



**TO:** Higher Education Committee

**FROM:** William P. Murphy *William Murphy*

**SUBJECT:** Proposed Amendment of Sections 52.21 and 80-1.5 of the Regulations of the Commissioner of Education and Section 30-3.2 of the Rules of the Board of Regents Relating to the Standards for School Building Leader Preparation Programs, Definition of "Leadership Standards" for Annual Professional Performance Reviews, and Safety Net for the School Building Leader Assessment

**DATE:** June 2, 2022

**AUTHORIZATION(S):** *Don McGreevey* *Belmont*

**SUMMARY**

**Issue for Decision**

Should the Board of Regents adopt the proposed amendment of sections 52.21 and 80-1.5 of the Regulations of the Commissioner of Education and section 30-3.2 of the Rules of the Board of Regents relating to the standards for school building leader preparation programs, definition of "leadership standards" for Annual Professional Performance Reviews, and safety net for the School Building Leader Assessment?

**Reason for Consideration**

Review of policy.

**Proposed Handling**

The proposed amendment is submitted to the Higher Education Committee for recommendation to the Full Board for adoption as an emergency rule at its June 2022 meeting. A copy of the proposed amendment is included (Attachment A), and a Statement of Facts and Circumstances which necessitate emergency action is included (Attachment B).

## **Procedural History**

A Notice of Emergency Adoption and Proposed Rule Making will be published in the State Register on June 29, 2022, for a 60-day public comment period. Supporting materials are available upon request from the Secretary to the Board of Regents.

## **Background Information**

At its April 2021 meeting, the Board of Regents extended the date by which school building leader (SBL) preparation programs must be aligned with the Professional Standards for Educational Leaders (PSELs), with some modifications, to September 1, 2022, in response to the COVID-19 pandemic. The definition of “leadership standards” was also revised accordingly within the context of Annual Professional Performance Reviews (APPR).

Additionally, the Board of Regents created a safety net period for the School Building Leader Assessment at its March 2021 meeting that is ongoing. During this period, the predecessor Revised (September 2013) School Building Leader Assessment test continues to be available as candidates and SBL preparation programs become familiar with, and transition to, the Revised (May 2019) School Building Leader Assessment that is aligned with the PSELs. The deadline for the safety net is August 31, 2024, which is two years after the September 1, 2022 date when SBL preparation programs must be registered based upon the PSELs.<sup>1</sup>

The Department now proposes to extend the date by which SBL preparation programs must be aligned with the new PSELs until September 1, 2023, to provide programs with additional time to revise their curriculum, if needed, given the continuing challenges presented by the COVID-19 pandemic. The Department also proposes to revise the definition of “leadership standards” to mean the new PSELs for APPRs conducted in the 2025-2026 school year or later. Additionally, the proposal makes a corresponding amendment to clarify that nothing shall be construed to abrogate any conflicting provisions of any collective bargaining agreement in effect on September 1, 2025 that requires the use of the 2008 *ISLLC Standards*. Finally, the proposed amendment changes the deadline for the School Building Leader Assessment safety net to August 31, 2025.

## **Related Regents Items**

April 2021: [Proposed Amendment to Sections 125.1, 135.4, and 52.21 of the Regulations of the Commissioner of Education and Section 30-3.2 of the Rules of the Board of Regents Relating to Addressing the COVID-19 Crisis and the Reopening of Schools](https://www.regents.nysed.gov/common/regents/files/4211brca8.pdf)

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<sup>1</sup> Candidates typically complete SBL preparation programs within two years.

March 2021: [Proposed Amendment of Section 80-1.5 of the Regulations of the Commissioner of Education Creating a Safety Net for the School Building Leader Assessment](https://www.regents.nysed.gov/common/regents/files/321brca4.pdf)

(<https://www.regents.nysed.gov/common/regents/files/321brca4.pdf>)

December 2017: [Proposed Amendment of Sections 30-3.2 and 30-3.5 of the Rules of the Board of Regents and Sections 52.21 and 80- 3.10 of the Regulations of the Commissioner of Education Relating to the Adoption of the 2015 Professional Standards for Educational Leaders with Certain New York Specific Modifications for the Purpose of Registration of School Building Leader Programs and School Building Leader Evaluation](https://www.regents.nysed.gov/common/regents/files/1217hea1.pdf)

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### **Recommendation**

It is recommended that the Board of Regents take the following action:

VOTED: That sections 52.21 and 80-1.5 of the Regulations of the Commissioner of Education and section 30-3.2 of the Rules of the Board of Regents be amended, as submitted, as an emergency measure, effective June 14, 2022, upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to extend the date by which school building leader (SBL) preparation programs must be aligned with the Professional Standards for Educational Leaders (PSELs), with some modifications, to on or after September 1, 2023, to provide programs with additional time to revise their curriculum, if needed, given the continuing challenges presented by the COVID-19 pandemic.

### **Timetable for Implementation**

If adopted as an emergency rule at the June 2022 Regents meeting, the emergency rule will become effective June 14, 2022. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the October 2022 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. Because the emergency action will expire before the October Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the July 2022 meeting. If adopted at the October 2022 meeting, the proposed amendment will become effective on October 19, 2022.

**Attachment A**

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 208, 305, 308, 3001, 3004, and 3009 of the Education Law.

1. Subdivision (l) of section 30-3.2 of the Rules of the Board of Regents is amended to read as follows:

*(l) Leadership standards shall mean:*

(1) for annual professional performance reviews conducted prior to the [2024-2025] 2025-2026 school year, the Educational Leadership Policy Standards: ISLLC 2008 as adopted by the National Policy Board for Educational Administration (Council of Chief State School Officers, Washington DC, One Massachusetts Avenue, NW, Suite 700, Washington, DC 20001-1431; available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, NY 12234). The Leadership Standards provide that an education leader promotes the success of every student by:

(i)...

(ii)...

(iii)...

(iv)...

(v)...

(vi)...

(2) for annual professional performance reviews conducted commencing in the [2024-2025] 2025-2026 school year, the Professional Standards for Educational

Leaders: PSEL 2015 as adopted by the National Policy Board for Educational Administration (1904 Association Drive, Reston, VA 20191 -- available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, NY 12234), as modified by the Board of Regents. The New York State Leadership Standards provide that an education leader shall:

(i)...

(ii)...

(iii)...

(iv)...

(v)...

(vi)...

(vii)...

(viii)...

(ix)...

(x)...

Provided, however, that nothing shall be construed to abrogate any conflicting provisions of any collective bargaining agreement in effect on and after [December 1, 2022] September 1, 2025 that requires the use of the ISLLC: 2008 standards until entry into a successor collective bargaining agreement.

2. Clauses (a) and (b) of subparagraph (vi) of paragraph (2) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Prior to September 1, [2022] 2023, programs shall require candidates to complete studies sufficient to demonstrate, upon program completion, the knowledge and skills necessary to perform the following:

(b) On or after September 1, [2022] 2023, programs shall require candidates to complete studies sufficient to demonstrate, upon program completion, the knowledge, and skills necessary to:

3. Subparagraph (vii) of paragraph (2) of subdivision (c) of section 80-1.5 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(vii) When the revised (May 2019) school building leader assessment becomes available, a candidate may take part one of either the revised (May 2019) school building leader assessment or the revised (September 2013) school building leader assessment and may take part two of either the revised (May 2019) school building leader assessment or the revised (September 2013) school building leader assessment, until August 31, [2024] 2025.

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE  
EMERGENCY ACTION

At its April 2021 meeting, the Board of Regents extended the date by which school building leader (SBL) preparation programs must be aligned with the Professional Standards for Educational Leaders (PSELs), with some modifications, to on or after September 1, 2022, in response to the COVID-19 pandemic. The definition of “leadership standards” was also revised at this meeting to mean the new PSELs for Annual Professional Performance Reviews (APPR) conducted in the 2024-2025 school year or later, extending the implementation timeline by one year consistent with the September 1, 2022 date for program alignment.

Additionally, the Board of Regents created a safety net for the School Building Leader Assessment at its March 2021 meeting. During the safety net, the predecessor Revised (September 2013) School Building Leader Assessment test continues to be available as candidates and SBL preparation programs become familiar with, and transition to, the Revised (May 2019) School Building Leader Assessment that is aligned with the PSELs. The deadline for the safety net is August 31, 2024, which is two years after the September 1, 2022 date when SBL preparation programs must be registered based upon the PSELs.

The Department now proposes to extend the date by which SBL preparation programs must be aligned with the new PSELs until September 1, 2023, to provide programs with additional time to revise their curriculum, if needed, given the continuing challenges presented by the COVID-19 pandemic. As such, the Department also

proposes to revise the definition of “leadership standards” to mean the new PSELs for APPRs conducted in the 2025-2026 school year or later. Additionally, the proposal makes a corresponding amendment to clarify that nothing shall be construed to abrogate any conflicting provisions of any collective bargaining agreement in effect on September 1, 2025 that requires the use of the 2008 *ISLLC Standards*. Finally, the proposed amendment changes the deadline for the School Building Leader Assessment safety net to August 31, 2025. Candidates typically complete SBL preparation programs within two years.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (nonemergency-emergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the October 2022 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting, would be October 19, 2022, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the June 2022 meeting for the preservation of the general welfare to extend the date by which school building leader (SBL) preparation programs must be aligned with the Professional Standards for Educational Leaders (PSELs), with some modifications, to on or after September 1, 2023, to provide continuity for SBL preparation programs until the proposed rule can be permanently adopted, which is after the current deadline of September 1, 2022.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at its October meeting, which is the first scheduled

meeting after expiration of the 60-day public comment period mandated by SAPA for State agency rulemaking. However, since the emergency action will expire before the October Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the July 2022 Regents meeting.