

**ONONDAGA-CORTLAND-MADISON
SUPERINTENDENTS' ASSOCIATION MEETING**

The Chief School Administrator Meetings should be a balance of information receiving, professional growth, and collaborative discussion/problem solving. Each meeting will include these aspects.

Wednesday, April 13, 2016

9:00 am - 11:30 am

**Main Campus, 110 Elwood Davis Road
Liverpool, NY 13088
Cayuga Conference Room**

AGENDA

A. Celebrations

1. Tour of Main Campus

B. Items for Discussion/Action

1. For the Good of the Order
2. Book Study - Assignment - Please read Chapters 9-11.
3. Election of Vice Chair
4. 2016-2017 Themes/Topics - Jody
5. End of the Year Celebrations

C. Updates from the District Superintendents' Meeting

D. Items for Information

1. Main Campus Ribbon Cutting (att.)
2. SED Updates - Jeff Craig
3. CNYRIC - Research Marketing Strategies Survey - Jody
4. Substitute Teacher Planning - Mark Pettitt and Jeff Craig
5. Attorney General Settlement Money - Jody/Deb Ayers
6. Memorandum on Testing Accommodations for State Assessments - (att.) -Jody
7. New Regents Exam Score Appeal Policy - (att.) -Jody
8. New CDOS Pathway to Graduation - (att.) - Jody
9. New Multiple Pathways Assessments Approved (link) - Jody
10. Online Summer Reading Program - Jeff

E. Committee Reports

1. Instructional Support and Instructional Technology
2. Shared Management Services
3. Student Services

F. Roundtable

****Reminder - Principal Evaluator Training will begin directly following lunch**

You are cordially invited to our
GRAND OPENING

OCM BOCES Education Center

Main Campus

4 p.m. Thursday, May 19th

110 Elwood Davis Road
Liverpool, NY 13088

*Please join us for a celebration that includes
a brief presentation, light refreshments and
guided tours of our new BOCES campus.*

*Kindly RSVP by Friday, May 13th,
to jwiegand@ocmboces.org or call
315-433-8365 for more information.*

OCMBOCES




Committed to Your Success



March 2016

FIELD ADVISORY

FROM: Patricia J. Geary 
Coordinator, Special Education Policy and Professional Development,
Office of Special Education

Peter Swerdzewski 
Assistant Commissioner, Assessment, Standards and Curriculum

**SUBJECT: Testing Accommodations for Students with Disabilities for the
Spring 2016 Grades 3-8 English Language Arts and Mathematics
Tests**

The purpose of this memorandum is to reiterate New York State Education Department (NYSED) policy on the appropriate implementation of testing accommodations for students with disabilities, specifically for the upcoming Spring 2016 Grades 3-8 English Language Arts (ELA) and Mathematics State Assessments.

State regulations require that the individualized education program (IEP) of a student with a disability provides a statement of any individual testing accommodations to be used consistently by the student:

- in the recommended educational program; and
- in the administration of district-wide assessments of student achievement; and
- in accordance with Department policy, State assessments of student achievement that are necessary to measure the academic achievement and functional performance of the student.

Consistent with federal regulations, Department policy limits or prohibits use of certain testing accommodations on State assessments when providing these accommodations would modify the construct of what is being assessed and therefore, would invalidate the student's score.

Information on the provision of testing accommodations for students with disabilities when taking the Grades 3-8 ELA and Mathematics Tests is provided in Appendix G of

the *2016 Grades 3-8 New York State Testing Program School Administrator's Manual* and explained herein. In general, students with disabilities must be provided with the testing accommodations specified in their IEPs or Section 504 Accommodation Plans (504 Plans) when taking State assessments. It is the principal's responsibility to ensure that students receive their testing accommodations and that staff who will be providing them are appropriately trained. Teachers are advised to become familiar with the accommodations specific to the particular test being administered as well as with the general instructions for administering the tests provided in the *Teacher's Directions*. As explained in the *School Administrator's Manual* for these assessments, only those testing accommodations that do not alter the constructs measured by the test are permitted.

Please note that beginning with the Spring 2016 administration of the Grades 3-8 ELA and Mathematics assessments, all students, including students with disabilities, who are working productively will be allowed to continue working past the recommended testing times for these assessments. As long as students are productively working, they should be allowed as much time as they need within the confines of the regular school day to complete that day's test booklet. Because the 2016 tests are not timed, the accommodation of extended time will in essence be available to all students including all students with disabilities. However, students with disabilities who have flexibility in scheduling, such as breaks at specified intervals, indicated as an accommodation in their IEPs or 504 Plans must be provided such accommodation.

Accommodations Specific to the 2016 Grades 3–8 ELA Tests

Teacher Reading to Student

As in past years, for the 2016 Grades 3–8 ELA Tests, only test directions that are to be read aloud to all students may be read aloud. The test directions are not to be confused with any part of the actual student task, including the passage, which follows the test question number. However, it is important to note that, as illustrated in Step 6 of the Teacher's Directions, a considerable proportion of the general instructions for taking these tests are read aloud to all students as part of the standard procedures for administering these tests.

Use of Spell-Checking and/or Grammar-Checking Devices

Because the tests measure writing skills, students are not allowed to use spell-checking and/or grammar-checking devices during any part of the Grades 3–8 ELA Tests.

Scoring Student Writing

Students may not have requirements for use of correct spelling, grammar, capitalization, and punctuation of complete sentences waived for any part of the 2016 Grades 3–8 ELA Tests.

Use of Scribes or Tape Recorders

The use of scribes and tape recorders are allowable accommodations for the Grades 3-8 ELA Tests. However, the use of a word processor (with thesaurus, spell-checking, and grammar-checking applications disabled) in place of a scribe or tape recorder may be a more appropriate recommendation for some students with disabilities. For those students who have experience with computers, word processing allows the student more control over his or her environment, fosters independence, and is less labor intensive than using a scribe. If using a computer or word processor, be sure to delete the student's work after it has been printed. When taking the 2016 Grades 3–8 ELA Tests, students using scribes or tape recorders must provide all information—including spelling of difficult words, grammar, capitalization, and punctuation—for the writing sections of the tests.

Scribes must use the following procedures:

- The scribe must use lined paper and must write on every other line.
- The scribe must record word-for-word what the student dictates or records, leaving out punctuation and capitalization, and must circle all words that are difficult to spell.
- When the dictation/tape transcription is completed, the scribe must ask the student to spell aloud any difficult to spell words; then the scribe must write the student's spelling above the circled words.
- The scribe must show the student the written response and ask him or her to indicate the capitalization and punctuation to be used.
- The student must read the completed dictation/transcription and indicate on the skipped lines any further changes to be transcribed.
- The scribe must then transfer the student's completed response into the test book exactly as dictated or recorded and should attach the lined paper with the student's dictation to the back of the test book, preferably by stapling, to ensure against the student's response being lost.

Use of Tablets

In order for students to use school-provided tablets during any part of the Grades 3-8 ELA Tests, schools must receive prior written approval from the Department. No personal tablets are allowed. Speech-to-text or text-to-speech software is not permitted on the Grades 3-8 ELA Tests.

Accommodations Specific to the 2016 Grades 3–8 Mathematics Tests

Teacher Reading to Student

Testing accommodations in students' IEPs or 504 Plans that are reading-related—for example, reading the test to the student—are permitted for the 2016 Grades 3–8 Mathematics Tests. Unless the IEP or 504 Plan specifically disallows it, when reading a mathematics test question to a student who has this accommodation, all numbers and mathematics symbols, along with words, should be spoken by the teacher to the

student. For example, the symbol $<$ should be read as “less than,” and 1,211 should be read as “one thousand, two hundred, eleven.” However, test questions may never be modified or simplified, nor may teachers provide additional examples.

Use of Scribes

The following procedures should be used to implement the testing accommodation, “use of scribe,” specific to the administration of the Grades 3–8 Mathematics Tests.

- The scribe must record what the student dictates on a separate sheet of paper.
- The scribe must ask the student to indicate exactly where the numbers need to be placed and lined up.
- The scribe must record the operational sign as dictated by the student (e.g., addition sign, subtraction sign).
- When dictating numbers, the student must indicate how the number is written and indicate place value. For example, if the student says “one thousand thirty-eight,” the student should specify how that is written (e.g., one, zero, three, eight).
- When computing a problem, students must indicate to the scribe how they are making the computation and should be specific in terms of what numbers to write down, including how to record carrying. For example, when adding 23 and 9, the student should indicate the following: “9 plus 3 is 12; put down the 2 and carry the 1 above the 2.”
- The scribe shows the student the written response and asks him or her to indicate if there are any further changes to be made.
- The student does not have to provide spelling, capitalization, and punctuation in word responses. Therefore, it is not necessary for the scribe to leave out capitalization and punctuation or to circle words difficult to spell.
- The scribe must then transfer the student’s completed response into the test book exactly as dictated or recorded and should attach the lined paper with the student’s dictation to the back of the test book, preferably by stapling, to ensure against the student’s response being lost.

Use of Tablets

In order for students to use school-provided tablets during any part of the Grades 3-8 Mathematics Tests, schools must receive prior written approval from the Department. No personal tablets are allowed.

Use of Manipulative Devices

Students whose IEPs or 504 Plans specify the use of counting blocks, counters, or an abacus are permitted to use such devices with all books associated with the Grades 3-8 Mathematics Tests.

Use of Mathematics Spatial Boards with Large Type or Braille Editions

Students whose IEPs or 504 Plans specify the use of mathematics spatial boards are permitted to use these devices with the large type and braille editions of the Grades 3–8 Mathematics Tests.

Use of Calculators and Mathematics Tables

Grades 3–5

Because these tests measure student proficiency involving calculations, the use of a calculator or mathematics table is not allowed.

Grades 6–8

Book 1: The use of a calculator or mathematics tables is not allowed for Book 1.

Book 2 and Book 3: For Grade 6, the use of a four-function calculator with a square root key or a scientific calculator is required for all students. For Grades 7 and 8, the use of a scientific calculator is required. Graphing calculators are not permitted. The use of mathematics tables is permitted for Book 2 and Book 3 if specified in a student's IEP or 504 Plan.

To ensure dissemination to appropriate individuals within a school district, superintendents are asked to share this memorandum with individuals such as directors of special education, school psychologists, CSE chairpersons, school counselors, directors of pupil personnel, and parent teacher associations.

Thank you for your attention to this important matter. Questions regarding this memorandum may be directed to:

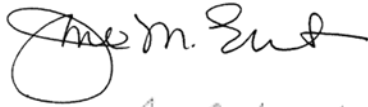

Office of State Assessment - (518) 474-5902 or emscassessinfo@nysed.gov

Office of Special Education Policy Unit - (518) 473-2878 or speced@nysed.gov



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

TO: P-12 Education Committee

FROM: Jhone M. Ebert 
Angelica Infante-Green 

SUBJECT: Amendment of §100.5(d)(7) of the Commissioner's Regulations to Expand the Eligible Score Band for the Appeal Process on Regents Examinations Passing Scores

DATE: March 14, 2016

AUTHORIZATION(S):



SUMMARY

Issue for Decision

Should the Board of Regents amend §100.5(d)(7) of the Commissioner's Regulations to expand by two additional points the existing eligible score band for an appeal of Regents examinations passing scores and eliminate the student eligibility requirement related to minimum attendance?

Reason(s) for Consideration

Implementation of policy

Proposed Handling

The proposed amendment will be presented to the P-12 Education Committee for recommendation and to the Full Board for adoption as an emergency action at the March 2016 Regents meeting. A copy of the proposed amendment and a statement of the facts and circumstances which necessitate emergency action are attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

Existing diploma requirements allow students to appeal scores of 62-64 on up to two required Regents examinations. The appeal provision calls for a student to meet the following criteria in order to be granted an appeal by their local school district:

Students must:

1. Have taken the Regents examination under appeal at least two times;
2. Present evidence that the student has taken advantage of academic help provided by the school in the subject tested by the Regents Examination under appeal;
3. Have an attendance rate of 95 percent (except for excused absences) for the school year during which the student last took the Regents examination under appeal;
4. Have a course average in the subject under appeal (as evidenced in the official transcript that records grades achieved by the student in each quarter of the school year) that meets or exceeds the required passing grade by the school; and
5. Be recommended for an exemption to the graduation requirement by the student's teacher or Department chairperson in the subject of the Regents examination under appeal.

In January 2015, the Board of Regents extended the appeal process to include a provision to allow eligible English language learners to appeal scores of 55-61 on the English Language Arts Regents Examination and in December 2015 the Board approved regulations to extend the appeal provision to students with disabilities who were seeking the local diploma through the existing safety net options. These students are able to appeal scores of between 52 and 54 on up to two Regents examinations and earn the local diploma.

Summary of Proposed Amendment

Under this proposal, students could appeal scores of 60-64 (expanded from 62-64) on up to two Regents examinations. Students who are granted one appeal by their local superintendent would then earn a Regents diploma. Students who are granted two appeals would earn a local diploma.

In addition, the attached proposed revision would eliminate the requirement that students meet a minimum attendance requirement of 95%, exclusive of excused absences, in the year they last took the examination under appeal. The attendance requirement should be revised for a number of reasons. The rate required exceeds the statewide average attendance rate. In addition, a student's ability to provide documentation for an excused absence may be dependent upon circumstances that are not within the student's control. Finally, a student's attendance in the year they last took the test may not be appropriate or applicable. At times, a student may be returning to school for the sole purpose of attempting to pass the examination, so class

attendance cannot be calculated in the year they last took the exam. No student may submit an appeal unless they have passed the course for which the appeal is being sought. If the student's attendance is adequate to meet course expectations and ultimately pass the course, the appeal should be considered.

Recommendation

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

VOTED: That paragraph (7) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education be amended as submitted, effective March 22, 2016, upon a finding of the Board of Regents that such action is necessary for the preservation of the general welfare to immediately expand by two additional points the existing eligible score band for an appeal of Regents examinations passing scores, and to eliminate the attendance requirement as an appeal criteria, so that school districts and qualifying students are given sufficient notice to prepare for and timely implement such graduation pathway in the 2015-16 school year.

Timetable for Implementation

If adopted at the March 2016 Regents meeting, the emergency rule will take effect on March 22, 2016. It is anticipated that the proposed amendment will be presented for adoption as a permanent rule at the June 2016 Regents meeting, after publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on April 6, 2016 and expiration of a 45-day public comment period.

Attachment

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 208, 209, 305, 309 and 3204

Paragraph (7) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective March 22, 2016, as follows:

(7) Appeals process on Regents examinations passing score to meet Regents diploma requirements.

(i) School districts shall provide unlimited opportunities for all students to retake required Regents examinations to improve their scores.

(a) A student who first enters grade nine in September 2005 or thereafter and who fails, after at least two attempts, to attain a score of 65 or above on a required Regents examination for graduation shall be given an opportunity to appeal such score in accordance with the provisions of this paragraph, provided that no student may appeal his or her score on more than two of the five required Regents examinations and provided further that the student:

(1) has scored within [~~three~~] five points of the 65 passing score on the required Regents examination under appeal and has attained at least a 65 course average in the subject area of the Regents examination under appeal;

(2) provides evidence that he or she has received academic intervention services by the school in the subject area of the Regents examination under appeal;

[(3) has an attendance rate of at least 95 percent for the school year during which the student last took the required Regents examination under appeal;]

[(4)] (3) has attained a course average in the subject area of the Regents examination under appeal that meets or exceeds the required passing grade by the

school and is recorded on the student's official transcript with grades achieved by the student in each quarter of the school year; and

[(5)] (4) is recommended for an exemption to the passing score on the required Regents examination under appeal by his or her teacher or department chairperson in the subject area of such examination.

(b) A student who first enters school in the United States (the 50 States and the District of Columbia) in grade 9, 10, 11 or 12 and is otherwise eligible to graduate in January 2015 or thereafter, is identified as an English Language Learner pursuant to Part 154 of this Title, and fails, after at least two attempts, to attain a score of 65 or above on the required Regents examination in English language arts for graduation, shall be given an opportunity to appeal such score in accordance with the provisions of this paragraph, provided that no such student may appeal his or her score on more than two of the five required Regents examinations and provided further that the student:

(1) . . .

(2) . . .

[(3)] has an attendance rate of at least 95 percent for the school year during which the student last took the required Regents examination in English language arts;]

[(4)] (3) . . .

[(5)] (4) . . .

(c) A student who is otherwise eligible to graduate in January 2016 or thereafter, is identified as a student with a disability as defined in section 200.1(zz) of this Title, and fails, after at least two attempts, to attain a score of 55 or above on up to two of the required Regents examinations for graduation shall be given an opportunity to appeal

such score in accordance with the provisions of this paragraph for purposes of graduation with a local diploma, provided that the student:

(1) . . .

(2) has met the criteria specified in subclauses [(2) - (5)] (2) – (4) of clause (a) of this subparagraph.

Notwithstanding the provisions of this clause, a student with a disability who makes use of the compensatory option in clause (b)(7)(vi)(c) of this section to obtain a local diploma may not also appeal a score below 55 on the English language arts or mathematics Regents examinations pursuant to this clause.

(ii) . . .

(iii) . . .

(iv) . . .

(v) . . .

(vi) . . .

8 NYCRR §100.5(d)(7)

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE EMERGENCY ACTION

The proposed amendment is necessary to implement revisions to policy adopted by the Board of Regents to expand by two additional points the existing eligible score band for an appeal of Regents examinations passing scores. Under the proposed amendment, students could appeal scores of 60-64 (expanded from 62-64) on up to two Regents examinations. Students who are granted one appeal by their local superintendent would then earn a Regents diploma. Students who are granted two appeals would earn a local diploma. In addition, the proposed amendment would eliminate the requirement that in order to be eligible to appeal students must meet a minimum attendance requirement of 95%, exclusive of excused absences, in the year they last took the examination under appeal.

Because the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be presented for regular adoption is the June 13-14, 2016 Regents meeting, after publication of the proposed rule in the State Register on April 6, 2016 and expiration of the 45-day public comment period for State agency rule makings. Furthermore, pursuant to the State Administrative Procedure Act (SAPA), the earliest effective date of the proposed amendment, if adopted at the June meeting, would be June 29, 2016, the date a Notice of Adoption would be published in the State Register. However, school districts must start preparations now, in order to timely implement in the 2015-2016 school year the expanded appeals process for Regents examination passing scores.

Emergency action to adopt the proposed amendment is necessary for the preservation of the general welfare in order to immediately expand by two additional points the existing eligible score band for an appeal of Regents examinations passing scores and to eliminate the attendance requirement as an appeal criteria, so that school districts and qualifying students are given sufficient notice to prepare for and timely implement such graduation pathway in the 2015-16 school year.

It is anticipated that the proposed amendment will be presented to the Board of Regents for adoption as a permanent rule at the June 13-14, 2016 meeting of the Board of Regents, which is the first scheduled meeting after expiration of the 45-day public comment period mandated by the State Administrative Procedure Act.



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

TO: P-12 Education Committee

FROM: Angelica Infante-Green *A. Infante - Green*

SUBJECT: Proposed Amendment of Sections 100.5 and 100.6 of the Regulations of the Commissioner of Education Relating to the Career Development Occupational Studies (CDOS) Pathway to Graduation

DATE: March 14, 2016

AUTHORIZATION(S):

Richard A. Tranter
Mary Ellen Elin
SUMMARY

Issue for Decision

Should the Board of Regents, through emergency action, amend sections 100.5 and 100.6 of the Regulations of the Commissioner of Education to establish a Career Development Occupational Studies (CDOS) graduation pathway option for all students who meet the requirements to earn the New York State (NYS) CDOS Commencement Credential?

Reason(s) for Consideration

Implementation of policy.

Proposed Handling

The proposed amendment is being presented to the P-12 Education Committee for recommendation and to the Full Board for adoption as an emergency action at the March Regents meeting. A copy of the proposed emergency rule and a statement of the facts and circumstances which necessitate emergency action are attached. Supporting materials are available upon request from the Secretary to the Board of Regents. A Notice of Emergency Adoption and Proposed Rule Making will be published in the State Register on April 6, 2016.

Procedural History

In April 2013, the Board of Regents adopted regulations that established that students with disabilities could exit school with a CDOS Commencement Credential as a supplement to a regular high school diploma or, for a student with a disability who is unable to earn a regular diploma, as the student's exiting credential.

At their January 2016 meeting, the Board of Regents discussed graduation rate results for NYS and options for expanding current opportunities for graduation without lowering the standard of academic excellence that is required for a diploma. One option discussed was a pathway that would expand the opportunity for all students to earn the CDOS commencement credential and establish a pathway to a regular high school diploma for students who earn the required course credits, pass four Regents exams, one in each of the four discipline areas, and meet the requirements to earn a CDOS Commencement Credential.

Background Information

There is an extensive research base that supports multiple pathways to graduation that connect both work and learning¹ and work-based learning has become a focus of national discussion to prepare "career and college ready" graduates². Explicit instruction in career development and work-based learning is useful to all students as it emphasizes that students must be able to apply classroom learning in the real world, engages them by using authentic tasks, and teaches them employability skills.

The NYS CDOS Commencement Credential is a credential recognized by the NYS Board of Regents that certifies a student has the standards-based knowledge and skills necessary for entry-level employment. The requirements to earn the credential were developed consistent with research and the guiding principles established by the Regents. The requirements are rigorous in that the student must successfully complete additional courses of study and hours in work-based learning, demonstrate competency at the commencement level of the CDOS learning standards, participate in career planning and preparation and have an employability profile showing readiness for entry-level employment. There are two options available for students with disabilities to earn the credential:

OPTION 1: The student must meet each of the following:

- Development of a **Career Plan** that includes documentation of the student's self-identified career interests; career-related strengths and needs; career goals; and

¹ Work-Based Learning Opportunities for High School Students Corinne Alfeld Ivan Charner Lisa Johnson Eric Watts FHI 360 National Institute for Work and Learning February 2013

² Symonds, W. C., Schwartz, R. B., & Ferguson, R. (2011). Pathways to prosperity: Meeting the challenge of preparing young Americans for the 21st century. Report issued by the Pathways to Prosperity Project, Harvard Graduate School of Education. Boston, MA: Harvard Graduate School of Education

career and technical coursework and work-based learning experiences that the student plans to engage in to achieve those goals.

- Demonstrated achievement of the **commencement level CDOS learning standards** in the areas of career exploration and development; integrated learning; and universal foundation skills (Standards 1, 2 and 3a). To earn this credential, the school must have documentation that the student demonstrated achievement of commencement level knowledge and skills relating to the CDOS learning standards in the areas of career development, integrated learning and universal foundation skills.
- Successful completion of at least 216 hours³ of **CTE coursework and/or work-based learning experiences** (of which at least 54 hours must be in work-based learning experiences). Work-Based Learning (WBL) includes activities which collaboratively engage employers and schools in providing structured learning experiences for students. These experiences focus on assisting students to develop broad, transferable skills for postsecondary education and the workplace. Many students complete school with inadequate academic skills and few real-world workplace skills, thus limiting their understanding of how they fit into the adult work world. Therefore, WBL should be an integral aspect of any student's educational experience to prepare him/her for the school-to-career transition.
- Have a completed **employability profile** that documents the student's employability skills and experiences; attainment of each of the commencement level CDOS learning standards; and, as appropriate, attainment of technical knowledge and work-related skills, work experiences, performance on industry-based assessments and other work-related and academic achievements.

OPTION 2:

In lieu of a student meeting the requirements of Option 1 to be awarded the NYS CDOS Commencement Credential, a district may award a student this credential if the student has met the requirements for one of the nationally recognized rigorous work readiness credentials, including but not limited to:

- National Work Readiness Credential;
- SkillsUSA Work Force Ready Employability Assessment;
- National Career Readiness Certificate WorkKeys - (ACT); and
- Comprehensive Adult Student Assessment Systems Workforce Skills Certification System.

4+CDOS Pathway to a High School Diploma

The proposed pathway would allow students to graduate with a regular diploma when they have demonstrated the State's standards for academic achievement in math,

³ These hours are equivalent to two courses which are usually completed as two of the student's electives.

English, science, social studies, and the State's standards for essential work-readiness knowledge and skills necessary for successful employment after high school.

The proposed rule would:

1. amend sections 100.5(a), (b) and (d) to add that all students, beginning in June 2016 and thereafter, could graduate with a regular high school diploma if they complete the credit requirements; meet the requirements to earn the CDOS commencement credential; and pass⁴ four Regents assessments, one in each of the four discipline areas of math, English, science, and social studies; and
2. amend section 100.6(b) to expand the opportunity to all students⁵ to earn the CDOS commencement credential.

Recommendation

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

VOTED: That subdivision (a) and subparagraph (iii) of paragraph (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education be amended; that a new paragraph (11) of subdivision (d) of section 100.5 be added; and that subdivision (b) of section 100.6 be amended, as submitted, effective March 22, 2016, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to immediately extend the availability of the CDOS commencement credential and establish criteria for a CDOS graduation pathway option for all students who meet the requirements to earn this credential, meet graduation course and credit requirements, and pass four required Regents Exams, and thereby ensure timely implementation during the 2015-2016 school year and thereafter.

Timetable for Implementation

If adopted at the March 2016 Regents meeting, the emergency rule will take effect on March 22, 2016. It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the June 2016 Regents meeting, after publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on April 6, 2016 and expiration of a 45-day public comment period.

Attachment

⁴ Safety net provisions and appeal options would apply.

⁵ Except for students with severe disabilities who take the New York State Alternate Assessment and would exit with the Skills and Achievement Commencement Credential.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 208, 305, 4402 and 4403

1. Subdivision (a) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective March 22, 2016, as follows:

(a) General requirements for a Regents or a local high school diploma.

Except as provided in clauses (5)(i)(c), (e) and (f) of this subdivision, [paragraph] paragraphs (d)(6) and (11) and subdivision (g) 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 clause (f) of this subparagraph and subparagraphs (ii), (iii) and (iv) of this paragraph, all students shall demonstrate attainment of the New York State learning standards:

(a) . . .

(b) . . .

(c) . . .

(d) . . .

(e) . . .

(f) Requirements for pathway assessments:

(1) [In addition to the requirements of clauses (a), (b), (c), (d) and (e) of this subparagraph,] Except as provided in paragraph (d)(11) of this section, students who first enter grade nine in September 2011 and thereafter or who are otherwise eligible to receive a high school diploma pursuant to this section in June 2015 and thereafter[,] must meet the requirements of clauses (a), (b), (c), (d) and (e) of this subparagraph and also pass any one of the following assessments:

(i) . . .

(ii) . . .

(iii) . . .

(iv) . . .

(v) . . .

(vi) . . .

(ii) . . .

(iii) . . .

(iv) . . .

(v) . . .

(6) . . .

(7) . . .

(8) . . .

2. Subparagraph (iii) of paragraph (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective March 22, 2016, as follows:

(iii) Earning a Regents or local high school diploma shall be deemed to be equivalent to receipt of a high school diploma pursuant to Education Law, section 3202(1) and shall terminate a student's entitlement to a free public education pursuant to such statute. Earning a high school equivalency diploma [or], an Individualized Education Program diploma, or either a skills and achievement commencement credential or a New York State career development and occupational studies commencement credential as set forth in section 100.6 of this Part, shall not be deemed to be equivalent to receipt of a high school diploma pursuant to Education Law, section 3202(1) and shall not terminate a student's entitlement to a free public education pursuant to such statute.

3. A new paragraph (11) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is added, effective March 22, 2016, as follows:

(11) Career development and occupational studies pathway. Students who first enter grade nine in September 2012 and thereafter or who are otherwise eligible to receive a high school diploma pursuant to this section in June 2016 and thereafter may meet the diploma requirements described in this section by:

(i) completing the applicable credit requirements pursuant to this section; and
(ii) completing the requirements for the New York State career development and occupational studies commencement credential as provided in section 100.6(b) of this Part; and

(iii) passing four assessments, one in each of the four subject areas of English, mathematics, science and social studies (United States history and government or global history and geography), as set forth in clauses (a)(5)(i)(a)-(e) of this section;

4. Subdivision (b) of section 100.6 of the Regulations of the Commissioner of Education is amended, effective March 22, 2016, as follows:

(b) New York State career development and occupational studies commencement credential.

(1) Eligible students. (i) Beginning July 1, 2013 [and thereafter] but prior to June 2016, the board of education or trustees of a school district shall, and the principal of a nonpublic school may, issue a New York State career development and occupational studies commencement credential to a student with a disability who meets the requirements of paragraph [(1)] (3) of this subdivision to document [preparation] readiness for entry-level employment after high school, except for those students deemed eligible for a skills and achievement commencement credential pursuant to subdivision (a) of this section.

(ii) Beginning June 2016 and thereafter, the board of education or trustees of a school district shall, and the principal of a nonpublic school may, issue a New York State career development and occupational studies commencement credential to any student who meets the requirements of paragraph (3) of this subdivision to document readiness for entry-level employment after high school, except for those students with disabilities deemed eligible for a skills and achievement commencement credential pursuant to subdivision (a) of this section.

(2) Consistent with sections 100.2(q)(1) and 100.5 of this Part, the school district or nonpublic school shall ensure that the student has been provided with appropriate

opportunities to earn a Regents or local high school diploma, including providing a student with meaningful access to participate and progress in the general curriculum to assist the student to meet the State's learning standards.

[(1)] (3) Except as provided in paragraphs [(2), (5) and (6)] (4), (7) and (8) of this subdivision, prior to awarding the career development and occupational studies commencement credential, the board of education or trustees of the school district, or the governing body of the nonpublic school, shall ensure that each of the following requirements have been met:

(i) the school district has evidence that the student has developed, annually reviewed and, as appropriate, revised a career plan to ensure the student is actively engaged in career exploration. Such plan shall include, but is not limited to, a statement of the student's self-identified career interests; career-related strengths and needs; career goals; and career and technical coursework and work-based learning experiences that the student plans to engage in to achieve those goals. School districts shall provide students with either a model form developed by the commissioner to document a student's career plan, or a locally-developed form that meets the requirements of this subdivision and, as appropriate, shall assist the student to develop his/her career plan. The student's career plan may not be limited to career-related activities provided by the school and may include activities to be provided by an entity other than the school; provided that nothing in this subdivision shall be deemed to require the school to provide the student with the specific activities identified in the career plan. A student's preferences and interests as identified in his/her career plan shall be reviewed annually and, for a student with a disability, considered in the development of the student's individualized education program pursuant to section

200.4(d)(2)(ix) of this Title. A copy of the student's career plan in effect during the school year in which the student exits high school shall be maintained in the student's permanent record;

(ii) . . .

(iii) . . .

[(2)] (4) Notwithstanding the provisions of paragraph [(1)] (3) of this subdivision, a board of education or trustees of the school district, or the governing body of the nonpublic school, may award the career development and occupational studies commencement credential to a student who has met the requirements for a nationally-recognized work-readiness credential, including but not limited to SkillsUSA, the National Work Readiness Credential, the National Career Readiness Certificate – (ACT) WorkKeys and the Comprehensive Adult Student Assessment Systems Workforce Skills Certification System.

[(3)] (5) The credential shall be issued at the same time the student receives his/her Regents or local high school diploma or, for a student [whose disability prevents the student from earning] who is unable to meet the requirements for a Regents or local diploma, any time after such student has attended school for at least 12 years, excluding kindergarten, or has received a substantially equivalent education elsewhere, or at the end of the school year in which a student attains the age of 21.

[(4)] (6) . . .

[(5)] (7) For students with disabilities who exit from high school prior to July 1, 2015, the district or nonpublic school may award the career development and occupational studies commencement credential to a student who has not met all of the requirements in subparagraph [(1)(ii)] (3)(ii) of this subdivision, provided that the school

principal, in consultation with relevant faculty, has determined that the student has otherwise demonstrated knowledge and skills relating to the commencement level career development occupational studies learning standards.

[(6)] (8) For students [with disabilities] who transfer from another school district within the State or another state, the principal shall, after consultation with relevant faculty, evaluate the work-based learning experiences and coursework on the student's transcript or other records to determine if the student meets the requirements in subparagraph (ii) of paragraph [(1)] (3) of this subdivision.

[(7)] (9) . . .

8 NYCRR §§100.5 & 100.6

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE EMERGENCY ACTION

The proposed amendment expands the Career Development and Occupational Studies (CDOS) graduation pathway option to all students who meet the requirements to earn a CDOS Commencement Credential, meet graduation course and credit requirements, and pass four required Regents Exams. Currently, this option is only available to students with disabilities.

Because the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be presented for regular adoption is the June 13-14, 2016 Regents meeting, after publication of a Notice of Proposed Rule Making in the State Register on April 6, 2016 and expiration of the 45-day public comment period for State agency rule makings. Furthermore, pursuant to the State Administrative Procedure Act (SAPA), the earliest effective date of the proposed amendment, if adopted at the June meeting, would be June 29, 2016, the date a Notice of Adoption would be published in the State Register. However, school districts must start preparations now, in order to timely implement programs leading to a New York State Career Development and Occupational Studies Commencement Credential during the 2015-2016 school year and thereafter.

Emergency action is therefore necessary for the preservation of the general welfare to immediately extend the availability of the CDOS commencement credential and establish criteria for a CDOS graduation pathway option for all students who meet the requirements to earn a this credential, meet graduation course and credit

requirements, and pass four required Regents Exams, and thereby ensure timely implementation during the 2015-2016 school year and thereafter.

It is anticipated that the revised proposed amendment will be presented to the Board of Regents for adoption as a permanent rule at their June 13-14, 2016 Regents meeting, which is the first scheduled meeting after expiration of the 45-day public comment period mandated by the State Administrative Procedure Act for State agency rule makings