



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 Amendment to Section 80-3.10 of the  
Regulations of the Commissioner of Education Related to  
Requirements for Certificates in the Educational  
Leadership Service  
**DATE:** June 1, 2017

**AUTHORIZATION(S):**

## SUMMARY

### Issue for Discussion

Should the Board of Regents adopt a proposed amendment to Section 80-3.10 of Regulations of the Commissioner of Education related to the requirements for certificates in the Educational Leadership Service?

### Reason(s) for Consideration

Review of Policy.

### Proposed Handling

The proposed amendment is submitted to the Board of Regents for discussion at its June 2017 meeting. A copy of the proposed amendment is included as Attachment A.

### Procedural History

A Notice of Proposed Rule Making will be published in the State Register on June 29, 2017. Supporting materials are available upon request from the Secretary to the Board of Regents.

## **Background Information**

Section 80-3.10 of the Commissioner's Regulations states that out-of-state candidates for an initial certificate in the educational leadership service must complete an educational leadership program at a higher education institution outside of New York State that is accredited by a regional accrediting body recognized by the United States Department of Education. The program must also lead to a certificate title equivalent to a New York State certificate title of school building leader, school district leader, or school district business leader.

Section 80-5.8 of the Commissioner's Regulations includes requirements for out-of-state candidates for an initial certificate in the classroom teaching service that is similar to the above requirements. Specifically, teacher candidates must complete a teacher education program at a higher education institution that is accredited by a regional accrediting body recognized by the United States Department of Education, and that leads to an initial teaching certificate. However, Section 80-5.8 also requires that the teacher education program leads to an initial certificate in the jurisdiction in which the higher education institution is located (e.g., program graduates are eligible for certification in the state in which the institution is located). Section 80-3.10 of the Commissioner's Regulations does not include this additional stipulation.

Requiring an out-of-state program to lead to an initial certificate in the jurisdiction in which it is located ensures that the program addresses the institution and certification requirements set forth by the jurisdiction. This requirement provides an indicator of quality assurance for institutions.

## **Proposed Amendment**

The Department proposes to add language in Section 80-3.10 of the Commissioner's Regulations to require candidates who complete an out-of-state leadership program, and seek to use such a program to meet the education requirement for a certificate in the educational leadership service, must complete an educational leadership program at a higher education institution accredited by a regional accrediting body recognized by the United States Department of Education. The proposed amendment would also require that the educational leadership program must lead to an initial certificate in the jurisdiction in which the higher education institution is located. This additional language aligns the educational leadership service program requirements in Section 80-3.10 with the classroom teacher service program requirements in Section 80-5.8 of the Commissioner's Regulations. This requirement will apply to candidates who apply for a certificate under this subdivision on or after September 1, 2019, or candidates who apply for certification on or before September 1, 2019, but do not meet all the requirements for a certificate on before September 1, 2019.

The additional language also ensures that the educational leadership service programs address the institution and certification requirements in the jurisdiction in which they are located, and thereby helping to raise educator quality. Distance education programs are becoming more prevalent, and not all of these programs are approved in the jurisdiction in which they are located. Requiring all programs, including distance

education programs, to address the institution and certification requirements within their jurisdiction ensures that they must meet a set of standards, and prevents them from avoiding these standards by providing their coursework in a different jurisdiction if they perceive the standards in their home state too difficult to achieve.

**Related Regents Items**

N/A

**Recommendation**

N/A

**Timetable for Implementation**

Following the 45 day public comment period required in the State Administrative Procedure Act, it is anticipated the proposed amendment will be presented to the Board of Regents for adoption at its September 2017 meeting, and would become effective as a permanent rule on September 28, 2017.

## AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 207, 305, 3001 and 3004.

1. Subclause (1) of clause (a) of subparagraph (ii) of paragraph (1) of subdivision (a) of section 80-3.10 is amended to read as follows:

(1) [The] (a) For candidates who apply for and meet the requirements for a certificate under this subdivision on or before September 1, 2019, the candidate shall hold 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 have successfully completed a program leading to the initial certificate as a school building leader in the educational leadership service registered pursuant to section 52.21(c)(2) of this Title, or its equivalent as determined by the department, or an educational leadership program leading to a regular certificate in an equivalent title to a school building leader, accredited by an accrediting body recognized by the United States Department of Education at a regionally accredited institution outside of New York State.

(b) [The] For candidates who apply for a certificate under this subdivision on or after September 1, 2019 or candidates who apply for a certificate on or before September 1, 2019 but do not meet all the requirements for a certificate on before September 1, 2019, the candidate shall hold 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 have successfully completed a program leading to the initial certificate as a school building leader in the educational leadership service registered pursuant to section 52.21(c)(2) of this Title, or its equivalent as determined by the department, or an educational leadership program leading to a regular certificate in an equivalent title to a school building leader,

accredited by an accrediting body recognized by the United States Department of Education at a regionally accredited institution outside of New York State, provided that such program leads to an initial certificate, or a similar certificate title and type, in the jurisdiction in which the higher education institution is located.

2. Item (ii) of subclause (2) of clause (a) of subparagraph (i) of paragraph (3) of subdivision (b) of section 80-3.10 is amended to read as follows:

(ii) (a) for candidates who apply for and meet the requirements for a certificate under this subdivision on or before September 1, 2019, have successfully completed an educational leadership program outside of New York State that is equivalent to a program leading to a professional certificate as a school district leader in the educational leadership service registered pursuant to section 52.21(c)(3) of this Title or an educational leadership program leading to a regular certificate in an equivalent title to school district leader, accredited by an accrediting body recognized by the United States Department of Education at a regionally accredited institution outside of New York State, including a requirement to pass an assessment equivalent to the New York State assessment for school district leadership, or alternatively the candidate shall satisfy this component of the educational leadership program by passing the New York State assessment for school district leadership. The requirement of achieving a satisfactory level of performance on an assessment equivalent to the New York State assessment for school district leadership or alternatively passing such New York State assessment shall be waived if the candidate completes the program prior to the availability of such New York State assessment. The department shall determine the date on which such assessment is available. The candidate shall have successfully completed at least 60 semester hours of graduate study, which may include graduate study completed outside of the educational leadership program.

(b) for candidates who apply for a certificate under this subdivision on or after September 1, 2019 or candidates who apply for a certificate on or before September 1, 2019 but do not meet all the requirements for a certificate on or before September 1, 2019, have successfully completed an educational leadership program outside of New York State that is equivalent to a program leading to a professional certificate as a school district leader in the educational leadership service registered pursuant to section 52.21(c)(3) of this Title or an educational leadership program leading to a regular certificate in an equivalent title to school district leader, accredited by an accrediting body recognized by the United States Department of Education at a regionally accredited institution outside of New York State, provided that such program leads to a professional certificate, or a similar certificate title and type, in the jurisdiction in which the higher education institution is located, including a requirement to pass an assessment equivalent to the New York State assessment for school district leadership, or alternatively the candidate shall satisfy this component of the educational leadership program by passing the New York State assessment for school district leadership. The requirement of achieving a satisfactory level of performance on an assessment equivalent to the New York State assessment for school district leadership or alternatively passing such New York State assessment shall be waived if the candidate completes the program prior to the availability of such New York State assessment. The department shall determine the date on which such assessment is available. The candidate shall have successfully completed at least 60 semester hours of graduate study, which may include graduate study completed outside of the educational leadership program.

3. Clause (b) of subparagraph (ii) of paragraph (3) of subdivision (c) of section 80-3.10 is amended to read as follows:

(b) (1) for candidates who apply for and meet the requirements for a certificate under this subdivision on or before September 1, 2019, 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 section 52.21(c)(5) of this Title or an educational leadership program leading to a regular certificate in an equivalent title to school district business leader, accredited by an accrediting body recognized by the United States Department of Education at a regionally accredited institution outside of New York State and for candidates who apply for, and meet the certification requirements in this subdivision by September 1, 2019, a higher education institution that the commissioner deems substantially equivalent, provided that such program leads to a professional certificate, or a similar certificate title and type, in the jurisdiction in which the higher education institution is located, including a requirement to pass an assessment equivalent to the New York State assessment for school district business leadership, or alternatively the candidate shall satisfy this component of the educational leadership program by passing the New York State assessment for school district business leadership. The requirement of achieving a satisfactory level of performance on an assessment equivalent to the New York State assessment for school district business leadership or alternatively passing such New York State assessment shall be waived if the candidate completes the program prior to the availability of such New York State assessment. The department shall determine the date on which such assessment is available. The candidate shall have successfully completed at least 60 semester

hours of graduate study, which may include graduate study completed outside of the educational leadership program.

(2) for candidates who apply for a certificate under this subdivision on or after September 1, 2019 or candidates who apply for a certificate on or before September 1, 2019 but do not meet all the requirements for a certificate on or before September 1, 2019, 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 section 52.21(c)(5) of this Title or an educational leadership program leading to a regular certificate in an equivalent title to school district business leader, accredited by an accrediting body recognized by the United States Department of Education at a regionally accredited institution outside of New York State, provided that such program leads to a professional certificate, or a similar certificate title and type, in the jurisdiction in which the higher education institution is located, including a requirement to pass an assessment equivalent to the New York State assessment for school district business leadership, or alternatively the candidate shall satisfy this component of the educational leadership program by passing the New York State assessment for school district business leadership. The requirement of achieving a satisfactory level of performance on an assessment equivalent to the New York State assessment for school district business leadership or alternatively passing such New York State assessment shall be waived if the candidate completes the program prior to the availability of such New York State assessment. The department shall determine the date on which such assessment is available. The candidate shall have successfully completed at least 60 semester hours of graduate study, which may include graduate study completed outside of the educational leadership program.

