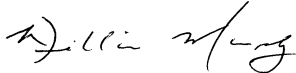





THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable Members of the Board of Regents

FROM: William P. Murphy 

SUBJECT: Proposed Amendment of Section 80-3.10 of the Regulations of the Commissioner of Education Relating to the Experience Requirement for Professional School Building Leader Certification

DATE: March 2, 2023

AUTHORIZATION(S): 

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amendment of section 80-3.10 of the Regulations of the Commissioner of Education relating to the experience requirement for Professional School Building Leader certification?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at its March 2023 meeting. A copy of the proposed amendment is attached (Attachment A).

Procedural History

The proposed amendment was presented to the Higher Education Committee for discussion at its November 2022 meeting. A Notice of Proposed Rule Making was published in the State Register on November 30, 2022, for a 60-day public comment period. Following publication in the State Register, the Department received 10 comments on the proposed amendment. An Assessment of Public Comment is included (Attachment B). No changes to the proposed amendment are recommended at this time. A Notice of Adoption will be published in the State Register on March 29, 2023. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

Section 80-3.10 of the Commissioner's regulations describe the requirements for the Professional School Building Leader certificate, including three years of experience in an educational leadership position in public or non-public schools; at least one of those three years of experience must be experience as a school building leader.

There have been concerns from the P-12 community related to the requirement that at least one year of the educational leadership experience is at the school-building leader level and the impact this requirement is having on a school-building leader's ability to progress from the Initial certificate to the Professional certificate. Specifically, as the nature of the work of school administrators has evolved, there is an increasing expectation that building-level leaders are familiar with district-level issues. Further, district-level administrators often regularly work in building environments and perform tasks that might have traditionally been assigned to school building leaders.

As such, a candidate for the Professional School Building Leader certificate whose job title and/or physical location within a district would not have traditionally corresponded to school building leadership may have acquired the necessary knowledge, skills, and abilities to serve as a school building leader through district-level leadership experience.

To address these concerns, the Department proposes to amend the experience requirements for Professional School Building Leader certification by removing the requirement that at least one of the three years of experience in an educational leadership position be as a school building leader. This proposed amendment will provide school districts and Boards of Cooperative Educational Services (BOCES) with greater flexibility to assign administrators to the roles and responsibilities that are needed in their local education agencies. It will also ensure that candidates for the Professional School Building Leader certificate receive appropriate recognition of their experience in the educational leadership service regardless of whether they are assigned to a role that covers a single school building or multiple buildings within a school district.

Related Regents Items

November 2022: [Proposed Amendment of Section 80-3.10 of the Regulations of the Commissioner of Education Relating to the Experience Requirement for Professional School Building Leader Certification](https://www.regents.nysed.gov/common/regents/files/1122hed1.pdf)
(<https://www.regents.nysed.gov/common/regents/files/1122hed1.pdf>)

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That section 80-3.10 of the Regulations of the Commissioner of Education be amended, as submitted, effective March 29, 2023.

Timetable for Implementation

If adopted at the March meeting, the proposed amendment will become effective on March 29, 2023.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 208, 305, 308, 3001, 3004, and 3009 of the Education Law.

1. Subparagraph (i) of paragraph (2) of subdivision (a) of section 80-3.10 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) Requirements for the professional certificate as a school building leader in the educational leadership service. The candidate shall have successfully completed, in addition to the requirements for the initial certificate: three years of school experience in an educational leadership position in public or non-public schools N-12[, including at least one year of such experience as a school building leader]. The candidate who completes this requirement in total or part through providing educational leadership service in a school district or board of cooperative educational services in New York State shall be required to participate in a mentoring program in the first year of employment unless the candidate has successfully completed two years of educational leadership service prior to such public school service.

ASSESSMENT OF PUBLIC COMMENT

Since publication of the Notice of Proposed Rule Making in the State Register on November 30, 2022, the State Education Department (Department) received the following comments on the proposed amendment:

1. COMMENT: Eight commenters expressed their support to remove the Professional School Building Leader (SBL) certificate requirement that at least one of the three years of educational leadership experience must be experience as a school building leader. Several commenters shared that many administrative positions are not exclusively at the school building level, explaining that administrators often work in multiple buildings or in programs that cut across both district and school-level responsibilities; over the past years, programs for which building-level administrators and program directors are responsible require both building level and district-wide perspectives; many administrators complete educational leadership preparation programs that lead to both SBL and School District Leader (SDL) certification and then obtain a position at the district level and/or in multiple buildings; and in many cases, positions at boards of cooperative educational services (BOCES) require SBL and SDL certification. A commenter pointed out that some administrators would not be able to obtain one year of experience as a school building leader for Professional SBL certification without vacating their position.

Some commenters explained that the proposed amendment will provide school districts and BOCES with greater flexibility to assign and/or reassign administrators to the roles and responsibilities that are needed in their local education agencies (LEAs), which would be beneficial to the LEA and helpful for administrators. A commenter

indicated that BOCES need to hire administrators who can move throughout the organization and serve students throughout the BOCES service area.

Some commenters indicated that the proposal also provides flexibility for administrators so that they may take the best leadership path to ensure organization-wide student success without fear of not obtaining Professional certification, and ensures that they receive appropriate recognition of their experience in the educational leadership service for the Professional SBL certificate.

Some commenters asserted that it is important for leaders who become certified and serve as leaders to be able to keep their certification with the current shortage of school personnel and that the proposal will result in greater numbers of educators completing their path to Professional SBL certification. For example, a commenter explained that they would be able to stay in their position with the proposed amendment, which is not a building-level position and still keep their SBL certification.

DEPARTMENT RESPONSE: These comments are supportive of the proposed rule; therefore, no changes are necessary.

2. COMMENT: A commenter states that the proposal is a step in the right direction but is missing a core issue in providing administrative opportunities for the best and brightest educators. They describe that current school leaders encourage these educators to consider working towards administrative certification in order to broaden their perspective and enable more opportunities to lead in their careers. They note that school leaders can offer these educators the occasional opportunity to lead, providing valuable experience in controlled environments with veteran administrators available to mentor them. The commenter explains that the issue arises when these educators have completed their administrative preparation program but are not ready for the “paid experience” clock to begin and therefore hold off on applying for the Initial SBL certificate until they are ready to enter into administration full-time. They suggest that school building leader certification begins with the Professional certificate, similar to school district leader certification.

DEPARTMENT RESPONSE: The comments are outside the scope of the proposed regulation; therefore, no changes to the proposed rule are necessary. The Department will take the recommendation under consideration.

3. COMMENT: Another commenter asks if individuals who did not meet the requirement of one year of experience as a school building leader for the Professional SBL certificate and whose certificate application was disapproved could reapply for the certificate if their window to apply expired within the past 12-18 months.

DEPARTMENT RESPONSE: Individuals who did not meet the requirement of one year of experience as a school building leader for the Professional School Building Leader certificate and whose certificate application was disapproved can reapply for the certificate. There is no “window” to apply for certification; individuals can apply for a certificate anytime. No changes to the proposed rule are necessary.