





TO: The Honorable the Members of the Board of Regents

FROM: Ken Wagner 

SUBJECT: Proposed Amendment of section 100.5 of the Commissioner' Regulations, Relating to Advanced Designation Diploma and Pathway Requirements

DATE: May 11, 2015

AUTHORIZATION(S): 

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents readopt as a second emergency action the technical amendments to section 100.5 of Commissioner's Regulations to:

- (1) clarify the requirements for earning a Regents Diploma with advanced designation by students who elect to meet the requirements for a Regents diploma through the mathematics or science pathway options; and
- (2) allow students to earn a Regents diploma through the humanities pathway by passing either an additional Regents assessment, or a Department approved alternative, in a different course in Social Studies or in English.

Reason(s) for Consideration

Implementation and review of policy

Proposed Handling

The proposed amendment is being presented to the full Board for adoption as an emergency action at the May 2015 Regents meeting. A Statement of the Facts and Circumstances Which Necessitate Emergency Action is attached.

Procedural History

The proposed amendment was discussed by the P-12 Education Committee and adopted as an emergency rule at the March 2015 Regents meeting, effective March 17, 2015. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on April 1, 2015.

The March emergency rule will expire on June 14, 2015. A second emergency action is necessary at the May Regents meeting to ensure that the rule remains continuously in effect until it can be presented for adoption and take effect as a permanent rule. A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

In January, 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 allowing students to meet the requirements for a diploma in different ways.

The amendment created graduation pathways assessments in the Humanities, STEM, Biliteracy, CTE and the Arts and requires that, in addition to the four Regents Exams or department-approved alternative assessments required of all students in each of the areas of English, mathematics, science, and social studies, students may pass any one of the following to meet the fifth assessment requirement:

1. one additional social studies Regents examination or Department-approved alternative (Humanities Pathway); or
2. one additional Regents examination in a different course in mathematics or science or a Department-approved alternative (STEM Pathway); or
3. a pathway assessment approved by the Commissioner in accordance with §100.2(f) of the Commissioner's regulations (which could include a Biliteracy [LOTE] Pathway); or
4. a career and technical education (CTE) pathway assessment, approved by the Commissioner in accordance with proposed §100.2(mm) following successful completion of a CTE program approved pursuant to §100.5(d)(6) of the regulations (CTE Pathway); or
5. an arts pathway assessment approved by the Commissioner in accordance with proposed §100.2(mm)

As a result of adopting the pathways to graduation regulations, it is necessary to clarify how this provision impacts students who wish to earn the Regents Diploma with advanced designation. In addition, the proposed amendment would provide options for students who wish to pursue a pathway in the humanities, by allowing students to earn a Regents diploma through the humanities pathway by passing an additional Regents

assessment, or a Department approved alternative, in a different course in either Social Studies or in English.

Regents Diploma with Advanced Designation

Currently, students who wish to earn a Regents diploma with advanced designation must meet the Regents diploma requirements (five assessments) and pass two additional mathematics Regents exams (a total of three mathematics Regents exams) and one additional science Regents exam (a total of two science Regents exams) for a total of eight Regents exams.

In light of the new pathways options, students who elect to meet the Regents diploma requirements using a mathematics pathway (by substituting an additional mathematics Regents exam for the second social studies Regents exam), would not be able to meet the advanced diploma requirements because the Department does not offer enough mathematics Regents exams for two additional tests to be completed. The proposed amendment would allow students to meet the additional mathematics assessment requirements for the Regents diploma with advanced designation with both Regents examinations in math, and/or an examination in a different course selected from the list of department approved alternatives in math.

The proposed amendment would also clarify the requirements for students electing to meet the diploma requirements with a science pathway (by substituting an additional science Regents exam for the second social studies Regents exam). These students also would have to pass a total of eight Regents examinations for the Regents diploma with advanced designation, and, if electing a science pathway, would have to pass a total of three science assessments rather than the previously required two science assessments.

This is summarized below:

Required Exams in Math and Science	Regents Diploma	Regents Diploma with STEM Pathway	Regents Diploma with Advanced Designation	Regents Diploma with Advanced Designation following STEM Pathway
Math	1	1 + 1	3	3 + 1
Science	1	1 + 1	2	2 + 1

Pathway Option in Humanities

The pathway options in humanities adopted by the Board in January provide only for additional assessments in social studies to meet the humanities requirement. The proposed amendment would allow a student to meet the humanities pathway requirement by passing either an additional Regents assessment, or Department approved alternative, in a different course in Social Studies or in English.

Recommendation

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

VOTED: That clause (f) of subparagraph (i) of paragraph (5) of subdivision (a), subparagraph (v) of paragraph (7) of subdivision (b), and paragraph (2) of subdivision (g) of section 100.5 of the Regulations of the Commissioner of Education be amended as submitted, effective June 15, 2015, upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to ensure that the emergency rule adopted at the March 2015 Regents meeting remains continuously in effect until the proposed rule can be presented for adoption and take effect as a permanent rule.

Timetable for Implementation

The proposed amendment was adopted as an emergency rule at the March 2015 Regents meeting, effective March 17, 2015, and will expire on June 14, 2015. If adopted at the May Regents meeting, the second emergency action will become effective on June 15, 2015 for a 60-day period. It is anticipated that the proposed amendment will be presented for permanent adoption at the June 15-16, 2015 Regents meeting, after expiration of the 45-day public comment period prescribed in the State Administrative Procedure Act. If adopted at the June meeting, the proposed amendment will take effect as a permanent rule on July 1, 2015.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 208, 209, 305, 308, 309 and 3204.

1. 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, effective June 15, 2015, as follows:

(f) Requirements for pathway assessments:

(1) In addition to the requirements of clauses (a), (b), (c), (d) and (e) of this subparagraph, 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 also pass any one of the following assessments:

(i) one additional [social studies] Regents examination in a different course in social studies or a department-approved alternative; or

(ii) one additional Regents examination in a different course in mathematics or science or a department-approved alternative; or

(iii) one additional examination in a different course in English selected from the list of department-approved alternatives; or

[(iii)] (iv) a pathway assessment (e.g., languages other than English) approved by the commissioner in accordance with section 100.2(f)(2) of this Part; or

[(iv)] (v) a career and technical education (CTE) pathway assessment, approved by the commissioner in accordance with section 100.2(mm) of this Part, following successful completion of a CTE program approved pursuant to paragraph (6) of subdivision (d) of this section; or

[(v)] (vi) an arts pathway assessment approved by the commissioner in accordance with section 100.2(mm) of this Part.

2. Subparagraph (v) of paragraph (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective June 15, 2015, as follows:

(v) Earning a Regents diploma with advanced designation. To earn a Regents diploma with an advanced designation a student must complete, in addition to the requirements for a Regents diploma:

(a) additional Regents examinations in mathematics as determined by the commissioner or approved alternatives pursuant to section 100.2(f) of this Part.

(1) Beginning with the 2011-2012 school year and thereafter, students must pass two or three commencement level Regents examinations in mathematics through one of the following combinations:

[(1)] (i) Two examination combination. A student must pass:

[(i)] (a) Mathematics A and Mathematics B; or

[(ii)] (b) Mathematics A and Algebra 2/Trigonometry; or

[(iii)] (c) Mathematics B and Integrated Algebra; or

[(2)] (ii) Three examination combination. A student must pass:

[(i)] Mathematics A, Geometry and Algebra 1/Trigonometry; or

[(ii)] Integrated Algebra, Geometry and Mathematics B; or

[(iii)] Integrated Algebra, Geometry and Algebra 2/Trigonometry]

(a) Mathematics A or Integrated Algebra or Algebra I (common core); and

(b) Geometry or Geometry (common core); and

(c) Mathematics B or Algebra 2/Trigonometry or Algebra II (common core);

and

(2) for students who elect to meet the requirements for a Regents diploma through the mathematics pathway assessment in 100.5(a)(5)(i)(f)(1)(ii), such students

must also pass one additional assessment in mathematics in a different course selected from the list of Department approved alternatives pursuant to 100.2(f) in addition to those specified in item (i) or (ii) of subclause (1) of this clause; and

(b) additional Regents examinations in science as determined by the commissioner or approved alternatives pursuant to section 100.2(f) of this Part.

(1) one additional Regents examination in science or a department-approved alternative, for a total of two Regents examinations, with at least one in life science and at least one in physical science; or

(2) for students who elect to meet the requirements for a Regents diploma through the science pathway assessment in 100.5(a)(5)(i)(f)(1)(ii), such students must also pass one additional Regents examination in science or a department-approved alternative, for a total of three Regents examinations, provided that the total number of science examinations passed include [with] at least one in life science and at least one in physical science; and

(c) . . .

3. Paragraph (2) of subdivision (g) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective June 15, 2015, as follows:

(2) Earning a Regents diploma with advanced designation. Notwithstanding the provisions of this section, to earn a Regents diploma with an advanced designation a student must complete, in addition to the requirements for a Regents diploma, additional Regents examinations in mathematics as determined by the commissioner or approved alternatives pursuant to section 100.2(f) of this Part.

(i) Beginning with the 2011-12 school year and thereafter, students must pass two or three commencement level Regents examinations in mathematics through one of the following combinations:

[(i)] (a) two examination combination. A student must pass:

[(a)] (1) mathematics A and mathematics B; or

[(b)] (2) mathematics A and algebra 2/trigonometry; or

[(c)] (3) mathematics B and integrated algebra; or

[(ii)] (b) three examination combination. A student must pass:

[(a)] (1) mathematics A or integrated algebra or algebra I (common core); and

[(b)] (2) geometry or geometry (common core); and

[(c)] (3) mathematics B or algebra 2/trigonometry or algebra II (common core);

and

(ii) for students who elect to meet the requirements for a Regents diploma through the mathematics pathway assessment in 100.5(a)(5)(i)(f)(1)(ii), such students must also pass one additional assessment in mathematics in a different course selected from the list of Department approved alternatives pursuant to 100.2(f) in addition to those specified in clause (a) or (b) of subparagraph (i) of this paragraph;

8 NYCRR §§100.5

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE EMERGENCY ACTION

The proposed amendment is necessary to: (1) clarify the requirements for earning a Regents Diploma with advanced designation by students who elect to meet the requirements for a Regents diploma through the mathematics or science pathway options; and (2) allow students to earn a Regents diploma through the humanities pathway by passing either an additional Regents assessment, or Department approved alternative, in a different course in Social Studies or in English.

The proposed amendment was adopted as an emergency action at the March 16-17, 2015 Regents meeting, effective March 17, 2015. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on April 1, 2015. Because the Board of Regents meets at scheduled intervals, 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 June 15-16, 2015 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the June meeting, would be July 1, 2015, the date a Notice of Adoption would be published in the State Register. However, the March emergency rule will expire on June 14, 2015, 90 days from its filing with the Department of State on March 17, 2014. A lapse in the rule's effective date could disrupt the ability of students to earn a Regents Diploma with advanced designation through the mathematics or science pathway options and through the humanities pathway option, during the 2014-2015 school year.

Emergency action to adopt the proposed rule is necessary for the preservation of the general welfare to ensure that the emergency rule adopted at the March 2015 Regents meeting remains continuously in effect until the proposed rule can be presented for adoption and take effect as a permanent rule.

It is anticipated that the proposed amendment will be presented for adoption as a permanent rule at the June 15-16, 2015 Regents meeting, which is the first meeting scheduled after expiration of the 45-day period for public comment pursuant to the State Administrative Procedure Act.