

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Section 100.5 of the Regulations of the Commissioner of Education is amended, effective January 7, 2010, as follows:

§100.5 Diploma requirements.

(a) General requirements for a Regents or a local high school diploma. Except as provided in paragraph (d)(6) of this section, the following general requirements shall apply with respect to a Regents or local high school diploma. Requirements for a diploma apply to students depending upon the year in which they first enter grade nine. A student who takes more than four years to earn a diploma is subject to the requirements that apply to the year that student first entered grade nine. Students who take less than four years to complete their diploma requirements are subject to the provisions of subdivision (e) of this section relating to accelerated graduation.

(1) . . .

(2) . . .

(3) . . .

(4) . . .

(5) State assessment system. (i) Except as otherwise provided in subparagraphs (ii), (iii) and (iv) of this paragraph, all students shall demonstrate attainment of the New York State learning standards:

(a) English:

(1) . . .

(2) . . .

(3) for students with disabilities who first enter grade nine in or after September 1996 and prior to September [2010] 2011 and who fail the Regents comprehensive examination in English, the English requirements for a local diploma may be met by passing the Regents competency test in reading and the Regents competency test in writing or their equivalents. For students with disabilities who first enter grade nine in September 2005 and thereafter, the English requirements for a local diploma may also be met by passing the Regents comprehensive examination in English with a score of 55-64. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law, section 3202 or 4402(5);

(4) . . .

(b) Mathematics:

(1) . . .

(2) . . .

(3) for students with disabilities who first enter grade nine in or after September 1997 and prior to September [2010] 2011 and who fail a Regents examination in mathematics, the mathematics requirements for a local diploma may be met by passing the Regents competency test in mathematics or its equivalent. For students with disabilities who first enter grade nine in September 2005 and thereafter, the mathematics requirements for a local diploma may also be met by passing [the] a Regents examination in mathematics with a score of 55-64. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law, section 3202 or 4402(5);

(4) . . .

(c) United States history and government:

(1) . . .

(2) . . .

(3) for students with disabilities who first enter grade nine in or after September 1998 and prior to September [2010] 2011 and who fail the Regents examination in United States history and government, the United States history and government requirements for a local diploma may be met by passing the Regents competency test in United States history and government. For students with disabilities who first enter grade nine in September 2005 and thereafter, the United States history and government requirements for a local diploma may also be met by passing the Regents examination in United States history and government with a score of 55-64. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law, section 3202 or 4402(5);

(4) . . .

(d) Science:

(1) . . .

(2) . . .

(3) for students with disabilities who first enter grade nine in or after September 1999 and prior to September [2010] 2011 and who fail a Regents examination in science, the science requirements for a local diploma may be met by passing the Regents competency test in science. For students with disabilities who first enter grade nine in [or after] September 2005 and thereafter, the science requirements for a local diploma may also be met by passing [the] a Regents examination in science with a

score of 55-64. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law, section 3202 or 4402(5);

(4) . . .

(e) Global history and geography:

(1) . . .

(2) . . .

(3) for students with disabilities who first enter grade nine in or after September 1998 and prior to September [2010] 2011 and who fail the Regents examination in global history and geography, the global history and geography requirements for a local diploma may be met by passing the Regents competency test in global studies. For students with disabilities who first enter grade nine in [or after] September 2005 and thereafter, the global history and geography requirements for a local diploma may also be met by passing the Regents examination in global history and geography with a score of 55-64. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law, section 3202 or 4402(5);

(4) . . .

(ii) . . .

(iii) . . .

(iv) . . .

(v) . . .

(6) . . .

(7) . . .

(8) . . .

(b) Additional requirements for the Regents diploma. Except as provided in paragraph (d)(6) of this section, the following additional requirements shall apply for a Regents diploma.

(1) . . .

(2) . . .

(3) . . .

(4) . . .

(5) . . .

(6) . . .

(7) Types of diplomas. (i) . . .

(ii) . . .

(iii) . . .

(iv) . . .

(v) . . .

(vi) For students with disabilities who first enter grade nine in or after September 2001 and prior to September [2010] 2011 and who fail required Regents examinations for graduation but pass Regents [Competency Tests] competency tests in those subjects, as provided for in paragraph (a)(5) of this section, a local diploma may be issued by the local school district. For students with disabilities who first enter grade nine in September 2005 and thereafter, a score by such student of 55-64 may be considered as a passing score on any Regents examination required for graduation, and in such event and subject to the requirements of paragraph (c)(6) of this section, the school may issue a local diploma to such student. This provision shall apply only to

students with disabilities who are entitled to attend school pursuant to Education Law, section 3202 or 4402(5).

(vii) . . .

(viii) . . .

(ix) . . .

(x) . . .

(c) . . .

(d) . . .

(e) . . .

(f) . . .