



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

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**CEO 05-04**

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To: Chief Executive Officers of Degree-Granting Institutions  
District Superintendents of Schools  
Superintendents of Public and Non-Public Schools

From: Johanna Duncan-Poitier, Deputy Commissioner  
Office of Higher Education and Office of the Professions

James A. Kadamus, Deputy Commissioner  
Office of Elementary, Middle, Secondary and Continuing Education

SUBJECT: Guidelines on Revised Rules and Regulations Relating to:

- The Requirements for Conferral of a College Degree
- The Home Instruction of Students of Compulsory School Age and Full-Time College Study

## **INTRODUCTION**

In September 2004, the New York State Board of Regents adopted amendments to section 3.47 of the *Rules of the Board of Regents* relating to the requirements for conferral of a college degree and to section 100.10 of the *Regulations of the Commissioner of Education* relating to the home instruction of students of compulsory school age who wish to attend college on a full-time basis. These amendments also necessitated revisions to section 8.2 of Regents Rules concerning access to Regents examinations and to section 100.7 of Commissioner's Regulations relating to the course distribution requirements for earning a high school equivalency diploma through college study. The full texts of the amendments, effective on September 30, 2004, are attached.

The purpose of these guidelines is to help colleges and universities in New York State and school administrators of local school districts administer these provisions effectively and respond to the needs of both prospective and enrolled students. The guidelines are also designed to assist parents and students in understanding and complying with the requirements. *It is important to communicate this information to prospective and enrolled students.* This memorandum will also be posted on the web at [www.highered.nysed.gov](http://www.highered.nysed.gov).

The adoption of these amendments represents the culmination of many months of discussion and comment from various constituencies—parents who instruct their children at home, college admissions personnel, and school district superintendents, among others. As amended, the rules accommodate constituent concerns while maintaining appropriate standards to ensure that degree candidates at colleges and universities in New York State demonstrate satisfactory preliminary education needed to obtain a college degree. The changes provide additional flexibility for a student beyond compulsory school age to demonstrate preliminary education for earning a college degree through a variety of alternatives.

## HIGHLIGHTS

The amendments adopted by the Regents:

- Establish preliminary education requirements that must be met in order for a student to obtain a college degree, for candidates who are of compulsory school age\* and for candidates who are beyond compulsory school age. Students beyond compulsory school age are afforded six alternative means to demonstrate preliminary education for a college degree.
- Require students of compulsory school age who have yet to complete a four-year high school program and who seek to enroll in full-time college study to submit to the college verification from the school district of residence that the student will be meeting the compulsory education requirements through full-time college study. This verification must be in the form of an approved Individualized Home Instruction Plan (IHIP) that includes such full-time college study.
- Permit school district residents, including home instructed students, to take five specific Regents examinations or approved alternative examinations for the purpose of meeting the preliminary education requirement for earning a college degree, applicable to students beyond compulsory school age.

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\* In New York State, section 3205 of the Education Law requires a child's attendance in full-time day instruction from the age of six to the end of the school year in which the child turns sixteen, or seventeen for school districts that select this age.

- Repeal the requirement that a student present satisfactory evidence of a preliminary education of at least a four-year high school course or its equivalent before beginning college degree study. This requirement was in conflict with the Commissioner's Regulation that permitted a student to earn a high school equivalency diploma through completing 24 semester hours as a recognized candidate for a college degree.

## DISCUSSION OF CHANGES

A discussion of the changes in each amended section follows:

### I. Section 3.47(a) of the Rules of the Board of Regents.

Subdivision (a) of section 3.47 of the Rules of the Board of Regents, as amended, establishes general requirements that a candidate must meet to earn a college degree, including preliminary education requirements that must be met before a degree may be awarded.

#### A. A Student Is Not Required to Demonstrate Completion of a Four-Year High School Course or its Equivalent Before Beginning College Degree Study.

*Section 3.47(a)* is amended to repeal the requirement that a student present satisfactory evidence of a preliminary education of at least a four-year high school course or its equivalent before beginning college degree study. As stated above, this requirement was in conflict with the regulation that permitted a student to earn a high school equivalency diploma through completing 24 semester hours as a recognized candidate for a college degree. However, section 52.2(d) of Commissioner's Regulations still requires a college to have admission requirements for its registered programs that take into account the capacity of the student to undertake the program of study and the capacity of the institution to provide the instructional and other support the student needs to complete the program. It should be noted that the repeal of this requirement does not affect the eligibility requirements for State student financial aid, which are discussed below.

#### B. A Candidate for a Degree Must Complete a Registered College Program.

*Section 3.47(a)(1)* provides that no earned degree shall be conferred unless the candidate has completed a program of study at an institution authorized to confer that degree and the program of study has been registered (approved) by the State Education Department. These requirements were contained in the original language of the rule but have been rearranged and restated for clarity. (The Department maintains a list of approved programs, the Inventory of Registered Programs, by institution. The Inventory is available on the SED web site at [www.highered.nysed.gov/ocue](http://www.highered.nysed.gov/ocue).)

C. A Candidate for a Degree Must Meet Preliminary Education Requirements Before Being Awarded A College Degree.

Substantive changes are contained in *section 3.47(a)(2)* establishing preliminary education requirements that a candidate must meet before he or she may be awarded an earned degree. Note: these preliminary education requirements are not requirements for awarding a college credit-bearing certificate.

The requirements are different for students of compulsory school age and students beyond compulsory school age. Students beyond compulsory school age may show preliminary education through six alternatives. The alternatives for students of compulsory school age are more limited. Students of compulsory school age must be enrolled in a four-year high school program unless they have already completed such program. Therefore, they must show completion of a high school education or its substantial equivalent, as certified by the Superintendent of Schools or comparable chief school administrator, before being awarding a college degree.

(1) Preliminary Education Requirements for Students of Compulsory School Age.

*Section 3.47(a)(2)(i)* provides *two alternatives* for students of compulsory school age seeking to demonstrate acceptable preliminary education before they may be awarded a college degree:

(i) Holding a high school diploma; or

(ii) Having completed the substantial equivalent of a four-year high school course, as certified by the Superintendent of Schools or comparable chief school administrator.

(2) Preliminary Education Requirements for Students Beyond Compulsory School Age.

*Section 3.47(a)(2)(ii)* provides *six alternatives* for students beyond the age of compulsory attendance seeking to demonstrate acceptable preliminary education before they may be awarded a college degree:

(i) Holding a high school diploma; or

(ii) Having completed the substantial equivalent of a four-year high school course, as certified by the Superintendent of Schools or comparable chief school administrator; or

(iii) Holding a High School Equivalency Diploma; or

(iv) Completing 24 semester hours or the equivalent as a recognized candidate for a college-level degree or certificate at a degree-granting institution, as defined in the regulation (6 semester hours or the equivalent in English Language Arts including writing, speaking and reading (literature), 3 semester hours or the equivalent in Mathematics, 3

semester hours or the equivalent in Natural Sciences, 3 semester hours or the equivalent in Social Sciences, 3 semester hours or the equivalent in Humanities, and 6 semester hours or the equivalent in any other courses within the registered degree or certificate program); or

(v) Having previously earned and been granted a degree from a degree-granting institution, as defined in the regulation; or

(vi) Having passed and completed all requirements for the following five Regents examinations or approved alternative assessments for these examinations: the Regents Comprehensive Examination in English, the Regents examination in mathematics, the Regents examination in United States history and government, a Regents examination in science, and the Regents examination in global history and geography.

Additional information about some of these alternatives is provided below.

### *High school diploma*

#### Graduates of non-public high schools

Only public high schools and registered non-public schools are permitted by New York State Education Law to issue high school diplomas. Therefore, students who have completed their secondary education at a non-public school that has elected not to register with the State Education Department must choose one of the options for complying with section 3.47, *e.g.*, earning a high school equivalency diploma or completing 24 semester hour credits in the specified disciplines.

#### Graduates of a high school located in another state or a high school program of correspondence study

When a student has graduated from high school in another state, to be acceptable for purposes of section 3.47, the high school or its program of study must be recognized, authorized, or approved by the state educational entity having jurisdiction. When a student has completed a high school program through correspondence study, the correspondence school must be recognized, authorized, or approved by the state educational entity where the correspondence school is located. Additional validation of the high school program in the form of regional accreditation adds to the acceptability of such credentials. (The regional accrediting agencies include: the Middle States Association of Colleges and Schools; the New England Association of Colleges and Schools; the North Central Association of Schools and Colleges; the Northwest Association of Schools, Colleges and Universities; the Southern Association of Colleges and Schools; and the Western Association of Schools and Colleges.)

### Letter of substantial equivalency from the superintendent of schools

A student may meet the preliminary education requirement in section 3.47 through completing a home instruction program, pursuant to the requirements of section 100.10 of the Regulations of the Commissioner of Education, provided that the superintendent of schools certifies in writing that such program is substantially equivalent to a four-year high school program. If the superintendent determines substantial equivalence, a letter to that effect from the superintendent to the home instructed student is the appropriate documentation that the college should maintain in the student's file to demonstrate compliance with the preliminary education requirement for earning a college degree. For students of compulsory school age, the superintendent, upon request of the student, is required to perform the evaluation for the substantial equivalency determination. In the case of students beyond compulsory school age who ask for the evaluation for the substantial equivalency determination, the State Education Department strongly encourages the superintendent to perform this evaluation.

### *High School Equivalency Diploma by Completion of 24 Semester Credits*

It is strongly recommended that, for each student electing this alternative, colleges develop and maintain a checklist of the required 24-credit course distribution to ensure that all such courses have been completed. This exercise will help guard against potential disallowances during an audit of the Tuition Assistance Program (TAP) by the New York State Office of the State Comptroller.

Institutions that operate on a quarter credit system must convert to semester credits by multiplying the quarter credits by two-thirds (a quarter credit is equal to two-thirds of a semester credit). Thus, for example, a student would need to earn 4.5 quarter credits to satisfy a 3-semester credit requirement.

The use of College Level Examination Programs (CLEP) to satisfy any of the required 24 credit hours will be determined by the institution of higher education and clearly stated in its academic policies. For the high school equivalency diploma, the State Education Department also must approve the distribution of CLEP credits in the required subject areas.

### *Possession of a Previous College Degree*

Students seeking to earn a degree who have already earned a degree from a regionally accredited college or university or any institution in New York State authorized by the Board of Regents to confer degrees can use the prior degree to satisfy section 3.47. An official transcript or copy of the student's diploma will be acceptable documentation of the student's prior degree.

For a student who has completed a degree at a college or university in another country, the New York institution the student attends must assure that the study was

at the postsecondary level and that the foreign institution is recognized by the country's Ministry of Education or equivalent.

## **II. Section 3.47(b) of the Rules of the Board of Regents.**

Subdivision (b) of section 3.47 establishes a *preliminary requirement for enrollment*, applicable to students of compulsory school age who seek to meet compulsory educational requirements through full-time college study. Prior to enrolling, such student must submit to the degree-granting institution a valid and in-effect Individualized Home Instruction Plan (IHIP) verifying that the compulsory education requirements will be met through full-time college study. This requirement does not apply to students of compulsory school age who are in attendance at college part-time or during the summer if the student is taking fewer than 12 semester hours or its equivalent in the summer semester. An explanation of the related IHIP requirements is provided below.

## **III. Section 100.10 of the Regulations of the Commissioner of Education.**

*Section 100.10(d)* specifies the content of Individualized Home Instruction Plans (IHIPs). IHIPs are plans that are approved by school districts under which students receive home instruction. The change in this section is designed to coordinate with *section 3.47(b)* of the Regents Rules (discussed above), which specifies that students of compulsory school age who have yet to complete a four-year high school program and who seek to enroll in full-time college study must submit to the college verification from the school district of residence that the student will be meeting the compulsory education requirements through full-time college study. This verification must be in the form of an approved IHIP that includes such full-time study. In this situation, the IHIP must identify the degree-granting institution and the subjects to be covered by that study.

## **IV. Section 8.2 of the Rules of the Board of Regents.**

The change to Regents Rule *section 8.2* pertains to access to Regents examinations. It was changed to accommodate the alternative in Regents Rule section 3.47(a)(2) that students beyond compulsory school age may demonstrate preliminary education for earning a college degree through having passed and completed all requirements for five specified Regents examinations or approved alternative assessments for these examinations (discussed above). The change in section 8.2 requires principals of public schools administering Regents examinations to open admission to the Regents examinations to any school district resident who seeks to take such examinations for the purpose of meeting the preliminary education requirement for earning a degree pursuant to Regents Rule *section 3.47(a)(2)*.

## **V. Section 100.7 of the Regulations of the Commissioner of Education.**

*Section 100.7(a)(2)* pertains to requirements for earning a high school equivalency diploma in New York State. One way to earn the diploma is by successfully completing 24 semester hours or the equivalent in specified subjects as a recognized candidate for a

college-level degree or certificate at an approved institution. The regulation is changed to coordinate with the alternative in Regents Rule section 3.47(a)(2) that students beyond compulsory school age may demonstrate preliminary education for earning a college degree through having completed 24 semester hours or the equivalent in specified subjects (discussed above). This alternative is available to students who do not wish to obtain a high school equivalency diploma, although they meet the requirements for one through the completion of college coursework. The change simply specifies the same subjects for both the high school equivalency diploma and the preliminary education requirement for earning a college degree. *Beginning with applications for the high school equivalency diploma on or after September 30, 2004*, the 24 semester hours must be distributed as follows: 6 semester hours or the equivalent in English Language Arts including writing, speaking and reading (literature); 3 semester hours or the equivalent in Mathematics; 3 semester hours or the equivalent in the Natural Sciences; 3 semester hours or the equivalent in the Social Sciences; 3 semester hours or the equivalent in the Humanities; and 6 semester hours or the equivalent in any other courses within the registered degree or certificate program.

## **FINANCIAL AID ELIGIBILITY**

New York State Education Law section 661(4)(c) specifies that to be eligible for State student financial aid, a student "must have a certificate of graduation from a school providing secondary education; or the recognized equivalent of such certificate; or have achieved a passing score, as determined by the United States secretary of education, on a federally approved examination which demonstrates that the student can benefit from the education being offered." It is important to note that the above-referenced statutory requirements defining financial aid eligibility are different from the requirements in *Regents Rule 3.47* for earning a college degree. In October 2002, the State Education Department issued CEO memorandum #6, a "Summary of Recent Interagency Discussion and Agreement on Issues Related to State Student Financial Assistance." (A copy can be found on the Department's web site at: [www.highered.nysed.gov/ocue](http://www.highered.nysed.gov/ocue).) The guidance in the October 2002 memorandum is applicable for financial aid eligibility purposes.

## APPENDIX A

### AMENDMENT TO THE RULES OF THE BOARD OF REGENTS AND REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 210, 218, 224, 3204, 3205, 3210, 3212, and 3234 of the Education Law.

1. Subdivisions (a) and (b) of section 3.47 of the Rules of the Board of Regents are repealed and new subdivisions (a) and (b) are added, effective September 30, 2004, as follows:

(a) General requirements.

(1) No earned degree shall be conferred in this State on any person who has not completed the program of study requisite to such degree, which institution shall be authorized to confer the same. No earned undergraduate or graduate degree shall be conferred unless the applicant has completed a program registered by the department.

(2) No earned degree shall be conferred unless the candidate has met the requirements of subparagraphs (i) or (ii) of this paragraph.

(i) Candidates who are of compulsory school age, pursuant to section 3205 of the Education Law or other requirement of law, shall provide the degree-granting institution with satisfactory evidence of meeting one of the following requirements:

(a) holding a high school diploma; or

(b) having completed the substantial equivalent of a four-year high school course, as certified by the superintendent of schools or comparable chief school administrator of the candidate's school district of residence at the time such course was completed.

(ii) Candidates who are beyond compulsory school age, pursuant to section 3205 of the Education Law or other requirement of law, shall provide the degree-granting institution with satisfactory evidence of meeting one of the following requirements:

(a) holding a high school diploma; or

(b) having completed the substantial equivalent of a four-year high school course, as certified by the superintendent of schools or comparable chief school administrator of the candidate's school district of residence at the time such course was completed; or

(c) holding a New York State high school equivalency diploma in accordance with the requirements of section 100.7 of this Title, or a local high school equivalency diploma in accordance with the requirements of section 100.8 of this Title, or a high school equivalency diploma issued by another state of the United States or an authorized local government of such state, or a high school equivalency diploma based on passing the General Educational Development (GED) test or its successor examination, or a high school equivalency diploma based upon completing requirements that are substantially equivalent to the requirements for a New York State high school equivalency diploma as prescribed in section 100.7 of this Title; or

(d) having successfully completed 24 semester hours or the equivalent as a recognized candidate for a college-level degree or certificate at a degree-granting institution as defined in clause (e) of this subparagraph, distributed as follows: six semester hours or the equivalent in English language arts, including writing, speaking and reading (literature); three semester hours or the equivalent in mathematics; three semester hours or the equivalent in natural sciences; three semester hours or the equivalent in social sciences; three semester hours or the equivalent in humanities; and six semester hours or

the equivalent in any other courses within the registered degree or certificate program, all as verified by the institution conferring the degree; or

(e) having previously earned and been granted a degree from a degree-granting institution accredited by an accrediting agency approved by the United States Department of Education, pursuant to 20 USC 1099b; or from a postsecondary institution authorized by the Board of Regents to confer degrees; or from a degree-granting institution located in a jurisdiction outside the United States that is approved, authorized, or recognized by the jurisdiction's ministry of education or other governmental agency responsible for higher education; or

(f) having passed and successfully completed all requirements for the following Regents examinations or the approved alternative assessments for these examinations, pursuant to section 100.2(f) of this Title: the Regents Comprehensive Examination in English, the Regents examination in mathematics, the Regents examination in United States history and government, a Regents examination in science, and the Regents examination in global history and geography. For purposes of this clause, the passing score on the Regents examinations shall be 65 or, where applicable, a score of 55-64 as determined by the school district of residence, pursuant to section 100.5(a)(5)(i) of this Title.

(b) Preliminary requirement. Prior to enrolling, a student who seeks to meet the compulsory educational requirements of Education Law section 3205 through full-time study at a degree-granting institution, meaning enrollment for at least 12 semester hours in a semester or its equivalent, shall submit to the institution a valid and in effect

individualized home instruction plan (IHIP), pursuant to section 100.10 of this Title, that authorizes such full-time study.

2. Subdivision (d) of section 100.10 of the Regulations of the Commissioner of Education is amended, effective September 30, 2004, as follows:

(d) Content of individualized home instruction plan (IHIP). Each child's IHIP shall contain:

(1) . . .

(2) . . .

(3) the dates for submission to the school district of the parents' quarterly reports as required in subdivision (g) of this section. These reports shall be spaced in even and logical periods; [and]

(4) the names of the individuals providing instruction; and

(5) a statement that the child will be meeting the compulsory educational requirements of Education Law section 3205 through full-time study at a degree-granting institution, meaning enrollment for at least 12 semester hours in a semester or its equivalent, if that is the case. In this situation, the IHIP shall identify the degree-granting institution and the subjects to be covered by that study.

## APPENDIX B

### AMENDMENT TO THE RULES OF THE BOARD OF REGENTS AND THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 208, 209, 305, 308, 309 and 3204

1. Section 8.2 of the Rules of the Board of Regents is amended, effective

September 30, 2004, as follows:

8.2 Admission to examinations.

(a) All pupils who have studied a subject at an approved school for a period of time not less than that prescribed by the commissioner shall have the right to be admitted to the Regents examination at such school.

(b) Except as provided in subdivision (c) of this section, other persons may be admitted to Regents examinations, for the purpose of demonstrating academic proficiency acquired through independent, out-of-school or other study, at the discretion of the principal of the school administering the examinations. Subject to the requirements of subdivision

(c) of this section, the principal of a public school administering the examinations shall

admit a candidate who is a school district resident and who seeks to take such examination(s) for the purpose of meeting the requirements for an earned degree pursuant to section 3.47(a)(2) of this Title. If the candidate is enrolled during the regular school year in an approved high school other than the school in which the examination is to be administered, the written permission of the principal of such other school shall be required. The school administering the examination may require that candidates provide adequate prior notice [,] and present satisfactory personal identification, and may require a candidate who is not a district resident to pay a reasonable fee to cover administrative and rating costs.

(c) Only those persons who have satisfactorily met the laboratory requirements as stated in the State syllabus for a science shall be admitted to a Regents examination in such science.

2. Section 8.3 of the Rules of the Board of Regents is amended, effective September 30, 2004, as follows:

8.3 Passing mark.

[The] Except as provided in section 100.5(a)(5)(i) of this Title, the minimum passing mark in Regents examinations shall be 65 percent.

3. Paragraph (2) of subdivision (a) of section 100.7 of the Regulations of the Commissioner of Education is amended, effective September 30, 2004, as follows:

(2) In order to receive a high school equivalency diploma, candidates shall:

(i) . . .

(ii) . . .

(iii) provide satisfactory evidence that they have successfully completed 24 [credits (semester hours)] semester hours or the equivalent as a recognized candidate for a college-level degree or certificate at an approved institution. Beginning with applications made on or after September 1, 2000 and before September 30, 2004, the 24 [credits] semester hours shall be distributed as follows: six [credits] semester hours or the equivalent in English language arts including writing, speaking and reading (literature); six [credits] semester hours or the equivalent in mathematics; three [credits] semester hours or the equivalent in natural [science] sciences; three [credits] semester hours or the equivalent in social [science] sciences; three [credits] semester hours or the equivalent in humanities;

and three [credits] semester hours or the equivalent in career and technical education and/or foreign languages. Beginning with applications made on or after September 30, 2004, the 24 semester hours shall be distributed as follows: six semester hours or the equivalent in English language arts including writing, speaking and reading (literature); three semester hours or the equivalent in mathematics; three semester hours or the equivalent in natural sciences; three semester hours or the equivalent in social sciences; three semester hours or the equivalent in humanities; and six semester hours or the equivalent in any other courses within the registered degree or certificate program.