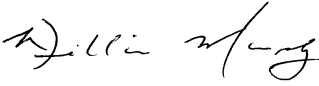





**TO:** The Honorable Members of the Board of Regents

**FROM:** William P. Murphy 

**SUBJECT:** Proposed Amendment of Section 80-5.27 of the Regulations of the Commissioner of Education Relating to Extending the Validity Period of Emergency COVID-19 Certificates

**DATE:** October 24, 2024

**AUTHORIZATION(S):** 

### **SUMMARY**

#### **Issue for Decision (Consent)**

Should the Board of Regents adopt the proposed amendment of section 80-5.27 of the Regulations of the Commissioner of Education relating to extending the validity period of Emergency COVID-19 certificates?

#### **Reason(s) for Consideration**

Review of Policy.

#### **Proposed Handling**

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at the November 2024 Regents meeting. A copy of the proposed amendment (Attachment A) is attached.

#### **Procedural History**

The proposed amendment was presented to the Higher Education Committee for discussion and recommendation to the Full Board for adoption as an emergency rule at the July 2024 meeting of the Board of Regents. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on July 31, 2024, for a 60-day public comment period.

Because the July 2024 emergency action was set to expire on October 13, 2024, a second emergency action was necessary at the September Regents meeting, effective October 14, 2024, to ensure that the emergency rule remained continuously in effect until it could be permanently adopted and take effect as a permanent rule. A Notice of Emergency Adoption was published in the State Register on October 30, 2024.

Following publication in the State Register, the Department received no comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required and no changes to the proposed amendment are needed. A Notice of Adoption will be published in the State Register on November 20, 2024. Supporting materials are available upon request to the Secretary of the Board of Regents.

### **Background Information**

At its May 2020 meeting, in response to the limited availability of testing sites, educator shortages, and other disruptions occasioned by the COVID-19 crisis, the Board of Regents voted to add section 80-5.27 to the Commissioner's regulations as an emergency rule, thereby creating an Emergency COVID-19 certificate for candidates seeking certain certificates, extensions, and annotations. In response to feedback from the field and the ongoing COVID-19 crisis, the Board adopted revisions to this emergency rule several times, such as extending the validity period of the Emergency COVID-19 certificate from one year to two years and extending the deadline to apply and complete the requirements for such certificate on two occasions.

To earn the Emergency COVID-19 certificate, candidates must have completed all requirements for the non-emergency certificate, extension, or annotation sought, other than the examination requirement(s), on or before September 1, 2022. Candidates were required to apply for the non-emergency certificate, extension, or annotation on or before September 1, 2022. Candidates were also required to apply for the Emergency COVID-19 certificate in the same title as the certificate, extension, or annotation sought on or before September 1, 2022. This certificate is valid for two years. Accordingly, a large number of remaining valid Emergency COVID-19 certificates will expire during the 2024-25 school year.

The Department has heard from the field that many educators who hold an Emergency COVID-19 certificate are employed in public school districts and that the expiration of these certificates will create a hardship for these educators and exacerbate staffing challenges. Therefore, the Department now proposes to extend the validity period of any currently valid Emergency COVID-19 certificates set to expire during the 2024-25 school year by changing the expiration date of such certificates to August 31, 2025. This extension will allow candidates extra time to complete the examination requirement(s) for their certificate and progress to the next level certificate. Extending this flexibility will also provide time for the Department and Board of Regents to consider undertaking further reforms to the educator certification process, which, among other goals, will increase the supply of available and appropriately qualified educators.

### **Related Regents Items**

[September 2024: Proposed Amendment of Section 80-5.27 of the Regulations of the Commissioner of Education Relating to Extending the Validity Period of Emergency COVID-19 Certificates](https://www.regents.nysed.gov/sites/regents/files/924brca1.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/924brca1.pdf>)

[July 2024: Proposed Amendment of Section 80-5.27 of the Regulations of the Commissioner of Education Relating to Extending the Validity Period of Emergency COVID-19 Certificates](https://www.regents.nysed.gov/sites/regents/files/724hea1.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/724hea1.pdf>)

[December 2021: Proposed Amendment to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and the addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/sites/regents/files/1221brca4.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/1221brca4.pdf>)

[September 2021: Proposed Amendment to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and the addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/sites/regents/files/921bra4.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/921bra4.pdf>)

[May 2021: Proposed Amendment to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and the addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/sites/regents/files/521bra5.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/521bra5.pdf>)

[March 2021: Proposed Amendment of Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and the addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/sites/regents/files/321bra5_0.pdf)  
([https://www.regents.nysed.gov/sites/regents/files/321bra5\\_0.pdf](https://www.regents.nysed.gov/sites/regents/files/321bra5_0.pdf))

[September 2020: Proposed Amendments to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID19 Crisis](https://www.regents.nysed.gov/sites/regents/files/920bra3.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/920bra3.pdf>)

[July 2020: Proposed Amendments to Sections 52.21, 60.6, 61.19, 80- 1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/sites/regents/files/720bra5.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/720bra5.pdf>)

[June 2020: Proposed Amendments to Sections 52.21, 60.6, 61.19, 80- 1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/sites/regents/files/620bra12.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/620bra12.pdf>)

[May 2020: Proposed Amendments to Sections 52.21, 60.6, 61.19, 80- 1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/sites/regents/files/520bra9-REVISED.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/520bra9-REVISED.pdf>)

## **Recommendation**

It is recommended the Board of Regents take the following action:

VOTED: That section 80-5.27 of the Regulations of the Commissioner of Education be amended, as submitted, effective November 20, 2024.

## **Timetable for Implementation**

If adopted at the November 2024 meeting, the proposed amendment will become effective as a permanent rule on November 20, 2024.

**Attachment A**

AMENDMENTS TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 305, 3001, 3004, and 3009 of the Education Law.

Section 80-5.27 of the Regulations of the Commissioner of Education is amended by adding a new subdivision (d) to read as follows:

(d) Notwithstanding any other provision of this section, any candidate who holds an Emergency COVID-19 certificate with an expiration date of August 31, 2024, or January 31, 2025, shall have the expiration date of such certificate extended to August 31, 2025.