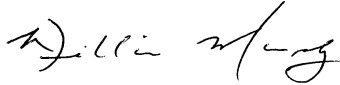





**TO:** The Honorable Members of the Board of Regents

**FROM:** William P. 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:** September 22, 2022

**AUTHORIZATION(S):** 

## SUMMARY

### Issue for Decision (Consent)

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 Full Board for adoption as a permanent rule at its October 2022 meeting. A copy of the proposed rule is included (Attachment A).

## **Procedural History**

The proposed amendment was presented to the Higher Education Committee for recommendation to the Full Board for adoption as an emergency rule at the June 2022 meeting of the Board of Regents. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on June 29, 2022, for a 60-day public comment period.

Because the June emergency action was set to expire on September 11, 2022, a second emergency action was necessary at the July 2022 meeting, effective September 12, 2022, to ensure the emergency rule remained continuously in effect until it could be permanently adopted at the October 2022 Regents meeting. A Notice of Emergency Adoption will be published in the State Register on September 28, 2022.

Following the 60-day public comment period required under the State Administrative Procedure Act, the Department received no comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required and no changes to the proposed amendment are needed. A Notice of Adoption will be published in the State Register on October 19, 2022. 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

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

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**

July 2022: [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](https://www.regents.nysed.gov/common/regents/files/722brca3.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/722brca3.pdf>)

June 2022: [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](https://www.regents.nysed.gov/common/regents/files/622hea1revised.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/622hea1revised.pdf>)

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)  
(<https://www.regents.nysed.gov/common/regents/files/4211brca8.pdf>)

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)  
(<https://www.regents.nysed.gov/common/regents/files/1217hea1.pdf>)

## **Recommendation**

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

VOTED: That 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, as submitted, effective October 19, 2022.

## **Timetable for Implementation**

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 are 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.