

## AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 210, 215, 305, 3001, 3003, 3009, 6504 and 6506 of the Education Law.

1. Section 59.4 of the Regulations of the Commissioner of Education is repealed a new section 59.4 is added to the Regulations of the Commissioner of Education, effective June 1, 2016, to read as follows:

### §59.4 Citizenship

Notwithstanding any other provision of this Title to the contrary, no otherwise qualified applicant shall be denied a license, certificate, limited permit or registration pursuant to this Title by reason of his or her citizenship or immigration status, unless such applicant is otherwise ineligible for a professional license under 8 USC §1621 or any other applicable federal law. Provided, however that pursuant to 8 USC §1621(d), no otherwise qualified alien shall be precluded from obtaining a professional license under this Title if an individual is not unlawfully present in the United States, including but not limited to individuals granted Deferred Action for Childhood Arrivals relief or similar relief from deportation.

2. Section 80-1.3. of the Regulations of the Commissioner of Education is repealed and a new section 80-1.3 of the Regulations of the Commissioner of Education is added, effective June 1, 2016, to read as follows:

### §80-1.3 Citizenship.

(a) Notwithstanding any other provision this Part to the contrary, no otherwise qualified applicant shall be denied a certificate under this Part, or registration pursuant to this Title by reason of his or her citizenship or immigration status, unless such

applicant is otherwise ineligible for a professional license under 8 USC §1621 or any other applicable federal law. Provided, however that pursuant to 8 USC §1621(d), no otherwise qualified alien shall be precluded from obtaining a professional license under this Title if an individual is not unlawfully present in the United States, including but not limited to applicants granted Deferred Action for Childhood Arrivals relief or similar relief from deportation.

(b) The requirements of subdivision (a) of this section shall not preclude a candidate who is not a citizen of the United States from qualifying for a permit or other authorization to teach in the public schools of New York State, in accordance with specific provisions of the Education Law that authorize such teaching service by a candidate who is not a citizen of the United States, such as section 3005 of the Education Law.

