



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

TO: P-12 Education Committee
ACCES Committee

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SUBJECT: 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: October 5, 2017

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SUMMARY

Issue for Discussion

Should the Board of Regents amend section 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 P-12 Education and ACCES Committees for discussion at the October 2017 Regents meeting (Attachment A is a copy of the proposed amendment).

Procedural History

A Notice of Proposed Rule Making will be published in the State Register on November 1, 2017. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

Currently, in New York State (NYS), there are three pathways toward earning a high school equivalency diploma:

- TASC™ testing (Test Assessing Secondary Completion)
- Approved 24-College-Credit Program
- National External Diploma Program (NEDP)

(see Attachment B for more detailed explanation)

Various constituents have raised concerns that the current pathways to a NYS HSE diploma adopted by the Board of Regents to date are limited in scope and do not provide individuals who have passed required Regents examinations with the ability to utilize those passing scores towards earning a NYS HSE diploma after they have exited secondary school.

Background Information

The New York State Education Department (NYSED) has discussed the feasibility of offering individuals pursuing a HSE diploma the option of being able to utilize passing Regents examination scores in core subjects in place of corresponding TASC™ subtests. These conversations have been influenced by factors including the following:

- The long-standing practice that passing HSE examination scores from a given GED® test or TASC™ test series can be used indefinitely while that series is still being administered.
- The practice of “grandfathering” implemented by NYSED, which permits the use of passing scores from the 2002 GED® series, in conjunction with new TASC™ scores, to determine eligibility to earn a HSE diploma.
- The use of passing scores on certain Regents examinations as a requirement for high school graduation.
- The policy of allowing school-aged students to use any Regents examination score toward high school graduation purposes, regardless of the age of the score.

Currently, students who do not earn 22 credits and pass at least 5 assessments (Regents examinations, Department-approved alternatives or pathway examinations) are unable to earn a high school diploma, and get no credit or value for the classes and examinations they may have passed. Those who leave secondary school prior to acquiring a high school diploma often do not reengage in any educational program until 21 years of age or older. While it is anticipated that post-compulsory aged youth (17-21) would be most likely to be positively impacted by this pathway, it would be an incentive and advantage also to those older adults seeking their HSE diploma.

The purpose of allowing students to utilize passing Regents examination scores toward earning an HSE diploma after they have exited secondary school would be to encourage engagement in educational programs, improve and increase high school

completion rates, and work toward a strategy to better connect students to Adult Education programming with the goal of achieving an HSE diploma.

Table 1 illustrates the number of students who started grade 9 in 2011 and 2012, passed Regents examinations, and did not receive a Regents, Advanced Regents, or Local diploma by the expected time of graduation in 2015 or 2016.

Table 1. ^{1,2}

Students who passed Regents Examinations without earning Diploma¹

Regents Subjects Passed	Dropped Out
0	20658
1	5767
2	3831
3	3178
4	3043
TOTAL	36477

¹ Regents examinations are ELA, Math, Science, and Social Studies. Credit was given for 1 exam in each area. Passing grade is 65.

² 2011 and 2012 cohorts were used; data are as of 8/28/17.

Proposed Amendment: The Fourth Pathway: Mixed Regents Examination Scores and High School Equivalency Testing

At the September 2017 Regents meeting, the Board of Regents directed Department staff to develop a regulation to establish a fourth pathway to a high school equivalency diploma. The proposed amendment allows students who have passed any Regents high school examination in Mathematics, English Language Arts (ELA), Social Studies or Science, the opportunity to use passing scores in place of the corresponding TASC™ subtests.

Regents Exam	Recommendation
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:

- Students will not be allowed to utilize previously passed Regents examination scores towards a HSE diploma until they have exited from high school.
- A passing score on a Regents examination shall mean a 65, 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 two 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 of the appeal options set forth in §100.5(d)(7)(i)(a).

This new pathway to an HSE diploma will provide equitable access points and a diverse means by which New Yorkers can earn HSE credentials. 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 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)

September 2017:

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

Recommendation

Not applicable.

Timetable for Implementation

It is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at the January 2018 Regents meeting. If adopted at the January 2018 meeting, the proposed amendment will become effective on February 7, 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 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 February 7, 2018. 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 February 7, 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. 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

There are currently three pathways to a High School Equivalency (HSE) diploma in NYS.

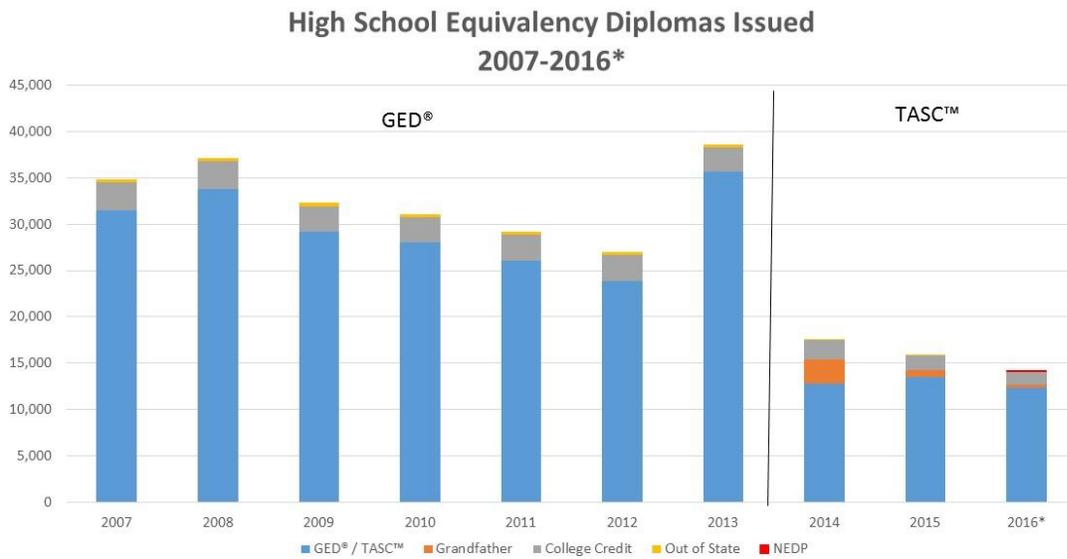
High School Equivalency Exam

Taking and passing the NYS HSE exam is the primary pathway for adults and out-of-school youth to obtain an HSE diploma. Last year, through 2017, over 16,000 New Yorkers passed the TASC™ test and were issued their NYS HSE diplomas (approximately 94% were in English, and 6% were in Spanish.)

New York State also allows eligible residents who lived outside of NYS and who passed GED® subtests prior to 2014, and TASC™ test subtests since 2014, to apply those passing scores to earn a NYS HSE Diploma. This practice is referred to as “Out-of-State” testers. In 2016 there were 31 Out-of-State HSE diploma recipients.

Figure 1 shows the number of diplomas issued via the three pathways since 2007.

Figure 1.



The number of High School Equivalency diplomas earned has declined as the number of P-12 graduates increases.
 *Data are as of 12/7/2016

24 College Credits

The HSE diploma earned through college credit has been available in accordance with CR 100.7 since the 1960’s. The last regulatory change regarding this program became effective in September 2004, when language was added to CR 100.7 to ensure

that college credits were from an approved institution and followed the prescribed course and credit distribution. In 2016, 1,417 New Yorkers received HSE diplomas by successfully completing the 24 college credit hour requirements.

National External Diploma Program

The authorization of the National External Diploma Program (NEDP) as a local HSE diploma was first adopted at the November 1984 Regents meeting, which added Section 100.8 as part of a new Part 100. The regulation allowed boards of education to award a local HSE diploma based upon experimental programs approved by the Commissioner, and became effective September 1, 1985.

The regulations were amended again in 2005, 2008, 2011, 2012, 2013, 2014, and 2015 to continue to allow school districts to issue local diplomas. In May 2016, an amendment was made to CR 100.7 and CR 100.8 to discontinue the NEDP as a local diploma and establish it as the third pathway to a state-issued HSE diploma. The NYSED began the issuance of these diplomas on September 1, 2016. Since its inception, 175 individuals have received their NYS HSE diplomas as a result of meeting the NEDP requirements.