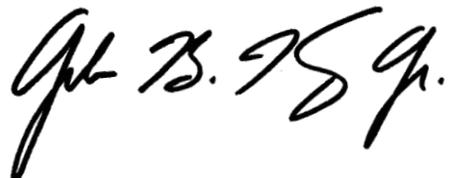




THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

**TO:** P-12 Education Committee  
**FROM:** Ken Wagner   
**SUBJECT:** Proposed amendment of §100.5(g)(1)(ii)(a) of the Commissioner's Regulations relating to the transition to the Regents Examination in Algebra I (Common Core)  
**DATE:** November 10, 2014

**AUTHORIZATION(S):**

### SUMMARY

#### **Issue for Decision**

Should the Board of Regents amend §100.5(g)(1)(ii)(a) of the Commissioner's Regulations to provide additional flexibility in the transition to the Common Core-aligned Regents Examination in Algebra I by allowing, at the discretion of the local school district, students receiving Algebra I (Common Core) instruction to take the Regents Examination in Integrated Algebra in addition to the Regents Examination in Algebra I (Common Core) at the June 2015 test administration, and meet the requirement for graduation by passing either examination?

#### **Reason(s) for Consideration**

Implementation of policy.

#### **Proposed Handling**

The proposed amendment is being presented to the P-12 Education Committee for emergency action at the November 2014 Regents meeting. A statement of the facts and circumstances which necessitate emergency action is attached.

## **Procedural History**

A Notice of Emergency Adoption and Proposed Rule Making will be published in the State Register on December 3, 2014. A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

## **Background Information**

The last administrations of the current Regents Examinations in Integrated Algebra, Geometry and Algebra 2/Trigonometry will be administered in January 2015, January 2016, and January 2017, respectively. The transition plan for the new Regents Exams in Math (Common Core) includes the following:

- Students who first begin instruction in a commencement level mathematics course aligned to the Common Core Learning Standards (CCLS) in September 2013 and thereafter shall meet the mathematics requirement for graduation by passing a commencement level Regents Examination in mathematics that measures the CCLS, or an approved alternative.
- Students who first began or will complete an Integrated Algebra, Geometry, or Algebra 2/Trigonometry course prior to September 2013 shall meet the mathematics requirements for graduation by passing the corresponding Regents Examinations aligned to the Mathematics Core Curriculum (Revised 2005), while those examinations are still being offered. For the June 2014, August 2014 and January 2015 administrations only, students receiving Algebra I (Common Core) instruction may, at local discretion, take the Regents Examination in Integrated Algebra (2005 Revised) in addition to the Regents Examination in Algebra I (Common Core) and may meet the Mathematics graduation requirement by passing either exam.

The proposed amendment would extend to the June 2015 test administration, the option of taking the Regents Examination in Integrated Algebra (2005 Revised) in addition to the Regents Examination in Algebra I (Common Core) and meeting the Mathematics graduation requirement by passing either exam.

## **Recommendation**

Staff recommends that the Regents take the following action:

VOTED: That clause (a) of subparagraph (ii) of paragraph (1) of subdivision (g) of section 100.5 of the Regulations of the Commissioner is amended as submitted, effective November 18, 2014, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that school districts and students are given sufficient notice to prepare for and timely implement in the 2014-2015 school year the provision providing, at the

local school district's discretion, an additional opportunity for students receiving Algebra I (Common Core) instruction to take the Regents Examination in Integrated Algebra in addition to the Regents examination in Algebra I (Common Core) at the June 2015 test administration, and meet the requirement for graduation by passing either examination.

### **Timetable for Implementation**

If adopted as an emergency measure at the November Regents meeting, the proposed amendment will become effective on November 18, 2014 for a 90-day period. It is anticipated that the proposed rule will be presented for permanent adoption at the February 2015 Regents meeting, after publication of a Notice of Emergency Rule Making and Proposed Rule Making in the State Register and expiration of the 45-day public comment period prescribed in the State Administrative Procedure Act.

## **8 NYCRR §§100.5(g)(1)(ii)(a)**

### STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE EMERGENCY ACTION

The proposed amendment is necessary to implement Regents policy to provide, at the local school district's discretion, an additional opportunity for students receiving Algebra I (Common Core) instruction to take the Regents Examination in Integrated Algebra in addition to the Regents examination in Algebra I (Common Core) at the June 2015 test administration, and meet the requirement for graduation by passing either examination.

Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular (non-emergency) adoption, after publication in the State Register and expiration of the 45-day public comment period provided for in State Administrative Procedure Act (SAPA) section 202(1) and (5), is the February 9-10, 2015 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the February meeting, would be February 25, 2015, the date a Notice of Adoption would be published in the State Register. However, emergency action to adopt the proposed rule is necessary now for the preservation of the general welfare to ensure that school districts and students are given sufficient notice to prepare for and timely implement in the 2014-2015 school year the provision providing, at the local school district's discretion, an additional opportunity for students receiving Algebra I (Common Core) instruction to take the Regents Examination in Integrated Algebra in addition to the Regents

examination in Algebra I (Common Core) at the June 2015 test administration, and meet the requirement for graduation by passing either examination.

It is anticipated that the emergency rule will be presented to the Board of Regents for adoption as a permanent rule at the February 8-9, 2015 Regents meeting, which is the first scheduled meeting after expiration of the 45-day public comment period mandated by the State Administrative Procedure Act for proposed rulemakings.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

Clause (a) of subparagraph (ii) of paragraph (1) of subdivision (g) of section 100.5 of the Regulations of the Commissioner is amended, effective November 18, 2014, as follows:

(a) Students who first begin instruction in a commencement level mathematics course aligned to the Common Core Learning Standards in September 2013 and thereafter shall meet the mathematics requirement for graduation in clause (a)(5)(i)(b) of this section by passing a commencement level Regents examination in mathematics that measures the Common Core Learning Standards, or an approved alternative pursuant to section 100.2(f) of this Part; provided that:

(1) for the June 2014, August 2014, [and] January 2015 and June 2015 administrations only, students receiving algebra I (common core) instruction may, at the discretion of the applicable school district, take the Regents examination in integrated algebra in addition to the Regents examination in algebra I (common core), and may meet the mathematics requirement for graduation in clause (a)(5)(i)(b) of this section by passing either examination; and

(2) . . .