



TO: The Honorable the Members of the Board of Regents

FROM: Angélica Infante-Green *A. Infante - Green*
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SUBJECT: Proposed Amendment of Section 100.7 of the Regulations of the Commissioner of Education Relating to a New Pathway to a New York State High School Equivalency Diploma

DATE: March 28, 2018

AUTHORIZATION(s):  

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents amend §100.7 of the Regulations of the Commissioner of Education relating to the establishment of a new pathway to a New York State high school equivalency (HSE) diploma?

Proposed Handling

The proposed amendment is being presented to the Full Board for adoption at its April 2018 Board of Regents meeting (Attachment A is a copy of the proposed amendment).

Procedural History

A Notice of Proposed Rule Making was published in the State Register on November 1, 2017 and a Notice of Revised Rule Making was published in the State Register on February 7, 2018. Supporting materials are available upon request from the Secretary to the Board of Regents. Following the 30-day public comment period for revised rulemaking, the Department received one comment (Attachment B is a copy of the Assessment of Public Comment).

Background Information

At the September 2017 Regents meeting, the Board of Regents directed Department staff to develop a regulation to establish a fourth pathway to an HSE diploma. The proposed amendment allows students who have passed Regents examinations in Mathematics, English Language Arts (ELA), Social Studies and/or Science, the opportunity to substitute those passing scores on a maximum of four of the five corresponding TASC™ subtests (Mathematics, Reading, Writing, Social Studies and Science). The proposed amendment was revised at the January 2018 Regents meeting to provide clarification to the field in response to public comment.

Regents Exam	Recommendation¹
Any Mathematics Regents Examination	Receive credit for TASC™ Mathematics.
ELA Regents Examination	Acceptable for <u>both</u> TASC™ Reading and Writing subtests
Any Regents Social Studies Examination	Receive credit for TASC™ Social Studies
Any Regents Science Examination	Receive credit for TASC™ Science

Given that Regents examinations are valid measures of the knowledge, skills and abilities required for high school graduation, valid passing scores on Regents examinations should count for the associated TASC™ subtest.

Conditions:

- Candidates must continue to meet the existing eligibility criteria as prescribed by Commissioner’s regulation §100.7(a)(1). As a result, students will not be allowed to utilize previously passed Regents examination scores towards a HSE diploma until they have met such conditions.
- A passing score on a Regents examination shall mean a 65, and for students with disabilities, a 55-64. It also includes an appeal score of 52-54 for students with disabilities pursuant to §100.5(d)(7)(i)(c) of the Commissioner’s regulations. English Language Learners who enter the United States in grades 9 or higher, and do not score 65 or higher on the ELA Regents Examination after at least 2 attempts, may utilize a score of 55-64, pursuant to the appeal option specified in §100.5(d)(7)(i)(b) of the Commissioner’s regulations, to substitute for the TASC™ Reading and Writing subtests. A passing score shall also include any appeal option set forth in §100.5(d)(7)(i)(a).
- Students may utilize up to four passing Regents examination scores to substitute for a maximum of four of the five corresponding TASC™ subtests.

This new pathway to an HSE diploma will provide equitable access points and a diverse means by which New Yorkers can earn an HSE diploma. The ability to use passing Regents examination scores toward earning an HSE diploma will expand the opportunity for high school students at risk of dropping out as well as students with

¹ Note: An HSE diploma will not be issued based solely on passing Regents examination scores. For candidates that have passed all four core Regents exams, as shown above, one TASC subtest, of the candidate’s choosing, will need to be passed in order to receive an HSE diploma.

disabilities to stay engaged with their education and offer an incentive for meeting graduation requirements to those whose circumstances may not allow for completion of high school.

Related Regents Item(s)

[January 2018](#)

(<http://www.regents.nysed.gov/common/regents/files/118p12accesd1revised.pdf>)

[October 2017](#)

(<http://www.regents.nysed.gov/common/regents/files/1017p12accesd1revised.pdf>)

[September 2017](#)

(<http://www.regents.nysed.gov/common/regents/files/917p12accesd1.pdf>)

Recommendation

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

VOTED: That clauses (a) and (b) of subparagraph (i) of paragraph (2) of subdivision (a) of §100.7 of the Regulations of the Commissioner of Education be amended, as submitted, effective April 25, 2018.

Timetable for Implementation

If adopted at the April 2018 Regents meeting, the proposed amendment would become effective on April 25, 2018.

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS

Pursuant to sections 206, 207, 210, 214, 215 and 305 of the Education Law.

1. Clauses (a) and (b) of subparagraph (i) of paragraph (2) of subdivision (a) of section 100.7 of the Regulations of the Commissioner of Education are amended to read as follows:

(i) In order to receive a high school equivalency diploma, candidates shall:

(a) take a general comprehensive examination prescribed for the program, in English, and achieve a standing designated as satisfactory by the Commissioner of Education, except that a passing score or scores, on any mathematics Regents examination, ELA Regents examination, Social Studies Regents examination and/or Science Regents examination or any other examination approved by the commissioner pursuant to section 100.2(f) or (mm) of this Part, may be accepted as a passing score on the corresponding sub-test or sub-tests of any general comprehensive examination prescribed for the program and administered on or after April 25, 2018. Provided, however, that for purposes of this clause, a candidate must take at least one sub-test and may only substitute a passing score or scores on Regents examinations for any remaining sub-test(s). For purposes of this clause, passing score or scores on any Mathematics Regents examination, English Regents examination, Social Studies Regents examination and/or Science Regents examination shall mean a passing score as defined in section 100.5(a)(5)(i)(a)(2) and (3); (a)(5)(i)(b)(2) and (3) and 100.5(g) [English]; (a)(5)(i)(c)(3) and (4) and 100.5(g) [Mathematics]; (a)(5)(i)(d)(2) and (3) [Science]; (a)(5)(i)(e)(4) and (5) [Global History and geography]; and/or 100.5(d)(7)(i)(a),(b) and (c) of this Part, as applicable for such examination; or

(b) take a general comprehensive examination prescribed for the program in a language other than English, where available, and achieve a standing designated as satisfactory by the commissioner on such examination, except [that such] a passing score or scores on any mathematics Regents examination, ELA Regents examination, Social Studies Regents examination and/or Science Regents examination or any other examination approved by the commissioner pursuant to section 100.2(f) or (mm) of this Part may be accepted as a passing score on the corresponding sub-test or sub-tests of any general comprehensive examination prescribed for the program and administered on or after April 25, 2018, except that such candidates shall receive a high school equivalency diploma with a transcript that bears an inscription indicating the language in which the general comprehensive examination was taken. Provided, however, that for purposes of this clause, a candidate must take at least one sub-test and may only substitute a passing score or scores on Regents examinations for any remaining sub-test(s). For purposes of this clause, passing score or scores on a mathematics Regents examination, ELA Regents examination, Social Studies Regents examination and/or Science Regents examination shall mean a passing score as defined in 100.5(a)(5)(i)(a)(2) and (3); (a)(5)(i)(b)(2) and (3) and 100.5(g) [English]; (a)(5)(i)(c)(3) and (4) and 100.5(g) [Mathematics]; (a)(5)(i)(d)(2) and (3) [Science]; (a)(5)(i)(e)(4) and (5) [Global History and geography]; and/or 100.5(d)(7)(i)(a), (b) and (c) of this Part, as applicable for such examination. Such candidates shall receive a high school equivalency diploma with a transcript that bears an inscription indicating the language in which the general comprehensive examination was taken, and may exchange such diploma with a transcript for a diploma with a transcript not containing such inscription

upon achievement of a satisfactory standing on the Reading and Writing subtest of the general comprehensive exam subsequently taken in the English language; or

Attachment B

ASSESSMENT OF PUBLIC COMMENT

Since publication of the Notice of Revised Rule Making in the State Register on February 7, 2018 the State Education Department (SED) received the following comments on the proposed amendment:

1. COMMENT:

Commenter expressed support for the proposed amendments, and requests that NYSED mandate that high schools provide an “official NYSED HSE transcript” for those students who are considering exiting high school without having graduated.

DEPARTMENT RESPONSE:

As noted in the response to Comment #12 in the previously published Assessment of Public Comment, it is the responsibility of the applicant to request from the Department an official NYSED HSE transcript via US Mail. The Department anticipates issuing guidance on the proposal and will consider encouraging school districts to recommend that such students submit an application (Attachment R) to NYSED when they exit high school. No revisions are necessary at this time.

2. COMMENT:

Commenter also requested that the proposed amendment be revised to allow students with disabilities to use passing scores on Regents Exams as defined by 100.5(b)(7)(vi)(c), also known as the “Compensatory Safety Net.” Commenter

additionally requested that passing Regents Competency Test (RCT) scores be allowed as substitution for corresponding TASC subtests.

DEPARTMENT RESPONSE:

The proposed amendments limit the examinations for which a candidate may substitute a passing score to those approved by the Commissioner pursuant to section 100.2(f) or (mm) of the Commissioner's regulations, and do not include Regents Competency Tests. The compensatory safety net scores as described in Commissioner's regulation §100.5(b)(7)(vi)(c), are not considered passing Regents Exam scores as defined in the proposed rule, and therefore may not be substituted for the corresponding high school equivalency exam sub-test or sub-tests. As a result, the Department does not believe any revisions are necessary at this time. See generally the response to Comment #14 on the previously published Assessment of Public Comment.