



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

TO: The Honorable the Members of the Board of Regents

FROM:

Ken Wagner

SUBJECT:

Proposed amendment of §100.5(g)(1)(ii) of the Regulations of the Commissioner, relating to the transition to Common Core-aligned Regents Examinations in Mathematics (Geometry)

DATE:

May 12, 2014

AUTHORIZATION(S):

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents amend §100.5(g)(1)(ii) of the Commissioner's Regulations to make technical corrections and clarify the text of the regulation?

Reason(s) for Consideration

Implementation of Policy

Proposed Handling

The proposed amendment will be presented to the Full Board for adoption as an emergency action at the May 2014 Regents meeting. A copy of the proposed amendment and a statement of the facts and circumstances which necessitate emergency action are attached. It is anticipated that a Notice of Emergency Adoption and Proposed Rule Making will be published in the State Register on June 4, 2014. Supporting materials are available upon request from the Secretary to the Board of Regents.

Procedural History

At their April 2014 meeting, the Board of Regents amended section 100.5(g) of the Commissioner's Regulations, effective May 14, 2014, to allow for a limited time and at the discretion of the applicable school district, students receiving Geometry (Common Core) instruction to take the Regents Examination in Geometry aligned to the 2005 Learning Standards in addition to the Regents Examination in Geometry (Common Core), and meet the mathematics requirement for graduation by passing either examination.

Background Information

The proposed amendment is needed to make technical changes to correct the numbering of the paragraph, subparagraph and clauses of the amendment adopted at the April 2014 meeting. The April amendment inadvertently omitted the extensive renumbering of section 100.5(g) that occurred when separate amendments were made to sections 100.5 and 100.18 in February 2014. Among the changes was to renumber section 100.5(g)(2)(i) and (ii) to 100.5(g)(1)(ii)(a) and (b), relating to the mathematics requirements for a diploma.

In addition, the proposed amendment eliminates redundant language and otherwise clarifies that the April amendment is applicable to students who first begin instruction in a commencement level mathematics course aligned to the Common Core Learning Standards in September 2013 and thereafter. The April amendment inadvertently placed the Geometry examination provision in section 100.5(g)(ii)(b) instead of in 100.5(g)(ii)(a).

Recommendation

Staff recommends that the Regents take the following action

VOTED: That subparagraph (ii) of paragraph (1) of subdivision (g) of section 100.5 of Commissioner's Regulations be amended as submitted, effective May 20, 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 to immediately make technical changes and clarify the text of the regulation to prevent any potential confusion and misinterpretation regarding the provisions of the regulation.

Timetable for Implementation

If adopted at the May meeting, the emergency rule will take effect on May 14, 2014, for a period of ninety days. It is anticipated that the proposed amendment will be presented for adoption as a permanent rule at the September 2014 Regents meeting.

Attachment

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

Subparagraph (ii) of paragraph (1) of subdivision (g) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective May 20, 2014, as follows:

(ii) Mathematics.

(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 100.5(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 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 100.5(a)(5)(i)(b) of this section by passing either examination; and

(2) for the June 2015, August 2015 and January 2016 administrations only, students receiving Geometry (Common Core) instruction may, at the discretion of the applicable school district, take the Regents Examination in Geometry aligned to the 2005 Learning Standards in addition to the Regents Examination in Geometry

(Common Core), and may meet the mathematics requirement for graduation in clause 100.5(a)(5)(i)(b) of this section by passing either examination.

(b) Students who first began or will complete an Integrated Algebra, Geometry, or Algebra 2/Trigonometry course prior to September 2013 shall meet the mathematics requirement for graduation in clause 100.5(a)(5)(i)(b) of this section by passing the corresponding commencement level Regents Examinations in mathematics 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 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 100.5(a)(5)(i)(b) of this section by passing either examination; and

(2) for the June 2015, August 2015 and January 2016 administrations only, students receiving Geometry (Common Core) instruction may, at the discretion of the applicable school district, take the Regents Examination in Geometry aligned to the 2005 Learning Standards in addition to the Regents Examination in Geometry (Common Core), and may meet the mathematics requirement for graduation in clause 100.5(a)(5)(i)(b) of this section by passing either examination].

(c) . . .

8 NYCRR §100.5(g)(1)(ii)

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE EMERGENCY ACTION

At their April 2014 meeting, the Board of Regents amended section 100.5(g) of the Commissioner's Regulations, effective May 14, 2014, to allow for a limited time and at the discretion of the applicable school district, students receiving Geometry (Common Core) instruction to take the Regents Examination in Geometry aligned to the 2005 Learning Standards in addition to the Regents Examination in Geometry (Common Core), and meet the mathematics requirement for graduation by passing either examination.

The proposed amendment is needed to make technical changes to correct the numbering of the paragraph, subparagraph and clauses of the amendment adopted at the April 2014 meeting. The April regulation inadvertently omitted the extensive renumbering of section 100.5(g) that occurred when separate amendments were made to sections 100.5 and 100.18 in February 2014. Among the changes was to renumber section 100.5(g)(2)(i) and (ii) to 100.5(g)(1)(ii)(a) and (b), relating to the mathematics requirements for a diploma.

In addition, the proposed amendment eliminates redundant language and otherwise clarifies that the April amendment is applicable to students who first begin instruction in a commencement level mathematics course aligned to the Common Core Learning Standards in September 2013 and thereafter. The April amendment inadvertently placed the Geometry examination provision in section 100.5(g)(ii)(b) instead of in 100.5(g)(ii)(a).

Because the Board of Regents meets at scheduled intervals, the September 2014 meeting is the earliest the proposed rule could be presented for adoption, after publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on June 4, 2014 and expiration of the 45-day public comment period required under the State Administrative Procedure Act. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed rule, if adopted at the July meeting, would be October 1, 2014, the date a Notice of Adoption would be published in the State Register. However, emergency adoption of these regulations is necessary now for the preservation of the general welfare to immediately make technical changes and clarify the text of the regulation to prevent any potential confusion and misinterpretation regarding the provisions of the regulation.

It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at its September 15-16, 2014 meeting, which is the first scheduled meeting after expiration of the 45-day public comment period mandated by the State Administrative Procedure Act.