



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:** Proposed amendment of §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:** February 2, 2015

**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.

### Reason(s) for Consideration

Implementation of policy.

### Proposed Handling

The proposed amendment is being presented to the Full Board for adoption at the February 2015 Regents meeting. In addition, a third emergency adoption is necessary to ensure the emergency rule adopted at the November 2014 Regents meeting, and revised and readopted as an emergency rule at the December 2014

Regents meeting, remains continuously in effect until the effective date of its adoption as a permanent rule. 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 amendment was revised and readopted as an emergency rule at the December Regents meeting. A Notice of Emergency Adoption and Revised Rule Making was published in the State Register on December 31, 2014.

A copy of the proposed amendment and an Assessment of Public Comment are attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

### **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.

At the December 2014 Regents meeting, a revised emergency rule was adopted to 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. 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 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 February 25, 2015; 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 February 14, 2015, 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 the emergency rule adopted at the November 2014 Regents meeting, and revised and readopted as an emergency rule at the December 2014 Regents meeting, remains continuously in effect until the effective date of its adoption as a permanent rule.

### **Timetable for Implementation**

The proposed rule was adopted as an emergency measure at the November Regents meeting, effective November 18, 2014, and revised and readopted as an emergency rule at the December 2014 Regents meeting. The December emergency rule will expire on February 13, 2015. If adopted at the February 2015 Regents meeting, the third emergency rule will take effect on February 14, 2015 and the permanent rule will become effective on February 25, 2015.

## AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

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 February 25, 2015, 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) . . .

## **8 NYCRR 100.5(g)(1)(ii)(a)**

### **ASSESSMENT OF PUBLIC COMMENT**

Since publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on December 3, 2014, the State Education Department received the following comments:

**1. COMMENT:**

The proposed rule appears to suggest that 9th and 10th graders will have the opportunity to take the Integrated Algebra Regents in June 2015 because both started high school with Algebra I Common Core Math. Can 11th and 12th graders who have not passed the Integrated Algebra Regents exam sit for these Regents also, even though they did not start with Algebra I Common Core Math?

**DEPARTMENT RESPONSE:**

All students who began their first commencement-level course of study in algebra (2005 standard) prior to September 2013 and who have completed that course of study, albeit successfully or not, are eligible to participate in the June 2015 Regents Examination in Integrated Algebra.

## **8 NYCRR §100.5(g)(1)(ii)(a)**

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

The proposed amendment is necessary to implement Regents policy to provide additional flexibility in the transition to the Common Core 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 amendment 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 amendment was 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. The proposed amendment, as so revised, was adopted as an emergency action at the December 14-15, 2014 Regents meeting, effective December 16, 2014.

The proposed amendment has now been adopted as a permanent rule at the February 9-10, 2015 Regents meeting. Pursuant to SAPA §203(1), the earliest effective date of the permanent rule is February 25, 2015, the date a Notice of Adoption will be published in the State Register. However, the December emergency rule will expire on February 13, 2015, 60 days after its filing with the Department of State on December 16, 2014. Emergency action is therefore necessary for the preservation of the general welfare to ensure that the proposed amendment adopted by emergency action at the November 2014 Regents meeting, revised and readopted by emergency action at the December 2014 Regents meeting, and adopted as a permanent rule at the February 2015 Regents meeting, remains continuously in effect until the effective date of its permanent adoption.

## AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

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 February 14, 2015, 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) . . .