



**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):**

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**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 learning<sup>1</sup> and work-based learning has become a focus of national discussion to prepare "career and college ready" graduates<sup>2</sup>. 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

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<sup>1</sup> 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

<sup>2</sup> 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 hours<sup>3</sup> 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,

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<sup>3</sup> 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 pass<sup>4</sup> 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 students<sup>5</sup> 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

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<sup>4</sup> Safety net provisions and appeal options would apply.

<sup>5</sup> 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