

**PROPOSED AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION
RELATING TO A NEW YORK STATE CAREER DEVELOPMENT AND OCCUPATIONAL STUDIES
COMMENCEMENT CREDENTIAL FOR STUDENTS WITH DISABILITIES**

**PUBLIC COMMENT SUBMISSION COVER SHEET
MUST BE RECEIVED NO LATER THAN JUNE 7, 2013**

MAIL TO:	New York State Education Department P-12: Office of Special Education 89 Washington Avenue, Room 309EB Albany, New York 12234 Attention: Proposed Regulations – Career Development and Occupational Studies Commencement Credential	
FAX TO:	518-473-5387	
EMAIL TO:	SPEDPUBLICCOMMENT@MAIL.NYSED.GOV	
FROM: (Please Print or Type Requested Information)	NAME	Yvette Goorevitch and Karen Kemp
	TITLE	Co-Presidents
	ORGANIZATION	Council of New York Special Education Administrators (“CNYSEA”)
	ADDRESS	
	CITY	
	ZIP	
Topic	Section(s) of Regulations	
The proposed amendment: <ul style="list-style-type: none"> would beginning July 1, 2013 and thereafter, authorize school districts and nonpublic schools to award a New York State (NYS) Career Development and Occupational Studies Commencement Credential to a student with a disability to document his/her high school readiness for entry level employment; and provides that the credential shall be issued to a student with a disability as a supplement to a regular high school diploma or for the student with a disability who is unable, because of his/her disability, to earn a regular diploma as the student’s exiting credential. 	§100.5(b)(7)(i) Revised §100.6(b) Revised §100.6(b)(3)	
XX <u>Support</u> <input type="checkbox"/> Oppose <input type="checkbox"/> No Position		
<p><i>Reasons/Recommendations:</i> We support the proposed change in the title of the certificate, with the associated requirement that the certificate reflect the endorsement of the Regents. We also support the need to create a meaningful credential for ‘gap / gray-area’ students who may not achieve a Regents or Local Diploma and who are ineligible for the Skills and Achievement Commencement Credential. We support this initiative because those students who may not earn a high school diploma deserve every opportunity to earn a meaningful credential that reflects their accomplishments as high school students.</p> <p>However, we continue to have several concerns and hope that before this regulation is fully implemented in two years, the following issues will be addressed:</p> <ol style="list-style-type: none"> The proposed credential should provide an alternative route to a high school diploma; This credential should be available to all students. We see no reason to exclude students with severe disabilities who are able to meet them Consistent with the overall goal to open meaningful career doors for all students working toward a Regents 		

May 8, 2013 – June 7, 2013

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or Local Diploma, we urge the Regents to make this credential available to all students. By limiting the credential to students with disabilities, the Department not only compromises its importance, but provides a certification that discloses to prospective employers that the person who earned it is a person with a disability. We cannot identify a student as having a disability on a transcript. However, by creating a credential limited to students with disabilities, it carries with it an unintended consequence that discloses a disability that many students who earn it may not wish to share.

Topic	Section(s) of Regulations
<p>The proposed amendment:</p> <ul style="list-style-type: none"> establishes minimum requirements for students with disabilities to earn a NYS Career Development and Occupational Studies Commencement Credential, including requirements relating to career planning, coursework and work-based learning experiences, and work skills employability profile(s); and in lieu of the above minimum requirements, authorizes school districts and nonpublic schools to award a NYS Career Development and Occupational Studies Commencement Credential to a student with a disability provided the student has met the requirements for one of the nationally-recognized work-readiness credentials. 	<p>Revised §100.6(b)(1)</p> <p>Revised §100.6(b)(2)</p>

XX Support **Oppose** **No Position**

Reasons/Recommendations: We fully support the need to create a meaningful credential to support post high school goals. However, in order for us to support this proposed initiative, the Regents need to establish minimum training and credentialing requirement for staff assigned to the students who pursue it. We are also concerned about the start-up and ongoing costs involved in implementation of this initiative. What is the role of ACCES-VR in this process? Can ACCES-VR partner with school districts to provide and/or fund job coaching and other necessary related services? Additionally, would there be prescribed staffing ratios for work study experiences / CDOS courses? The adopted emergency regulations are silent on all of these very important issues and we urge the Regents to pursue amendments to these proposed regulations to address these concerns.

We have similar concerns regarding the cost to school districts of an increased use of BOCES for necessary CTE courses. Also, who would be required to pay any required fees for the alternative, nationally recognized credentials?

In summary, we are concerned about imposing on already struggling school districts, a new unfunded mandate. Without proper funding to develop the infrastructure necessary to afford to students this new credential, the regulation raises community expectations while simultaneously increasing the potential for IDEA litigation, at extraordinary cost, when those expectations cannot be met. While we support the initiative, to make it successful, the Regents need to make it a top priority in the development of next year's education budget

Topic	Section(s) of Regulations
<p>The proposed amendment would require that the certificate awarded be similar in form to the diploma issued by the school district or nonpublic school, except that it</p>	<p>Revised §100.6(b)(4)</p>

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shall not use the term “diploma”, should indicate that the student has earned a NYS Career Development and Occupational Studies Commencement Credential endorsed by the Board of Regents as a certificate of readiness for entry level employment and be documented in a student’s transcript.	
XX Support <input type="checkbox"/> Oppose <input type="checkbox"/> No Position	
<p><i>Reasons/Recommendations:</i> We agree. However, as stated above, we are concerned that the proposed credential is not a diploma, that it is limited to students with disabilities and that it is not available to students with severe disabilities. Additional concerns / questions:</p> <ul style="list-style-type: none"> • Are CDOS courses to be documented in IEPs, and if so, how? • Who would be the <i>Teacher of Record</i> and how would student growth be measured for APPR purposes? 	
Topic	Section(s) of Regulations
The proposed amendment would authorize the principal, after consultation with relevant faculty, to award the credential to students with disabilities: <ul style="list-style-type: none"> • not meeting all of the requirements and exiting high school prior to July 1, 2015 based on a determination that the student has otherwise demonstrated knowledge of the career development and occupational studies learning standards; and • who transfer from another school district, based upon a review of the work-based learning experiences and coursework on the students’ transcript. 	<p>Revised §100.6(b)(5)</p> <p>Revised §100.6(b)(6)</p>
<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose <input type="checkbox"/> No Position	
<p><i>Reasons/Recommendations:</i> Although we recognize the fact that many of our ‘gray area’ students, may exit school before 7/1/15 with no credential, we cannot support the proposal to address the problem. The problem was created two years ago when the Regents phased out the IEP Diploma. While we supported the Regents’ goal to eliminate IEP Diplomas, we recognized the need to put in its place a meaningful credential While it is very late in the day to do so, if there is to be a transitional phase before full implementation there must be, at a minimum, specific objective criteria for awarding the credential.</p> <p>In the absence of any criteria, authorizing principals, in consultation with faculty,, to grant this credential as of 7/1/13 is no better than the IEP diploma it seeks to replace. [In fact, the IEP diploma, required students to meet the criteria of accomplishing all of their annual goals.] This interim proposal not only opens the door for potential abuses but raises serious question about its value.</p> <p>We are also concerned that introduction of this option as proposed, without the necessary planning time and funding to support its implementation, exposes districts to new demands for compensatory education to attain it. We therefore urge the Regents to use the next two years to build the infrastructure needed to support this credential, consider the benefits of extending it to all students, and make it a truly meaningful credential for those students who earn it.</p> <p>If the regents is looking for an interim alternative, while not optimal by any means, we would prefer to see an extension of the IEP diploma until the proposed credential is fully developed .</p>	

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Topic	Section(s) of Regulations
<p>The proposed amendment would require a school district that awards the credential to more than 20 percent of its students with disabilities in the cohort, where the credential is not a supplement to a regular high school diploma, to use a portion of its Individuals with Disabilities Education Act grant funds for targeted activities, as deemed necessary by the Department, to ensure students with disabilities have appropriate access to participate and progress in the general curriculum necessary to earn a regular high school diploma.</p>	<p>Added §100.6(b)(7)</p>

Support **Oppose** **No Position**

Reasons/Recommendations:

Although there must be safeguards against having this new credential be used to encourage students to pursue a less rigorous program, placing a cap on the use of federal funding is arbitrary which has the potential for serious consequences for students in smaller districts. For example, if the graduating cohort in a given district consisted of only 10 students with disabilities, and 3 (e.g., autistic triplets) happened to be true ‘gray area’ students, the district would exceed the cap. As an alternative, we would urge a cumulative, rolling average of the cap over a period of 6 years. This approach would minimize the impact of demographic spikes from the disproportionate impact it would otherwise have on smaller districts.

As stated earlier, we urge the Regents to build on this credential to become the equivalent of a high school diploma for all students who seek to pursue a career path out of high school. If this credential reflects significant accomplishment, it may not be one that students will be able to pursue at the same time they pursue a high school diploma. While nothing should discourage a student from pursuing both credentials and those who are able to do so must have genuine opportunities to do so, these are decisions best made by students, parents and professional staff together. We therefore urge a positive approach that does not punish those districts and consequently their students who chose to pursue one credential over another.

Topic	Section(s) of Regulations
<p>The proposed amendment would require that prior notice relating to the provision of a free appropriate public education (FAPE) upon graduation notify parents that a student awarded a NYS Career Development and Occupational Studies Commencement Credential continues to be eligible for FAPE until the end of the school year in which the student turns age 21 or until the receipt of a Regents or local high school diploma.</p>	<p>§200.5(a)(5)(iii)</p>

XX Support **Oppose** **No Position**

Reasons/Recommendations: **We support this language, as it is consistent with existing legal requirements.**