

AMENDMENT OT THE REGUALTIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 305, 3300-3318 of the Education Law, as amended by Chapter 328 of the Laws of 2014.

1. Paragraph (4) of subdivision (a) of section 100.5 of the Regulations of the Commissioner of Education is amended, to read as follows:

(4)(i) [All] Except as otherwise provided in subparagraph (ii) of this paragraph, all students shall have earned the equivalent of two units of credit in physical education in accordance with the requirements set forth in section 135.4(c)(2)(ii) of this Title. Such units of credit shall not count towards the required units of credit set forth in paragraphs (1) and (2) of this subdivision for those students who enter grade nine before the 2001-2002 school year. Beginning with the 2001-2002 school year and thereafter, such units of credit in physical education shall count toward the required total. A student who has completed the diploma requirements as set forth in paragraphs (1) and (2) of this subdivision in fewer than eight semesters, and who is otherwise eligible to receive a diploma, shall not be required to continue enrollment in high school for the sole purpose of completing the physical education requirements as set forth in this paragraph. Any student who has completed eight semesters in a registered New York State high school or a high school outside the registered New York state high school awarding the credits, and who has accumulated the required units of credit in physical education to meet the diploma requirements, shall not be required to continue enrollment in physical education courses for any additional semesters.

(ii) Students who enter a registered New York State high school and have completed one or more semesters in a high school outside New York State shall be exempt from the

required two units of credit requirement in physical education for a diploma. Instead, such students shall be required to enroll in physical education courses every semester they are in a registered New York State high school, and shall earn ¼ unit of credit in physical education for each semester completed in a registered New York State high school to meet the diploma requirements.

2. Subparagraphs (iii) and (iv) of paragraph (5) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is amended, to read as follows:

(5) Transfer credit. Transfer credit is awarded for work done outside the registered New York State high school awarding the credit.

(i) . . .

(ii) . . .

(iii) (a) . . .

(b) Students who enter a registered New York State high school for the first time in grade 11 in the 2002-2003 school year and thereafter, or who reenter a registered New York State high school in grade 11 after having been enrolled in a registered New York State high school for three or fewer semesters, other than those students who have received home instruction pursuant to section 100.10 of this Part in New York State or who have been enrolled in a registered or non-registered public or nonpublic New York State high school, in order to receive a high school diploma must pass the Regents [Comprehensive Examination] examination in English Language Arts, a Regents examination in mathematics, a Regents examination in United States history and government, and a Regents examination in science, or approved alternatives. The principal may exempt such student from the requirement for the Regents examination in

global history and geography ordinarily taken and passed before the date of the student's entry. Additionally, for such student who first enters grade 11 in a registered New York State high school, or who reenter a registered New York State high school in grade 11 after having been enrolled in a registered New York State high school for three or fewer semesters, in the 2018-2019 school year and thereafter, the principal may exempt the student from the two units of credit requirement in global history and geography by substituting two units of credit in social studies.

(iv)

(a) . . .

(b) Students who enter a registered New York State high school for the first time in grade 12 in the 2004-2005 school year and thereafter, or who reenter a registered New York State high school in grade 12 after having been enrolled in a registered New York State high school for three or fewer semesters, other than those students who have received home instruction pursuant to section 100.10 of this Part in New York State or who have been enrolled in a registered or non-registered public or nonpublic New York State high school in order to receive a high school diploma must pass the Regents [Comprehensive] [E]xamination in English, a Regents examination in mathematics, and a Regents examination in United States history and government, or approved alternatives. The principal may exempt such student from the requirement for the Regents examination in science and the Regents examination in global history and geography ordinarily taken and passed before the date of the student's entry. Additionally, for such student who first enters grade 12 in a registered New York State high school in the 2019-2020 school year and thereafter, or who reenter a registered New York State high school

in grade 12 after having been enrolled in a registered New York State high school for three or fewer semesters, the principal may exempt the student from the two units of credit requirement in global history and geography by substituting two other units of credit in social studies.

3. Section 100.20 of the Regulations of the Commissioner of Education shall be added, to read as follows:

§100.20 Graduation and Diploma Requirements for Students Covered Under the Interstate Compact on Educational Opportunity for Military Children

(a) Notwithstanding any other provision of law or regulation to the contrary, in order to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents, school districts and charter schools that receive public funding and serve students of active duty military families who are formally enrolled in kindergarten through twelfth grade shall comply with the provisions of Education Law §§ 3300-3307 and this section relating to educational records, enrollment, placement decisions, excused absences, residency determinations and graduation requirements.

(b) For purposes of this section:

(1) Military children shall mean those children for which the “interstate compact on educational opportunity for military children” applies as set forth in Education Law §3303;

(2) Receiving state shall mean New York State, the State to which a child of a military family is sent, brought, or caused to be sent or brought; and

(3) Sending state shall mean the state from which a child of a military family is sent, brought, or caused to be sent or brought.

(c) Graduation and diploma requirements. Notwithstanding any other provision of law or regulation to the contrary, in accordance with Education Law §3307(2), a public school district or charter school, shall accept the following to meet the diploma requirements for such students in New York State:

(1) exit or end of course examinations required for graduation in the sending state, where the principal from the school in the sending state attests in writing to the principal of the school in the receiving state that the student has achieved a satisfactory passing score on such exam(s) and that he/she has met the proficiency standards for the course(s) assessed in the sending state; provided that, prior to accepting such exam(s), the principal of the school in the receiving state may request additional information regarding the course(s) and exam(s) from the principal of the school in the sending state;

(2) national norm referenced achievement tests, where the principal from the school in the sending state attests in writing that the student has achieved a score equal to or greater than the national grade equivalent corresponding to the grade in which the corresponding Regents examination required for graduation is typically administered; and

(3) where the principal of the school in the receiving state has accepted course credit for a course that would typically culminate in an examination required for graduation in New York State, the principal of the school in the receiving state shall accept any corresponding alternative end of course local examination for such course(s), where the principal from the school in the sending state attests in writing that the student has achieved a score on such exam that meets the proficiency standards for the course

assessed in the sending state; provided that, prior to accepting such exam(s), the principal of the school in the receiving state may request additional information regarding the course(s) and exam(s) from the principal of the school in the sending state.

(d) If none of the alternatives in subdivision (c) of this section can be accommodated by the principal of the school in the receiving state for a student transferring into such school at the beginning of or during grade 12, then the principal of the school in the receiving state shall provide written notice to the principal of the school in the sending state which shall include notice that the school district in the sending state shall ensure that the student receives a diploma from the school district in the sending state if the student meets the graduation requirements of the school district in the sending state. In the event that the sending state is not a member of the interstate military compact, the receiving state shall use best efforts to facilitate on-time graduation of the student using the exams described in subdivision (c) of this section.

