



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

DEPUTY COMMISSIONER FOR VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES
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To: District Superintendents
Superintendents of Public and Nonpublic Schools
Superintendents of State-Operated and State-Supported Schools
Principals of Public and Nonpublic Schools
Directors of Special Education
Chairpersons of Committees on Special Education
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Executive Directors of Approved Private Schools
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State and Local Teacher Associations
Impartial Hearing Officers
Community Dispute Resolution Centers
Commissioner's Advisory Panel for Special Education Services
SETRC Project Directors and Training Specialists
Organizations, Parents and Individuals Concerned with Special Education

From: Lawrence C. Gloeckler

Subject: Extension of the RCT Safety Net for Students with Disabilities

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, and an even more significant gap for students with disabilities in districts with low resources. In recognition of that gap, the Board of Regents in October 2003 approved an extension of the Regents Competency Test (RCT) 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 Department will proceed with amendments to Part 100 of the Commissioner's Regulations to conform to this decision by the Board of Regents.

Beginning with students who entered grade 9 in the 2001-02 school year, in order to earn a high school Regents diploma, they need to take and pass with a score of 65 or higher five specific Regents examinations. The safety net allows 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 RCT(s) or the Department approved alternatives. 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.

As a reminder, the admission requirements for taking the Regents and RCTs are described on page 4 of the *Regents Examinations, Regents Competency Tests, and Proficiency Examination: School Administrator's Manual*. For example, only students enrolled in grades 11 and 12 may be admitted to the RCTs in reading and writing; they are generally expected to take these tests initially in January of Grade 11.

The following students qualify for the RCT 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.

It is important to note that the RCT safety net for students with disabilities is different from the local option for a passing score of 55-64 available to all students when adopted by the district. The "low-pass option" will be in effect for all students now in high school (students who entered grade 9 in 2000, 2001, 2002, 2003) and those entering grade 9 in 2004. This allows students to meet local diploma requirements by earning a score of at least 55 on the five required Regents exams. The low-pass option must be made available to students with disabilities if the district chooses to make it available to any students.

Questions and Answers:

1. 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.

2. If the local board of education has not adopted the 55-64 low-pass option for all students, can it be made available to students with disabilities only?

No. The 55-64 low-pass option is available to students with disabilities only if it has been adopted for all students.

3. If the Board of Education has adopted the low-pass option and if a student with a disability earns between a 55 and 64 on a required Regents examination, does he or she also need to take the corresponding RCT?

No. The 55-64 low-pass option, available to all students including students with disabilities, satisfies the testing requirement for a local diploma.

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

Local diploma only. A score of 65 or higher is required for meeting Regents diploma requirements.

Further questions about the 55-64 low-pass option may be e-mailed to emscassessinfo@mail.nysed.gov. If you have questions about the RCT safety net for students with disabilities, please contact the Office of Vocational and Educational Services for Individuals with Disabilities, Special Education Policy Unit, at 518-473-2878 or your Regional Associate at one of the following VESID Special Education Quality Assurance Regional Offices:

Eastern Regional Office (518) 486-6366
Hudson Valley Regional Office (914) 245-0010/(518) 473-1185
Central Regional Office (315) 428-3287
Long Island Regional Office (631) 884-8530
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