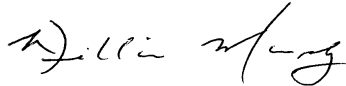




**TO:** The Honorable the Members of the Board of Regents

**FROM:** William P. Murphy 

**SUBJECT:** Proposed Amendment to Sections 52.21, 57-4.5, and 80-1.13 of the Regulations of the Commissioner of Education Relating to Permitting the Dignity for All Students Act (DASA) Training to Be Provided Entirely Online Due to the COVID-19 Crisis

**DATE:** September 2, 2021

**AUTHORIZATION(S):**



**SUMMARY**

**Issue for Decision (Consent)**

Should the Board of Regents adopt the proposed amendment to sections 52.21, 57-4.5, and 80-1.13 of the Regulations of the Commissioner of Education relating to permitting the Dignity for All Students Act (DASA) training to be provided entirely online due to the COVID-19 crisis?

**Reason(s) for Consideration**

Review of policy.

**Proposed Handling**

The proposed amendment will be presented to the Full Board for permanent adoption at its September 2021 meeting. A copy of the proposed amendment is attached (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 2021 meeting of the Board of Regents. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on June 23, 2021 for a 60-day public comment period. Because the June emergency action expired before the proposed amendment could be permanently adopted on September 5, 2021 Board Meeting,

a second emergency action was necessary at the July 2021 meeting of the Board of Regents, effective September 6, 2021, to ensure the emergency rule remained continuously in effect until it could be permanently adopted at the September 2021 Regents meeting.

Following the 60-day public comment period required under the State Administrative Procedure Act, the Department received comments on the proposed amendment (Assessment of Public Comment is included as Attachment B). Based on the comments received, no further revisions to the proposed amendments are necessary. A Notice of Adoption will be published in the State Register on September 29, 2021. Supporting materials are available upon request from the Secretary to the Board of Regents.

### **Background Information**

Education Law §14, also known as the Dignity for All Students Act (DASA), requires prospective school professionals who apply for a certificate or license to complete training on the social patterns of harassment, bullying (including cyberbullying), and discrimination, 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.

For certification, candidates can complete the DASA training as part of a New York State registered educator preparation program or through a workshop offered by a provider approved by the Department. At its February 2021 meeting, the Board of Regents voted to permit the six-clock-hour DASA training to be conducted entirely online, and to no longer include at least three clock hours through face-to-face instruction, during the time of the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.

As currently written, the regulation allows such training to be conducted entirely online during the State of emergency. However, as COVID-19 numbers in New York State continue to decline, it remained unclear at the time of the June 2021 Board of Regents meeting, exactly how long the executive order declaring the State of emergency would remain in effect. As of June 25, 2021, the State of emergency is no longer in effect.

Therefore, to provide some certainty in this regard, the Department proposed to permit approved DASA training providers, including institutions of higher education that include the DASA training in their educator preparation program curricula, to provide DASA training entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to Executive Order for the COVID-19 crisis. Candidates would be permitted to complete the DASA training entirely online during this time period. Although the State of emergency has been lifted, the

Department continues to propose this course of action to promote stability and certainty in the field.

This amendment ensures that DASA training can be completed entirely online until December 31, 2021, even though the executive order declaring the State of emergency has now expired. Additionally, the set date in the proposed amendment will help approved DASA training providers, including institutions of higher education, plan for this flexibility in DASA training through December 31, 2021.

### **Related Regents Items**

February 2021: [Proposed Amendments to Sections 52.3, 52.21, 57-4.5, 70.4, 74.6, 75.2, 75.5, 76.2, 79-9.3, 79-10.3, 79-11.3, 79-12.3, 801.13, 80-1.5, 80-3.15, 80-4.3, 83.5, 87.2, 87.5, 100.2, 100.4, 100.5, 100.6, 100.10, 100.21, 119.1, 119.5, 125.1, 151-1.4, 1542.3, 175.5, 200.4, 200.5, 200.7, 200.20 and 275.8 and Addition of Section 279.15 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/221brca6.pdf)

(<https://www.regents.nysed.gov/common/regents/files/221brca6.pdf>)

June 2021: [Proposed Amendment to Sections 52.21, 57-4.5, and 80-1.13 of the Regulations of the Commissioner of Education Relating to Permitting the Dignity for All Students Act \(DASA\) Training to Be Provided Entirely Online Due to the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/621hea1.pdf)

(<https://www.regents.nysed.gov/common/regents/files/621hea1.pdf>)

July 2021: [Proposed Amendment to Sections 52.21, 57-4.5, and 80-1.13 of the Regulations of the Commissioner of Education Relating to Permitting the Dignity for All Students Act \(DASA\) Training to Be Provided Entirely Online Due to the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/721brca5.pdf)

(<https://www.regents.nysed.gov/common/regents/files/721brca5.pdf>)

### **Recommendation**

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

VOTED: That sections 52.21, 57-4.5, and 80-1.13 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 29, 2021.

### **Timetable for Implementation**

If adopted at the September 2021 meeting, the proposed amendment will become effective on September 29, 2021.

**Attachment A**

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 14, 101, 207, 208, 305, 308, 3001, 3004 and 3009 of the Education Law.

1. Paragraph (5) of subdivision (a) of section 52.21 of the Regulations of the Commissioner of Education shall be amended 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 which at least three hours must be conducted through face-to-face instruction, of coursework or training in the prevention and intervention of harassment, bullying and discrimination, except that the six clock hours of coursework or training may be provided entirely online [during the time period of] through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis. 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. Item (xiii) of 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 shall be amended 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 which at least three hours must be conducted through face-to-face instruction, 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, except that the six clock hours of coursework or training may be provided entirely online [during the time period of] through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.

3. Item (X) of 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 shall be amended to read as follows:

(X) means for the prevention of and intervention harassment, bullying and discrimination in accordance with section 14 of the Education Law. Such study shall include six clock hours, of which at least three hours must be conducted through face to-face instruction, 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, except that the six clock hours of coursework or training may be provided entirely online [during the time period of] through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis, and

4. 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 shall be amended 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 which at least three hours must be conducted through face to-face instruction, 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 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, except that the six clock hours of coursework or training may be provided entirely online [during the time period of] through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.

5. Clause (c) of subparagraph (iv) of paragraph (1) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(c) Programs shall ensure that candidates complete six clock hours, of which at least three hours must be conducted through face-to-face instruction, 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, except that the six clock hours of coursework or training may be provided entirely online [during the time period of] through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.

6. Clause (m) of subparagraph (v) of paragraph (7) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(m) ensure that candidates complete six clock hours, of which at least three hours must be conducted through face-to-face instruction, of coursework or training on the social patterns of harassment, bullying and discrimination, in accordance with the requirements of section 14 of the Education Law, except that the six clock hours of coursework or training may be provided entirely online [during the time period of] through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis;

7. Subdivision (a) of section 57-4.5 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(a) A provider, at a minimum, shall offer the syllabus prepared by the department and demonstrate that at least three of the six clock hours shall be conducted through face-to-face instruction, except that the six clock hours of coursework or training may be provided entirely online [during the time period of] through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis. 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.

8. Section 80-1.13 of the Regulations of the Commissioner of Education shall be amended to read as follows:

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 December 31, 2013, shall have completed at least six clock hours, of which at least three hours must be conducted through face-to-face instruction, 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, except that candidates may complete the minimum six clock hours of course work or training entirely online [during the time period of] through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.



## Attachment B

### ASSESSMENT OF PUBLIC COMMENT

Since publication of the Notice of Proposed Rule Making in the State Register on June 23, 2021, the State Education Department (Department) received the following comments on the proposed amendments. Below is an assessment of the public comments received.

1. COMMENT: Commenter supports the extension of the DASA online training through December 2021 and notes that candidates found that the quality of this training did not suffer from the experience being offered online rather than in person. Commenter adds that the online format increased the training's accessibility to candidates and they would be in favor of the online format continuing to be an option beyond the period of the COVID-19 pandemic emergency.

DEPARTMENT RESPONSE: Because the comment is supportive of the extension of the DASA training being provided entirely online through December 31, 2021, no changes to the proposed rule are necessary.

2. COMMENT: Commenter strongly attests to the quality and value of the full online version of DASA training that their School of Education has been using throughout the COVID-19 crisis and notes that there has been a resounding approval rating for the online access to the DASA training. Commenter states that it is much easier for candidates to access the DASA training throughout their programs and handling it externally to their coursework has been a great advantage for them and the faculty.

DEPARTMENT RESPONSE: The comment is supportive of the DASA training being provided entirely online. No changes to the proposed rule are needed.

3. COMMENT: Commenter expressed that the ability to shift the DASA workshop to an online format has allowed candidates more equitable access to the material, thereby breaking down another barrier to entry into the teaching profession. Commenter recommends the extension through December 31, 2021 and asks that it be considered as a permanent change in procedure.

DEPARTMENT RESPONSE: Because the comment is supportive of the extension of the DASA training being provided entirely online through December 31, 2021, no changes to the proposed are necessary.

4. Commenter supports extending the ability for the six-clock hour DASA workshop to be offered online through December 31, 2021. Commenter has consulted with their program directors and field coordinators, and they are in agreement that this extension will support their candidates.

DEPARTMENT RESPONSE: Because the comment is supportive of the extension of the DASA training being provided entirely online through December 31, 2021, no changes to the proposed rule are necessary.