



**TO:** The Honorable the Members of the Board of Regents

**FROM:** Elizabeth R. Berlin *Elizabeth R. Berlin*

**SUBJECT:** Proposed Amendment to Sections 52.21 of the Regulations of the Commissioner of Education Relating to the Requirements for Transitional D Programs that Lead to School District Leader Certification

**DATE:** August 29, 2019

**AUTHORIZATION(S):** *Sharon L. Takoe* *Margellen Eis*

#### **SUMMARY**

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

Should the Board of Regents adopt the proposed amendments to §52.21 of the Regulations of the Commissioner of Education relating to the requirements for Transitional D programs that lead to School District 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 the September 2019 meeting of the Board of Regents. A copy of the proposed rule is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

#### **Procedural History**

A Notice of Proposed Rule Making was published in the State Register on May 22, 2019. Following the 60-day public comment period required under the State Administrative Procedure Act, the Department received one comment on the proposed amendment (Assessment of Public Comment is included as Attachment B)

## **Background Information**

There are several options for gaining Professional School District Leader certification. One option is that candidates could enroll in an alternative school district leader program, also known as a Transitional D program. This alternative program is currently available for exceptionally qualified candidates who do not have three years of classroom teaching service, pupil personnel service, and/or educational leadership service.

Candidates must apply for a Transitional D certificate upon acceptance into a Transitional D program. This certificate enables the candidates to work in a school district or BOCES as a school district leader while they complete their program requirements. The Transitional D certificate expires in five years or when candidates complete their program, whichever comes first.

The Department has encountered several situations where candidates did not apply for a Transitional D certificate while matriculating in their Transitional D program. By not obtaining this certificate, they worked in a school district or BOCES without certification in a position that requires certification per State law. In addition, the administrative experience that candidates gain during their program cannot count towards the three-year experience requirement for the Professional School District Leader certificate unless they held a Transitional D certificate throughout the experience; experience in a school district or BOCES can only count towards certification while holding a valid certificate.

One of the Transitional D certification requirements is an institutional recommendation by the program for the certificate. Programs that submit this institutional recommendation for certification immediately upon the candidates' enrollment in the program avoid delaying the certification process.

## **Proposed Amendment**

The Department is proposing to require that Transitional D programs provide written notification to candidates that they must apply for the Transitional D certificate upon enrollment in the program and submit an institutional recommendation for certification immediately upon the candidates' enrollment. The revisions would ensure that candidates know they must apply for certification and would receive an institutional recommendation for certification in a timely manner.

By knowing about the need to apply and having the institutional recommendation for certification, candidates can optimize the amount of experience that can count towards the Professional School District Leader certificate and comply with State laws regarding working in a school district or BOCES in a position that requires certification.

The Department is also proposing to remove the stipulation that limits admission to Transitional D programs to candidates with limited or no school experience. As currently written, candidates with three or more years of classroom teaching service, pupil

personnel service, and/or educational leadership service cannot be admitted to a Transitional D program. This stipulation prevents educators with three years of experience or more, and who may be excellent leaders and have relevant experience, from becoming a school district leader through a Transitional D program.

### **Related Regents Items**

[May 2019](https://www.regents.nysed.gov/common/regents/files/519hed1.pdf) <https://www.regents.nysed.gov/common/regents/files/519hed1.pdf>

### **Recommendation**

VOTED: That §52.21 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 25, 2019.

### **Timetable for Implementation**

If adopted at the September 2019 Regents meeting, the permanent rule will take effect on September 25, 2019.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

Paragraph (4) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(4) Alternative school district leader certification program. Specific requirements for programs preparing candidates for the professional certificate as a school district leader (superintendent of schools, district superintendent, deputy superintendent, associate superintendent, assistant superintendent, and any other person having responsibility for general district-wide administration, except those responsibilities defined for school district business leaders). [Such alternative programs are for exceptionally qualified candidates who do not have three years of classroom teaching service, and/or pupil personnel service, and/or educational leadership service.]

(i) General requirements. [Programs shall meet the general requirements for all programs preparing education leaders in paragraph (1) of this subdivision.]

(a) Programs shall meet the general requirements for all programs preparing education leaders in paragraph (1) of this subdivision.

(b) Programs shall submit an institutional recommendation for the Transitional D certificate upon a candidate's enrollment in the program.

(c) Prior to admission into a program, the institution shall provide written notification to candidates that they must apply for the Transitional D certificate upon enrollment in the program.

ASSESSMENT OF PUBLIC COMMENT

Since publication of the Notice of Proposed Rule Making in the State Register on May 22, 2019, the State Education Department (SED) received the following comment on the proposed amendment. Below is an assessment of the public comment received.

**COMMENT:** Commenter noted that the Transitional D certificate is valid for five years, but that candidates in Transitional D programs can complete the program in two years or less. Once they complete the program, their Transitional D certificate is “expired” and they no longer hold a certificate allowing them to complete the three years of experience needed for the Professional School District Leader (SDL) certificate. So, while the Transitional D certificate gives candidates five years to complete the Professional SDL certificate experience requirement, the regulatory language that the Transitional D certificate is only valid as long as the candidate is matriculated in a Transitional D program short-circuits the purpose of the five-year time validity of the Transitional D certificate.

Commenter indicated that candidates could be advised to remain matriculated in the Transitional D program so that the college does not recommend them for Professional SDL certification and “end” the Transitional D certificate. However, commenter suggests adding language to Section 80-5.15(a)(1) stating that institutions of higher education shall not recommend Transitional D program candidates for Professional School District Leader certification until they have completed the three-year experience requirement.

**DEPARTMENT RESPONSE:**

The commenter is recommending a change to Section 80-5.15 of the Commissioner's Regulations. Section 80-5.15 addresses the requirements for School District Leader certification. The Department is recommending a change to alternative school district leader preparation programs as outlined in Section 52.21 of the Commissioner's Regulations and is not recommending a change to certification requirements at this time. Therefore, this comment falls outside the scope of the proposed amendment. The Department will consider the commenter's suggestion in the future.