faculty, and staff allowed to return in-person, considering factors such as ability to maintain appropriate physical distance, personal protective equipment (PPE) availability, local medical capacity, and availability of safe transportation;
- **Physical Distancing:** Protocols and procedures for students, faculty, and staff to ensure appropriate physical distancing when on school grounds and in school facilities;
- **PPE and Masks:** Protocols and procedures for students, faculty, staff, and other individuals to ensure appropriate PPE is used to protect against the transmission of the COVID-19 virus when in indoor school facilities. Plans for all students, faculty, and staff to have the required PPE (i.e., acceptable masks) before entering indoor school facilities or other indoor spaces owned or administered by the school or school district (e.g., school buses);
- **Operational Activity:** Determinations on how classes, shared spaces, and activities may be adapted in various phases of learning and operations (e.g., identify which, if any, students will be offered alternate approaches, such as alternative schedules or hybrids of in-person and remote learning; how additional and alternative – school and non-school – spaces can be used for, or in support of, inperson instruction; how such schedules could be administered to create overlap for students from the same household; how shared spaces, such as cafeterias, libraries, and gymnasiums, will be modified and used, if and how cohorts will be implemented). Policies regarding field trips, and visitors considering risks for COVID-19 transmission, as well as protocols and procedures for physical distancing, PPE usage, and cleaning and disinfection, which may include conducting virtual events, should be developed;
- **Restart Operations:** Plans to safely reopen facilities and grounds, such as cleaning and disinfection, and restarting building ventilation, water systems, and other key facility components, as applicable;
- **Hygiene, Cleaning, and Disinfection:** Protocols and procedures for school-wide cleaning and disinfection of classrooms, restrooms, cafeterias, libraries, school buses, and all other school facilities, as well as training and promotion of hand and respiratory hygiene among all individuals in school facilities and on school grounds;
- **Extracurriculars:** Policies regarding extracurricular programs and which activities will be allowed, considering physical distancing, PPE usage, and cleaning and disinfection, as well as risk of COVID-19 transmission. Policies should consider how to maintain cohorts, if applicable, or members of the same household. Responsible Parties must refer to DOH’s [“Interim Guidance for Sports and Recreation During the COVID-19 Public Health Emergency”](#) (March 25, 2021) to assist in development of these policies and the conduct of

school-sponsored sports. Effective June 7, 2021, face masks are not required to be worn outdoors on school grounds, including during outdoor school sports. If school is closed for in-person education during the school year due to an increase in confirmed COVID-19 cases, school-sponsored sports must be suspended until in-person education is resumed;

- **Before and Aftercare:** Policies regarding before and aftercare programs, considering physical distancing, PPE usage, and cleaning and disinfection requirements, as well as risk of COVID-19

transmission. Policies should consider how to maintain cohorts, if applicable, or group members of the same household;

- **Vulnerable Populations:** Policies regarding vulnerable populations, including students, faculty and staff who are at [increased risk for severe COVID-19 illness](#), and individuals who may not feel comfortable returning to an in-person educational environment, to allow them to safely participate in educational activities and, where appropriate, accommodate their specific circumstances. These accommodations may include but are not limited to remote learning or telework, modified educational or work settings, or providing additional PPE to individuals with underlying health conditions. Responsible Parties must also identify and describe any modifications to physical distancing or PPE that may be necessary for certain student or staff populations, including individuals who have hearing impairment or loss, students receiving language services, and young students in

early education programs, ensuring that any modifications minimize COVID-19 exposure risk for students, faculty, and staff, to the greatest extent possible;

- **Transportation:** Consistent with State-issued public transit [guidance](#), protocols and procedures, which include that individuals must wear acceptable masks at all times on school buses (e.g., entering, exiting, and seated), and that individuals should maintain appropriate physical distancing, unless they are members of the same household. Responsible parties should maximize the distance between students on school buses (for example, seat children one child per row and skip rows), when possible. When safe, ventilation can be improved by opening windows. Responsible Parties should encourage parents/legal guardians to drop off or walk students to school to reduce density on buses. School districts should also consider engaging more buses to keep density low while supporting families who cannot bring students to school themselves. Protocols and procedures should include how school buses will be adapted to keep students and staff safe (e.g., how masks will be provided to students in need, how members of the same household will be seated together, how physical distancing will be conducted on buses, whether bus schedules will be adapted to accommodate reduced capacity, whether any health screening will be conducted at home before students board buses, how parents/legal guardians will be encouraged to drop off or walk students to reduce density on buses);
- **Food Services:** Protocols and procedures for onsite and remote food services for students, considering appropriate physical distancing and any modifications to service that may be necessary (e.g., providing meals in a combination of classrooms and cafeterias, staggering meal periods).

Measures to protect students with food allergies if providing meals in spaces outside the cafeteria. Protocols and procedures must also include how students will perform hand hygiene before and after eating, how appropriate hand hygiene will be promoted, and how sharing of food and beverages will be discouraged. Additionally, protocols and procedures must account for cleaning and disinfection prior to the next group of students arriving for meals, if served in the same common area (e.g., cafeteria);

- **Mental Health, Behavioral, and Emotional Support Services and Programs:** Available resources and referrals to address mental health, behavioral, and emotional needs of students, faculty, and staff when school reopens for in-person instruction (e.g., how they will identify and support students having difficulty with transitioning back into the school setting, especially given the changed school environment). Any training for faculty and staff on how to talk with, and support, students during and after the ongoing COVID-19 public health emergency, as well as information on developing coping and resilience skills for students, faculty, and staff; and
- **Communication:** Communications plans for students, parents/legal guardians of students, faculty, staff and visitors that includes applicable instructions, training, signage, and a consistent means to provide individuals with information. Plans should describe how schools will communicate with students and families about preparing for the upcoming year, which should include adapting to physical distancing requirements, properly wearing masks, and proper hand and respiratory hygiene.
Consider developing webpages, text and email groups, and social media to disseminate information. Schools should develop communication plans in multiple languages, as necessary.

Monitoring includes protocols and procedures to track health conditions at schools. At a minimum, plans must incorporate the following:

- **Screening:** Protocols and procedures for mandatory health screenings, including temperature checks, of students, faculty, staff, and, where applicable, contractors, vendors, and visitors to identify any individuals who may have COVID-19 or who may have been exposed to the COVID-19 virus. Responsible Parties should consider limiting the number of visitors permitted on school grounds or in school facilities, and, if visitors are allowed, screening of such visitors;
- **Testing Protocols:** Process for the provision or referral of diagnostic testing for students, faculty, and staff for COVID-19, in consultation with local health department officials, when needed, which should include plans for testing of unvaccinated symptomatic individuals, close contacts of COVID-19 suspected or confirmed individuals, and individuals with recent international travel as designated through the [New York State Travel Advisory](#), before allowing such individuals to return to in-person to the school;
- **Testing Responsibility:** Identification of who in the community is responsible for referring, sourcing, and administering testing (e.g., local health department testing site, physician offices, hospital system);

Containment includes protocols and procedures for how to respond to positive or presumed-positive cases, as well as preventative practices. At a minimum, plans must incorporate the following:

- **School Health Offices:** Protocols for safely caring for a student, faculty, or staff member if they develop symptoms of COVID-19 during the school day in accordance with the [Interim Guidance for School-Based Health Centers Regarding COVID-19 and the New York State Department of Health SchoolBased Health Center Dental Program Reopening Addendum](#);
- **Isolation:** Procedures to isolate individuals who screen positive upon arrival, or symptomatic individuals should they become symptomatic while at school, providing appropriate PPE for school health office staff caring for the symptomatic individual. Protocols for safe transportation, including pick-up arrangements, if applicable, for symptomatic students, faculty, and staff;
- **Collection:** Protocols for how parents or legal guardians should pick up their student with instructions that the student must be seen by a health care provider;
- **Infected Individuals:** Requirements that persons who have tested positive complete isolation and have recovered and will not transmit COVID-19 when returning to in-person learning. Discharge from isolation and return to school will be conducted in coordination with the local health department.
- **Exposed Individuals:** Requirements that individuals who were exposed to the COVID-19 virus complete quarantine and have not developed symptoms before returning to in-person learning (exceptions for vaccinated individuals and those with prior COVID-19 infection detailed below). Discharge from quarantine and return to school will be conducted in coordination with the local health department.
- **Vaccination:** In New York State, P-12 Teachers and staff have been eligible to receive the COVID-19 vaccine since January 11, 2021. Asymptomatic fully vaccinated individuals do not need to quarantine if exposed to COVID-19.
- **Previous COVID-19 infection:** Asymptomatic individuals who have recovered from laboratory confirmed COVID-19 infection during the previous 3 months do not need to quarantine if exposed to COVID-19.
- **Hygiene, Cleaning, and Disinfection:** Adherence to, and promotion of, hygiene, cleaning, and disinfection guidance set forth by DOH and CDC, including strategies for cleaning and disinfection of exposed areas and appropriate notification to occupants of such areas;
- **Contact Tracing:** Plans to support local health departments in contact tracing efforts using the protocols, training, and tools provided through the [New York State Contact Tracing Program](#)
- **Communication:** Plans to share protocols and safety measures taken by the school with all relevant parties including parents/legal guardians, faculty, staff, students, and the local community.

- **Closure** includes contingency plans, protocols, and procedures for decreasing the scale or scope of in-person education, and/or closing the school. At a minimum, plans must incorporate the following:
- **Operational Activity:** Determination of which operations will be decreased, or ceased and which operations will be conducted remotely; include process to conduct orderly closures which may include phasing, milestones, and involvement of key personnel; and
- **Communication:** Plan to communicate internally and externally throughout the closure process.

State-Issued Guidance and Minimum Standards

Pre-K through Grade 12 schools involve a variety of activities depending on their specific educational and extracurricular programs and services, and, as such, should reference relevant “industry-specific” guidelines provided by DOH – and available on the [New York Forward](#) website – for operations of food services, office workspaces, transportation, and other activities, as applicable. Specifically, operations of cafeterias and other food services must operate in accordance with “[Interim Guidance for Food Services During the COVID-19 Public Health Emergency](#) (March 19, 2021)” with additional precautions for students that are contained herein, such as physical distancing between students or cohorts of students. Administrative functions must operate in accordance with, “[Interim Guidance for Office-Based Work during the COVID-19 Public Health Emergency.](#)” Transportation services administered by the school must operate in accordance with “[Interim Guidance for Public Transportation Activities during the COVID-19 Public Health Emergency](#)” with additional precautions that are contained herein. Interscholastic athletics must follow DOH’s “Interim Guidance for Sports and Recreation During the COVID-19 Public Health Emergency” (March 25, 2021) ” for the conduct of school-sponsored sports. If school is closed for inperson education during the school year due to an increase in confirmed COVID-19 cases, schoolsponsored sports must be suspended until in-person education is resumed. Further, Responsible Parties hosting competitive play must follow the Department’s guidance for such activity and, where required, implementing and enforcing rules for appropriate physical distancing, masks, and cleaning and disinfection, as such guidance is updated from time to time.

Standards for Responsible School Activities in New York State

No school activities can operate without meeting the following minimum State guidance, as well as applicable federal requirements, including but not limited to such minimum standards of the Americans with Disabilities Act (ADA), CDC, Environmental Protection Agency (EPA), and OSHA. The State standards apply to all school activities in operation during the COVID-19 public health emergency until rescinded or amended by the State.

The following guidance is provided to help schools develop their reopening plans and is organized around three distinct categories: people, places, and processes.

I. PEOPLE

A. Physical Distancing and Masks

Physical Distancing

- Responsible Parties must ensure that appropriate physical distancing is maintained between individuals while in school facilities and on school grounds, inclusive of students, faculty, and staff, unless safety or the core activity (e.g., instruction, moving equipment, using an elevator, traveling in common areas) requires a shorter distance or individuals are of the same household.
- Responsible Parties may reduce physical distancing requirements to a minimum of three feet between students in classroom settings, subject to adherence to certain mitigation measures herein.

Due to evidence that transmission risk ranges by the age of the student, the CDC recommends that physical distancing requirements differ by grade level and community transmission risk. Evidence indicates that there is lower susceptibility and incidence of COVID-19 among younger children than compared to teenagers; therefore, in-person instruction represents less risk of on-site transmission in elementary schools compared to middle and high schools. At some levels of community transmission, cohorting is recommended if a school is using less than six feet of physical distance in classrooms. The Department recognizes that certain scenarios may prevent physical distancing from occurring, such as providing essential classroom instruction, medical care, or student comfort/support. Responsible Parties must minimize this contact to the greatest extent possible and continue to ensure appropriate prevention measures—such as cleaning/disinfection, masking, hand hygiene, and respiratory etiquette—are maintained during these temporary episodes. Please refer to the [Interim Guidance for School-Based Health Centers Regarding COVID-19](#) for further information.

- CDC has developed four levels of indicators and threshold for community transmission of COVID-19. Please refer to Table 1 in the CDC guidance to see the measures. CDC also provides recommendations for physical distancing and cohorting for elementary, middle, and high schools at each level of transmission. These recommendations are summarized below and are required to be adhered to by any responsible parties when implementing physical distancing of less than six feet in classrooms. Please refer to [Table 2](#) in the CDC guidance for more detail.
- In counties with low and moderate risk of transmission, elementary, middle, and high schools can maintain physical distancing of at least three feet between students in classrooms.
- In counties with substantial risk of transmission, elementary, middle, and high schools can maintain physical distancing of at least three feet between students in classrooms and cohorting is recommended when possible.
- In counties with high risk of transmission, elementary schools can maintain physical distancing of at least three feet between students in classrooms and cohorting is recommended when possible. However, in middle and high schools three feet

between students in classrooms is recommended only when schools can use cohorting. **When schools cannot maintain cohorting, middle and high schools must maintain physical distancing of at least six feet between students in classrooms.**

- The CDC no longer recommends physical barriers for mitigation where physical distancing cannot be maintained. A preferred approach is enhanced ventilation and air filtration to dilute and remove any SARS-Cov-2 particles from the air as described below and in the CDC school guidance.
- Exceptions Where A Minimum of Six Feet of Distance Must be Maintained
 - Six feet is always the required distancing between adults (teachers, staff, visitors) and between students and adults.
 - Six feet of distance is required when eating meals or snacks, or drinking, or other times masks must be removed when indoors. This may mean that meals cannot be eaten in classrooms that have been converted to three feet of physical distance during instruction time.
 - Individuals participating in activities that require projecting the voice (e.g., singing) or playing a wind instrument must be six feet apart and there must be six feet of distance between the performers and the audience during performances and concerts.
 - Six feet of physical distance must be maintained in common areas and outside of classrooms (e.g. lobbies, auditoriums, gymnasiums, cafeterias, and hallways), where possible.
 - For guidance on sports, please refer to the [Interim Guidance for Sports and Recreation During the COVID-19 Public Health Emergency](#) (March 25, 2021)

Responsible Parties should ensure that a distance of six feet in all directions is maintained between individuals while participating in activities requires projecting the voice (e.g., singing), playing a wind instrument, or aerobic activity resulting in heavy breathing (e.g., participating in gym classes).

- When directed by the Local or State Health Department.
- Prior to making any change to reduce physical distancing to less than six feet between students during academic instruction, decisions must be made with community input. **Responsible Parties must include opportunities for feedback from parents, community members, teachers, staff, and local departments of health. This meeting must be held before any change to the physical distancing in schools can be made.**
- Responsible parties must post the new plan online and must be sent to Local Health Departments and the State Education Department.
- Responsible Parties are required to work with the school community (parents, teachers, staff, LHDs, etc.) to propose and adopt changes. **Ultimately, the school/district's decision to move to shorter physical distances will come down to a local community's risk tolerance based on its unique circumstances.**

Masks

- Face masks are required at all times in indoor school facilities, except for meals.
 - Responsible Parties will need to consider and address developmental appropriateness, feasibility, and ability to implement such policy in a safe, consistent manner.
- Students who are unable to medically tolerate a mask, including students where such mask would impair their physical health or mental health are not subject to the required use of a mask.
- Responsible Parties should offer assistance to students who may have difficulty in adapting to wearing a mask.
- Responsible Parties must train all students, faculty, and staff on how to adequately put on, take off, clean (as applicable), and discard PPE, including but not limited to, appropriate masks. This training should be extended to contractors and vendors, if the Responsible Parties will be supplying the contractors and vendors with PPE.
- Effective June 7, 2021, face masks are not required to be worn outdoors on school grounds, including during outdoor school sports. However, Responsible Parties may choose to require face masks outdoors on school grounds, subject to the parameters of this guidance. No student, teacher, staff member, or visitor may be prevented from wearing an acceptable face mask voluntarily on school grounds.

Space Configurations

- Responsible Parties are strongly encouraged to (1) modify or reconfigure spaces and areas, and/or (2) restrict the use of classrooms and other places where students, faculty, and staff gather (e.g., lockers, cubbies, entryways, hallways), so that individuals can be physically distanced, and are not sharing workstations, desks, tables, or other shared surfaces without cleaning and disinfection between use.
 - If Responsible Parties are using a cohort model, cleaning and disinfection may be performed in between each cohort's use instead of individual's use.
- Responsible parties should make best use of the space in the classroom by removing unnecessary furniture and objects to help maximize the distance between students and for better air flow. All desks should face the same direction and/or students should be seated on the same side of tables.
- Where feasible, Responsible Parties should put in place measures to reduce bi-directional foot traffic using tape or signs with arrows in hallways, or spaces throughout the school, and post signage and distance markers denoting spaces of six feet in all commonly used areas and any areas in which lines

are commonly formed or people may congregate (e.g., outdoor spaces, libraries, cafeterias, health screening stations).
- Responsible Parties should determine which facilities, grounds, or portions thereof (e.g., libraries, recreational facilities) will be closed to the public (i.e., not students, faculty, or

staff) or offer limited, specific hours to members of the general public. Any use of a school facility or grounds by the general public must be subject to the same guidelines required during all other school operations.

- Responsible parties should work to find additional or alternate space with community-based organizations and other operators of alternative spaces (e.g., local governments) to maximize capacity for in-person learning.

Schedules

□ Responsible Parties should consider staggered arrival and pick-up times to facilitate proper physical distancing and assign lockers or other student storage areas by cohort or eliminate their use. However, students should not carry an unreasonable number of books or materials throughout the day.

Signage

□ Responsible Parties must post signs throughout the school and should regularly share similar messages with the school community, consistent with [DOH COVID-19 signage](#) regarding public health protections against COVID-19. Responsible Parties can develop their own customized and ageappropriate signage specific to their school or educational setting, provided that such signage is consistent with the Department's signage. Signage should be used to remind individuals to:

- o Stay home if they feel sick.
- o Cover their nose and mouth with an acceptable mask.
- o Properly store and, when necessary, discard PPE.
- o Adhere to physical distancing instructions.
- o Report symptoms of, or exposure to, COVID-19, and how they should do so.
- o Follow hand hygiene, and cleaning and disinfection guidelines.
- o Follow respiratory hygiene and cough etiquette.

Vaccination

- Responsible parties should discuss opportunities to maximize opportunities for vaccination of all eligible school personnel and students, as eligible, with their Local Health Department.

B. Gatherings

Meals

□ Responsible Parties must ensure physical distancing between individuals while eating in school cafeteria. If not feasible, meals may be served in alternate areas (e.g., classrooms) or in staggered meal periods to ensure physical distancing and proper cleaning and disinfection between students.

- o Responsible Parties must prohibit sharing of food and beverages (e.g., buffet style meals, snacks), unless individuals are members of the same household. Adequate space

should be reserved for students, faculty, and staff to observe physical distancing while eating meals.

Faculty and Staff Meetings

□ Pursuant to their school reopening plan, Responsible Parties may consider choosing to use video or teleconferencing for faculty and staff meetings and conferences to reduce the density of congregations, per CDC guidance “[Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#)”. When videoconferencing or teleconferencing is not preferable or possible, Responsible Parties may choose to hold meetings in open, well-ventilated spaces and ensure that individuals maintain appropriate physical distance (e.g., leave space between chairs, have individuals sit in alternating chairs).

Ventilation and Filtration

- Indoor air quality can be improved by increasing outdoor air delivery to the building (ventilation) and removing particulates/viral particles from the air (air filtration) to the greatest extent possible. Ventilation and filtration together can reduce the risk of COVID-19 transmission.
- Portable air cleaners may supplement other preventive measures to decrease the risk of COVID-19 spread. These are designed to remove particles. However, they are limited in the amount of air they filter per hour and so they may reduce, but may not eliminate, particles, viruses, and/or microbes in the air. The selection, installation, and maintenance of portable filtration devices should be made in consultation with an indoor air quality professional. The use of portable filtration devices does not decrease the need for mask wearing, physical distancing, sanitation practices, or adequate ventilation.
- Portable air cleaners are particularly relevant for rooms without natural ventilation (openable windows) and for higher risk environments (e.g., nurses’ station, isolation rooms) but can be considered for any other areas where there is heightened concern.
- Recommendations for School Classrooms That Have Mechanical Ventilation
 - Evaluate systems to ensure the mechanical ventilation system is working properly, code compliant, and optimized according to these guidelines:
 - Be sure diffusers, exhausts, and unit vents are not blocked or obstructed by cabinets, books, or other materials.
 - Communicate to staff the importance of not obstructing diffusers and vents or attempting to modify the ventilation controls. For example, not adjusting the thermostat or fans in their respective rooms.

- Have a routine maintenance and inspection schedule and strictly adhere to it.
- Increase ventilation by increasing outdoor air and decreasing recirculated air as much as possible.
- Run the HVAC system a minimum of one week prior to reopening.
- Suspend the use of demand control ventilation, systems that shut down the percentage of fresh air under certain conditions automatically, unless doing so will degrade indoor air quality.
- Keep systems running longer on school days, 24/7 if possible.
 - Keep bathroom exhaust systems running 24/7.
 - Flush building air at least two hours prior to and one hour after occupancy.
- Where increased mechanical ventilation is not possible, consider opening windows and doors while also maintaining health and safety protocols (e.g., risk of falling, security risk, increase asthma triggers).
- With increased cleaning activities, ensure that there is adequate ventilation when cleaners and disinfectants are used to prevent students or staff from inhaling irritating fumes.
- Filtration of centralized HVAC systems:
 - Check and replace existing unit air filters as per manufacturers' instructions.
 - Optimize filtration by upgrading to a filter with a minimal efficiency rating value (MERV) of MERV 13, or the highest rating compatible with existing equipment.
- Recommendations for Classrooms That Do Not Have Mechanical Ventilation
 - Open windows and doors to maximize fresh air flow through the classroom.
 - Consider the use of window and box fans to cross ventilate rooms to exhaust stale room air. Keep in mind any health, safety, and security concerns with open windows and doors.
 - If a room has a window air conditioner, the outdoor air setting, rather than the recirculate setting, should be used (if the unit offers that option).
 - For air filtration in areas lacking central HVAC, use a portable air cleaner
 - Portable air cleaners are a supplement and cannot replace outdoor air ventilation and filtration.
 - Only use one air cleaner per room.
 - Only use these devices for single rooms with closed door and windows, as the devices are not designed to filter larger volumes of air.

- These devices are best considered where outdoor air ventilation is not adequate (e.g., open windows not possible, or in nurses/isolation areas).
- Be sure the device is sized appropriately with the correct clean air delivery rate (CADR).
- Use the CADR rating of the device for tobacco smoke when comparing air cleaners, as this rating corresponds most closely with airborne viral particle sizes of concern.
- Air cleaners should contain a high-efficiency particulate air filter or MERV 13 or greater filter efficiencies.
- Units that feature ionizers, precipitators, or ozone generators do not provide additional benefit and can generate harmful byproducts.
- MERV13 or HEPA filters should be replaced on the timetable according to manufacturer recommendations.
- Request documentation of particle/viral removal efficacy for any device being considered.
- Confirm the unit can deliver at least two air turnovers per hour for typical school classroom sizes (approx. 400 sq. ft).
- Refer to the Association of Home Appliance Manufacturers (AHAM): <https://www.ahamdir.com/room-air-cleaners/>) and California Air Resources Board (CARB): <https://ww2.arb.ca.gov/our-work/programs/air-cleaners-ozone-products/california-certified-aircleaning-devices>) websites to compare room air cleaners.
- To maximize energy efficiency, consider choosing a unit with an Energy Star certificate.
- Choose a unit with CARB and Underwriter’s Laboratories (UL) certificates.
- Specialized Ventilation Considerations for Nurses Stations and Isolation Rooms ○
Designate one room for short-term isolation of suspected infected persons.
 - Nurses stations and isolation rooms pose higher potential for COVID-19 exposure and so should not mix the air with the remainder of the building. ○ Examine options for maximizing outdoor air ventilation of these areas, including 100% fresh air, and increasing ventilation to 10 air changes per hour.
 - These rooms should be under direct exhaust to the outside to minimize air mixing with other parts of the school.
 - Portable air filtration units should be considered for these areas (see below).
 - For more detailed information please refer to ASHRAE 170 and ASHRAE 2019 handbook (<https://www.ashrae.org/technical-resources/ashrae-handbook-content>).

- Responsible Parties should increase ventilation with outdoor air to the greatest extent possible (e.g., opening windows and doors) while maintaining health and safety protocols.

Common Areas

- Responsible Parties may choose to encourage physical distancing by modifying amenities or areas that do not allow for adequate physical distancing protocols to be followed. If open, Responsible Parties should make hand sanitizer or disinfecting wipes available near such amenities or areas (e.g., vending machines, communal coffee stations).
 - However, Responsible Parties should not provide cleaning and disinfecting supplies to students, particularly younger students, nor should students be present when disinfectants are in use.
- Responsible Parties should put in place practices for adequate physical distancing in small areas, such as restrooms and breakrooms, and should develop signage and systems (e.g., flagging when occupied) to restrict occupancy when physical distancing cannot be maintained in such areas.
- To the extent practical, Responsible Parties may consider staggering schedules for faculty and staff to reduce density and promote physical distancing in enclosed areas (e.g., coffee breaks, meals, and shift starts/stops).

C. Operational Activities

Cohorts

□ Responsible Parties are recommended to cohort students to the extent practicable to limit potential exposure. Refer to Section IA for cohorting recommendations if three feet of physical distance is permitted consistent with this guidance. “Cohorts,” particularly for younger students, are self-contained, pre-assigned groups of students with reasonable group size limits set forth by the school in their plan. Responsible Parties should enact measures to prevent intermingling across cohorts, to the greatest extent possible (e.g., separation by appropriate physical distancing, particular if there are multiple cohorts in one area). Responsible Parties should make reasonable efforts to ensure that cohorts are fixed – meaning contain the same students – for the duration of the school year. Faculty may instruct more than one cohort so long as appropriate physical distancing is maintained.

In-Person Instruction

- While the goal is to return all students to in-person instruction, due to the dynamic nature and risk of community transmission of COVID-19, Responsible Parties should prepare for a combination of inperson instruction and remote learning to facilitate a phased-in approach or hybrid model, which may be necessary at various times throughout the 2020-2021 school year. In such approaches and models, Responsible Parties may use video or

teleconferencing in lieu of in-person gatherings (e.g., classes, office hours), per CDC guidance.

- In cases where in-person instruction is not feasible even with cohorting, phased-in and hybrid models of education will need to consider if certain students will be prioritized for in-person instruction first or more frequently based on educational or other needs (e.g., early grades, students with disabilities, English language learners), and must balance this with equity, capacity, physical distancing, PPE, feasibility, and learning considerations.

If COVID-19 cases develop, Responsible Parties may consider restricting access within school facilities and across school grounds, particularly in affected areas to avoid full school closures. In such instances, Responsible Parties may choose to temporarily move classes where an individual has tested positive for COVID-19 to remote/virtual format until all contacts can be identified, notified, tested, and cleared.

- To maximize in-person instruction, Responsible Parties should consider measures that can be implemented to decrease density and congregation in school facilities and on school grounds, when possible, such as:
 - Finding alternative spaces in the community to allow for more in-person instruction; ○ adjusting class or work hours, where appropriate and possible;
 - limiting in-person presence to only those staff who are necessary to be at the school during normal school hours;
 - maintaining or increasing remote workforce (e.g., administrative staff) to accommodate physical distancing guidelines;
 - staggering schedules and allowing more time between classes to reduce congestion in hallways, walkways, and buildings; and/or
 - shifting design of class schedules to accommodate physical distancing guidelines, including cohorts (e.g., alternative classroom schedules, full-time in-person learning for younger students, and part-time distance learning for older students).

D. Movement and Commerce

Student Drop-Off and Pick-Up

- Responsible Parties should establish designated areas for student drop-off and pick-up, limiting contact and entry of parents/legal guardians into the building, to the greatest extent possible.

Deliveries

- Responsible Parties should establish designated areas for pickups and deliveries, limiting contact to the extent possible.

Faculty/Staff Entrances and Exits

- To the extent feasible, Responsible Parties should limit on-site interactions (e.g., designating separate ingress or egress for faculty and staff, eliminating bidirectional flow of individuals to the extent practicable).

Shared Objects

- Responsible Parties should put in place plans or measures to limit the sharing of objects, such as lockers, cubbies, laptops, notebooks, touchscreens, writing utensils, chalk and dry erase boards, musical instruments, tools, and toys, as well as the touching of shared surfaces, such as conference tables and desks; or require students, faculty, and staff to perform hand hygiene before and after contact.

II. PLACES

A. Personal Protective Equipment

- Masks should have at least two layers of material (e.g. 2-ply). Acceptable masks for COVID-19 include but are not limited to cloth-based masks (e.g., homemade sewn, quick cut, and surgical masks that cover both the mouth and nose). Face shields worn without other masks are not considered adequate protection or source control against COVID-19 and should not be used.
 - Responsible Parties and faculty may use alternate PPE (i.e., masks that are transparent at or around the mouth) for instruction or interventions that require visualization of the movement of the lips and/or mouths (e.g., speech therapy). These alternate masks may also be used for certain students (e.g., hearing impaired) who benefit from being able to see more of the face of the faculty or staff member.
- However, cloth-based masks or disposable masks shall not be considered acceptable masks for workplace activities that require a higher degree of protection for PPE due to the nature of the work. For those types of activities, N-95 respirators or other PPE used under existing industry standards should continue to be used, in accordance with [OSHA guidelines](#).
- In addition to the necessary PPE as required for certain workplace activities, Responsible Parties must procure, fashion, or otherwise obtain acceptable masks and provide such masks to their faculty and staff who directly interact with students or members of the public while at work at no cost to the faculty or staff member, pursuant to Executive Order 202.16, as amended and extended.
- Responsible Parties should have an adequate supply of masks and other required PPE on hand should faculty or staff need a replacement, or a student be in need.
- Responsible Parties must advise students, faculty, staff, and visitors that they are required to wear masks at all times in indoor school facilities, except when eating.
- Responsible Parties must allow students, faculty, and staff to use their own acceptable masks, but cannot require faculty and staff to supply their own masks. Further, this

guidance shall not prevent employees from wearing their personally owned protective masks (e.g., surgical masks, N-95 respirators,), as long as they adhere to the minimum standards of protection for the specific activity. Responsible Parties may otherwise require employees to wear more protective PPE due to the nature of their work. If applicable, employers should comply with all applicable OSHA standards.

- Responsible Parties may request that students bring their own mask, but may not require it and must procure, fashion, or otherwise obtain acceptable masks and provide such masks to any student who does not have their own, at no cost to the student.
- Masks should be cleaned or replaced after use and must not be shared. Students and parents/legal guardians should take responsibility for maintaining their masks. Please consult CDC [guidance](#) for additional information on cloth masks and other types of PPE, as well as instructions on use and cleaning.

B. Hygiene, Cleaning and Disinfection

Hygiene

- Responsible Parties must ensure adherence to hygiene and cleaning and disinfection requirements as advised by the CDC and DOH. Responsible Parties must maintain logs that include the date, time, and scope of cleaning and disinfection. Responsible Parties must identify cleaning and disinfection frequency for each facility type and assign responsibility. Responsible Parties must oversee the regular cleaning of frequently touched surfaces (e.g., toys, door handles, sink handles, toilets, drinking fountains) within the school and on school buses at least daily or between use as much as possible.
- Responsible Parties must train all students, faculty, and staff on proper hand and respiratory hygiene, and should provide information to parents and/or legal guardians on ways to reinforce this at home.
 - Responsible parties must teach and reinforce handwashing with soap and water for at least 20 seconds.

Responsible parties must encourage teachers, staff, and students to cover coughs and sneezes with a tissue, dispose of used tissues immediately, and wash their hands with soap and water for at least 20 seconds.
- Responsible Parties must provide and maintain hand hygiene stations around the school, as follows:
 - For handwashing: soap, running warm water, and disposable paper towels.
 - For hand sanitizing: an alcohol-based hand sanitizer containing at least 60% alcohol for areas where handwashing facilities may not be available or practical.

- School medical or health directors should approve and permit the use of alcohol-based hand sanitizers in school facilities without individual’s physician orders as alcohol-based hand sanitizers are considered over-the-counter drugs. Student use of alcohol-based hand sanitizers should always be supervised by adults to minimize accidental ingestion and promote safe usage; supervision is required for elementary school students.
Parents/guardians can inform the school that they do not want their child to use alcohol based hand sanitizers by sending a written notice to the school. Schools must provide accommodations for students who cannot use hand sanitizer, to allow for their use of handwashing stations.
- Make hand sanitizer available throughout common areas. It should be placed in convenient locations, such as at building, classroom, and cafeteria entrances and exits. Touch-free hand sanitizer dispensers should be installed where possible.
 - Responsible Parties should place signage near hand sanitizer stations indicating that visibly soiled hands should be washed with soap and water; hand sanitizer is not effective on visibly soiled hands.
 - Responsible Parties should remind individuals that alcohol-based hand sanitizers can be flammable and may not be suitable for certain areas in school facilities and on school grounds.
- Responsible Parties should place receptacles around the school for disposal of soiled items, including paper towels and PPE.
- Responsible Parties should make hand sanitizer and disinfecting wipes available near shared amenities. Sanitizer should be an alcohol-based hand sanitizer containing at least 60% alcohol for areas where handwashing facilities may not be available or practical.
- Hand sanitizer should be placed in convenient locations, such as at building, classroom, and cafeteria entrances and exits. Touch-free hand sanitizer dispensers should be installed where possible.

Cleaning and Disinfection

- Responsible Parties should ensure that cleaning and disinfection are the primary responsibility of the school’s custodial staff. However, Responsible Parties may also choose to provide appropriate cleaning and disinfection supplies to faculty and staff for shared and frequently touched surfaces:
 - Consider providing disposable wipes to faculty and staff so that commonly used surfaces (e.g., keyboards, desks, remote controls) can be wiped down before and/or after use, followed by hand hygiene.
 - To reduce high-touch surfaces, Responsible Parties should install touch-free amenities, such as water-bottle refilling stations, trash receptacles and paper towel dispensers, where feasible. ○ If installing touch-free amenities is not feasible, Responsible Parties

should, at a minimum, make hand sanitizer available near high-touch surfaces (e.g., trash receptacles, paper towel dispensers).

- Responsible Parties should consider closing water drinking fountains (unless they are configured as a bottle refilling station) and encourage students, faculty, and staff to bring their own water bottles or use disposable cups.
- Responsible Parties must adhere to and promote hygiene, cleaning, and disinfection guidance set forth by the Department and CDC.
- There are two scenarios that require cleaning and disinfecting multiple times per day:
 - High risk areas including health offices, classrooms, lunchrooms/dining rooms, athletic rooms, bathrooms, and high traffic areas. Responsible parties must establish procedures for surfaces that must be sanitized after use, such as gym mats, health office cots, and lunch/dining tables.
 - High touch surfaces including lunch tables, desks and chairs, light switches, handrails, door handles/push plates, faucets, equipment handles and buttons, shared equipment and electronics, bus seats, and handrails.
- Responsible Parties must conduct regular cleaning and disinfection of the facilities and more frequent cleaning and disinfection for high-risk areas used by many individuals and for frequently touched surfaces, including desks and cafeteria tables which should be cleaned and disinfected between each individual's use, if shared. If cohorts are used, cleaning and disinfection may take place between each cohort's use rather than each individual. Cleaning and disinfection must be rigorous and ongoing and should occur at least daily, or more frequently as needed. Please refer to CDC's "[Cleaning and Disinfecting Your Facility](#)" and "[Cleaning, Disinfecting, and Hand Hygiene: A Toolkit for School Administrators](#)" for detailed instructions on how to clean and disinfect facilities.
 - Responsible Parties must ensure regular cleaning and disinfection of restrooms. Restrooms should be cleaned and disinfected more often depending on frequency of use.
 - Responsible Parties should ensure that materials and tools used by employees are regularly cleaned and disinfected using registered disinfectants. Refer to the Department of Environmental Conservation (DEC) [list of products](#) registered in New York State and identified by the EPA as effective against COVID-19.
 - ☐ If cleaning or disinfection products or the act of cleaning and disinfection causes safety hazards or degrades the material or machinery, Responsible Parties must put in place hand hygiene stations between use and/or supply disposable gloves and/or limitations on the number of employees using such machinery.

Implement best practices to implement in residential, shared (i.e., communal) bathrooms include (e.g. use of touch-free paper towel dispensers in lieu of air dryers).

- Responsible Parties must ensure physical distancing rules are adhered to by using signage, occupied markers, or other methods to reduce restroom occupancy at any given time, where feasible.

Cleaning and Disinfection Following Suspected or Confirmed COVID-19 Case

- Responsible Parties must provide for the cleaning and disinfection of exposed areas in the event an individual is confirmed to have COVID-19, with such cleaning and disinfection to include, at a minimum, all heavy transit areas and high-touch surfaces.
- Responsible Parties are expected to follow CDC guidelines on [“Cleaning and Disinfecting Your Facility,”](#) if someone is suspected or confirmed to have COVID-19:
 - Close off areas used by the person who is suspected or confirmed to have COVID-19.
 - Responsible Parties do not necessarily need to close operations, if they can close off the affected areas (e.g., classroom, restroom, hallway), but they should consult with local health departments in development of their protocols.

Open outside doors and windows to increase air circulation in the area.

- Wait 24 hours before you clean and disinfect, unless waiting 24 hours is not feasible, in which case, wait as long as possible.
- Clean and disinfect all areas used by the person suspected or confirmed to have COVID-19, such as offices, classrooms, bathrooms, lockers, and common areas.
- Restrict access to any area where someone with confirmed or suspected COVID-19 was present until the area is cleaned and disinfected.
- Once the area has been appropriately cleaned and disinfected, it can be reopened for use.
 - Individuals without close or proximate contact with the person suspected or confirmed to have COVID-19 can return to the area and resume school activities immediately after cleaning and disinfection.
- If more than seven days have passed since the person who is suspected or confirmed to have COVID-19 visited or used the facility, additional cleaning and disinfection is not necessary, but routine cleaning and disinfection should continue.

C. Coordination and Phased Reopening

- Responsible Parties must designate a COVID-19 safety coordinator whose responsibilities include continuous compliance with all aspects of the school’s reopening plan, as well as any phased-in reopening activities necessary to allow for operational issues to be resolved before activities return to normal or “new normal” levels.

D. Communications Plan

- Responsible Parties must engage with school stakeholders and community members (e.g., administrators, faculty, staff, students, parents/legal guardians of students, local health

departments, local health care providers, and affiliated organizations, such as unions, alumni, and/or community based groups) when developing or updating reopening plans. Plans for reopening should identify the groups of people involved and keep them engaged throughout the planning process.

- Responsible Parties must develop a communications plan for students, parents or legal guardians of students, staff, and visitors that includes applicable instructions, training, signage, and a consistent means to provide individuals with information. Responsible Parties may consider developing webpages, text, and email groups, and/or social media groups or posts.
- Responsible Parties must ensure all students are taught or trained how to follow COVID-19 protocols safely and correctly, including but not limited to hand hygiene, proper mask wearing, physical distancing, and respiratory hygiene.
- Responsible Parties must encourage all students, faculty, staff, and visitors through verbal and written communication (e.g., signage) to adhere to CDC and DOH guidance regarding the use of PPE as appropriate, specifically acceptable masks.
- Responsible Parties should designate a coordinator or other point(s)-of-contact to be the main contact upon the identification of positive COVID-19 cases and to be responsible for subsequent communication. Coordinators should be responsible for answering questions from students, faculty, staff, and parents or legal guardians of students regarding the COVID-19 public health emergency and plans implemented by the school.
 - o Coordinators should also work closely with local health departments and other schools to monitor public health conditions and jointly develop monitoring strategies.

E. Residential Living Considerations

- For K-12 schools with students who reside on campus, Responsible Parties must consider the following as they develop their plans:
 - o Residence halls: Plans should include protocols for capacity limits, enhanced cleaning and disinfection, appropriate physical distancing as defined in this document, use of acceptable masks in indoor common areas, restrictions on non-essential gatherings and activities, limited access by students to other residential facilities (e.g., dormitories), restrictions of visitors, special housing considerations for students who are immunocompromised or who have an underlying health condition, separate living spaces for persons undergoing isolation or quarantine, and a modified set of rules for students to follow;
 - o Residential testing: Plan for screening all students and faculty upon return, and to ensure diagnostic testing for any students or faculty members who screen positive for potential COVID19 infection upon return, especially including any individuals with recent international travel, as identified in the [New York State Travel Advisory](#);
 - o Residential isolation and quarantine: Isolation or quarantine of individuals residing on school grounds may become necessary and schools should develop plans, in

consultation with the local health department, that specify where individuals will be residing (e.g., dedicated residence hall, hotel, home) and the support system that will be implemented to meet daily needs (e.g., food, medication, psychosocial, academic and/or other support) throughout the duration of their isolation or quarantine. Plans should include measures to monitor and provide medical care and other health services to students who test positive and are in isolation, need more advanced medical care, or who are awaiting test results; and

- Residence move-out: Plans need to be put in place for how students should safely depart residence halls in the event of a closure. Schools should consider policies for students who may not be able to depart campus quickly (e.g. international students).

III. PROCESSES

A. Screening and Testing

Health Screening and Temperature Checks

- Responsible Parties must implement mandatory health screenings, including temperature checks, of students, faculty, staff, and, where applicable, contractors, vendors, and visitors to identify any individuals who may have COVID-19 or who may have been exposed to the COVID-19 virus.
 - Temperature checks should be conducted per U.S. Equal Employment Opportunity Commission or DOH guidelines. Specifically, all individuals must have their temperature checked each day – ideally, at home, prior to departing to school – before entering any school facility. If an individual presents a temperature of greater than 100.0°F, the individual must be denied entry into the facility, or sent directly to a dedicated area prior to being picked up or otherwise sent home. ○ Responsible Parties must also use a daily screening questionnaire for faculty and staff reporting to school; and periodically use a questionnaire for students, particularly younger students, who may require the assistance of their parent/legal guardian to answer.
 - Responsible Parties are prohibited from keeping records of student, faculty, staff, and visitor health data (e.g., the specific temperature data of an individual), but are permitted to maintain records that confirm individuals were screened and the result of such screening (e.g., pass/fail, cleared/not cleared).

Screening is strongly recommended to be conducted remotely (e.g. by electronic survey, digital application, or telephone, which may involve the parent/legal guardian), before the individual reports to school, to the extent possible; or may be performed on site at the school.

- Remote screening should be coordinated to identify individuals who should not go to school and should be referred to their health care provider for further evaluation and COVID-19 testing.
- On-site screening should be coordinated in a manner that prevents individuals from intermingling in close or proximate contact with each other prior to completion of the screening.
- Screening for all students, faculty, staff, and, where practicable, visitors, contractors, and vendors, must be completed using a questionnaire that determines whether the individual has:
 - (a) knowingly been in close or proximate contact in the past 10 days with anyone who has tested positive through a diagnostic test for COVID-19 or who has or had symptoms of COVID-19;
 - (b) tested positive through a diagnostic test for COVID-19 in the past 10 days;
 - (c) has experienced any symptoms of COVID-19, including a temperature of greater than 100.0°F, in the past 10 days; and/or
 - (d) has traveled internationally per the [New York State Travel Advisory](#) in the past 10 days.
- As able, Responsible Parties should consider implementing health screening practices for unscheduled visitors (e.g., members of the public allowed to use school grounds).
- Refer to CDC guidance on "[Symptoms of Coronavirus](#)" for the most up to date information on symptoms associated with COVID-19.
 - Please note that the manifestation of COVID-19 in children, although similar, is not always the same as that for adults. Children may be less likely to present with fever as an initial symptom, and may only have gastrointestinal tract symptoms, which should be taken into consideration during the screening process. Schools should also consider reminding parents/guardians that students may not attend school if they have had a temperature of greater than 100.0°F at any time in the past 10 days, even if a fever-reducing medication was administered and the student no longer has a fever.
- Responsible Parties should remain aware that quarantine of students, faculty, or staff may be necessary based on current guidance and/or executive orders.

Diagnostic and Screening Testing

- Any member of the school community who is experiencing COVID-19 symptoms, is a direct contact of a person identified as having COVID-19 or has been otherwise exposed to COVID-19 should immediately seek diagnostic testing. Schools should make sure families without regular access to healthcare know where in the community to find testing if needed. All schools are reminded that the requirement to submit daily to the NYS COVID-19 Report Card remains.

- CDC recommends screening testing based on feasibility and community transmission levels. Schools should follow CDC guidelines when implementing testing plans. Please refer to Table 4 in the CDC guidance for more detail. **Responsible Parties moving to physical distancing of less than six feet should strongly consider implementing screening testing protocols to ensure monitoring.** Additional guidance regarding testing supply support will be forthcoming.

Positive Screen Protocols

- Any individual who screens positive for COVID-19 exposure or symptoms, if screened at the school, must be immediately sent home with instructions to contact their health care provider for assessment and testing.
 - Students who are being sent home because of a positive screen (e.g., onset of COVID-19 symptoms) must be immediately separated from other students and supervised until their parent/legal guardian or emergency contact can retrieve them from school.
 - Responsible Parties should provide such individuals with information on health care and testing resources, if applicable.
 - Responsible Parties must immediately notify the state and local health department about the case if diagnostic test results are positive for COVID-19.
 - Asymptomatic individuals who are fully vaccinated or have recovered from laboratory confirmed COVID-19 in the previous 3 months who screen positive for COVID-19 exposure may remain at school.
 - Anyone with symptoms must be immediately sent home with instructions to contact their health care provider for assessment and testing irrespective of vaccination status or previous COVID-19 infection.
- Responsible Parties must require individuals to immediately disclose if and when their responses to any of the aforementioned questions changes, such as if they begin to experience symptoms, including during or outside of school hours.
- Responsible Parties must establish policies, in consultation with the local health department(s), about the requirements for determining when individuals, particularly students, who screened positive for COVID-19 symptoms can return to the in-person learning environment. This returning to learning protocol must include at minimum documentation from a health care provider evaluation, negative COVID-19 testing, and symptom resolution, or if COVID-19 positive, release from isolation.
- Responsible Parties must designate a central point of contact(s), which may vary by activity, location, shift or day, responsible for receiving and attesting to having reviewed all screening activities, with such contact(s) also identified as the party for individuals to inform if they later experience COVID-19-related symptoms or COVID-19 exposure, as noted on the questionnaire.

In-Person Screening

- Responsible Parties must ensure that any personnel performing in-person screening activities, including temperature checks, are appropriately protected from exposure to potentially infectious individuals entering the facilities. Personnel performing screening activities should be trained by employer-identified individuals who are familiar with CDC, DOH, and OSHA protocols.
- Screeners should be provided and use PPE, which includes at a minimum, an acceptable mask, and may also include gloves, a gown, and/or a face shield.

B. School Health Offices

- Responsible Parties may consider developing testing systems in school facilities or self-testing systems in collaboration with local health departments or local health care providers, as able.
- Responsible Parties must develop protocols for caring for a student, faculty, or staff member who develops COVID-19 symptoms during the school day. These protocols must include:
 - Identification of a dedicated area to separate students, faculty, or staff with symptoms of COVID19 from others until they can go home or to a health care facility, depending on severity of illness;

Plans to ensure that symptomatic students who are waiting to be picked up remain under the visual supervision of a staff member who is physically distanced;
 - PPE requirements for school health office staff caring for sick individuals, which must include both standard and transmission-based precautions. In areas with moderate to substantial community transmission, eye protection (i.e., goggles or face shield) should be added. When caring for a suspect or confirmed individual with COVID-19, gloves, a gown, and a fit-tested N-95 respirator should be used, if available (or surgical face mask and face shield, if not available), as well as eye protection. Please consult CDC guidance for additional information; and
 - Required guidelines for cleaning and disinfection.
- Responsible Parties must develop protocols for asthma-related acute respiratory treatment care using up to date standard of care:
 - Nebulizer treatments and suctioning are identified by the CDC as aerosol-generating procedures requiring a N-95 mask fitted to the healthcare worker;
 - Consult with students' healthcare providers for alternate asthma medication delivery systems; and
 - Consult with school maintenance and facilities department for environmental controls.

C. Tracing and Tracking

Metrics

- Responsible Parties may identify clearly defined measures that will serve as warning signs that the level of COVID-19 transmission may be increasing in the school setting beyond an acceptable level, as defined by state and local health departments.
- Responsible Parties must include a process in their plan if/when COVID-19 cases are discovered at school, including closing areas or classes where individuals were infected or more broadly the entire school in consultation with the local health department.
- Responsible Parties may choose to modify operations prior to instituting school-wide closures to help mitigate a rise in cases.

Indicators of Community Transmission

- CDC recommends that public health officials and school administrators consider the total new cases per 100,000 persons in the community within the preceding 7 days and the percentage of molecular tests that are positive within the preceding 7 days when making decisions about physical distancing. Levels of community transmission defined as total new cases per 100,000 persons in the past 7 days (low, 0-9; moderate, 10-49; substantial, 50-99; high, ≥ 100) and percentage of positive tests in the past 7 days (low, $< 5\%$; moderate, 5-7.9%; substantial, 8-9.9%; high, $\geq 10\%$).
- Localities can refer to the CDC's [COVID-19 Integrated County View](#) for county indicators. In addition, NYS publishes near real-time COVID-19 data on the [NYSDOH COVID-19 Tracker](#).

Notification

- Responsible Parties must notify the state and local health department immediately upon being informed of any positive COVID-19 diagnostic test result by an individual in school facilities or on school grounds, including students, faculty, staff, and visitors.

Tracing Support

- In the case of an individual testing positive, Responsible Parties must develop plans to support local health departments in tracing all contacts of the individual, in accordance with the protocols, training, and tools provided through the [New York State Contact Tracing Program](#). Confidentiality must be maintained as required by federal and state law and regulations. Responsible Parties must cooperate with state and local health department contact tracing, isolation, and quarantine efforts.
- If feasible, Responsible Parties may offer optional tracing and tracking technology (e.g., mobile applications) to streamline contact tracing and communication process among their students, faculty, staff, parents/legal guardians of students, and community.
- Responsible Parties should partner with local health departments to train faculty and staff to undertake contact tracing efforts for populations in school facilities and on school grounds, where feasible.

Quarantine, Isolation, and Return to School

- State and local health departments will implement monitoring and movement restrictions of COVID-19 infected or exposed persons, including isolation or quarantine.

- Responsible Parties must ensure that reporting plans are in place for individuals who are alerted that they have come into close or proximate contact with a person with COVID-19, and have been alerted to such exposure via tracing, tracking or other mechanism.
- Responsible Parties are subject to DOH guidance regarding protocols and policies for faculty and staff seeking to return to work after a suspected or confirmed case of COVID-19 or after the faculty or staff member had close or proximate contact with a person with COVID-19.

IV. SCHOOL COVID-19 Report Card

All public and private (both secular and non-secular) elementary (including pre-kindergarten), middle, and high schools as well as boards of cooperative educational services (BOCES), charter schools, and private schools are required to report to the [COVID-19 Report Card](#) each operational day. COVID-19 positive data reported on this site includes students, teachers and staff enrolled in the school district onsite and off-site. This information is either shared by the parent/guardian of the student, notified by teachers and other staff, or communicated by the local health department.

V. SCHOOL PLANS

All plans should continue to reflect engagement with school stakeholders and community members (e.g., administrators, faculty, staff, students, parents/legal guardians of students, local health care providers, and affiliated organizations, such as unions, alumni, and/or community-based groups), particularly local health department(s), and, in accordance with the minimum requirements referenced herein, cover: (1) reopening of school facilities for in-person instruction, (2) monitoring of health conditions, (3) containment of potential transmission of the 2019 novel coronavirus, and (4) closure of school facilities and in-person instruction, if necessitated by widespread virus transmission.

Responsible Parties must conspicuously post completed reopening plans at the school and on their website for faculty, staff, students, and parents and legal guardians of students to access.

The NYS Department of Health does not review or approve revisions to school reopening plans, however plans must at all times be consistent with NYS DOH guidance. Modified plans must be posted online as well as submitted to the New York State Education Department and the Local Health Department. Local Health Departments are the entity charged with enforcement of these minimum guidelines.

Additional safety information, guidelines, and resources are available at:

New York State Department of Health Novel Coronavirus (COVID-19) Website
<https://coronavirus.health.ny.gov/>

New York State Education Department Coronavirus (COVID-19) Website
<http://www.nysed.gov/coronavirus>

Centers for Disease Control and Prevention Coronavirus (COVID-19) Website
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Occupational Safety and Health Administration COVID-19 Website
<https://www.osha.gov/SLTC/covid-19/>

APPENDIX C – NYSED INSTRUCTIONAL MODE AND ATTENDANCE REPORTING MEMO

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK
ALBANY, NY 12234

December 1, 2020

TO: BOCES District Superintendents School
District Superintendents
School District State Aid Designees
Regional Information Center Directors
Charter School Leaders
Data Warehouse Project Managers

FROM: Kim Wilkins, Deputy Commissioner for P-12 Instructional Support
Marybeth Casey, Assistant Commissioner for Curriculum and Early Learning
Brian S. Cechnicki, Director of Education Finance
David Frank, Executive Director of Educational Innovation and Strategic Initiatives
Jason Harmon, Assistant Commissioner, Office of Accountability
Rose LeRoy, Director of Educational Data and Research, Office of Information and Reporting Systems
Phyllis D. Morris, Chief Financial Officer

RE: Recording and Reporting Attendance and Hours of Instruction for In-Person and Remote Instruction in the 2020-21 School Year

This memorandum provides important information regarding the provision, recording, and reporting of both in-person and remote instruction pursuant to the reopening plans required of school districts, BOCES, and charter schools (collectively referred to in this memorandum as “reporting entities”) to NYSED. All reporting requirements and additional clarification contained in this memorandum apply to the beginning of the 2020-21 school year in September 2020 and are supplemental to previous directives issued by NYSED.

A summary of the flexibility available in and changes to reporting requirement for the 2020-21 school year is provided below. Attachment 1 provides additional detailed information that should be shared with staff who are responsible for issues pertaining to student attendance, scheduling, and State aid:

- **Provision of Instruction:** For the 2020-21 school year, reporting entities are required to provide options for both in-person and remote learning, particularly in situations where a school building may be required to close.
- **Supplemental School Reopening Information:** In December, NYSED will be distributing a supplemental reopening schedule form for all reporting entities to report their current schedules for the school year, noting the clock hours dedicated to in-person and synchronous remote instruction in a typical week (i.e., one without holidays or standalone conference days), and the expected amount of student self-work during periods of asynchronous instruction for all grade levels in all school buildings. Please note that this survey is required and will be public information.
- **Reporting In-person and Remote Attendance:** For the purpose of collecting and reporting daily student-level attendance of students in different learning modalities, NYSED will introduce new reporting requirements to record attendance used beginning with September of the 2020-21 school year. Reporting entities will now have to report to NYSED for each enrolled student for each day whether the student was present or absent. All student level attendance data are to be reported daily throughout the school year. The reporting entity must be prepared to report the attendance (both positive and negative attendance) by instructional modality (in-person, remote or both on the same day).
- **Recording In-person and Remote Instruction for State Aid Purposes:** Districts are responsible for developing a mechanism to collect and report daily teacher/student engagement or attendance regardless of the instructional setting. For state aid purposes for school districts only, NYSED will continue to use the calendar spreadsheet and SAMS 180-day form process for the 2020-21 school year, which districts are to complete in Summer 2021. The Office of State Aid will provide more detailed instructions later in the school year.
- **Conversion of Snow Days into Remote Instruction (School Districts):** As part of NYSED's ongoing efforts to provide districts with flexibility in meeting local needs during the pandemic, NYSED has established a one-year pilot to enable school districts, at district option and consistent with each district's reopening educational plan, to pivot to remote instruction to provide continuity of instruction on what would otherwise be a day of school closure due to a snow and other weather and non-weather emergencies. In order to count such day as a day of instruction, the district must provide remote instruction to all enrolled students, including those who may have been scheduled to attend in person instruction on that day. Districts electing to exercise this option are considered to be in session and must continue to provide transportation and other required services to charter and nonpublic schools on such days if such schools remain open.
- **Minimum Instructional Time Waivers for the 2020-21 School Year (School Districts):** The Board of Regents has adopted a regulation permitting districts to

seek a waiver of the instructional hour requirement normally in place. While the regulation gives flexibility to districts/schools to create schedules that meet their community's needs while ensuring the health and safety of their students and staff, it is still the expectation of NYSED that districts make every effort to create a plan to meet the 900-990-hour requirement. School districts may have already applied waivers for either or both years in the 2020-21 SAMS forms due on September 2, 2020. Districts that did not apply will have an additional opportunity to apply for the 2020-21 school year in the 2021-22 SAMS form set.

Next Steps and Additional Information

- December 2020: Supplemental reopening schedule form will be distributed to all school districts via SED Monitoring;
- August 2021: 2020-21 School Year Form A and 180-Day Calendar SAMS forms available (due September 2, 2021)
- For questions about calendar spreadsheet submissions and the snow day pilot, please contact 180days@nysed.gov
- For questions about reporting data in SIRS please contact the Office of Information and Reporting Services at 518-474-7965 or [Data Support](#)

Enclosure

Attachment 1

Recording and Reporting Attendance and Hours of Instruction for In-Person and Remote Instruction in the 2020-21 School Year

With the school year underway, and both the state and districts experiencing new challenges in educating students during the COVID-19 public health crisis, the New York State Education Department (NYSED or “the Department”) understands that districts are implementing their reopening plans with all possible fidelity so as to maintain robust educational programs. With these challenges comes a need for better understanding among school and district leaders of state and local roles and responsibilities in maintaining attendance records of students.

To that end, this memorandum provides additional clarification regarding the provision, recording, and reporting of both in-person and remote instruction pursuant to the reopening plans required of school districts, BOCES, and charter schools (collectively referred to in this memorandum as “reporting entities”) to the Department. All reporting requirements and additional clarification contained in this memorandum apply to the beginning of the 2020-21 school year in September 2020 and are supplemental to previous directives issued by NYSED.

For the 2020-21 school year, reporting entities are required to provide options for both in-person and remote learning, particularly in situations where a school building may be required to close. While in-person instruction will largely follow the program and reporting requirements that have been in place in prior years, the option to provide remote instruction, both synchronous and asynchronous, requires the Department to provide further clarification regarding the recording and reporting of such instruction.

The table below summarizes the definitions of each type of instruction and provides a few examples.

Instruction Type	In-Person Instruction	Synchronous Remote Instruction	A-Synchronous Remote Instruction
Description	Student is present in the building to receive instruction	Student is NOT present in the building and receives instruction in real time from a teacher present by video or audio.	Student is NOT present in the building and is engaged in learning experiences planned and supported by a teacher that may be done at any time during the day.
Examples	Student attends school in person and is assigned to a teacher for instruction	Teacher live streams a lesson in which the student participates in real time. There is two-way interaction	Teacher pre-records a lesson video and assigns activities to be completed by a due date/time. Teacher offers support or

		<p>between students and teacher</p> <p>Teacher schedules a conference call with a group of students to teach a lesson or engage in other instructional activities</p>	<p>feedback by video, audio or email or text</p> <p>Teacher plans an instructional activity packet. The activity is delivered to the student to complete at home and return to the teacher, who provides the student feedback in writing, by phone or email</p> <p>Following best practices, allotted time on task, including material review and self-work, should be comparable to instruction provided in a face-to-face setting</p>
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Supplemental School Reopening Information

In December, the Department will be distributing a supplemental reopening schedule form for all reporting entities to report their current schedules for the school year, noting the clock hours dedicated to in-person and synchronous remote instruction in a typical week (i.e., one without holidays or standalone conference days), and the expected amount of student self-work during periods of asynchronous instruction for all grade levels in all school buildings. Please note that this survey is required and will be public information.

Below is an example of the type of information that will be collected (final format to be determined):

Modality	Monday	Tuesday	Wednesday	Thursday	Friday
In-Person and Synchronous Remote	8AM-3PM (7 hours; 6 instructional hours)	8AM-3PM (7 hours; 6 instructional hours)	None	8AM-3PM (7 hours; 6 instructional hours)	8AM-3PM (7 hours; 6 instructional hours)
Asynchronous Remote	None	None	4 hours	None	None

It is incumbent upon each reporting entity to maximize the instruction provided to enrolled students, especially in this challenging time. Commissioner's regulations require districts and schools to provide 900 hours of instruction for students in grades K-6 and 990 hours of instruction for students in 7-12, regardless of the modality (i.e., in-person, synchronous remote or asynchronous remote) by which such instruction is provided. Charter schools are required to provide at least as much instruction time during a school year as required of other public schools but may be required to provide additional instructional time pursuant to the school's charter.

Instructional experiences are not defined solely as a student's time spent in front of a teacher or in front of a screen, but time engaged in standards-based learning under the guidance and direction of a teacher. These experiences might include, but are not limited to: completing online modules or tasks; viewing instructional videos; responding to posts or instructor questions; engaging with other class participants in an online or phone discussion; conducting research; doing projects; or meeting with an instructor face to face, via an online platform or by phone. Schools must ensure that the learning is supported, and students have access to assistance from a qualified teacher when they need it.

While the Commissioner's regulations provide flexibility and have been temporarily amended to allow for a waiver for districts that are unable to meet the minimum requirement, districts should make every attempt to provide that amount of instruction through the experiences noted above. In preparing to respond to the Department's supplemental form, districts should consider whether their current reopening plan maximizes the amount of student instructional time and experiences as much as possible.

Reporting In-person and Remote Attendance

State Education law and Commissioner's regulations require the collection and reporting of daily student attendance. Since the reopening plans completed by reporting entities include varying combinations of instructional modalities, the Department is working to develop a method for reporting entities to collect and report to the Department daily student attendance based upon whether students receive instruction in-person or remotely. The Department will continue to use the existing Day Calendar Type codes for instructional and non-instructional days for day calendar reporting in the Student Information and Repository System (SIRS).

For the purpose of collecting and reporting daily student-level attendance of students in different learning modalities, the Department will introduce new reporting requirements to be used beginning with the 2020-21 school year. Reporting entities will now have to report to the Department for each enrolled student for each day whether the student was present or absent. All student level attendance data are to be reported daily throughout the school year.

Pursuant to NYSED reopening plan requirements, reporting entities are to collect and maintain accurate daily student attendance records for all students regardless of whether a student is

receiving in person instruction, remote instruction, or both on the same day. The reporting entity must be prepared to report the attendance (both positive and negative attendance) by instructional modality (in-person, remote or both on the same day). Your documentation must include:

- Positive and negative attendance at the student level for in-person instruction: Present, Excused, Unexcused, Tardy, Out of School Suspension (OSS) and In School Suspension (ISS)
- Positive and negative attendance at the student level for remote instruction: Present, Excused, Unexcused, Tardy, Out of School Suspension (OSS) and In School Suspension (ISS).
- Positive and negative attendance at the student level for in-person and remote instruction on the same day: Present, Excused, Unexcused, Tardy, Out of School Suspension (OSS) and In School Suspension (ISS).

As with all data reported in SIRS, the Department will use individual student-level attendance as reported by the reporting entity for all State and federal reporting, including but not limited to the calculation and reporting of student attendance rate, chronic absenteeism, and suspension rates.

Recording In-person and Remote Instruction for State Aid Purposes

As noted in “Recovering, Rebuilding, and Renewing: The Spirit of New York’s Schools,” districts are responsible for developing a mechanism to collect and report daily teacher/student engagement or attendance regardless of the instructional setting. While districts are maintaining those records, the Department is noting that it may collect any or all of the information in the paragraph below for state aid purposes for the 2020-21 school year. The Office of State Aid will provide more detailed instructions later in the school year. School superintendents will be required, as always, to certify the accuracy of this reporting when submitting their district’s state aid forms.

For state aid purposes for school districts only, the Department will continue to use the calendar spreadsheet and SAMS 180-day form process for the 2020-21 school year, which districts are to complete in Summer 2021. Districts should maintain accurate records of the following information:

- The in-person instructional hours, using the “traditional” spreadsheet and existing regulatory guidance;
- The estimated number of daily hours of synchronous remote instructional hours, where students are directly engaged in learning with a teacher present by video or audio, including if such instruction differs from in-person as described above and allowing for remote snow days as described below;
- The estimated number of daily hours of asynchronous remote instructional time, where a student is engaged in learning activities planned and supported by a teacher but without a teacher present;

- The estimated percent of students in in-person, synchronous remote instruction, and asynchronous remote instruction, recognizing these amounts may change over the course of the year;

Conversion of Snow Days into Remote Instruction (School Districts)

As part of the Department’s ongoing efforts to provide districts with flexibility in meeting local needs during the pandemic, the Department has established a one-year pilot to enable school districts, at district option and consistent with each district’s re-opening educational plan, to pivot to remote instruction to provide continuity of instruction on what would otherwise be a day of school closure due to a snow and other weather and non-weather emergencies, including but not limited to floods, tornadoes, and building fires. In order to count such day as a day of instruction, the district must provide remote instruction to all enrolled students, including those who may have been scheduled to attend in person instruction on that day. This pilot is in effect for the 2020-21 school year, after which the Department will review the outcome of the pilot in determining whether to continue this flexibility in subsequent school years.

For school districts with a fully remote instructional model, the conversion of existing snow days may be used so long as the same level of instruction is provided on those snow days as is on standard remote instructional days. This may result in additional flexibility for the district to utilize additional instructional days, beyond the minimum 180-day requirement, for other purposes. Such changes must be consistent with all existing laws and regulations, including the minimum instructional hour requirement, as well as any collective bargaining agreement.

Districts that utilize this option will be required to report the usage of such days as part of the 2021-22 SAMS form process in summer 2021. Additional information on the specific reporting requirements will be available from the Office of State Aid later in the school year.

In accordance with Education Law, districts electing to exercise this option are considered to be in session and must continue to provide transportation and other required services to charter and nonpublic schools on such days if such schools remain open. The required provision of these services may not be waived, and the efficacy and safety of providing them should be a consideration when opting to convert an in-person instructional day to remote instruction due to a weather or other emergency.

Information about transportation services under these conditions may be found at:

- [Information about transportation services for charter schools](#)
- [Information about transportation services for nonpublic schools](#)

Minimum Instructional Time Waivers for the 2020-21 School Year (School Districts)

Understanding that the COVID-19 crisis has placed significant challenges on a school's ability to have all their enrolled students attend in person, the Department has permitted significant flexibility in planning this year's instructional program. Such flexibility allows school districts to provide instruction in person, remotely or with a hybrid combination. In addition, the Board of Regents has adopted a regulation permitting districts to seek a waiver of the instructional hour requirement normally in place. The revised Part 175.5 regulation states:

For the 2019-20 and 2020-21 school years, notwithstanding any other provision of this section to the contrary, any school district may be eligible for a waiver from the annual instructional hour requirement set forth in subdivision (c) of this section if the district is unable to meet such requirement as a result of an Executive Order(s) of the Governor pursuant to the State of emergency declared for the COVID-19 crisis, or pursuant to Education Law §3604(8), as amended by Chapter 107 of the Laws of 2020, or reopening procedures implemented as a result of the COVID-19 crisis, provided that such district meets the requirements outlined in subparagraphs (i), (iii), and (iv) of paragraph (1) of subdivision (m) of this section.

While the regulation gives flexibility to districts/schools to create schedules that meet their community's needs while ensuring the health and safety of their students and staff, it is still the expectation of the Department that districts make every effort to create a plan to meet the 900990-hour requirement, with the understanding that there may be circumstances that could cause a district to be unable to meet the instructional hours requirement. These circumstances could include a rise in COVID-19 cases among the teaching staff that curtail a school's ability to provide instruction in certain grades or subjects, or an inability to secure substitute teachers or support personnel.

School districts may have already applied for either or both years in the 2020-21 SAMS forms due on September 2, 2020. Districts that did not apply will have an additional opportunity to apply for the 2020-21 school year in the 2021-22 SAMS form set.

Next Steps and Additional Information

- December 2020: Supplemental reopening schedule form will be distributed to all school districts via SED Monitoring.
- August 2021: 2020-21 School Year Form A and 180-Day Calendar SAMS forms available (due September 2, 2021).
- For questions about calendar spreadsheet submissions and the snow day pilot, please contact 180days@nysed.gov.
- For questions about reporting data in SIRS please contact the Office of Information and Reporting Services at 518-474-7965 or [Data Support](#).

APPENDIX D – INFORMATION FOR LEAS ON FEDERALLY REQUIRED PLANS FOR ARP ESSER FUNDS

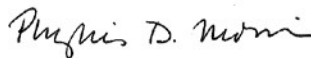
On May 19, 2021, NYSED issued a [memorandum to LEAs on the two federally required ARP ESSER plans](#).

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY
12234

CHIEF FINANCIAL OFFICER
89 Washington Ave., Room 121, EB
Albany, New York 12234

May 19, 2021

TO: BOCES District Superintendents
School District Superintendents
School District Business Officers Charter
School Leaders

FROM: Phyllis D. Morris, Chief Financial Officer 

RE: **Information for Local Educational Agencies (LEAs) on Federally Required Plans for American Rescue Plan (ARP) Elementary and Secondary School Emergency Relief (ESSER) Funds**

The U.S. Department of Education's (USDE's) ARP-ESSER Interim Final Requirements (IFR) require each LEA receiving ARP-ESSER funds to:

1. Develop a plan for the safe return to in-person instruction and continuity of services (as also required by the federal ARP statute); and,
2. Develop a plan for the use of ARP-ESSER funds.

LEA Plan for Safe Return to In-Person Instruction and Continuity of Services

NYSED will permit previously developed LEA re-opening plans to satisfy the ARP statutory requirement for the safe return to in-person instruction and continuity of services. LEAs must make any necessary updates to existing plans to conform with the USDE requirements within 30 days of receipt of ARP-ESSER funds and to review (and revise if appropriate) plans every six months thereafter (until September 30, 2023). More details on the statutory LEA plan requirements in the ARP Act and the LEA plan requirements in USDE's IFR may be found below.

ARP Act Requirements:

- Section 2001(i)(1) of the ARP Act requires each LEA receiving ARP ESSER funds to develop and make publicly available on its website, not later than 30 days after receiving ARP ESSER funds, a plan for the safe return to in-person instruction and continuity of services for all schools, including those that have already returned to in-person instruction.
- Section 2001(i)(2) of the ARP Act requires that the LEA seek public comment on the plan and take those comments into account in the development of the plan.
- Section 2001(i)(3) of the ARP Act states that an LEA that developed a plan for the safe return to in-person instruction and continuity of services prior to the date of enactment of the ARP Act will be deemed to have met the requirement to develop a plan under section 2001(i)(1) as long as the plan meets the statutory requirements (i.e., is publicly available on the LEA's website and was developed after the LEA received and considered public comment).

USDE's Interim Final Requirement:

- An LEA's plan must include how it will maintain the health and safety of students, educators, and other school and LEA staff and a description of any policies it has adopted regarding each of the CDC's safety recommendations, including universal and correct wearing of masks; modifying facilities to allow for physical distancing (e.g., use of cohorts/podding); handwashing and respiratory etiquette; cleaning and maintaining healthy facilities, including improving ventilation; contact tracing in combination with isolation and quarantine in collaboration with the State, local, territorial, or the health departments of Native American Nations; diagnostic and screening testing; efforts to provide vaccinations to school communities; appropriate accommodations for children with disabilities with respect to health and safety policies; and coordination with State and local health officials.
- The plan must describe how the LEA will ensure continuity of services, including but not limited to services to address students' academic needs and the social, emotional, mental health and other needs of students and staff, which may include student health and food services.
- During the period of the ARP ESSER award established in section 2001(a) of the ARP Act (i.e., until September 30, 2023), an LEA must periodically, but not less than every six months, review its plan and revise as appropriate. Consistent with section 2001(i)(2) of the ARP Act, an LEA must seek public input and take such input into account in

determining whether to revise its plan. If the LEA determines revisions are necessary, it must seek public input on any proposed revisions (taking into consideration the timing of significant changes to CDC guidance on reopening schools).

- If the LEA revises its plan, the revised plan must address each of the aspects of safety currently recommended by the CDC, including any updated safety recommendations. An LEA that developed a plan prior to enactment of the ARP Act that meets the requirements under sections 2001(i)(1) and (2) of the ARP Act but does not address each of the required aspects of safety established in this requirement must, as part of the required periodic review, revise its plan consistent with these requirements no later than six months after it last reviewed its plan.
- LEA plans must be in an understandable and uniform format and, to the extent practicable, written in a language that parents can understand (or, if not practicable, orally translated). Upon request by a parent with a disability, LEA plans must be provided in an alternative format accessible to the parent.

LEA Plan for Use of ARP-ESSER Funds

NYSED will consider each LEA's application for its base 90% ARP-ESSER allocation as meeting the USDE LEA ARP-ESSER use of funds plan requirement, provided the required elements of the plan are built into the LEA's application, combined with a budget, and then publicly posted after being developed with public input. NYSED will structure the LEA application to capture the required elements in USDE's IFR. More details on the LEA plan requirements in USDE's IFR may be found below.

USDE's Interim Final Requirement:

USDE's IFR states that each LEA that receives ARP ESSER funds must develop, submit to the SEA on a reasonable timeline determined by the SEA, and make publicly available on the LEA's website a plan for the LEA's use of ARP ESSER funds. The plan, and any subsequent revisions, must, at a minimum, include a description of:

- The extent to which and how the funds will be used to implement prevention and mitigation strategies that are, to the greatest extent practicable, consistent with the most recent CDC guidance on reopening schools, in order to continuously and safely open and operate schools for in-person learning;
- How the LEA will use the funds it reserves under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time through the implementation of

evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year;

- How the LEA will spend its remaining ARP ESSER funds consistent with section 2001(e)(2) of the ARP Act; and
- How the LEA will ensure that the interventions it implements, including but not limited to the interventions implemented under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time, will respond to the academic, social, emotional, and mental health needs of all students, particularly those students disproportionately impacted by the COVID-19 pandemic, including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, and migratory students.

An LEA must engage in meaningful consultation with stakeholders and give the public an opportunity to provide input into the development of its plan. Specifically, an LEA must consult with students; families; school and district administrators (including special education administrators); and teachers, principals, school leaders, other educators, school staff, and their unions.

Additionally, an LEA must consult with the following organizations if located in, or served by, the LEA: Native American Nations; civil rights organizations (including disability rights organizations); and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students.

Each LEA's ARP ESSER plan must be in an understandable and uniform format and, to the extent practicable, written in a language that parents can understand (or, if not practicable, orally translated). Upon request by a parent with a disability, LEA plans must be provided in an alternative format accessible to the parent.

Please direct questions to the Office of ESSA-Funded Programs at (518) 473-0295 or via e-mail at CARESAct@nysed.gov.

cc: Commissioner Betty Rosa
Sharon Cates-Williams
Kim Wilkins

Sean Giambattista
Jason Harmon
David Frank

APPENDIX E – LIST OF THOUGHTEXCHANGE PUBLIC ENGAGEMENT STAKEHOLDERS

List of ThoughtExchange Public Engagement Stakeholders

- A. Philip Randolph Institute (APRI)
- Advocates for Children of New York (AFC)
- Alternative Education Listserv
- Association of School Business Officials
- Big 5 School Districts Board of Cooperative Education Services listserv
- Brooklyn Center for Independence of the Disabled
- Center for Family Representation
- Child Welfare Organizing Project
- Class Size Matters
- Coalition for Educational Justice (CEJ)
- Coalition for the Homeless
- Council of School Supervisors and Administrators
- Charter School Listserv
- District Superintendents Listserv
- Empire State Supervisors and Administrators Association
- Every Person Influences Children (EPIC)
- Excellent Education for Everyone
- Family Resource Network, Inc.
- GO Project
- Hispanic Federation
- Independent Living Centers
- Kings Park Advocates for Education
- Kingston Teachers' Federation
- Long Island Parent Center
- Make the Road
- Migratory Youth Listserv
- My Brother's Keeper Listserv
- National Association for the Advancement of Colored People (NAACP)
- National Center for Children in Poverty
- National Down Syndrome Society
- Native American Nations contact list
- Network for Youth Success
- New York Communities for Change (NYCC)
- New York State Association of School Nurses
- New York State Association of Small City School Districts
- New York State Council of School Superintendents
- New York State Education Department P-12 Newsletter

- New York State Federation of School Administrators
- New York State Office for People with Developmental Disabilities
- New York State Office of Alcohol and Substance Abuse Services
- New York State Office of Children and Family Services (Requested that OCFS share with its listservs for detention, Runaway and Homeless Youth shelters, foster care congregate care facilities and juvenile justice facilities)
- New York State Parent and Teacher Association
- New York State Parent Education and Awareness Program
- New York State School Boards Association
- New York State United Teachers
- North Country Alliance for Public Education
- New York State Nurses Association
- New York State Parenting Education Partnership
- Office of Bilingual Education and Work languages Listserv
- Office of Special Education Listserv
- Ossining Citizens for Schools
- Oswego County for Public Education Discussion Group
- Parent Network of the Capital Region
- Parent Network of Western New York
- Parent to Parent of New York State
- Parent Voices NY
- ParentChild+
- Parents/guardians to Improve School Transportation (PIST)
- Parent/Guardian Listserv
- PICO National Network
- Port Washington Advocates for Public Education
- Principals Listserv
- Regional Bilingual Education Resource Networks
- Resources for Children with Special Needs, Inc
- School Administrators Association of New York State
- Students Experiencing Homelessness Listserv
- StudentsFirstNY
- Teachers listserv
- The Albany Parent Advocacy
- The Child Center of NY
- The Network for Public Education (NPE)
- The New York Immigration Coalition
- The Westchester Institute for Human Development
- Title I Practitioners Listserv
- UnitedNY
- United Federation of Teachers
- Urban Youth Collaborative

APPENDIX F - ARP ESSER STAKEHOLDER FEEDBACK GATHERED VIA THOUGHTEXCHANGE

ARP ESSER Stakeholder Feedback Gathered via ThoughtExchange

Participants were highly engaged via “ThoughtExchange,” an online conversation tool NYSED used to crowdsource thoughts and ideas. Participants’ comments are captured in an online report at <https://my.thoughtexchange.com/report/77b55a6fedb538e271da8acf52dca311> that shows the top-ranked thoughts and groups them together by keywords under themes. For example, thoughts surrounding ‘Pathways, Special Classes, Extracurricular Activities’ 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.

As of May 25, 2021, almost 5,000 participants have provided 6,844 unique responses and over 95,000 ratings. Of the respondents, 37% are parents/guardians of a current student, 36% are faculty, staff or an educator, 7% are district level administrators, 4% are building-level administrators, and 16% identify as “other.”

Concerns about additional supports for students, smaller class sizes, additional supports for teachers, and the need for student enrichment opportunities were the single biggest set of issues raised on ThoughtExchange making up the top ten ThoughtExchange comments.

Figure 2. Top 10 ranked comments

1	We need more counselors for students.
2	Smaller class sizes.
3	Additional supports for teachers.
4	Making sure that educators feel secure and safe to assist all students and that educators also have emotional support.
5	Students need more enrichment activities.
6	Students need more arts-focused enrichment activities.
7	Counselors are needed in every school.
8	School needs to be well staffed to support the challenges of students returning back to school.

9	Smaller class sizes.
10	Additional teacher aides are needed.

Figure 3. Different issues rose to the top among different groups

Groups	Top-Ranked Comments
Parents/Guardians	Increasing reading and writing skills with systematic monitoring of specific skills to assess growth of students in all early grades to ensure mastery.
Faculty/Staff/Educators	Every school in the state should have a librarian and a library.
District-level Administrators	The need for culturally responsive education.
Building-level Administrators	The importance of mental health supports.
Charter School Faculty/Staff/Educators	Supports for students with disabilities and mental health issues.
Charter School Leader/Administrators	The need for emotional support services.
School Board Members	Facilities needs post-pandemic.

USDOE Template Appendix A: School Operating Status and Instructional Mode Data

**Table 1. New York State Instructional Modes 2020-2021 School Year
All Students**

Based on Basic Educational Data System (BEDS) Day Enrollment (October 7, 2020)

Reopening Mode	Number of Schools	Number of Students	Offered to all students attending the schools?
Remote or online only	664	372,999	Y
Hybrid - school buildings open with both remote/online and in-person instruction	3,293	1,813,434	Y
Fully In-Person – school buildings open with full-time in-person instruction	453	174,597	Y

**Table 2. New York State Instructional Modes 2020-2021 School Year
Percentage Served by Subgroup**

Based on BEDS Day Enrollment (October 7, 2020)

Student Group	% Hybrid	% In-Person	% Remote
All Students	77%	7%	16%
Economically Disadvantaged	81%	4%	15%
Black/African American	78%	1%	20%
Latinx/Hispanic	83%	3%	14%
Asian/Pacific Islander	86%	6%	8%
White	70%	13%	17%
Multiracial	70%	9%	21%
American Indian	85%	2%	13%
English Language Learners	83%	3%	14%
Students with Disabilities	80%	6%	14%

USDOE Template Appendix B: Reporting Language Included in the Grant Award Notification (“GAN”)

As described in the Grant Award Notification (“GAN”), the SEA will comply with, and ensure that its LEAs comply with, all reporting requirements at such time and in such manner and containing such information as the Secretary may reasonably require, including on matters such as:

- How the State is developing strategies and implementing public health protocols including, to the greatest extent practicable, policies and plans in line with the CDC guidance related to mitigating COVID-19 in schools;
- Overall plans and policies related to State support for return to in-person instruction and maximizing in-person instruction time, including how funds will support a return to and maximize in-person instruction time, and advance equity and inclusivity in participation in in-person instruction;
- Data on each school’s mode of instruction (fully in-person, hybrid, and fully remote) and conditions;
- SEA and LEA uses of funds to meet students’ social, emotional, and academic needs, including through summer enrichment programming and other evidence-based interventions, and how they advance equity for underserved students;
- SEA and LEA uses of funds to sustain and support access to early childhood education programs;
- Impacts and outcomes (disaggregated by student subgroup) through use of ARP ESSER funding (e.g., quantitative and qualitative results of ARP ESSER funding, including on personnel, student learning, and budgeting at the school and district level);
- Student data (disaggregated by student subgroup) related to how the COVID-19 pandemic has affected instruction and learning;
- Requirements under the Federal Financial Accountability Transparency Act (“FFATA”); and
- Additional reporting requirements as may be necessary to ensure accountability and transparency of ARP ESSER funds.

USDOE Template Appendix C: Assurances

By signing this document, the SEA assures all of the following:

- The SEA will conduct all its operations so that no person shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under the ARP ESSER program or activity based on race, color, national origin, which includes a person's limited English proficiency or English learner status and a person's actual or perceived shared ancestry or ethnic characteristics; sex; age; or disability. These non-discrimination obligations arise under Federal civil rights laws, including but not limited to Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. In addition, the SEA must comply with all regulations, guidelines, and standards issued by the Department under any of these statutes;
- The SEA will comply with all ARP Act and other ARP ESSER requirements and all requirements of its Grant Award Notification, including but not limited to:
 - Complying with the maintenance of effort provision in section 2004(a)(1) of the ARP Act, absent a waiver by the Secretary pursuant to section 2004(a)(2) of the ARP Act; and
 - Complying with the maintenance of equity provisions in section 2004(b) of the ARP Act, and ensuring its LEAs comply with the maintenance of equity provision in section 2004(c) of the ARP Act (please note that the Department will provide additional guidance on maintenance of equity shortly);
- The SEA will allocate ARP ESSER funds to LEAs in an expedited and timely manner and, to the extent practicable, not later than 60 days after the SEA receives ARP ESSER funds (i.e., 60 days from the date the SEA receives each portion of its ARP ESSER funds). An SEA that is not able to allocate such funds within 60 days because it is not practicable (e.g., because of pre-existing State board approval requirements) will provide an explanation to the Department within 30 days of receiving each portion of its ARP ESSER funds (submitted via email to your Program Officer at [State].OESE@ed.gov (e.g., Alabama.OESE@ed.gov)), including a description of specific actions the SEA is taking to provide ARP ESSER funds to LEAs in an expedited and timely manner and the SEA's expected timeline for doing so;
- The SEA will implement evidence-based interventions as required under section 2001(f) of the ARP Act and ensure its LEAs implement evidence-based interventions, as required by section 2001(e)(1) of the ARP Act;
- The SEA will address the disproportionate impact of the COVID-19 pandemic on underserved students (i.e., students from low-income families, students from racial or ethnic groups (e.g., identifying disparities and focusing on underserved student groups by race or ethnicity), gender (e.g., identifying disparities and focusing on underserved student groups by gender), English learners, children with disabilities, students experiencing homelessness, children and youth in foster care, and migratory students), as required under section 2001(f) of the ARP Act, and ensure its LEAs address the disproportionate impact of the COVID-19 pandemic on underserved students (i.e.,

students from low-income families, students from racial or ethnic groups, gender, English learners, children with disabilities, students experiencing homelessness, children and youth in foster care, and migratory students), as required by section 2001(e)(1) of the ARP Act; and

- The SEA will provide to the Department: (1) the URL(s) where the public can readily find data on school operating status and (2) the URL(s) for the SEA and/or LEA websites where the public can find the LEA plans for a) the safe return to in-person instruction and continuity of services required under section 2001(i) of the ARP Act, and b) use of ARP ESSER funds. SEAs should consider ensuring a standardized URL format in all cases (e.g., xxx.gov/COVIDplan).

General Education Provisions Act (GEPA) Statement

New York State remains committed to ensuring equitable access to, and participation in, its Federally-assisted programs for students, teachers, and other program beneficiaries with special needs through the implementation of several laws and regulations. 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. In New York, all local educational agencies must comply with NYS Education Law § 3201 which states that discrimination on account of race, creed, color or national origin is prohibited. Further, Education Law § 3201 requires that no person shall be refused admission into or be excluded from any public school in the state of New York on account of race, creed, color or national origin.

New York State will use American Rescue Plan Elementary and Secondary School Emergency Relief Funds to provide emergency support to LEAs that will address the impact the Novel Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on elementary and secondary schools. These funds will support the on-going functionality of the LEAs and promote educational equity by providing necessary support to the LEAs during this time.

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- ¹ Dorn, E., Hancock, B., Sarakatsannis, J., & Viruleg, E. (2020). COVID-19 and student learning in the United States: The hurt could last a lifetime. *McKinsey & Company*.
- ² [Public School Review Diversity Report](#)
- ³ [NYSED Reopening Framework Guidance](#)
- ⁴ [NYSED Rethink Grant Overview](#)
- ⁵ [COVID-19 Cases New York by County](#)
- ⁶ Level 1 Centers are educational entities supported through BOCES or the two district-wide Level 1 Centers, that offer 21st-century classroom tools to optimize student achievement. Each Level 1 Center offers different services from one another and may support different products or vendors for these services. Collaboration on service and software contracts occurs regularly in the following areas: Administrative systems; Data analysis, integration and verification; Integration of technology; and Technical support
- ⁷ [Best Practices Clearinghouse](#)
- ⁸ Schnitzler, K., Holzberger, D., & Seidel, T. (2020). All better than being disengaged: Student engagement patterns and their relations to academic self-concept and achievement. *European Journal of Psychology of Education*, 1-26.
- ⁹ Dorn, E., Hancock, B., Sarakatsannis, J., & Viruleg, E. (2020). COVID-19 and learning loss—disparities grow and students need help. *McKinsey & Company*, December, 8.
- ¹⁰ Kuhfeld, Megan, James Soland, Beth Tarasawa, Angela Johnson, Erik Ruzek, and Jing Liu. (2020). Projecting the potential impacts of COVID-19 school closures on academic achievement. (EdWorkingPaper: 20-226). [Retrieved from Annenberg Institute at Brown University](#)
- ¹¹ Ibid
- ¹² [PACE University Education Policy](#)
- ¹³ For the sake of this proposal, NYSED is defining the “hardest-hit” counties from an educational perspective by multiplying the total percentage of the county population that has tested positive for COVID-19 by the percent of economically disadvantaged students within the county. This approach takes into account both the health and economic effects of the pandemic.
- ¹⁴ [NYSED Memo on Information for LEAs on Federally Required Plans for ARP ESSER Funds](#)
- ¹⁵ [NY Charter Schools Remote Instruction During COVID-19](#)
- ¹⁶ Jagers, R., Rivas-Drake, D., and Borowski, T. (2018) Toward Transformative Social and Emotional Learning: Using an Equity Lens. Measuring SEL: Using Data to Inspire Practice. Chicago: CASEL.
- ¹⁷ Vervoort-Schel, J., Mercera, G., Wissink, I., Mink, E., van der Helm, P., Lindauer, R., & Moonen, X. (2018); Metzler, M., Merrick, M.T., Klevens, J., Ports, K.A, & Ford, D.C. (2017).
- ¹⁸ [NIMH 5 Things You Should Know About Stress](#)
- ¹⁹ [Data Resource Center for Child and Adolescent Health](#)
- ²⁰ [Ring The Alarm](#)
- ²¹ Kittelman, et. al, (2019)
- ²² Kittelman, et. al, (2019)
- ²³ See the work of Zaretta Hammon, author of Culturally Responsive Teaching and the Brain (2014).
- ²⁴ Collaborative for Academic, Social, and Emotional Learning, 2020.
- ²⁵ Kearney, C. A., & Childs, J. (2021). A multi-tiered systems of support blueprint for re-opening schools following COVID-19 shutdown. *Children and Youth Services Review*, 122, 105919.
- ²⁶ Kuhfield, M., & Tarasawa, B. (2020). The COVID-19 Slide: What Summer Learning Loss Can Tell Us about the Potential Impact of School Closures on Student Academic Achievement. Brief. *NWEA*.
- ²⁷ [Dr. David E. Kirkland, PhD Website](#)
- ²⁸ Tsolou, O., Babalis, T., & Tsoli, K. (2021). The Impact of COVID-19 Pandemic on Education: Social Exclusion and Dropping out of School. *Creative Education*, 12(03), 529.
- ²⁹ [Data on Student Homelessness in NYS](#)
- ³⁰ Research Summary: Supporting Homeless Children and Youth through Proactive and Positive Behavior Management and Intervention Practices, National Center for Homeless Education, July 2014
- ³¹ [National Center for Homeless Education – Chronic Absences](#)
- ³² Based on internal data provided to the National Center for Homeless Education for the 2018-19 SY
- ³³ Based on internal data provided to the National Center for Homeless Education for the 2018-19 SY
- ³⁴ Pavlakis, A. E., Roberts, J. K., Richards, M. P., Hill, K., & Mirakhur, Z. (2020). Identifying and Supporting Students Experiencing Homelessness. Brief No. 5. *EdResearch for Recovery Project*.
- ³⁵ Brown, D. J. (2020). Educating Children and Youth Experiencing Homelessness by Funding Local Implementation: Compliance for Positive Student Outcomes under the McKinney-Vento Homeless Assistance Act.

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- ³⁶ [State of Homelessness: 2020 Edition](#)
- ³⁷ [Who Will Run the Soup Kitchens?](#)
- ³⁸ *Covid 19 and the Homeless* (2020) SchoolHouse Connection and Poverty Solutions
- ³⁹ Ingram, E. S., Bridgeland, J. M., Reed, B., & Atwell, M. (2017). Hidden in Plain Sight: Homeless Students in America's Public Schools. *Civic Enterprises*.
- ⁴⁰ [NYS Teach](#)
- ⁴¹ [USDOE Education for Homeless Children and Youth Program](#)
- ⁴² [COVID-19 Effects on Child Welfare System](#)
- ⁴³ [United Hospital Fund](#)
- ⁴⁴ [The Coronavirus Will Make Child Care Deserts Worse and Exacerbate Inequality](#)
- ⁴⁵ [Resources Now Available to Better Support Students in Foster Care by Increasing Opportunities for Them to Remain in the Same School](#)
- ⁴⁶ [NYS Migrant Education Program](#)
- ⁴⁷ [Migration Policy Institute](#)
- ⁴⁸ [How the Pandemic has Affected Migrant Children](#)
- ⁴⁹ [How the Pandemic has Affected Migrant Children](#)
- ⁵⁰ [NYSED ARP ESSER ThoughtExchange Dashboard](#)
- ⁵¹ [NYSED Reopening Schools Website](#)
- ⁵² [NYSED Reopening Guidance for NYS Schools](#)
- ⁵³ [NYSED Recording and Reporting Attendance and Hours of Instruction for In-Person and Remote Instruction in the 2020-21 School Year Memo](#)
- ⁵⁴ Ibid
- ⁵⁵ Seo, R. (2020). Interorganizational learning for R&D consortium performance: a social capital perspective. *Journal of Knowledge Management*.
- ⁵⁶ [Guidance to Schools Regarding Novel Coronavirus](#)
- ⁵⁷ [Overcoming Challenges Resulting from COVID-19](#)
- ⁵⁸ [COVID-19 Testing in NYS Schools Resources](#)
- ⁵⁹ [NYS Center for School Health](#)
- ⁶⁰ [NYS DOH Pre-K to Grade 12 COVID-19 Toolkit](#)
- ⁶¹ [NYS Center for School Health](#)
- ⁶² [NYS Center for School Safety](#)
- ⁶³ [NYS Safe and Supportive Schools Technical Assistance Center](#)
- ⁶⁴ [NYSED Safe and Supportive School Grants](#)
- ⁶⁵ [NYSED ARP ESSER Application Information Memo for LEAs – May 12, 2021](#)
- ⁶⁶ [NYSED Reopening Regional Task Force Meetings](#)
- ⁶⁷ [NYSED Reopening Phases of Work and Areas of Focus](#)
- ⁶⁸ [Resources from the NYSED Office of Bilingual Education and World Languages and English Language Learner Leadership Council](#)
- ⁶⁹ [NYSED English Language Learner and Multilingual Learner Educator Tools and Best Practices](#)
- ⁷⁰ [CUNY Initiative on Immigration and Education](#)
- ⁷¹ [CUNY External Resources](#)
- ⁷² [NYSED Office of Special Education](#)
- ⁷³ [NYSED Commissioner’s Advisory Panel for Special Education Services](#)
- ⁷⁴ [NYSED Special Education Technical Assistance Resources](#)
- ⁷⁵ [NYSED SEQA Regional Offices](#)
- ⁷⁶ [NYSED Special Education COVID-19 Resources and Guidance](#)
- ⁷⁷ Ibid
- ⁷⁸ [NYSED Digital Equity Summit Details](#)
- ⁷⁹ [NYSED Digital Equity Data](#)
- ⁸⁰ [NYSED Cares Act Funding Memo](#)
- ⁸¹ [NYS 2020 CARES Act Budget Language](#)
- ⁸² [Coronavirus Response and Relief Supplemental Appropriations Act](#)
- ⁸³ [Federal Coronavirus Response and Relief Supplemental Appropriations Act](#)
- ⁸⁴ [21st Century Community Learning Centers](#)
- ⁸⁵ [Program Resources for Out of School Time Program Planning](#)
- ⁸⁶ [Expanded Learning Opportunities](#)

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- ⁸⁷ [NYS Community Schools Technical Assistance Center](#)
- ⁸⁸ [COVID Response Resources](#)
- ⁸⁹ [Resource Collection for English Language Learners](#)
- ⁹⁰ [Resource Collection for English Language Learners and World Language Students](#)
- ⁹¹ [NYSED Memo on Information for LEAs on Federally Required Plans for ARP ESSER Funds](#)
- ⁹² [Multi-Tiered System of Supports](#)
- ⁹³ [2020 Abstracts: New York](#)
- ⁹⁴ [NYS Response to Intervention](#)
- ⁹⁵ [The Mental Health Association of New York State Mental Health First Aid Training Website](#)
- ⁹⁶ [SAMHSA National Registry of Evidence-based Programs and Practices Website](#)
- ⁹⁷ [SAMHSA Project AWARE \(Advancing Wellness and Resiliency in Education\) State Education Agency Grant Website](#)
- ⁹⁸ [The Mental Health Association of New York State Mental Health First Aid Training Website](#)
- ⁹⁹ [SAMHSA National Registry of Evidence-based Programs and Practices Website](#)
- ¹⁰⁰ [SAMHSA Project AWARE \(Advancing Wellness and Resiliency in Education\) State Education Agency Grant Website](#)
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- ¹⁰² [NYSED ARP ESSER Application Information Memo for LEAs – May 12, 2021](#)
- ¹⁰³ Dorn, E., Hancock, B., Sarakatsannis, J., & Viruleg, E. (2020). COVID-19 and learning loss—disparities grow and students need help. *McKinsey & Company*, December, 8.
- ¹⁰⁴ Kaffenberger, M. (2021). Modelling the long-run learning impact of the Covid-19 learning shock: Actions to (more than) mitigate loss. *International Journal of Educational Development*, 81, 102326.
- ¹⁰⁵ [USDOE Teacher Shortage Areas](#)
- ¹⁰⁶ [NYSED UPK Expansion Funding](#)
- ¹⁰⁷ [NYSED My Brother’s Keeper Teacher Opportunity Corps II](#)
- ¹⁰⁸ [NYSED Announcement of Funding Opportunity](#)
- ¹⁰⁹ [NYSED Teachers of Tomorrow Program](#)
- ¹¹⁰ [NYS Center for School Health](#)