




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 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

**DATE:** July 2, 2019

**AUTHORIZATION(S):**



## SUMMARY

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

Should the Board of Regents amend 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?

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

Review of Policy.

### **Proposed Handling**

The proposed amendments are submitted to the Full Board for adoption at its July 2019 meeting as a permanent rule. Attached is a copy of the proposed amendment (Attachment A).

## **Procedural History**

A Notice of Proposed Rule Making was published in the State Register on April 24, 2019 for a 60-day comment period; however, no comments were received. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

## **Background Information**

In October 2013, the P-12 Office of Student Support Services (SSS) and the Office of Higher Education (OHE) came before the Board with a discussion item relating to current requirements for school counselors. The discussion focused on a range of issues related to the requirements for the preparation of school counselors and their ongoing work and responsibilities in schools. At that meeting, the Board directed the Department to establish an advisory team, the School Counselor Advisory Council (SCAC), comprised of practicing school counselors, school counselor educators from institutions of higher education (IHEs) with programs leading to certification in school counseling, union personnel and school social workers and school psychologists to assist the Department in developing program regulations.

In February 2015, the SCAC met to review recommendations for regulatory revisions and provided comments on a draft memo to be sent to deans of school counseling programs. The memo was sent to the deans in April 2015 and included the SCAC's recommendations and asked for feedback through an anonymous survey. OHE staff reviewed the feedback and incorporated it into recommended regulatory revisions.

At its September 2015 meeting, the Board of Regents directed Department staff to move ahead with proposed amendments to Part 80 and Sections 52.21 and 100.2(j) of the Commissioner's Regulations. A Notice of Proposed Rule Making was published in the State Register on February 10, 2016. During the public comment period, the Department received nearly 1,000 comments from the field. Based on this feedback, the Regents made several revisions to the regulations and the revised regulations were reposted in the State Register several times and were adopted by the Board of Regents at its May 2017 meeting and became effective July 1, 2017.

Section 52.21(d) of the Commissioner's Regulations requires IHEs with registered school counseling programs to revise their programs to meet the new program registration requirements by September 1, 2020. The revised programs will lead to Initial and/or Professional certificates that will become available on September 2, 2022.<sup>1</sup>

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<sup>1</sup> The School Counselor certificate types currently available are Provisional and Permanent certificates. Part 80 of the Commissioner's Regulations prohibits candidates from applying for a Provisional certificate in school counseling effective September 2, 2022.

After the Section 52.21(d) Regulations for registered programs leading to school counseling certification were adopted, a new School Counselor Workgroup (Workgroup) was formed to assist Department staff in developing a guidance document for re-registering existing programs and registering new school counseling programs. Workgroup members asked the Department for a two-year extension to implement the new regulations – from September 1, 2020 to September 1, 2022 – so they could have more time to develop and move the new school counseling programs through their IHEs’ approval processes and to submit them to the Department for registration.

In addition, the Workgroup posited that requiring only six of the eight school counseling core content areas in the 48-semester hour initial certification programs would not sufficiently prepare their candidates to work as new school counselors in P-12 schools. They proposed to the Department that 48-semester hour programs leading to initial certification include all eight core content areas, and 60-semester hour programs leading to initial and professional certification in school counseling include a minimum of 48-semester hours of graduate study in all eight core content areas.

In mid-2018, the Department’s Office of Student Support Services issued comprehensive guidance on the new Section 100.2(j) of the Commissioner’s Regulations pertaining to school counseling in P-12 schools. The guidance noted, “*It is important to utilize standards for all three domains of the school counseling program: career/college readiness, academic skills development and social/emotional development.*” This guidance reinforces the Workgroup’s recommendation that all eight core content areas be included in 48-semester hour initial certification programs.

### **Proposed Amendment**

The Department is proposing that Section 52.21 be revised to require all 48-semester hour programs leading to initial certification in school counseling and 60-semester hour programs leading to initial and professional certification in school counseling include a minimum of 48-semester hours of graduate study in all eight core content areas. In addition, the Department is proposing that 12-credit programs leading to professional certification include 12 semester hours of graduate study in any of the eight core content areas. The Department also proposes removing the phrase “subareas as further defined in guidance” from the Regulations because the eight core content areas listed in the Regulations already include a description of the subareas. Finally, the proposal includes revising the Initial and Professional certificate coursework requirements through the individual evaluation certification pathway to align with the changes in the program registration requirements.

The Department also proposes extending:

- the implementation date for registered programs to comply with Commissioner’s Regulations for programs leading to Initial and Professional certification in school counseling from September 1, 2020 to September 1, 2021 to allow for additional time to meet these revised regulations;

- the effective date by which programs registered on or after that date must meet accreditation requirements from September 1, 2020 to September 1, 2021 to correspond with the proposed one-year implementation extension;
- the date by which candidates can apply and qualify for the Provisional School Counselor certificate and by which candidates with an expired Provisional School Counselor certificate can apply for a Permanent School Counselor certificate from September 2, 2022 to February 2, 2023; and
- the date by which candidates applying for certification in school counseling must meet the new Initial or Professional certificate requirements from September 2, 2022 to February 2, 2023, unless they hold a valid Provisional certificate and meet all requirements for the Permanent certificate while under a valid Provisional certificate.

Candidates who hold a valid Provisional certificate and meet all requirements for the Permanent certificate while under a valid Provisional certificate will continue to be able to apply for a Permanent School Counselor certificate unless the Department determines to no longer make the Permanent School Counselor certificate available at a future date.

### **Related Regents Items**

#### October 2013

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

#### December 2014

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

#### June 2015

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

#### September 2015

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

#### November 2016

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

#### March 2017

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

#### May 2017

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

#### April 2019

(<http://www.regents.nysed.gov/common/regents/files/419hed5.pdf>)

### **Recommendation**

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

VOTED: That Sections 52.21, 80-3.1, 80-3.11, 80-3.12 and 80-5.23 and the titles of 80-2 and 80-3 of the Regulations of the Commissioner of Education be amended as submitted, effective July 31, 2019.

### **Timetable for Implementation**

If adopted at the July 2019 meeting, the proposed amendment will become effective on July 31, 2019.

**Attachment A**

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Subdivision (a) of section 52.21 of the Regulations of the Commissioner of Education, shall be amended, 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] 2021. 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.

(1) . . .

(2) . . .

(3) . . .

(4) . . .

(5) . . .

2. Subdivision (d) of section 52.21 of the Regulations of the Commissioner of Education, shall be amended, 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] 2021 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) . . .

(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] eight 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] Eight 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] eight core content areas and subareas of school counseling [and the subareas for these core content areas, as further defined by the Commissioner in guidance]:

(a) . . .

(b) . .

(c) . . .

(d) . . .

(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) . . .

(g) 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

(h) Research and program development, including the use of research and evaluation in advancing the school counseling program, its components and the profession.

(ii) . . .

(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:

(b) 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 any of the eight core content areas of school counseling as described in paragraph (2)(i) of this subdivision. [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) . . .

(5) Accreditation. School counseling programs registered for the first time on or after September 1, [2020] 2021 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, that is approved by the department and is recognized by the United States Department of Education or the Council for Higher Education Accreditation, 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, 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] FEBRUARY 2, 2023).

4. Section 80-2.1 of the Regulations of the Commissioner of Education shall be amended, 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] February 2, 2023 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] February 2, 2023 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] February 2, 2023 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.

5. The title of Subpart 80-3 of the Regulations of the Commissioner of Education is amended, to read as follows:

#### SUBPART 80-3

REQUIREMENTS FOR CERTIFICATES IN THE CLASSROOM TEACHING SERVICE APPLIED AND QUALIFIED FOR ON OR AFTER FEBRUARY 1, 2004, 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] FEBRUARY 2, 2023.

6. Section 80-3.1 of the Regulations of the Commissioner of Education is amended, to read as follows:

(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] February 2,

2023 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.

7. Subparagraph (ii) of paragraph (2) of subdivision (a) of section 80-3.11 of the Regulations of the Commissioner of Education is amended, to read as follows:

(ii) Examination. Candidates applying for certification on or after [September 2, 2022] February 2, 2023 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.

8. Paragraph (3) of subdivision (a) of section 80-3.12 of the Regulations of the Commissioner of Education is amended, to read as follows:

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

(i) . . .

(ii) . . .

(iii) . . .

(iv) . . .

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

(vi) . . .

(vii) Best practices for the profession and in-school counseling programming; and

(viii) Research and program development to advance the school counseling program, its components and the profession.

9. Paragraph (2) of subdivision (b) of section 80-3.12 of the Regulations of the Commissioner of Education shall be amended, to read as follows:

(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] any of the eight core content areas described in paragraph (3) of subdivision (a) of this section.

- [(i) Best practices for the profession and in school counseling programming; and
- (ii) Research and program evaluation].

10. Paragraph (3) of subdivision (b) of section 80-3.12 of the Regulations of the Commissioner of Education shall be amended, to read as follows:

(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] 180 school days of employment.

11. Paragraph (5) of subdivision (a) of section 80-5.23 of the Regulations of the Commissioner of Education shall be amended, to read as follows:

(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] 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.