

## AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 112, 207, 210, 215, 305, 309, and 3713 and the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq. (Public Law 114-95, 129 STAT. 1802).

1. Subdivision (b) of section 100.4 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) Program requirements for students in grades 5 and 6.

(1) ...

(2) Required assessments.

(i) ...

(ii) beginning with the 2005-06 school year, English language arts and mathematics assessments shall be administered in grades 5 and 6, provided that, beginning with the 2021-22 school year, students who attend grade 6 may take a Regents examination in mathematics in lieu of or in addition to the grade 6 mathematics assessment, in accordance with clause (b)(1)(xvi)(c) of section 100.21 of this Part.

(iii) ...

(iv) ...

(v) ...

(vi) ...

(vii) ...

(viii)

2. Subdivision (e) of section 100.4 of the Regulations of the Commissioner of Education is amended to read as follows:

(e) Required assessments in grades 7 and 8.

Except as otherwise provided in subdivisions (f) and (g) of this section, and except for students who have been admitted to a higher grade without completing the grade at which the assessment is administered, all students shall take the following assessments, provided that testing accommodations may be used as provided for in section 100.2(g) of this Part in accordance with department policy.

(1) ...

(2) ...

(3) ...

(4) Beginning with the school year 2000-2001, the science intermediate assessment shall be administered in grade 8; provided that students who attend grade 7 or 8 may take a Regents examination in science in lieu of or in addition to the grade 8 science intermediate assessment, in accordance with this section and section [100.18(b)(14)] 100.21(b)(ii)(c)-(d) of this Part, and provided further that the science intermediate assessment shall not be administered in grade 8 to students who take such assessment in grade 7 and are being considered for placement in an accelerated high school-level science course when they are in grade 8 pursuant to subdivision (d) of this section or have taken a Regents examination in science in grade 7 in lieu of or in addition to the grade 8 science intermediate assessment.

3. Subdivision (b) of section 100.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) Definitions.

(i) ....

(ii) ....

(iii) ...

(iv) ...

(v) ...

(vi) ...

(vii) ...

(viii) ...

(ix) ...

(x) ...

(xi) ...

(xii) ...

(xiii) ...

(xiv) ...

(xv)...

(xvi) Performance levels shall mean for accountability determinations regarding comprehensive support and improvement schools, targeted support and improvement schools, and target districts made commencing with the 2017-2018 school year assessment results, as follows:

(a) for elementary and middle grades:

(1) Level 1 - basic:

(i) a score of Level 1 on State assessments in ELA, mathematics, and science;

(ii) a score of Level 1 on the New York State alternate assessment in ELA, mathematics, and science;

(iii) a score of accountability Level 1 on a Regents mathematics exam for advanced grade 6, 7, or 8 students;

(iv) a score of Level 1 on a Regents science exam for advanced grade 7 or 8 students;

(2) Level 2 - basic proficient:

(i) a score of Level 2 on State assessments in ELA, mathematics, and science;

(ii) a score of Level 2 on the New York State alternate assessment in ELA, mathematics, and science;

(iii) a score of accountability Level 2 on a Regents mathematics exam for advanced grade 6, 7, or 8 students;

(iv) a score of Level 2 on a Regents science exam for advanced grade 7 or 8 students.

(3) Level 3 - proficient:

(i) a score of Level 3 on State assessments in ELA, mathematics, and science;

(ii) a score of Level 3 on the New York State alternate assessment in ELA, mathematics, and science;

(iii) a score of accountability Level 3 on a Regents mathematics exam for advanced grade 6, 7, or 8 students;

(iv) a score of Level 3 on a Regents science exam for advanced grade 7 or 8 students.

(4) Level 4 - advanced:

- (i) a score of Level 4 on State assessments in ELA, mathematics, and science;
- (ii) a score of Level 4 on the New York State alternate assessment in ELA, mathematics, and science;
- (iii) a score of accountability Level 4 on a Regents mathematics examination for advanced grade 6, 7, or 8 students;
- (iv) a score of Level 4 on a Regents science examination for advanced grade 7 or 8 students.

(b) ...

(c) advanced middle school mathematics students:

(1) for students enrolled in grades 6, 7, or 8 and who take a Regents examination in mathematics but do not take the grade 6, 7, or 8 New York State testing program assessment in mathematics, participation and accountability determinations for the school in which the student is enrolled in grade 6, 7 or 8 shall be based upon such student's performance on the Regents examination in mathematics. Participation and accountability determinations for the high school in which such student later enrolls shall be based upon such student's performance on mathematics assessments taken after the student first enters grade 9;

(2) for students enrolled in grades 6, 7 or 8 who take both the grade 6, 7, or 8 New York State testing program assessment in mathematics and a Regents examination in mathematics, participation and accountability determinations for the school in which the student is enrolled in grade 6, 7 or 8 shall be based upon such student's performance on the New York State testing program assessment in mathematics. Participation and accountability determinations for the high school in which such student later enrolls shall

be based upon such student's highest performance level/score earned on the Regents examination taken in grade 6, 7, or 8 or Regents examinations or approved alternatives of Regents examinations taken after the student first enters grade 9;

(d) advanced middle school science students:

(1) for students enrolled in grade 7 or 8 who take a Regents examination in science but do not take the grade 8 intermediate science test, accountability determinations for the school in which such student is enrolled in grade 7 or 8 shall be based upon such student's performance on the Regents examination in science. Participation and accountability determinations for the high school in which such student later enrolls shall be based upon such student's performance on science assessments after the student first enters grade 9;

(2) for students enrolled in grade 7 or 8 who take both the grade 8 science intermediate-level science test and a Regents examination in science, accountability determinations for the school in which such student is enrolled in grade 7 or 8 shall be based upon such student's performance on the grade 8 intermediate-level science test. Participation and accountability determinations for the high school in which such student later enrolls shall be based upon such student's highest performance level/score earned on the Regents examination taken in grade 7 or 8 or Regents examinations taken after the student first enters grade 9;

(3) for students who took the grade 8 intermediate-level science test when they were enrolled in grade 7 and who take a Regents examination in science when enrolled in grade 7 or 8, accountability determinations for the school in which such student is

enrolled in grade 8 shall be based upon such student's performance on the Regents examination in science;

(4) for students who have taken the grade 8 science intermediate assessment when enrolled in grade 7 and who do not take a Regents examination in science when enrolled in grade 7 or 8, accountability determinations for the school in which the student is enrolled in grade 8 shall be based upon the student's performance on the grade 8 intermediate-level test taken in grade 7.