

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 208, 209, 210, 215, 305 and 309

1. Paragraph (1) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective October 1, 2014, as follows:

(1) Credit by examination. A student may earn a maximum of 6 1/2 units of credit for either a Regents or local diploma without completing units of study for such units of credit, if:

(i) based on the student's past academic performance, the superintendent of a school district or the chief administrative officer of a registered nonpublic high school or the chief administrator of an educational program administered by a State agency pursuant to Education Law section 112 and Part 116 of this Title, or his or her designee, determines that the student will benefit academically by exercising this alternative;

(ii) . . .

(iii) the student passes an oral examination or successfully completes a special project to demonstrate proficiency, in such knowledge, skills and abilities normally developed in the course but not measured by the relevant Regents examination or State-approved examination if used, as determined by the principal or the chief administrator of an educational program administered by a State agency; and

(iv) . . .

(v) . . .

(vi) Credit by examination shall be awarded to a student enrolled in an educational program administered by a State agency pursuant to paragraph (5) of this subdivision.

2. Paragraph (5) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective October 1, 2014 as follows:

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

(i) The principal shall evaluate the transcript or other records of a transfer student enrolling in a New York State high school. Based on the student's transcript or other records, the principal shall award the appropriate units of transfer credit towards a high school diploma.

(a) Registered high schools. The principal shall grant transfer credit for all credit awarded by any New York State registered public or nonpublic high schools.

(b) Other educational/cultural institutions and independent study.

(1) Except as provided in subclause (2) of this clause, [The] the principal, after consultation with relevant faculty, may award transfer credit for work done at other educational and cultural institutions and for work done through independent study. The decision as to whether or not to award transfer credit for work done at educational institutions other than New York State registered high schools shall be based on whether the record indicates that the work is consistent with New York State commencement learning standards and is of comparable scope and quality to that which would have been done in the school awarding the credit.

(2) Transfer credit by attestation (State agency educational programs).

(i) Definitions. For purposes of this subdivision, "State agency" means a State department or agency or political subdivision, except a board of education or a board of

cooperative educational services, that provides an educational program pursuant to Education Law section 112 and Part 116 of this Title.

(ii) A principal shall award transfer credit to any student for credit awarded while the student attended an educational program administered by a State agency pursuant to Education Law section 112 and Part 116 of this Title, upon the attestation of the chief administrator of such program, in a format prescribed by the commissioner, of the following:

(a) the student:

(1) has completed coursework that is aligned with the applicable New York State commencement-level learning standards, including the New York State Common Core Learning Standards, and that meets the requirements of this Part for the award of units of credit including, but not limited to, the requirement for 180 minutes of instruction per week throughout the school year, or the equivalent, as set forth in section 100.1(a) of this Part, and/or

(2) has met the requirements for the award of credit by examination pursuant to paragraph (1) of this subdivision; and/or

(3) has met the requirements for the award of make-up credit pursuant to paragraph (8) of this subdivision; and/or

(4) has met the requirements for the award of credit for independent study pursuant paragraph (9) of this subdivision; and/or

(5) has met the requirements for the award of credit for online and/or blended courses pursuant to paragraph (10) of this subdivision;

and

(b) the student was provided instruction by a teacher certified pursuant to Part 80 of this Title or, where the coursework was for make-up credit or in online and/or blended courses, the student was provided instruction in accordance with the requirements of paragraphs (8) and (10), respectively, of this subdivision.

(ii) . . .

(iii) . . .

(iv) . . .

(v) . . .

3. Paragraph (8) of subdivision (d) of section 100.5 of the Regulations of the Commissioner is amended, effective October 1, 2014, as follows:

(8) Making up incomplete or failed course credit. Commencing July 1, 2011 and thereafter, a school district, registered nonpublic school, [or] charter school or the chief administrator of an educational program administered by a State agency pursuant to Education Law section 112 and Part 116 of this Title 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) . . .

(ii) The make-up credit program shall:

(a) . . .

(b) . . .

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

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

(2) 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

(3) a teacher of the subject matter area in the registered nonpublic school, [or] charter school or educational program administered by a State agency pursuant to Education Law section 112 and Part 116 of this Title.

(iii)

(iv)

(v) Make up credit shall be awarded to a student enrolled in an educational program administered by a State agency pursuant to paragraph (5) of this subdivision.

4. Paragraph (9) of subdivision (d) of section 100.5 of the Regulations of the Commissioner is amended, effective October 1, 2014, as follows:

(9) Credit for independent study. Students enrolled in a school district, a charter school, [or] a registered nonpublic school or an educational program administered by a State agency pursuant to Education Law section 112 and Part 116 of this Title may earn a maximum of three units of elective credit towards a Regents diploma through independent study, pursuant to the following:

(i)

(ii)

(iii) The principal, after consultation with relevant faculty, shall award credit to the student for successful completion of the independent study and demonstrated mastery of the learning outcomes for the subject. Credit for independent study shall be awarded to a student enrolled in an educational program administered by a State agency pursuant to paragraph (5) of this subdivision.

(iv) For purposes of this paragraph, independent study shall be:

(a) . . .

(b) . . .

(c) . . .

(d) . . .

(v) . . .

5. Paragraph (10) of subdivision (d) of section 100.5 of the Commissioner's Regulations is amended, effective October 1, 2014, as follows:

(10) Credit for online and blended courses.

(i) . . .

(ii) A school district, a charter school, [or] a registered nonpublic school or the chief administrator of an educational program administered by a State agency pursuant to Education Law section 112 and Part 116 of this Title may provide its students with an opportunity to earn units of credit towards a Regents diploma through online and/or blended course study, pursuant to the following:

(a) . . .

(b) The school district, registered nonpublic school, [or] charter school or the chief administrator of an educational program administered by a State agency shall ensure that:

(1) courses are aligned with the applicable New York State learning standards for the subject area;

(2) courses provide for documentation of student mastery of the learning outcomes for such subjects, including passing the Regents examination in the subject and/or other assessment in the subject if required for earning a diploma;

(3) instruction is provided by or under the direction and/or supervision of:

(i) . . .

(ii) . . .

(iii) . . .

(iv) . . .

(v) in the case of a charter school, a teacher of the subject area from a charter school; or

(vi) in the case of an educational program administered by a State agency, a teacher of the subject area from such program.

(4) . . .

(5) . . .

(iii) Credit for online and blended courses shall be awarded to a student enrolled in an educational program administered by a State agency pursuant to paragraph (5) of this subdivision.