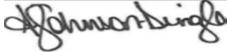




THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable Members of the Board of Regents

FROM: Angelique Johnson-Dingle 

SUBJECT: Proposed Amendment to Section 100.5(b) of the Regulations of the Commissioner of Education Relating to the Laboratory Experience Required in Order to Take a Science Regents Examination

DATE: December 29, 2022

AUTHORIZATION(S): 

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amendment to section 100.5(b) of the Regulations of the Commissioner of Education relating to the laboratory experience required to take a science Regents Examination?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at its January 2023 meeting. A copy of the proposed rule is included (Attachment A).

Procedural History

The proposed amendment was presented to the P-12 Education Committee for discussion and recommendation to the Full Board for adoption as an emergency rule at the September 2022 meeting of the Board of Regents. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on September 28, 2022, for a 60-day public comment period.

Because the September 2022 emergency action was set to expire on December 11, 2022, a second emergency action was necessary at the November 2022 Regents meeting to ensure the emergency rule remains continuously in effect until it could be permanently adopted at the January 2023 Regents meeting. A Notice of Emergency Adoption was published in the State Register on December 28, 2022.

Following publication in the State Register, the Department received no comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required and no changes to the proposed amendment are needed. A Notice of Adoption will be published in the State Register on January 25, 2023. Supporting materials for the proposed rule are available upon request from the Secretary to the Board of Regents.

Background Information

Prior to the COVID-19 pandemic, the Commissioner's regulations required that students could only take a science Regents Examination if they had completed 1,200 minutes of hands-on science laboratory experience. Only a limited group of students — those who attended educational programs administered in residential care or correctional facilities pursuant to Education Law section 112 and Part 116 or 118 of this Title — were allowed to satisfy this requirement through a combination of hands-on and simulated experience. In response to the exigencies of the COVID-19 pandemic, the Department allowed all students to satisfy the 1,200-minute requirement through a combination of hands-on and simulated experience.

Given positive feedback from the field during the pandemic, the Department now proposes to make this flexibility permanent. Advances in technology and innovations in instructional methodologies, refined during the 2019-2020 and 2020-2021 school years, have made it possible to deliver high-quality simulated laboratory learning experiences to students. By making this flexibility permanent, schools and districts can increase access to science courses with laboratory components, including advanced science courses, by utilizing blended or virtual learning opportunities. In addition, this flexibility will facilitate the implementation of the New York State P-12 Science Learning Standards.

Related Regents Items

November 2022: [Proposed Amendment to Section 100.5\(b\) of the Regulations of the Commissioner of Education Relating to the Laboratory Experience Required in Order to Take a Science Regents Examination](https://www.regents.nysed.gov/common/regents/files/1122brca4.pdf)
(<https://www.regents.nysed.gov/common/regents/files/1122brca4.pdf>)

September 2022: [Proposed Amendment to Section 100.5\(b\) of the Regulations of the Commissioner of Education Relating to the Laboratory Experience Required in Order to Take a Science Regents Examination](https://www.regents.nysed.gov/common/regents/files/922p12a1revised.pdf)
(<https://www.regents.nysed.gov/common/regents/files/922p12a1revised.pdf>)

September 2021: [Proposed Amendment to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19, and 151-1.3 and the addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/921bra4.pdf)
(<https://www.regents.nysed.gov/common/regents/files/921bra4.pdf>)

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That section 100.5(b) of the Regulations of the Commissioner of Education be amended, as submitted, effective January 25, 2023.

Timetable for Implementation

If adopted at the January 2023 meeting, the proposed amendment will become effective as a permanent rule on January 25, 2023.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

Clause (d) of subparagraph (iv) of paragraph (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(d) Science, three units of credit, and one of the Regents examinations in science or an approved alternative pursuant to section 100.2(f) of this Part. In order to qualify to take a Regents examination in any of the sciences, a student must complete 1,200 minutes of [actual hands-on (not simulated)] laboratory experience which may be met through any combination of hands-on and simulated laboratory experience with satisfactory documented laboratory reports[, provided that, for students who attend educational programs administered pursuant to Education Law section 112 and Part 116 or 118 of this Title, and for all students where such hands-on laboratory experience cannot be completed as a result of the COVID-19 crisis, the 1,200 minutes of laboratory experience may be met through a combination of hands-on and simulated laboratory experience]. The 1,200 minutes of laboratory experience must be in addition to the required classroom instruction associated with earning a unit of credit, provided, however, for the 2019-2020 and 2020-2021 school years, including the 2020 and 2021 summer sessions, the 1,200 minutes of laboratory experience is not required for a student to qualify to take a Regents examination where such student is unable to meet the 1,200-minute requirement due to the COVID-19 crisis and, provided further, that

1,200 minutes of laboratory experience is not required for a student to be exempted from a Regents examination pursuant to subparagraph (vi) of paragraph (5) of subdivision (a) of this section.