



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

TO:

P-12 Education Committee

FROM:

Ken Slentz

SUBJECT:

Proposed amendment of §100.5 of the Regulations of the Commissioner relating to the transition to Common Core-aligned Regents Examinations in English and Mathematics

DATE:

July 15, 2013

The image shows two handwritten signatures. The first signature, on the left, appears to read "Richard A. Santora". The second signature, on the right, appears to read "John B. S. S. G.".

AUTHORIZATION(S):

SUMMARY

Issue for Decision

As part of the Statewide implementation of the New York State Common Core Learning Standards and the Department's seven-year timeline for transitioning to Common Core-aligned Regents Examinations in English and mathematics, should the Board of Regents adopt the proposed amendment of §100.5 of the Commissioner's Regulations to provide: (1) an exemption for the cohorts of students graduating from high school in 2014, 2015 and 2016 from the State assessment requirements for graduation to reflect the transition to the Regents Examination in English Language Arts (ELA) aligned to the New York State Common Core Learning Standards; and (2) an exemption for the cohorts of students who first began or will complete an Integrated Algebra, Geometry or Algebra 2/Trigonometry course (based on the Mathematics Core Curriculum, Revised 2005) prior to September 2013 from the State assessment requirements for graduation to reflect the transition to the Regents Examination in mathematics aligned to the New York State Common Core Learning Standards?

Reason(s) for Consideration

Implementation of policy.

Proposed Handling

The proposed amendment is being presented to the P-12 Education Committee for emergency action at the July 2013 Regents meeting. A statement of the facts and circumstances which necessitate emergency action is attached.

Procedural History

The Board of Regents adopted the Common Core State Standards (CCSS) for English Language Arts & Literacy and Mathematics at its July 2010 meeting and incorporated New York-specific additions, creating the New York State Common Core Learning Standards (CCLS), at its January 2011 meeting. To implement the new standards, the Board has previously directed the Department to develop a plan and timeline for developing and administering assessments aligned to the CCLS in ELA and mathematics in Grades 3-8 and high school and to provide the field with training, tools and resources to ensure a successful transition to the CCLS.

In line with the Department's seven-year transition plan for the new Regents Examinations measuring the CCLS previously discussed with the Regents, as described below, the proposed amendment makes conforming changes to the Commissioner's Regulations. Such amendments provide exceptions to the State assessment requirements for graduation as a transition plan that ensures adequate notice and time for students to be prepared to take the new exams, which will be phased in by 2017.

A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary to the Board of Regents. A Notice of Emergency Adoption and Proposed Rule Making will be published in the State Register on August 14, 2013.

Background Information

The adoption and implementation of the CCLS is a central tenet of the Regents Reform Agenda and the State's RTTT commitments. To fulfill this commitment, the Board has previously directed the Department to develop a plan and timeline for developing and administering assessments aligned to the CCLS in Grades 3-8 and high school and to provide the field with training, tools and resources to ensure a successful, phased-in transition to the CCLS. Department staff has regularly provided the Board with information and updates on our progress in aligning State assessments to the CCLS in accordance with the Board's July 2010 adoption of the Common Core State

Standards and January 2011 adoption of the CCLS (e.g., May and November 2011; March, April, July, September and November 2012; and April 2013).

Actions Necessary to Implement Assessment Transition Rules

As noted above, since 2010 Department staff has provided the Regents with regular updates and information on our continuing work to transition to Common Core assessments. The seven-year transition plan for the new CCLS-aligned Regents Exams (see <http://www.p12.nysed.gov/assessment/math/ccmath/transitioncc.pdf>) reflects the Regents actions and direction to Department staff since adoption of the CCSS in 2010.

1) ELA

Although not a “comprehensive” exam, the new Regents Examination in ELA (Common Core) is designed to be administered at the end of Grade 11, similar to typical practice with the current Regents Comprehensive Examination in English.

The last administration of the current Regents Comprehensive Examination in English will occur in June 2016. The transition plan for the new Regents Examination in ELA (Common Core) includes the following:

- Students who first enter grade 9 in September 2013 and thereafter shall meet the English requirement for graduation by passing the Regents Examination in English Language Arts (Common Core) or an approved alternative.
- Students who first entered Grade 9 prior to September 2013 shall meet the English requirement for graduation by enrolling in Common Core English courses and passing the new Regents Examination in ELA (Common Core) or enrolling in English courses aligned to the Learning Standards (2005 Core Curriculum) and passing the Regents Comprehensive Examination in English, while that exam is still being offered. For the June 2014 and August 2014 administrations only, students enrolled in Common Core English courses may, at local discretion, take the Regents Comprehensive Examination in English (2005 Learning Standards) in addition to the Regents Examination in ELA (Common Core) and may meet the English requirement for graduation by passing either examination.

2) Mathematics

The last administrations of the current Regents Examinations in Integrated Algebra, Geometry and Algebra 2/Trigonometry will be 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 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 feedback from the field and the recommendation to teach math courses in a sequential manner, the Department has decided to postpone the first administrations of the CCLS exams in Geometry and Algebra II until June 2015 and June 2016, respectively.

Recommendation

Staff recommends that the Regents take the following action:

VOTED: That subdivisions (a), (b) and (c) of section 100.5 of the Commissioner's Regulations be amended, and that subdivision (g) of section 100.5 be added, as submitted, effective July 30, 2013, 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 school districts and students are given sufficient and timely notice of the requirements for transitioning to the new CCLS Regents Examinations in English Language Arts (Common Core) and in Mathematics (Algebra I, Geometry and Algebra II), in order to enable them to prepare for and timely implement these requirements.

Timetable for Implementation

If adopted as an emergency measure at the July meeting, the proposed amendment will become effective on July 30, 2013 and will remain in effect for 90 days. It is anticipated that the proposed rule will be presented for permanent adoption at the October 2013 Regents meeting, after publication of the Notice of Emergency Rule Making and Proposed Rule Making in the State Register and expiration of the 45-day public comment period prescribed in the State Administrative Procedure Act.

8 NYCRR §100.5(g)

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

The proposed amendment establishes requirements to transition to the new Regents Examinations in English Language Arts (ELA) (Common Core) and in mathematics which measure the New York State Common Core Learning Standards (CCLS).

Pursuant to the proposed amendment, the transition plan for the new Regents Examination in ELA (Common Core) includes the following:

- Students who first enter grade 9 in September 2013 and thereafter shall meet the English requirement for graduation by passing the Regents Examination in English Language Arts (Common Core) or an approved alternative.
- Students who first entered Grade 9 prior to September 2013 shall meet the English requirement for graduation by passing the new Regents Examination in ELA (Common Core) or by passing the Regents Comprehensive Examination in English, while that exam is still being offered. For the June 2014 and August 2014 administrations only, students enrolled in Common Core English courses may, at local discretion, take the Regents Comprehensive Exam in English in addition to the Regents Examination in ELA (Common Core), and may meet the English requirement for graduation by passing either examination.

With respect to the transition plan for the new Regents Examinations in mathematics (Common Core), the proposed amendment would require that:

- Students who first begin instruction in a commencement level mathematics course aligned to the 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 commencement level Regents, 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 in addition to the Regents Examination in Algebra I (Common Core), and may meet graduation requirements by passing either examination.

Because the Board of Regents meets at scheduled intervals, and generally does not meet in the month of August, the earliest the proposed amendment could be presented for regular (non-emergency) adoption, after publication in the State Register and expiration of the 45-day public comment period provided for in State Administrative Procedure Act (SAPA) section 202(1) and (5), is the October 21-22, 2013 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the October meeting, would be November 6, 2013, the date a Notice of Adoption would be published in the State Register. However, emergency action to adopt the proposed rule is necessary now for the preservation of

the general welfare to ensure that school districts and students are given sufficient and timely notice of the requirements for transitioning to the new CCLS Regents Examinations in English Language Arts (Common Core) and in Mathematics (Algebra I, Geometry and Algebra II), in order to enable them to prepare for and timely implement these requirements.

It is anticipated that the emergency rule will be presented to the Board of Regents for adoption as a permanent rule at the October 21-22, 2013 Regents meeting, which is the first scheduled meeting after expiration of the 45-day public comment period mandated by the State Administrative Procedure Act for 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. Subdivision (a) of section 100.5 of the Regulations of the Commissioner is amended, effective July 30, 2013, as follows:

(a) General requirements for a Regents or a local high school diploma. Except as provided in paragraph (d)(6) and subdivision (g) of this section, the following general requirements shall apply with respect to a Regents or local high school diploma. Requirements for a diploma apply to students depending upon the year in which they first enter grade nine. A student who takes more than four years to earn a diploma is subject to the requirements that apply to the year that student first entered grade nine. Students who take less than four years to complete their diploma requirements are subject to the provisions of subdivision (e) of this section relating to accelerated graduation.

(1) . . .

(2) . . .

(3) . . .

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(8) . . .

2. Subdivision (b) of section 100.5 of the Regulations of the Commissioner is amended, effective July 30, 2013, as follows:

(b) Additional requirements for the Regents diploma. Except as provided in paragraph (d)(6) and subdivision (g) of this section, the following additional requirements shall apply for a Regents diploma.

(1) . . .

(2) . . .

(3) . . .

(4) . . .

(5) . . .

(6) . . .

(7) . . .

3. Subdivision (c) of section 100.5 of the Regulations of the Commissioner is amended, effective July 30, 2013, as follows:

(c) Additional requirements for the local diploma. Except as provided in paragraph (d)(6) and subdivision (g) of this section, the following additional requirements shall apply for a local diploma.

(1) . . .

(2) . . .

(3) . . .

(4) . . .

(5) . . .

(6) . . .

4. Subdivision (g) of section 100.5 of the Regulations of the Commissioner is added, effective July 30, 2013, as follows:

(g) Notwithstanding the provisions of this section, the following provisions shall apply to the specified student cohorts for purposes of meeting the English and Mathematics requirements for a Regents or local diploma:

(1) English.

(i) Students who first enter grade 9 in September 2013 and thereafter shall meet the English requirement for graduation in clause 100.5(a)(5)(i)(a) of this section by passing the Regents Examination in English Language Arts (Common Core) or an approved alternative pursuant to section 100.2(f) of this Part.

(ii) Students who first enter grade 9 prior to September 2013 shall meet the English requirement for graduation in clause 100.5(a)(5)(i)(a) of this section by (a) successfully completing a course in English Language Arts (Common Core) and passing the Regents Examination in English Language Arts (Common Core) or an approved alternative pursuant to section 100.2(f) of this Part; or (b) successfully completing a course in English aligned to the 2005 Learning Standards and passing the Regents Comprehensive Examination in English or an approved alternative pursuant to section 100.2(f) of this Part; provided that for the June 2014 and August 2014 administrations only, students enrolled in English Language Arts (Common Core) courses may, at the discretion of the applicable school district, take the Regents Comprehensive Examination in English in addition to the Regents Examination in English Language Arts (Common Core), and may meet such English requirement by passing either examination.

(2) Mathematics.

(i) 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 100.5(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.

(ii) Students who first began or will complete an Integrated Algebra, Geometry, or Algebra 2/Trigonometry course prior to September 2013 shall meet the mathematics requirement for graduation in clause 100.5(a)(5)(i)(b) of this section by passing the corresponding commencement level Regents Examinations in mathematics or an approved alternative pursuant to section 100.2(f) of this Part; provided that 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 100.5(a)(5)(i)(b) of this section by passing either examination.