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To: School Directors of Licensed Private Career Schools and Certified ESL Schools

From: Shannon L. Tahoe, Interim Commissioner *Shannon L. Tahoe*

Date: March 13, 2020

Subject: **Guidance for BPSS-Regulated Schools Impacted by the COVID-19**

In response to questions and concerns by schools regulated by the Bureau of Proprietary Schools Supervision (BPSS – see, Education Law, Art. 101) and their students, who may be impacted by the Novel Coronavirus (COVID-19), the New York State Education Department (NYSED) offers the following guidance.

### **State and Federal Advisories and Protocol**

- BPSS schools should monitor USDE, [State and Local Department of Health websites](#) for up-to-date information, guidance and instructions concerning COVID-19, including any protocol concerning students on campus and returning from study abroad programs. Additional guidance is also available as follows:
  - o [Federal Title IV Guidance for interruption of study](#)
  - o [CDC Higher Education Guidance](#)
  - o [Guidance from the federal Student Exchange Visa Program](#)

### **Continue to engage in routine infection control procedures.**

It is important to emphasize—and teach, when necessary—good personal hygiene practices to prevent the spread of viruses. This includes appropriate handwashing, covering coughs, and staying home when sick. Also, standard cleaning and disinfecting procedures are typically adequate to slow the spread of respiratory illness.

### **Establish an open line of communication with your [Local Health Department \(LHD\)](#).**

LHDs protect the health of their communities from disease and harm before, during, and after emergencies. Schools with questions regarding student or staff exposure to COVID-19 should contact their local health department. Decisions about the need for exclusion and the

length of the exclusion period for students and staff exposed to or with confirmed cases of COVID-19 will be made by [local health departments](#).

### **Regulatory and Programmatic Guidance for BPSS Schools**

- Issues related to COVID-19 present special circumstances that may make student attendance impossible or impractical. As such, students should be made aware of schools' leave of absence policies and afforded every opportunity to request a leave of absence as needed, according to the terms and conditions set forth in schools' BPSS-approved catalog. Schools that do not currently permit leaves of absence should consider affording students a leave of absence consistent with Commissioner's regulations Part 126.4(e)(6). Requests and responses submitted via electronic mail (e-mail) shall satisfy the condition of "*in writing*" for the purposes of Commissioner's regulation Part 126.4(e)(6), provided that copies of such requests are retained in the student record.
- Schools that decide to, or are required to, temporarily suspend classes at their licensed location(s) must notify their BPSS Field Associate by e-mail.
- Schools that temporarily suspend classes or make any adjustments to the conditions of enrollment or course completion that are necessary to respond to COVID-19 (e.g., program start-date or end-date; alternate internship placement, etc.), must create an addendum to affected students' enrollment agreements that reflects such adjustments under the following guidelines:
  - 1) Addenda to enrollment agreements do not require prior approval from BPSS and are permitted to be executed through e-mail; and,
  - 2) All addenda must be executed in good faith and must be permanently maintained in the student record and available for review upon request by Bureau staff members.
- Schools that have an existing online learning platform and are already approved to offer certain courses online, are granted temporary approval to offer other approved knowledge-based (theory) courses online during periods where classes are suspended due to COVID-19.
- Schools that have not been previously approved by BPSS to offer coursework online may request a special exemption under Part 126.4(a), to offer certain coursework online by contacting their BPSS Field Associate. Such special exemptions may be granted on a temporary, case by case basis. However, factors under consideration will include, but not be limited to:
  - 1) the nature of the curricular content and learning objectives;
  - 2) the existing capacity of the organization to offer instruction through these modalities;
  - 3) the capacity and willingness of teachers to offer online instruction;

- 4) the experience and capacity of enrolled students to learn through these modalities;  
and,
  - 5) students' access to the online tools necessary to take advantage of remote learning.
- Coursework that is mandated by other State Agencies for the purposes of licensure, certification, or registration must adhere to the requirements for instructional delivery determined by those agencies, which may prohibit online delivery.
  - Schools should be mindful of the impact of a suspension of classes or any other changes on student financial aid or student VISA eligibility.

Questions regarding the information in this memo, can be directed to Schools' designated BPSS Field Associate by e-mail, or general questions can be directed to [BPSS@nysed.gov](mailto:BPSS@nysed.gov).