



TO: The Honorable Members of the Board of Regents

FROM: Angelique Johnson-Dingle *Angelique Johnson-Dingle*
Jason Harmon *Jason Harmon*

SUBJECT: Proposed Amendment of Sections 100.5(a) and (b) and 100.4(d) of the Regulations of the Commissioner of Education Relating to Exemptions from Diploma Assessment Requirements for Major Life Events

DATE: July 3, 2025

AUTHORIZATION(S): *Dom N. G.* *Betty M.*

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amendment of sections 100.5(a) and (b) and 100.4(d) of the Regulations of the Commissioner of Education relating to exemptions from diploma assessment requirements for major life events?

Reason for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at the July 2025 Regents meeting. A copy of the proposed rule (Attachment A) is attached.

Procedural History

The proposed amendment was presented to the P-12 Education Committee for discussion and recommendation to the Full Board for adoption as an emergency rule at its March 2025 meeting, effective March 11, 2025. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on March 26, 2025, for a 60-day public comment period. Because the March 2025 emergency action was set to expire on June 8, 2025, a second emergency action was necessary at the May 2025

Regents meeting, effective June 9, 2025, to ensure that the emergency rule remained continuously in effect until it could be permanently adopted.

Following publication in the State Register, the Department received comments on the proposed amendment. An Assessment of Public Comment (Attachment B) is attached. No changes to the proposed amendment are recommended at this time. If adopted at the July 2025 meeting, a Notice of Adoption will be published in the State Register on July 30, 2025. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

In November 2023, the Blue Ribbon Commission on Graduation Measures presented its [recommendations](https://www.nysed.gov/sites/default/files/programs/grad-measures/nys-blue-ribbon-commission-graduation-measures-report.pdf) (https://www.nysed.gov/sites/default/files/programs/grad-measures/nys-blue-ribbon-commission-graduation-measures-report.pdf) to the Board of Regents. The Graduation Measures Initiative was an unprecedented effort that brought together student voices, along with a diverse range of stakeholders — including parents, educators, administrators, school support staff, representatives of higher education, and the business community. The Blue Ribbon Commission created a roadmap for learning-centered education that best meets the needs of every student in New York State and incorporates competency imperatives that provide them with the practical skills needed for the dynamic demands of tomorrow's workforce.

As leaders in education, the Blue Ribbon Commission members were mindful of individual student circumstance and needs. As such, one of the Commission's recommendations was to pursue regulatory changes to provide exemptions from diploma assessment requirements for major life events (such as medical conditions, death of a family member, or other trauma as further defined by the Blue Ribbon Commission).

Based on this recommendation, the Department now proposes to amend the Regulations of the Commissioner of Education to allow a superintendent, principal, or head of school (as applicable to a registered nonpublic school or charter school) to make a local determination to grant an exemption from the diploma assessment requirements for students who experienced a major life event prior to the planned administration of a required diploma assessment (i.e., Regents Examination, NYSED-Approved Regents Examination Alternative, or a NYSED-Approved Pathway Assessment).

Additional guidance will be available once the regulatory amendment is effective.

Related Regents Items

[April 2025: Proposed Amendment of Sections 100.5\(a\) and \(b\) and 100.4\(d\) of the Regulations of the Commissioner of Education Relating to Exemptions from Diploma Assessment Requirements for Major Life Events](https://www.regents.nysed.gov/sites/regents/files/525brca10.pdf)
(https://www.regents.nysed.gov/sites/regents/files/525brca10.pdf)

[March 2025: Proposed Amendment of Section 100.5\(a\) and \(b\) and 100.4\(d\) of the Regulations of the Commissioner of Education Relating to Exemptions from Diploma Assessment Requirements for Major Life Events](https://www.regents.nysed.gov/sites/regents/files/325p12a2.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/325p12a2.pdf>)

[November 2024: NY Inspires: A Plan to Transform Education in New York State](https://www.regents.nysed.gov/sites/regents/files/FB%20Monday%20-%20Graduation%20Measures%20Update.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/FB%20Monday%20-%20Graduation%20Measures%20Update.pdf>)

[June 2024: New York State Graduation Measures Initiative: A Transformational Vision](https://www.regents.nysed.gov/sites/regents/files/FB%20Monday%20-%20New%20York%20State%20Graduation%20Measures%20Initiative%20-%20.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/FB%20Monday%20-%20New%20York%20State%20Graduation%20Measures%20Initiative%20-%20.pdf>)

[May 2024: New York State Graduation Measures Initiative: Board of Regents Update](https://www.regents.nysed.gov/sites/regents/files/FB%20Monday%20-%20New%20York%20State%20Graduation%20Measures%20Initiative_0.pdf)

(https://www.regents.nysed.gov/sites/regents/files/FB%20Monday%20-%20New%20York%20State%20Graduation%20Measures%20Initiative_0.pdf)

[May 2024: Proposed Amendment of Section 100.5\(b\) of the Regulations of the Commissioner of Education Relating to Posthumous High School Diplomas](https://www.regents.nysed.gov/sites/regents/files/524p12a1revised.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/524p12a1revised.pdf>)

[November 2023: New York State Graduation Measures Initiative: Recommendations from the Blue Ribbon Commission](https://www.regents.nysed.gov/sites/regents/files/FB%20Monday%20-%20New%20York%20State%20Graduation%20Measures%20Initiative.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/FB%20Monday%20-%20New%20York%20State%20Graduation%20Measures%20Initiative.pdf>)

Recommendation

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

VOTED: That sections 100.5(a) and (b) and 100.4(d) of the of the Regulations of the Commissioner of Education be amended, as submitted, effective July 30, 2025.

Timetable for Implementation

If adopted at the July 2025 meeting, the proposed amendment will become effective as a permanent rule on July 30, 2025.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Paragraph (5) of subdivision (a) of section 100.5 of the Regulations of the Commissioner of Education is amended by adding a new subparagraph (ix) to read as follows:

(ix) Exemptions from diploma assessment requirements for major life events.

(a) For the purposes of this subparagraph, superintendent shall mean the superintendent of a school district or the principal, head of school, or their equivalent, of a charter school or registered nonpublic school, as applicable.

(b) Notwithstanding any other provision of this section, a superintendent may grant an exemption from a required diploma assessment, as described in subparagraph (i) of paragraph (5) of subdivision (a) of this section, in response to a request by the student who experienced a major life event, such student's parent or person in parental relation, or school or district staff at which such student is enrolled; provided the student meets the following criteria:

(1) the student was enrolled in a course of study or a makeup program leading to a required diploma assessment;

(2) the student met or exceeded the expected learning outcomes for the course of study; and

(3) a major life event has significantly impacted or prevented the student from participating in such assessment.

(c) Prior to granting an exemption, the superintendent must obtain consent to do so from the student's parent or person in parental relation, or from the student if the student is over the age of majority (age 18) and is not a student with a disability receiving services under the Individuals with Disabilities Education Act (IDEA), or from the student if the student is under the age of majority but is emancipated and acting on their own behalf.

(d) In determining whether to grant an exemption for each eligible student under this paragraph, the superintendent shall consider evidence that the student met or exceeded the expected learning outcomes for the course of study in the subject area under review. Such evidence may include, but need not be limited to, the student's final course grade, student work completed throughout the school year, and/or any interim, portfolio, or performance-based assessment(s) of the student's proficiency in the applicable learning standards.

(e) Following the superintendent's review of evidence, the superintendent shall, as soon as practicable, provide each student and/or parent or person in parental relation to the student with notification of the superintendent's decision to grant or deny an exemption from a required diploma assessment. A form documenting the diploma assessment exemption and the reasons for such exemption must be signed by the superintendent, and the original completed form must be retained in the student's permanent record.

(f) Exemptions from diploma assessment requirements for major life events apply to all diploma types.

(g) The commissioner may conduct audits of compliance with the requirements of this paragraph.

2. Subparagraph (ii) of paragraph (2) of subdivision (d) of section 100.4 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) the student passes the course and the associated checkpoint A locally developed world language test or Regents examination, when available, provided, however that a student shall be awarded credit for an accelerated course where such student passes the course and has been exempted from the associated Regents examination or checkpoint A locally developed world language exam pursuant to [paragraph (iv)] subparagraphs (v), (vi), and (ix) of paragraph (5) of subdivision (a) of section 100.5 [of this Part or from the associated checkpoint A locally developed world language test pursuant to] and paragraph (5) of subdivision (d) of section 100.2 of this Part [due to the COVID-19 crisis]. The credit must be accepted as a transfer credit by all registered New York State high schools; or

3. Clause (c) of subparagraph (ii) of paragraph (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(c) Notwithstanding the provisions of clauses (a) and (b) of this subparagraph, Regents examination requirements that have been exempted pursuant to subparagraphs (vi) and (ix) of paragraph (5) of subdivision (a) of this section shall not be considered in the calculation to determine whether such student has achieved an average of 90 for purposes of awarding a Regents diploma with an honors endorsement provided the student has at least three Regents examinations scores. In the event the student has fewer than three Regents exam scores due to being exempted pursuant to subparagraphs (vi) and (ix) of paragraph (5) of subdivision (a) of this section, the student's final course grade for each course in which a Regents examination exemption

was granted shall be substituted for the Regents exam score in determining whether such student has achieved an average of 90 for purposes of awarding a Regents diploma with honors endorsement.

4. Subparagraph (x) of paragraph (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(x) Students who first enter grade nine in September 2009 and thereafter who complete all coursework and testing requirements for the Regents diploma with advanced designation in mathematics and/or science, and who pass, with a score of 85 or better, three commencement level Regents examinations in mathematics and/or three commencement level Regents examinations in science, will earn a Regents diploma with advanced designation, with an annotation on the diploma that denotes mastery in mathematics and/or science, as applicable, except that students who pass, with a score of 85 or better two commencement level Regents examinations in mathematics and/or science and who have been exempted from a third Regents examination in math and/or science [due to the COVID-19 crisis] pursuant to subparagraphs (vi) and (ix) of paragraph (5) of subdivision (a) of this section, will earn a Regents diploma with advanced designation, with an annotation on the diploma that denotes mastery in mathematics and/or science as applicable. In cases where two exemptions have been granted for a Regents examination in math or science [due to the COVID-19 crisis] pursuant to subparagraphs (vi) and (ix) of paragraph (5) of subdivision (a) of this section, such student will earn a mastery endorsement if such student earns a final course average of 85 or greater for each math or science course for which a Regents examination exemption was granted.

ASSESSMENT OF PUBLIC COMMENT

Following publication of the Notice of Emergency Adoption and Proposed Rule Making in the State Register on March 26, 2025, the Department received the following comments on the proposed rule:

1. COMMENT: One commenter suggests that the Department clarify that exemptions from diploma-required assessments may only be granted by the superintendent in a public school district. The commenter claims that the Department previously indicated “only the superintendent could grant...exemptions after conferring with the principal,” but the current definition of superintendent also allows for principals of charter schools to grant exemptions. Next, the commenter indicates that the proposed rule is too broad and that “it would be beneficial for implementation purposes to include a time frame or range in which the life event should have occurred.” The commenter also opines that “[f]urther clarification should be made that such exemptions may be granted after taking the examination.” Finally, the commenter states that superintendents should be required to gather specific evidence of the existence of a major life event that would impact the ability to participate in the assessment before granting an exemption.

DEPARTMENT RESPONSE: With respect to the first comment, the regulatory language indicates that only superintendents may grant exemptions in public school districts. Principals of a charter school may grant such exemptions if their position is the “equivalent” of a superintendent, as indicated in the proposed rule. Similar information is available within the “Frequently Asked Questions about NYS Graduation

Requirements” resource (found at <https://www.nysed.gov/standards-instruction/frequently-asked-questions-about-nys-graduation-requirements>).

With respect to the second comment, the Department’s intent is to encourage superintendents and heads of schools to consider exemptions for major life events on a case-by-case basis. The Department believes that school and district leaders are in the best position to understand the impact of a major life event on individual students and wanted to provide them with discretion to make these choices for their students. The Department’s “Frequently Asked Questions about NYS Graduation Requirements” resource clarifies that “[i]f consent is obtained and the superintendent deems the student satisfied the eligibility conditions, the exemption for a major life event may be granted. *This is true even if the student attempted the specific diploma assessment requirement*” (emphasis added).

With respect to the final comment, the proposed rule does not contain an evidentiary standard; the Department believes it is more appropriate to afford superintendents discretion in determining when a major life event significantly impacted or prevented a student from participating in a required diploma assessment. As a result, no changes to the proposed rule are necessary.