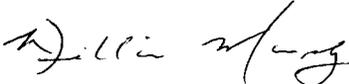




TO: Higher Education Committee

FROM: William P. Murphy 

SUBJECT: Proposed Amendment to Sections 52.21 and 80-2.9 and Subpart 80-4 of the Regulations of the Commissioner of Education Relating to the Creation of the Bilingual Education Extension, Supplementary Bilingual Education Extension, and Registration Requirements for Programs Leading to the Bilingual Education Extension for Initial and Professional School Counselor Certificates

DATE: April 29, 2021

AUTHORIZATION(S):  

SUMMARY

Issue for Discussion

Should the Board of Regents adopt the proposed amendment to sections 52.21 and 80-2.9 and subpart 80-4 of the Regulations of the Commissioner of Education relating to the creation of the Bilingual Education extension, Supplementary Bilingual Education extension, and registration requirements for programs leading to the Bilingual Education extension for Initial and Professional School Counselor Certificates?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is submitted to the Higher Education Committee for discussion at its May 2021 Board of Regents meeting. A copy of the proposed amendment is attached.

Procedural History

A Notice of Proposed Rule Making will be published in the State Register on May 26, 2021. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background Information

Currently, school counselor candidates can obtain Provisional and Permanent certificates by completing a registered school counselor program or specified coursework requirements. In addition, they can seek the Bilingual Education extension or Supplementary Bilingual Education extension for Provisional and Permanent School Counselor certificates. Some institutions with registered school counselor programs also have programs that lead to the Bilingual Education extension for Provisional and Permanent School Counselor certificates.

Section 80-2.9 of the Commissioner's regulations lists the requirements for the Bilingual Education extension for pupil personnel service professionals (e.g., school counselors), administrative and supervisory personnel, and school media specialists who hold Provisional and Permanent certificates. For this Bilingual Education extension, they must either:

- complete the appropriate registered Bilingual Education extension program that includes study in cultural perspectives, theory and practice of bilingual/multicultural education, methods of providing services in the native language, and an appropriate college-supervised field experience in the certificate area in a bilingual context, or
- complete 15 semester hours of collegiate study at an institution with a registered bilingual education program to include cultural perspectives, theory and practice of bilingual/multicultural education, and methods of providing services in the native language.

The Supplementary Bilingual Education three-year extension for Provisional and Permanent School Counselor certificates allows certified school counselors who are enrolled in a registered program leading to the Bilingual Education extension to work as a bilingual school counselor where there is a demonstrated shortage. One of the requirements for this three-year extension is to complete three semester hours in bilingual education as described in the registered Bilingual Education extension program requirements, including study in theories of bilingual education and multicultural perspectives.

New Initial and Professional School Counselor Certificates

At its May 2017 meeting, the Board of Regents established new Initial and Professional School Counselor certificates and the registration requirements for school counselor programs that lead to the new Initial and Professional School Counselor certificates. The Initial and Professional School Counselor certificates will be first issued on February 2, 2023. Candidates must apply and qualify for the current Provisional School Counselor certificate prior to February 2, 2023.

Therefore, amendments to Commissioner's regulations are needed in order for the Bilingual Education extension and Supplementary Bilingual Education extension to be

available for the new Initial and Professional School Counselor certificates and for institutions of higher education to register programs that lead to the Bilingual Education extension for Initial and Professional School Counselor certificates.

The Department is proposing to create the Bilingual Education extension and Supplementary Bilingual Education extension for the new Initial and Professional School Counselor certificates and continue these extension options for school counselors in the future. The proposal also outlines the registration requirements for programs that would lead to the Bilingual Education extension for Initial and Professional School Counselor certificates. School counselor programs have expressed an interest offering this type of extension program at their institution.

Proposed Bilingual Education and Supplementary Bilingual Education Extensions

The Department proposes to amend section 80-4.3 of the Commissioner's regulations to establish the Bilingual Education extension and Supplementary Bilingual Education extension for candidates who will hold the Initial or Professional School Counselor certificate and apply for the extensions on or after February 2, 2023.

For the proposed Bilingual Education extension, candidates must either complete a registered program leading to the Bilingual Education extension for the Initial or Professional School Counselor certificate; or complete 15 semester hours of study that includes theories of bilingual education and multicultural perspectives, and methods of providing school counselor services to English language learners using the home language and English. These requirements are consistent with the requirements for the Bilingual Education extension for Provisional and Permanent School Counselor certificates.

The proposed Supplementary Bilingual Education extension requires candidates to complete three semester hours in bilingual education as prescribed in the requirements for a Bilingual Education extension, including study in theories of bilingual education and multicultural perspectives. This coursework requirement aligns with the coursework requirement for the Supplementary Bilingual Education extension for Provisional and Permanent School Counselor certificates.

Proposed Bilingual Education Extension Program Registration Requirements

Additionally, the Department proposes to amend section 52.21 of the Commissioner's regulations to create registration requirements for programs that lead to the Bilingual Education extension for Initial and Professional School Counselor certificates. The coursework requirements would include study in theories of bilingual education and bilingualism, multicultural perspectives in education, and methods of providing school counselor services to bilingual English language learners using the home language and English. The candidates would be required to complete at least 50 clock hours of college-supervised field experiences in providing bilingual services. These requirements are consistent with the registration requirements for programs that lead to

the Bilingual Education extension for Provisional and Permanent School Counselor certificates.

Related Regents Items

May 2017: [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](https://www.regents.nysed.gov/common/regents/files/517brca14.pdf)

(<https://www.regents.nysed.gov/common/regents/files/517brca14.pdf>)

March 2018: [Proposed Amendments to Part 30 of the Regents Rules and §52.21 and Part 80 of the Regulations of the Commissioner of Education Relating to a New Certification Area and Tenure Area for Computer Science](https://www.regents.nysed.gov/common/regents/files/318hea2.pdf)

(<https://www.regents.nysed.gov/common/regents/files/318hea2.pdf>)

July 2019: [Proposed Amendments to Sections 52.21, 80-2.1 80-3.1, 80-3.11, 80-3.12 and 80-5.23 and the Titles of Subparts 80- 2 and 80-3 of the Commissioner's Regulations Relating to School Counseling Program Registration, School Counselor Certification Requirements, and a One-Year Time Extension for Institutions of Higher Education to Meet the New Program Registration Requirements](http://www.regents.nysed.gov/common/regents/files/719brca1.pdf)

(<http://www.regents.nysed.gov/common/regents/files/719brca1.pdf>)

Recommendation

Not applicable.

Timetable for Implementation

Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its September 2021 meeting. If adopted at the September 2021 meeting, the proposed amendment will become effective on September 29, 2021.

Attachment

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 210, 305, 3001, 3004, and 3009.

1. Paragraph (4) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(4) Programs leading to extensions and annotations. To be registered as a program leading to an extension or annotation of a teaching or school counselor certificate, the program shall meet the requirements of this paragraph. The requirements for the extension or annotation are additional to the requirements set forth in this subdivision for the [teaching] certificate but may be completed as part of the program leading to the certificate.

(i) Programs leading to extensions authorizing the provision of bilingual education for certificates for teaching early childhood education; childhood education; middle childhood education; adolescence education; a special subject; literacy education; career and technical education; students with disabilities in early childhood, or childhood, or middle childhood for programs registered prior to September 2, 2011, or adolescence; students who are blind or visually impaired; students who are deaf or hard of hearing; and students with speech and language disabilities shall require:

(a) study that will permit the candidate to obtain the following knowledge, understanding and skills:

- (1) theories of bilingual education and bilingualism;
- (2) multicultural perspectives in education;
- (3) sociolinguistics and psycholinguistics;

(4) methods of teaching English language arts to bilingual English language learners, including literacy, using the [native]home language and English, for meeting the State learning standards for students, set forth in Part 100 of this Title;

(5) methods of teaching [native]home language arts to bilingual English language learners, including literacy, using the [native]home language and English; and

(6) methods of teaching other content appropriate to the teaching certificate to bilingual English language learners, using the [native]home language and English, for meeting the State learning standards for students, set forth in Part 100 of this Title; and

(b) college-supervised field experiences of at least 50 clock hours in providing bilingual education, as appropriate to the teaching certificate.

(ii) Programs leading to extensions authorizing the provision of bilingual education for certificates in library media specialist, [and] educational technology specialist, and school counselor shall require:

(a) study that will permit the candidate to obtain the following knowledge, understanding and skills:

(1) theories of bilingual education and bilingualism;

(2) multicultural perspectives in education;

(3) methods of providing library media services, [or] educational technology services, or school counselor services as appropriate to the [teaching]certificate to bilingual English language learners, using the [native]home language and English; and

(b) college-supervised field experiences of at least 50 clock hours in providing bilingual services, as appropriate to the [teaching] certificate.

2. Subdivision (a) of section 80-2.9 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(a) The validity of a provisional or permanent certificate issued pursuant to this Part may be extended by the commissioner to include bilingual education if the holder of such certificate meets the requirements described in paragraph (1), (2), (3) or (4) of this subdivision, provided that the candidate applied for and upon application qualified for such extension prior to February 2, 2004 for certificates in the classroom teaching service, or prior to February 2, 2023 for certificates in the school counselor title, except for candidates who are applying for an extension to a certificate title in pupil personnel service, other than the school counselor title, or the administrative and supervisory service for which no time limit for application is applicable. Candidates who apply for an extension in bilingual education on or after February 2, 2004 for certificates in the classroom teaching service, or apply for an extension in bilingual education on or after February 2, 2023 for certificates in the school counselor title, shall meet the requirements of Subpart 80-4 of this Part. Candidates who apply for an extension in bilingual education on or after February 2, 2004 for certificates in the pupil personnel service, other than candidates who apply for an for such extension on or after February 2, 2023 for certificates in the school counselor title, or the administrative and supervisory service shall be required to meet the requirements of this section.

(1) Completion of an approved program registered by the department specifically for service as a teacher of bilingual education.

(i) For teachers of the common branch subjects in the lower (PreK-3) and upper (4-6) elementary grades (PreK-6) (see section 80-2.12 of this Subpart) the program will

include methods and materials of teaching English as a second language; cultural perspectives; theory and practice of bilingual/multicultural education; methods of teaching core subject areas in the [native]home language; [native]home language arts; evaluation in bilingual education; and linguistics. The program will provide a college-supervised field experience in bilingual education.

(ii) For teachers of occupational subjects (see section 80-2.5 of this Subpart), teachers of children with handicapping conditions (see section 80-2.6 of this Subpart), teachers of reading (see section 80-2.7 of this Subpart), teachers of English, languages other than English, mathematics, the sciences and social studies (see section 80-2.13 of this Subpart) and teachers of special subjects (see section 80-2.14 of this Subpart), the program will include methods and materials of teaching English as a second language; cultural perspectives; theory and practice of bilingual/multicultural education; methods of teaching the subject area in the [native]home language; and [native]home language arts. The program will provide a college-supervised field experience in bilingual education.

(iii) For pupil personnel service professionals (see sections 80-2.3 and 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]home language. The program will provide appropriate college-supervised field experience in the certificate area in a bilingual context.

(iv) Language proficiency. The candidate will submit evidence of having achieved a satisfactory level of oral and written proficiency in English and in the target language of instruction on the New York State Teacher Certification Examinations.

(2) Alternate completion of requirements. A provisional or permanent certificate may be extended to bilingual education for a candidate who has completed the following:

(i) For teachers of the common branch subjects in the lower (PreK-3) and upper (4-6) elementary grades (PreK-6) (see section 80-2.12 of this Subpart), 24 semester hours of collegiate study at an institution with an approved bilingual education program to include: methods and materials of teaching English as a second language; cultural perspectives; theory and practice of bilingual/multicultural education; methods of teaching core subject areas in the [native]home language; [native]home language arts; evaluation in bilingual education; and linguistics;

(ii) For teachers of occupational subjects (see section 80-2.5 of this Subpart), teachers of children with handicapping conditions (see section 80-2.6 of this Subpart), teachers of reading (see section 80-2.7 of this Subpart), teachers of English, languages other than English, mathematics, the sciences and social studies (see section 80-2.13 of this Subpart), and teachers of special subjects (see section 80-2.14 of this Subpart), 15 semester hours of collegiate study at an institution with an approved bilingual education program to include: methods and materials of teaching English as a second language; cultural perspectives; theory and practice of bilingual/multicultural education; methods of teaching the subject area in the [native]home language; and [native]home language arts;
or

(iii) For pupil personnel service professionals (see sections 80-2.3 and 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]home language;

(iv) A college-supervised field experience in bilingual education or its equivalent. One year of paid full-time bilingual experience at the level or in the subject or field for which the extension is being requested may be substituted for the field experience when such experience carries the recommendation of the chief school officer.

(v) Language proficiency. The candidate shall submit evidence of having achieved a satisfactory level of oral and written proficiency in English and in the target language of instruction on the New York State Teacher Certification Examinations.

(3)...

(4)...

(5)...

3. The title of Subpart 80-4 of the Regulations of the Commissioner of Education shall be amended to read as follows:

SUBPART 80-4

REQUIREMENTS FOR EXTENSIONS AND ANNOTATIONS OF CERTIFICATES IN THE CLASSROOM TEACHING SERVICE [APPLIES]APPLIED FOR ON OR AFTER FEBRUARY 2, 2004 AND IN THE SCHOOL COUNSELOR TITLE APPLIED FOR ON OR AFTER FEBRUARY 2, 2023

4. Subdivision (a) of section 80-4.3 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(a) Requirements for the extension in bilingual education.

The candidate shall meet the requirements in each of the following paragraphs:

(1) The requirements of this subdivision shall be applicable to the extension in bilingual education of provisional, permanent, initial, emergency COVID-19, or professional certificates in the classroom teaching service and provisional, permanent, initial, or professional certificates in the school counselor title. The requirements of section 80-2.9 of this Part shall be applicable to the extension in bilingual education for certificates in the pupil personnel service, other than certificates in the school counselor title, or the administrative and supervisory service.

(2) The candidate shall meet the requirements in each of the following subparagraphs:

(i) Education.

(a) For candidates who are requesting the extension of a certificate in a title in the classroom teaching service other than school media specialist (library), library media specialist, school media specialist (educational communications), or educational technology specialist; the candidate shall satisfactorily complete a program registered pursuant to section 52.21(b)(4)(i) of this Title, or its equivalent consisting of a total of 12 semester hours of coursework. Such equivalent coursework shall include study in each of the following subjects:

(1) theories of bilingual education and multicultural perspectives;

(2) sociolinguistics and psycholinguistics; and

(3) methods of teaching English language arts and [native]home language arts to bilingual English language learners using the [native]home language and English;

(4) methods of teaching other content to bilingual English language learners using the [native]home language and English.

(b) For candidates who are requesting the extension of a certificate in school media specialist (library), library media specialist, school media specialist (educational communications), or educational technology specialist, the candidate shall satisfactorily complete a program registered pursuant to section 52.21(b)(4)(ii) of this Title, or its equivalent consisting of a total of six semester hours of coursework. Such equivalent coursework shall include study in each of the following subjects:

(1) theories of bilingual education and multicultural perspectives; and

(2) methods of providing library media services or educational technology services, as appropriate to the teaching certificate, to English language learners using [native]the home language and English.

(c) For candidates who are requesting the extension of a certificate in the school counselor title, the candidate shall satisfactorily complete a program registered pursuant to section 52.21(b)(4)(ii) of this Title, or its equivalent consisting of a total of fifteen semester hours of coursework. Such equivalent coursework shall include study in each of the following subjects:

(1) theories of bilingual education and multicultural perspectives; and

(2) methods of providing school counselor services to English language learners using the home language and English.

(ii)...

(3)...

(4) Supplementary bilingual education extension for certificates in the classroom teaching service and in the school counselor title.

(i) Purpose. The purpose of a supplementary bilingual education extension is to authorize a teacher who is currently certified in a title in the classroom teaching service to teach bilingual English language learners and to authorize a certified school counselor to work with bilingual English language learners, where there is a demonstrated shortage, while the [teacher] candidate is matriculated in a program at an institution of higher education leading to an extension in bilingual education.

(ii) Limitations. The supplementary bilingual extension shall be valid for three years from its effective date and shall not be renewable. A supplementary bilingual education extension shall also be limited to employment with an employing entity.

(iii) Requirements. To be eligible for a supplementary bilingual education extension, a candidate shall meet the following requirements:

(a) Application. The candidate shall apply for the supplementary bilingual education extension and upon application qualify for the supplementary bilingual education extension.

(b) Certification. The candidate shall hold a valid provisional, initial, emergency COVID-19, permanent, or professional certificate in a title in the classroom teaching service or a valid provisional, initial, permanent, or professional certificate in the school counselor title identified in [this Subpart or Subpart 80-3 of] this Part.

(c) The candidate shall be matriculated in a registered program leading to a bilingual education extension [of a certificate as a teacher in the classroom teaching

service], as prescribed in section 52.21(b)(4) of this Title, provided that such program must require the candidate to pass an assessment of proficiency in the language of the bilingual education extension sought as a condition for entry into the program.

(d) Education. The candidate shall have completed coursework as prescribed in this subparagraph.

(1) The candidate shall have completed three semester hours in bilingual education as prescribed in the requirements for a bilingual education extension, set forth in this section, including study in theories of bilingual education and multicultural perspectives.

(2) A statement shall be submitted by the chancellor, in the case of employment with the City School District of the City of New York; or by the superintendent, in the case of other employing boards; or by the chief school officer, in the case of employment with another entity required by law to employ certified teachers or school counselors certifying:

(i) the employing entity seeks to employ the candidate in a position in a certificate title in the classroom teaching service or in the school counselor certificate title with a demonstrated shortage of certified teachers or certified school counselors with an extension in bilingual education;

(ii) the employing entity will require, as a condition of employment under the supplementary condition bilingual extension, the candidate's matriculation in a program at an institution of higher education leading to a bilingual extension; and

(iii) the employing entity will provide appropriate support to the candidate undertaking an assignment with the supplementary bilingual education extension to ensure the maintenance of quality instruction for such candidate.