



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

TO: Higher Education Committee

FROM: John L. D'Agati *John L. D'Agati*

SUBJECT: Proposed Amendments to Section 52.21 and Part 80 of the Regulations of the Commissioner of Education and the Addition of a New Subpart 57-4 to the Regulations of the Commissioner of Education Relating to Coursework or Training in Harassment, Bullying and Discrimination Prevention and Intervention

DATE: January 7, 2013

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AUTHORIZATION(S):

SUMMARY

Issue for Discussion

Should the Board of Regents amend section 52.21 and Part 80, and add a new Subpart 57-4 to the Regulations of the Commissioner of Education, relating to requirements for coursework or training in harassment, bullying and discrimination prevention and intervention as prescribed in the Dignity for All Students Act ("Dignity Act")?

Reason(s) for Consideration

Required by State statute.

Proposed Handling

This item will come before the Higher Education Committee for discussion at its January 2013 meeting. The amendment will be submitted for action at the April 2013 meeting.

Procedural History

A Notice of Proposed Rule Making concerning the proposed amendment will be published in the State Register on February 13, 2013.

Background Information

The Dignity for All Students Act (DASA) added Article 2 to the Education Law (Education Law §§10 through 18), to require, among other things, school districts to create policies and guidelines to be used in school training programs to discourage the development of discrimination or harassment and to enable employees to prevent and respond to discrimination or harassment. These provisions took effect on July 1, 2012.

In June 2012 the Legislature enacted Chapter 102 of the Laws of 2012, which amended the Dignity Act to include a requirement that school professionals applying for a certificate or license on or after July 1, 2013 complete training on the social patterns of harassment, bullying and discrimination.

In response to the new law, the Department consulted with a work group, which was comprised of representatives of teachers, administrators, school social workers, school counselors, school guidance counselors, school psychologists, superintendents, school boards, teacher education program faculty, GLESN and Empire Pride Agenda to seek recommendations on how many hours and the types of training needed to ensure that school personnel have adequate training in harassment, bullying and discrimination. The work group recommends that the following actions be taken:

- Part 52 of the Commissioner's Regulations be amended to require teacher and school leadership preparation programs to include at least six hours of training in Harassment, Bullying and Discrimination Prevention and Intervention.
- A new Subpart 57-4 of the Commissioner's Regulations be added to establish standards under which the Department will approve providers of this training.
- Part 80 of the Commissioner's Regulations be amended to require that anyone applying for an administrative or supervisory service, classroom teaching service or school service certificate or license on or after July 1, 2013, shall have completed at least six clock hours of coursework or training in Harassment, Bullying and Discrimination Prevention and Intervention.

Department staff agrees with these recommendations and the proposed amendment implements these recommendations.

Recommendation

Not applicable.

Timetable for Implementation

If adopted at the April meeting, the proposed amendment will become effective on July 1, 2013 and candidates seeking certification or a license on or after July 1, 2013 will be required to have such coursework or training.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 212, 208, 305, 308, 3001, 3004, 3006 and 3009 of the Education Law.

1. A new paragraph (5) is added to subdivision (a) of section 52.21 of the Regulations of the Commissioner of Education is added, effective July 1, 2013, to read as follows:

(5) All registered teacher education programs leading to certification in the classroom teaching service, school service, or administrative and supervisory service shall provide six clock hours of coursework or training in the prevention and intervention of harassment, bullying and discrimination. Such coursework or training shall include, training on the social patterns of harassment, bullying and discrimination, as defined in section 11 of the Education Law, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

2. A new item (xiii) shall be added to subclause (1) of clause (c) of subparagraph (ii) of paragraph (2) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education, effective July 1, 2013, to read as follows;

(xiii) means for the prevention of and intervention in harassment, bullying and discrimination in accordance with section 14 of the education law. Such study shall include six clock hours of course work or training on the social patterns of harassment, bullying and discrimination, as defined in section 11 of the Education Law, including but not limited to those acts based on a person's actual or perceived race, color, weight,

national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

3. A new phrase (X) shall be added to subitem (A) of item (i) of subclause (1) of clause (a) of subparagraph (xiii) of paragraph (3) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education, effective July 1, 2013, to read as follows;

(X) means for the prevention of and intervention in harassment, bullying and discrimination in accordance with section 14 of the education law. Such study shall include six clock hours of course work or training on the social patterns of harassment, bullying and discrimination, as defined in section 11 of the Education Law, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

4. A new subitem (J) of item (iv) of subclause (2) of clause (b) of subparagraph (xvii) of paragraph (3) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education, effective July 1, 2013, to read as follows;

(J) means for the prevention of and intervention in harassment, bullying and discrimination in accordance with section 14 of the education law. Such study shall include six clock hours of course work or training on the social patterns of harassment, bullying and discrimination, as defined in section 11 of the Education Law, including but

not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

5. A new clause (c) shall be added to subparagraph (iv) of paragraph (1) subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education is added, effective July 1, 2013, to read as follows

(c) Programs shall ensure that candidates complete six clock hours of coursework or training on the social patterns of harassment, bullying and discrimination, a, in accordance with the requirements of section 14 of the Education Law.

6. Subpart 57-4 of the Regulations of the Commissioner of Education is added, effective July 1, 2013 as follows:

SUBPART 57-4

Training in Harassment, Bullying and Discrimination Prevention and Intervention

§ 57-4.1 Purpose.

The purpose of this Subpart is to set forth standards for approval and the approval process for providers of course work or training in harassment, bullying and discrimination, prevention and intervention that is offered to candidates for a teachers' certificate or license in the classroom teaching service, school service, or administrative and supervisory service, as required by section 14 of the Education Law.

§ 57-4.2 Definitions.

As used in this Subpart:

(a) Coursework or training means course work or training in harassment, bullying and discrimination prevention and intervention.

(b) Provider means any teachers' or professional organization or association, school district, board of cooperative educational services, nonpublic school, institution of higher education, hospital, health care facility, government agency or office, social service agency, or any other organization that has as its purpose the provision of course work or training in Harassment, Bullying and Discrimination Prevention and Intervention, and that is approved by the department to offer course work or training in school violence prevention and intervention pursuant to Education Law Article 2 – Dignity for all Students.

§ 57-4.3 Filing of application for approval as a provider.

(a) A person or organization seeking approval as a provider shall submit to the department, an application on forms prescribed by the commissioner, with a fee of \$600.

(b) To be approved, each applicant shall submit evidence acceptable to the department that the applicant:

(1) has and will maintain adequate resources to offer the course work or training;

(2) has and will ensure that faculty who will offer the course work or training have demonstrated, their competence to offer the course work or training.

(3) certifies in writing that the coursework or training will be conducted through use of a curriculum which, at a minimum, includes the syllabus prepared by the department; and

(4) certifies, in writing, that certification of completion forms obtained from the department will be issued to students upon completion of the course work or training for

their use in documenting satisfaction of the requirement of course work or training in the Prevention and Intervention of Harassment, Bullying and Discrimination

§57-4.4 Term of approval as a provider.

(a) Providers shall be approved for a period of three years, except that the approved status of such providers may be terminated during this term by the department in accordance with section 57-4.6 of this Subpart.

(b) At the expiration of said term, the provider may reapply to the department for approval following the requirements of section 57-4.3 of this Subpart, including payment of the required fee.

§ 57-4.5 Responsibility of providers.

(a) A provider, at a minimum, shall offer the syllabus prepared by the department. However, nothing in this section shall preclude providers from offering additional coursework or training which exceeds, or expands upon, the six hour syllabus prescribed by the department.

(b) An approved provider of such course work or training shall execute a certification of completion of each person completing course work or training, and within 21 calendar days of the completion of course work or training, the provider shall submit the certification of completion to the person completing the course work or training for that person's use in documenting such completion.

(c) The provider shall retain a copy of the certification of completion in the provider's files for not less than six years from the date of completion of course work or training.

(d) In the event that an approved provider discontinues offering coursework or training, all copies of certifications of completion issued within the six years prior to such discontinuance shall be transferred to the department.

(e) Coursework or training shall be taught by instructors who have demonstrated by training, education and experience their competence to teach the course content prescribed in subdivision (a) of this section.

§ 57-4.6 Review of providers by the department.

(a) The department may review approved providers during the term of approval to ensure compliance with the requirements of this Subpart and may request information from a provider and may conduct site visits, pursuant to such review.

(b) A determination by the department that the services offered by a provider are inadequate, incomplete or otherwise unsatisfactory pursuant to the standards set forth in this Subpart shall result in the denial or termination of the approved status of the provider.

§ 57-4.7 Exemption.

An institution that offers a registered program leading to certification pursuant to section 52.21 of this Title, shall be deemed approved, pursuant to this Subpart, for purposes of offering coursework or training in harassment, bullying and discrimination, prevention and intervention, within such program to students in the program.

7. A new Section 80-1.13 of the Regulations of the Commissioner of Education is added, effective July 1, 2013, as follows:

Section 80-1.13 Required study in Harassment, Bullying and Discrimination Prevention and Intervention

All candidates for a certificate or license valid for an administrative or supervisory service, classroom teaching service or school service who apply for a certificate or license on or after July 1, 2013, shall have completed at least six clock hours of course work or training in harassment, bullying and discrimination prevention and intervention, as required by section 14 the Education Law, which is provided by a registered program leading to certification pursuant to section 52.21 of this Title or other approved provider pursuant to Subpart 57-4 of this Title.

8. Subparagraph (i) of paragraph (1) of subdivision (b) of section 80-3.5 of the Regulations of the Commissioner of Education is amended, effective July 1, 2013, as follows:

(i) Education. The candidate shall complete at least two clock hours of course work or training regarding the identification and reporting suspected child abuse or maltreatment, in accordance with requirements of section 3004 of the Education Law. In addition, the candidate who applies for the certificate on or after February 2, 2001, shall complete at least two clock hours of coursework or training in school violence prevention and intervention, as required by section 3004 of the Education Law, which is provided by a provider approved or deemed approved by the department pursuant to Subpart 57-2 of this Title. A candidate who applies for the certificate on or after July 1, 2013, shall also complete at least six clock hours of coursework or training in harassment, bullying and discrimination prevention and intervention, as required by section 14 the Education Law.

9. Subparagraph (i) of paragraph (2) of subdivision (b) of section 80-3.5 of the Regulations of the Commissioner of Education is amended, effective July 1, 2013, as follows:

(i) Education. The candidate shall complete at least two clock hours of course work or training regarding the identification and reporting suspected child abuse or maltreatment, in accordance with requirements of section 3004 of the Education Law. In addition, the candidate who applies for the certificate on or after February 2, 2001, shall complete at least two clock hours of coursework or training in school violence prevention and intervention, as required by section 3004 of the Education Law, which is provided by a provider approved or deemed approved by the department pursuant to Subpart 57-2 of this Title. A candidate who applies for the certificate on or after July 1, 2013, shall also complete at least six clock hours of coursework or training in harassment, bullying and discrimination prevention and intervention, as required by section 14 the Education Law.

10. Subparagraph (ii) of paragraph (2) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education is amended, effective July 1, 2013, as follows:

(ii) The candidate shall complete study in child abuse identification, [and] school violence and harassment, bullying and discrimination prevention and intervention, as prescribed in [section] sections 80-1.4 and 80-1.13 of this Part.

11. Subparagraph (ii) of paragraph (2) of subdivision (b) of section 80-3.7 of the Regulations of the Commissioner of Education is amended, effective July 1, 2013, as follows:

(ii) The candidate shall complete study in child abuse identification, [and] school violence and harassment, bullying and discrimination prevention and intervention, as prescribed in [section] sections 80-1.4 and 80-1.13 of this Part.

12. Subparagraph (ii) of paragraph (3) of subdivision (b) of section 80-3.7 of the Regulations of the Commissioner of Education is amended, effective July 1, 2013, as follows:

(ii) The candidate shall complete study in child abuse identification, [and] school violence and harassment, bullying and discrimination prevention and intervention, as prescribed in [section] sections 80-1.4 and 80-1.13 of this Part.

13. Paragraph (1) of subdivision (b) of section 80-5.20 of the Regulations of the Commissioner of Education is amended, effective July 1, 2013, to read as follows:

(1) Education. A candidate shall hold a graduate academic or graduate professional degree from a regionally accredited institution of higher education or from an institution authorized by the Board of Regents to confer degrees. A candidate shall complete study in the means for identifying and reporting suspected child abuse and maltreatment, which shall include at least two clock hours of coursework or training in the identification and reporting of suspected child abuse or maltreatment in accordance with the requirements of section 3004 of the Education Law. In addition, the candidate who applies for the certificate on or after February 2, 2001, shall complete at least two clock hours of coursework or training in school violence prevention and intervention, as required by section 3004 of the Education Law, which is provided by a provider approved or deemed approved by the department pursuant to Subpart 57-2 of this Title. A candidate who applies for the certificate on or after July 1, 2013, shall also complete at least six clock hours of coursework or training in harassment, bullying and discrimination prevention and intervention, as required by section 14 the Education Law.

14. Subparagraph (ii) of paragraph (1) of subdivision (a) of section 80-5.20 of the Regulations of the Commissioner of Education is amended, effective July 1, 2013, as follows:

(ii) The candidate shall meet the general requirements for certificates prescribed in Subpart 80-1 of this Part, including but not limited to the requirements of section 80-1.3 relating to citizenship, section 80-1.4 relating to study in child abuse identification and reporting, section 80-1.13 relating to study in harassment, bullying and discrimination prevention and intervention and school violence prevention and intervention; and section 80-1.11 relating to a criminal history record check.

15. Subparagraph (ii) of paragraph (1) of subdivision (b) of section 80-5.20 of the Regulations of the Commissioner of Education is amended, effective July 1, 2013, as follows:

(ii) The candidate shall meet the general requirements for certificates prescribed in Subpart 80-1 of this Part, including but not limited to the requirements of section 80-1.3 relating to citizenship, section 80-1.4 relating to study in child abuse identification and reporting, section 80-1.13 relating to study in harassment, bullying and discrimination prevention and intervention and school violence prevention and intervention; and section 80-1.11 relating to a criminal history record check.

16. Subparagraph (i) of paragraph (2) of subdivision (a) of section 80-5.22 of the Regulations of the Commissioner of Education is amended, effective July 1, 2013, as follows:

(i) Education. A candidate shall hold a graduate degree in science, technology, engineering or mathematics from a regionally or nationally accredited institution of higher education, a higher education institution that the commissioner deems

substantially equivalent, or from an institution authorized by the Board of Regents to confer degrees. A candidate shall complete study in the means for identifying and reporting suspected child abuse and maltreatment, which shall include at least two clock hours of coursework or training in the identification and reporting of suspected child abuse or maltreatment in accordance with the requirements of section 3004 of the Education Law. In addition, the candidate shall complete at least two clock hours of coursework or training in school violence prevention and intervention, as required by section 3004 of the Education Law, which is provided by a provider approved or deemed approved by the department pursuant to Subpart 57-2 of this Title. A candidate who applies for the certificate on or after July 1, 2013, shall also complete at least six clock hours of coursework or training in harassment, bullying and discrimination prevention and intervention, as required by section 14 the Education Law.