



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

TO: P-12 Education Committee
FROM: Cosimo Tangorra, Jr. *Cosimo Tangorra Jr.*
SUBJECT: Proposed extension of the amendment to sections 100.4(e)(2) and 100.18(b)(14) of the Commissioner's Regulations to provide flexibility to school districts and charter schools regarding the administration of Regents Examinations in Mathematics (Common Core) to grades 7 and 8 students.

DATE: October 10, 2014

AUTHORIZATION(S):

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SUMMARY

Issue for Discussion

Should the Board of Regents amend sections 100.4(e)(2) and 100.18(b)(14)(iii) of the Commissioner's Regulations to eliminate the need for "double-testing," so that school districts and charter schools may administer only the Regents Examinations in Mathematics (Common Core) to grade 7 and 8 students without also having to administer the grade level mathematics assessment in the 2014-2015 school year?

Reason(s) for Consideration

Implementation of policy.

Proposed Handling

The proposed amendment will be presented to the P-12 Education Committee for discussion at the October 2014 Regents Meeting.

Procedural History

At its October 2013 meeting, the Board of Regents directed the State Education Department (SED) to submit a request to the United States Department of Education (USDE) to waive provisions of the ESEA [Sections 1111(b)(1)(B) and 1111(b)(3)(C)(i)] that require states to measure the achievement of standards in mathematics using the same assessments for all students. On December 20, 2013, USDE granted SED a one-year waiver (for the 2013-14 school year) from ESEA §§1111(b)(1)(B) and 1111(b)(3)(C)(i).

At the January 2014 Regents meeting, a proposed amendment to section 100.18(b)(14) was discussed by the P-12 Education Committee and adopted by the Full Board as an emergency rule, effective January 14, 2014. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on January 29, 2014. At the February 2014 meeting, the proposed amendment was revised to include an amendment to 100.4(e)(2) and adopted as an emergency rule. A Notice of Emergency Adoption and Revised Rule Making was published in the State Register on February 26, 2014.

At the April 2014 Regents meeting, the Board of Regents adopted as a permanent rule the proposed amendment of sections 100.4(e)(2) and 100.18(b)(14) of the Commissioner's Regulations to eliminate the need for "double-testing," so that school districts and charter schools may administer only the Regents Examinations in Mathematics (Common Core) to grade 7 and 8 students without also having to administer the grade level mathematics assessment in the 2013-14 school year.

In order to extend this rule to include the 2014-15 school year, a Notice of Proposed Rule Making will be published in the State Register on November 5, 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

On September 22, 2014, USDE granted SED another one-year waiver (for the 2014-15 school year) from the provisions of ESEA §§1111(b)(1)(B) and 1111(b)(3)(C)(i). The proposed amendment would continue for the 2014-15 school year the provisions that were implemented in the 2013-14 school year to determine how student results will be used for institutional accountability purposes:

- For students who attend grade 7 or 8 and take a Regents examination in mathematics in the 2014-15 school year, but do not take the grade 7 or 8 mathematics assessment, participation and accountability determinations for the school in which the student attends grade 7 or 8 shall be based upon such student's performance on the Regents examination in mathematics. Participation and accountability determinations for the high school in which such student later enrolls shall be based upon such student's performance on mathematics assessments taken after the student first enters grade 9. For such students, a score of 65 or above, or a comparable score as approved by the Board of Regents, on a Regents examination in

mathematics taken in grade 9 or thereafter will be credited as Level 3 ("full credit") for purposes of calculating the high school performance index.

- For students who attend grade 7 or 8 and who take both the grade 7 or 8 mathematics assessment and a Regents examination in mathematics during the 2014-15 school year, participation and accountability determinations for the school such students attend in grade 7 or 8 shall be based upon the student's performance on the grade 7 or 8 mathematics assessment.

Timetable for Implementation

It is anticipated that the proposed amendment will be presented for adoption at the January 2015 Regents meeting, after publication of a Notice of Proposed Rule Making in the State Register and expiration of the 45-day public comment period prescribed in the State Administrative Procedure Act. If adopted at the January 2015 Regents meeting, the proposed amendment will take effect as a permanent rule on January 28, 2015 for 2014-15 school year accountability determinations.

Attachment

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 210, 215, 305, 309 and 3713

1. Paragraph (2) of subdivision (e) of section 100.4 of the Regulations of the Commissioner of Education is amended, effective January 28, 2015, as follows:

(2) Beginning with the 1998-99 school year, the mathematics intermediate assessment shall be administered in grade 8. Beginning with the 2005-2006 school year, mathematics assessments shall be administered in grades 7 and 8, provided that, for the 2013-2014 and 2014-15 school [year] years, students who attend grade 7 or 8 may take a Regents examination in mathematics in lieu of or in addition to the grade 7 or 8 mathematics assessment, in accordance with section 100.18(b)(14) of this Part.

2. Subparagraph (iii) of paragraph (14) of subdivision (b) of section 100.18 of the Regulations of the Commissioner of Education is amended, effective January 28, 2015, as follows:

(iii) Notwithstanding the provisions of this section:

(a) For students who attend grade 7 or 8 and take a Regents examination in mathematics in the 2013-2014 and 2014-15 school [year] years, but do not take the grade 7 or 8 mathematics assessment, participation and accountability determinations for the school in which the student attends grade 7 or 8 shall be based upon such student's performance on the Regents examination in mathematics. Participation and accountability determinations for the high school in which such student later enrolls shall be based upon such student's performance on mathematics assessments taken after the student first enters grade 9. For such students, a score of 65 or above, or a comparable score as approved by the Board of Regents, on a Regents examination in mathematics taken in grade 9 or thereafter will be credited as level 3 for purposes of calculating the high school performance index.

(b) For students who attend grade 7 or 8 and who take both the grade 7 or 8 mathematics assessment and a Regents examination in mathematics during the 2013-2014 and 2014-15 school [year] years, participation and accountability determinations for the school such students attend in grade 7 or 8 shall be based upon the student's performance on the grade 7 or 8 mathematics assessment.

(c) . . .