






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:** National External Diploma Program  
**DATE:** May 9, 2016

**AUTHORIZATION(S):**

## SUMMARY

### Issues for Decision (Consent Agenda)

Should the Board of Regents amend sections 100.7 and 100.8 of the Commissioner's Regulations to make the National External Diploma Program (NEDP) the third pathway (along with the TASC test and the 24 College Credit program) to a New York State High School Equivalency Diploma?

Should the Board of Regents amend section 100.7 of the Commissioner's Regulations to lower the minimum age of participation in the NEDP program from 21 to 18 years?

### Reason(s) for Consideration

Review of Policy

### Proposed Handling

This item will come before the Full Board for action at the May 2016 Regents meeting. A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

## **Procedural History**

The proposed amendment was discussed by the Full Board at the February 2016 Regents meeting. A Notice of Proposed Rule Making was published in the State Register on March 9, 2016.

The authorization of the NEDP as a local High School Equivalency Diploma was first adopted at the November 1984 Regents meeting which added Section 100.8 as part of a new Part 100 of the Commissioner's Regulations. The new regulation allowed boards of education to award a local high school equivalency diploma based upon experimental programs approved by the commissioner and was made effective **September 1, 1985**.

At the July 1999 Regents meeting, section 100.8 was amended to establish a sunset date of **January 31, 2005** "after which date such boards may no longer award a local high school equivalency diploma."

At the November 2004 Regents meeting, section 100.8 was amended to extend the sunset date to **January 31, 2008**.

At the January 2008 Regents meeting, the sunset date was extended to **June 30, 2011** to ensure consistency with another, contemporary amendment to Commissioner's Regulation section 100.5 that extended the ability for school districts to issue local diplomas through June 30, 2011.

The Regents have extended the sunset date an additional four times. CR 100.8 is now set to expire on **June 30, 2017**.

## **Background Information**

The National External Diploma Program (NEDP) allows participants to show their proficiency in competencies that are aligned to the higher standards and the College and Career Readiness Standards for Adult Education. The program has the potential to benefit many more individuals in New York State who are seeking a high school diploma.

The NEDP is an applied performance assessment system administered by Comprehensive Adult Student Assessment Systems (CASAS) for adults and out-of-school youth who are seeking a high school diploma. To complete the program, participants must demonstrate mastery of skills for success in postsecondary education and the workplace. The lowest age of participation in NEDP according to CASAS is 18; however, participating states (and regions) may set their own minimum age requirements. Currently, the minimum age requirement in New York State is 21.

In lieu of taking traditional paper and pencil standardized exams, NEDP participants meet one-on-one with an assigned trained practitioner in order to demonstrate mastery of 70 competencies across 10 content areas via a variety of performance tasks completed at home and through in-office visits and competency progress reports. The assessment portion of the program is entirely web-based. NEDP competencies are academic and life skills acquired through life and work experiences. While the NEDP is non-traditional in many ways, it is a highly structured, criterion-referenced assessment, where participants must achieve 100% mastery across all areas. The self-paced, flexible study and assessment schedule make it ideal for adult learners, easing the burden of studying, familial and work obligations. English language learners also benefit from NEDP, as they may be proficient in their native language but unable to master the highly specific content knowledge (such as U.S. History) needed to succeed on a high school or HSE exam. Special needs students are also served by NEDP, as they are able to set their own pace and demonstrate incremental progress over the course of the program rather than the “all-or-nothing” option of a high stakes assessment.

Currently in New York State, NEDP does not lead to a State Equivalency Diploma under CR 100.7, but rather a Local Equivalency Diploma under CR 100.8. While New York State does not include NEDP under CR 100.7, (the regulation that confers the New York State High School Equivalency Diploma) other participating states do grant a state diploma to participants who complete the NEDP.

At the November 2016 ACCES Committee meeting, the Regents discussed the possibility of making the NEDP a third pathway to a New York State High School Equivalency Diploma by amending the Commissioner’s Regulations such that the NEDP would result in a State high school equivalency diploma (as governed by CR 100.7) rather than a local high school equivalency diploma (as governed by CR 100.8). Such a change may result in added legitimacy for the NEDP diploma in the eyes of employers and educational institutions and a resulting increase in enrollment in the program.

The Regents also discussed lowering the age of participation to 18 to allow for increased participation in this program and to decrease the potential gap between when a student leaves high school and when they can subsequently begin an NEDP program.

Following the 45-day public comment period required under the State Administrative Procedure Act, the Department received no comments on the proposed amendment.

## **Recommendation**

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

VOTED: That subparagraph (i) of paragraph (1) and subparagraph (i) of paragraph (2) of subdivision (a) of section 100.7 and section 100.8 of the Regulations of the Commissioner of Education be amended as submitted, effective June 1, 2016.

## **Timetable for Implementation**

If adopted at the May 2016 Regents meeting, the regulation amendment will take effect on June 1, 2016; and provides that the NEDP pathway option to a New York State high school equivalency diploma shall take effect on September 1, 2016.

## AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 208, 209, 305, 308, 309, 3204 and 3205

1. Subparagraph (i) of paragraph (1) of subdivision (a) of section 100.7 of the Regulations of the Commissioner of Education is amended, effective June 1, 2016, as follows:

(i) shall be 19 years of age or over, or 18 years of age or older in the case of a student receiving a high school equivalency diploma based on successful completion of the National External Degree Program; or

2. Subparagraph (i) of paragraph (2) of subdivision (a) of section 100.7 of the Regulations of the Commissioner of Education is amended, effective June 1, 2016, as follows:

(2)(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; 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 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

(c) provide satisfactory evidence that they have successfully completed 24 semester hours or the equivalent as a recognized candidate for a college-level degree or certificate at an approved institution. Beginning with applications made on or after September 1, 2000 and before September 30, 2004, the 24 semester hours shall be distributed as follows: six semester hours or the equivalent in English language arts including writing, speaking and reading (literature); six semester hours or the equivalent in mathematics; three semester hours or the equivalent in natural sciences; three semester hours or the equivalent in social sciences; three semester hours or the equivalent in humanities; and three semester hours or the equivalent in career and technical education and/or foreign languages. Beginning with applications made on or after September 30, 2004, the 24 semester hours shall be distributed as follows: six semester hours or the equivalent in English language arts including writing, speaking and reading (literature); three semester hours or the equivalent in mathematics; three semester hours or the equivalent in natural sciences; three semester hours or the equivalent in social sciences; three semester hours or the equivalent in humanities; and six semester hours or the equivalent in any other courses within the registered degree or certificate program; or

(d) effective September 1, 2016 and thereafter, provide satisfactory evidence that they have successfully completed and thoroughly demonstrated the delineated competencies of the National External Diploma Program.

3. Section 100.8 of the Regulations of the Commissioner of Education is amended, effective June 1, 2016, as follows:

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, 2017] August 31, 2016, after which date such boards may no longer award a local high school equivalency diploma.