

## AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 112, 207, 208, 209, 210, 215, 305, 309, 3202, and 3204 and Part WWW of Chapter 59 of the Laws of 2017.

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

(4)(i) . . .

(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 or in a residential facility or home operated or supervised by any state agency pursuant to Education Law section 112 and 3202(7) and /or Parts 116 or 118 of this Title 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 1/4 unit of credit in physical education for each semester completed in a registered New York State high school to meet the diploma requirements.

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

(d) *Alternatives to Specific Regents and local diploma requirements.*

(1) Credit by examination. A student may earn a maximum of 6 ½ 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 or supervised by any State agency pursuant to Education Law sections 112 and 3202 (7) and/or Parts 116 or 118 of this Title, or his or her designee, determines that the student will benefit academically by exercising this alternative;

(ii) . . .

(iii) . . .

(iv) . . .

(v) . . .

(vi) . . .

3. Paragraph (5) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is amended 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 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)]  
(Educational program administered or supervised by a State agency).

(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 or supervises an educational program pursuant to Education Law sections 112 and 3202 (7) and Parts 116 or 118 of this Title.

(ii) A principal shall award transfer credit to any student for credit awarded while the student attended an educational program administered or supervised by a State agency pursuant to Education Law sections 112 and 3202 (7) and Parts 116 or 118 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:

(l) 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

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

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

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

(V) 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.

4. Paragraph (8) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is amended as follows:

(8) Making up incomplete or failed course credit. Commencing July 1, 2011 and thereafter, a school district, registered nonpublic school, charter school or the chief administrator of an educational program administered or supervised by a State agency pursuant to Education Law sections 112 and 3202(7) and Parts 116 and 118 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:

5. Paragraph (9) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is amended as follows:

(9) Credit for independent study. Students enrolled in a school district, a charter school, a registered nonpublic school or educational program administered or supervised by a State agency pursuant to Education Law sections 112 and 3202 (7) and Parts 116 and 118 of this Title may earn a maximum of three units of elective credit towards a Regents diploma through independent study, pursuant to the following:

6. Paragraph (10) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is amended as follows:

(10) Credit for online and blended courses.

(i) . . .

(ii) A school district, a charter school, a registered nonpublic school or the chief administrator of an educational program administered or supervised by a State agency pursuant to Education Law sections 112 and 3202 (7) and Parts 116 and 118 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:

