



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

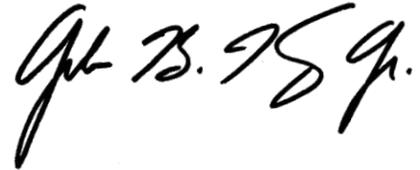
TO: The Honorable the Members of the Board of Regents

FROM: Ken Slentz 

SUBJECT: Proposed Amendment to section 100.4(d)(4), 100.4(e)(4) and 100.18(b)(14) of the Regulations of the Commissioner of Education Relating to administration of Regents Examinations and Assessments in Science to Students in Grades 7 and 8

DATE: June 16, 2014

AUTHORIZATION(S):



SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt as a permanent rule the proposed amendment of sections 100.4 and 100.18 of the Commissioner's Regulations, to make a technical change for purposes of clarifying the administration of Regents examinations and assessments in science to students in grades 7 and 8?

Reason(s) for Consideration

Required by Statute (L. 2013, Ch. 545, sections 1 and 2).

Proposed Handling

The proposed amendment will be presented to the Full Board at the June 2014 Regents meeting for adoption as a permanent rule.

Procedural History

The proposed amendment was adopted as an emergency action at the March 2014 Regents meeting, effective April 17, 2014. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on March 26, 2014. The proposed amendment was readopted as an emergency rule at the May Regents meeting to ensure that the emergency rule remains continuously in effect until the effective date of its adoption as a permanent rule. A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

Section 100.4(e) (4) currently provides that the science intermediate assessment shall be administered in grade 8. However, some grade 7 and 8 students receive Regents-level instruction in science and take Regents examinations in science. The proposed amendment to section 100.4(e)(4) would enact a technical change to clarify that students attending grade 8 may take a Regents examination in science in lieu of or in addition to the grade 8 science intermediate assessment. The proposed rule also provides that the science intermediate assessment shall not be administered in grade 8 to students who take such assessment in grade 7 and are being considered for placement in an accelerated high school-level science course when they are in grade 8. The proposed amendment would thereby provide a means to relieve students, teachers, and schools from having to prepare for multiple end-of-year assessments for students in grade 8 who receive Regents-level instruction in science and take Regents examinations in science.

The proposed amendment to 100.18(b)(14) clarifies how student results on grade 8 science assessments, including Regents examinations, will be used for institutional accountability purposes, as follows:

- For students who, while attending grade 8, take a Regents examination in science but do not take the grade 8 science intermediate assessment, participation and accountability determinations for the school in which such student attends grade 8 shall be based upon such student's performance on the Regents examination in science.
- For students who, while attending grade 8, take both the grade 8 science intermediate assessment and a Regents examination in science, participation and accountability determinations for the school in which such student attends grade 8 shall be based upon such student's performance on the grade 8 science intermediate assessment.
- For students who have taken the grade 8 science intermediate assessment when they attended grade 7 and who take a Regents examination in science

while attending grade 8, participation and accountability determinations for the school in which such student attends grade 8 shall be based upon such student's performance on the Regents examination in science.

- For students who have taken the grade 8 science intermediate assessment when they attended grade 7 and who do not take a Regents examination in science while attending grade 8, participation and accountability determinations for the school in which the student attends grade 8 shall be based upon the student's performance on the grade 8 science intermediate assessment taken in grade 7.

The proposed amendment also makes a technical revision to paragraph (4) of subdivision (d) of section 100.4 to correct a citation.

Recommendation

Staff recommends that the Board of Regents take the following action:

VOTED: That paragraph (4) of subdivision (d) of section 100.4, paragraph (4) of subdivision (e) of section 100.4 and subparagraph (iii) of paragraph (14) of subdivision (b) of section 100.18 of the Regulations of the Commissioner of Education be amended as submitted, effective July 9, 2014.

Timetable for Implementation

The proposed amendment was adopted as an emergency rule at the March 2014 Regents meeting, effective April 17, 2014. The proposed amendment was readopted as an emergency rule at the May Regents meeting to ensure that the emergency rule remains continuously in effect until the effective date of its adoption as a permanent rule. If adopted at the June Regents meeting, the permanent rule will take effect on July 9, 2014.

Attachment

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Paragraph (4) of subdivision (d) of section 100.4 of the Regulations of the Commissioner of Education is amended, effective July 9, 2014, as follows:

(4) Courses taken pursuant to this subdivision may be substituted for the appropriate requirements set forth in subdivision [(b)] (c) of this section.

2. Paragraph (4) of subdivision (e) of section 100.4 of the Regulations of the Commissioner of Education is amended, effective July 9, 2014, as follows:

(e) Required assessments in grades seven and eight. Except as otherwise provided in subdivisions (f) and (g) of this section, and except for students who have been admitted to a higher grade without completing the grade at which the assessment is administered, all students shall take the following assessments, provided that testing accommodations may be used as provided for in section 100.2(g) of this Part in accordance with department policy.

(1) . . .

(2) . . .

(3) . . .

(4) Beginning with the school year 2000-2001, the science intermediate assessment shall be administered in grade eight; provided that students who attend grade eight may take a Regents examination in science in lieu of or in addition to the grade eight science intermediate assessment, in accordance with this section and section 100.18(b)(14) of this Part, and provided further that the science intermediate

assessment shall not be administered in grade eight to students who take such assessment in grade seven and are being considered for placement in an accelerated high school-level science course when they are in grade eight pursuant to subdivision (d) of this section.

(5) . . .

3. Subparagraph (iii) of paragraph (14) of subdivision (b) of section 100.18 of the Regulations of the Commissioner of Education is amended, effective July 9, 2014, as follows:

(iii) Notwithstanding the provisions of this section:

(a) . . .

(b) . . .

(c) Science assessments in grades 7 and 8.

(i) For students who, while attending grade 8, take a Regents examination in science but do not take the grade 8 science intermediate assessment, participation and accountability determinations for the school in which such student attends grade 8 shall be based upon such student's performance on the Regents examination in science.

(ii) For students who, while attending grade 8, take both the grade 8 science intermediate assessment and a Regents examination in science, participation and accountability determinations for the school in which such student attends grade 8 shall be based upon such student's performance on the grade 8 science intermediate assessment.

(iii) For students who have taken the grade 8 science intermediate assessment when they attended grade 7 and who take a Regents examination in science while attending grade 8, participation and accountability determinations for the school in

which such student attends grade 8 shall be based upon such student's performance on the Regents examination in science.

(iv) For students who have taken the grade 8 science intermediate assessment when they attended grade 7 and who do not take a Regents examination in science while attending grade 8, participation and accountability determinations for the school in which the student attends grade 8 shall be based upon the student's performance on the grade 8 science intermediate assessment taken in grade 7.