

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Subdivision (f) of section 100.2 of the Regulations of the Commissioner of Education is amended, effective January 28, 2015, as follows:

(f) Use of alternative and pathway assessments.

(1) Alternative assessments. With the approval of the commissioner, assessments which measure an equivalent level of knowledge and skill may be substituted for the assessments specified in this Part. Alternative assessments for the Regents examinations for global history and geography, global history and geography II (1750 to present), United States history and government, comprehensive English and English Language Arts (Common Core), mathematics, mathematics (Common Core), and the sciences shall meet the following conditions and criteria:

[(1)] (i) alternative assessments shall measure the State learning standards for the respective content area;

[(2)] (ii) alternative assessments shall be at least as rigorous as the corresponding required State assessment;

[(3)] (iii) alternative assessments shall be consistent with technical criteria for validity, reliability, and [freedom from bias] fairness in testing;

[(4)] (iv) alternative assessments shall be developed by an entity other than a local school or school district;

[(5)] (v) alternative assessments shall be available for use by any school or school district in New York State; and

[(6)] (vi) alternative assessments shall be administered under secure conditions approved by the commissioner.

(2) Pathway assessments. With the approval of the commissioner, pathway assessments which measure an equivalent level of knowledge and skill may be substituted for the assessments specified in this Part. Notwithstanding the requirements of subdivision (d) of this section and of 100.5(b)(7)(v)(c) of this Part, any examination that is used to satisfy the pathway assessment graduation requirements in section 100.5(a)(5)(i)(f) of this Part, other than those specifically enumerated in subdivision (mm) of this section relating to pathway assessments in career and technical education and in the arts, shall meet the conditions and criteria set forth in subparagraphs (i) through (vi) of paragraph (1) of this subdivision.

2. Subdivision (mm) of section 100.2 of the Regulations of the Commissioner of Education is added, effective January 28, 2015, as follows:

(mm) Pathway Assessments in Career and Technical Education and in the Arts. Except as provided in subdivision (f) of this section, students who have passed four required Regents examinations or department-approved alternative assessments in each of the areas of English, mathematics, science, and social studies pursuant to section 100.5 of this Part and who are otherwise eligible to receive a high school diploma in June 2015 and thereafter, may meet the fifth assessment requirement for graduation pursuant to section 100.5 of this Part by passing a fifth pathway assessment in career and technical education (CTE) or in the arts, that is approved by the commissioner pursuant to the following conditions and criteria:

(1) pathway assessments shall measure student progress on the State learning standards for their respective content area(s) at a level of rigor equivalent to a Regents examination or alternative assessment approved pursuant to subdivision (f) of this section;

(2) pathway assessments shall be recognized or accepted by postsecondary institutions, experts in the field, and/or employers in areas related to the assessment;

(3) pathway assessments shall be aligned with existing knowledge and practice in the field(s) related to their respective content area(s) and shall be reviewed at least every five years and updated as necessary;

(4) pathway assessments shall be consistent with technical criteria for validity, reliability, and fairness in testing;

(5) pathway assessments shall be developed by an entity other than a local school or school district;

(6) pathway assessments shall be available for use by any school or school district in New York State; and

(7) pathway assessments shall be administered under secure conditions approved by the commissioner.

3. Subdivision (a) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective January 28, 2015, as follows:

(a) General requirements for a Regents or a local high school diploma. Except as provided in clauses (a)(5)(i)(c), (e) and (f), paragraph (d)(6) and subdivision (g) 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 clause (f) of this subparagraph and subparagraphs (ii), (iii) and (iv) of this paragraph, all students shall demonstrate attainment of the New York State learning standards:

(a) . . .

(b) . . .

(c) United States history and government:

(1) for students who first enter grade nine prior to September 1998, by passing either the Regents competency test in United States history and government, or the Regents examination in United States history and government; or

(2) for students who first enter grade nine in September 1998 and thereafter but prior to September 2011, by passing the Regents examination in United States history and government. For purposes of a Regents endorsed diploma, a score of 65 shall be

considered passing. For a local diploma a score of 55-64, as determined by the school, also may be considered passing up through the 2007-2008 school year; or

(3) for students who first enter grade nine in September 2011 and thereafter or who are otherwise eligible to receive a high school diploma pursuant to this section in June 2015 and thereafter, by passing one of the following assessments:

(i) the Regents examination in United States history and government; or

(ii) the Regents examination in global history and geography (for students first entering grade nine prior to September 2016) or the Regents examination in global history and geography II (1750 to present) (for students first entering grade nine in September 2016 and thereafter); or

(iii) a department-approved alternative to either item (i) or (ii) of this subclause;

or

[(3)] (4) for students with disabilities who first enter grade nine in or after September 1998 and prior to September 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 or as provided in subparagraph (b)(7)(vi) of this section. 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)] (5) the transcripts and permanent record cards of students shall indicate the assessment the student has passed to meet diploma requirements, and the score achieved.

(d) . . .

(e) Global history and geography:

(1) for students who first enter grade nine prior to September 1998, by passing either the Regents competency test in global studies or the Regents examination in global studies; or

(2) for students who first enter grade nine in September 1998 and thereafter but prior to September 2001, by passing the Regents examination in global studies. For purposes of a Regents endorsed diploma, a score of 65 shall be considered passing. For a local diploma a score of 55-64, as determined by the school, also may be considered passing up through the 2007-2008 school year; or

(3) for students who first enter grade nine in September 2001 and thereafter but prior to September 2012, by passing the Regents examination in global history and geography; or

(4) for students who first enter grade nine in September 2011 and thereafter or who are otherwise eligible to receive a high school diploma pursuant to this section in June 2015 and thereafter, by passing one of the following assessments:

(i) the Regents examination in United States history and government; or

(ii) the Regents examination in global history and geography (for students first entering grade nine prior to September 2016) or the Regents examination in global

history and geography II (1750 to present) (for students first entering grade nine in September 2016 and thereafter); or

(iii) a department-approved alternative to either item (i) or (ii) of this subclause;

or

[(3)] (5) for students with disabilities who first enter grade nine in September 1998 and prior to September 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 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 or as provided in subparagraph (b)(7)(vi) of this section. 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)] (6) the transcripts and permanent record cards of students shall indicate the assessment the student has passed to meet diploma requirements, and the score achieved.

(f) Requirements for pathway assessments:

(1) In addition to the requirements of clauses (a), (b), (c), (d) and (e) of this subparagraph, students who first enter grade nine in September 2011 and thereafter or who are otherwise eligible to receive a high school diploma pursuant to this section in June 2015 and thereafter, must also pass any one of the following assessments:

(i) one additional social studies Regents examination or department-approved alternative; or

(ii) one additional Regents examination in a different course in mathematics or science or a department-approved alternative; or

(iii) a pathway assessment (e.g., languages other than English) approved by the commissioner in accordance with section 100.2(f)(2) of this Part; or

(iv) a career and technical education (CTE) pathway assessment, approved by the commissioner in accordance with section 100.2(mm) of this Part, following successful completion of a CTE program approved pursuant to paragraph (6) of subdivision (d) of this section; or

(v) an arts pathway assessment approved by the commissioner in accordance with section 100.2(mm) of this Part.

(ii) . . .

(iii) . . .

(iv) . . .

(v) . . .

(6) Social Studies.

(i) All students first entering grade nine in 1985 and thereafter but prior to September 2016, shall earn four units of credit in social studies, [in accordance with the

following: (i)] Such requirement shall include;

(a) one unit of credit in American history; and

[(ii)] (b) [Such requirement shall include] one half unit of credit in participation in government and one half unit of credit in economics [or their equivalent]; or

(c) the equivalent of clauses (a) and/or (b) of this subparagraph, as approved by the local public school superintendent or his or her designee or by the chief administrative officer of a registered nonpublic high school.

(ii) All students first entering grade nine in September 2016 and thereafter shall earn four units of credit in social studies. Such requirement shall include:

(a) one unit of credit in American history;

(b) one half unit of credit in participation in government and one half unit of credit in economics; and

(c) two units of credit in global history and geography; or

(d) the equivalent of clauses (a), (b) and/or (c) of this subparagraph, as approved by the local public school superintendent or his or her designee or by the chief administrative officer of a registered nonpublic high school.

(7) . . .

(8) . . .

4. Subparagraph (iv) of paragraph (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective January 28, 2015, as follows:

(iv) Earning a Regents diploma. Students first entering grade nine in September 2001 and thereafter shall meet the commencement level New York State learning standards by successfully completing 22 units of credit and five New York State assessments distributed as specified in clauses (a) through (k) of this subparagraph. After passing the required New York State assessment or approved alternative in mathematics, science, and English language arts, the remaining units of credit required

in that discipline may be in specialized courses. A *specialized course* is a course that meets the requirements of a unit of credit as defined in section 100.1(a) of this Part and the New York State commencement level learning standards as established by the commissioner. A specialized course develops the subject in greater depth and/or breadth and/or may be interdisciplinary. Successful completion of one unit of study in an interdisciplinary specialized course may be awarded only one unit of credit but may be used to meet the distribution requirements in more than one subject. In a public high school, an interdisciplinary specialized course shall be taught by a teacher certified in at least one of the subjects.

(a) . . .

(b) Social studies[,];

(1) four units of credit including:

(i) for students first entering grade nine in September 2001 or thereafter but prior to September 2016:

(a) one unit of credit in American history[,the Regents examination in United States history and government or an approved alternative pursuant to section 100.2(f) of this Part, the Regents examination in global history and geography or an approved alternative pursuant to section 100.2(f) of this Part,]; and

(b) a half unit of credit in Economics and a half unit of credit in Participation in Government [or their equivalent]; or

(c) the equivalent of subitems (a) and/or (b) of this item, as approved by the local public school superintendent or his or her designee or by the chief administrative officer of a registered nonpublic high school; or

(ii) for students first entering grade nine in September 2016 and thereafter:

(a) one unit of credit in American history;

(b) two units of credit in global history and geography; and

(c) a half unit of credit in economics and a half unit of credit in participation in government; or

(d) the equivalent of subitems (a), (b) and/or (c) of this item, as approved by the local public school superintendent or his or her designee or by the chief administrative officer of a registered nonpublic high school; and

(2) the assessments as required by subparagraph (i) of paragraph (5) of subdivision (a) of this section.

(c) . . .

(d) . . .

(e) . . .

(f) . . .

(g) . . .

(h) . . .

(i) . . .

(j) . . .

(k) . . .

5. Paragraph (5) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective January 28, 2015, 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) Students who enter a registered New York State high school for the first time in grade 11 in the 2000-2001 school year but prior to the 2002-2003 school year, 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 local high school diploma must pass the Regents comprehensive examination in English, 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 a 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.

(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, other than those students who have received home instruction pursuant to 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 in English, 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 [a] 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 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) Students who enter a registered New York State high school for the first time in grade 12 in the 2002-2003 school year but prior to the 2004-2005 school year, 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 local high school diploma must pass the Regents comprehensive examination in English, a Regents examination in mathematics, and a Regents examination in United States history and government, or approved alternatives. The principal may exempt a 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.

(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, 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 in English, a Regents examination in mathematics, and a Regents examination in United States history and government, or approved alternatives. The principal may exempt [a] 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, 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.

6. Clause (a) of subparagraph (ii) of paragraph (6) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective January 28, 2015, as follows:

(a) In order to be eligible to receive a Regents diploma or Regents diploma with advanced designation, students shall successfully complete:

(1) five [Regents] assessments as described in paragraph (a)(5) of this section[, or approved alternatives pursuant to section 100.2(f) of this Title]; and

(2) . . .

7. Paragraph (4) of subdivision (g) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective January 28, 2015, as follows:

(4) Transfer credit. Notwithstanding the provisions of this section:

(i) 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, 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 in English or the Regents examination in English

language arts (common core), 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 [a] 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 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 and may substitute two units of credit in social studies.

(ii) 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, 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 in English or the Regents examination in English language arts (common core), a Regents examination in mathematics, a Regents examination in United States history and government, or approved alternatives. The principal may exempt [a] 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, the principal may exempt the student from the

two units of credit requirement in global history and geography and may substitute two units of credit in social studies.