



TO: The Honorable Members of the Board of Regents

FROM: Ceylane Meyers-Ruff *Ceylane Meyers-Ruff*

SUBJECT: Proposed Amendment of Section 100.7 of the Regulations of the Commissioner of Education Relating to the Examination for a High School Equivalency Diploma

DATE: April 4, 2024

AUTHORIZATION(S): *Jan M. Bellamy*

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amendment of section 100.7 of the Regulations of the Commissioner of Education relating to the examination for a High School Equivalency Diploma?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at the April 2024 Regents meeting. A copy of the proposed rule is (Attachment A) attached.

Procedural History

The proposed amendment was presented to the Adult Career and Continuing Education Services Committee for discussion at the December 2023 Regents meeting. A Notice of Proposed Rule Making was published in the State Register on December 27, 2023, for a 60-day public comment period. Following publication in the State Register, the Department received no comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required and no changes to the proposed amendment are needed. If adopted at the April 2024 meeting a Notice of Adoption will be published in the State Register on May 1, 2024. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

From January 2, 2014, to December 31, 2021, the New York State High School Equivalency exam was the Test Assessing Secondary Completion (TASC). The TASC was comprised of five sections: language arts – reading; language arts – writing; mathematics; science; and social studies.

Effective January 2022, the General Educational Development (GED)[®] Test replaced the TASC as the primary pathway to a New York State High School Equivalency (HSE) Diploma. There are four subject tests in the GED Test battery: reasoning through language arts (reading and writing); social studies; science; and mathematical reasoning. The proposed amendment updates section 100.7(d) to reflect that there are four subject tests in the current GED Test. Additionally, the final sentence of this subdivision has been removed as the information is no longer relevant to the GED Test adopted in 2022. Specifically, prior to 2014, when NYSED adopted the TASC, the older version of the GED Test was the state's HSE exam (1940s – 2013) and a minimum cumulative score was required, in addition to each of the subtests being passed, to qualify for an HSE diploma. This provision no longer applies to the current GED Test.

The Department also proposes to repeal subdivision (f) of such section since there is no charge for first time high school equivalency diplomas and transcripts for the other three pathways to an HSE diploma. Fees are only charged for duplicate documents (i.e., diplomas and transcripts), for circumstances listed in subdivision (g) of such section.

Related Regents Items

June 2022: [Proposed Amendment of Section 100.7\(a\) of the Regulations of the Commissioner of Education Relating to the General Comprehensive Examination Subtests and Grandfathering of Prior Passing Scores](https://www.regents.nysed.gov/sites/regents/files/722brca1.pdf)
(<https://www.regents.nysed.gov/sites/regents/files/722brca1.pdf>)

December 2023: [Proposed Amendment of Section 100.7 of the Regulations of the Commissioner of Education Relating to the Examination for a High School Equivalency Diploma](https://www.regents.nysed.gov/sites/regents/files/1223accesd1.pdf)
(<https://www.regents.nysed.gov/sites/regents/files/1223accesd1.pdf>)

Recommendation

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

VOTED: That section 100.7 of the Regulations of the Commissioner of Education be amended, as submitted, effective May 1, 2024.

Timetable for Implementation

If adopted at the April 2024 meeting, the proposed amendment will become effective as a permanent rule on May 1, 2024.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Subdivision (d) of section 100.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(d) Retesting. A candidate may take the examination for the high school equivalency diploma more than once. A period of at least 60 days shall elapse between testing periods. A different form of the examination shall be used for each retesting. The application procedures for each retesting shall be the same as for the original testing. On each retesting, a candidate shall have the option of retaking any or all of the [five] four tests in the battery. [Candidates who do not qualify for the diploma on the basis of retest scores shall have their eligibility for the diploma reevaluated on the basis of the highest score obtained on each test previously taken in the current administration series, or under the conditions as outlined by subparagraph (ii) of paragraph (2) of subdivision (a) of this section.]

2. Section 100.7(f) of the Regulations of the Commissioner of Education is REPEALED and reserved.