

For students enrolled in Grade 7¹ who take a high school level Regents examination in mathematics in lieu of the Grade 7 Mathematics test:

- Use their results on this examination when making participation and accountability determinations at the middle level;

at a performance level of 2 on a Regents Examination in mathematics when determining Performance Indices at the middle level for mathematics;

results at a performance level of 3 or 4 on a Regents Examination in mathematics when determining Performance Indices at the middle level for mathematics;

Count their participation in the Regents examination in mathematics when determining whether a school or district has met the 95 percent participation

Rationale for Waiver Request

flexibility waiver, Grade 7 students enrolled in advanced mathematics courses were required to take the NYS Grade 7 Mathematics Test for institutional accountability purposes and also a Regents Examination affiliated with their high school level mathematics course to receive credit towards a high school diploma, and Grade 8 students enrolled in a high school science course were required to take the NYS Grade 8 Intermediate-Level Science Test for institutional accountability purposes and the Regents Examination affiliated with their high school level course to receive credit towards a high school diploma. This rule placed an undue burden upon the students enrolled in these advanced courses as it not only imposed the difficulty of double testing upon these students but it also required these students to prepare for an exam that did not align to the mathematics or science course they took in that year. Likewise, the rule burdened the schools in which these students were enrolled by requiring them to provide additional

The requested waiver of statutory requirements related to middle school students enrolled in high school mathematics and/or science courses will allow NYSED to more accurately measure these students' achievement levels in these subjects and to more accurately measure proficiency and growth for these schools

The Department appreciates that ESEA/ESSA addresses this double5.82 Tm95.82 17(e)-12(di)-4(a)9(t)-4(e)] TJET60.0

Additional subsections of these regulations include provisions that allow for students enrolled in these classes to take both the grade-

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 the science intermediate assessment shall be administered in grade 8; provided that students who attend grade 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) of this Part

D. Describe the methods the State educational agency, local educational agency, school, or Indian tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the plan.

Should the waiver be granted, the Department will follow the same procedures for Grade 7 students in advanced mathematics and Grade 8 students in advanced science as those that are used to determine participation and performance for Grade 8 students in advanced mathematics coursework and assessment. These procedures are described in the New York State Regulations of the Commissioner of Education Section 100.4.(d)(3)(i), which state that each superintendent, or his or her designee, shall determine whether a student has demonstrated readiness in each subject in which he or she asks to begin high school courses The regulation continues in Section 100.4(e)(2) to state students who attend Grade 7 or 8 may take a Regents examination in mathematics in lieu of or in addition to the Grade 7 or 8 mathematics assessment and in Section 100.4(e)(4) to state students who attend grade 8 may take a Regents Examination in science in lieu of or in addition to the grade 8 science intermediate assessment Attachment A provides the full text of these sections of the Regulations of the Commissioner.

Like the determination of whether advanced coursework is appropriate for each potential student, the determination of which assessment is appropriate for those Grade 7 and Grade 8 students enrolled in an advanced course is, and will continue to be, made by local educational agencies with the intent of identifying the most appropriate assessments s. The affected students will be required to take a more advanced Regents Examination at the secondary level as stipulated in the Regulations of the Commissioner of Education Section 100.18(b)(14)(v)(a) which states

F. Describe how schools will continue to provide assistance to the same populations served by programs for which waivers are requested and, if the waiver relates to provisions of subsections (b) or (h) of section 1111, describe how the State educational agency, local educational agency, school, or Indian tribe will maintain or improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of the subgroups of students identified in section 1111(b)(2)(B)(xi).

NYSED will continue to collect and monitor student data to ensure that this waiver request will not negatively impact the participation rate for subgroups for the NYS Grade 7 Mathematics Test, the Regents Examinations

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d. Grade 8 acceleration for diploma credit.

1. Public school students in grade 8 shall have the opportunity to take high school courses in mathematics and in at least one of the following areas: English, social studies, languages other than English, art, music, career and technical education subjects or science courses.
2. Credit may be awarded for an accelerated course only when at least one of the following conditions has been met:
 - i.

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) 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.

5. Such other assessments as the commissioner determines appropriate.
6. Notwithstanding the provisions of this section, no school district shall make any student promotion or placement decisions based solely or primarily on student performance on the English language arts assessments and the mathematics assessments administered in grades 7 and 8. However, a school district may consider student performance on such assessments provided the school district uses multiple measures in addition to such assessments and that such assessments do not constitute the major factor in such determinations.

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- a. For students who attend grade 7 or 8 and take a Regents examination in mathematics in the 2013-2014 through the 2018-2019 school years, but do not take the grade 7 or 8 mathematics assessment,

Attachment D: Student Historical Assessment Data Grade 8 Advanced Science

2014-2015

Group Name	Total Number of Students Tested	Total Number Who Took a Regents Exam in Science in Lieu of the Grade 8 Science Test	% Who Took a Regents Exam in Science in Lieu of the Grade 8 Science Test	Number Who Took a Regents Exam in Science in Lieu of a Grade 8 Science Test and Passed (Level 3/4/5)	% Who Took a Regents Exam in Science in Lieu of a Grade 8 Science Test and Passed (Level 3/4/5)
All Students	165390	40793	24.66%	38085	93.36%
American Indian or Alaska Native	961	123	12.80%	113	91.87%
Asian or Native Hawaiian/Other Pacific Islander	16608	4906	29.54%	4768	97.19%
Black or African American	31723	4594	14.48%	3680	80.10%
Hispanic or Latino	41322	6075	14.70%	4972	81.84%
Multiracial	1772	458	25.85%	437	95.41%

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