



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: Cosimo Tangorra, Jr. *Cosimo Tangorra Jr.*
SUBJECT: Proposed Amendment of Section 100.18(b)(14) and 100.18(b)(15) of the Regulations of the Commissioner, Relating to Definition of Performance Levels for State Assessments and the Calculation of the Performance Index Based on the Student Performance Levels

DATE: November 10, 2014

AUTHORIZATION(S):

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SUMMARY

Issue for Decision (Consent Agenda)

Should the Regents approve the proposed amendments to section 100.18(b)(14) and (15) of the Regulations of the Commissioner of Education relating to the definition of performance levels for Regents Examinations measuring the Common Core Learning Standards (CCLS) and the calculation of the High School Performance Index based on the revised student performance levels?

Reason(s) for Consideration

To align Commissioner's Regulations section 100.18 (b)(14) and (15) pertaining to the computation of the High School Performance Index with the June 2014 Board of Regents approval of the cut points for the five performance levels on the new Common Core Regents Examinations in English language arts and mathematics.

Proposed Handling

The proposed amendment is being presented to the Full Board for action at the November 2014 Regents meeting.

Procedural History

A Notice of Proposed Rule Making was published in the State Register on September 10, 2014. A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

In June 2014, the Board of Regents established five levels of performance on the new English language arts and mathematics Regents Examinations that measure the CCLS.

Under current Commissioner's Regulations, for Regents Examinations results based on the 2005 learning standards, schools and districts receive no credit on the High School Performance Index when a student scores at Level 1 (below 65) on the examination, partial credit when the student scores at Level 2 (between 65 and the aspirational performance measure) and full credit when the student performs at Level 3 and 4 (at or above the aspirational performance measure). If these amendments to Commissioner's Regulations are adopted, for Regents Examination results based on Common Core assessments, schools and districts will receive no credit when a student scores at Levels 1 or 2 (below 65) on the examination, partial credit when the student scores at Level 3 (between 65 and the cut point for meeting the Common Core learning expectations) and full credit when the student performs at Level 4 and 5 (meeting or exceeding the Common Core learning expectations). For students who take the New York State Alternate Assessment (NYSAA), which is now aligned to the CCLS, schools and districts would continue to receive no credit for student performance at Level 1, partial credit for student performance at Level 2, and full credit for student performance at Levels 3 and 4.

Adoption of the proposed amendment is necessary in order for New York to smoothly integrate into the High School Performance Index student results from Regents Examinations based on the 2005 learning standards and results from Regents Examinations based on the CCLS. These regulations will be applied first to 2013-14 school year results.

It should be noted that the regulatory amendments proposed will have a limited impact on schools and districts during the 2013-14 through 2015-16 school years. Most of the students who are graduating in the next two years will have already taken Regents Examinations based on the 2005 Learning Standards and, therefore, student results will be incorporated into the High School Performance Index based on performance on those tests. As successive cohorts of students graduate, the High School Performance Index for schools and districts will increasingly reflect the performance of students on Common Core Regents Examinations.

Recommendation

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

VOTED: That paragraphs (14) and (15) of subdivision (b) of section 100.18 be amended, as submitted, effective December 3, 2014.

Timetable for Implementation

If adopted at the November meeting, the proposed amendment will take effect on December 3, 2014.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 208, 209, 210, 215, 305, 308, 309, 3204 and 3713

Paragraphs (14) and (15) of subdivision (b) of section 100.18 of the Regulations of the Commissioner of Education are amended, effective December 3, 2014, as follows:

(14) Performance levels shall mean:

(i) . . .

(ii) for high school using Regents examinations based on 2005 Learning

Standards or using a State alternate assessment:

(a) level 1 (well below proficient):

(1) a score of 64 or less on the Regents comprehensive examination in English or a Regents mathematics examination;

(2) a failing score on a State-approved alternative examination for those Regents examinations;

(3) a score of level 1 on a State alternate assessment;

(4) a cohort member who has not been tested on the Regents comprehensive examination in English or a Regents mathematics examination or State-approved alternative examination for these Regents examinations;

(b) level 2 (below proficient):

(1) a score between 65 and 74 on the Regents comprehensive examination in English or between 65 and 79 on a Regents examination in mathematics;

(2) a score of level 2 on a State alternate assessment;

(c) level 3 (proficient):

(1) a score between 75 and 89 on the Regents comprehensive examination in English or between 80 and 89 on a Regents examination in mathematics; or a passing score on a State-approved alternative to those Regents examinations;

(2) a score of level 3 on a State alternate assessment;

(d) level 4 (excels in standards):

(1) a score of 90 or higher on the Regents comprehensive examination in English or a Regents mathematics examination;

(2) a score of level 4 on a State alternate assessment.

(iii) for high school using Regents examinations measuring the Common Core

Learning Standards:

(a) level 1 (does not demonstrate knowledge and skills for Level 2):

(1) a score of level 1 on the Regents examination in English language arts or a Regents mathematics examination;

(2) a failing score on a State-approved alternative examination for those Regents examinations;

(3) a cohort member who has not been tested on the Regents examination in English language arts or a Regents mathematics examination or State-approved alternative examination for these Regents examinations;

(b) level 2 (partially meets Common Core expectations, i.e., Local Diploma level):

(1) a score of level 2 on the Regents examination in English language arts or a Regents examination in mathematics;

(c) level 3 (partially meets Common Core expectations, i.e., Regents diploma level):

(1) a score of level 3 on the Regents examination in English language arts or a Regents Examination in mathematics;

(d) level 4 (meets Common Core expectations):

(1) a score of Level 4 on the Regents examination in English language arts or a Regents examination in mathematics;

(2) a passing score on a State-approved alternative examination for those Regents examinations.

(e) level 5 (Exceeds Common Core expectations):

(1) a score of level 5 on the Regents examination in English language arts or a Regents examination in mathematics;

[(iii)] (iv) Notwithstanding the provisions of this section:

(a) . . .

(b) . . .

(c) . . .

(15) Performance index shall be calculated based on the student performance levels as follows:

(i) . . .

(ii) For high school using Regents examinations based on 2005 Learning Standards, each student scoring at level 1 will be credited with 0 points, each student scoring at level 2 with 100 points, and each student scoring at level 3 or 4 with 200 points. The performance index for each accountability group will be calculated by

summing the points and dividing by the number of students in the group.

(iii) For high school using Regents examinations measuring the Common Core Learning Standards, each student scoring at level 1 and Level 2 will be credited with 0 points, each student scoring at level 3 with 100 points, and each student scoring at level 4 or 5 with 200 points. For high school using the State alternate assessment commencing with the 2013-14 school year, each student scoring at level 1 will be credited with 0 points, each student scoring at level 2 with 100 points, and each student scoring at level 3 or 4 with 200 points. The performance index for each accountability group will be calculated by summing the points and dividing by the number of students in the group.