

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 208, 209, 210, 215, 305, 308, 309, 3204 and 3713

Paragraphs (14) and (15) of subdivision (b) of section 100.18 of the Regulations of the Commissioner of Education are amended, effective December 3, 2014, as follows:

(14) Performance levels shall mean:

(i) . . .

(ii) for high school using Regents examinations based on 2005 Learning

Standards or using a State alternate assessment:

(a) level 1 (well below proficient):

(1) a score of 64 or less on the Regents comprehensive examination in English or a Regents mathematics examination;

(2) a failing score on a State-approved alternative examination for those Regents examinations;

(3) a score of level 1 on a State alternate assessment;

(4) a cohort member who has not been tested on the Regents comprehensive examination in English or a Regents mathematics examination or State-approved alternative examination for these Regents examinations;

(b) level 2 (below proficient):

(1) a score between 65 and 74 on the Regents comprehensive examination in English or between 65 and 79 on a Regents examination in mathematics;

(2) a score of level 2 on a State alternate assessment;

(c) level 3 (proficient):

(1) a score between 75 and 89 on the Regents comprehensive examination in English or between 80 and 89 on a Regents examination in mathematics; or a passing score on a State-approved alternative to those Regents examinations;

(2) a score of level 3 on a State alternate assessment;

(d) level 4 (excels in standards):

(1) a score of 90 or higher on the Regents comprehensive examination in English or a Regents mathematics examination;

(2) a score of level 4 on a State alternate assessment.

(iii) for high school using Regents examinations measuring the Common Core Learning Standards:

(a) level 1 (does not demonstrate knowledge and skills for Level 2):

(1) a score of level 1 on the Regents examination in English language arts or a Regents mathematics examination;

(2) a failing score on a State-approved alternative examination for those Regents examinations;

(3) a cohort member who has not been tested on the Regents examination in English language arts or a Regents mathematics examination or State-approved alternative examination for these Regents examinations;

(b) level 2 (partially meets Common Core expectations, i.e., Local Diploma level):

(1) a score of level 2 on the Regents examination in English language arts or a Regents examination in mathematics;

(c) level 3 (partially meets Common Core expectations, i.e., Regents diploma level):

(1) a score of level 3 on the Regents examination in English language arts or a Regents Examination in mathematics;

(d) level 4 (meets Common Core expectations):

(1) a score of Level 4 on the Regents examination in English language arts or a Regents examination in mathematics;

(2) a passing score on a State-approved alternative examination for those Regents examinations.

(e) level 5 (Exceeds Common Core expectations):

(1) a score of level 5 on the Regents examination in English language arts or a Regents examination in mathematics;

[(iii)] (iv) Notwithstanding the provisions of this section:

(a) . . .

(b) . . .

(c) . . .

(15) Performance index shall be calculated based on the student performance levels as follows:

(i) . . .

(ii) For high school using Regents examinations based on 2005 Learning Standards, each student scoring at level 1 will be credited with 0 points, each student scoring at level 2 with 100 points, and each student scoring at level 3 or 4 with 200 points. The performance index for each accountability group will be calculated by

summing the points and dividing by the number of students in the group.

(iii) For high school using Regents examinations measuring the Common Core Learning Standards, each student scoring at level 1 and Level 2 will be credited with 0 points, each student scoring at level 3 with 100 points, and each student scoring at level 4 or 5 with 200 points. For high school using the State alternate assessment commencing with the 2013-14 school year, each student scoring at level 1 will be credited with 0 points, each student scoring at level 2 with 100 points, and each student scoring at level 3 or 4 with 200 points. The performance index for each accountability group will be calculated by summing the points and dividing by the number of students in the group.