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To: District Superintendents
Superintendents of Public Schools
Superintendents of State-Operated and State-Supported Schools
Superintendents of Special Act School Districts
Principals of Public, Nonpublic and Charter Schools
New York City Department of Education
Impartial Hearing Officers
Special Education Parent Centers
Regional Special Education Technical Assistance Support Centers
Commissioner's Advisory Panel for Special Education Services
Organizations, Parents and Individuals Concerned with Special Education

From: James P. DeLorenzo *James P. DeLorenzo*

Subject: Local Diploma Safety Net Options for Students with Disabilities who Enter Grade 9 in September 2011 and Thereafter

The purpose of this memorandum is to remind school districts of the upcoming change in the local diploma options for students with disabilities and ask school personnel to ensure that the State's policy on safety net diploma options is clear to parents of students with disabilities. To ensure dissemination to appropriate individuals within a school district, I ask Superintendents to please share this memorandum with individuals such as Directors of Special Education, School Psychologists, Committee on Special Education Chairpersons, Guidance Counselors and Directors of Pupil Personnel and Parent Teacher Associations.

Regents Competency Test (RCT) Safety Net Option

The option for a student with a disability to graduate with a local diploma based on passing one or more RCTs is available only to students with disabilities who first entered grade 9 prior to the September 2011-12 school year. The RCT safety net will remain available to those eligible students until they graduate with a regular diploma (Regents or local diploma) or until the end of the school year in which they turn 21, whichever shall occur first. Conversely, the option to take the RCTs will not be available for any student entering grade 9 beginning in September 2011 and thereafter.

A student's grade level is based on the grade the student was enrolled in during the school year (September to June) prior to September 2011. Students with disabilities in

grade 8 during the 2010-11 school year (September – June) who are entering grade 9 in September, but who will be attending summer school or receiving extended school year/12-month special education services in July and August of 2011, will not be eligible for the RCT safety net.

55-64 Regents Examination Pass Score Option for Students with Disabilities

While the RCT safety net ends with the class of students that entered grade 9 during the 2010-11 school year, the local diploma option remains available to all students with disabilities provided they earn a score of 55-64 on one or more required Regents examinations. There is currently no regulatory sunset date for this graduation Safety Net option for students with disabilities.

Appeal of Regents Examination Score Option

School districts must provide unlimited opportunities for all students (students with and without disabilities) to retake required Regents examinations to improve their scores so that the student may graduate with a Regents diploma. A student with or without a disability who fails, after at least two attempts, to attain a score of 65 or above on a required Regents examination for graduation must be given an opportunity to appeal such score in accordance with the provisions of section 100.5(d)(7)(i) of the Regulations of the Commissioner of Education. No student may appeal his or her score on more than two of the five required Regents examinations. A student whose appeal is accepted for one required Regents examination, and who has attained a passing score of 65 or above on each of the four remaining required Regents examinations, earns a Regents diploma. A student whose appeal is accepted for two required Regents examinations, and who has attained a passing score of 65 or above on each of the three remaining required Regents examinations, earns a local diploma.

For additional information regarding graduation requirements, including the local diploma option and the appeals process, please refer to section 100.5 of the Regulations of the Commissioner of Education, available at <http://www.p12.nysed.gov/part100/pages/1005.html>.

Questions regarding this memorandum may be directed to the Special Education Policy Unit at 518-473-2878 or to the Special Education Quality Assurance Office in your region:

Central Regional Office - (315) 476-5081
Eastern Regional Office - (518) 486-6366
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Long Island Regional Office - (631) 884-8530
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