

Dear NYSAFLT Members:

Due to widespread lack of clarity regarding interpretation of the new State Regulations regarding the LOTE requirement, NYSAFLT has attempted to obtain further clarification from the State Education Department.

As many of us are just now realizing, the new regulations passed December 14, 2010 are written in such a way as to require "successful completion" of both units of the two-unit LOTE requirement (where in the past this was not the case). The State Education Department is no longer using the term "seat time". These new regulations apply to the current school year.

Two fundamental questions have been raised surrounding the implementation of these regulations:

What should schools do about 7th graders who do not pass their first unit of instruction and what do we do about current 8th graders who did not pass 7th grade LOTE last year?

What is the standing of so-called "accelerated" LOTE programs?

When asked what to do about students who do not "successfully complete" the first unit of study, the reply we received from SED was:

"The regulations that were passed by the Board of Regents require students to "successfully complete" the two units of study as well as "pass" the locally developed test. As such, students must meet all three criteria (i.e., pass Grade 7, pass Grade 8, and pass local test) in order to earn one unit of high school credit in Grade 8 or earlier.

"Failing which, schools and districts would need to provide opportunities for students to "make up" or "recover" those units of study and to meet local requirements for "successful completion"."

In response to questions regarding so called "accelerated" middle school LOTE programs, the State Education Department has replied:

"The provision for Grade 8 acceleration for diploma credit exists in regulations (see <http://www.p12.nysed.gov/part100/pages/1004.html>). However, this provision is NOT intended for an entire cohort of students. It is intended for individual students based on his or her "readiness" as determined by the superintendent or his/her designee."

In response to questions regarding this new, seemingly narrower interpretation of accelerated LOTE instruction we received the following reply:

"The superintendent, or his or her designee, shall determine whether a student has demonstrated readiness in each subject in which he or she asks to begin high school courses in the eighth grade leading to a diploma."

In response to further questions regarding the status of existing accelerated programs around the state, given this new, narrower interpretation of acceleration of students, we received the following response:

"Each district is unique and it is conceivable that a high performing school district may indeed have a group of students who may benefit from this provision in regulations."