



**TO:** The Honorable the Members of the Board of Regents

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

**SUBJECT:** Proposed Amendment of Section 100.5 of the Regulations of the Commissioner, Relating to the Social Studies Regents Examination Requirements for a Diploma

**DATE:** September 1, 2016

**AUTHORIZATION(S):**  

**SUMMARY**

**Issue for Decision (Consent Agenda)**

Should the Board of Regents adopt the proposed amendment of section 100.5 of the Regulations of the Commissioner of Education relating to the Social Studies Regents Examination requirements for a diploma to allow for a transition year and additional involvement of educators in the test development process?

**Reason(s) for Consideration**

Implementation of policy.

**Proposed Handling**

The proposed amendment will be presented to the P-12 Committee for a recommendation to the Full Board for adoption as an emergency measure at its September 2016 Regents meeting. A Statement of the Facts and Circumstances Justifying the Emergency Action is included as Attachment A.

## **Procedural History**

A Notice of Proposed Rule Making and Emergency Action was published in the State Register on July 6, 2016. A copy of the proposed amendment is included as Attachment B. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

## **Background Information**

At the March 2016 Board of Regents meeting, an update was provided on the implementation of the New York State K-12 Social Studies Framework and the development of the assessments measuring the new Framework<sup>1</sup>.

## **Assessment Implementation**

The Office of State Assessment has been working closely with members of the Content Advisory Panel to develop the new Regents Examination in Global History and Geography II. This group has worked to develop claims, evidence, and performance level indicators for the new assessment as well as suggested question format. Surveys detailing the suggested format of the new assessment and prototype test items have been issued to solicit feedback from educators. The Content Advisory Panel has taken a lead role in analyzing this feedback and working to incorporate educator input into the new assessment design.

In order to ensure a gradual transition to the new Social Studies framework, and to continue the extensive role played by NYS educators in the development of the new Social Studies Regents Exams, the Global History and Geography Exam administered in June 2018, August 2018, and January 2019 would be based on the existing test framework, but revised to measure content only from the second year of the course consistent with the delineation made in the new framework (i.e., content covering approximately 1750 to the present). The transition year will allow for educators to adjust their curriculum and instruction to a model in which the scope and sequence in the second year of the course culminates in the Regents Exam. The new Regents Examination in Global History & Geography II would first be offered in June 2019 and the Regents Examination in United States History & Government (2014 Framework) would first be offered in June 2020. Not only will this transition year allow educators a more thoughtful and gradual shift to the new framework, but this will also provide time for additional educator involvement in the development of these Regents examinations to ensure they measure the new Framework with quality and fidelity. Additionally, this will ensure an extended period for notice and time for students to be prepared to take the new Regents Examinations in Social Studies.

The Department expects to continue to engage and inform educators regarding the ongoing development process and will issue guidance regarding the transition from the current Regents Examinations in Social Studies to the new Regents Examinations in

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<sup>1</sup> <http://www.regents.nysed.gov/common/regents/files/316p12d1.pdf>

the coming months. This will include guidance on which instruction and assessments (current vs. new Framework) may be offered to students, based on their grade level during the applicable school year.

In an effort to conform the current diploma requirements to reflect the implementation of this transition year in 2017-18 and provide flexibility to school districts and students while the Department moves to the new Global History & Geography II Regents Examination in 2018-19, the proposed amendment does the following:

- shifts the requirement for students to take and pass the new Regents Examination in Global History & Geography II for graduation (instead of the current Regents Examination in Global History Geography) by one year to allow for the creation of a transition year - so that it applies to students first entering grade nine in September 2017 and thereafter; and
- provides local school districts or schools with the discretion to determine to accept a passing score on either the Transition Regents Examination in Global History & Geography 10 (with content ranging from approximately 1750 to the present) or the Global History & Geography II Regents Examination for the purpose of satisfying the general requirements for a diploma under section 100.5 of the Commissioner's regulations during a period when both examinations (the current exam, but with content ranging from approximately 1750 to the present, and the new exam based on the new Social Studies Framework) are being administered (the June 2019, August 2019, January 2020 and June 2020 administrations).

### **Related Regents Item**

<http://regents.nysed.gov/common/regents/files/616p12a6.pdf>

### **Recommendation**

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

VOTED: That paragraph (5) of subdivision (a) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective September 18, 2016, 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 students who are entering grade nine on or after September 1, 2016 are on notice of the shift in implementation of the new Global History & Geography II Regents Examination so that they can adequately prepare for this new examination and to ensure that the emergency rule adopted at the June Regents meeting remains continuously in effect until the proposed amendment can be adopted as a permanent rule.

### **Timetable for Implementation**

If adopted at the September 2016 meeting, the proposed amendment will take effect as an emergency rule on September 18, 2016. It is anticipated at the proposed amendment will be adopted as a permanent rule at the Board of Regents October 2016 meeting. If adopted at the October 2016 meeting, the proposed amendment will become effective on November 2, 2016.

## **8 NYCRR §100.5**

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

In order to continue the extensive role played by NYS educators in the development of the new Social Studies Regents Exams, the first administrations of the new Regents Examination in Global History & Geography II will be shifted a year to allow for a transition year and will first be offered in June 2019. In effort to conform the current social studies examination requirements for a high diploma under section 100.5 of the Commissioner's regulations to reflect this shift and to provide some flexibility to districts during this transition period, the proposed amendment does the following:

- shifts the requirement for students to take and pass the new Regents Examination in Global History & Geography II for graduation (instead of the prior Regents Examination in global history and geography) for an additional year- so that it applies to students first entering grade nine on or after September 2017; and
- provides districts with flexibility during the transition period to the new Social Studies Regents Examination. For the June 2019, August 2019, January 2020 and June 2020 administrations of the social studies Regents Examinations, the proposed amendment provides local school districts or schools with discretion to determine whether to accept a passing score on the Transition Regents Examination in Global History & Geography 10 (with content ranging from approximately 1750 to the present) or the Global History & Geography II Regents Examination, or either examination, for the purpose of satisfying the general requirements for a diploma under

section 100.5 of the Commissioner's regulations; in addition to accepting a passing score on the Regents Examination in U.S history and government.

Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for regular (non-emergency) adoption, after expiration of the required 45-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), would be the September 12-13, 2016 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting, would be September 28, 2016, the date a Notice of Adoption would be published in the State Register. However, the current regulations require students who are entering grade nine on or after September 1, 2016 to take and pass the new examinations and the emergency rule adopted at the June 2016 Regents meeting is set to expire on September 17, 2016.

Therefore, emergency action is necessary at the September 2016 Regents meeting for the preservation of the general welfare in order to ensure that students who are entering grade nine on or after September 1, 2016 are on notice of the shift in implementation of the new Social Studies Regents Examination and of the new diploma requirements that will be required of them so that they can adequately prepare for these new examination requirements and to ensure that the emergency rule adopted at the June Regents meeting remains continuously in effect until it can be adopted as a permanent rule.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the September 12-13, 2016 Regents meeting, which is the first

scheduled meeting after expiration of the 45-day public comment period prescribed in the State Administrative Procedure Act for State agency rule makings.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 208, 209, 210, 215, 305 and 309.

Paragraph (5) of subdivision (a) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective September 18, 2016, to read as follows:

(5) State assessment system.

(i) Except as otherwise provided in clause (f) of this subparagraph and subparagraphs (ii), (iii) and (iv) of this paragraph, all students shall demonstrate attainment of the New York State learning standards:

(a) ...

(b) ...

(c) United States history and government:

(1) ...

(2) ...

(3) for students who first enter grade nine in September 2011 and thereafter or who are otherwise eligible to receive a high school diploma pursuant to this section in June 2015 and thereafter, by passing one of the following assessments:

(i) the Regents examination in United States history and government; or

(ii) except as otherwise provided in item (iv), the Regents examination in global history and geography (for students first entering grade nine prior to September [2016] 2017);

(iii) except as otherwise provided in item (iv), the Regents examination in global history and geography II (1750 to present) (for students first entering grade nine in September [2016] 2017 and thereafter);

(iv) at the discretion of the applicable local school district or school, the Regents examination in global history and geography or the Regents examination in global history and geography II, for students who take and pass such assessments during the June 2019, August 2019, January 2020 and June 2020 administrations of these assessments; or

[(iii)] (v) a department-approved alternative to either item (i) [or], (ii), (iii) or (iv) of this subclause; or

(4) ...

(5) ...

(d) ...

(e) Global history and geography:

(1) ...

(2) ...

(3) ...

(4) for students who first enter grade nine in September 2011 and thereafter or who are otherwise eligible to receive a high school diploma pursuant to this section in June 2015 and thereafter, by passing one of the following assessments:

(i) the Regents examination in United States history and government; or

(ii) except as otherwise provided in item (iv), the Regents examination in global history and geography (for students first entering grade nine prior to September [2016] 2017);

(iii) except as otherwise provided in item (iv), the Regents examination in global history and geography II (1750 to present) (for students first entering grade nine in September [2016] 2017 and thereafter);

(iv) at the discretion of the applicable local school district or school, the Regents examination in global history and geography or the Regents examination in global history and geography II, for students who take and pass such assessments during the June 2019, August 2019, January 2020 and June 2020 administrations of these assessments; or

[(iii)] (v) a department-approved alternative to either item (i) [or], (ii), (iii) or (iv) of this subclause; or

(iii) ...

(f) ...