

55-64 PASSING SCORE AND THE SAFETY NET FOR STUDENTS WITH DISABILITIES

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Effective October 24, 2005, the Board of Regents amended Section 100.5 of the Regulations to allow students with disabilities who enter grade nine in 2005 and thereafter, to meet local diploma requirements by earning a score of at least 55 on the five required Regents exams. The 55-64 passing score is no longer a local option and must be made available by all school districts to students with disabilities who are entitled to attend school according to sections 3203 or 4402(5) of Education Law. Similar to the RCT safety net which is described below, the 55-64 passing score to meet the requirements for a local diploma also applies to students identified by the Section 504 multidisciplinary team (MDT). The MDT must include this allowance in the 504 accommodation plan. This provision also applies to students with disabilities who have been declassified while in grades 8 through 12, if recommended and documented by the school district's Committee on Special Education.

In October 2003, the New York State Board of Regents approved an extension to the safety net for students with disabilities. This action extends the safety net for an additional five years to make it available to all eligible students with disabilities **entering 9th grade from the 1996-97 school year through the 2009-10 school year**. The safety net allows all students with disabilities who do not pass one or more of the required Regents examinations, to instead, meet testing requirements for the local diploma by passing the corresponding Regents Competency Test (RCT). The school may administer the RCT before or after the Regents examination, but, in all cases, the student must take the required Regents examinations in order to earn the local diploma.

According to the State Education Department (SED), students with disabilities continue to make considerable progress in achieving the state learning standards with increasing numbers taking and passing Regents examinations. However, there is still a significant achievement gap between students with disabilities and general education students, especially for students with disabilities in districts with low resources. In recognition of the gap, the Board of Regents in October 2003 approved an extension of the Regents Competency Test (RCT) safety net for students with disabilities.

KEY QUESTIONS AND ANSWERS

- **Which students qualify for the safety net?**
 - Students with disabilities identified through a Committee on Special Education (CSE). Specific language regarding the availability of the safety net does not have to be indicated on the student's Individualized Education Program (IEP).
 - Students with disabilities identified through the Section 504 Multidisciplinary Team (MDT), if recommended and documented by the MDT on the student's Accommodation Plan.
 - Students with disabilities declassified while in grades 8-12 if recommended and documented by the CSE on the student's IEP.
- **How does the safety net work?**

Students in the classes required to pass Regents examinations must take the required number of credits in that subject and take the Regents examination. Students with disabilities who do not achieve a passing score on any required Regents examination may fulfill the requirement by passing the Regents Competency Test in that subject. The transcripts and permanent records of all students with and without disabilities must indicate the assessment the student has passed to meet diploma requirements, and the score achieved.

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■ **Does a student with a disability have to fail the required Regents examination first before taking the Regents Competency Test in that subject?**

No. The RCT may be taken before or after the Regents examination. The RCTs will be available until the student graduates or turns twenty-one. In all cases, the decision to administer the RCT before the Regents examination should be made on an individual basis. However, in all cases students with disabilities entering ninth grade from 1996-97 through the 2009-10 school year must take each Regents course and examination required for their entering classes. It is important that a student must take the course work to prepare him/her for the examination.

■ **Can a district make a local decision not to make the RCT safety net available to students with disabilities?**

No. The safety net must be provided for students with disabilities in all districts.

■ **Does the Board of Education have the option of adopting the 55-64 low-pass option for students with disabilities?**

No. In accordance with Section 100.5 of the Regulations, all school districts must make available the 55-64 low-pass option to students with disabilities.

■ **If a student earns 55-64 on a required Regents examination, will this count toward a Regents or local diploma?**

It may count only for the local diploma. A score of 65 or higher is required for meeting Regents diploma requirements.

ADVICE TO LOCAL LEADERS

1. The SED's adjustment to the standards implementation timetable for students with disabilities provides additional time for districts to build the capacity needed to have all students achieve at a Regents level and pass Regents exams. Local leaders are advised to seek participation in district decision-making designed to develop that capacity, including the provision of appropriate professional development.
2. Placing more students with disabilities into Regents-level courses, and providing these students greater access to the general education curriculum at all grade levels has possible implications for work load and other collective bargaining issues. Local leaders are urged to review their collective bargaining agreements.
3. As more students with disabilities access the general education curriculum and Regents-level courses, the role of teacher aides and teaching assistants may change as well as where they provide services. Local leaders are urged to seek necessary training and staff development for paraprofessionals to address their changing role.
4. Requiring a student with a disability to take a Regents exam, and then requiring the student to take a Regents Competency Test in the event of failure on the Regents exam, may be stressful to the student. Local leaders should urge their teacher members (general education and special education teachers) to work diligently with Committees on Special Education to ensure that the performance of students with disabilities is not negatively affected by taking two examinations (Regents exam and RCT) during the same exam period. Adequate opportunity must be provided to students with disabilities to participate successfully in whatever exams are required.
5. Students with disabilities who fail a Regents exam or Regents Competency Test must be provided Academic Intervention Services (AIS). Local leaders should closely monitor how their districts ensure appropriate access to AIS for students with disabilities. For more information on AIS, please see NYSUT IB 200116 titled *Academic Intervention Services and Students with Disabilities*.

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