

Continuity of Education

March 2020 - Federal FERPA & Virtual Learning Guidance

Recently, the U.S. Department of Education released guidance addressing FERPA concerns related to virtual learning programs. Previously, there were questions about the privacy requirements of virtual "classrooms" and whether FERPA would be violated if the household members of any students oversaw portions of virtual instruction. This guidance states that no FERPA violations would occur in such a scenario, as FERPA does not prohibit individuals observing a classroom. FERPA allows school districts to make a local decision regarding who may observe a classroom, which would include a virtual classroom, since personally identifiable information is typically not disclosed during classroom instruction. However, districts must still be mindful to ensure that their virtual classrooms are not publicly accessible.

March 25, 2020 - NYSED Driver & Traffic Safety Education Guidance

After consulting with the Department of Motor Vehicles (DMV), NYSED issued guidance regarding driver's education courses impacted by COVID-19. Typically, driver's education students must complete 24 hours of classroom instruction in addition to a minimum of 24 hours of laboratory instruction. Laboratory instruction must contain at least 6 hours of behind-the-wheel instruction, 6 hours of in-car observation, and 12 hours of additional laboratory instruction. In light of the COVID-19 situation, schools will be allowed to use online driver's education instruction to help certain students meet the 24-hour classroom instruction requirement. Specifically, only students who have already received at least 18 hours of classroom instruction (75%) will receive classroom credit for virtual driver's education instruction. Schools will only be able to provide up to 90 minutes of classroom instruction to students per day.

Virtual driver's education programs will not apply to the 24-hour laboratory instruction requirement. Additionally, the DMV is temporarily waiving the requirement that laboratory and classroom instruction be provided concurrently, so that virtual driver's education can be provided to qualifying students. However, school districts can allow enrolled driver's education students to complete their laboratory instruction during the summer or fall sessions in 2020.

March 23, 2020 - NYSED Memo - Essential Personnel for Continuity of Learning

Executive Order 202.4 required "local governments and political subdivisions" to reduce their "non-essential" workforce. NYSED has issued a memo that provides that this workforce restriction does not apply to the extent needed to ensure the continuity of learning.

March 20, 2020 - Additional NYSED Guidance & Dedicated Website

On March 20, 2020, NYSED announced that it will work with New York's public television stations to expand remote learning during COVID-19 school closures. As a result, PBS will broadcast educational programming every weekday, beginning on March 23, 2020, live on-air. The programming will consist of educational content for students from Pre-K through Grade 12, and may be accessed across PBS's multiple digital channels with a television antenna or on cable. Parents and students may access the PBS program schedule in advance on the [PBS website](#).

Additionally, NYSED launched its remote Continuity of Learning Resources [website](#), which describes various technological and non-technological methods to ensure that students continue to receive educational instruction during the COVID-19 closures.

March 17, 2020 – Executive Order No. 202.4 and NYSED Guidance

Along with closing schools through March 31, 2020, [Executive Order No. 202.4](#) required schools to submit plans which addressed, in part, “alternative instructional options.” In response to this Executive Order, NYSED issued [guidance](#) detailing the requirements for these plans. In this guidance, SED notes that districts can use a wide range of tools to facilitate learning, and reiterates that a variety of methods should be used to account for students, especially those with limited access to technology and communication. This may include the following:

- The preparation of printed materials, photocopies, and assignments in advance and distribute them to students.
- Communication tools such as telephones, video-calls, emails, web-conferences, and social media may facilitate web-based distance learning. These tools may also be used to provide individual or small group check-ins and tutorials.
- Teachers may record their instruction and send it to students via podcasts, television, DVD, or online.
- Online materials such as digital copies of textbooks and assignments, in addition to learning supports and activities, may be made available online as well. Online learning courses may even be self-paced without the use of a teacher.

NYSED has indicated that it will be providing additional clarity through updates on its Curriculum and Instruction [website](#).

March 17, 2020 – Federal Guidance – Supporting Continuity of Teaching and Learning During an Emergency

This guidance provides more in depth descriptions of the aforementioned distance learning methods, and may be a useful resource for school districts during the COVID-19 shutdown.

March 13, 2020 – NYSED Guidance

Provides that schools should design distance learning programs to meet the unique needs of all students, to be aligned with the varying skills, age groups, and abilities of students. This includes students with disabilities and English Language Learners to the maximum extent possible. In certain cases, this could require the creation of additional materials as needed. Since distance learning often requires students to have access to the internet, phone lines, computers, and other technologies, some students may not have the means necessary to access it. As a result, districts may have to offer a variety of different methods of distance learning, which could include the preparation of hard copy materials. Given the uncertainty behind COVID-19, districts should also prepare programs suitable for both short-term and long-term closures.