



TO: The Honorable the Members of the Board of Regents

FROM: William P. Murphy *William P. Murphy*

SUBJECT: Proposed Amendment to Sections 80-2.1 and 80-3.1 of the Regulations of the Commissioner of Education Relating to Permanent School Counselor Certificate Requirements

DATE: September 2, 2021

AUTHORIZATION(S): *Don McG* *Bell...*

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amendment to sections 80-2.1 and 80-3.1 of the Regulations of the Commissioner of Education relating to Permanent School Counselor certificate requirements?

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 September 2021 meeting. The proposed amendment is included (Attachment A).

Procedural History

The proposed amendment was initially presented to the Higher Education Committee for discussion at its June 2021 meeting. A Notice of Proposed Rule Making was published in the State Register on June 23, 2021. Following the 60-day public comment period required under the State Administrative Procedure Act, the Department received no comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required and no revisions to the proposed amendment are necessary. A Notice of Adoption will be published in the State Register on September 29, 2021. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

School counselor candidates can obtain Provisional and Permanent certificates by completing a registered school counselor program or specified coursework requirements.

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/or Professional School Counselor certificates. These Initial and Professional School Counselor certificates will first be issued on February 2, 2023. Candidates must apply and qualify for the current Provisional School Counselor certificate prior to February 2, 2023.

At present, candidates who have an expired Provisional School Counselor certificate and apply for a Permanent School Counselor certificate prior to February 2, 2023 must meet all requirements for the Permanent certificate while their Provisional certificate is valid. This works to the disadvantage of those candidates who are unable to meet the requirements for a Permanent School Counselor certificate prior to the expiration of their Provisional certificate.

Thus, the Department proposes allowing those candidates who have an expired Provisional School Counselor certificate and apply for a Permanent School Counselor certificate prior to February 2, 2023 to have the flexibility to meet the Permanent School Counselor certificate requirements until such date, regardless of whether their Provisional certificate was in effect when all requirements were met. This change would make the Permanent School Counselor certificate requirements consistent with the Permanent certificate requirements in other pupil personnel services certificate titles (e.g., School Psychologist) where candidates who have an expired Provisional certificate are not required to meet the Permanent certificate requirements while their Provisional certificate is in effect.

Additionally, the Department proposes to clarify that candidates who hold a valid Provisional School Counselor certificate and apply for a Permanent School Counselor certificate must meet the requirements for the Permanent School Counselor certificate prior to February 2, 2023 or while under a Provisional School Counselor certificate that was in effect after such date.

These recommendations will provide appropriate flexibility to qualified candidates, especially given the important role of school counselors who are working with children that are having difficulty coping with the COVID-19 pandemic.

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>)

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>)

June 2021: [Proposed Amendment to Sections 80-2.1 and 80-3.1 of the Regulations of the Commissioner of Education Relating to Permanent School Counselor Certificate Requirements](https://www.regents.nysed.gov/common/regents/files/621hed3.pdf). (<https://www.regents.nysed.gov/common/regents/files/621hed3.pdf>)

Recommendation

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

VOTED: That sections 80-2.1 and 80-3.1 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 29, 2021.

Timetable for Implementation

If adopted at the September 2021 meeting, the proposed amendment will become effective on September 29, 2021.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Subparagraph (v) of paragraph (2) of subdivision (a) of section 80-2.1 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(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 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 prior to February 2, 2023 or while under a valid provisional certificate in the title school counselor that was in effect after that date. All other candidates who apply for permanent certificates in the title school counselor shall be subject to the requirements of this Subpart, provided that they: applied for the permanent certificate and have met all requirements for the permanent certificate prior to February 2, 2023; or have been issued a provisional certificate in this title, the provisional certificate is not expired, and either the candidate has met all requirements for the permanent certificate prior to February 2, 2023 or while under a provisional certificate that was in effect after that date. Candidates with expired provisional certificates in the title school counselor who apply for permanent certificates in the title school counselor on or after 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.

2. Subparagraph (iii) of paragraph (2) of subdivision (a) of section 80-3.1 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(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 applied for the permanent certificate and have met all requirements for the permanent certificate prior to February 2, 2023, or 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 prior to February 2, 2023 or while under a valid provisional certificate in the title school counselor that was in effect after that date.