

Public Comment Analysis

Date: October 29, 2013

Topic: Proposed Amendments to Chancellor's Regulation C-30

Date of Panel Vote: October 30, 2013

Summary of Proposed Amendments to Chancellor's Regulation C-30

Chancellor's Regulation C-30 governs the New York City Department of Education's ("DOE's") process for the selection, assignment and appointment of principals and assistant principals. Proposed amendments to the regulation were posted on September 13, 2013 and October 15, 2013.

The proposed amendments are as follows:

- References to the Division of Human Resources and to the Talent Office have been changed to the Division of Human Resources and Talent.
- References to the Chief Talent Officer have been changed to the Chief Executive Officer of the Division of Human Resources and Talent.
- Selection criteria for principals have been changed.
- There is a new evaluation process for admission into the Principal Candidate Pool which will be administered by the Office of Leadership. All candidates who complete the process will be admitted into the Pool. Candidates who were admitted to the Pool prior to the effective date of this regulation will not be required to undergo the new process. Evaluation results will be available to hiring managers, and hiring managers may consider these results in the selection process.
- Inquiries related to intermediary organizations will be directed to the Division of Portfolio Planning.
- The selection process for Executive Principals has been changed to enable candidates to be selected in certain instances where only one qualified person applies for the position.
- The School Leadership Team Agreement of Confidentiality Form has been included in an attachment.
- An exception has been created for candidates to be assigned as interim-acting principals prior to admission into the Principal Candidate Pool in emergency circumstances.

- Inquiries related to this regulation will be directed to the Office of Supervisory Support.
- If parents from the School Leadership Team and Parent Association officers are not available to serve on the Level I Committee, then the Hiring Manager will authorize the President of the Parent Association to identify alternative methods to designate parents to serve on the Committee, subject to the approval of the Hiring Manager. The Hiring Manager may waive the minimum number requirement at any time.
- A copy of this regulation along with Attachment No. 2 should be made available to all Level I Committee members at least one week prior to the orientation and pre-interview meeting of the committee.
- During a pre-interview meeting to be held immediately preceding the candidates' interviews, the committee must decide on specific questions to be asked during the interviews. Each candidate must be asked the same questions in the same order. It is suggested that at least 4 or 5 questions that yield evidence of the selection criteria set forth in Section VII be asked. Follow-up questions may be asked, and need not be established in advance, but they must relate to the candidate responses given and not be leading questions which give hints about the appropriate answer to the question.

Summaries of Issues Raised in Written and Oral Comments and Significant Alternatives Suggested

Questions and comments received are summarized as follows:

Questions have been received seeking clarification regarding who will have to reapply to the Principal Candidate Pool ("Pool"), whether candidates will be grandfathered into the Pool, and whether the new process will apply to candidates who are currently awaiting an interview. These issues are addressed in Section VIII of the proposed amendments as follows: "All new candidates must meet the requirements established by the State Education Department and participate in an evaluation by the Office of Leadership aligned with the selection criteria set forth in Section VII before they may be placed into a pool of candidates who are eligible to apply for advertised positions (Principal Candidate Pool). Individuals who have already been evaluated and placed into the pool will not be required to undergo a new evaluation, but will have the option if they so choose. Evaluation results will be maintained by the Office of Leadership and will be available for hiring managers."

Comments received were:

- 1) correct the names of DOE offices involved in the C-30 process;
- 2) clarify when transferred principals become interim-acting principals;
- 3) change the process so that the hiring manager makes supervisory appointments and handles other aspects of the appointment process in conjunction with the Level I Committee;

- 4) require the hiring manager to authorize the parent association president to use alternative methods to designate parents if the number of parents on the Level I Committee is insufficient;
- 5) change the number of candidates interviewed at Level I from 3-5 to 5-7;
- 6) give certain materials to the Level I Committee earlier in the process;
- 7) allow the Level I Committee to make recommendations to the hiring manager based upon interviews, a review of application materials, and other pertinent materials;
- 8) on the Level I Committee, require the Network or Cluster representative to come from a Network or Cluster that does not support the school at issue;
- 9) include a representative from FACE on the Level I Committee;
- 10) require the hiring manager to interview the top two or three candidates recommended by the Level I Committee;
- 11) instead of the superintendent consulting with members of the SLT prior to appointment, the superintendent should obtain written approval from the SLT;
- 12) clarify what constitutes rejection for cause with respect to the authority of the Chief Executive Officer of the Division of Human Resources and Talent to issue a for-cause rejection of an appointment;
- 13) rename the “Agreement of Confidentiality” and do not require members of the SLT to sign it prior to engaging in the C-30 process;
- 14) change the Council of School Supervisors and Administrators (CSA) member on the Level I Committee to a supervisor from a Network or Cluster that does not support the school at issue;
- 15) eliminate language that says only properly selected supervisors who are appointed in their positions are eligible to serve on the Level I Committee as a designee of the CSA;
- 16) determine candidate questions at a pre-interview meeting and eliminate requirement for an answer key;
- 17) increase the number of days to file a complaint;
- 18) change the number of days for completing investigation of a complaint, and require that a written ruling on the complaint be issued to the hiring manager and all C-30 selection committee members;
- 19) allow the Level I Committee to file an appeal with the Chancellor and create a mediation process; and
- 20) prohibit DOE employees from influencing the application process.

**Analysis of Issues Raised, Significant Alternatives Proposed,
and Changes Made to the Proposal**

On October 15, 2013, the DOE accepted three changes and included them in the revised regulation. These changes were:

- With regard to comment 4, the DOE has added the following language to the regulation: “If parents from the School Leadership Team and Parent Association officers are not available to serve on the Level I Committee, then the Hiring Manager will authorize the President of the Parent Association to identify alternative methods

to designate parents to serve on the Committee, subject to the approval of the Hiring Manager. The Hiring Manager may waive the minimum number requirement at any time.”

- With regard to comment 6, the DOE has added the following language to the regulation: “A copy of this regulation along with Attachment No. 2 should be made available to all Level I Committee members at least one week prior to the orientation and pre-interview meeting of the committee.”
- With regard to comment 16, the DOE has added the following language to the regulation: “During a pre-interview meeting to be held immediately preceding the candidates’ interviews, the committee must decide on specific questions to be asked during the interviews. Each candidate must be asked the same questions in the same order. It is suggested that at least 4 or 5 questions that yield evidence of the selection criteria set forth in Section VII be asked. Follow-up questions may be asked, and need not be established in advance, but they must relate to the candidate responses given and not be leading questions which give hints about the appropriate answer to the question.”

With respect to comment 1, the DOE previously proposed amendments on September 13, 2013, which correct and clarify the names of the DOE offices involved in the C-30 process.

The DOE declined to incorporate other suggestions into the revised regulation for the reasons explained below:

- 1.) With regard to comment 2, this suggestion concerns pre-existing language already contained in the regulation. Whether a transferred principal will become an interim-acting principal depends on several variables and collective bargaining provisions that cannot be comprehensively detailed within the context of this regulation. The Office of Supervisory Support is available to provide appropriate guidance on this issue as needed.
- 2.) With respect to comment 3, this suggestion concerns pre-existing language already contained in the regulation. The DOE maintains that the existing language appropriately provides for representative involvement of the Level I Committee, and satisfies the requirements of law.
- 3.) With respect to comment 5, this suggestion concerns pre-existing language already contained in the regulation. The DOE maintains that the existing language provides for an appropriate number of candidates to be interviewed by the Level I Committee, and satisfies the requirements of law.
- 4.) With respect to comment 7, this suggestion concerns pre-existing language already contained in the regulation. The DOE maintains that the existing language

appropriately allows for the submission of feedback from the Level I Committee, and satisfies the requirements of law.

- 5.) With respect to comment 8, this suggestion concerns pre-existing language already contained in the regulation. The DOE maintains that the existing language appropriately allows for the involvement of a Network or Cluster representative who regularly supports the school, and thus may be uniquely qualified to assist in the C-30 process.
- 6.) With respect to comment 9, this suggestion concerns pre-existing language already contained in the regulation. The DOE maintains that the existing language appropriately promotes a fair and effective C-30 process without requiring the involvement of the Division of Family and Community Engagement (FACE). Section XIII(L) of the regulation provides that the Division of Human Resources and Talent may, in its discretion, assign a non-voting observer to the Level I Committee to ensure that the selection process comports with the regulation and is fair and equitable.
- 7.) With respect to comment 10, this suggestion concerns pre-existing language already contained in the regulation. The DOE maintains that the existing language appropriately provides for representative involvement of the Level I Committee, and satisfies the requirements of law, without unduly infringing upon the hiring manager's discretion to select interviewees.
- 8.) With respect to comment 11, this suggestion concerns pre-existing language already contained in the regulation. The DOE maintains that the existing language appropriately provides for representative involvement of the School Leadership Team (SLT), and satisfies the requirements of law, without requiring the superintendent to obtain written approval of an appointment from the SLT.
- 9.) With respect to comment 12, this suggestion concerns pre-existing language already contained in the regulation. The definition of what constitutes rejection for cause depends on several variables that cannot be comprehensively detailed within the context of this regulation. The Chief Executive Officer of the Division of Human Resources and Talent will apply his/her discretionary authority to assess where just cause exists.
- 10.) With respect to comment 13, this suggestion concerns pre-existing language already contained in the regulation. In order to protect candidate privacy and the highly confidential nature of the C-30 process, SLT members must sign a confidentiality agreement before participating in the C-30 process.
- 11.) With respect to comment 14, this suggestion concerns pre-existing language already contained in the regulation. The DOE maintains that the existing language appropriately allows for the involvement of a Network or Cluster representative who

regularly supports the school, and thus may be uniquely qualified to assist in the C-30 process.

- 12.) With respect to comment 15, this suggestion concerns pre-existing language already contained in the regulation. The DOE maintains that the existing language promotes the involvement of appropriately qualified supervisory personnel on the Level I Committee.
- 13.) With respect to comment 17, this suggestion concerns pre-existing language already contained in the regulation. The DOE maintains that the existing complaint process appropriately balances the need to ensure recourse to grievance/appeal channels against the need to promote a timely and efficient resolution of the C-30 process.
- 14.) With respect to comment 18, this suggestion concerns pre-existing language already contained in the regulation. The DOE maintains that the existing complaint process appropriately balances the need to ensure recourse to grievance/appeal channels against the need to promote a timely and efficient resolution of the C-30 process.
- 15.) With respect to comment 19, this suggestion concerns pre-existing language already contained in the regulation. The DOE maintains that the existing complaint process appropriately balances the need to ensure recourse to grievance/appeal channels against the need to promote a timely and efficient resolution of the C-30 process.
- 16.) With respect to comment 20, this suggestion concerns pre-existing language already contained in the regulation. The DOE maintains that the existing language provides sufficient safeguards to prevent DOE employees from improperly influencing the C-30 process, to the extent that the regulation requires that perceived attempts to influence selection committee members be reported to the Special Commissioner of Investigation, and states that there will be “strict penalties” for retaliatory measures taken against committee members and/or their children by DOE personnel.

Accordingly, the DOE will present the proposed regulation to the PEP with the amended changes.

A copy of the proposed regulation can be obtained at:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2013-2014/Oct30Regs>