




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

TO: P-12 Education Committee
FROM: Ken Slentz 
SUBJECT: Proposed Amendment of Sections 100.5, 100.6, and 200.5 of the Regulations of the Commissioner of Education Relating to a Career Skills Credential for Students with Disabilities

DATE: December 3, 2012

AUTHORIZATION(S):



SUMMARY

Issue for Discussion

Should the Board of Regents amend sections 100.5, 100.6, and 200.5 of the Regulations of the Commissioner of Education to establish a Career Skills Credential for students with disabilities (other than those eligible for the Skills and Achievement Commencement Credential)?

Reason for Consideration

Review of Policy

Proposed Handling

The proposed amendment is before the P-12 Education Committee for discussion at the December 2012 meeting.

Procedural History

In January 2012, the Regulations of the Commissioner were amended to repeal the IEP diploma effective July 1, 2013. A Skills and Achievement Commencement

Credential was established for students with severe disabilities who are eligible to take the New York State Alternate Assessment (NYSAA).

In September 2012, the Board of Regents directed staff to develop a commencement credential documenting attainment of the Career Development and Occupational Studies (CDOS) learning standards for other students with disabilities, including students with disabilities who are unable to earn a regular diploma. The Regents supported development of proposed regulations in accordance with the following guiding principles:

- In addition to academic preparation, students need to be able to demonstrate knowledge and skills relating to career development, integrated learning and universal foundation skills essential for success in the workplace (CDOS Learning Standards).
- Students need to be actively engaged in career planning and preparation and their participation in career awareness, exploration and preparation activities should be valued, encouraged and recognized.
- Students should participate in meaningful career development opportunities that are developmentally and individually appropriate, in consideration of students' strengths, preferences and interests and that provide real world work experiences.

Background Information

In consultation with stakeholders, development of the proposed regulations was guided by an internal workgroup with representatives from P-12's Offices of Special Education and Career and Technical Education and Adult Career and Continuing Education Services, (ACCES's) Offices of Vocational Rehabilitation and Adult Education. An external advisory workgroup was convened which included parents; career and technical education (CTE) and special education teachers and administrators representing public and approved private schools; a district superintendent; guidance counselors; vocational evaluators; rehabilitation counselors; and representatives from the New York State Work Experience Coordinators' Association, New York State United Teachers, New York State Learning Disabilities Association, New York State Department of Labor, and the New York State College Disability Service Council. The external workgroup met twice since the September 2012 to evolve the proposed policy.

While not the focus of these discussions, individually and on behalf of their respective organizations, several individuals from the external advisory workgroup strongly recommended that such a credential be available as a supplement to a diploma for all students, including those without disabilities; and that additional diploma options and multiple pathways to a diploma be created for all students, including those with and without disabilities.

The proposed regulations are expected to strengthen existing transition planning and implementation for students with disabilities because they emphasize student involvement in career planning; require districts to offer opportunities for students to engage in work-based learning activities and instruction toward the CDOS Learning Standards in order to earn this credential; and provides a student with documentation on his/her readiness for entry-level employment (employability profile).

Summary of Proposed Regulations:

The proposed amendment would, beginning July 1, 2013 and thereafter, authorize school districts and nonpublic schools to award a Career Skills Credential to a student with a disability to document his/her high school preparation for entry level employment. The Credential could be awarded 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. The Credential would not be considered a regular high school diploma in accordance with State standards or for federal accountability purposes and a student with a disability who exited school with this Credential continues to be eligible for a free appropriate public education until the end of the school year in which the student turns age 21 or until the receipt of a regular high school diploma, whichever shall occur first.

To award the Career Skills Credential, the school would be required to ensure the following:

- Opportunity to Earn a Regular High School Diploma: The district must ensure that each student has been provided appropriate opportunities to earn a high school diploma and meaningful access to participate and progress in the general curriculum to assist the student in meeting the State's learning standards.
- Career Planning: The student has developed, annually reviewed and as appropriate revised a career plan. A career plan is a student-developed plan that documents his/her self-identified career interests, career-related strengths and needs; career goals and coursework and work-based learning experiences the student plans to engage in to achieve those goals.
- Coursework and Work-Based Learning Experiences: The student has demonstrated knowledge and skills relating to the CDOS learning standards as evidenced by successful completion at the secondary level of not less than the equivalent of two units of study¹ in career related courses and/or work-based learning experiences. Hours of work-based learning experiences may, but are not required to, be completed in conjunction with career and technical courses.

¹ One unit of study is equivalent to 108 hours.

- Employability Profile: Within one year prior to high school exit, designated school staff knowledgeable about the student's skills and experiences would be required to complete a work skills employability profile documenting the student's attainment of the CDOS learning standards, including career development, integrated learning and universal foundation skills.
- Career Skills Award Certificate: The certificate awarded would be required to be similar in form to a high school diploma except that it could not use the term diploma and must indicate that it is a Career Skills Credential.
- Exceptions to Minimum Requirements:
 - Because the individualized education program (IEP) diploma sunsets as of June 30, 2013, the proposed amendment includes exceptions to certain requirements to allow appropriate discretion to school principals to determine whether students exiting high school in the 2013-14 and 2014-15 school years have sufficient knowledge of the CDOS learning standards to qualify for the award of the Career Skills Credential. The proposed amendment would, for students who would exit high school prior to July 1, 2015, allow a school principal to determine that the student, who has not met all of the requirements for the equivalent two units of study in career development courses and/or work-based learning experiences, has otherwise demonstrated knowledge and skills related to the CDOS learning standards sufficient for entry-level employment.
 - For students who transfer from another school district, the principal is authorized to evaluate the work experiences and coursework on the student's transcript to determine if the student meets the requirements for the Credential.

A Notice of Proposed Rule Making will be published in the State Register on December 26, 2012. Public comment on the proposed amendment will be accepted for 45 days from the date of publication in the State Register. A copy of the proposed amendment is attached. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Recommendations

It is recommended that the Regents P-12 Education Committee reach consensus on the intent of the proposed amendment prior to taking action at the December 2012 Regents meeting.

Timetable for Implementation

The proposed amendment is before the Committee for discussion in December 2012 and, following the receipt of public comment for 45 days, will be submitted for action at the March 2013 meeting with a proposed effective date of March 27, 2013.

Attachment

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Subparagraph (i) of paragraph (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective March 27, 2013, as follows:

(i) Except as provided in subparagraphs (vi), (vii), (viii) and (xi) of this paragraph, and paragraph (d)(7) of this section, for students first entering grade nine in the 2001-2002 school year and thereafter, there shall be no diplomas [or], certificates, or credentials other than the following:

(a) Regents diploma;

(b) Regents diploma with an advanced designation;

(c) State high school equivalency diploma as provided in section 100.7 of this Part;

(d) High School Individualized Education Program Diploma as provided in section 100.9 of this Part; [or]

(e) Regents diploma, or Regents diploma with an advanced designation, with an affixed technical endorsement awarded upon completion of an approved career and technical education program pursuant to paragraph (d)(6) of this section;

(f) Skills and achievement commencement credential as provided in section 100.6(a) of this Part; or

(g) Career skills credential as provided in section 100.6(b) of this Part.

2. Section 100.6 of the Regulations of the Commissioner of Education is amended, effective March 27, 2013, as follows:

§100.6 High school exiting credentials.

(a) Skills and achievement commencement credential. Beginning with the 2013-14 school year and thereafter, the board of education or trustees of a school district shall, and the principal of a nonpublic school may, issue a skills and achievement commencement credential to a student who has taken the State assessment for students with severe disabilities, as defined in section 100.1(t)(2)(iv) of this Part, in accordance with the following provisions:

[(a)] (1) Prior to awarding the skills and achievement commencement credential, the governing body of the school district or nonpublic school shall ensure that:

[(1)] (i) . . .

[(2)] (ii) . . .

[(3)] (iii) . . .

[(b)] (2) . . .

[(c)] (3) . . .

[(d)] (4) The credential shall be issued together with a summary of the student's academic achievement and functional performance, as required pursuant to section 200.4(c)(4) of this Title, that includes documentation of:

[(1)] (i) . . .

[(2)] (ii) . . .

[(3)] (iii) . . .

School districts may use the State model form developed by the commissioner for the summary of academic and functional performance or a locally-developed form that meets the requirements of this subdivision.

(b) Career skills credential. Beginning July 1, 2013 and thereafter, the board of education or trustees of a school district shall, and the principal of a nonpublic school may, issue a career skills credential to a student with a disability who meets the requirements of paragraph (1) of this subdivision to document preparation 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. Consistent with sections 100.2(g)(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) Except as provided pursuant to paragraphs (4) and (5) of this subdivision, prior to awarding the career skills 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 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 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. 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 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) The student has demonstrated knowledge and skills relating to the career development occupational studies learning standards set forth in section 100.1(t)(1)(vii)(a), (b) and (c) of this Part as evidenced through successful completion at the secondary school level of not less than the equivalent of two units of study in career development courses and/or work-based learning experiences, which shall be documented in the student's transcript. The equivalent units of study shall be earned through career and technical education courses and/or work-based learning experiences, provided that the student shall successfully complete a minimum of 54 hours of documented work-based learning experiences related to career awareness, exploration and/or preparation, which may, but are not required to be completed in conjunction with the student's career and technical education course(s). Work-based learning experiences may include, but are not limited to, job shadowing; community service; volunteering; service learning; senior project(s) and/or school based enterprise(s), provided consistent with guidelines developed by the Department, to prepare the student for entry-level employment after high school; and

(iii) Within one year prior to a student's exit from high school, a work skills employability profile for the student has been completed by designated school staff

knowledgeable about the student's skills and experiences that identifies the student's attainment of each of the career development and occupational studies learning standards set forth in section 100.1(t)(1)(vii)(a), (b) and (c) of this Part including, but not limited to career development; integrated learning; and universal foundation skills. School districts may use a model form developed by the commissioner to document a student's work skills employability profile, or a locally-developed form that meets the requirements of this subdivision. A copy of the student's work skills employability profile shall be maintained in the student's permanent record.

(2) 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 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.

(3) The credential awarded shall be similar in form to the diploma issued by the school district or nonpublic school, except that it shall not use the term "diploma" and shall indicate that it is a career skills credential. Award of a career skills credential shall be documented in the student's transcript.

(4) For students with disabilities who exit from high school prior to July 1, 2015, the district or nonpublic school may award the career skills credential to a student who has not met all of the requirements in subparagraph (ii) of paragraph (1) of this subdivision, provided that the school principal has determined that the student has

otherwise demonstrated knowledge and skills relating to the career development occupational studies learning standards.

(5) For students with disabilities who transfer from another school district within the State or another state, the principal shall 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) of this subdivision.

[(e)] (c) If the student receiving a credential pursuant to subdivision (a) or (b) of this section is less than 21 years of age, such credential shall be accompanied by a written statement of assurance that the student named as its recipient shall continue to be eligible to attend the public schools of the school district in which the student resides without the payment of tuition until the student has earned a [regular] Regents or local high school diploma or until the end of the school year in which such student turns age 21, whichever shall occur first.

3. Subparagraph (iii) of paragraph (5) of subdivision (a) of section 200.5 of the Regulations of the Commissioner of Education is amended, effective March 27, 2013, as follows:

(iii) Prior to the student's graduation with an individualized education program (IEP) diploma or, beginning with the 2013-14 school year, prior to a student's exit with a skills and achievement commencement credential or a career skills credential as set forth in section 100.6 of this Title, such prior written notice must indicate that the student continues to be eligible for a free appropriate public education until the end of the school

year in which the student turns age 21 or until the receipt of a [regular] Regents or local
high school diploma.