



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

TO: Full Board
FROM: Kevin G. Smith *KG Smith*
SUBJECT: Amendment of Section 100.5(b)(7) of the Regulations of the Commissioner of Education Relating to the Award of Local Diplomas to Certain Veterans
DATE: April 6, 2012

AUTHORIZATION(S):

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Summary

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt the proposed amendment to section 100.5(b)(7) of the Regulations of the Commissioner of Education relating to the award of local diplomas to certain veterans?

Reason for Consideration

Required by statute.

Proposed Handling

The proposed amendment will be presented to the Full Board for action at the April Regents meeting.

Procedural History

The proposed amendment was discussed by the ACCES Committee at the February Regents meeting. A Notice of Proposed Rule Making was published in the State Register on February 15, 2012. A copy of the proposed amendment is attached.

Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

Education Law section 305(29), (29-a) and (29-b) direct the Commissioner to develop a program whereby any veteran of the armed forces who served in World War II, the Korean Conflict, or the Vietnam War, and who was unable, for any reason, to complete a secondary education, may be awarded a high school diploma based on knowledge and experience gained while in service. This program has been in existence for many years, having been originally established for World War II veterans and expanded over the years to include Korean and Vietnam veterans, and operates under the name "Operation Recognition", whereby a veteran meeting the statutory requirements can be awarded a local high school diploma.

In July 2005, the Board of Regents amended Commissioner's Regulations section 100.5(b)(7) to eliminate the local high school diploma for general education students, beginning with students who entered grade 9 in 2008. While section 100.5(b)(7) provides exceptions to allow local high school diplomas for certain groups of students in limited circumstances, no exception is currently provided in the Commissioner's Regulations for veterans receiving a high school diploma pursuant to Education Law section 305(29), (29-a) and (29-b). The proposed amendment is necessary to resolve this discrepancy and will amend section 100.5(b)(7) of the Commissioner's Regulations to provide for issuance of a local high school diploma to such veterans, consistent with the statute, and to add a new subparagraph (xi) to codify in the Commissioner's Regulations the process for the issuance of such diplomas.

Recommendation

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

VOTED: that paragraph (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective May 16, 2012.

Timetable for Implementation

If adopted at the April Regents meeting, the amendment will become effective on May 16, 2012.

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 (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective May 16, 2012, as follows:

(7) Types of diplomas. (i) Except as provided in subparagraphs (vi), (vii), [and] (viii) and (xi) of this paragraph, and paragraph (7) of subdivision (d) of this section, for students first entering grade nine in the 2001-2002 school year and thereafter, there shall be no diplomas or certificates other than the following:

(a) Regents diploma;

(b) Regents diploma with an advanced designation;

(c) State high school equivalency diploma as provided in section 100.7 of this Part; [or]

(d) High School Individualized Education Program diploma as provided in section 100.9 of this Part; or

(e) Regents diploma, or Regents diploma with an advanced designation, with an affixed technical endorsement awarded upon completion of an approved career and technical education program pursuant to paragraph (d)(6) of this section.

(ii) . . .

(iii) . . .

(iv) . . .

(v) . . .

(vi) . . .

(vii)

(viii)

(ix)

(x)

(xi) Notwithstanding the provisions of this section, any veteran of the Armed Forces of the United States who served in World War II, the Korean Conflict or the Vietnam War and who was unable, for any reason, to complete a secondary education, may be awarded a local diploma based on knowledge and experience gained while in service, pursuant to the provisions of this subparagraph.

(a) In order to obtain a local diploma, the candidate may submit to any school district:

(1) evidence of service during World War II (December 7, 1941 through December 31, 1946) or the Korean Conflict (June 27, 1950 through January 31, 1955) or the Vietnam War (May 1, 1961 through April 30, 1975) and receipt of an honorable discharge. Such documentation may include a copy of discharge papers or other such documents or a letter from a recognized veterans agency affirming such service; and

(2) a statement affirming in writing that the candidate is a resident of New York State and does not possess a high school diploma.

(b) Upon submission of documentation meeting the requirements of clause (a) of this subparagraph, the school district to which such documentation is submitted shall issue the candidate a local diploma. No fee shall be charged for such issuance.

(c) The next of kin of a deceased veteran may apply for and receive such diploma, on behalf of the deceased, upon submission of documentation meeting the

requirements of clause (a) of this subparagraph, together with a copy of a death certificate for such deceased veteran or other satisfactory proof of death, and satisfactory proof of such kinship.