



ESSAA

Empire State Supervisors &  
Administrators Association

# Legislative Update

June 2020

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## *Spotlight: Final Title IX Regulations*

On May 6, 2020, the [U.S. Department of Education released new final Title IX Regulations](#). The new regulations will have a significant impact on the procedural aspects of sexual harassment claims in school activities and programs. **The new regulations take effect August 14, 2020.** School leaders should be proactive in ensuring that Title IX policies are in place and that a compliance review of procedures occurs prior to the effective date. This would include ensuring updated summer training for Title IX coordinators and staff, update and revising Title IX policies, documentation, and complaint procedures, and securing appropriate funding to comply with new directives. Coordinator’s should be apprised of the new scrutiny that will be placed on decisions to sign complaints. **The Summary of Major Provisions for the updated regulations is [LINKED HERE](#).**

- [Joint Guidance on Federal Title IX Regulations \(SUNY\)](#)
- [ATIXIA Regs Rapid Response \(R3\)](#)
- [Multi-State Lawsuit Against U.S. Department of Education and Secretary Betsy DeVos over Title IX Rule](#)
- [Title IX Regulations impose New Requirements on K-12 Districts](#)
- [New Title IX Regs- 10 Weeks to Implementation: Practical First Steps](#)
- [Part I in a Series: Is your District Prepared to Implement the New Title IX Regulations at the Start of the 2020-2021 School Year?](#)



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## Emerging Issues: *Early Retirement*

[NY Senate Bill 8151-A](#) The bill proposes early retirement for certain state employees with 25 years of service and who are at least 55 years old, was amended. There is also a “same-as” bill 10477-A in the Assembly that is sponsored by Thomas Abinati. ESSAA representatives in Albany are monitoring the progress of each bill and members will be kept informed as the process moves forward

## Stimulus and Relief Funding

[Cares Act](#) In April 2020, the federal government passed the CARES Act (Coronavirus Aid, Relief and Economic Security), providing broad-based economic stimulus in response to financial impact of the Coronavirus pandemic.

[NYSED Call for Additional Funding](#) In a letter dated May 12, 2020, Chancellor Betty Rosa and Interim Chancellor Shannon Tahoe called for additional funding and flexibility in consideration of a projected \$13.3 billion deficit for the state fiscal year that will impact education funding state-wide. In the absence of additional federal funding the Governor is planning \$8.2 billion in cuts to aid to localities, which might include a potential 20% reduction to education funding.

[HEROES Act](#)  
(Passed House) On May 15, 2020, the US House of Representatives passed the HEROES Act (Health and Economic Recovery Omnibus Emergency Solutions Act), which would provide \$90 billion in grants to States to support K-12 school and public college response to the coronavirus pandemic; \$58 billion for K-12 LEAs, \$27 billion for public high education, and \$4 billion for governors to distribute to k-12 institutions.

[SMART Act](#)  
(Introduced in Senate) On May 18, a bipartisan bill, the State and Municipal, was introduced to deliver additional federal resources to states and communities. If passed the fund would add additional funds, eliminate population thresholds, and enable localities to directly access federal funding.

[Equitable Participation](#) Secretary of Education, Betsy DeVos announced plans to issue a proposed rule that would require a portion of CARES Act funding to be allocated to private institutions in line with the Department’s April 30 guidance document.

[COVID-19 Public Employee Death Benefit](#) On May 30, 2020, the New York State Senate delivered a bill to the governor establishing a coronavirus public employee death benefit for individuals who reported to their usual place of employment or an alternate worksite at the direction of their employer on or after March 1, 2020. *Thanks in part to the advocacy efforts of ESSAA/CAS, survivors of public employees will have more streamlined access to this benefit.* The bill was signed into law on by Governor Cuomo on May 30, 2020



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## Regulations

### [Emergency Regulations](#)

Adopted by the Board of Regents on May 4, 2020. [CLICK HERE FOR A SUMMARY OF REGULATIONS](#). Regulations address **receivership, curriculum and instruction, alternative high school equivalency programs, higher education/ certifications, professions and early learning.**

### [Emergency Regulations Part III](#)

Adopted by the Board of Regents at the June 8, 2020 meeting. [CLICK HERE FOR A SUMMARY OF REGULATIONS](#). Regulations address **HS Equivalency diploma, hands only CPR instruction, regents exam requirements for online blended learning, make up requirements, declination of exemption from graduation assessments, summer school instruction; flexibility for unit of study, instructional day/hour requirements, teaching certifications, data privacy and child abuse in an educational setting.**

### [Section 504 or ADA plans in Interschool Competition/Inclusive Athletics](#)

Schools and associations, etc., are not precluded from considering accommodation requests from otherwise qualified students with disabilities for participation in interschool competition or inclusive athletic activities who, pursuant to an approved 504 or ADA plan, are not registered in the equivalent of three regular courses

### [ESSA Transparency Requirements](#)

All LEAs must file a report with NYSED. The final report will be rolled out in several phases over the next months. On June 17, 2020, NYSED launched the [Every Student Succeeds Act Financial Transparency Website](#)



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## Executive Orders

**Federal EO 13891 “Promoting the Rule of Law Through Improved Agency Guidance Documents,”** requires federal agencies to review their guidance documents, rescind guidance that is no longer in effect and establish an accessible database for guidance documents that remain in effect. Any guidance not included on the website is deemed rescinded. ***The US Department of Education guidance database is [LINKED HERE](#).*** The database is comprehensive and extends beyond the scope of coronavirus issues.

**Executive Orders issued by Governor Cuomo** in response to COVID-19:

- [No. 202.40](#) Second votes on budgets will be authorized for budgets that did not pass the first time.
- [No. 202.39](#) Absentee ballots and June 16 deadline for voting; Waiver of APPR requirements for teachers and principals; Extension of tenure date
- [No. 202-37](#) In-person special education services authorized for 2020 extended school year
- [No.202.32](#) Authorization to extend by 21 days, without penalty, period for paying property taxes.
- [No.202.28](#) Closure of schools through the end of the year
- [No.202.26](#) School budget votes and Board Elections
- [No.202.18](#) Closure of schools through May 15
- [No.202.15](#) Nonpublic school transportation requests, waiver of public hearing requirements
- [No.202.14](#) Closure of school through April 29
- [No. 202.13](#) Postponement of school votes
- [No. 202.11](#) Closure of school Until April 15
- [No. 202.8](#) Non-profits and business to reduce in-person workforce by 100%
- [No.202.4](#) Closure of schools for two weeks, limit on state aid forgiveness, essential employees
- [No.202.2](#) Suspension of 180-Day requirement due to school closure
- [No. 202.1](#) Suspension of 180-Day requirements due to school closure, public meetings
- [No.202](#) Purchasing



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