




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

**TO:** The Honorable the Members of the Board of Regents  
**FROM:** Kevin G. Smith   
**SUBJECT:** Amendment of Section 100.8 of the Regulations of the Commissioner of Education Relating to Local High School Equivalency Diplomas based upon Experimental Programs

**DATE:** April 11, 2013

**AUTHORIZATION(S):**

### Summary

#### Issue for Decision (Consent Agenda)

Should the Board of Regents adopt the proposed amendment to section 100.8 of the Regulations of the Commissioner of Education relating to local high school equivalency diplomas based upon experimental programs?

#### Reason for Consideration

Implementation of Policy

#### Proposed Handling

The proposed amendment will be presented to the Full Board for action at the April 2013 Regents meeting.

#### Procedural History

At the May 2012 Regents meeting, the Board of Regents amended section 100.8 of the Commissioner's Regulations to extend the authority of school boards to issue

local high school equivalency diplomas based upon experimental programs from June 30, 2012 to June 30, 2013.

### Background Information

Section 100.8 of the Regulations of the Commissioner of Education allows school districts to award local high school equivalency diplomas based upon experimental programs approved by the Commissioner. These diplomas differ from local high school diplomas which the Board of Regents has acted to phase out under Section 100.5 of the Commissioner's Regulations.

The proposed amendment would extend for two additional years, through June 30, 2015, the existing regulation that allows boards of education to award a local high school equivalency diploma based upon experimental programs. The extension will allow the continuance in New York State of the National External Diploma Program (NEDP), which is a complete assessment program that allows adults over age 21 to demonstrate and document the outcomes and transferable skills for which a high school diploma is awarded. The NEDP is a competency based, applied performance assessment system which capitalizes on an adult's life experiences and uses a practical application of learning for assessment through such methods as simulations, authentic demonstration, research projects, hands-on interviews and oral interviews. An NEDP candidate must demonstrate a job skill and the competencies that align with the skills needed to function effectively in the workplace. All competencies require 100 percent mastery.

This two-year extension is recommended to ensure that all current NEDP students in the approximately 25 program sites across the state are provided with an opportunity to complete their programs and earn a local high school equivalency diploma.

While the extension is in effect, depending on policy and direction from the Regents and the ACCES Committee, staff will be developing proposed amendments to Section 100.7 of the Commissioner's Regulations that will provide for multiple pathways to a New York State High School Equivalency Diploma. Under this new procedure, the National External Diploma Program could be established as a New York State High School Equivalency Diploma. These Equivalency Diplomas will be issued by the Department, as opposed to the local high school equivalency diploma which is issued by local school boards. This will create an additional option and pathway for adult students while phasing out the need and authority for school boards to issue the local high school equivalency diploma.

A Notice of Proposed Rule Making was published in the State Register on February 13, 2013. A copy of the proposed amendment is attached. Supporting materials are available on request from the Secretary to the Board of Regents.

### Recommendation

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

VOTED: That section 100.8 of the Regulations of the Commissioner of Education be amended, as submitted, effective May 8, 2013.

### Timetable for Implementation

If adopted at the April Regents meeting, the proposed amendment will become effective on May 8, 2013, and extend the authority of school boards to issue local high school equivalency diplomas based upon experimental programs from June 30, 2013 to June 30, 2015.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 208, 209, 305, 309 and 3204

Section 100.8 of the Regulations of the Commissioner of Education is amended, effective May 8, 2013, as follows:

100.8 Local high school equivalency diploma.

Boards of education specified by the commissioner may award a local high school equivalency diploma based upon experimental programs approved by the commissioner until [June 30, 2013] June 30, 2015, after which date such boards may no longer award a local high school equivalency diploma.