



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 *William Murphy*

**SUBJECT:** Proposed Amendment of Section 52.21 of the Regulations of the Commissioner of Education Relating to the Pilot P-20 Partnerships for Principal Preparation Program

**DATE:** April 6, 2023

**AUTHORIZATION(S):** *John P. Bellamy*

### **SUMMARY**

#### **Issue for Decision (Consent)**

Should the Board of Regents adopt the proposed amendment of section 52.21 of the Regulations of the Commissioner of Education relating to the Pilot P-20 Partnerships for Principal Preparation Program?

#### **Reason(s) for Consideration**

Review of policy.

#### **Proposed Handling**

The proposed amendment is submitted to the Full Board for adoption as an emergency rule at its April 2023 meeting. A copy of the proposed amendment (Attachment A) and a Statement of Facts and Circumstances which necessitate emergency action (Attachment B) are attached.

#### **Procedural History**

The proposed amendment was presented to the Higher Education Committee for recommendation to the Full Board for adoption as an emergency rule at the February 2023 meeting of the Board of Regents. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on March 1, 2023, for a 60-day public comment period. Supporting materials are available upon request from the Secretary to the Board of Regents.

Because the February emergency action will expire on May 14, 2023, a second emergency action is necessary to ensure the emergency rule remains continuously in

effect until it can be permanently adopted at the June 2023 Regents meeting. A Notice of Emergency Adoption will be published in the State Register on May 31, 2023. Supporting Materials are available upon request from the Secretary to the Board of Regents.

### **Background Information**

In 2018, the Department published a Request for Applications (RFA) for the Model P-20 Partnerships for Principal Preparation Grant. The purpose of the grant program was to spur and support the growth of a statewide network of Regional P-20 Partnership programs (“pilot programs”) with the common aim of improving principal preparation and, thus, enhancing staff and school performance and contributing to improved student academic success. Eligible partnerships for the grant included the following entities:

- **Public School District (Select).** An eligible public school district: Buffalo Public Schools, Mount Vernon City School District, New York City Public Schools, Rochester City School District, Schenectady City School District, Syracuse City School District, and Yonkers Public Schools.
- **Institution of Higher Education (IHE).** An IHE with a graduate program in school leadership that is registered with the Department.
- **Leadership Development Partner (LDP) Entity.** Another entity with leadership development expertise.

Seven partnerships were funded, with one in each of the eligible public school districts. All but one<sup>1</sup> of these partnerships developed and implemented pilot programs leading to New York State School Building Leader (SBL) certification. The Department committed to funding two cohorts in each pilot program.

At its January 2019 meeting, the Board of Regents established the registration requirements for these pilot programs (8 NYCRR 52.21(c)(7)). The regulations included a requirement that the pilot programs design ways to build sustainability and progressively shift financial responsibility from the grant and the candidates to the partnership. Additionally, the Department committed to monitoring pilot program success, with the intention of registering successful programs to continue operation beyond the pilot period. Under these regulations, the Pilot P-20 Partnerships for Principal Preparation Program was scheduled to end on September 30, 2022.

However, several of the programs are still underway, necessitating an extension of the end of the pilot period. Additionally, several partnerships have requested that the Department modify certain aspects of the program’s design.

### **Proposed Amendment**

First, the Department proposes to extend the end date of the Pilot P-20 Partnerships for Principal Preparation Program to September 30, 2025.

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<sup>1</sup> The pilot program in the Schenectady City School District was not implemented.

This three-year extension will support the sustainability of these programs and allow them to continue under their registration requirements.

Second, the proposed amendment allows institutions with pilot programs to request flexibility from the Department regarding any of the specific program requirements. Previously, flexibility was limited to the minimum cohort size and internship design program requirements. To receive flexibility from a requirement, the institution must demonstrate good cause satisfactory to the Commissioner, including a showing that such flexibility would enable the institution to provide a more innovative or sustainable program.

Third, the proposal would permit an eligible public school district that has demonstrated leadership development expertise to serve as the LDP in the partnership, subject to approval from the Department. This flexibility may further promote sustainability for partnerships in cases where a district has leadership development expertise.

### **Related Regents Items**

February 2023: [Proposed Amendment of Section 52.21 of the Regulations of the Commissioner of Education Relating to the Pilot P-20 Partnerships for Principal Preparation Program](https://www.regents.nysed.gov/common/regents/files/223hea1revised.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/223hea1revised.pdf>)

January 2019: [Proposed Amendments to Sections 52.21 and 80-3.10 of the Regulations of the Commissioner of Education Relating to the Pilot P-20 Partnerships for Principal Preparation Program](https://www.regents.nysed.gov/common/regents/files/119brca6.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/119brca6.pdf>)

### **Recommendation**

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

VOTED: That section 52.21 of the Regulations of the Commissioner of Education be amended, as submitted, effective May 15, 2023, as an emergency rule upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to immediately extend the September 30, 2022 end date of the Pilot P-20 Partnerships for Principal Preparation Program and to ensure that the emergency action taken at the February 2023 Regents meeting remains continually in effect.

### **Timetable for Implementation**

If adopted as an emergency rule at the April 2023 Regents meeting, the emergency rule will become effective on May 15, 2023. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the June 2023 Regents meeting, after publication of the proposed amendment in the State Register and the expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the June 2023 meeting, the proposed amendment will become effective on June 28, 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. Paragraph (7) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(7) Pilot P-20 Partnerships for Principal Preparation.

(i) ...

(ii) Limitations. The Pilot P-20 Partnerships for Principal Preparation program shall end on September 30, [2022] 2025.

(iii) Definitions. For purposes of this paragraph:

(a)...

(b) ...

(c) Eligible leadership development partner entity (LDP) shall mean an entity with leadership development expertise which may include Boards of Cooperative Educational Services (BOCES), professional organizations that represent school building leaders in collective bargaining, IHE-based centers that provide leadership development separate and apart from the degree-granting academic program, and/or organizations with a record of accomplishment in leadership development. An eligible public school district that has demonstrated leadership development expertise may serve as the LDP, subject to department approval.

(d) ...

(e) ...

(f) ...

(g) ...

(iv)

(v) Specific requirements for the Pilot P-20 Partnerships for Principal Preparation program. All programs shall:

(a) ...

(b) ...

(c) ...

(d) ...

(e) enroll at least one cohort of aspiring principal candidates during the funded project period, to begin the program in either Year 1 or Year 2. For the Big 5 city school districts (New York City, Buffalo, Rochester, Syracuse, and Yonkers), the required minimum cohort size for this project is 15 principal candidates. The required minimum cohort size for smaller districts (Mount Vernon and Schenectady) is five principal candidates. [The Commissioner may grant a waiver from the minimum cohort size requirement upon a showing of good cause satisfactory to the Commissioner, including but not limited to, demonstration that waiver of this requirement would enable the institution to provide a more innovative or sustainable program, which otherwise meets the requirements of this Part.] Projects may enroll more than the minimum in each cohort. However, projects need not enroll a cohort every year. Pilot projects may only admit and enroll candidates who do not currently hold SBL certification;

(f) provide extended (at least one academic year long) internship learning experiences for aspiring principals that are grounded in a competency-based and well-

supervised set of practical experiences. Consistent with the purpose of exposing candidates to the full breadth of knowledge, skills, and experiences involved in leading schools, the principal-intern shall engage in sustained and rigorous clinical learning with substantial leadership responsibilities and an opportunity to practice and be evaluated in an authentic school setting, consistent with the PSELs. The internship must be designed to encompass the full-day experience throughout the regular school year, when students are in session, and may not be conducted “around the edges” of a candidate’s employment[. The commissioner may grant flexibility in the design of the internship, upon a showing of good cause satisfactory to the Commissioner, including but not limited to a showing that such flexibility would enable the institution to provide a more innovative or sustainable program, which otherwise meets the purposes and requirements of this Part];

(g) ...

(h) ...

(i) ...

(j) ...

(k) ...

(l) ...

(m) ...

(n) ...

(o) ...

(p) ...

(vi) Upon written application by the institution, the commissioner may grant flexibility in the specific requirements described in subparagraph (v) of this paragraph upon a showing of good cause satisfactory to the commissioner, including, but not limited to, a showing that such flexibility would enable the institution to provide a more innovative or sustainable program, provided such program otherwise meets the purposes and requirements of this Part.

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE  
EMERGENCY ACTION

In 2018, the Department published a Request for Applications (RFA) for the Model P-20 Partnerships for Principal Preparation Grant. The purpose of the grant program was to spur and support the growth of a statewide network of Regional P-20 Partnership programs (“pilot programs”) with the common aim of improving principal preparation and, thus, enhancing staff and school performance and contributing to improved student academic success. Eligible partnerships for the grant included the following entities:

- **Public School District (Select).** An eligible public school district: Buffalo Public Schools, Mount Vernon City School District, New York City Public Schools, Rochester City School District, Schenectady City School District, Syracuse City School District, and Yonkers Public Schools.
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- **Leadership Development Partner (LDP) Entity.** Another entity with leadership development expertise.

Seven partnerships were funded, with one in each of the eligible public school districts. All but one<sup>2</sup> of these partnerships developed and implemented pilot programs leading to New York State School Building Leader (SBL) certification. The Department committed to funding two cohorts in each pilot program.

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<sup>2</sup> The pilot program in the Schenectady City School District was not implemented.



At its January 2019 meeting, the Board of Regents established the registration requirements for these pilot programs (8 NYCRR 52.21(c)(7)). The regulations included a requirement that the pilot programs design ways to build sustainability and progressively shift financial responsibility from the grant and the candidates to the partnership. Additionally, the Department committed to monitoring pilot program success, with the intention of registering successful programs to continue operation beyond the pilot period. Under these regulations, the Pilot P-20 Partnerships for Principal Preparation Program was scheduled to end on September 30, 2022.

However, several of the programs are still underway, necessitating an extension of the end of the pilot period. Additionally, several partnerships have requested that the Department modify certain aspects of the program's design.

First, the Department proposes to extend the end date of the Pilot P-20 Partnerships for Principal Preparation Program to September 30, 2025. This three-year extension will support the sustainability of these programs and allow them to continue under their registration requirements.

Second, the proposed amendment allows institutions with pilot programs to request flexibility from the Department regarding any of the specific program requirements. Previously, flexibility was limited to the minimum cohort size and internship design program requirements. To receive flexibility from a requirement, the institution must demonstrate good cause satisfactory to the Commissioner, including a showing that such flexibility would enable the institution to provide a more innovative or sustainable program.

Third, the proposal would permit an eligible public school district that has demonstrated leadership development expertise to serve as the LDP in the partnership, subject to approval from the Department. This flexibility may further promote sustainability for partnerships in cases where a district has leadership development expertise.

The proposed amendment was presented to the Higher Education Committee for recommendation to the Full Board for adoption as an emergency rule at the February 2023 meeting of the Board of Regents, effective February 14, 2023. Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (non-emergency) action after the expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the June 2023 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the June meeting, would be June 28, 2023, the date the Notice of Adoption would be published in the State Register.

However, the emergency rule will expire on May 14, 2023. Therefore, a second emergency action is necessary at the April 2023 meeting for the preservation of the general welfare to immediately extend the September 30, 2022 end date of the Pilot P-20 Partnerships for Principal Preparation Program, to allow such program to continue operating and to ensure that the emergency action taken at the February 2023 meeting remains continuously in effect until the rule can be permanently adopted.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at its June 2023 meeting, which is the first scheduled meeting after the expiration of the 60-day public comment period mandated by SAPA

for State agency rulemaking.