



Book	Ogdensburg City School District
Section	4000
Title	DIPLOMA AND CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES
Code	4773
Status	First Reading

☐ Required  
☐ Local  
☒ **Notice**

**NEW NOTE:** State regulations 8 NYCRR §100.6(c) require that students receiving a Skills and Achievement Commencement Credential (SACC) or Career Development and Occupational Studies Commencement Credential (CDOS) who are less than 21 years old receive a written assurance of the right to continue school attendance until they have earned a diploma or until the end of the school year in which they turn 21. However, the Second Circuit decision "A.R. v. Connecticut State Board of Education, 5 F.4th 155 (2021)" held, as reiterated by the subsequent NYSED "Formal Opinion of Counsel No. 242 (7/6/2023)", that students with disabilities under the IDEA are entitled to special education and related services until their 22<sup>nd</sup> birthday. Even though these state regulations have not been revised, we recommend modifying this policy accordingly. See the "Continued Right to Educational Services" and legal citation sections.

Additionally, we are correcting the CDOS section of this policy to reflect that all students may earn a CDOS, not just those with disabilities.

Note that while not addressed in this policy, the regulations say SACCs "shall be issued at any time after such student has attended school for at least 12 years, excluding kindergarten, or has received a substantially equivalent education elsewhere, or at the end of the school year in which a student attains the age of 21" and CDOSs "shall be issued at the same time the student receives his/her Regents or local high school diploma or, for a student who is unable to meet the requirements for a Regents or local diploma, any time after such student has attended school for at least 12 years, excluding kindergarten, or has received a substantially equivalent education elsewhere, or at the end of the school year in which a student attains the age of 21." In light of "A.R. v. Connecticut" and NYSED Formal Opinion of Counsel No. 242, the district should consult with its attorney about the appropriate time to issue SACCs and CDOSs.

**OLD NOTE:** In general, this policy reflects the commencement and diploma options for students with disabilities, including the SACC and CDOS. Specific pathways and options for earning a Regents or local high school diploma are set forth in Commissioner's Regulations and are not repeated here. The particular requirements for granting a SACC or CDOS, including school district duties and responsibilities, are set forth in Commissioner's Regulations section 100.6(b). However, while a CDOS may be granted either in addition to or instead of a high school diploma, if more than 20% of a district's cohort of students with disabilities is granted a CDOS instead of a diploma, the district may be directed by the State Education Department as to how to spend federal IDEA funds to address this imbalance.

The Board of Education is committed to supporting all students so they are college- and career-ready upon graduation. The Committee on Special Education (CSE), which includes parents/guardians, will work with students with disabilities to attain the appropriate diploma or credential based on their Individualized Education Plan (IEP).

#### *Regents Diploma or Regents Diploma with Advanced Designation*

Students with disabilities are encouraged to work toward the completion of requirements for a Regents diploma or Regents diploma with an advanced designation, as established by New York State and the Board.

*Local Diploma*

Students with disabilities may work toward completion of the requirements of a local diploma. The local diploma may be earned by meeting the standards set forth in state regulations.

*Career Development and Occupational Studies Commencement Credential*

**NEW NOTE:** The CDOS is available to all students, not just students with disabilities.

Any student who is not eligible for a Skills and Achievement Commencement Credential (including students without disabilities) may be issued a New York State Career Development and Occupational Studies Commencement Credential (CDOS), pursuant to the requirements of those regulations. The student may pursue a CDOS either in addition to or instead of a high school diploma. The district will ensure that such students have been provided with appropriate opportunities to earn a high school diploma.

*Skills and Achievement Commencement Credential*

A student who meets the state definition of a student with severe disabilities, who has taken the State assessment for students with severe disabilities, may be issued a skills and achievement commencement credential pursuant to the requirements of Commissioner's Regulations 8 NYCRR §100.6.

*Continued Right to Educational Services*

If a student receiving a Career Development and Occupational Studies Commencement Credential or a Skills and Achievement Commencement Credential is less than twenty-one years of age, the credential will be accompanied by a written assurance of the student's continued right to attend public school until the student turns twenty-two, or until the student has earned a Regents or local high school diploma, whichever is earlier.

*Graduation Ceremonies*

Students with disabilities may participate in graduation ceremonies as permitted under state law and described in policy 4772, Graduation Ceremonies.

Cross-ref:

4321, Programs for Students with Disabilities  
4770, Graduation Requirements  
4772, Graduation Ceremonies

Ref:

8 NYCRR §§100.1; 100.5; 100.6; 100.9  
A.R. v. Connecticut State Board of Education, 5 F.4th 155 (2021).  
Formal Opinion of Counsel No. 242 (7/6/2023), NYSED

Adoption date: