

8 CRR-NY 100.7NY-CRR

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE  
OF NEW YORK

TITLE 8. EDUCATION DEPARTMENT

CHAPTER II. REGULATIONS OF THE COMMISSIONER

SUBCHAPTER E. ELEMENTARY AND SECONDARY EDUCATION

PART 100. ELEMENTARY AND SECONDARY EDUCATION SCHOOL PROGRAM

8 CRR-NY 100.7

8 CRR-NY 100.7

100.7 State high school equivalency diploma.

**(a) Requirements.**

(1) Each candidate shall have lived within the State of New York for at least one month prior to the examination and:

(i) shall be 19 years of age or over, or 18 years of age or older in the case of a student receiving a high school equivalency diploma based on successful completion of the National External Diploma Program; or

(ii) shall be at least 17 years of age, and:

(a) has not attended a regular, full-time high school program of instruction within the preceding 12 months; or

(b) shall be a member of a high school who has graduated; or

(c) has been accepted into the U.S. Armed Forces; or

(d) has been accepted into college or post-secondary institution; or

(e) is a resident of a narcotic addiction control center, a rehabilitation facility, county jail, prison, detention center or hospital, or is an adjudicated youth under the direction of a court or a parole, probation or other law enforcement agency and the head of such institution, the court, or the parole officer or probation officer having oversight over such individual, as applicable, certifies that the high school equivalency diploma constitutes an essential element of the rehabilitational program; or

(f) is enrolled in an alternative high school equivalency preparation program in accordance with subdivision (h) of this section; or

(g) is home schooled pursuant to section 100.10 of this Part; or

(h) is foreign born and never attended K-12 schools in the United States;

(iii) shall be at least 16 years of age and has reached maximum compulsory school attendance age; and

(a) has been accepted into the U.S. Armed Forces; or

(b) has been accepted into college or post-secondary institution; or

(c) is enrolled in an alternative high school equivalency preparation program in accordance with subdivision (h) of this section; or

(d) is home schooled pursuant to section 100.10 of this Part.

(2)

(i) In order to receive a high school equivalency diploma, candidates shall:

(a) take a general comprehensive examination prescribed for the program, in English, and achieve a standing designated as satisfactory by the Commissioner of Education;

or

(b) take a general comprehensive examination prescribed for the program in a language other than English, where available, and achieve a standing designated as satisfactory by the commissioner on such examination, except that such candidates shall receive a high school equivalency diploma with a transcript that bears an inscription indicating the language in which the general comprehensive examination was taken, and may exchange such diploma with a transcript for a diploma with a transcript not containing such inscription upon achievement of a satisfactory standing on the Reading and Writing subtest of the general comprehensive exam subsequently taken in the English language; or

(c) provide satisfactory evidence that they have successfully completed 24 semester hours or the equivalent as a recognized candidate for a college-level degree or certificate at an approved institution. Beginning with applications made on or after September 1, 2000 and before September 30, 2004, the 24 semester hours shall be distributed as follows: six semester hours or the equivalent in English language arts including writing, speaking and reading (literature); six semester hours or the equivalent in mathematics; three semester hours or the equivalent in natural sciences; three semester hours or the equivalent in social sciences; three semester hours or the equivalent in humanities; and three semester hours or the equivalent in career and technical education and/or foreign languages. Beginning with applications made on or after September 30, 2004, the 24 semester hours shall be distributed as follows: six semester hours or the equivalent in English language arts including writing, speaking and reading (literature); three semester hours or the equivalent in mathematics; three semester hours or the equivalent in natural sciences; three semester hours or the equivalent in social sciences; three semester hours or the equivalent in humanities; and six semester hours or the equivalent in any other courses within the registered degree or certificate program; or

(d) effective September 1, 2016 and thereafter, provide satisfactory evidence that they have successfully completed and thoroughly demonstrated the delineated competencies of the National External Diploma Program.

(ii) Notwithstanding the provisions of clauses (i)(a) and (b) of this paragraph and subdivision (d) of this section, a passing score or scores on at least one but not more than four of the sub-tests of such examination or examinations taken in calendar years 2002 through 2013 for the English version of the examination and 2003 through 2013 for the Spanish version of the examination may be accepted as a passing score on the corresponding sub-test or sub-tests of any general comprehensive examination prescribed for the program and administered on or after January 1, 2014.

**(b) Time and place of examination.**

The examinations for the high school equivalency diploma shall be held at such times and places as designated by the commissioner.

**(c) Application.**

Candidates shall submit an individual application in the form and manner prescribed by the commissioner.

**(d) Retesting.**

A candidate may take the examination for the high school equivalency diploma more than once. A period of at least 60 days shall elapse between testing periods. A different

form of the examination shall be used for each retesting. The application procedures for each retesting shall be the same as for the original testing. On each retesting, a candidate shall have the option of retaking any or all of the five tests in the battery. Candidates who do not qualify for the diploma on the basis of retest scores shall have their eligibility for the diploma reevaluated on the basis of the highest score obtained on each test previously taken in the current administration series, or under the conditions as outlined by subparagraph (a)(2)(ii) of this section.

**(e) Reporting of test scores.**

All candidates shall be entitled to one reporting of test scores without charge. Requests for additional reporting of test scores must be accompanied by a nonrefundable fee as determined by the commissioner for each reporting requested and must be signed by the candidate.

**(f) High school equivalency diplomas for out-of-state test takers and high school equivalency diplomas for college credit.**

Requests for diplomas for out-of-state test takers and diplomas for college credit must be accompanied by a nonrefundable fee as determined by the commissioner.

**(g) Replacement of a high school equivalency diploma.**

A high school equivalency diploma which is lost, stolen or destroyed may be reissued by the department upon a signed request from the holder of the diploma affirming that the diploma is no longer in his or her possession, together with a nonrefundable fee as determined by the commissioner. Such reissued diplomas shall be clearly marked duplicate, and shall bear the original date of issue, and the original diploma number.

**(h) Alternative high school equivalency preparation programs operated by school districts, boards of cooperative educational services, and facilities operated by the Office of Children and Family Services for students at least 16 years of age and under the age of 21.**

(1) Students who are at least 16 years of age, or such older maximum age as the board of education of the school district may designate for required school attendance pursuant to section 3205(3) of the Education Law, and who have completed the school year during which they reached 16 years of age, and who are under the age of 21, may be enrolled in alternative high school equivalency programs. Students who do not meet the age requirements above, but who are at least 16 years of age, may be enrolled in an approved full-time alternative transition program. Such alternative transition programs may include components of the alternative high school equivalency preparation program but shall provide sufficient instruction to meet the full-time day instruction requirements of section 3205(1)(c) of the Education Law. Such pupils may transfer directly from a regular high school program or enroll after having left secondary school.

(2) In order to obtain the approval of the department for alternative high school equivalency preparation programs, the governing body of the school district, or board of cooperative educational services, or Office of Children and Family Services facility shall submit an application annually no later than June 30th for programs to be operated during the following school year in a form and format as prescribed by the commission, and shall assure in such application that:

(i) the program approval requirements and assurances set forth in paragraph (4) of this subdivision are satisfied;

(ii) the program offered each student shall consist of not less than 15 hours per week, provided that:

(a) for students with reading and mathematics levels at grade nine or above on tests approved by the commissioner, preparation for the high school equivalency examination shall be no less than nine hours of the minimum 15 hours for the high school equivalency examination as part of the program; and

(b) for students with reading or mathematics levels below grade nine on tests approved by the commissioner, no less than 12 hours of the minimum 15 hours for the high school equivalency examination as part of the program;

(iii) subjects or activities are scheduled in addition to preparation for the high school equivalency examination as part of the program of at least 15 hours as follows:

(a) instruction in reading, or mathematics, oral and written communication, instructional supports, enrichment, programs that are aligned with career readiness, counseling, and other related life skills activities shall be subject to approval by the department; and

(b) a workforce preparation component shall be provided to all students. The component shall be approved by the department and may include career and technical education, career exploration, internships, work experience or other school-to-work transition activities;

(iv) written approval by a person in parental relation to the student or by the student, as provided for in Education Law, section 3212(1) and (4), of each student's enrollment shall be obtained;

(v) documentation of student eligibility shall be maintained by the local school district and be available to the department. In order for students who are at least 16 years of age but under the age of 21 to be eligible to enroll in an alternative high school equivalency preparation program, a student who has not been on the regular day school register of grade nine for at least one school year shall score below the passing score on a State elementary assessment. In order to be eligible to enroll in an alternative high school equivalency preparation program, other students who are at least 16 years of age but under the age of 21 shall have fewer than 12½ percent of the number of units of credit required by the school district for a diploma multiplied by the number of years the student has been in grades 9 through 12. Approval may be granted for a variance from the eligibility requirements set forth in this paragraph upon a finding by the commissioner that exceptional circumstances warrant such a variance; and

(vi) documentation setting forth the name of each student transferred into a program approved pursuant to this subdivision from a regular high school program shall be maintained by the local school district and be available to the department. In addition, such documentation shall indicate what academic intervention services, remedial instruction, counseling and support services were provided to the student prior to transferring into the program; whether such student continues in the program, has received a high school equivalency diploma, or has withdrawn from the program; and such other information as may be required by the commissioner. A summary of such documentation shall be submitted to the department on a form prescribed by the commissioner.

(3) The alternative high school preparation program shall be designed for students who will not graduate with their class because of credit deficiency but who are otherwise capable of completing graduation requirements.

(4) Program approval requirements. In order to obtain the approval of the department for any program to prepare students to meet the requirements of the State high school equivalency diploma, the governing body of the school district, board of cooperative educational services, or Office of Children and Family Services educational program shall provide performance data which shall be reviewed by the commissioner to determine if the program shall be approved. In addition, the governing body of the school district, board of cooperative educational services, or Office of Children and Family Services educational program shall assure in its application that:

(i) the curriculum to be used satisfactorily addresses the subject matter areas included in a general comprehensive examination prescribed for the program pursuant to subparagraph (a)(2)(i) of this section and meets the required State standards pertaining to such examination;

(ii) instruction is individually prescribed and paced in each class;

(iii) individual student folders are easily accessible to students and teachers and include information concerning registration, attendance, testing and individual program needs;

(iv) no class register exceeds 20 students;

(v) at least 150 hours per year of total instruction is made available to individual students;

(vi) English-speaking students are given entrance tests in reading and mathematics to determine the approximate skill level;

(vii) English-speaking students in need of basic education are provided instruction in reading, mathematics, oral and written communication and life skills;

(viii) English-speaking students are given standardized achievement tests which report scores in grade equivalents and which have forms for retesting at required intervals or other such instruments approved by the commissioner;

(ix) students with limited English proficiency are given placement tests prior to placement in an appropriate level of the instructional program;

(x) students with limited English proficiency are provided instruction in listening, reading, mathematics, oral and written communication and life skills;

(xi) students with limited English proficiency are given achievement tests specifically designed for such students or other such instruments approved by the commissioner;

(xii) students preparing for the high school equivalency examination are given diagnostic tests to determine the specific instruction needed to attain the minimum score to qualify for a New York State high school equivalency diploma and are provided such instruction;

(xiii) students with needs other than basic education, high school equivalency examination preparation, and English as a second language are provided appropriate instruction, such as bilingual instruction, as authorized by the commissioner;

(xiv) all students are tested at intervals necessary to determine status and progress;

(xv) individual and group counseling are available to all students enrolled in the program;

(xvi) professional staff assigned to conduct programs of preparation for a high school equivalency diploma shall be provided with appropriate staff development;

(xvii) enrolled students shall not begin instruction specifically designed to prepare for the high school equivalency examination, unless they read at a 9.0 grade level on tests approved by the commissioner; and

(xviii) students preparing to take the high school equivalency examination shall not be referred to that test unless they demonstrate readiness as indicated by tests approved by the commissioner.

(i) Approval may be granted for a variance from the standards and assurances set forth in paragraphs (h)(1) and (2) of this section upon a finding by the commissioner that the requirements of such paragraphs will be substantially met.

8 CRR-NY 100.7

Current through June 30, 2017