



**TO:** The Honorable Members of the Board of Regents

**FROM:** Angelique Johnson-Dingle *Angelique Johnson-Dingle*  
Jason Harmon *Jason Harmon*

**SUBJECT:** Proposed Amendment of Section 100.5 of the Regulations of the Commissioner of Education Relating to Establishing the Individual Arts Assessment Pathway (IAAP) to Graduation

**DATE:** April 6, 2023

**AUTHORIZATION(S):** *Dom N. P. Bellino*

### SUMMARY

#### **Issue for Decision (Consent)**

Should the Board of Regents adopt the proposed amendment of section 100.5 of the Regulations of the Commissioner of Education relating to establishing the Individual Arts Assessment Pathway (IAAP) to graduation?

#### **Reason(s) for Consideration**

Review of Policy.

#### **Proposed Handling**

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at the April 2023 Regents meeting. A copy of the proposed amendment is included (Attachment A).

#### **Procedural History**

The proposed amendment was presented to the P-12 Education Committee for discussion at the December 2022 meeting of the Board of Regents. A Notice of Proposed Rule Making was published in the State Register on December 28, 2022, for a 60-day public comment period. Following publication in the State Register, the Department received one comment on the proposed amendment. An Assessment of Public Comment is included (Attachment B). No changes to the proposed amendment are recommended

at this time. A Notice of Adoption will be published in the State Register on May 3, 2023. Supporting materials are available upon request to the Secretary of the Board of Regents.

**Background Information**

In January 2015, the Board of Regents amended sections 100.2 and 100.5 of the Commissioner’s regulations to implement the 4+1 pathways to graduation option. This allows students to meet the requirements for a diploma in different ways. The amendment created graduation pathway assessments in the Arts; Career and Technical Education (CTE); Humanities; Science, Technology, Engineering, and Mathematics (STEM); and World Languages. The pathway options were later expanded to include Career Development and Occupational Studies (CDOS) and Civic Readiness. Under the 4 + 1 pathway assessment option, students must take and pass four required Regents Exams or Department-Approved Alternative assessments (one in each of the following subjects: English language arts, mathematics, science, and social studies) and complete a comparably rigorous pathway to meet the fifth assessment requirement for graduation.

In March 2016, Advanced Placement (AP) and International Baccalaureate (IB) assessment options were approved by the Commissioner for the Arts Pathway. Currently, the assessments approved for the Arts Pathway to graduation are not offered at all schools in New York State. While additional students may complete the requirements for the Arts Pathway, per the [NYS Graduation Pathways Data](#), fewer than 1% of all students utilized the current Arts Pathway to earn their diploma in 2019-2020.

Academic Year	# and % of students who utilized the Humanities Pathway	# and % of students who utilized a pathway other than Humanities or Arts	# and % of students who utilized the Arts Pathway
2019-2020	165,673; 94%	10,832; <5%	341; <1%

As the Department continues to focus on diversity, equity, and inclusion (DEI), the Individual Arts Assessment Pathway (IAAP) provides an example of a portfolio-based local assessment driven by student interest and teachers’ content knowledge and expertise. Students actively engage in researching, developing, executing, and revising their artistic projects while receiving guidance from their arts teachers and feedback from their peers. The IAAP process provides New York State high school students the opportunity to engage with their artistry and creativity in a supportive and encouraging environment, which in turn prepares them for future postsecondary, professional, and personal endeavors.

Increasing student engagement with the arts is a vital step in realizing the goal of artistic literacy enumerated in the [NYS Statewide Strategic Plan for the Arts](#). The IAAP was recommended in this plan in April 2017. This pathway would require students to complete a locally determined three-unit sequence in the arts and demonstrate, through a collection of creative works, growth over time that meets the High School II Accomplished Performance Indicators in the [New York State Learning Standards for the Arts](#). In addition to realizing the goal of artistic literacy, the IAAP will meet the NYS Statewide Strategic Plan for the Arts’ assessment goal to “[s]upport the development of formative and summative assessments at the state, regional, and local levels that measure student

attainment of the NYS P-12 Learning Standards for the Arts and empower educators to use the data resulting from these assessments to enhance teaching and learning.”<sup>1</sup> The implementation of the IAAP will increase student participation in the arts while offering a 4+1 graduation pathway option that measures student attainment of the NYS P-12 Learning Standards for the Arts. The implementation of this proposed pathway also increases access to arts courses that prepare students for high-demand, high-growth, and high-salary careers that meet the career goals of secondary school students.

## **Proposed Amendment**

The Department proposes to amend section 100.5 of the Commissioner’s regulations to allow students who successfully complete the IAAP to apply that accomplishment toward a +1 IAAP pathway to a diploma. The proposed pathway will allow students to graduate with a high school diploma (local, Regents, or Regents with advanced designation) *when*, in addition to completing the State’s requirements for the IAAP, they demonstrate mastery of State standards for academic attainment in English, mathematics, science, and social studies. The IAAP pathway will be added to the existing pathways to a diploma outlined above.

Specifically, the proposed amendment provides that students entering grade 9 in September 2022 and thereafter who are otherwise eligible to receive a high school diploma may meet diploma requirements by earning 3 units of diploma credit in the arts and passing a locally graded portfolio to demonstrate their attainment of the NYS Learning Standards for the Arts at the Accomplished level. The portfolio must include an artistic statement and project goals; initial, intermediate, and final creative works; and documentation of the artistic and feedback process students utilized to research, revise, and complete their artistic work.

## **Related Regents Items**

September 2017: [New York P-12 Learning Standards for the Arts \(Dance, Music, Theater, Visual and Media Arts\)](https://www.regents.nysed.gov/common/regents/files/917p12a1.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/917p12a1.pdf>)

February 2019: [Update on the Implementation of the New York State Arts Learning Standards, the work of the Blue-Ribbon Commission for the Arts, and the Individual Arts Assessment Pathway \(IAAP\)](https://www.regents.nysed.gov/common/regents/files/319p12ced1.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/319p12ced1.pdf>)

December 2022: [Proposed Amendment of Section 100.5 of the Regulations of the Commissioner of Education Relating to Establishing the Individual Arts Assessment Pathway \(IAAP\) to Graduation](https://www.regents.nysed.gov/common/regents/files/1222p12d1revised.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/1222p12d1revised.pdf>)

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<sup>1</sup> See page 8 <https://www.regents.nysed.gov/common/regents/files/FB%20Monday%20AM%20-%20NYS%20Statewide%20Strategic%20Plan%20for%20the%20Arts.pdf>

## **Recommendation**

It is recommended that the Board of Regents take the following action:

VOTED: That section 100.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective May 3, 2023.

## **Timetable for Implementation**

If adopted at the April 2023 meeting, the proposed amendment will become effective as a permanent rule on May 3, 2023.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 208, 305, 308, and 309 of the Education Law.

1. Subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is amended by adding a new paragraph (15) to read as follows:

(15) Individual Arts Assessment Pathway. Students who first enter grade nine in September 2022 and thereafter, who are otherwise eligible to receive a high school diploma pursuant to this section may meet the diploma requirements described in this section by:

(i) completing the applicable credit requirements pursuant to this section;

(ii) earning 3 units of diploma credit in the arts;

(iii) passing a locally graded portfolio to demonstrate their attainment of the NYS Learning Standards for the Arts at the Accomplished level, (The NYS Learning Standards for the Arts were adopted by the Board of Regents and published by the State Education Department on September 11, 2017, and are available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, NY 12234) including:

(a) artistic statement and project goals;

(b) initial, intermediate, and final creative works; and

(c) documentation of the artistic and feedback process students utilized to research, revise, and complete their artistic work; and

(iv) passing four assessments, one in each of the four subject areas of English, mathematics, science, and social studies (United States history and government or global history and geography), as set forth in clauses (a)(5)(i)(a)-(e) of this section.

2. Subdivision (a) of section 100.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) General requirements for a Regents or a local high school diploma. Except as provided in clauses (5)(i)(c), (e), and (f) of this subdivision, paragraphs (d)(6), (11), [and] (13), and (15) 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 the 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.

3. The opening paragraph of subclause (1) of clause (f) of subparagraph (i) of paragraph (5) of subdivision (a) of section 100.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(1) Except as provided in paragraphs (d)(6), (11), [and] (13), and (15) of this section, students who first enter grade nine in September 2011 and thereafter or who are otherwise eligible to receive a high school diploma pursuant to this section in June 2015 and thereafter must meet the requirements of clauses (a), (b), (c), (d) and (e) of this subparagraph and also pass any one of the following assessments:

ASSESSMENT OF PUBLIC COMMENT

Since publication of the Notice of Proposed Rule Making in the State Register on December 28, 2022, the State Education Department (the Department) received the following comment on the proposed amendment:

COMMENT: A commenter, writing in their capacity as the Executive Vice President of a statewide teacher advocacy organization, expressed concern about the proposed rule's statement that the Individual Arts Assessment Pathway (IAAP) requires a "significant, multi-year commitment from teachers." The commenter opines that it is "not a reasonable expectation... for districts to provide the training." The commenter expressed concern that school districts lack the capacity and expertise for implementation, opining that these responsibilities would then fall to arts teachers. Additionally, the commentor asked the Department to consider delaying implementation for a year so that the IAAP Development Committee can reconvene and consider changes to the pathway while providing more time for districts to consider how they will implement the IAAP.

DEPARTMENT RESPONSE: The Department disagrees with the commentor's contention that the IAAP presents a burden to districts and should be delayed by a year. The IAAP is based on recommendations of the Blue Ribbon Commission on the Arts in 2015. Development began in 2016, in consultation with arts stakeholders around the state. The IAAP is an optional graduation pathway, and the Department has provided updates to the field throughout the development process. Districts are not required to offer the IAAP if they believe they would face practical difficulties implementing it at the local level. The Department has received substantial informal feedback from districts in

support of the pathway. Additionally, numerous resources have been developed, including discipline-specific implementation guides and professional development modules to assist districts in applying, developing, and implementing their local IAAP. Therefore, the Department declines to make any changes to the regulation at this time.