



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 B. King, Jr. *John B. King, Jr.*

SUBJECT: Proposed Amendment of Section 100.17 of the Regulations of the Commissioner of Education Relating to the Distinguished Educator Program

DATE: July 8, 2014

AUTHORIZATION(S): *Richard P. Iacono*

SUMMARY

Issue for Decision (Consent agenda)

Should the Board of Regents amend section 100.17 of the Regulations of the Commissioner of Education relating to the Distinguished Educator Program?

Reason(s) for Consideration

Implementation of policy.

Proposed Handling

The proposed amendment is being presented to the Full Board for action at the July 2014 Board of Regents meeting.

Procedural History

The proposed amendment was discussed by the P-12 Education Committee at the April 2014 Regents meeting.

A Notice of Proposed Rule Making was published in the State Register on May 7, 2014. A copy of the proposed amendment and an assessment of public comment are

attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

Education Law §211-c directs the Regents to establish a Distinguished Educator Program providing for the appointment of individuals as distinguished educators to assist low performing districts in improving their academic performance. In addition, Education Law §211-b provides for the inclusion of distinguished educators in joint intervention teams that are appointed by the Commissioner to assist school districts in developing, reviewing and recommending plans for reorganizing or reconfiguring schools in restructuring status or schools under registration review (SURR) that have failed to demonstrate progress as specified in their corrective action plan or comprehensive education plan.

On June 22, 2012, Dr. Judy Elliott was appointed, effective August 2012, to serve as the distinguished educator for the Buffalo City School District, based on the district's designation as a district in need of improvement for nine years and failure to submit approvable plans for implementing one of the Four Federal Intervention models in all of the district's Persistently Lowest Achieving Schools. To date, Dr. Elliott has been the only distinguished educator appointed by the Commissioner.

The proposed amendments to Commissioner's Regulations are intended to reflect the State Education Department's (NYSED or "the Department") experiences and "lessons learned" in implementing the Distinguished Educator program. Among those experiences and lessons are the following:

- Districts would benefit from a more explicit delineation of the ways in which districts are expected to fully cooperate with a distinguished educator so as to make the work of the distinguished educator more productive and helpful to the district.
- The action plan that results from the assignment of a distinguished educator should be jointly developed by the district and the distinguished educator.
- Persons selected for the pool of distinguished educators should be able to remain in the pool and eligible for assignment as a distinguished educator for a period of more than three years so long as these persons demonstrate that they are participating in appropriate professional development.
- The Commissioner should have the flexibility to reappoint a distinguished educator to multiple one-year renewal terms and should be able to appoint more than one distinguished educator to serve a district, if needed.

Recommendation

Staff recommends that the Regents take the following action

VOTED: That subdivisions (c), (d) and (f) of section 100.17 of the Commissioner's Regulations be amended as submitted, effective July 30, 2014.

Timetable for Implementation

If adopted at the July meeting, the proposed amendment will take effect on July 30, 2014.

Attachment

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 207, 305, 211-b and 211-c

Subdivisions (c), (d), and (f) of section 100.17 of the Regulations of the Commissioner of Education are amended, effective July 30, 2014, as follows:

(c) Appointment. (1) . . .

(2) From the applications submitted pursuant to paragraph (1) of this subdivision, the Board of Regents delegates to the commissioner the authority pursuant to Education Law §211-c(1) to designate a pool of eligible individuals to serve as distinguished educators. Individuals [in the pool] shall serve [a maximum of] in the pool for three years, provided that an individual's service in the pool may be renewed [for an additional year] annually upon submission of evidence of ongoing professional development.

(3) From the pool of distinguished educators designated pursuant to paragraph (2) of this subdivision, the commissioner shall appoint distinguished educators who have expressed their willingness to assist low performing districts in improving their academic performance, pursuant to the following:

(i) The commissioner may appoint [a distinguished educator as a consultant] one or more distinguished educators as consultants to a school district [or] and/or assign such distinguished educator(s) to school(s) within such district:

(a) when such district has one or more schools designated as a priority school or focus school pursuant to section 100.18(g) of this Part and/or identified as persistently lowest achieving and placed under registration review pursuant to section 100.2(p)(9) and (10) of this Part, and [are at risk of closure for failure to make satisfactory progress under Federal and State accountability standards] failed to achieve adequate yearly progress for four or more years; and/or

(b) as a member of a joint intervention team pursuant to Education Law section 211-b(2)(b) and as provided in section 100.18(g)(2)(v) and (l)(2) of this Part.

(ii) The distinguished educator shall be appointed for a one-year term and, upon satisfactory annual evaluation pursuant to subdivision (g) of this section, may be reappointed for one or more additional one-year terms.

(iii) . . .

(iv) . . .

(v) . . .

(d) Roles and responsibilities.

(1) . . .

(2) School districts.

(i) The school district to which a distinguished educator is appointed shall cooperate fully with an appointed distinguished educator. Such cooperation shall include, but not be limited, to:

(a) providing the distinguished educator with a space to work and a district email address to be used for official correspondence;

(b) placing on the district website, reports of the distinguished educator and contact information for the distinguished educator;

(c) providing the distinguished educator with an opportunity to present a report to the board of education at least quarterly on the implementation of the improvement efforts of the district and/or any schools to which a distinguished educator is assigned; and

(d) promptly scheduling meetings with district personnel as requested by the distinguished educator.

(ii) . . .

(iii) . . .

(iv) . . .

(v) . . .

(vi) . . .

(f) Reporting requirements. Within [45] forty-five (45) days of appointment to the school district, a distinguished educator and the district shall work collaboratively to develop an action plan outlining [his/her] the goals and objectives for the district and the distinguished educator for the ensuing school year [and shall also submit such action plan to the commissioner or his or her designee for approval]. The plan shall include, but not be limited to, an outline of the goals and objectives the district is responsible for achieving and the technical assistance the distinguished educator will provide in order to support the district in achieving its goals and objectives. The distinguished educator shall submit such action plan to the commissioner or his or her designee for approval. Upon approval, the distinguished educator shall provide a copy of the action plan to the school district. The distinguished educator shall also submit quarterly reports to the commissioner or his or her designee in a form prescribed by the commissioner.

8 NYCRR §100.17

ASSESSMENT OF PUBLIC COMMENT

Since publication of a Notice of Proposed Rule Making in the State Register on May 7, 2014, the State Education Department received the following comment:

COMMENT:

The Conference of Big 5 School Districts and Assemblyman Sean M. Ryan submitted comments objecting to the provisions in the proposed rule that permit the appointment of multiple distinguished educators to specific schools, as beyond the statutory authority afforded in Education Law §211-c, which speaks only to the appointment of a distinguished educator to a school district and not to a specific school. In addition, both the Conference and Assemblyman Ryan shared concerns over the fiscal burdens that could result from multiple distinguished educator appointments to a single district.

DEPARTMENT RESPONSE:

The Department disagrees with the comments and believes that the statute permits the appointment of multiple distinguished educators as well as the assignment of such appointed distinguished educators to specific schools. In addition, the Department believes that because districts that meet the criteria for appointment of distinguished educators receive additional funding, such as Contract for Excellence and Section 1003(a) and (g) Title I School Improvement Grants, to support their school improvement efforts, the appointment of a distinguished educator does not place an undue fiscal burden upon the district. No change in the regulation is necessary.