



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

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

**FROM:** John L. D'Agati 

**SUBJECT:** Proposed Amendment to Section 52.21 of the Regulations of the Commissioner of Education Relating to Graduate Admission Examination Requirements to Implement Chapter 454 of the Laws of 2017

**DATE:** April 26, 2018

**AUTHORIZATION(S):**  

#### **SUMMARY**

#### **Issue for Decision (Consent Agenda)**

Should the Board of Regents amend §52.21 of the Regulations of the Commissioner of Education relating to graduate admission examination requirements to implement Chapter 454 of the Laws of 2017?

#### **Reason(s) for Consideration**

Review of Policy.

#### **Proposed Handling**

The proposed amendment is submitted to the Full Board for adoption at its May 2018 Board of Regents meeting (Attachment A is a copy of the proposed amendment).

#### **Procedural History**

A Notice of Proposed Rule Making was published in the State Register on February 7, 2018. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents. Following the 60-day public comment period, the Department received no comments on the proposed amendment.

## **Background Information**

Chapter 56 of the Laws of 2015 added § 210-a to the New York State Education Law to require all institutions with graduate-level teacher and educational leadership programs registered by the Department to “adopt rigorous selection criteria geared to predicting a candidate’s academic success in its program.” One of these criteria includes achieving a minimum score on the Graduate Record Examination (GRE) or a substantially equivalent admission examination. In 2015, the Department amended §52.21 of the Commissioner’s Regulations to implement the new law.

On December 13, 2017, the Governor signed Chapter 454 of the Laws of 2017 amending §210-a of the Education Law to remove the requirement for certified teachers and school administrators who already hold a graduate degree to take either the GRE or a substantially equivalent admission examination to meet the minimum selection criteria for graduate teacher or educational leadership programs. For those teachers and educational leaders who already hold a graduate degree, the GRE is no longer required.

In order to implement the change in law, which has an immediate effective date, the proposed regulation amendment to §52.21 of the Commissioner’s Regulations makes it clear that the graduate admission examination requirement does not apply to certified teachers and school administrators who already hold a graduate degree.

## **Related Regents Items**

January 2018: <http://www.regents.nysed.gov/common/regents/files/118hea1.pdf>.

## **Recommendation**

Department staff recommends that the Board of Regents take the following action:

VOTED: That §52.21 of the Regulations of the Commissioner of Education be amended, as submitted, effective May 23, 2018.

## **Timetable for Implementation**

If adopted at the May 2018 meeting, the proposed amendment will become effective as a permanent rule on May 23, 2018.

## **Attachment A**

### AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207 and 210-a of the Education Law and Chapter 454 of the Laws of 2017.

Subclause (1) of clause (l) of subparagraph (i) of paragraph (2) of subsection (b) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(1) Institutions with registered graduate level teacher and educational leadership programs shall adopt rigorous selection criteria geared to predicting a candidate's academic success in its program. These rigorous selection criteria shall include, but not be limited to, a minimum score on the graduate record examination or a substantially equivalent admission examination, as determined by the institution, and achievement of a cumulative grade point average of 3.0, or its equivalent, in the candidate's undergraduate program; provided, however, that such graduate record examination or substantially equivalent admission examination requirement shall in no case apply to currently certified teachers or educational leaders who already hold a graduate degree.