



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

**TO:** P-12 Education Committee

**FROM:** John B. King, Jr.

**SUBJECT:** Amendment to sections 100.1, 100.2, 100.4 and 100.5 of the Regulations of the Commissioner of Education Relating to the Elimination of Certain State Assessments

**DATE:** October 1, 2010

**STRATEGIC GOAL:** Goals 1 and 2

**AUTHORIZATION(S):**

### **SUMMARY**

#### **Issue for Discussion**

Should the Board of Regents amend sections 100.1, 100.2, 100.4 and 100.5 of the Regulations of the Commissioner of Education to eliminate certain State assessment requirements beginning in the 2010-2011 school year and further, to provide that students continue to meet State learning standards and earn diploma credit despite the elimination of these examinations?

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

The proposed amendment implements recent decisions made by the Board of Regents to eliminate certain State assessments as a cost-saving measure for the administration of State assessments and ensures that students have continued opportunity to earn diploma credit in languages other than English prior to grade 9 and meet State learning standards despite the elimination of these examinations.

#### **Proposed Handling**

The proposed amendment will come before the P-12 Education Committee for discussion at the October 2010 Regents meeting and for permanent adoption at the December 2010 Regents meeting.

## Background Information

At the June 2010 Regents meeting, the Board of Regents approved several deficit-reducing actions that impacted the New York State assessment system. Specifically, the Board of Regents approved the elimination of Checkpoint A Second Language Proficiency examinations (SLP) for languages other than English, Checkpoint B Regents comprehensive examinations in Hebrew, Latin and German, and the elementary and intermediate assessments in social studies. To ensure that students continue to meet State learning standards and earn diploma credit despite the elimination of these examinations, the proposed amendment is needed.

Under existing regulations, in order to receive one unit of credit in a language other than English prior to grade 9, students are required to complete two units of study and pass an SLP examination. This amendment will ensure students have continued opportunity to earn one unit of credit in a language other than English prior to grade 9 despite the elimination of SLP examinations by requiring students to successfully complete two units of study and pass a locally developed examination in lieu of such SLP exam. This locally developed test will be required to align with Checkpoint A learning standards for languages other than English.

The proposed amendment is also carefully drafted to ensure that students entering grade 9 may receive diploma credit for SLP examinations successfully completed prior to July 1 of the 2010-2011 school year, as may be applicable.

The proposed amendment will also ensure students continue to meet State learning standards in social studies despite the elimination of the elementary and intermediate State assessments in social studies. Under existing regulations, students are required to take a State assessment in social studies in grade 5 and grade 8. Additionally, schools are required to provide academic intervention services (AIS) to students when such students score below the State designated performance level on one or more of the State assessments in English, math, social studies or science, or when they are determined through a district-developed or district-adopted procedure to be at risk of not achieving State standards in such core subjects. Given the elimination of State assessments in social studies, the proposed amendment provides clarification and assurance that schools will continue to be required to provide AIS services to students when they are determined to be at risk of not achieving State learning standards in social studies through a district-developed or district-adopted procedure.

The proposed amendment is also carefully drafted to provide that students who scored below the State designated performance level on a State assessment in social studies administered prior to July 1 of the 2010-2011 school year will continue to receive AIS services, as may be applicable.

Lastly, the proposed amendment ensures that students will have continued opportunity to earn a Regents diploma with an advanced designation despite the elimination of the Regents comprehensive examinations in Hebrew, Latin and German. Under existing regulations, one way in which a student can earn a Regents diploma with an advanced designation is to complete three units of credit in a language other than

English and pass the comprehensive Regents examination in that language. The proposed amendment provides that where a Regents comprehensive examination in such language is not available, that students may pass a locally developed examination in such language to meet the assessment requirement. This locally developed test will be required to align with Checkpoint B learning standards for languages other than English. Therefore, this amendment will ensure that students who successfully complete units of study in Hebrew, Latin, and German will be able to meet the requirements to earn a Regents diploma with an advanced designation.

A Notice of Proposed Rule Making was published in the State Register on September 29, 2010. Supporting materials are available from the Secretary to the Board of Regents.

Recommendation

Not applicable.

Timetable for Implementation

It is anticipated that the proposed amendment will be submitted to the Board of Regents for adoption at the December 2010 Regents meeting and if permanently adopted at such meeting, will take effect on January 5, 2011.

Attachment