



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK /
ALBANY, NY 12234

TO: VESID Committee

FROM: Rebecca H. Cort

SUBJECT: Proposed Amendment to section 100.5 of the Regulations of the Commissioner of Education Relating to Diploma Requirements for Students with Disabilities

DATE: October 1, 2009

STRATEGIC GOAL: Goals 1 and 2

AUTHORIZATION(S):

Summary

Issue for Discussion

Should the Board of Regents amend section 100.5 of the Regulations of the Commissioner of Education to extend the existing Regents Competency Test (RCT) Safety Net to all eligible students with disabilities entering grade 9 prior to the 2011-12 school year?

Reason for Consideration

Review of policy.

Proposed Handling

The proposed amendment is before the VESID Committee for discussion at the October 2009 meeting. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Procedural History

In November 1997, the Board of Regents approved a proposal to revise graduation requirements, including the RCT safety net for students with disabilities entering grade 9 from September 1996 through September 2000. In March 2001, the Board extended the safety net to make it available to students with disabilities entering

9th grade from September 1996 - September 2004. In October 2003, the Board further extended the RCT safety net for an additional five years to make it available to students with disabilities entering 9th grade from the 1996-97 school year through the 2009-10 school year.

Background Information

Under current regulations, there are two options available to students with disabilities to meet testing requirements for a local high school diploma: the RCT safety net and the 55-64 passing score on Regents examinations. The RCT safety net allows students with disabilities who fail one or more of the required Regents examinations (i.e. English, Mathematics, Science, Global History and U.S. History) to meet the testing requirements for the local diploma by passing the corresponding RCTs or their equivalents. The RCTs are available to these students until they graduate or until the end of the school year in which they turn 21. The 55-64 passing score option provides an additional safety net for all students with disabilities. Under this safety net, students with disabilities may meet the local diploma requirements by achieving a passing score of 55-64 on the five required Regents examinations. The existing RCT safety net is, by regulation, only available to students with disabilities entering grade 9 prior to September 2010. The 55-64 passing score option will continue to be available to students with disabilities who entered grade 9 in 2005 and thereafter.

Given the major policy decisions that the Regents will need to make this fall concerning graduation rates, the Department proposes to extend the RCT safety net for an additional year to make it available to all students with disabilities entering grade 9 in the 2010-11 school year. Extending the RCT safety net will allow enough time for the Regents and Department to fully analyze all of the policy issues concerning graduation rates, including additional policy implications for students with disabilities.

A Notice of Proposed Rule Making was published in the State Register on September 30, 2009. Public comment on the proposed rule will be accepted for 45 days from the date of publication in the State Register. Attached is the proposed regulatory language. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Recommendations

The Board of Regents should discuss the proposed amendment in October and take action in December.

Timetable for Implementation

The proposed amendment is before the Committee for discussion in October and, following the receipt of public comment, will be submitted for action at the December 2009 meeting with a proposed effective date of January 7, 2010.

Attachment

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 208, 209, 305, 308 and 309

1. Section 100.5 of the Regulations of the Commissioner of Education is amended, effective January 7, 2010, as follows:

§100.5 Diploma requirements.

(a) General requirements for a Regents or a local high school diploma. Except as provided in paragraph (d)(6) of this section, the following general requirements shall apply with respect to a Regents or local high school diploma. Requirements for a diploma apply to students depending upon the year in which they first enter grade nine. A student who takes more than four years to earn a diploma is subject to the requirements that apply to the year that student first entered grade nine. Students who take less than four years to complete their diploma requirements are subject to the provisions of subdivision (e) of this section relating to accelerated graduation.

(1) . . .

(2) . . .

(3) . . .

(4) . . .

(5) State assessment system. (i) Except as otherwise provided in subparagraphs (ii), (iii) and (iv) of this paragraph, all students shall demonstrate attainment of the New York State learning standards:

(a) English:

(1) . . .

(2) . . .

(3) for students with disabilities who first enter grade nine in or after September 1996 and prior to September [2010] 2011 and who fail the Regents comprehensive examination in English, the English requirements for a local diploma may be met by passing the Regents competency test in reading and the Regents competency test in writing or their equivalents. For students with disabilities who first enter grade nine in September 2005 and thereafter, the English requirements for a local diploma may also be met by passing the Regents comprehensive examination in English with a score of 55-64. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law, section 3202 or 4402(5);

(4) . . .

(b) Mathematics:

(1) . . .

(2) . . .

(3) for students with disabilities who first enter grade nine in or after September 1997 and prior to September [2010] 2011 and who fail a Regents examination in mathematics, the mathematics requirements for a local diploma may be met by passing the Regents competency test in mathematics or its equivalent. For students with disabilities who first enter grade nine in September 2005 and thereafter, the mathematics requirements for a local diploma may also be met by passing [the] a Regents examination in mathematics with a score of 55-64. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law, section 3202 or 4402(5);

(4) . . .

(c) United States history and government:

(1) . . .

(2) . . .

(3) for students with disabilities who first enter grade nine in or after September 1998 and prior to September [2010] 2011 and who fail the Regents examination in United States history and government, the United States history and government requirements for a local diploma may be met by passing the Regents competency test in United States history and government. For students with disabilities who first enter grade nine in September 2005 and thereafter, the United States history and government requirements for a local diploma may also be met by passing the Regents examination in United States history and government with a score of 55-64. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law, section 3202 or 4402(5);

(4) . . .

(d) Science:

(1) . . .

(2) . . .

(3) for students with disabilities who first enter grade nine in or after September 1999 and prior to September [2010] 2011 and who fail a Regents examination in science, the science requirements for a local diploma may be met by passing the Regents competency test in science. For students with disabilities who first enter grade nine in [or after] September 2005 and thereafter, the science requirements for a local diploma may also be met by passing [the] a Regents examination in science with a score of 55-64. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law, section 3202 or 4402(5);

(4) . . .

(e) Global history and geography:

(1) . . .

(2) . . .

(3) for students with disabilities who first enter grade nine in or after September 1998 and prior to September [2010] 2011 and who fail the Regents examination in global history and geography, the global history and geography requirements for a local diploma may be met by passing the Regents competency test in global studies. For students with disabilities who first enter grade nine in [or after] September 2005 and thereafter, the global history and geography requirements for a local diploma may also be met by passing the Regents examination in global history and geography with a score of 55-64. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law, section 3202 or 4402(5);

(4) . . .

(ii) . . .

(iii) . . .

(iv) . . .

(v) . . .

(6) . . .

(7) . . .

(8) . . .

(b) Additional requirements for the Regents diploma. Except as provided in paragraph (d)(6) of this section, the following additional requirements shall apply for a Regents diploma.

(1) . . .

(2) . . .

(3) . . .

(4) . . .

(5) . . .

(6) . . .

(7) Types of diplomas. (i) . . .

(ii) . . .

(iii) . . .

(iv) . . .

(v) . . .

(vi) For students with disabilities who first enter grade nine in or after September 2001 and prior to September [2010] 2011 and who fail required Regents examinations for graduation but pass Regents [Competency Tests] competency tests in those subjects, as provided for in paragraph (a)(5) of this section, a local diploma may be issued by the local school district. For students with disabilities who first enter grade nine in September 2005 and thereafter, a score by such student of 55-64 may be considered as a passing score on any Regents examination required for graduation, and in such event and subject to the requirements of paragraph (c)(6) of this section, the school may issue a local diploma to such student. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law, section 3202 or 4402(5).

(vii) . . .

(viii) . . .

(ix)

(x)

(c)

(d)

(e)

(f)