



TO: The Honorable the Members of the Board of Regents

FROM: Angélica Infante-Green *A. Infante - Green*

SUBJECT: Proposed Amendment to Sections 100.2 and 100.5 of the Regulations of the Commissioner of Education to Establish Criteria for the Approval of Pathway Assessments in Languages other than English (LOTE)

DATE: June 1, 2017

AUTHORIZATION(S):  

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents amend Sections 100.2 and 100.5 of the Regulations of the Commissioner of Education in order to provide for approval of pathway examinations in Languages other than English (LOTE) to meet diploma requirements?

Reason(s) for Consideration

Review of policy.

Proposed Handling

At its March 2017 meeting, the Board of Regents adopted the proposed amendment, as an emergency measure, effective March 14, 2017. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on March 29, 2017. In accordance with the State Administrative Procedure Act, there is a 45-day public comment period, which expired on May 15, 2017. The Department received no comments on the proposed amendment.

The proposed amendment is being presented to the Full Board for adoption as a permanent rule at its June 2017 meeting. A copy of the proposed amendment is attached.

Background Information

In January 2015, the Board established regulations to establish multiple, rigorous assessment pathways for graduation for all students. Those pathways included STEM, Humanities, Career and Technical Education (CTE), Languages other than English (LOTE), and the Arts. In March of 2016, the Board established a Career Development Occupational Studies (CDOS) pathway as a sixth option for New York State students.

Since that time, the Office of State Assessment has approved 30 examinations in CTE and 9 examinations in the Arts. At the time the regulations establishing the pathways were approved, the specific rules governing the criteria for evaluating pathway examinations, outlined in Commissioner's Regulations §100.2(mm), only included approval of CTE and Arts examinations. The proposed amendment applies the same criteria for evaluating pathway examinations to the evaluation of LOTE pathway assessments, rather than the criteria set forth in 100.2(f). The proposed amendment is necessary to ensure that there is an appropriate set of criteria by which assessments in LOTE can be evaluated and approved to be used to meet assessment requirements for graduation.

Related Regents Items

Board of Regents Item Establishing Pathways in January 2015 can be found at:
<http://www.regents.nysed.gov/common/regents/files/meetings/Jan%202015/115p12a2.pdf>

Board of Regents item Establishing the CDOS Pathway in March 2016 can be found at:
<http://www.regents.nysed.gov/common/regents/files/316p12a1.pdf>

Board of Regents Adoption of Proposed Amendment as Emergency Rule in March 2017 can be found at:
<http://www.regents.nysed.gov/common/regents/files/317p12a2.pdf>

Board of Regents Adoption of Proposed Amendment as Emergency Rule in May 2017 can be found at:
<https://www.regents.nysed.gov/common/regents/files/517brca13.pdf>

Recommendation

It is recommended that the Board take the following action:

VOTED: That subdivisions (f) and (mm) of Section 100.2 of the Commissioner's Regulations be amended and that subclause (1) of clause (f) of subparagraph (i) of paragraph (5) of subdivision (a) of Section 100.5 be amended, effective June 28, 2017.

Timetable for Implementation

If adopted at the June meeting, the proposed amendment will become effective as a permanent rule on June 28, 2017.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Item (iv) of subclause (1) of clause (f) of subparagraph (i) of paragraph (5) of subdivision (a) of section 100.5 of the Regulations of the Commissioner of Education, shall be amended, to read as follows:

(iv) a pathway assessment [(e.g., languages] in Languages other than English [)] approved by the commissioner in accordance with section 100.2 [(f)(2)] mm of this Part;

or

2. Paragraph (2) of subdivision (f) of section 100.2 of the Regulations of the Commissioner of Education, shall be amended, to read as follows:

(2) Pathway assessments. With the approval of the commissioner, pathway assessments which measure an equivalent level of knowledge and skill may be substituted for the assessments specified in this Part. Notwithstanding the requirements of subdivision (d) of this section and section 100.5(b)(7)(v)(c) of this Part any examination that is used to satisfy the pathway assessment graduation requirements in section 100.5(a)(5)(i)(f) of this Part, other than those specifically enumerated in subdivision (mm) of this section relating to pathway assessments in career and technical education, Languages other than English and in the arts. shall meet the conditions and criteria set forth in subparagraphs (1)(i) through (vi) of this subdivision.

3. Subdivision (mm) of section 100.2 of the Regulations of the Commissioner of Education, shall be amended, to read as follows:

Pathway assessments in career and technical education, Languages other than English, and [in] the arts.

Except as provided in subdivision (f) of this section, students who have passed four required Regents examinations or department-approved alternative assessments in each of the areas of English Language Arts, mathematics, science, and social studies pursuant to section 100.5 of this Part and who are otherwise eligible to receive a high school diploma in June 2015 and thereafter may meet the fifth assessment requirement for graduation pursuant to section 100. 5 of this Part by passing a fifth pathway assessment in career and technical education (CTE), Languages other than English, or [in] the arts, that is approved by the commissioner pursuant to the following conditions and criteria:

- (1) . . .
- (2) . . .
- (3) . . .
- (4) . . .
- (5) . . .
- (6) . . .
- (7) . . .