



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

TO:

The Honorable the Members of the Board of Regents

FROM:

John L. D'Agati

SUBJECT:

Proposed Amendment to §52.21, §80-6.3 and §154-2.3 and Addition of a New §80-5.25 to the Regulations of the Commissioner of Education to Establish a Transitional H Pathway for Holders of a New York State License as a Certified Public Accountant to Pursue a School District Business Leader Certificate

DATE:

January 11, 2018

AUTHORIZATION(S):

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents amend §52.21, §80-6.3 and §154-2.3 and add a new §80-5.25 to the Regulations of the Commissioner of Education to establish a Transitional H pathway for holders of a valid New York State license and registration as a certified public accountant (CPA) with at least three years of experience auditing New York State school districts, BOCES and/or municipalities with the ability to pursue a school district business leader certificate?

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 January 2018 Board of Regents meeting (Attachment A is a copy of the proposed amendment).

Procedural History

A Notice of Proposed Rule Making was published in the State Register on November 1, 2017. Following the 60-day public comment period required under the State Administrative Procedure Act, the Department received no comments on the proposed amendment. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background Information

Currently, the requirements in §80-3.10(c) of the Commissioner's Regulations for an individual to obtain a professional school district business leader certificate are:

- (1) a master's or higher degree from a regionally accredited higher education institution or an equivalently approved higher education institution as determined by the department; and
- (2) either:
 - (a) have successfully completed a New York State program leading to a professional certificate as a school district business leader in the educational leadership service registered pursuant to §52.21(c)(5), or its equivalent; or
 - (b) have successfully completed an educational leadership program outside of New York State that is equivalent with a program leading to a professional certificate as a school district business leader in the educational leadership service registered pursuant to §52.21(c)(5).

Both pathways require completion of at least 60 semester hours of graduate study and satisfactory performance on the New York State assessment for school district business leadership.

School district business leaders (SDBLs) are important assets to school districts and BOCES, with their duties ranging from day-to-day operations to long-range planning. The New York State Association of School Business Officials (NYSASBO) has reached out to the Department to discuss the current state of the school district business leader field, and has estimated that approximately 40 percent of current school district business leaders are planning to retire within the next 10 years, making the task of obtaining qualified individuals to fill these roles even more challenging.

The Department is recommending the establishment of a transitional pathway to allow holders of valid NYS Certified Public Accountant (CPA) licenses and registrations, who have had experience auditing New York State school districts, BOCES and/or municipalities, to obtain a three year transitional certificate allowing them to hold the position of a school district business leader while pursuing the requirements for the professional certificate.

This Transitional certificate would strengthen the talent pool for school districts and BOCES, while ensuring the continuance of rigorous certification standards for

school district business leaders. Much of the knowledge and training that is required of SDBLs is similar to the knowledge and training of CPAs.

Proposed Amendment

At this time, the Department is proposing the addition of a new §80-5.25 to establish a “Transitional H” pathway for an individual who holds a valid license and registration as a Certified Public Accountant in New York with at least three years of auditing experience for New York State school districts, BOCES and/or municipalities to obtain a certificate valid for three years to allow him/her to hold the position of a school district business leader in a school district or BOCES while completing the requirements for a professional school district business leader certificate. The candidate must have a baccalaureate degree or higher in accounting, finance, or a related business field, as well as an employment and support commitment from a school district or BOCES for at least three years, which includes at least one year of mentoring.

The Department is also proposing an amendment to §52.21 of the Commissioner’s Regulations to waive the internship requirement for the professional school district business leader certificate for those candidates holding a Transitional H certificate. These candidates may waive all or part of the required hours by documenting experience in areas specified by the Commissioner.

Lastly, the Department is proposing an amendment to the requirements related to Continuing Teacher and Leader Education (CTLE) for those holding a professional school district business leader certificate. The amendment waives the requirement that all SDBL certificate holders must complete a minimum of 15 percent of their CTLE clock hours in language acquisition addressing the needs of English language learners and eliminates the requirement that school districts and BOCES provide such professional development to school district business leaders. The proposed amendment instead requires that all SDBL certificate holders complete 15 percent of their CTLE hours focused on and understanding of the needs of English language learners and the associated federal state, and local mandates that are necessary to support students as they progress through their academic careers.

Related Regents Items

October 2017 Regents Item.

(<http://www.regents.nysesd.gov/common/regents/files/1017hed1.pdf>)

Recommendation

VOTED: That §52.21, §80-6.3 and §154-2.3 be amended and a new §80-5.25 be added to the Regulations of the Commissioner of Education, effective February 7, 2018.

Timetable for Implementation

If adopted at the January 2018 meeting, the proposed amendment will become effective on February 7, 2018.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Section 80-5.25 of the Regulations of the Commissioner of Education shall be added to read as follows:

80-5.25 Transitional H certificate for school district business leaders who hold a valid New York State license and registration as a certified public accountant and have at least three years of experience as a licensed certified public accountant auditing New York State school districts, boards of cooperative educational services and/or municipalities in New York State.

(a) General requirements.

(1) Time validity. The transitional H certificate shall be valid for three years from its effective date and shall not be renewable.

(2) Limitations. The transitional H certificate shall authorize a candidate to hold a school district business leader position in a school district or BOCES for which a commitment for employment and mentoring has been made. In addition, it shall only be valid as long as the candidate is matriculated in good standing in a school district business leader program registered pursuant to section 52.21 of this Title, leading to a professional school district business leader certificate.

(3) The candidate shall meet the requirements in each of the following subparagraphs:

(i) Education.

(a) The candidate shall hold a baccalaureate degree or higher in accounting, finance, or a related business field as determined by the Commissioner, from a

regionally accredited institution of higher education or from an institution authorized by the Board of Regents to confer degrees;

(b) Hold a valid license and registration as a New York State Certified Public Accountant;

(c) The candidate shall have completed at least three years of experience as a licensed certified public accountant auditing New York State school districts, BOCES and/or municipalities in New York State, as determined by the Commissioner;

(d) Employment and support commitment. The candidate shall submit satisfactory evidence of having a commitment from a New York State school district or BOCES of employment as a school district business leader with the school district or BOCES for at least three school years, which shall include at least one year of mentoring; and

(e) Matriculation in a school district business leader certification program registered pursuant to section 52.21(c) of this Title, leading to a professional certificate as a school district business leader.

2. Subparagraph (v) of paragraph (5) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(v) Leadership experiences.

(a) Programs shall require candidates to successfully complete leadership experiences that shall:

(1) include leadership experiences in districts serving students at different developmental levels and with a variety of characteristics and socioeconomic backgrounds;

(2) be carefully selected and planned by program faculty in collaboration with school district leaders, with learning outcomes specified that are connected to program competencies and with the achievement of those competencies regularly evaluated by program faculty; and

(3) be supervised by certified school district leaders and by program faculty who have preparation and expertise in supervision related to school district business leadership.

(b) The leadership experiences specified in clause (a) of this subparagraph shall occur throughout the program of study. In addition, they shall culminate in a full-time experience of at least 15 weeks that is structured to provide leadership responsibilities of increasing breadth and depth.

(c) Alternatively, the leadership experiences specified in clause (a) of this subparagraph may occur in a competency-based format different from that prescribed in clause (b) of this subparagraph provided that the program demonstrates that such format is substantially equivalent to the format prescribed in clause (b) of this subparagraph.

(d) Programs shall exempt candidates who submit evidence to the program that they hold and/or held a Transitional H certificate and were employed by a school district or BOCES under such certificate for more than a year from the required leadership experience specified in clause (a) of this subparagraph.

3. Paragraph (2) of subdivision (a) of section 80-6.3 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(2) Exemption [from] or modification of language acquisition requirements.

(i) For a teacher or school leader who is employed by an applicable school with an approved exemption pursuant to section 154-2.3(k) of this Title because there are fewer than 30 English language learner students enrolled or English language learners make up less than five percent of the applicable school's total student population as of a date as established by the commissioner, the teacher or school leader shall be exempt from the language acquisition CTLE requirements prescribed in this subdivision for each such year that they are employed in an applicable school with an approved exemption.

(ii) A school district business leader who is employed by an applicable school shall be exempt from the language acquisition CTLE requirements prescribed in this subdivision for each such year that they are employed in a school district or BOCES. Instead, a school district business leader shall complete a minimum of 15 percent of the required CTLE clock hours dedicated to the needs of English Language Learners and federal, state and local mandates for English Language Learners.

4. Subdivision (k) of section 154-2.3 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(k) Professional Development. Each school district and board of cooperative educational services shall provide professional development to all teachers, level III teaching assistants and administrators that specifically addresses the needs of English Language Learners and for school business leaders, professional development related to the needs of English Language Learners and the federal, state and local mandates for English language learners.