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Board of Regents Acts on Emergency Regulation Revisions to 2021 Diploma Requirements

August 2021 Regents Exams Cancelled

If USDE Waiver is Denied, Only Four June 2021 Regents Exams will be Administered

If USDE Waiver is Denied, Only Session One of the Grades 3-8 ELA & Math Assessments and Only the Written Test Component of the Grades 4 & 8 Science Tests will be Held

The Board of Regents today acted on a series of emergency regulations to allow for exemptions to diploma requirements associated with the June 2021 and August 2021 Regents Examination administrations. With the COVID-19 crisis still affecting the State of New York and students having varied levels of in-person instruction, the Board and the Department are taking necessary steps to provide essential flexibility for the State's students, families and educators.

These include actions to cancel the August 2021 Regents Exams and, should the U.S. Department of Education deny the Department's waiver request, only four of the June 2021 Regents Exams will be administered; only Session 1 of the Grades 3-8 English Language Arts (ELA) and Math Tests will be required; and only the one-session Written Test component of the Grades 4 and 8 Science Tests will be administered.

"As we continue to see a global pandemic impact our schools and students in every corner of the state, the Board and I are determined to complete this school year in a manner that protects the health and safety of all of New York's children," said Chancellor Lester W. Young, Jr. "While we were disappointed by the USDE decision not to grant blanket waivers for state assessments, we are confident that the regulatory amendments acted on today and other assessment-related actions by the Department provide for the flexibility necessary to meet federal requirements while ensuring the well-being of those in our school buildings."

"The Department continues to engage with USDE in regard to finding the best path forward in offering state assessments for the children of New York," said Commissioner Betty A. Rosa. "In order to inform these discussions, we are engaging with stakeholders across the state to gain insight on the local

approaches to student assessment. The regulatory amendments advanced today provide fairness for our students; however we remain hopeful that USDE will provide the necessary waivers to allow our educators to remain engaged in the important work of fostering a safe and healthy learning environment for each child in New York state."

Summary of the Amendments

A summary of the amendments follows. Full descriptions of the changes can be found in the Regents item.

CDOS Commencement Credential and CDOS Pathway: Commissioner's regulations are amended to exempt students from any unfinished requirements for the career development and occupational studies commencement credential (CDOS) provided that the student is otherwise eligible to exit from high school and has otherwise demonstrated knowledge and skills relating to the CDOS learning standards.

Regents Exam Exemption Eligibility Requirements: Regulations are amended to allow students who have met the standards for the course of study, as locally determined, to be eligible for an exemption to the examination requirements. To qualify for such an exemption to the diploma requirements, students must meet **one** of the following criteria:

- The student is currently enrolled in a course of study culminating in a Regents Examination and by the end of the 2021 school year, or the 2021 summer session, will have earned credit in such course of study;
- The student was previously enrolled in the course culminating in the applicable Regents Examination, has achieved course credit, and has not yet passed the associated required Regents Examination but was intending to take the test in June 2021 or August 2021 to achieve a passing score; or
- The student is in grade 7 or 8, is enrolled in a course of study culminating in taking a Regents Examination and has met the standards assessed in the provided coursework.

The Department will also extend exemption eligibility for pathway assessments, alternative assessments, technical assessments, and locally developed tests through the 2020-21 school year.

Mastery and Honors Flexibility: Regulatory amendments will allow for flexibility in the calculations for the mastery and honors endorsement wherein student course grades may be substituted for exam scores in cases where Regents Examination exemptions would preclude a student from qualifying for an endorsement to their diploma.

Science Laboratory Experience: Commissioner's regulations relating to science laboratory experience are amended to:

- Clarify that a student may still be eligible to take a science Regents examination, and therefore be eligible for an exemption if applicable, even if they are unable to meet the 1,200-minute science laboratory experience requirement due to the COVID-19 crisis; and
- Expand the amendment allowing students to continue to meet the laboratory requirements through a combination of hands on and virtual experiences due to the COVID-19 crisis.

Graduation Assessment Exemption Declination: With the cancellation of the January 2021 Regents

Examinations, the Department amended regulations to provide parents and persons in parental relation of students scheduled to graduate in January, June, or August of 2021 who have been exempted from a graduation assessment requirement the opportunity to decline such exemption.

Additionally, the amendment extended the time period required by schools to give parents or persons in parental relation notification of the option to decline such exemption from 10 calendar days to 30 calendar days.

USDE Waiver Exemption Requests: NYSED is in the process of surveying districts and charter schools about their local approaches to student assessment. This information will be used to inform NYSED's conversations with the USDE regarding the administration of the federally required spring 2021 grades 3-8 ELA and math assessments, grades 4 and 8 science tests, and Regents Examinations. It is the intent of the Department to showcase the wide range of quality assessment practices that are taking place at the school and district level throughout New York State.

While no final decisions have been made on the Department's assessment waiver request, the Department is planning ahead. Accordingly:

- **If USDE grants the Department's waiver request**, the State's elementary- and intermediate-level assessments and all of its June and August 2021 Regents Examinations will be cancelled.
- **Should USDE not grant the waiver request or not respond prior to the scheduled test administration dates**:
  - the Department will administer **only** the Regents Examinations required under ESSA during the June 2021 administration, which are the ELA, Algebra 1, Earth Science and Living Environment Exams;
  - the August 2021 Regents Exams will be cancelled;
  - only Session 1 of the grades 3-8 assessments in Math and ELA will be required, a shift from the standard practice where these assessments are administered in two sessions; and
  - only the written test component of the Grades 4 and 8 Science Tests will be held; the performance tests will not be administered.

USDE agreed to uncouple state assessments from ESSA accountability requirements so results will be used solely as a measure of student learning. The Department will propose the appropriate regulatory amendments related to accountability at a later date.

Timetable for Implementation

The emergency regulations will become effective on March 16, 2021. It is anticipated that the proposed amendment will be presented for permanent adoption at the June 2021 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act.

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