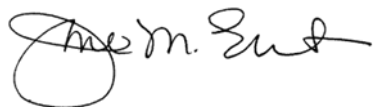






TO: The Honorable Members of the Board of Regents

FROM: Jhone M. Ebert 

SUBJECT: Proposed Amendment of Sections 52.21, 100.2(j) and Part 80 of the Commissioner's Regulations Relating to School Counseling, Certification Requirements for School Counselors and Program Registration Requirements for School Counseling Preparation Programs

DATE: May 3, 2017

AUTHORIZATION(S):  

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt the amendments to Sections 52.21, 100.2(j) and Part 80 of the Commissioner's Regulations relating to school counseling, certification requirements for school counselors and program registration requirements for school counseling preparation programs?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed rule is being presented to the full Board for adoption as a permanent rule at the May 2017 Regents meeting. Supporting materials are available upon request from the Secretary to the Board of Regents.

Procedural History

At its September 2015 meeting, the Board of Regents discussed the proposed amendment. A Notice of Proposed Rule Making was published in the State Register on February 10, 2016. Following the 45-day public comment period required under the State Administrative Procedure Act, the Department received approximately 1,000 comments on the proposed amendment. In an effort to address the feedback received, several revisions were made to the proposed amendment. A Notice of Revised Rule Making was published in the State Register on November 30, 2016. In accordance with the State Administrative Procedure Act, there was a subsequent 30-day public comment period which expired on December 30, 2016. In response to additional feedback received during the second public comment period, the proposed amendment was revised and the Department published a Notice of Revised Rule Making in the State Register on March 29, 2017, for which public comment was received until April 28, 2017. Following the 30-day public comment period required under the State Administrative Procedure Act, the Department received feedback from three commenters. An Assessment of Public Comment is included as Attachment B. The Department does not believe that any additional changes to the regulation are warranted based on such comments.

Related Regents Items

<http://www.regents.nysed.gov/common/regents/files/1013p12hed2%5B1%5D.pdf>

<http://www.regents.nysed.gov/common/regents/files/SchoolCounselingandCCR102013%5B1%5D.pdf>

<http://www.regents.nysed.gov/common/regents/files/SummitPresentation.pdf>

<http://www.regents.nysed.gov/common/regents/files/1214p12hed1.pdf>

http://www.regents.nysed.gov/common/regents/files/USESchoolCounselor_0.pdf

<http://www.regents.nysed.gov/common/regents/files/meetings/Jun%202015/615p12hed3revised.pdf>

<http://www.regents.nysed.gov/common/regents/files/meetings/Sep%202015/915p12hed1.pdf>

<https://www.regents.nysed.gov/common/regents/files/meetings/SchoolCounselor.pdf>

<http://www.regents.nysed.gov/common/regents/files/meetings/SSTFUpdateOct2015.pdf>

<http://www.regents.nysed.gov/common/regents/files/1116p12hed1.pdf>

<http://www.regents.nysed.gov/common/regents/files/317brca10.pdf>

Recommendation

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

VOTED: That sections 52.21, 100.2(j) and Part 80 of the Commissioner's Regulations be amended, as submitted, effective July 1, 2017.

Timetable for Implementation

If adopted at the May Regents meeting, the proposed amendment will become effective as a permanent rule on July 1, 2017.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 210, 214, 215, 305, and 308, 3001, 3003, 3006 and 3009.

1. Subdivision (a) of section 52.21 of the Regulations of the Commissioner of Education, shall be amended, effective July 1, 2017, to read as follows:

(a) Programs leading to certification in pupil personnel service shall meet the requirements of this subdivision, except that programs leading to initial and/or professional certification in school counseling shall meet the requirements of subdivision (d) of this section by September 1, 2020. Programs leading to certification in educational leadership service shall meet the requirements of subdivision (c) of this section by September 1, 2004. Prior to September 1, 2004, programs leading to certification in educational leadership service shall meet the requirements of this subdivision or subdivision (c) of this section.

2. A new subdivision (d) shall be added to section 52.21 of the Regulations of the Commissioner of Education, effective July 1, 2017, to read as follows:

(d) Programs leading to certification as a school counselor. The requirements of this subdivision shall be met by September 1, 2020 for programs leading to initial certification pursuant to paragraph (2) of this subdivision and/or professional certification in school counseling pursuant to paragraph (3) of this subdivision.

(1) General requirements for programs preparing school counselors. The general requirements for registration as set forth under sections 52.1 and 52.2 of this

Part shall pertain to this subdivision. In addition, the following requirements shall be met:

(i) Programs shall have a written statement of the philosophy, purposes and objectives of the program.

(ii) Institutions shall demonstrate how faculty cooperate for the purpose of ensuring that prospective school counselors receive academic preparation of high quality, equivalent to that of candidates in other fields.

(iii) Institutions shall demonstrate efforts to recruit qualified faculty and student bodies for school counseling from groups historically underrepresented in such programs.

(iv) Institutions shall demonstrate efforts to recruit and retain qualified faculty who understand the problems of high need schools, including English Language Learners, and have professional experience in such schools.

(v) Institutions shall publish information about each of its school counselor programs that shall be made available to prospective and enrolled candidates. The information shall include but need not be limited to, as available, relevant statistics about the labor market and job availability for each certificate title for which a school counseling program is offered, including the source of the statistics and the period of time and geographic area to which the statistics refer.

(vi) Institutions shall demonstrate how they maintain formal relationships with local schools consistent with the requirements for internships and practicum established under this subdivision, for the purpose of improving the preparation of school

counselors and improving school counseling and learning at both the institutional and the elementary and/or secondary school levels.

(vii) Institutions shall demonstrate how they promote faculty involvement with public or nonpublic schools for the purpose of improving the preparation of school counselors with regard to understanding diversity, including English Language Learners, and issues facing high need schools.

(viii) Faculty.

(a) Institutions shall provide sufficient numbers of qualified, full-time faculty in order to foster and maintain continuity and stability in school counselor programs and policies and ensure the proper discharge of all instructional and other faculty responsibilities. Institutions shall also meet the requirements for faculty set forth in section 52.2 of this Part.

(b) Staffing requirements.

(1) Except as provided in subclause (2) of this clause, institutions shall meet the following staffing requirements: Institutions shall ensure that the majority of credit-bearing courses in the program are offered by full-time teaching faculty. Faculty assignments shall not exceed 9 semester hours per semester for graduate courses, or 21 semester hours per academic year for faculty who teach a combination of graduate and undergraduate courses, while still providing sufficient course offerings to allow candidates to complete their programs in the minimum time required for earning the degree. Individual faculty members shall not supervise more than 18 candidates per semester. Supervision of practica and internships shall be considered by the institution

in determining faculty load, and institutions shall demonstrate how such supervision is considered in determining faculty load.

(2) Waiver and exception. The Commissioner may grant a waiver from one or more requirements of subclause (1) of this clause upon a showing of good cause satisfactory to the Commissioner, including but not limited to a showing that the institution cannot meet the requirement because of the nature of the program, which otherwise meets the requirements of this Part.

(ix) Institutions shall demonstrate that participation in relationships with local schools is a valued component of the responsibilities of the faculty with primary appointments in school counseling.

(x) Institutions shall provide sufficient resources and equipment and adequate facilities and physical space, as prescribed in section 52.2(a) of this Part, to support the school counseling program.

(xi) Institutions shall require applicants to hold a baccalaureate degree or higher for admission to school counseling programs.

(xii) Institutions shall demonstrate how they use various types of assessments to evaluate applicants for admission to school counseling programs.

(2) Standards for programs leading to initial certification as a school counselor. In addition to meeting the applicable provisions of this Part, programs leading to initial certification as a school counselor shall be programs leading to a master's degree or higher, which shall include a minimum of 48 semester hours of graduate study, including but not limited to the six core content areas described in subparagraph (i) of this paragraph and shall have a minimum college-supervised practicum of 100 hours

and a college-supervised internship of 600 hours as described in subparagraph (ii) of this paragraph.

(i) Six core content areas. The program shall include a requirement that the candidate complete study that prepares candidates with knowledge, understanding, and skills in at least the following six core content areas of school counseling and the subareas for these core content areas, as further defined by the Commissioner in guidance:

(a) Foundations in professional school counseling, including understanding the history and purpose/philosophy of, and the laws, policies, and regulations governing school counseling. School counselors engage in continuous professional growth and development, advocate for appropriate school counselor identity and roles, and adhere to ethical practices.

(b) Career development and college readiness, including use of a variety of research-based school counseling approaches to provide services to meet the career needs of all students.

(c) Supportive school climate and collaborative work with school, family and community, including collaborating with colleagues, families, and community members to cultivate an inclusive, nurturing, and physically safe learning environment for students, staff, and families.

(d) Equity, advocacy and diversity in programming and in support of students, including understanding cultural contexts in a multicultural society, demonstrating fairness, equity and sensitivity to every student, and advocating for equitable access to instructional programs and activities.

(e) Child growth, development and student learning, including using knowledge of child development, individual differences, learning barriers, and pedagogy to contribute to and support student learning; and

(f) Group and individual counseling theories and techniques, including the use of a variety of research-based counseling approaches to provide prevention, intervention, and responsive services to meet the academic, personal, social and career needs of all students.

(ii) Programs leading to initial certification as a school counselor shall:

(a) have a minimum of 100 clock hours of a college-supervised school counseling practicum in a K-12 school counseling program setting that shall consist of:

(1) a minimum of 40 clock hours of direct student contact in group counseling, individual counseling and school counseling core curriculum lesson delivery; and

(2) a minimum of 60 clock hours on developing, implementing and evaluating key school counseling program elements such as:

(i) student outcomes and standards,

(ii) curriculum,

(iii) individual student needs and plans,

(iv) responsive services,

(v) consultation with others on behalf of student,

(vi) time management,

(vii) school counseling program goals,

(viii) data analysis,

(ix) action plans,

(x) calendars/schedules, and

(xi) advisory panels, councils, and committees.

(b) have a minimum of 600 clock hours in a supervised school counseling internship in a K-12 school counseling program which shall consist of:

(1) a minimum of 240 clock hours of supervised direct student service in group counseling, individual counseling and school counseling core curriculum lesson delivery:

(2) a minimum of 360 supervised clock hours focused on developing, implementing and evaluating key school counseling program elements such as:

(i) student outcomes and standards,

(ii) curriculum,

(iii) individual student needs and plans,

(iv) responsive services,

(v) consultation with others on behalf of student,

(vi) time management,

(vii) school counseling program goals,

(viii) data analysis,

(ix) action plans,

(x) calendars/schedules, and

(xi) advisory panels, councils, and committees.

(3) a minimum of 300 clock hours of the internship must be in the elementary and middle school grades (K-8) and a minimum of 300 clock hours of the internship must in the secondary grades (9-12).

(4) Prior to the candidate's internship, the institution shall execute a written agreement with the employing school or school district by which the school or school district agrees to consult with program faculty and the candidate before determining the candidate's load and provide daily mentoring and supervision of the candidate during the internship experience by a certified school counselor. Mentoring and supervision may be provided by other qualified school personnel only if the employing school district cannot provide a certified school counselor in the school building in which the internship occurs.

(c) The internship and practicum shall:

(1) Be consistent with the program's philosophy, purposes and objectives and carefully selected and planned by program faculty, with learning outcomes specified and their achievement regularly evaluated;

(2) Be accompanied by coursework or seminars and supervised by one or more faculty who participate actively in the program and in program development, and who have training and skills in supervision and the expertise to provide supervision. Full-time faculty shall participate in supervising candidates during their internship and practicum experiences;

(3) Provide candidates with experiences in a variety of communities and across the range of student development levels, experiences practicing skills interacting with parents or caregivers, experiences in high needs schools, and experiences with each of

the following student populations: socioeconomically disadvantaged students, students who are English language learners, and students with disabilities.

(3) Standards for programs leading to professional certification as a school counselor. Programs leading to professional certification as a school counselor shall require a candidate to complete either:

(i) a registered program leading to a master's degree, with a minimum of 60 semester hours of graduate study, which shall meet the program registration requirements for a school counselor program leading to the initial certificate as described in paragraph (2) of this subdivision, including but not limited to, 48 semester hours of graduate study, the 100 clock hours of practicum and the 600 clock hour internship, and also require the candidate to complete a minimum of 12 semester hours of additional graduate study in at least the following two core content areas and the subareas for these core content areas, as further defined by the Commissioner in guidance: best practices for the profession and in school counseling programming, including assessing, developing, implementing, leading, and evaluating a data-driven school counseling program that is comprehensive, utilizes best practices, and advances the mission of the school; and research and program development, including the use of research and evaluation in advancing the school counseling program, its components and the profession; or

(ii) a registered program leading to an advanced certificate with a minimum of 12 semester hours of graduate study in at least the following two core content areas and the subareas for these content areas, as further defined by the Commissioner in guidance: best practices for the profession and in school counseling programming and

research and program development, as described in subparagraph (i) of this paragraph. Only individuals who have completed a registered school counselor program leading to initial certification as a school counselor or its equivalent, and who hold their initial certification as a school counselor, or individuals who have met the requirements for initial certification as a school counselor shall be admitted to a school counseling program that leads to an advanced certificate.

(4) Institutional Accountability. Institutions shall be accountable for the quality of their programs leading to certification in school counseling and the candidates who complete such programs, and shall demonstrate that their school counseling programs are evaluated regularly and that such evaluations are considered for making program improvements.

(5) Accreditation. School counseling programs registered for the first time on or after September 1, 2020 leading to initial and/or professional certification under this subdivision shall be accredited by an acceptable professional education accrediting association, meaning an organization which is determined by the Department to have equivalent standards to the State's registration standards, within seven years of the date of their initial registration, and shall be continuously accredited thereafter by an acceptable professional education accrediting association.

3. The title of Subpart 80-2 of the Regulations of the Commissioner of Education is amended, effective July 1, 2017, to read as follows:

SUBPART 80-2

REQUIREMENTS FOR CERTIFICATES IN THE CLASSROOM TEACHING SERVICE APPLIED AND QUALIFIED FOR ON OR BEFORE FEBRUARY 1, 2004,

THE ADMINISTRATIVE AND SUPERVISORY SERVICE APPLIED FOR ON OR BEFORE SEPTEMBER 1, 2006, AND THE PUPIL PERSONNEL SERVICE (EXCEPT FOR CERTIFICATES FOR SCHOOL COUNSELING APPLIED AND QUALIFIED FOR ON OR AFTER SEPTEMBER 2, 2022).

4. Section 80-2.1 of the Regulations of the Commissioner of Education shall be amended, effective July 1, 2017, to read as follows:

§80-2.1 Application of this Subpart and definitions.

(a) Application of this Subpart.

(1) Provisional certificates.

(i) . . .

(ii) . . .

(iii) Candidates who apply and qualify for the provisional certificate in the title school counselor prior to September 2, 2022 shall be subject to the requirements of this Subpart. Candidates who do not meet these requirements shall be subject to the requirements of Subpart 80-3 of this Part, unless otherwise specifically prescribed in this Part.

(2) Permanent certificates.

(i) . . .

(ii) . . .

(iii) . . .

(iv) . . .

(v) Candidates with an expired provisional certificate in the title school counselor who apply for a permanent certificate in the title school counselor prior to September 2,

2022 shall be subject to the requirements of this Subpart, provided that they have been issued a provisional certificate in this title and have met all requirements for the permanent certificate while under a provisional certificate that was in effect. Candidates with expired provisional certificates who apply for permanent certificates in the title school counselor on or after September 2, 2022 or who do not meet these conditions shall be subject to the requirements of Subpart 80-3 of this Part, unless otherwise specifically prescribed in this Part.

(3) . . .

(4) [Candidates] Except as otherwise provided in this section, candidates who apply for a provisional or permanent certificate valid for pupil personnel service shall be subject to the requirements of this Subpart.

(b) . . .

5. Subparagraph (iii) of paragraph (1) of section 80-2.9 of the Regulations of the Commissioner of Education shall be amended, effective July 1, 2017, to read as follows:

(iii) For pupil personnel service professionals (see section 80-2.3 [of this Subpart] and section 80-3.11 of this Part), administrative and supervisory personnel (see section 80-2.4 of this Subpart), and school media specialists (see section 80-2.8 of this Subpart), the program will include cultural perspectives, theory and practice of bilingual/multicultural education, and methods of providing services in the native language. The program will provide appropriate college-supervised field experience in the certificate area in a bilingual context.

6. Subparagraph (iii) of paragraph (2) of section 80-2.9 of the Regulations of the Commissioner of Education shall be amended, effective July 1, 2017, to read as follows:

(iii) For pupil personnel service professionals (see section 80-2.3 [of this Subpart] and section 80-3.11 of this Part), administrative and supervisory personnel (see section 80-2.4 of this Subpart), and school media specialists (see section 80-2.8 of this Subpart), 15 semester hours of collegiate study at an institution with an approved bilingual education program to include cultural perspectives, theory and practice of bilingual/multicultural education, and methods of providing services in the native language.

7. The title of Subpart 80-3 of the Regulations of the Commissioner of Education is amended, effective July 1, 2017, to read as follows:

SUBPART 80-3
REQUIREMENTS FOR CERTIFICATES IN THE CLASSROOM TEACHING SERVICE APPLIED AND QUALIFIED FOR ON OR AFTER FEBRUARY 2, 2004 [AND IN], THE EDUCATIONAL LEADERSHIP SERVICE APPLIED FOR ON OR AFTER SEPTEMBER 2, 2007, AND AS A SCHOOL COUNSELOR APPLIED AND QUALIFIED FOR ON OR AFTER SEPTEMBER 2, 2022.

8. Section 80-3.1 of the Regulations of the Commissioner of Education is amended, effective July 1, 2017, to read as follows:

§80-3.1 Application of this Subpart and definitions.

(a) Application of this Subpart.

(1) Candidates who apply on or after February 2, 2004 for certificates valid for classroom teaching service, and on or after September 2, 2007 for certificates valid for the educational leadership service, and on or after September 2, 2022 for certificates valid for school counselors, shall be subject to the requirements of this Subpart, unless

otherwise specifically prescribed in this Part, and except as prescribed in paragraph (2) of this subdivision.

(2)(i) . . .

(ii) . . .

(iii) Candidates who apply for a permanent certificate in the title school counselor shall be subject to the requirements of Subpart 80-2 of this Part, provided that they have been issued a provisional certificate in this title for which the permanent certificate is sought and have met all requirements for the permanent certificate while under a valid provisional certificate that was in effect after that date.

(3) [Candidates] Except as otherwise provided in this section, candidates who apply for certificates valid for pupil personnel service shall be subject to the requirements of Subpart 80-2 of this Part.

(b) . . .

9. A new section 80-3.11 shall be added to the Regulations of the Commissioner of Education, effective July 1, 2017, to read as follows:

§80-3.11 Certificates for school counselor.

(a) Initial certificate.

(1) Validity of certificate. The initial certificate shall be valid for five years from its effective date.

(2) Requirements for an initial certificate as a school counselor. The candidate shall meet each of the following requirements:

(i) Education. The candidate shall meet the education requirement by meeting the requirements in each of the following clauses:

(a) The candidate shall have successfully completed a program leading to the initial certificate as a school counselor registered pursuant to section 52.21(d) of this Title, or its equivalent as determined by the department.

(b) The candidate shall hold a baccalaureate or higher degree from a regionally accredited higher education institution or an equivalently approved higher education institution as determined by the department.

(ii) Examination. Candidates applying for certification on or after September 2, 2022 shall submit evidence of having achieved a satisfactory level of performance on the New York State examination for school counselors or other equivalent examination as approved by the Commissioner, if available.

(b) Professional certificate.

(1) Validity of certificate. The professional certificate for school counselors shall be continuously valid.

(2) Requirements for a professional certificate as a school counselor. The candidate shall have successfully completed, in addition to the requirements for the initial certificate, the following requirements:

(i) Education. The candidate shall meet the education requirement by meeting the requirements in each of the following clauses:

(a) The candidate shall have successfully completed a program leading to a professional certificate as a school counselor registered pursuant to section 52.21(d) of this Title, or its equivalent as determined by the department.

(b) The candidate shall hold a master's degree or higher in school counseling from a regionally accredited higher education institution or an equivalently approved

higher education institution as determined by the department or hold an advanced certificate of study from a registered program pursuant to section 52.21(d)(3) of this Title.

(ii) Experience. The candidate shall have successfully completed three years of school counseling experience in New York State public or non-public schools K-12, or its equivalent. The candidate who completes this requirement in total or part through experience in New York public schools shall be required to participate in a mentored program in the first year of employment.

10. A new section 80-3.12 is added to the Regulations of the Commissioner of Education, effective July 1, 2017, to read as follows:

§80-3.12 Satisfaction of education requirements for certification as a school counselor through individual evaluation. This section prescribes requirements for meeting the education requirements for school counselor certificates through individual evaluation. A candidate must have achieved a 3.0 cumulative grade point average or its equivalent in the program or programs leading to any degree used to meet the requirements for a certificate under this section. All other requirements for the certificate, including but not limited to, examination and/or experience requirements, as prescribed in this Subpart must also be met.

(a) A candidate seeking to fulfill the education requirement for an initial certificate through individual evaluation of education requirements shall meet the following requirements:

(1) Degree completion. The candidate shall possess a baccalaureate degree from a regionally or nationally accredited institution of higher education or from an

institution authorized by the Regents to confer degrees and whose programs are registered by the Department.

(2) The candidate shall complete study in child abuse identification, school violence and harassment, bullying and discrimination prevention and intervention, as prescribed in sections 80-1.4 and 80-1.13 of this Part.

(3) The candidate shall complete 48 semester hours of graduate coursework that includes study in each of the following six core content areas:

(i) Foundations in professional school counseling;

(ii) Career development and college readiness;

(iii) Supportive school climate and collaborative work with school, family and community;

(iv) Equity, advocacy and diversity in programming and in support for students;

(v) Child growth, development and student learning; and

(vi) Group and individual counseling theories and techniques for prevention, intervention and responsive services.

(4) Practicum and Internship. The candidate shall satisfactorily complete:

(i) a minimum of 100 clock hours of practicum in a K-12 school counseling program setting that shall consist of:

(a) a minimum of 40 clock hours in group counseling, individual counseling and school counseling core curriculum lesson delivery; and

(b) a minimum of 60 clock hours on developing, implementing and evaluating key school counseling program elements such as:

(1) student outcomes and standards;

- (2) curriculum;
- (3) individual student needs and plans;
- (4) responsive services;
- (5) consultation with others on behalf of student;
- (6) time management;
- (7) school counseling program goals;
- (8) data analysis;
- (9) action plans;
- (10) calendars/schedules; and
- (11) advisory panels, councils and committees.

(ii) a minimum of 600 clock hours in a supervised internship in a K-12 school counseling program which shall consist of:

(a) a minimum of 240 clock hours of supervised direct student service hours in group counseling, individual counseling and school counseling core curriculum lesson delivery;

(b) a minimum of 360 supervised clock hours focused on developing, implementing and evaluating key school counseling program elements such as:

- (1) student outcomes and standards,
- (2) curriculum,
- (3) individual student needs and plans,
- (4) responsive services,
- (5) consultation with others on behalf of student,
- (6) time management,

(7) school counseling program goals,

(8) data analysis,

(9) action plans,

(10) calendars/schedules, and

(11) advisory panels, councils, and committees.

(c) a minimum of 300 clock hours of the internship must be in the elementary grades (K-8) and a minimum of 300 clock hours of the internship must in the secondary grades (9-12).

(d) Prior to the candidate's internship, a written agreement shall be executed with the employing school or school district by which the school or school district agrees to consult with the candidate before determining the candidate's load and provide daily mentoring and supervision of the candidate during the internship experience by a certified school counselor. Mentoring and supervision may be provided by other qualified school personnel only if the employing school district cannot provide a certified school counselor in the school building in which the internship occurs.

(b) A candidate seeking to fulfill the education requirement for a professional certificate through individual evaluation of education requirements shall meet the following requirements:

(1) Degree completion. The candidate shall possess a master's degree or higher from a regionally or nationally accredited institution of higher education or from an institution authorized by the Regents to confer degrees and whose programs are registered by the Department.

(2) In addition to that required for the initial certificate as described in subdivision (a) of this section, the candidate shall complete at least 12 semester hours of graduate coursework that includes study in at least each of the following core content areas:

- (i) best practices for the profession and in school counseling programming; and
- (ii) research and program evaluation.

(3) Experience. The candidate shall have successfully completed three years of school counseling experience in New York State public or non-public schools K-12, or its equivalent. The candidate who completes this requirement in total or part through experience in New York public schools shall be required to participate in a mentored program in the first year of employment.

11. Section 80-5.9 of the Regulations of the Commissioner of Education shall be amended, effective July 1, 2017, to read as follows:

§80-5.9 Internship certificate.

(a) A [student] candidate in a registered or approved graduate program of teacher education, school leadership or school counseling which includes an internship experience(s) and who has completed at least one-half of the semester hour requirement for the program, may, at the request of the institution, be issued an internship certificate for a fee of \$50.

(b) The certificate shall be issued only to those persons enrolled in registered or approved programs that include appropriate supervision. [and shall show on the face of the certificate the following information:

- (1) the name of the intern;
- (2) the collegiate program sponsoring the internship;

- (3) the area of service for which the certificate is valid;
- (4) the school district in which the internship is to be served; and
- (5) the dates for which the certificate is valid.]

(c) The certificate shall be valid for no more than two years from its effective date and is not renewable. For individuals called to active duty in the Armed Forces, the validity period of the internship certificate may be extended for the time of active service and an additional 12 months from the end of such service, provided that the holder is a candidate in a registered or approved graduate program of teacher education, school leadership or school counseling program.

12. A new section 80-5.23 of the Regulations of the Commissioner of Education shall be added, effective July 1, 2017, to read as follows:

§80-5.23 Endorsement of certificates for service as a school counselor.

(a) School counselor. The Commissioner may endorse the certificate of another state or territory of the United States or the District of Columbia for service as a school counselor, provided that the candidate meets the following requirements:

(1) The candidate shall hold a valid certificate of another state or territory of the United States or the District of Columbia that is equivalent to the initial or professional certificate as a school counselor.

(2) The candidate shall meet the general requirements for certificates prescribed in Subpart 80-1 of this Part, including but not limited to the requirements of section 80-1.3 relating to citizenship, section 80-1.4 relating to study in child abuse identification and reporting, section 80-1.13 relating to study in harassment, bullying and

discrimination prevention and intervention and school violence prevention and intervention; and section 80-1.11 relating to a criminal history record check.

(3) The candidate shall hold a master's degree or higher from a regionally accredited higher education institution or an equivalently approved higher education institution as determined by the department, or have equivalent educational preparation as determined by the commissioner. Candidates shall have achieved a 3.0 cumulative grade point average, or its equivalent, in the program leading to the degree.

(4) The candidate shall either:

(i) have completed a comparable program from a regionally accredited institution of higher education or a higher education institution that the Commissioner deems substantially equivalent, provided that such program leads to initial certification as a school counselor, or similar school counselor certification, in the jurisdiction in which the higher education institution is located; or

(ii) have at least three years of satisfactory experience in a public school (grades K-12) in another state or territory of the United States or the District of Columbia in a position that would have required the equivalent of initial or professional certification as a school counselor for employment in New York State and while under a certificate issued by such other state authorizing such service, such experience must have been completed within five years immediately preceding the application for endorsement of the out-of-state certificate; or the candidate shall have equivalent experience as determined by the Commissioner.

(5) Examination requirement. Any candidate applying for professional certification as a school counselor through endorsement of a certificate of another state

or territory pursuant to the provisions of this section on or after September 2, 2022, shall achieve a satisfactory level of performance on the New York State school counselor examination or other equivalent examination as approved by the Commissioner, if available.

13. Subdivision (j) of section 100.2 of the Regulations of the Commissioner of Education shall be amended, effective July 1, 2017, to read as follows:

(j) Guidance programs and comprehensive developmental school counseling/guidance programs.

(1) Guidance programs for public schools for school years prior to the 2019-2020 school year and for non-public schools.

(i) Public Schools. Each school district shall have a guidance program for all students.

~~[(i)]~~(a) In grades K-6, the program shall be designed in coordination with the teaching staff to prepare students to participate effectively in their current and future educational programs, to help students who exhibit any attendance, academic, behavioral or adjustment problems, to educate students concerning avoidance of child sexual abuse, and to encourage parental involvement.

~~[(ii)]~~(b) In grades 7-12, the guidance program shall include the following activities or services:

~~[(a)]~~(1) an annual review of each student's educational progress and career plans, with such reviews to be conducted with each student individually or with small groups by personnel certified or licensed as school counselors;

[(b)](2) instruction at each grade level to help students learn about various careers and about career planning skills conducted by personnel certified or licensed as school counselors, or by classroom teachers in cooperation with school counselors;

[(c)](3) other advisory and individual or group counseling assistance to enable students to benefit from the curriculum, to help students develop and implement postsecondary education and career plans, to help students who exhibit any attendance, academic, behavioral or adjustment problems and to encourage parental involvement, provided that advisory assistance shall be provided by teachers or counselors, or by certified teaching assistants under the supervision of counselors or teachers, and that such individual or group counseling assistance shall be provided by certified or licensed school counselors or by certified or licensed school psychologists or certified or licensed school social workers in cooperation with school counselors; and

[(d)](4) the services of personnel certified or licensed as school counselors.

[(iii)](c) Each school district shall develop a district plan which sets forth the manner in which the district shall comply with the requirements of this subdivision. The City School District of the City of New York shall submit a separate plan for each community school district, for the High School Division and for the Special Education Division. Such plan shall be filed in the district offices and shall be available for review by any individual. The plan shall present program objectives, which describe expectations of what students will learn from the program; activities to accomplish the objectives; specification of staff members and other resources assigned to accomplish the objectives; and provisions for the annual assessment of program results. The plan

shall be reviewed annually by the school districts, and revisions shall be made as necessary.

[(2)](ii) Nonpublic schools. Each nonpublic secondary school shall provide a guidance and counseling program for students in grades 7-12.

(2) Comprehensive developmental school counseling/guidance programs.
Beginning with the 2019-2020 school year, each school district shall have a comprehensive developmental school counseling/guidance program, for all students in kindergarten through grade 12. Each school district shall also ensure that all students in grades kindergarten through twelve have access to a certified school counselor(s), which for the city school district of the City of New York and the city school district of the City of Buffalo shall include a licensed guidance counselor(s) pursuant to Part 80 of the Commissioner's regulations.

(i) For all grades kindergarten through twelve, district and building level comprehensive developmental school counseling/guidance programs shall prepare students to participate effectively in their current and future educational programs as age appropriate, and be designed to address multiple student competencies including career/college readiness standards, and academic and social/emotional development standards. The comprehensive developmental school counseling/guidance program ("program") shall include the following activities or services:

(a) In grades kindergarten through five, the program shall be designed by a certified school counselor in coordination with the teaching staff, and any appropriate pupil personnel service providers, for the purpose of preparing students to participate effectively in their current and future educational programs, to provide information

related to college and careers, and to assist students who may exhibit challenges to academic success, including but not limited to attendance or behavioral concerns, and where appropriate make a referral to a properly licensed professional and/or certified pupil personnel service provider, as appropriate, for more targeted supports.

(b) For students in grades six through twelve, certified school counselors shall provide an annual individual progress review plan, which shall reflect each student's educational progress and career plans. For a student with disability, the plan shall be consistent with the student's individualized education program;

(c) school counseling/guidance core curriculum instruction for the purpose of addressing student competencies related to career/college readiness, academic skills and social/emotional development by a certified school counselor(s);

(d) other direct student services which may include, but need not be limited to, responsive services, crisis response, group counseling, individual counseling, appraisal, assessment and advisement, for the purpose of enabling students to benefit from the curriculum, assisting students to develop and implement postsecondary education and career plans, assisting students who exhibit attendance, academic, behavioral or adjustment concerns and encouraging parental involvement. Provided that nothing herein shall prohibit certified or licensed school psychologists or certified or licensed school social workers pursuant to Part 80 of the Commissioner's regulations from providing other direct student services within their applicable scope of practice;

(e) indirect student services which may include but need not be limited to, referrals to appropriately licensed or certified individuals, consultation, collaboration, leadership, advocacy, and teaming.

(ii) Each school district shall develop district-wide and building-level comprehensive developmental school counseling/guidance plans which set forth the manner in which the district shall comply with the requirements of this subdivision. In the case of the City School District of the City of New York, the Department of Education shall submit separate plans for each community school district, for the High School Division and for the Special Education Division. Such district and building level plans shall be developed by or under the direction of certified school counselor(s) and be updated annually, available for review at the district offices and each school building, and made available on the district's website.

(a) Each plan shall be developed annually and shall include program objectives, activities, program development and maintenance planning, school counseling curriculum , professional development planning, evaluation methods based on data analysis of program results and closing the gap analysis reports to inform program improvement, and assessment of the resources necessary to support positive student outcomes.

(b) Each plan shall also include the preparation of a program outcomes report that includes an analysis of all systematic components of a comprehensive developmental school counseling/guidance program as defined by this subdivision. Such report shall be annually presented to the board of education, or in the case of the City School District of the City of New York, the Chancellor of the City School District of the City of New York, or to the extent provided by law, the board of education of the City School District of the City of New York.

(iii) Each school district shall establish a comprehensive developmental school counseling/guidance program advisory council to be comprised of representative stakeholders (such as parents, members of the board of education, school building and/or district leaders, community-based service providers, teachers, certified school counselors and other pupil personnel service providers in the district including school social workers and/or school psychologists). In the case of the City School District of the City of New York, the Department of Education shall establish a comprehensive developmental school counseling/guidance program advisory council for each community school district. The advisory council shall meet no less than twice a year for the purpose of reviewing the comprehensive developmental school counseling/guidance program plan and advising on the implementation of the school counseling/guidance program. The advisory council shall create and submit an annual report to the board of education, or in the case of the City School District of the City of New York, the Chancellor of the City School District of the City of New York, or to the extent provided by law, the board of education of the City School District of the City of New York.

(3) Nothing in this section shall be construed to authorize any individual to provide professional services where certification is required under Part 80 of the Commissioner's regulations or where licensure is required under Title VIII of the Education Law.

8 NYCRR §52.21, Subparts 80-2, 80-3, 80-5 and 100.2

ASSESSMENT OF PUBLIC COMMENT

Since publication of a Notice of Revised Rule Making in the State Register on March 29, 2017, the State Education Department received the following comments.

1. COMMENT:

Commenter supports the proposed amendments and believes that they will positively impact students. The new regulations would bring a higher level of professionalism, accountability, and service to my school counseling program. They will also inform my local school board and administrators of the benefits of a standards-based school counseling program that serves the needs of students K-12. The amendments propose a system of developing and providing school counseling services that is collaborative. However, my social worker and school psychologist colleagues may be confused by the change in title from “guidance program” to “comprehensive school counseling program.” My colleagues need your reassurance that this regulation is not about their counseling services, nor special education program services. My colleagues also need new regulations developed based on their professional standards to address the services they provide in schools. The proposed regulations, however, would be confusing and compromised if their services are inserted rather than addressed separately so as to clearly maintain the differentiation between our distinct professional training and scope of practice. Developing and delivering a school counseling program requires the services of a certified school counselor(s) who are uniquely trained to do so. We are trained mental health

professionals. We are able to help students with their academic, social/emotional and career needs.

DEPARTMENT RESPONSE:

No response is necessary to the extent the comment is supportive. To the extent the comment seeks clarification on the roles of school social workers and school psychologists. See the Department's previous Responses to Comments #9 and 10 included in the Assessment of Public Comment published in the State Register on March 29, 2017.

2. COMMENT:

Commenter expressed concern relating to the impact of the proposed amendments on the authority of the board of education. Other than allowing for the participation of board members on the advisory council and receiving the annual report from that council, the role of the board of education in the plan and program development and implementation process is not articulated in the proposed amended regulations which may inadvertently lead some to believe that the board's role is limited to those two functions.

Boards of education are responsible by law for the superintendence, management and control of the educational affairs of the district and to prescribe the curriculum. They have the duty and the authority to present a proposed budget to the voters for approval and to make determinations regarding the allocation of a district's fiscal and human resources. We are concerned that the proposed amended regulatory language may be interpreted by some to place the plan and program development in

the hands of certified school counselor(s), with the support of other school staff and a stakeholder advisory council without involvement or approval of the board of education, as the districts governing body, notwithstanding the board's statutory responsibilities. If that is, indeed, the intent of the proposed amended regulations we consider them to violate the Education law. If that is not the intent, we recommend that the proposed amended regulations be revised to require school board approval If all aspects of the counseling/guidance program and plan, including but not limited to those elements that involve the allocation of fiscal and human resources and selection of counseling/guidance curriculum.

DEPARTMENT RESPONSE:

The Department does not believe, nor was it the intent of the proposed amendment to assign any duty within the statutory scope of a school board to a certified school counselor. While the amendments do clarify that the program must be designed by a certified school counselor (as opposed to an uncertified individual), the school board still retains oversight over the curriculum and fiscal components of the plan. For instance, a school counselor cannot develop a guidance plan and move forward with it if there are elements that need to be incorporated into the district's budget or there are other staffing decisions to be made by the board. Department staff will review the commenter's concerns, and determine if further revisions are needed in the future to clarify the role of the school board.

3. COMMENT:

Commenter expressed concern surrounding the individual progress review plans for students with disabilities in grades 6-12 and sought clarification that such plans do not supersede the duties and recommendations of the Committee on Special Education.

DEPARTMENT RESPONSE:

The annual progress review plans which are currently required for students in grades 7-12 do not serve the same purpose, nor are they to be a substitute for an individualized education program for students with disabilities. The current regulation requires an annual check-in for students in grades 7-12. In a collaborative school environment, these existing plans for student's educational progress and career plans should be shared with, and not duplicative of the work of the committee on special education. See also, the Department's previous response to Comment #30 in the Assessment of Public Comment published in the State Register on November 30, 2016.

4. COMMENT:

Commenters believe the proposed regulations are a positive step in strengthening school counselor preparation programs. However, commenters believe there are additional enhancements that should be made to the school counselor preparation programs. Generally, commenters proposed additions and amendments to the six core content areas, encouraged expanding field experience to require internships at the elementary, middle school, and high school levels, and requiring that such field supervision be only provided by certified school counselors.

DEPARTMENT RESPONSE:

The Department anticipates continuing the dialogue and engaging with the field to receive feedback as these standards for school counselor preparation programs are implemented in 2020.

Regarding the recommendation for expanded core content areas, the regulation provides that the 48 semester hour program should include but need not be limited to the six core content areas, which would permit the inclusion of additional content areas as suggested. Additionally, the regulations were clarified to specify that the internship experience must include both K-8 and 9-12 experience, rather than just elementary experience, which allows flexibility and includes opportunities for experience at all levels.

With respect to the concern about field supervision, the Department agrees that school counselor interns should be supervised by certified school counselors. However, the regulation provides for flexibility in limited circumstances if the employing school district cannot provide a certified school counselor in the school building in which the internship occurs. Therefore, no revisions are necessary. See generally, Response to Comment #17 in the Assessment of Public Comment published in the State Register on March 29, 2017. See also, Responses to Comment #75, 76 in the Assessment of Public Comment published in the State Register on November 30, 2016.

5. COMMENT:

Commenters sought the expansion of the required content areas in a registered program leading to an advanced certificate in school counseling. The advanced certificate would allow candidates to enter already established certificates in many

graduate programs and to increase their skills in a specialty area. It also would allow school counselors to add a professional license in addition to school counseling certification, which school counselors do in all other states. Commenters suggested included these additional content areas, bilingual school counseling, mental health counseling, addictions counseling, rehabilitation counseling, couple, marital and family counseling, student affairs/higher education, advanced college and career counseling, supervision and consultation, and other categories.

DEPARTMENT RESPONSE:

The proposed amendment allows for program flexibility. By requiring programs leading to an advanced certificate to include 12 semester hours in “at least” the two core content areas of best practices for the profession and school counseling programming and research and program development, the regulation allows for the flexibility of programs to include other core content areas and subareas as well. The core content areas included in the proposed amendments are only included as a “minimum” which provides greater flexibility for programs to include areas such as those suggested by the commenters, and/or additional areas and subareas in their programs. See also, Responses to Comment #75, 76 in the Assessment of Public Comment published in the State Register on November 30, 2016.

6. COMMENT:

Commenter urged the inclusion of professional development for school counselors. On-going professional development requirements are needed to ensure

that school counselors are current in their skills, knowledge, and practices to support all K-12 students.

DEPARTMENT RESPONSE:

Department staff will continue to engage the field in discussions around possible future professional development requirements for school counselors. See the Department's previous Response to Comment #16 in the Assessment of Public Comment published in the State Register on March 29, 2017.

7. COMMENT:

Commenters thank the Department for its responsiveness in addressing concerns for an inclusive design and implementation for K-5 comprehensive developmental school counseling programs. "Commenters expressed concern specifically regarding section 100.2(j)(2)(i)(c) which states "school counseling/guidance core curriculum and instruction for the purpose of addressing student competencies related to career/college readiness, academic skills and social/emotional development by a certified school counselor(s)." Commenters believe this is confusing to the public and districts and would seem to indicate that core curriculum and instruction would only be delivered by certified school counselor, and requested more inclusive language.

DEPARTMENT RESPONSE:

This regulation only relates to the implementation of the components of the school counseling/guidance program. Therefore, within the context of the program it is appropriate for the instruction of the school counseling/curriculum to be developed and implemented by certified school counselors. See also, Response to Comments #1 and

9 in the Assessment of Public Comment published in the State Register on March 29,
2017