



August 2018

To: District Superintendents
Superintendents of Public Schools
Principals of Public, Nonpublic and Charter Schools
Superintendents of State-Operated and State-Supported Schools
Executive Directors of Approved Private Schools
Public School Administrators
Charter School Administrators
Nonpublic School Administrators
Directors of Special Education
Directors of Pupil Personnel Services
Chairpersons of Committees on Special Education
Organizations, Parents and Individuals Concerned with Special Education

From: Angélica Infante-Green, Deputy Commissioner 
Christopher Suriano, Assistant Commissioner
Office of Special Education 

Subject: Superintendent Determination Option for Graduation with a Local Diploma –
UPDATED August 2018

This memorandum is to inform you of important changes to the requirements for superintendents to make a local determination as to the academic proficiency for eligible students with disabilities to graduate with a local diploma. This document supersedes the guidance issued in February 2017, including the prescribed *Superintendent Determination of Graduation with a Local Diploma* form.

At their June 2018 meeting, the New York State Board of Regents approved the permanent adoption of amendments to section 100.5 of the Regulations of the Commissioner of Education relating to the superintendent determination option for certain students with disabilities to graduate with a local diploma. The regulations, which became effective on an emergency basis on December 12, 2017, permit students with disabilities, on or after December 12, 2017, to meet the English language arts (ELA) and/or Mathematics Regents examinations eligibility condition(s) for the superintendent determination option by completing the requirements for the New York State Career Development and Occupational Studies (CDOS) Commencement Credential. In addition, for students with disabilities who are otherwise eligible to exit from high school in either the 2017-18

school year or 2018-19 school year only, the amendments allow a school district, registered nonpublic high school, or charter school to award the CDOS Commencement Credential to a student with a disability who has not met all of the requirements, for purposes of eligibility for the superintendent determination option, provided that the school principal, in consultation with relevant faculty, has determined that the student has otherwise demonstrated knowledge and skills in the commencement level CDOS learning standards. Students who are awarded the CDOS Commencement Credential under this exception may not use such credential to meet the requirements for the CDOS graduation pathway option. The proposed amendment was subsequently revised at the April 2018 meeting in response to public comment to:

- replace the term “superintendent determination pathway” with “superintendent determination option” in sections 100.5 and 200.4 of the Regulations of the Commissioner of Education to clarify that the superintendent determination is an option, not a pathway, for students with disabilities to graduate with a local diploma; and
- clarify that students with disabilities who use the CDOS Commencement Credential to meet the ELA and/or Mathematics Regents examinations eligibility condition(s) for the superintendent determination option but have met all the assessment requirements for the remaining Regents examinations required for graduation, would be eligible for consideration of a local diploma through the superintendent determination option.

For a copy of the full text of the amendment, see the June 2018 Board of Regents item [Proposed Amendments to Sections 100.5 and 200.4 of the Commissioner’s Regulations Relating to the Superintendent Determination Option for Certain Students with Disabilities to Graduate with a Local Diploma](http://www.regents.nysed.gov/common/regents/files/618brca12.pdf) (<http://www.regents.nysed.gov/common/regents/files/618brca12.pdf>).

For additional information, see the attached **Information on a Superintendent Determination Option for Graduation with a Local Diploma** and **Questions and Answers (Updated August 2018)**. Also attached is the **Parent Request for Superintendent Determination Option for Graduation with a Local Diploma (Sample Form)** to assist parents in requesting a Superintendent Determination. The **Superintendent Determination of Graduation with a Local Diploma (Updated January 2018)**, which must be used to certify whether a student has met the requirements for award of a local diploma through the superintendent determination option is available at the Office of Special Education’s **Information Related to Graduation Requirements for Students with Disabilities webpage** (<http://www.p12.nysed.gov/specialed/gradrequirements/home.html>). Questions regarding the superintendent determination option may be directed to the Office of Special Education Policy Unit by email at speced@nysed.gov or by calling 518-473-2878.

Attachments