

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 208, 209, 305, 308, 309, 804-c, and 815 of the Education Law.

1. Subparagraph (v) of paragraph (11) of subdivision (c) of section 100.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(v) Notwithstanding the provisions of this subdivision, senior high schools shall be exempted from providing an opportunity to students to demonstrate the psychomotor skills necessary to perform hands-only compression cardiopulmonary resuscitation required by this paragraph:

(a) for the 2019-2020 school year where such schools were unable to provide such opportunity due to school closures ordered pursuant to an Executive Order of the Governor pursuant to a State of emergency for the COVID-19 crisis; and

(b) for the 2020-2021 school year where such schools were unable to provide such opportunity as a result of providing remote or hybrid instruction during the COVID-19 crisis.

2. Clause (a) of subparagraph (ii) of paragraph (4) of subdivision (h) of section 100.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Area 1: Criteria for Demonstrating Proficiency in English.

(1) Students shall earn one point per item for achieving the following items:

(i) Score 75 or higher on the NYS Comprehensive English Regents Examination, or score 80 or higher on the NYS Regents Examination in English Language Arts (however, students in schools with an alternate pathway for graduation approved by the

Commissioner will be held to those schools' criteria), or students who have been exempted from the applicable Regents Examination in English Language Arts in the June 2020 or August 2020 Regents examination administration pursuant to subparagraph (vi) of paragraph (5) of subdivision (a) of this section, or English Language Learners (ELLs) score 75 or above on two Regents exams other than English, without translation, or ELLs have been exempted from two of the applicable Regents examinations in the June 2020[or], August 2020, January 2021, June 2021 or August 2021 Regents examination [administration as] administrations pursuant to subparagraph (vi) of paragraph (5) of subdivision (a) of this section[.];

(ii) ELLs earn an overall score of 290 on the New York State English as a Second Language Achievement Test (NYSESLAT) or who were identified in the 2019-2020 school year at the Transitioning or Expanding English Language Proficiency Level by the statewide English language proficiency identification assessment or the annual English language proficiency assessment and who earned credit in a course of study for English as a New Language or Bilingual Education in the 2019-2020 school year.

3. Paragraph (1) of subdivisions (b) and (c) of section 136.3 of the Regulations of the Commissioner of Education are amended to read as follows:

(1) Except in the city school district of the city of New York, it shall be the duty of the trustees and boards of education to require each student enrolled in the public school to have a satisfactory health examination conducted by a duly licensed physician, physician assistant or nurse practitioner, upon the student's entrance in such school at any grade level and for each student entering pre-kindergarten or kindergarten and in the 1st, 3rd, 5th, 7th, 9th and 11th grades. Such examination shall be acceptable

for purposes of this section if it is administered not more than 12 months prior to the commencement of the school year in which the examination is required, provided however, that for the 2020-2021 school year where a student is unable to obtain a health examination in the required grade pursuant to this paragraph due to the COVID-19 crisis, such student shall obtain such health examination by September 1, 2021.

(1) Health certificates. It shall be the duty of the trustees and boards of education to require that each student, within 30 days after his or her entrance into school and within 30 days after his or her entry into pre-kindergarten or kindergarten, 1st, 3rd, 5th, 7th, 9th and 11th grades, submit to the principal or the principal's designee a health certificate that meets the requirements of this paragraph, provided that no health certificate shall be required of a student for which an accommodation for religious beliefs is made pursuant to subdivision (f) of this section, provided further, however, that for the 2020-2021 school year where a student is unable to obtain a health certificate in the required grade pursuant to this paragraph due to the COVID-19 crisis, such student shall submit such health examination by September 1, 2021.