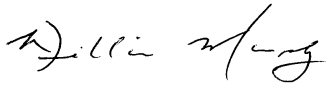






TO: The Honorable Members of the Board of Regents

FROM: William P. Murphy 

SUBJECT: Proposed Technical Amendment of Section 52.21 of the Regulations of the Commissioner of Education Relating to Certification Examinations

DATE: August 28, 2025

AUTHORIZATION(S):  

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed technical amendment of section 52.21 of the Regulations of the Commissioner of Education relating to certification examinations?

Reason for Consideration

Review of policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at the September 2025 Regents meeting. A copy of the proposed rule (Attachment A) is included.

Procedural History

The proposed amendment was presented to the Higher Education Committee for discussion at the June 2025 Regents meeting. A Notice of Proposed Rule Making was published in the State Register on June 25, 2025, 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. 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 to the Secretary of the Board of Regents.

Background Information

At its February 2025 meeting, the Board of Regents adopted a permanent rule to allow candidates to meet the examination requirement for educator certification by passing one of the New York State Teacher Certification Examinations (NYSTCE) examinations or another examination under certain conditions. The permanent rule also included several technical amendments to section 52.21 of the Commissioner's regulations.

Some technical amendments removed references to institutional accountability requirements that suggested institutions of higher education may be able to condition program completion on candidates' passing of each required certification examination. Other technical amendments removed references to school district leader (SDL) and school district business leader (SDBL) companion programs, conforming to prior regulatory amendments that relieved SDL and SDBL candidates from passing the New York State assessment in the area of the certificate for program completion and the institutional recommendation for Professional certification.

Proposed Amendments

The technical amendments in the February 2025 permanent rule included some misnumbering of the regulations to be revised. The Department is therefore proposing to correct the numbering so that the intended technical amendments can be implemented. Specifically, the proposed amendment restores section 52.21(b)(3)(vii), which was repealed based on misnumbering, and revises subparagraphs in sections 52.21(c)(4), 52.21(c)(6), and 52.21(c)(7) as intended. No substantive changes are proposed.

Related Regents Items

[June 2025: Proposed Technical Amendment of Sections 52.21 of the Regulations of the Commissioner of Education Relating to Certification Examinations](https://www.regents.nysed.gov/sites/regents/files/625hed1.pdf)
(<https://www.regents.nysed.gov/sites/regents/files/625hed1.pdf>)

[February 2025: Proposed Amendment of Sections 52.21, 80-1.1, 80-1.5, 80- 3.3, 80-3.4, 80-3.5, 80-3.10, 80-3.11, 80-4.3, 80-5.6, 80- 5.13, 80-5.14, 80-5.15, 80-5.18, and 80-5.28 of the Regulations of the Commissioner of Education Relating to Certification Examination Requirements and Waiver Options](https://www.regents.nysed.gov/sites/regents/files/225brca2.pdf)
(<https://www.regents.nysed.gov/sites/regents/files/225brca2.pdf>)

Recommendation

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

VOTED: That section 52.21 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 meeting, the proposed amendment will become effective on September 24, 2025.

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. Subparagraph (vii) of paragraph (3) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(vii) [[Repealed]] Programs leading to initial certificates valid for teaching students who are deaf or hard-of-hearing (all grades).

(a) Content core. In addition to meeting the general requirements for the content core prescribed in clause (2)(ii)(a) of this subdivision, the content core shall include two options for candidates:

(1) content core, as prescribed in this subdivision, for the early childhood education certificate or the childhood education certificate; or

(2) content core, as prescribed in this subdivision, for the middle childhood education certificate or the adolescence education certificate.

(b) Pedagogical core. In addition to meeting the general requirements for the pedagogical core prescribed in clause (2)(ii)(b) of this subdivision, the pedagogical core shall focus on developing comprehensive knowledge, understanding, and skills for teaching students with disabilities as prescribed in subclause (vi)(b)(3) of this paragraph; and specialized knowledge, understanding and skills for teaching deaf or hard-of-hearing students that include, but need not be limited to:

(1) study of the effects of hearing loss on students' lives, communication, language development, and learning; and study of American Sign Language, deaf culture, the use of amplification/assistive technologies, and a variety of effective

strategies for instructing students who are deaf or hard-of-hearing, such as other sign communication systems, cued speech, speech-reading, and total communication; and

(2) for registered programs with candidates who enroll prior to the Fall 2024 semester, the program shall require field experiences, student teaching or practica with students who are deaf or hard of hearing, which includes experiences at each of the four developmental levels: early childhood, childhood, middle childhood, and adolescence, provided that if a program has at least two student-teaching experiences, student teaching shall include experiences at the early childhood or childhood level and also at the middle childhood or adolescence level. The time requirements for field experience, student teaching, and practica of item (2)(ii)(b)(2)(i) of this subdivision shall not be applicable for candidates holding another classroom teaching certificate or candidates who are simultaneously preparing for another classroom teaching certificate and completing the full field experience, student teaching and practica requirement for that other certificate. In such instances, the programs shall require such candidates to complete at least 50 clock hours of field experience and at least 20 days of practica or student teaching with students who are deaf or hard of hearing;

(3) for registered programs with candidates who first enroll for the Fall 2024 semester and thereafter, the program shall require the combination of clinical experiences to provide candidates with experiences with students who are deaf or hard-of-hearing, including experiences at each of the four developmental levels: early childhood, childhood, middle childhood, and adolescence, in accordance with the requirements in subclause (b)(2)(ii)(b)(2) of this section.

2. Paragraph (4) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) ...

(ii) ...

(iii) ...

(iv) ...

(v) ...

(vii) [Requirements for companion programs in school district leadership not leading to the professional certificate. Institutions that offer a registered program in school district leadership leading to the professional certificate may have registered a companion program to that program, for students who do not seek certification in New York State, which companion program does not lead to the professional certificate. The companion program in school district leadership shall require the candidate to meet all requirements prescribed in this subdivision for a program in school district leadership that leads to the professional certificate, except the requirement that the candidate shall have completed successfully the New York State assessment for school district leadership.

(viii)] The department shall not register programs leading to professional certificates as a school district leader on or after February 1, 2025, and any such registered programs shall no longer be registered with the department on or after September 1, 2030.

3. Paragraph (6) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) ...

(ii) ...

(iii) ...

(iv) ...

(v) ...

[(vii) Requirements for companion programs in school district business leadership not leading to the professional certificate. Institutions that offer a registered program in school district business leadership leading to the professional certificate may have registered a companion program to that program, for students who do not seek certification in New York State, which companion program does not lead to the professional certificate. The companion program in school district business leadership shall require the candidate to meet all requirements prescribed in this subdivision for a program in school district business leadership that leads to the professional certificate, except the requirement that the candidate shall have completed successfully the New York State assessment for school district business leadership.]

4. Subparagraph (ii) of paragraph (7) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) Candidate performance on [New York State teacher] certification examinations as defined in section 80-1.1 of this Title.

(a) The department shall conduct a registration review in the event that fewer than 80 percent of the students who have satisfactorily completed the institution's program preparing school building leaders during a given academic year and have also completed the examination required for a school building leadership certificate pass such examination. For purposes of this clause, students who have satisfactorily completed the institution's program shall mean students who have met each educational requirement of the program[, excluding any institutional requirements that the students pass the required examination for a school building leader certificate in order to complete the program]. Students satisfactorily meeting each educational requirement may include students who earn a degree or students who complete each educational requirement without earning a degree. For determining this percentage, the department

shall consider the performance on each certification examination of those students completing an examination not more than five years before the end of the academic year in which the program is completed or not later than the September 30th following the end of such academic year, academic year defined as July 1st through June 30th, and shall consider only the highest score of individuals taking a test more than once.

(b) ...

(c) ...