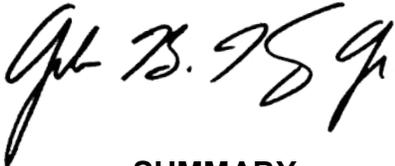




**TO:** P-12 Education Committee  
**FROM:** Ken Slentz   
**SUBJECT:** Elimination of the Requirement that Eighth Grade Students who take the Regents Examination in Algebra also take the Grade 8 Mathematics Assessment

**DATE:** October 11, 2013

**AUTHORIZATION(S):** 

**SUMMARY**

**Issue for Discussion**

Should the Board of Regents direct Department staff to submit to the United States Department of Education (USDE) a request under section 9401 of the Elementary and Secondary Education Act (ESEA) to waive ESEA sections 1111(b)(1)(B) and 1111(b)(3)(C)(i) and the corresponding regulatory provisions in order to permit New York to no longer require that students who take the Regents Examination in Algebra in Grade 8 also take the Grade 8 Mathematics Assessment?

**Reason(s) for Consideration**

To improve the learning opportunities for students who take the Algebra Regents in Grade 8 by relieving these students of the need to simultaneously prepare for the Grade 8 Mathematics Assessment.

**Proposed Handling**

This item will come before the P-12 Education Committee for discussion at its October 2013 meeting.

## **Background Information**

Commissioner's Regulations 100.4(d)(1) requires that public school students in grade eight have the opportunity to take high school courses in mathematics. In the 2012-13 school year, over 57,000 public school students statewide took the Regents Examination in Algebra in Grade 8.

The ESEA requires that states measure the achievement of students against the state's academic content and student achievement standards in each of grades three through eight in mathematics. ESEA sections 1111(b)(1)(B) and 1111(b)(3)(C)(i) require that the same assessments be used to measure the achievement of all students in mathematics. Consequently, in years past, the USDE has interpreted ESEA as mandating that the same grade eight mathematics assessments, except for a limited exemption for students with severe disabilities, be administered to all students in grade eight to determine whether schools and districts are meeting participation and Adequate Yearly Progress requirements. USDE has informed states that even when middle level students have taken a course in mathematics to earn high school credit, these students must still be administered the same mathematics examination taken by all other students in their grade.

Since the ESEA was last reauthorized in 2002 as the No Child Left Behind Act, the Department has had numerous conversations with the USDE regarding whether New York could have relief from this "double testing" burden. These discussions resulted in New York receiving approval to use the results from Regents examinations in science in lieu of the Grade Eight Science Examination to make participation and Adequate Yearly Progress determinations regarding the use of science as the "third academic indicator"<sup>1</sup> for middle schools. However, as recently as 2011, the USDE maintained that the same mathematics examinations must be administered to all students in grades three through eight who are not eligible to take the New York State Alternate Assessment. In past discussions, USDE made a distinction between science, which ESEA requires be administered once at the middle level and is not mandated to be used for accountability purposes, although New York uses it as the third academic indicator for middle schools, and mathematics, which must be administered in grades 3 to 8 and is mandated to be used for accountability purposes.

Recently, however, as USDE has implemented its ESEA waiver initiative and has sought to address the "double testing" issue that has arisen in some states as they simultaneously administer their current assessments while field testing their Common Core aligned assessments, USDE has signaled to states a willingness to address the

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<sup>1</sup> ESEA requires that states use language arts/reading, mathematics, and one additional indicator (known as "the third academic indicator") to hold schools and districts accountable for Adequate Yearly Progress at the elementary and middle school levels. In New York, the results of the Grade 4 and 8 Science examinations are used as the third academic indicator. However, students who are enrolled in a Regents Science course in Grade 8 are not required to take the Grade 8 Science assessment. Instead, their sitting for the Regents Examination in Science meets the participation requirements and passage of a Regents Examination in science with a score of 65 or higher is counted as Level 3 in the Performance Index and earns a school or district "full credit" for a student's performance.

double testing issue that arises when students in middle school seek to earn high school credits. As an example, for the 2012-13 school year Tennessee received a waiver from USDE to address a situation analogous to New York's grade eight mathematics issue.

Based on recent discussions with USDE staff, the Department believes that New York would likely receive a favorable response if it were to request a waiver under Section 9401 of ESEA to do the following:

- For students who take the Regents Examination in Algebra in Grade 8, use their results on this examination when making participation and accountability determinations. Students who take the Regents Examination in Algebra would be counted as participants when the Department determines whether a school or district has met the 95 percent participation requirement in mathematics. Students who pass the Algebra examination with a score of 65 or higher would be considered to have demonstrated accelerated performance in Grade 8 mathematics and would be incorporated into the Performance Index as equivalent to Level 3, which earns a school or district "full credit" for a student's performance. Students who fail the Algebra Regents would be counted as Level 1, the same as students who earn a school or district "no credit" for their performance. Should a district elect to have students take both the Grade 8 Mathematics Assessment and the Regents Examination in Algebra, the Grade 8 Mathematics Assessment would be used for accountability purposes.
- A student who passes the Regents Examination in Algebra in Grade 8 would be required to take a second Regents Examination in Mathematics in high school in order to meet the high school participation and accountability requirements. At present, students who pass the Regents Examination in Algebra in grade 8 "bank" this result and the high school in which they enroll gets "credit" for this performance. Under this revision, high school participation and accountability determinations would be based upon a student's performance after they first enter grade nine. Therefore, students who passed Algebra in grade eight would need to take the Regents Examination in Geometry or Algebra 2 and receive a score of at least 65 in order to be incorporated into the Performance Index at Level 3 and earn a school or district "full credit."

### **Timetable for Implementation**

If so directed by the Board of Regents, the Department will submit the proposal described above in October. Upon the issuance of a waiver by the USDE, the Department will prepare for consideration by the Board of Regents such amendments to Commissioner's Regulations as may be necessary to implement the waiver. Should the Regents direct the Department to submit a waiver request, staff will inform the field of this action so that district and school staff can consider the implications of the granting of the waiver for how they provide instruction during the 2013-14 school year to students who are taking the Grade 8 the Regents Examination in Algebra.