

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Paragraph (5) of subdivision (a) of section 100.5 of the Regulations of the Commissioner of Education is amended by adding a new subparagraph (ix) to read as follows:

(ix) Exemptions from diploma assessment requirements for major life events.

(a) For the purposes of this subparagraph, superintendent shall mean the superintendent of a school district or the principal, head of school, or their equivalent, of a charter school or registered nonpublic school, as applicable.

(b) Notwithstanding any other provision of this section, a superintendent may grant an exemption from a required diploma assessment, as described in subparagraph (i) of paragraph (5) of subdivision (a) of this section, in response to a request by the student who experienced a major life event, such student's parent or person in parental relation, or school or district staff at which such student is enrolled; provided the student meets the following criteria:

(1) the student was enrolled in a course of study or makeup program leading to a required diploma assessment;

(2) the student met or exceeded the expected learning outcomes for the course of study; and

(3) a major life event has significantly impacted or prevented the student from participating in such assessment.

(c) Prior to granting an exemption, the superintendent must obtain consent to do so from the student's parent or person in parental relation, or from the student if the student is over the age of majority (age 18) and is not a student with a disability receiving services under the Individuals with Disabilities Education Act (IDEA), or from the student if the student is under the age of majority but is emancipated and acting on their own behalf.

(d) In determining whether to grant an exemption for each eligible student under this paragraph, the superintendent shall consider evidence that the student met or exceeded the expected learning outcomes for the course of study in the subject area under review. Such evidence may include, but need not be limited to, the student's final course grade, student work completed throughout the school year, and/or any interim, portfolio, or performance-based assessment(s) of the student's proficiency in the applicable learning standards.

(e) Following the superintendent's review of evidence, the superintendent shall, as soon as practicable, provide each student and/or parent or person in parental relation to the student with notification of the superintendent's decision to grant or deny an exemption from a required diploma assessment. A form documenting the diploma assessment exemption and the reasons for such exemption must be signed by the superintendent, and the original completed form must be retained in the student's permanent record.

(f) Exemptions from diploma assessment requirements for major life events apply to all diploma types.

(g) The commissioner may conduct audits of compliance with the requirements of this paragraph.

2. Subparagraph (ii) of paragraph (2) of subdivision (d) of section 100.4 of the Regulations of the Commissioner of Education is amended to read as follows:

(ii) the student passes the course and the associated checkpoint A locally developed world language test or Regents examination, when available, provided, however that a student shall be awarded credit for an accelerated course where such student passes the course and has been exempted from the associated Regents examination or checkpoint A locally developed world language exam pursuant to [paragraph (iv)] subparagraphs (v), (vi), and (ix) of paragraph (5) of subdivision (a) of section 100.5 [of this Part or from the associated checkpoint A locally developed world language test pursuant to] and paragraph (5) of subdivision (d) of section 100.2 of this Part [due to the COVID-19 crisis]. The credit must be accepted as a transfer credit by all registered New York State high schools; or

3. Clause (c) of subparagraph (ii) of paragraph (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(c) Notwithstanding the provisions of clauses (a) and (b) of this subparagraph, Regents examination requirements that have been exempted pursuant to subparagraphs (vi) and (ix) of paragraph (5) of subdivision (a) of this section shall not be considered in the calculation to determine whether such student has achieved an average of 90 for purposes of awarding a Regents diploma with an honors endorsement provided the student has at least three Regents examinations scores. In the event the

student has fewer than three Regents exam scores due to being exempted pursuant to subparagraphs (vi) and (ix) of paragraph (5) of subdivision (a) of this section, the student's final course grade for each course in which a Regents examination exemption was granted shall be substituted for the Regents exam score in determining whether such student has achieved an average of 90 for purposes of awarding a Regents diploma with honors endorsement.

4. Subparagraph (x) of paragraph (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(x) Students who first enter grade nine in September 2009 and thereafter who complete all coursework and testing requirements for the Regents diploma with advanced designation in mathematics and/or science, and who pass, with a score of 85 or better, three commencement level Regents examinations in mathematics and/or three commencement level Regents examinations in science, will earn a Regents diploma with advanced designation, with an annotation on the diploma that denotes mastery in mathematics and/or science, as applicable, except that students who pass, with a score of 85 or better two commencement level Regents examinations in mathematics and/or science and who have been exempted from a third Regents examination in math and/or science [due to the COVID-19 crisis] pursuant to subparagraphs (vi) and (ix) of paragraph (5) of subdivision (a) of this section, will earn a Regents diploma with advanced designation, with an annotation on the diploma that denotes mastery in mathematics and/or science as applicable. In cases where two exemptions have been granted for a Regents examination in math or science [due to the COVID-19 crisis] pursuant to subparagraphs (vi) and (ix) of paragraph (5) of

subdivision (a) of this section, such student will earn a mastery endorsement if such student earns a final course average of 85 or greater for each math or science course for which a Regents examination exemption was granted.