



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

DATE: October 11, 2013

AUTHORIZATION(S):

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt as a permanent rule the proposed amendment of §100.5 of the Commissioner's Regulations to include limited exceptions to the State assessment requirements for graduation to reflect the transition to Regents Examinations in English Language Arts (ELA) and mathematics aligned to the New York State Common Core Learning Standards?

Reason(s) for Consideration

Implementation of policy.

Proposed Handling

The proposed amendment will be presented to the Full Board for adoption as a permanent rule at the October Regents meeting. In addition, a second emergency adoption is necessary to ensure the emergency rule adopted at the July 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

The proposed amendment was adopted as an emergency rule at the July 2013 Regents meeting, effective July 30, 2013. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on August 14, 2013. In response to public comment, a technical revision was made to clarify the text of the proposed amendment, as described in the attached Assessment of Public Comment. A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

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.

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. 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.

- 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.

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 November 6, 2013; and it is further

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 October 28, 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 the emergency rule adopted at the July 22-23, 2013 Regents meeting remains continuously in effect until the effective date of the rule's permanent adoption.

Timetable for Implementation

The proposed amendment was adopted as an emergency rule at the July Regents meeting, effective July 30, 2013 and will expire on October 27, 2013. If adopted at the October Regents meeting, the permanent rule will take effect on November 6, 2013 and the emergency rule will take effect on October 28, 2013.

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 November 6, 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.

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2. Subdivision (b) of section 100.5 of the Regulations of the Commissioner is amended, effective November 6, 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 November 6, 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 November 6, 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; 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.

(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.

8 NYCRR §100.5

ASSESSMENT OF PUBLIC COMMENT

Since publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on August 14, 2013, the State Education Department received the following comment.

COMMENT:

The proposed amendment includes a provision that for the June 2014, August 2014 and January 2015 administrations only, students receiving Algebra 1 (Common Core) instruction may at the discretion of the school district take the Regents Examination in Integrated Algebra in addition to the Regents Examination in Algebra 1 (Common Core), and may meet the mathematics requirements for graduation by passing either examination. However, the placement of this provision in 100.5(g)(2)(ii) is confusing in that it appears to make this provision applicable to the student cohort described in that subparagraph, i.e. "Students who first began or will complete an Integrated Algebra, Geometry, Algebra 2/Trigonometry course prior to September 2013 shall meet the mathematics requirement for graduation . . . by passing the corresponding commencement level Regents Examinations in mathematics or an approved alternative . . . "

This appears to be contrary to the intent of the provision as recently explained in a September 2013 memo to the field from the Deputy Commissioner for P-12 Education (see <http://www.p12.nysed.gov/assessment/math/ccmath/transitioncc.pdf>), which is that the option of meeting the mathematics graduation requirement by passing either the Regents Examination in Integrated Algebra or the Algebra 1 (Common Core)

examination applies to students as described in 100.5(g)(2)(i), i.e. "Students who first begin instruction in a commencement level mathematics course aligned to the Common Core Learning Standards in September 2013 and thereafter . . ."

DEPARTMENT RESPONSE:

The Department concurs and has made a nonsubstantial revision to clarify the text by including such provision in 100.5(g)(2)(i) instead of 100.5(g)(2)(ii).

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.

The proposed amendment was adopted as an emergency action at the July 22, 2013 Regents meeting, effective July 30, 2013, and has now been adopted as a permanent rule at the October 21-22, 2013 Regents meeting. Pursuant to SAPA §203(1), the earliest effective date of the permanent rule is November 6, 2013, the date a Notice of Adoption will be published in the State Register. However, the July emergency rule will expire on October 27, 2013, 90 days after its filing with the Department of State on July 30, 2012. A lapse in the rule's effective date could disrupt preparations for transitioning to the new CCLS Regents Examinations in English Language Arts (Common Core) and in Mathematics (Algebra I, Geometry and Algebra

II). Emergency action is therefore necessary for the preservation of the general welfare to ensure that the proposed rule adopted by emergency action at the July Regents meeting, and adopted as a permanent rule at the October 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

1. Subdivision (a) of section 100.5 of the Regulations of the Commissioner is amended, effective October 28, 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) . . .

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(8) . . .

2. Subdivision (b) of section 100.5 of the Regulations of the Commissioner is amended, effective October 28, 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 October 28, 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) . . .
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- (4) . . .
- (5) . . .
- (6) . . .

4. Subdivision (g) of section 100.5 of the Regulations of the Commissioner is added, effective October 28, 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; 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.

(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.