



TO: The Honorable the Members of the Board of Regents

FROM: Angelica Infante-Green *A. Infante - Green*

SUBJECT: Proposed Amendment of Section 100.6 of the Commissioner's Regulations Relating to the Establishment of Criteria for the Approval of Work-Readiness Assessments for Earning the New York State Career Development and Occupational Studies Commencement Credential

DATE: November 3, 2016

AUTHORIZATION(S):

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt as an emergency measure the proposed amendment to section 100.6 of the Regulations of the Commissioner of Education relating to the establishment of criteria for the approval of work-readiness assessments for earning the New York State (NYS) Career Development and Occupational Studies (CDOS) Commencement Credential?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed amendment is presented to the Full Board for adoption as an emergency rule at the November Regents meeting. A copy of the proposed amendment 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 was published in the State Register on September 28, 2016.

Procedural History

In April 2013, the Board of Regents adopted regulations to create a CDOS Commencement Credential for students with disabilities 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 March 2016 meeting, the Board of Regents approved through emergency action an amendment to sections 100.5 and 100.6 of the Regulations of the Commissioner of Education to expand the opportunity to earn the CDOS Commencement Credential to all students and to establish a CDOS graduation pathway to allow students to earn a high school diploma if they complete the credit requirements; meet the requirements to earn the CDOS Commencement Credential; and pass four Regents assessments, one in each of the four discipline areas of math, English, science, and social studies. The regulations were approved as a permanent rule at the June 2016 Regents meeting and are applicable to all students who are otherwise eligible to graduate in June 2016 and thereafter.

Background Information

The NYS CDOS Commencement Credential is a credential recognized by the 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 Board of 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 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 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 hours¹ 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. 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 work readiness credentials, including but not limited to:

- National Work Readiness Credential;
- SkillsUSA Work Force Ready Employability Assessment;
- National Career Readiness Certificate WorkKeys; and
- Comprehensive Adult Student Assessment Systems Workforce Skills Certification System.

In order to ensure that the assessments taken under Option 2 to earn the CDOS Commencement Credential measure universal foundation skills necessary for entry-level employment, are of sufficient rigor, meet requirements for validity and reliability, and are available to all NYS students, the proposed regulations require that, on or after April 3, 2017, students who seek to use Option 2 to meet the requirements for the CDOS Commencement Credential must pass a work-readiness assessment approved by the Commissioner. The proposed amendment sets forth the criteria and conditions for assessments to be placed on the Commissioner's approval list and the Department will be working on a request for qualifications process to identify work-readiness assessments that meet these criteria so that students can begin taking such assessments in order to be eligible for a CDOS Commencement Credential on or after April 3, 2017. In the meantime, students may continue to receive a CDOS Commencement Credential if the student has met the requirements for one of the nationally recognized work readiness credentials described in the current regulation.

¹ These hours are equivalent to two courses which are usually completed as two of the student's electives.

Related Regent's Items

<http://www.regents.nysed.gov/meetings/2013/2013-04/p-12-educationadult-career-and-continuing-education-acces-joint-meeting>

<http://www.regents.nysed.gov/meetings/2016/2016-03/p-12-education>

<http://www.regents.nysed.gov/meetings/2016/2016-06/p-12-education>

<http://www.regents.nysed.gov/common/regents/files/916p12a1.pdf>

Recommendation

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

VOTED: That paragraph (4) of subdivision (b) of section 100.6 of the Regulations of the Commissioner be amended as submitted, effective December 12, 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 in order to provide sufficient time for the Commissioner to approve work-readiness assessments for students to earn a NYS CDOS Commencement Credential on or after April 3, 2017 and to ensure that the emergency rule adopted at the September 2016 Regents meeting remains in effect until it can be adopted as a permanent rule.

Timetable for Implementation

If adopted at the September Regents meeting, the emergency rule will take effect on December 12, 2016. It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the December 12-13, 2016 Regents meeting. If adopted at the December meeting, the proposed amendment will become effective as a permanent rule on December 28, 2016.

Attachments

Attachment A

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 208, 209, 305, 308 and 309.

1. Paragraph (4) of subdivision (b) of section 100.6 of the Regulations of the Commissioner of Education is amended, effective December 12, 2016, as follows:

(4) (i) Notwithstanding the provisions of paragraph (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 prior to April 3, 2017 to a student who has met the requirements for a nationally-recognized work-readiness credential, including but not limited to SkillsUSA Work Force Ready Employability Assessment, the National Work Readiness Credential, the National Career Readiness Certificate – (ACT) WorkKeys and the Comprehensive Adult Student Assessment Systems Workforce Skills Certification System.

(ii) On or after April 3, 2017, 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 received a satisfactory passing score on any work-readiness assessment approved by the commissioner pursuant to this subparagraph.

(a) Approval of work-readiness assessments by the commissioner. Each work work-readiness assessment approved by the commissioner shall meet the following criteria, in addition to any criteria set forth in any request for qualifications process:

(1) measure universal foundation knowledge, skills and abilities necessary for entry-level employment across multiple industries and occupations and the assessment shall be reviewed at least every five years and be updated accordingly;

(2) be designed in consultation with workforce experts, such as, but not limited to, employers, national business organizations, or federal or State labor agencies;

(3) be consistent with technical criteria for validity, reliability, and fairness in testing;

(4) be developed by an entity other than a local school or school district;

(5) be available for use by any school or school district in New York State; and

(6) be administered in accordance with assessment security conditions, directions and procedures established by the Commissioner.

Attachment B

8 NYCRR §100.6(b)(4)

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE
EMERGENCY ACTION

The proposed amendment is necessary to implement Regents policy to require that, on or after April 3, 2017, any work-readiness assessments used to meet the requirements for the New York State Career Development and Occupational Studies (CDOS) Commencement Credential shall be approved by the Commissioner and meet certain criteria and conditions prescribed by the Commissioner in regulations.

Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular (non-emergency) adoption, after publication in the State Register on September 28, 2016 and expiration of the 45-day public comment period provided for in State Administrative Procedure Act (SAPA) section 202(1) and (5), is the December 12-13, 2016 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the December meeting, would be December 28, 2016, the date a Notice of Adoption would be published in the State Register.

Emergency action is therefore necessary for the preservation of the general welfare in order to ensure that there is sufficient time for the Commissioner to approve work-readiness assessments pursuant to the criteria outlined in the proposed amendment so that affected students know which work-readiness assessments have been approved by the Commissioner so they can earn a NYS CDOS Commencement Credential on or after April 3, 2017 and to ensure that the emergency rule adopted at

the September 2016 Regents meeting remains in effect until it can be adopted as a permanent rule.

It is anticipated that the proposed amendment will be presented for adoption as a permanent rule at the December 2016 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 45-day public comment period prescribed by the State Administrative Procedure Act for State agency rule makings.