

## **Summary of April 2020 Emergency Regulations**

Details can be found at <https://www.regents.nysed.gov/common/regents/files/420bra6.pdf> and <https://www.regents.nysed.gov/common/regents/files/COVID-19%20Emergency%20Regulations.pdf>

### **180 Days and the Continuity of Funding**

Regulations were issued to permit charter schools and districts to operate for less than 180 days without a reduction in State Aid. Charter schools and school districts can operate for less than 180 days during the 10 month school year, if the reduction in the number of days resulted from the Executive Order(s) issued by the Governor pursuant to the state of emergency for the COVID-19 crisis.

### **Commissioner's Regulation Section 119.1(c)(1) - Per Pupil Billing**

At the request of a charter school, the Commissioner may consider and excuse delays of up to 30 days for the required submission of per-pupil invoices, if the delay resulted from COVID-19 related operational issues. If such a delay is excused, the district may delay payment to the charter by up to 30-days from submission of said invoice.

### **Commissioner's Regulation Section 119.5(b) - Charter School Lotteries**

Charter schools must provide notice on their website of the date, time and place of lotteries for charter school student applicants, if such lottery is provided during a school closure ordered pursuant to an Executive Order of the Governor. Additionally, amendments to the regulations will permit these lotteries to be held remotely, provided that the public can view or listen, and such lottery is recorded and later transcribed.

Please note that the provisions of Education Law Section 2854(2)(b) regarding the April 1 application deadline is still in effect. That provision of the law states (emphasis added):

*The school shall enroll each eligible student who submits a timely application **by the first day of April** each year, unless the number of applications exceeds the capacity of the grade level or building. In such cases, students shall be accepted from among applicants by a random selection process...*

Therefore, regardless of the school's application deadline or lottery date, if a school receives fewer applications by April 1 than the number of seats available, all such applicants must be admitted without a lottery.

### **Commissioner's Regulation Section 87.5(4) - Fingerprinting Regulations**

The regulation was amended to change the definition of "prospective employee," which now includes those who have online interactions with students, and not just those with direct, in person contact. These individuals, who include teachers that educate students remotely, must now be fingerprinted. Additional guidance on the fingerprinting requirements for charter schools can be found at <http://www.p12.nysed.gov/psc/aboutcharterschools/lawsandregs/aprilmemo.pdf>.

The NYSED TEACH system is operational. While some fingerprinting stations are temporarily closed or operating on reduced schedule/hours, alternate sites are available and [IdentoGo](#) is still handling digital fingerprinting for the Division of Criminal Justice Services.

We hope this information is helpful. Be well and take care.