



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

TO: Full Board

FROM: John B. King, Jr.

SUBJECT: Proposed addition of section 100.5(d)(9) of the Regulations of the Commissioner of Education relating to Credit for Independent Study

DATE: July 7, 2010

STRATEGIC GOAL: Goals 1 and 2

AUTHORIZATION(S):

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents add a new section 100.5(d)(9) of the Commissioner's Regulations to prescribe requirements for earning credit for independent study?

Reason(s) for Consideration

Implementation of Policy

Proposed Handling

The proposed amendment will be submitted to the Full Board for adoption at the July 2010 meeting.

Procedural History

The proposed amendment was discussed by the EMSC Committee at the April 2010 Regents meeting.

Background Information

In April 2009, the EMSC Committee of the Board of Regents reviewed a "Draft Proposed Policy on Making Up Course Credit and Receiving Course Credit for Independent Study."

In March 2010, the Regents approved a conceptual policy on receiving course credit for independent study. At the April 2010 Board of Regents meeting, the EMSC Committee reviewed and discussed policy relating to independent study credit. Staff was directed to draft regulatory changes to the Commissioner's Regulations to implement the independent study credit policy.

The proposed rule establishes standards for a school district, a charter school or a registered nonpublic school to award up to three units of elective credit towards a Regents diploma for independent study. The independent study must be academically rigorous and aligned to the New York State commencement level learning standards for the subject in which credit is sought; overseen by a teacher knowledgeable and experienced in the subject area of the independent study; based on a syllabus on file for each independent study; and of comparable scope and quality to classroom work that would have been done at the school district, charter school or registered nonpublic school awarding the credit.

In the case of a school district or registered nonpublic school, a student's participation in independent study shall be approved by a school-based panel consisting of, at a minimum, the principal, a teacher in the subject area for which independent study is sought, and a guidance director or other administrator. The panel shall approve the student's participation in independent study based on the following criteria:

- (a) the student has demonstrated readiness and has a high likelihood of success (may be indicated by a given grade point average in general or in the given subject area, as determined by the school district or registered nonpublic school) in each subject in which he or she seeks to undertake independent study;
- (b) the student has accumulated the expected number of units of credit for the student's grade level; and
- (c) the student has passed the appropriate number of Regents examinations or other assessments required for graduation, for the student's grade level.

The rule is intended to insure appropriate levels of rigor and quality for providing students with the opportunity to earn independent study credit and for awarding independent study credit for successful program completion. To receive credit, the student must successfully complete the independent study and demonstrate mastery of the learning outcomes for that subject.

A Notice of Proposed Rule Making was published in the State Register on May 12, 2010. An Assessment of Public Comment is attached. Supporting materials are available on request from the Secretary to the Board of Regents.

Recommendation

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

VOTED: That paragraph (9) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education be added, as submitted, effective August 11, 2010.

Timetable for Implementation

If adopted by the Board of Regents at their July meeting, the proposed amendment will take effect on August 11, 2010.

PROPOSED ADDITION OF SECTION 100.5(d)(9) OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION, PURSUANT TO SECTIONS 101, 207, 208, 209, 305, 308, 309 AND 3204 OF THE EDUCATION LAW, RELATING TO INDEPENDENT STUDY

ASSESSMENT OF PUBLIC COMMENT

Since publication of a Notice of Proposed Rule Making in the State Register on May 12, 2010, the State Education Department received the following comments.

1. COMMENT:

One letter was received from a charter school, expressing support for the regulations.

DEPARTMENT RESPONSE:

No response is necessary.

2. COMMENT:

One comment, while expressing support for establishing standards for student eligibility and participation in independent study programs and the rule's provision for a three unit elective credit maximum for such programs, also recommended that the standing committee established under Commissioner's Regulations section 100.5(d) (7) (iii) to address appeals on Regents examination passing scores, should serve as the school-based panel in section 100.5(d) (9).

DEPARTMENT RESPONSE:

Based on comments received on a similar rulemaking regarding make-up credit [8 NYCRR 100.5(d)(8); NYS Register/May 12, 2010 (EDU-04-10-00007-A)] , the Department believes requiring schools, particularly small rural schools, to provide a more robust school based panel with more than one teacher would be an onerous requirement and put an undue burden and cost upon them. Based upon this concern,

the proposed section 100.5(d)(9), relating to independent study, was drafted to provide the minimum requirements for the school-based panel in alignment with the panel required by section 100.5(d)(8) relating to make-up credit. Local schools have the flexibility to increase the size and membership of the school based panel if they so desire and their particular circumstances warrant.

3. COMMENT:

Other letters were received from public schools and a BOCES, expressing support for the regulations but requesting additional clarification regarding the following:

(i) criteria for determining student eligibility for enrolling in an independent study course;

(ii) determining appropriate courses, including online courses, for independent study;

(iii) required qualifications of teachers who oversee an independent study course;

(iv) explanation of the term "mastery" in proposed subparagraph 100.5(d)(9)(iii);

(v) explanation of how the proposed rule fits with Commissioner's Regulations section 100.5 (d) regarding alternatives to local and Regents diploma requirements; and

(vi) determining the appropriate number of Regents examinations or other assessments required for graduation, for the student's grade level

DEPARTMENT RESPONSE:

The proposed regulation includes the fundamental criteria upon which local school districts can determine student eligibility for independent study (i.e., demonstrated readiness, likelihood of success, and progress towards graduation), and independent study courses (i.e., elective credit, State commencement learning standards, comparability to traditional classroom courses).

Other topics are addressed in other sections of the Part 100 regulations or will be addressed by guidance materials to be developed and posted on the Department's website.

4. COMMENT:

The criteria for the school-based panel's approval of a student's participation in independent study should be revised to permit a student, who has demonstrated readiness and a high likelihood of success pursuant to 100.5(d)(9)(ii)(a), to undertake independent study if the student has either (1) accumulated the expected number of units of credit for the student's grade level or (2) has passed the appropriate number of Regents examinations or other assessments required for graduation, for the student's grade level. The proposed rule presently requires the student to meet the requirements in both (1) and (2).

DEPARTMENT RESPONSE:

The proposed regulation provides an opportunity for students who have a high likelihood of success in an independent study program. The Department believes that students who have accumulated the expected number of units of credit for their grade level and have passed the appropriate number of Regents examinations or other assessments required for graduation for their grade level, are more likely to succeed in an independent study program than are students who have satisfied only one of the aforementioned criteria.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 208, 209, 305, 308, 309 and 3204 of the Education Law.

Paragraph (9) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is added, effective August 11, 2010, as follows:

(9) Credit for Independent Study. Students enrolled in a school district, a charter school or a registered nonpublic school may earn a maximum of 3 units of elective credit towards a Regents diploma through independent study, pursuant to the following:

(i) a school district or a registered nonpublic school shall, and a charter school may, provide its students with an opportunity to earn such credit through independent study;

(ii) in the case of a school district or a registered nonpublic school, the student's participation in independent study shall be approved by a school-based panel consisting of, at a minimum, the principal, a teacher in the subject area for which independent study credit is sought, and a guidance director or other administrator. The panel shall approve the student's participation in independent study based on the following criteria:

(a) the student has demonstrated readiness and has a high likelihood of success (may be indicated by a given grade point average in general or in the given subject area, as determined by the school district or registered nonpublic school) in each subject in which he or she seeks to undertake independent study; and

(b) the student has accumulated the expected number of units of credit for the student's grade level; and

(c) the student has passed the appropriate number of Regents examinations or other assessments required for graduation, for the student's grade level.

(iii) The principal, after consultation with relevant faculty, shall award credit to the student for successful completion of the independent study and demonstrated mastery of the learning outcomes for the subject.

(iv) For purposes of this paragraph, independent study shall be:

(a) academically rigorous and aligned to the New York State commencement-level learning standards;

(b) overseen by a teacher knowledgeable and experienced in the subject area of the independent study;

(c) based on a syllabus on file for each independent study; and

(d) of comparable scope and quality to classroom work that would have been done at the school district, charter school or registered nonpublic school awarding the credit.

(v) For purposes of this paragraph, credit for independent study may be awarded for elective courses only, and shall not be awarded for courses required for the Regents diploma as specified in subparagraph (iv) of paragraph (7) of subdivision (b) of this section.