



**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 Assessment Requirements for School District Leader (SDL) and School District Business Leader (SDBL) Program Completion, the Institutional Recommendation for Professional SDL and SDBL Certification, and the Institutional Recommendation Transitional D Certification

**DATE:** May 5, 2022

**AUTHORIZATION(S):** *Don McGreevey* *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 assessment requirements for school district leader (SDL) and school district business leader (SDBL) program completion, the institutional recommendation for Professional SDL and SDBL certification, and the institutional recommendation Transitional D certification?

**Reason(s) for Consideration**

Review of policy.

**Proposed Handling**

This issue will come before the Full Board for adoption as a permanent rule at its May 2022 meeting. A copy of the proposed amendment is attached (Attachment A).

**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 January

2022 meeting of the Board of Regents. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on January 26, 2022, for a 60-day public comment period.

Because the January emergency action would expire on April 10, 2022, a second emergency action was necessary to ensure the emergency rule remains continuously in effect until it can be permanently adopted at the May 2022 Regents meeting. A Notice of Emergency Adoption was published in the State Register on April 27, 2022.

Following the 60-day public comment period required under the State Administrative Procedure Act, the Department received three 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 June 1, 2022. Supporting materials are available upon request to the Secretary of the Board of Regents.

### **Background Information**

In response to the COVID-19 pandemic, the Board of Regents exempted school district leader (SDL) and school district business leader (SDBL) candidates from passing the SDL and SDBL assessment, respectively, for program completion and the institutional recommendation for Professional certification, if they completed all program requirements, other than the assessment requirement, during the 2019-2020 or 2020-2021 academic year. The Regents also exempted Transitional D candidates from passing the SDL assessment for the institutional recommendation for Transitional D certification if they completed all requirements for admitted candidates other than the assessment requirement on or before September 1, 2021. This temporary exemption, which was well received by the field, has now expired.

In order to achieve consistency across educator preparation programs, the Department now proposes to make these flexibilities permanent. Currently, and incongruously, only SDL, SDBL, and Transitional D candidates are required to pass a certification exam for program completion and/or the institutional recommendation for certification per the Commissioner's regulations; candidates enrolled in teacher, school building leader, or pupil personnel service preparation programs are not. Additionally, this proposed amendment will enable SDL, SDBL, and Transitional D candidates to pursue the Emergency COVID-19 certificate (8 NYCRR 80-5.27).

Since the above COVID-19, related flexibility was only provided in the 2019-2020 and 2020-2021 academic years, SDL, SDBL, and Transitional D candidates who have not passed the SDL or SDBL assessment (as appropriate) cannot currently receive institutional recommendation for certification, which is needed for such candidates to obtain the Emergency COVID-19 certificate. SDL and SDBL candidates would continue to be required to pass the SDL and SDBL assessment, respectively, to earn Professional certification, and Transitional D candidates would continue to be required to pass the SDL assessment to earn Transitional D certification.

## **Related Regents Items**

March 2022: [Proposed Amendment of Section 52.21 of the Regulations of the Commissioner of Education Relating to the Assessment Requirements for School District Leader \(SDL\) and School District Business Leader \(SDBL\) Program Completion, the Institutional Recommendation for Professional SDL and SDBL Certification, and the Institutional Recommendation Transitional D Certification](https://www.regents.nysed.gov/common/regents/files/322brca3.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/322brca3.pdf>)

January 2022: [Proposed Amendment to Section 52.21 of the Regulations of the Commissioner of Education Relating to the Assessment Requirements for School District Leader \(SDL\) and School District Business Leader \(SDBL\) Program Completion, the Institutional Recommendation for Professional SDL and SDBL Certification, and the Institutional Recommendation Transitional D Certification](https://www.regents.nysed.gov/common/regents/files/122hea1.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/122hea1.pdf>)

December 2021: [Proposed Amendment to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19, and 151-1.3 and the addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](http://www.regents.nysed.gov/common/regents/files/1221brca4.pdf)  
(<http://www.regents.nysed.gov/common/regents/files/1221brca4.pdf>)

## **Recommendation**

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

VOTED: That the Board of Regents adopt the proposed amendment of Section 52.21 of the Regulations of the Commissioner of Education, as submitted, effective June 1, 2022.

## **Timetable for Implementation**

If adopted at the May 2022 meeting, the proposed amendment will become effective as a permanent rule on June 1, 2022.

**Attachment A**

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 14, 101, 207, 208, 305, 308, 3001, 3004, and 3009 of the Education Law.

1. Subparagraph (vi) of paragraph (3) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(vi) Requirements for program completion and recommendation for professional certificate.

(a) Candidates shall have successfully met all program requirements established by the institution of higher education and requirements for program registration.

(b) Candidates who have not earned a master's degree prior to admission shall qualify for a master's degree upon program completion, and shall have successfully completed 60 semester hours of graduate study which may include graduate study completed prior to admission and the graduate study required to develop knowledge and skills for school district leadership, as specified in the program's content requirements.

[(c) Candidates shall have completed successfully the New York State assessment for school district leadership, except that the candidate shall be exempt from such assessment for program completion and for the institutional recommendation for the professional certificate in response to the time period of the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis if the candidate completed all program requirements other than the assessment requirement during the 2019-2020 or 2020-2021 academic year. The requirement of achieving a

satisfactory level of performance on the New York State assessment for school district leadership shall be waived if the candidate completes the registered program prior to the availability of such New York State assessment. The department shall determine the date on which such assessment is available and required.]

2. Clause (a) of subparagraph (iii) of paragraph (4) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) The program may recommend that the department issue transitional D certificates to admitted candidates who also meet the following requirements:

(1) Written commitment. Candidates shall hold a written commitment from a school district or BOCES for district-mentored and college-supervised employment as a school district leader, with mentoring of candidates for superintendent of schools to be provided by the regional BOCES District Superintendent or the New York City Regional Superintendent, or a superintendent identified by the regional BOCES District Superintendent or New York City Regional Superintendent, subject to the approval of the employing authorities.

(2) Program endorsement. Candidates shall have the program's endorsement for the transitional D certificate, including the program's description of how the candidate met each criterion used by the program to determine that the candidate had exceptional qualifications for becoming a school district leader with the substantial equivalent of three years of experience as a teacher, administrator, or pupil personnel provider in schools.

[(3) State assessment. Candidates shall pass the New York State assessment for school district leadership, except that the candidate shall be exempt from such assessment for the institutional recommendation for the transitional D certificate in response to the time period of the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis, if the candidate completed all requirements for admitted candidates other than the assessment requirement on or before September 1, 2021.]

3. Clause (c) of subparagraph (vi) of paragraph (5) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(vi) Requirements for program completion and recommendation for professional certificate.

(a) Candidates shall have successfully met all program requirements established by the institution of higher education and requirements for program registration.

(b) Candidates who have not earned a master's degree prior to admission shall qualify for a master's degree upon program completion, and shall have successfully completed 60 semester hours of graduate study that may include graduate study completed prior to admission and the graduate study required to develop knowledge and skills for school district business leadership, as specified in the program's content requirements.

[(c) Candidates shall successfully complete the New York State assessment for school district business leadership, except that the candidate shall be exempt from such assessment for program completion and for the institutional recommendation for the

professional certificate in response to the time period of the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis if the candidate completed all program requirements other than the assessment requirement during the 2019-2020 or 2020-2021 academic year. The requirement of achieving a satisfactory level of performance on the New York State assessment for school district business leadership shall be waived if the candidate completes the registered program prior to the availability of such New York State assessment. The department shall determine the date on which such assessment is available and required.]

## **Attachment B**

### ASSESSMENT OF PUBLIC COMMENT

Since publication of the Notice of Proposed Rule Making in the State Register on January 26, 2022, the State Education Department (Department) received the following comments on the proposed amendment:

1. COMMENT: Two commenters support the proposed amendment. One commenter noted that the school district leader (SDL) and school district business leader (SDBL) programs are currently the only content areas that require the successful completion of State-required exams for the award of the degree, which prevents candidates from receiving their degree when they have completed all university-controlled elements. As many institutions have a statute of limitations related to time to degree, the exam requirement forces candidates to take exams that have time and financial implications, or they risk being closed from their program. Additionally, not all SDL/SDBL candidates wish to seek certification in New York; some candidates may plan on leaving the state or are completing the program to gain the knowledge and skills offered.

The other commenter explained that the certification exams are extraneous to their school and district leader preparation programs. They noted that there is nothing in the exams that provides any richer information on each candidate's leadership acumen than the copious assessments of practice and theory that they conduct in their programs. These programs were all vetted by the Department, and thus meet their standards as well as the standards of the institution's accreditors without examination results. Removing any impediments to the efficient movement from teacher leader to



school and district leader seems to be the best way to help local superintendents recruit and retain promising leadership for our schools.

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

2. COMMENT: Commenter is appreciative of the changes made to the requirements for teachers and administrators. They possess a School Building Leader certificate and were on track to complete their SDL certificate, but had to stop because of the graduate credit requirement. The commenter states that this requirement would essentially take an additional master's degree in credits, which is costly. Since they have been engaged in district-level work at a charter school and have been an administrator for over a decade, they believe that their years of experience should trump credits.

DEPARTMENT RESPONSE: The comment is beyond the scope of the proposed rule; therefore, no changes to the proposed rule are necessary.