



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

TO: EMSC Committee

FROM: John B. King, Jr.

SUBJECT: Proposed addition of section 100.5(d)(8) of the Regulations of the Commissioner of Education, relating to Making Up Course Credit

DATE: December 8, 2009

STRATEGIC GOAL: Goals 1 and 2

AUTHORIZATION(S):

SUMMARY

Issue for Discussion

Should the Board of Regents add a new section 100.5(d)(8) of the Commissioner's Regulations to prescribe requirements for making up course credit ?

Reason(s) for Consideration

Implementation of Policy

Proposed Handling

This question will come before the EMSC Committee for discussion in December and will be submitted for approval at the April 2010 Regents meeting.

Procedural History

Not applicable.

Background Information

In April 2009, the EMSC Committee of the Board of Regents reviewed a "Draft Proposed Policy on Making Up Course Credit and Receiving Course Credit for Independent Study." After review and discussion, the Regents directed staff to seek public input on the draft policy on making up course credit. A field survey was posted on the Department's Web site in June and concluded in September. A summary and

analysis of the survey responses was compiled and submitted for review and consideration in October.

At the October 13, 2009 Board of Regents meeting, members reviewed and approved policy relating to making up course credit. Staff was directed to draft regulatory changes to the Commissioner's Regulations to implement the make up course credit policy.

The proposed rule establishes standards for make-up credit programs for school districts, registered nonpublic schools, and charter schools that choose to offer such programs. The rule is intended to insure appropriate levels of rigor and quality for make-up (credit recovery) programs implemented by local schools.

The make-up program must be aligned with the New York State learning standards for that subject, satisfactorily address the student's course completion deficiencies and individual needs, and ensure that the student receives equivalent, intensive instruction in the subject matter area provided under the direction and/or supervision of a teacher. For programs offered by school districts and boards of cooperative educational services, the direction and supervision must be provided by a teacher certified in the subject matter area.

In the case of a school district or registered nonpublic school, a student's participation in the make-up credit program must be approved by a school-based panel consisting of, at a minimum, the principal, a teacher in the subject area for which the student must make up credit, and a guidance director or other administrator.

To receive credit, the student must successfully complete the make-up credit program and demonstrate mastery of the learning outcomes for the subject, including passing the Regents examination in the subject or other assessment required for graduation, if applicable.

A Notice of Proposed Rule Making will be published in the State Register no later than January 27, 2010. A copy of the proposed rule is attached. Supporting materials are available on request from the Secretary to the Board of Regents.

Recommendation

Staff recommends that the Regents reach consensus on the intent of the proposed amendment prior to its submission in April 2010 for approval.

Timetable for Implementation

It is anticipated that the proposed amendment will be submitted to the Board of Regents for approval in April 2010, with an effective date of May 12, 2010, and an implementation date of July 1, 2010.

Attachment

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 208, 209, 305, 308, 309 and 3204 of the Education Law.

Paragraph (8) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is added, effective May 12, 2010, as follows:

(8) Making Up Incomplete or Failed Course Credit. Commencing July 1, 2010 and thereafter, a school district, registered nonpublic school, or charter school may provide a student, who had the opportunity to complete a unit of study in a given high school subject but who failed to demonstrate mastery of the learning outcomes for such subject, with an opportunity to make up a unit of credit for such subject toward either a Regents or local diploma, pursuant to the following:

(i) To receive credit, the student shall successfully complete a make-up credit program and demonstrate mastery of the learning outcomes for the subject, including passing the Regents examination in the subject or other assessment required for graduation, if applicable.

(ii) The make-up credit program shall:

(1) be aligned with the applicable New York State learning standards for such subject;

(2) satisfactorily address the student's course completion deficiencies and individual needs; and

(3) ensure that the student receives equivalent, intensive instruction in the subject matter area provided, as applicable, under the direction and/or supervision of:

(a) a school district teacher who is certified in the subject matter area; or

(b) a teacher from a board of cooperative educational services (BOCES) that contracts with the school district to provide instruction in the subject matter area pursuant to Education Law §1950, and who is certified in such area; or

(c) a teacher of the subject matter area in the registered nonpublic school or charter school.

(iii) In the case of a school district or registered nonpublic school, the student's participation in the make-up credit program shall be approved by a school-based panel consisting of, at a minimum, the principal, a teacher in the subject area for which the student must make up credit, and a guidance director or other administrator.

(iv) For purposes of this paragraph, a make-up credit program may include, but is not limited to:

(a) repeating an entire course;

(b) taking the course again as part of a summer school program;

(c) receiving intensive instruction in the deficiency areas of the course; or

(d) digital learning (online study) that:

(1) is comparable in scope and quality to regular classroom instruction;

(2) provides for documentation of satisfactory student achievement; and

(3) includes regular and substantive interaction between the student and the teacher providing direction and/or supervision pursuant to clause (3) of subparagraph (ii) of this paragraph.