



Graduation Requirements Enhancements for Students with Disabilities

Board of Regents
June 2016



New York State
EDUCATION DEPARTMENT
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Proposed Revisions to Commissioner's Regulations



To require superintendents to make a local determination as to the academic proficiency for certain students with disabilities to graduate with a local diploma.

Current Safety Net Options Available to Students with Disabilities



- 1. Low Pass Rate Safety Net Option:** 5 required Regents exams with a score of 55 – 64.
- 2. Low Pass Rate Safety Net Option with Appeal:** Students who score up to three points below a score of 55 on a Regents exam would be eligible to receive the local diploma via appeal if all of the conditions of appeal are met.
- 3. Compensatory Safety Net Option:** A student with a disability may receive a local diploma if he/she scores between 45-54 on one or more of the Regents exams required for graduation, other than English language arts (ELA) or mathematics, but achieves a score of 65 or higher on another required Regents exam which can compensate for the lower score. A score of 65 or higher on a single examination may not be used to compensate for more than one examination for which a score of 45-54 is earned.

Proposed Amendment



□ Superintendent's Review

- Designed for those students who cannot demonstrate their proficiency on State exams even with appropriate accommodations.
- The school principal and superintendent must review, document, and provide a written certification / assurance that there is evidence that the student has otherwise met the standards for graduation with a local high school diploma.
- This option requires minimum scores on the ELA and mathematics Regents Exams and a passing grade in the course.

Proposed Amendment (Con't)



□ Admissible Exams

- This option requires minimum scores of 55 on the ELA and mathematics Regents Exams.
- This option allows review of other document of proficiency when students cannot pass the other three required Regents Exams.

Proposed Amendment (Con't)



□ Applicability

- Students with a current IEP.

□ Process

- Beginning with students with disabilities who are otherwise eligible to graduate in June 2016 and thereafter.
- A school superintendent (or the principal of a registered nonpublic school or charter school, as applicable) has the responsibility to determine if a student with a disability has otherwise met the standards for graduation with a local diploma when such student has not been successful, because of his/her disability, at demonstrating his/her proficiency on the Regents exams required for graduation.

Proposed Amendment (Con't)



□ Automatic Review

- The superintendent must ensure that every student with a disability who does not meet the graduation standards through the existing appeal and safety net options is considered for the superintendent determination.
- This option does not need to be formally requested by the student or parent.

Proposed Amendment (Con't)



Conditions

- ❑ The student has a current IEP and is receiving special education programs and/or related services.
- ❑ The student did not meet the graduation requirements through the low pass (55-64) safety net option or the compensatory option [section 100.5(b)(7)(vi)(c) and (d)(7)].
- ❑ The student must have earned the required course credits and have passed, in accordance with district policy, all courses required for graduation, including the Regents courses to prepare for the corresponding required Regents exam areas (ELA, math, social studies, and science).

Proposed Amendment (Con't)



- Conditions

- ❑ The student must have received a minimum score of 55 on both the Regents ELA and math exams or a successful appeal of a score between 52 and 54.
- ❑ There must be evidence that the student participated in the other exams required for graduation pursuant to section 100.5(a)(5), but has not passed one or more of these as required for graduation.
- ❑ In a subject area where the student was not able to demonstrate his/her proficiency of the State's learning standards through the assessment required for graduation, there must be evidence that the student has otherwise demonstrated graduation level proficiency in the subject area.

Proposed Amendment (Con't)



□ Review and Documentation

- The superintendent must consider evidence that demonstrates that the student:
 - Passed the course culminating in the exam.
 - Actively participated in the exam required for graduation.
- The school principal and superintendent must sign a document, on a form prescribed by the Commissioner, which describes the evidence reviewed and the decision rendered by the superintendent.
- The superintendent must sign an assurance on the form that certifies that the information is accurate and the superintendent attests that the student has met graduation requirements.

Proposed Amendment (Con't)



Decision

- A determination by the superintendent is final

Audit

- The Commissioner shall periodically audit the determinations granted by superintendents to ensure that conditions described above are being met.

Allowance of Low Pass Appeal in Addition to Compensatory Option



- ❑ Under current regulations, students with disabilities who make use of the compensatory option described above are not eligible to also make use of the low pass appeal wherein they are able to appeal scores of 52-54 on ELA and mathematics.
- ❑ The proposed amendment removes this prohibition and allows these students to make use of both options in meeting graduation requirements.

Timeline for Implementation



- ❑ **If adopted at the June Regents meeting:**
 - The proposed amendment will become effective as an emergency measure on June 20, 2016.
 - It is anticipated that the proposed amendment will be presented to the Board of Regents at the September meeting for adoption as a permanent rule.
 - If adopted at the September meeting, the proposed amendment will be effective on September 28, 2016.



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THANK YOU
