



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

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

**SUBJECT:** Proposed Amendment to Section 80-5.9 of the Regulations of the Commissioner of Education Relating to the Eligibility of School Psychology Candidates for the Internship Certificate

**DATE:** July 1, 2021

**AUTHORIZATION(S):** *Donna* *Bellotti*

### SUMMARY

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

Should the Board of Regents adopt the proposed amendment to section 80-5.9 of the Regulations of the Commissioner of Education relating to the eligibility of school psychology candidates for the Internship Certificate?

#### **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 July 2021 meeting. A copy of the proposed amendment is attached (Attachment A).

#### **Procedural History**

The proposed amendment was discussed by the Higher Education Committee at the March 2021 Board of Regents meeting. A Notice of Proposed Rule Making was published in the State Register on March 31, 2021. Following the 60-day public comment period required under the State Administrative Procedure Act, the Department received two comments on the proposed amendment (Assessment of Public Comment is included as Attachment B). No changes to the proposed amendment are

recommended at this time. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

### **Background Information**

Candidates who are enrolled in a registered teacher, school leadership, or school counseling preparation program that includes an internship experience and have completed at least one-half of the semester hour requirements for the program, are eligible for the Internship certificate. To earn the certificate, they must receive an institutional recommendation for the certificate from their program and complete the fingerprint clearance.

The Internship certificate enables candidates to work in New York State public schools in the area of the certificate title for their internship experience. Candidates who are enrolled in a registered school psychology program are not eligible for the Internship certificate. There is interest from the field for the Internship certificate to be available for this group of candidates.

The Department is proposing to allow candidates who are enrolled in a registered school psychology program that includes an internship experience and have completed at least one-half of the semester hour requirements for the program, to be eligible for the Internship certificate. The proposal would allow these candidates to work in a school district or BOCES in the area of school psychology for their internship experience, if they apply for and receive the Internship certificate.

### **Related Regent's Items**

March 2021: [Proposed Amendment of Section 80-5.9 of the Regulations of the Commissioner of Education Relating to the Eligibility of School Psychology Candidates for the Internship Certificate](https://www.regents.nysed.gov/common/regents/files/321hed1.pdf)

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### **Recommendation**

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

VOTED: That section 80-5.9 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 28, 2021.

### **Timetable for Implementation**

If adopted at the July 2021 meeting, the proposed amendment will become effective on July 28, 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. Subdivision (a) of section 80-5.9 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(a) A candidate in a registered or approved graduate program of teacher education, school leadership[ or ], school counseling, or school psychology which includes an internship experience(s) and who has completed at least one-half of the semester hour requirement for the program may, at the request of the institution, be issued an internship certificate for a fee of \$50.

ASSESSMENT OF PUBLIC COMMENT

Since publication of the Notice of Proposed Rule Making in the State Register on March 31, 2021, the State Education Department (Department) received the following comments on the proposed amendments. Below is an assessment of the public comments received.

1. COMMENT: Commenter notes that the Department has made available an “Internship Certificate” for school psychology candidates in the past. While Commenter supports the availability of an Internship Certificate for these candidates, it is unclear to them if this certification is a mandatory certification for all school psychology internships or an optional certification. The commenter wants the Internship certificate to be made available as an option for school psychology candidates for their internship placement.

Commenter suggests that the Internship requirement of “at least one-half of the semester hour requirement for the program” is counter to national training standards for school psychologists. Commenter states that the internship is viewed as a culminating activity for master’s-level/specialist-level programs, or as part of an internship sequence completed partially through the training program and at the end of doctoral programs in school psychology, and the issuance of the Internship certificate should be based on institutional recommendations without a delineation of a percentage of the program completed.

Commenter states that a \$50 fee for the Internship Certificate places an unfair financial burden or may serve as a barrier to access the certificate for school psychology candidates. Commenter describes that feedback from graduate students surveyed indicated that it would represent another expense in addition to the multitude

of expenses associated with their graduate program. Commenter recommends removing the Internship certificate application fee.

Commenter explains that the phrasing “employed by a school district or BOCES as a school psychologist” within the “Needs and Benefits” and “Job Impact” sections of the Proposed Rule Making Notice is unclear and problematic because school psychology interns are not “employed” by a school district or BOCES and do not carry the title of “school psychologists.” Commenter notes that interns are placed within the internship setting through a mutual agreement or contract between the registered program in school psychology and the school district or other setting. Commenter states that while some internships are associated with some type of monetary stipend, this is not general practice throughout the state nor does it represent an employment arrangement. Commenter wants the Department to clearly indicate that the internship placement in school psychology does not represent an “employment” agreement for the intern and use of the title of “school psychologist” is reserved for professionals who have met all of the training and experience requirements for certification within New York State.

DEPARTMENT RESPONSE: The proposed amendment would allow candidates who are enrolled in a registered school psychology program that includes an internship experience, and have completed at least one-half of the semester-hour requirements for the program, to be eligible for the Internship certificate. The Internship certificate would be an option for candidates enrolled in graduate school psychology programs that include an internship. Candidates who are employed in a New York public school during their internship would need to hold the Internship certificate, whereas candidates who

are not employed in a New York public school during their internship would not need to hold the Internship certificate.

In the past, the Internship certificate was incorrectly made available for school psychology candidates in the TEACH system despite the fact that section 80-5.9 of the Commissioner's regulations did not state that school psychology candidates were eligible for the Internship certificate. The proposed amendment to this section would make school psychology candidates eligible for the Internship certificate, which would appropriately permit school psychology candidates to apply for it in the TEACH system.

Section 5.9 states that a candidate who has competed at least one-half of the semester hour requirement for the school psychology program may, at the request of the institution, be issued an Internship certificate. As such, institutions ultimately decide if the candidate would be eligible for the Internship certificate by deciding whether or not to submit a recommendation for the Internship certificate for the candidate to the Department (via TEACH) based on their own criteria. The requirement of one-half of the semester hour requirement is set as a minimum threshold for all programs listed in the regulation across the state.

Education Law section 3006 establishes fees that the Commissioner of Education shall charge for certificates. These fees help cover the Department's costs to process certificate applications. The \$50 fee for the Internship certificate application is the same application fee collected for all other college-recommended certificates pursuant to Education Law section 3006.

The Internship certificate enables candidates to work in a New York State public school in the area of the certificate title for their internship experience. In response to that portion of the comment regarding the internship placement, the Department

clarified in the Regents item proposal and within the supporting documents of the Adoption Notice that the proposed amendment would allow school psychology candidates to work in a school district or BOCES in the area of school psychologist for their internship experience if they apply for and receive the Internship certificate. Therefore, no changes to the proposed rule are necessary.

2. COMMENT: Commenter states that school psychology programs in New York do not believe that an Internship certificate for school psychology candidates is necessary at this time. Commenter notes that an optional Internship Certificate for school psychologists has historically been available to school psychology students via TEACH prior to the current year and was not viewed as a necessary or useful element of the internship placement process by training programs.

Commenter states that it now appears that school psychology trainees are being included in the current proposal for mandatory Internship certificates designed for teachers, school leaders, and school counselors. Commenter believes that the requested requirement for an Internship certificate did not originate within the discipline of school psychology and requests that the proposal be tabled. Commenter adds that the proposal does not specify if the Internship Certificate will be required for all trainees or optional and recommends that the certificate remain optional.

Commenter states that the inclusion of a 50% program completion threshold as the internship qualification requirement does not reflect current internship eligibility requirements within the discipline of school psychology. School psychology programs across the country and in New York require that a minimum of 54 credit hours be completed prior to the internship. If made available as an optional offering to programs in New York, Commenter recommends that programs maintain autonomy in determining

candidate eligibility for the certificate, or that a minimum credit hour threshold of 54 credits be established, and suggests that regulatory language be included indicating that applicants for the (optional) certificate must attain the 54 hours as part of an approved school psychology training program.

Commenter describes that if the current proposal is intended to require all trainees to obtain an Internship certificate, the \$50 administrative fee may pose an undue burden on some applicants, be viewed as prohibitive, and have particular impact on the positive momentum school psychology programs have experienced in the recruitment and retention of students who are from financially disadvantaged groups.

Commenter notes that the reference to the title of “school psychologist” in the proposed amendments is problematic, as interns in school psychology, regardless of whether paid or unpaid, may not use the title “school psychologist” and are not “employed” by districts and other settings. Commenter believes that the title “school psychologist” may only be used by individuals who have graduated from an approved master’s program in school psychology. Commenter points out while some interns provide unpaid services to school districts as part of the internship experience and others are paid by their supervising districts, neither situation constitutes “employment” by a district and in cases where a stipend is provided, an additional short- term contract may be signed between the district and the intern reflecting service expectations and payment details. Commenter suggests that if a title is required to be associated with the certificate, the title of “school psychologist intern” would be appropriate.

DEPARTMENT RESPONSE: Please see response to Comment #1. In addition, the Department received a request from some New York State school psychology programs to allow school psychology candidates to be eligible for the Internship



certificate. They did not request to make the Internship certificate mandatory for candidates in school psychology internships. As such, the proposal is not requiring the Internship certificate for school psychology internships and continues to make the certificate an option for eligible candidates. Therefore, no changes to the proposed rule are necessary.