

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 208, 209, 305, 309, and 3204 of the Education Law.

1. Paragraph (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education is amended by adding a new subparagraph (xii) to read as follows:

(xii) Posthumous high school diplomas.

(a) A school district, registered nonpublic school, or charter school may issue a high school diploma for a deceased student if a request is made by the student's parent or person in parental relation, or where the student's parent or person in parental relation is deceased, the student's next of kin, and such student was enrolled in such school or district at the time of death.

(b) Nothing in this subparagraph shall:

(1) obligate school districts, registered nonpublic schools, or charter schools to issue a posthumous diploma at the same ceremony or event as other graduating students; or

(2) limit school districts, registered nonpublic schools, or charter schools from issuing high school diplomas to students who died before the effective date of this subparagraph, provided that the requirements of this subparagraph have been met.

(c) Diplomas issued under this subparagraph shall not be applied toward student graduation counts or for any other purpose of federal and state accountability data collection.