



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

**TO:** P-12 Education Committee  
**FROM:** Ken Slentz   
**SUBJECT:** Making Up Incomplete or Failed Course Credit  
**DATE:** October 7, 2011  
**AUTHORIZATION(S):**

### SUMMARY

#### Issue for Discussion

Anecdotal evidence and staff observation of current practices suggest that in certain programs of credit recovery, students may be given credit without completion of appropriate work or having received adequate instruction. Based on this information, should the Regents direct staff to request audit services from the Office of the State Comptroller of Make Up Credit (Credit Recovery) programs, targeted specifically to the adherence to the required procedures for awarding of credit?

#### Background Information

In April 2010, the Board approved the adoption of Section 100.5(d)(8) of Commissioner's Regulations entitled Making Up Incomplete or Failed Course Credit. The regulation established standards for make-up credit programs for school districts, registered nonpublic schools, and charter schools that choose to offer such opportunities for their students. The make-up program must be aligned with the New York State learning standards for that subject, satisfactorily address the student's course completion deficiencies and individual needs, and ensure that the student receives equivalent, intensive instruction in the subject matter area provided under the direction and/or supervision of a teacher.

For programs offered by school districts and boards of cooperative educational services, the direction and supervision must be provided by a teacher certified in the subject matter area.

In the case of a school district or registered nonpublic school, a student's participation in the make-up credit program must be approved by a school-based panel

consisting of, at a minimum, the principal, a teacher in the subject area for which the student must make up credit, and a guidance director or other administrator.

To receive credit, the student must successfully complete the make-up credit program and demonstrate mastery of the learning outcomes for the subject, including passing the Regents examination in the subject or other assessment required for graduation, if applicable. A make-up program may include but is not limited to repeating an entire course, a summer school program, receiving intensive instruction in the deficiency area or digital learning (online study). If the school wishes to offer an online program of study it must be comparable in scope and quality to regular classroom instruction, provide for documentation of satisfactory student achievement, and include regular and substantive interaction between the student and the certified teacher supervising or directing the course.

### Discussion

Not unlike the Department's efforts to ensure fidelity in our testing program, it is important that we also ensure to the extent possible that the awarding of credit is done with the utmost fidelity to guaranteeing our students a meaningful education in which they are given opportunities to master the skills required to be college and career ready. The Making Up Incomplete or Failed Course Credit regulation is intended to ensure appropriate levels of rigor and quality for make-up (credit recovery) programs implemented by local schools. However, it is unclear as to whether the regulation has had the intended effect. Given that there are no evaluation or accountability measures applicable to make-up credit programs; given that programming and program selection is the responsibility of the local school district as it relates to any credit bearing coursework; given that the language of the regulation gives local control to districts to select any program they deem appropriate to meet the needs of the students; and given that anecdotal evidence suggests that current programs exist which are not aligned with the requirements noted above, the Department needs to consider a closer examination of the practices associated with this regulation. This examination is further justified by the findings of a recent survey of online needs and practices co-sponsored by NYSED and the International Association of K-12 Online Learning (iNACOL). In the survey, fifty-one percent (51%) of the respondents stated that online learning is currently used in their schools for first-time course credit, test preparation, credit recovery or remediation and online courses for make-up credit/credit recovery were the most commonly identified reasons for using online learning. Further, the most commonly identified providers of the online courses are commercial providers that a school or district has contracted with (over 50%). Therefore, with all indications that this practice will be of increasing value to districts, taking steps to ensure that students are being given rigorous opportunities to learn and earn meaningful credits will be critical.

To this end, the New York City Department of Education (DOE) has developed a plan where it will engage in a review of current practices through an articulated audit plan. An overview of the DOE plan can be reviewed at: <http://graphics8.nytimes.com/packages/pdf/HSAUDIT.pdf>.

## Recommendation

The Regents are asked to consider directing staff to enlist the assistance of the Office of the State Comptroller in auditing the practice of awarding credit under the Making Up Incomplete or Failed Course Credit regulation. The audit would focus specifically on adherence to the procedures required under Section 100.5(d)(8) of Commissioner's Regulations. Conceivably, the scope of the audit would include the identification of programs and practices which are fully adhering to the Commissioner's Regulations by providing students with opportunities for successfully earning credits through rigorous content and instruction.