



OFFICE OF P-12 EDUCATION: Office of Special Education
ASSISTANT COMMISSIONER
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SPECIAL EDUCATION FIELD ADVISORY

FROM: James P. DeLorenzo

SUBJECT: Amendment to Section 100.5 of the Regulations of the Commissioner of Education Relating to the Safety Net for Students with Disabilities to Graduate with a Local High School Diploma

The Board of Regents, at their October 2012 meeting, approved the emergency adoption of an amendment to section 100.5 of the Regulations of the Commissioner of Education. These regulations, effective October 31, 2012, provide an additional option for a student with a disability to earn a local diploma through the use of a “compensatory option” if the student:

1. scores between 45-54 on one or more of the five required Regents exams, other than the English language arts (ELA) or mathematics exam¹, but scores 65 or higher on one or more of the required Regents exams, in which case the lower score(s) can be compensated by the higher score(s)²; and
2. obtains a passing grade, that meets or exceeds the required passing grade by the school, for the course in the subject area of the Regents examination in which he or she received a score of 45-54; and
3. has a satisfactory attendance rate, in accordance with the district’s or school’s attendance policy, for the school year during which the student took the examination in which he or she received a score of 45-54, exclusive of excused absences; and
4. is not already using a passing score on one or more Regents Competency Tests (RCTs) to graduate with a local diploma. (A student may not use the compensatory score option if he or she is using a passing score on one or more RCTs to graduate with a local diploma.)

Attached, for additional information, are the amended regulations (Attachment A); a checklist for eligibility for the compensatory safety net option (Attachment B); and examples of possible scoring variations (Attachment C). Questions and answers regarding

¹ A score of at least 55 must be earned on both the ELA and mathematics exams.

² A score of 65 or higher on a single examination may not be used to compensate for more than one examination for which a score of 45-54 is earned.

safety net options have been posted at <http://www.p12.nysed.gov/specialed/assessment.html>. Additional questions should be sent to speced@mail.nysed.gov. Responses to these additional questions will also be posted on that website.

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. 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) 428-4556
Eastern Regional Office	(518) 486-6366
Hudson Valley Regional Office	(518) 473-1185
Long Island Regional Office	(631) 952-3352
New York City Regional Office	(718) 722-4544
Western Regional Office	(585) 344-2002
Nondistrict Unit	(518) 473-1185

Attachments