




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

**FROM:** Angelica Infante-Green *A. Infante - Green*

**SUBJECT:** Amendment of §100.5(d)(7) of the Commissioner's Regulations to Adjust the Eligible Score Band for an Appeal of the English Language Arts Regents Examination for Eligible English Language Learners (ELLs), to Align with the Recent Expansion of the Eligible Score Band for Appeals for Certain Regents Examinations for All Students

**DATE:** July 6, 2017 *Margellen Elin*

**AUTHORIZATION(S):** 

## SUMMARY

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

Should the Board of Regents amend §100.5(d)(7) of the Commissioner's Regulations to adjust the existing eligible score band for an appeal of the English Language Arts Regents examinations passing scores by eligible English Language Learners (ELLs), to align with the recent expansion of the eligible score band for appeals of certain Regents examinations by all students?

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

Review of policy.

### **Proposed Handling**

The proposed amendment will be presented to the Full Board for adoption as a permanent rule at its July 2017 Regents meeting. A copy of the proposed amendment is attached.

## **Procedural History**

At its April and June 2017 meetings, the Board of Regents adopted the proposed amendment, as an emergency measure, effective April 3, 2017 and then as a second emergency action, effective July 3, 2017. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on April 19, 2017. Supporting materials are available upon request from the Secretary to the Board of Regents.

## **Background Information**

In January 2015, the Board of Regents extended the Regents Examination appeal process to include a provision to allow eligible English language learners (ELLs) to appeal scores of 55-61 on the English Language Arts (ELA) Regents Examination. At its March 2016 meeting, the Board of Regents adopted a proposed amendment to expand the eligible score bands for appeals of Regents examinations for all students from 62-64 to 60-64. Due to this expansion of the eligible score band for such appeals for all students (including ELLs), it is necessary to adjust the eligible score band for appeals of the English Language Arts Regents examinations for qualifying ELLs by two points, from 55-61 to 55-59, to clarify that a separate appeal for ELLs who score between 60-61 on the ELA Regents Examination is not necessary.

## **Related Regents Items**

<http://www.regents.nysed.gov/common/regents/files/215p12a1.pdf>

<http://www.regents.nysed.gov/common/regents/files/316p12a3.pdf>

<http://www.regents.nysed.gov/common/regents/files/616brca6.pdf>

<http://www.regents.nysed.gov/common/regents/files/617brca12.pdf>

## **Recommendation**

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

VOTED: That subclause (1) of clause (b) of subparagraph (i) of paragraph (7) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education be amended as submitted, effective August 2, 2017.

## **Timetable for Implementation**

Following the 45-day public comment period required under the State Administrative Procedure Act, the Department received no comments on the proposed

amendment. If adopted by the Board of Regents at its July 2017 Regents meeting, the proposed amendment will become effective as a permanent rule on August 2, 2017.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

Subclause (1) of clause (b) of subparagraph (i) of paragraph (7) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is amended as follows:

(1) has scored between [55 and 61] 55-59 on the required Regents examination in English language arts under appeal;

