






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

**FROM:** David H. Hamilton 

**SUBJECT:** Proposed Amendment of Section 74.2 of the Regulations of the Commissioner of Education Relating to the Licensing Examinations and Testing Accommodations in the Social Work Professions

**DATE:** August 28, 2025

**AUTHORIZATION(S):**  

### SUMMARY

#### Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amendment of section 74.2 of the Regulations of the Commissioner of Education relating to the licensing examinations and testing accommodations in the social work professions?

#### Reason 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 2025 Regents meeting. A copy of the proposed rule (Attachment A) is attached.

#### Procedural History

The proposed amendment was presented to the Professional Practice Committee for discussion and recommendation to the Full Board for adoption as an emergency rule at its May 2025 meeting, effective May 6, 2025. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on May 21, 2025, for a 60-day public comment period.

Because the May 2025 emergency action was set to expire on August 3, 2025, a second emergency action was necessary at the July 2025 Regents meeting, effective August 4, 2025, to ensure the emergency rule remained continuously in effect until it

could be permanently adopted and take effect as a permanent rule. A Notice of Emergency Adoption was published in the State Register on July 30, 2025.

Following publication in the State Register, the Department received no public comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required and no changes to the proposed amendment are needed. If adopted at the September 2025 meeting, a Notice of Adoption will be published in the State Register on September 24, 2025. Supporting materials are available upon request from the Secretary to the Board of Regents.

### **Background Information**

The proposed amendment of section 74.2 of the Commissioner's regulations would allow candidates for licensure as a Licensed Master Social Worker (LMSW) or Licensed Clinical Social Worker (LCSW), for whom English is a second language, to apply for English as a Second Language (ESL) accommodations.<sup>1</sup> Any organization approved by New York State to offer the examination may provide ESL accommodations, which typically consist of additional time to take the examination and the use of two dictionaries, one bilingual word-to-word translation dictionary and/or one general ESL dictionary.

In implementing Chapter 420 of the Laws of 2002, the Department previously determined that the Association of Social Work Boards (ASWB) would administer social work licensing examinations. All United States jurisdictions use ASWB's examinations and already permit the use of ESL accommodations. This regulation is thus necessary to ensure that all candidates have equitable access to the ASWB examination.

The examination is one-part of the social work licensure criteria, which includes education and, in the case of clinical practice, supervised experience in the profession. Test-takers who receive such accommodations must meet the same passing standard as other candidates.

### **Proposed Amendment**

The proposed amendment of section 74.2 of the Commissioner's regulations conforms New York State's test policy for the Master's and Clinical examinations to ASWB's national standards, which include ESL testing accommodations.<sup>2</sup>

### **Related Regents Items**

[May 2025: Proposed Amendment of Section 74.2 of the Regulations of the Commissioner of Education Relating to the Licensing Examinations and Testing Accommodations in the Social Work Professions](https://www.regents.nysed.gov/sites/regents/files/525ppca1.pdf)

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<sup>1</sup> ESL is a non-standard testing accommodation policy, distinct from reasonable accommodations authorized under the Americans with Disabilities Act (ADA).

<sup>2</sup> In September 2023, the Board of Regents permanently adopted ESL testing accommodations in the profession of architecture. See, <https://www.regents.nysed.gov/sites/regents/files/923brca14.pdf>

[July 2025: Proposed Amendment of Section 74.2 of the Regulations of the Commissioner of Education Relating to the Licensing Examinations and Testing Accommodations in the Social Work Professions](https://www.regents.nysed.gov/sites/regents/files/725brca12.pdf)

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### **Recommendation**

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

VOTED: That section 74.2 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 24, 2025.

### **Timetable for Implementation**

If adopted at the September 2025 Regents meeting, the proposed amendment will become effective as a permanent rule on September 24, 2025.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6506, 6507 and 7704 of the Education Law

1. Section 74.2 of the Regulations of the Commissioner of Education is amended to read as follows:

§74.2 Professional licensing examinations.

(a) Examination for licensure as a licensed master social worker.

(1) Each candidate for licensure as a licensed master social worker shall pass an examination: (i) that is offered by [the Association of Social Work Boards, its successors, or another] an organization determined by the department to have satisfactory administrative and psychometric procedures in place to offer the licensing examination; [and]

(ii) that the department determines adequately tests social work proficiency at the master's degree level and adequately measures the candidate's knowledge concerning practice as a licensed master social worker as defined in subdivision (1) of section 7701 of the Education Law[.]; and

(iii) notwithstanding section 59.3 of this Title, such examination may include testing accommodations offered by an organization that meets the requirements of part (a)(1)(i) of this paragraph and is acceptable to the department, such accommodations may include all non-standard accommodations, including, but not limited to English as a second language accommodations.

(2) Requirements for admission to examination for licensure as a licensed master social worker. To be admitted to the licensing examination, the candidate shall be required to:

(i) file an application for licensure with the department;

(ii) pay the fees for the licensure application and first registration period; and

(iii) present satisfactory evidence of having met the education requirement for licensure as a licensed master social worker, as prescribed in section 74.1(b) of this Part, including receipt of the social work degree.

(b) Examination for licensure as a licensed clinical social worker.

(1) Each candidate for licensure as a licensed clinical social worker shall pass an examination:

(i) that is offered by [the Association of Social Work Boards, its successors, or another] an organization determined by the department to have satisfactory administrative and psychometric procedures in place to offer the licensing examination; and

(ii) that the department determines adequately tests social work proficiency at the clinical level and adequately measures the candidate's knowledge concerning practice as a licensed clinical social worker as defined in subdivision (2) of section 7701 of the Education Law[.]; and

(iii) notwithstanding section 59.3 of this Title, such examination may include testing accommodations offered by an organization that meets the requirements of part (b)(1)(i) of this paragraph and is which acceptable to the department, such accommodations may include all non-standard accommodations, including, but not limited to English as a second language accommodations.

(2) ...

(i) ...

(a) ...

(b) ...

(c) ...

(d) ...

(c) Passing score. The passing score for the examination for licensure as a licensed master social worker and the examination for licensure as a licensed clinical social worker shall be determined by the Department [the State Board for Social Work].