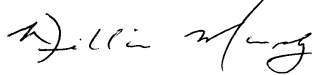





**TO:** The Honorable Members of the Board of Regents

**FROM:** William P. Murphy 

**SUBJECT:** Proposed Amendment of Section 80-5.23 of the Regulations of the Commissioner of Education Relating to the Requirements for the Endorsement of a Certificate for Service as a School Counselor

**DATE:** October 5, 2023

**AUTHORIZATION(S):** 

### SUMMARY

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

Should the Board of Regents adopt the proposed amendment of section 80-5.23 of the Regulations of the Commissioner of Education relating to the requirements for the endorsement of a certificate for service as a school counselor?

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

Review of policy.

#### **Proposed Handling**

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at its October 2023 meeting. A copy of the proposed amendment is attached (Attachment A).

#### **Procedural History**

The proposed amendment was presented to the Higher Education Committee for discussion at its June 2023 meeting. A Notice of Proposed Rule Making was published in the State Register on June 28, 2023, for a 60-day public comment period.

Following publication in the State Register, the Department received no comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required and no changes to the proposed amendment are needed. A Notice of Proposed Adoption will be published in the State Register on November 1, 2023.

## **Background Information**

At its May 2017 meeting, the Board of Regents adopted regulatory amendments establishing new Initial and Professional School Counselor certificates and the registration requirements for school counselor education programs that lead to these certificates. The Initial and Professional School Counselor certificates became available on February 2, 2023.

Section 80-5.23 of the Commissioner's regulations provide that the Commissioner may endorse a candidate's valid certificate from another U.S. state(s) or territory/territories or the District of Columbia that is comparable to the Initial or Professional School Counselor certificate for service as a school counselor in New York State. The candidate must meet the following requirements, in addition to the general requirements for certificates in Subpart 80-1 of the Commissioner's regulations (8 NYCRR 80-5.23(a)):

- **Degree.** Hold a master's degree or higher from a higher education institution<sup>1</sup> and have a 3.0 cumulative grade point average (GPA), or its equivalent, in the program leading to the degree.
- **Comparable Program or Acceptable Experience.** Candidates must either:
  - Have completed a comparable program from an institution of higher education<sup>2</sup> that leads to initial certification as a school counselor, or similar school counselor certification, in the jurisdiction in which the institution is located; or
  - Have at least three years of satisfactory experience (1) in a public school (grades K-12) in other U.S. state(s) or territory/territories or the District of Columbia; (2) 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 (3) under the authority of a certificate issued by the state/territory authorizing such service. The Commissioner has the discretion to determine that other experience is equivalent to the above requirements.
- **Examination.** Candidates who apply for a Professional School Counselor certificate through endorsement of a certificate must pass the New York State School Counselor exam or other equivalent exam approved by the Commissioner, if available. The New York State Teacher Certification Examinations (NYSTCE) School Counselor Content Specialty Test (CST) is anticipated to become available in 2025.

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<sup>1</sup> The institution of higher education must be "accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education or an equivalently approved higher education institution as determined by the department, or have equivalent educational preparation as determined by the commissioner" (8 NYCRR 80-5.23(a)(3)).

<sup>2</sup> The institution of higher education must be "accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education or a higher education institution that the commissioner deems substantially equivalent" (8 NYCRR 80-5.23(a)(4)(i)).

The requirements for school counselor certification through the endorsement of a certificate are different from the requirements for teacher and educational leadership candidates who hold a certificate from, and/or completed an educator preparation program in, another state or territory in several ways. One way is that the endorsement of a certificate for service as a teacher or school building leader leads only to an Initial certificate (8 NYCRR 80-5.8(a) and 80-5.20(c)).

Another way is that the endorsement of a certificate for service as a school counselor requires that candidates who completed a comparable school counselor education program also hold a valid certificate from another state or territory. On the other hand, candidates who complete a substantially equivalent teacher education program or equivalent educational leadership program outside of New York State are not required to hold a valid certificate from another state or territory. Instead, these teacher and educational leadership candidates must pass the tests required for the title and type of New York State certificate sought (8 NYCRR 80-5.8(b) and 80-3.10).

### **Proposed Amendments**

The Department proposes regulatory amendments to align the pathways for certification for school counselor candidates with the pathways for certification for teacher and educational leadership candidates who hold a certificate from, and/or completed an educator preparation program in, another state or territory of the United States (U.S.) or the District of Columbia.

The proposed revisions to section 80-5.23 of the Commissioner's regulations include creating two distinct pathways for school counselor certification for candidates from another state or territory: endorsement of certificates ("endorsement" pathway) and recognition of comparable out-of-state school counselor education programs ("comparable program" pathway):

- **Endorsement Pathway.** Candidates would be required to hold a valid certificate from another U.S. state(s) or territory/territories or the District of Columbia, hold a master's degree or higher, have a minimum 3.0 GPA, and have acceptable experience, similar to the current endorsement of certificate requirements. They would not be required to take and pass a New York State school counselor exam. This proposed pathway would lead only to Initial School Counselor certification. Completion of a comparable program in lieu of completing an acceptable experience would no longer be an option.
- **Comparable Program Pathway.** Candidates would be required to hold a master's degree or higher, have a minimum 3.0 GPA, and complete a comparable school counselor education program, similar to the current endorsement of certificate requirements. They would not need to hold a valid certificate from another state or territory, and instead, would need to take and pass the New York State School Counselor exam, if available. This pathway would only lead to Initial School Counselor certification.

Candidates under these pathways would need to meet the Professional School Counselor certificate requirements, including the education and experience requirements, to progress from the Initial to Professional certificate.

The proposed amendment also includes a technical revision to associate the study in school violence prevention and intervention with section 80-1.4 of the Commissioner's regulations, correcting an erroneous reference to section 80-1.13.

### **Related Regents Items**

September 2023: [Proposed Amendment of Section 80-3.12 of the Regulations of the Commissioner of Education Relating to the Requirements for Certification as a School Counselor through Individual Evaluation](https://www.regents.nysed.gov/sites/regents/files/923hea1revised.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/923hea1revised.pdf>)

May 2023: [Proposed Amendment of Sections 80-3.10, 80-5.8, 80-5.20, and 80-5.23 of the Regulations of the Commissioner of Education Relating to Educator Certification for Candidates from Another State or Territory of the United States or the District of Columbia](https://www.regents.nysed.gov/sites/regents/files/523brca2.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/523brca2.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>)

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>)

### **Recommendation**

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

VOTED: That section 80-5.23 of the Regulations of the Commissioner of Education be amended, as submitted, effective November 1, 2023.

### **Timetable for Implementation**

If adopted at the October meeting, the proposed amendment will become effective on November 1, 2023.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Section 80-5.23 of the Regulations of the Commissioner of Education is amended to read as follows:

80-5.23 Endorsement of certificates and recognition of comparable out-of-state school counselor education programs for service as a school counselor.

(a) [School counselor.] Endorsement of certificates for service as a school counselor.

(1) The commissioner may endorse the certificate of another state (s) or territory/territories of the United States or the District of Columbia for service as a school counselor, provided that the candidate meets the following requirements:

[(1)] (i) The candidate shall hold a valid certificate of another state (s) or territory/territories of the United States or the District of Columbia that is comparable to the initial or professional certificate as a school counselor.

[(2)] (ii) 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 of this Part relating to citizenship,] section 80-1.4 of this Part relating to study in child abuse identification and reporting, and school violence prevention and intervention; section 80-1.13 of this Part relating to study in harassment, bullying, and discrimination prevention and intervention[ and school violence prevention and intervention]; and section 80-1.11 of this Part relating to a criminal history record check.

[(3)] (iii) The candidate shall hold a master's degree or higher from a higher education institution that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education 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)] (iv) The candidate shall [either:

(i) have completed a comparable program from an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of 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 (s) or territory/territories 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, 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 February 2, 2023, 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.]

(2) Such candidate who meets the endorsement requirements in paragraph (1) of this subdivision shall be issued an initial certificate in the school counselor certificate title pursuant to the requirements of this Part.

(b) Recognition of comparable out-of-state school counselor education programs for service as a school counselor.

(1) The commissioner may issue an initial certificate to a candidate who completes a comparable school counselor education program at an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education or a higher education institution that the commissioner deems substantially equivalent from another state or territory of the United States or the District of Columbia, provided that such program leads to initial certification as a school counselor, or a similar certificate title and type, in the jurisdiction in which the higher education institution is located if the candidate also meets the following requirements:

(i) General requirements. 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 80-1.4 of this Part relating to study in child abuse identification and reporting, and school violence prevention and intervention; section 80-1.13 of this Part relating to study in harassment, bullying and discrimination prevention and intervention; and section 80-1.11 of this Part relating to a criminal history record check.

(ii) Degree. The candidate shall hold a master's degree or higher from a higher education institution that is accredited by an institutional accrediting agency recognized

for this purpose by the United States Department of Education 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.

(iii) Examination. The candidate shall receive a satisfactory passing score on all examinations required for the title and type of certificate sought in this State, when available.

(2) Such candidate who meets the requirements for recognition of an out-of-state school counselor education program in paragraph (1) of this subdivision shall be issued an initial certificate in the school counselor title pursuant to the requirements of this Part.