



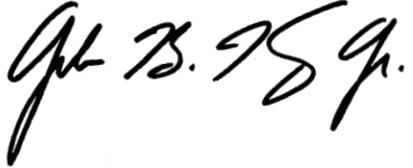
THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable the Members of the Board of Regents

FROM: Ken Wagner 

SUBJECT: Technical clarification to §100.5(g)(1)(ii)(a) of the Commissioner's Regulations relating to the transition to the Common Core Regents Examination in Algebra I

DATE: December 8, 2014

AUTHORIZATION(S):  

SUMMARY

Issue for Decision (Consent agenda)

Should the Board of Regents adopt a technical clarification to §100.5(g)(1)(ii)(a) of the Commissioner's Regulations, providing additional flexibility in the transition to the Common Core Regents Examination in Algebra I, to clarify that for the June 2015 administration only, students receiving Algebra I (Common Core) instruction that began prior to September 2014, 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 by passing either examination.

The proposed revised emergency regulation would clarify the intent to provide this additional flexibility only for students who began Algebra I (Common Core) instruction prior to the current school year, so as to provide the same flexibility for students enrolled in four-semester "stretch" courses as had previously been available to students enrolled in two-semester courses or three-semester "stretch" courses.

Reason(s) for Consideration

Implementation of policy.

Proposed Handling

The proposed revised amendment is being presented to the Full Board for emergency action at the December 2014 Regents meeting. A statement of the facts and circumstances which necessitate emergency action is attached.

Procedural History

A proposed amendment to section 100.5(g)(1)(a) was discussed by the P-12 Committee and adopted as an emergency rule by the Full Board at the November 2014 Regents meeting. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on December 3, 2014.

The proposed technical clarification makes clear that for the June 2015 administration only, students receiving Algebra I (Common Core) instruction that began prior to September 2014, may, at the discretion of the applicable school district, take the Regents Exam in Integrated Algebra in addition to the Regents Examination in Algebra I (Common Core) and may meet the mathematics requirement for graduation by passing either examination.

A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary to the Board of Regents. It is anticipated that a Notice of Emergency Adoption and Revised Rule Making will be published in the State Register on December 31, 2014.

Background Information

The last administrations of the current Regents Examinations in Integrated Algebra, Geometry, and Algebra 2/Trigonometry were scheduled to be administered in January 2015, January 2016, and January 2017, respectively. The transition plan for the new Regents Exams in Math (Common Core) includes the following:

- Students who first begin instruction in a commencement level mathematics course aligned to the Common Core Learning Standards (CCLS) in September 2013 and thereafter shall meet the mathematics requirement for graduation by passing a commencement level Regents Examination in mathematics that measures the CCLS, or an approved alternative.
- Students who first began or will complete an Integrated Algebra, Geometry, or Algebra 2/Trigonometry course prior to September 2013 shall meet the mathematics requirements for graduation by passing the corresponding Regents Examinations aligned to the Mathematics Core Curriculum (Revised 2005), while those examinations are still being offered. For the June 2014, August 2014 and January 2015 administrations only, students receiving Algebra I (Common Core) instruction may, at local discretion, take the Regents Examination in Integrated Algebra (2005 Revised) in addition to the Regents Examination in Algebra I

(Common Core) and may meet the Mathematics graduation requirement by passing either exam.

Based on field feedback, an emergency regulation was adopted by the Board of Regents at their November meeting to extend through the June 2015 test administration the option, at local discretion, to permit students enrolled in high school courses and receiving instruction aligned to the Common Core Algebra standards to take the Integrated Algebra Regents Examination in addition to the Common Core Algebra I Regents Exam and meet the math requirement for graduation by passing either examination.

The proposed technical clarification makes clear the intent to provide this additional flexibility only for students who began Algebra I (Common Core) instruction prior to the current school year, so as to provide the same flexibility for students enrolled in four-semester “stretch” courses as had previously been available to students enrolled in two-semester courses or three-semester “stretch” courses.

Specifically, the technical clarification makes clear that, for the June 2015 administration only, students receiving Algebra I (Common Core) instruction that began prior to September 2014, 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 by passing either examination

Recommendation

Staff recommends that the Regents take the following action:

VOTED: That the emergency rule amending clause (a) of subparagraph (ii) of paragraph (1) of subdivision (g) of section 100.5 of the Regulations of the Commissioner of Education, that was adopted at the November 17-18, 2014 meeting of the Board of Regents, is repealed, effective December 16, 2014; and it is further

VOTED: That clause (a) of subparagraph (ii) of paragraph (1) of subdivision (g) of section 100.5 of the Regulations of the Commissioner is amended as submitted, effective December 16, 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 in order to immediately repeal the November emergency rule and adopt the revised proposed rule for purposes of clarifying the student cohort to which the proposed rule applies, and thereby ensure that school districts and affected students are given sufficient notice to prepare for and timely implement the revised proposed rule in the 2014-15 school year.

Timetable for Implementation

The proposed rule was adopted as an emergency measure at the November Regents meeting, effective November 18, 2014. If adopted as an emergency measure at the December Regents meeting, the revised proposed rule will become effective on December 16, 2014 for a 60-day period. It is anticipated that the revised proposed rule will be presented for permanent adoption at the February 2015 Regents meeting, after publication of a Notice of Emergency Rule Making and Revised Rule Making in the State Register and expiration of the 30-day public comment period prescribed in the State Administrative Procedure Act.

8 NYCRR §§100.5(g)(1)(ii)(a)

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE EMERGENCY ACTION

The proposed rule is necessary to implement Regents policy to provide additional flexibility in the transition to the Common Core-aligned Regents Examination in Algebra I by allowing, at the local school district's discretion, an additional opportunity for certain specified students to take the Regents Examination in Integrated Algebra in addition to the Regents examination in Algebra I (Common Core) at the June 2015 test administration, and meet the mathematics requirement for graduation by passing either examination.

The proposed rule was adopted by emergency action at the November 17-18, 2014 Regents meeting, effective November 18, 2014. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on December 3, 2014. Subsequently, the proposed rule has been revised to clarify, consistent with the intent of the Regents, to provide this additional flexibility only for students who began Algebra I (Common Core) instruction prior to the current school year, so as to provide the same flexibility for students enrolled in four-semester "stretch" courses as had previously been available to students enrolled in two-semester courses or three-semester "stretch" courses.

Emergency action to adopt the proposed rule is necessary now for the preservation of the general welfare to immediately repeal the November emergency rule and adopt the revised proposed rule for purposes of clarifying the student cohort to which the proposed rule applies, and thereby ensure that school districts and affected

students are given sufficient notice to prepare for and timely implement in the 2014-2015 school year the provision providing, at the local school district's discretion, an additional opportunity for students receiving Algebra I (Common Core) instruction that began prior to September 2014, to take the Regents Examination in Integrated Algebra in addition to the Regents examination in Algebra I (Common Core) at the June 2015 test administration, and meet the math requirement for graduation by passing either examination.

It is anticipated that the emergency rule adopted at the December 15-16, 2014 Regents meeting will be presented to the Board of Regents for adoption as a permanent rule at the February 8-9, 2015 Regents meeting, which is the first scheduled meeting after expiration of the 30-day public comment period mandated by the State Administrative Procedure Act for revised proposed rulemakings.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. The emergency rule amending clause (a) of subparagraph (ii) of paragraph (1) of subdivision (g) of section 100.5 of the Regulations of the Commissioner of Education, that was adopted at the November 17-18, 2014 meeting of the Board of Regents, is repealed, effective December 16, 2014.

2. Clause (a) of subparagraph (ii) of paragraph (1) of subdivision (g) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective December 16, 2014, as follows:

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

(ii) for the June 2015 administration only, students receiving algebra I (common core) instruction that began prior to September 2014 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 (a)(5)(i)(b) of this section by passing either examination; and

(2) . . .