
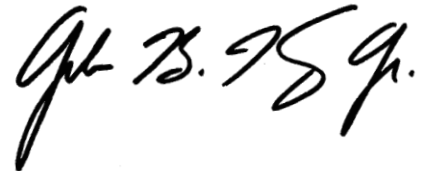




THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: P-12 Education Committee
FROM: Ken Wagner 
SUBJECT: Proposed Amendment of Sections 100.2, 100.3 and 100.4
of the Regulations of the Commissioner of Education
Relating to School Participation in NYS Field Tests
DATE: November 10, 2014
AUTHORIZATION(S):





SUMMARY

Issue for Discussion

Should the Board of Regents amend sections 100.2, 100.3, and 100.4 of the Regulations of the Commissioner of Education to make explicit the requirement that public schools, including charter schools, and nonpublic schools that administer State assessments, participate in the field tests essential to the development of fair and valid New York State operational assessments for students in Grades 3-12 as may be prescribed by the Commissioner?

Reason(s) for Consideration

Implementation of policy.

Proposed Handling

The proposed amendment is being presented to the P-12 Education Committee for discussion at the November 2014 Board of Regents meeting.

Procedural History

A Notice of Proposed Rule Making will be published in the State Register on December 3, 2014. 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 accordance with federal requirements and sections 100.3, 100.4, and 100.5 of the Commissioner's Regulations, the Department requires that all students in public and charter schools in Grades 3–8 must take all State assessments administered for their grade level and that all high school students must earn passing scores on Regents Exams in five subjects to satisfy the State testing requirements for graduation. State testing is a critical component of instruction in education programs. It provides an evaluation of student mastery of content and skills in various courses of study and helps shape future instruction. State assessments are required pursuant to the authority of the Board of Regents under Education Law §§ 208, 209 and 211-a, and at this time field testing is a necessary component of required State testing to assure the validity and reliability of those State assessments. State assessments, as noted above, are included as part of the program requirements for students in Grades 3-8 and high school under sections 100.3(b)(2), 100.4(b)(2) and(e), and 100.5(a) of the Commissioner's Regulations and have long been considered by the Department to be part of the required course of study for New York State students.

Field tests and/or their precursor, pretests, are part of the State assessment program and have been administered in New York State schools since 1938. To determine which schools must administer field tests in a given school year, the Department uses a stratified random sampling methodology to ensure that each field test administration includes a sufficient representative sample and number of student participants and that the frequency of field test assignments is distributed across schools as fairly as possible.

In general, most schools have understood and appreciated their importance in the development of fair State assessments and have been cooperative in administering them when required through the assignment process described above. However, in the past few years we have experienced an increase in the number of school district administrators and board of education members questioning whether school participation in field tests is required.

The proposed amendment will make explicit the requirement that all schools administer field tests thereby ensuring that:

- responsibilities for administering field tests are distributed in a fair and equitable manner across all school districts in the State;
- New York State students continue to benefit from sustained high rates of school participation in their assigned field tests so that fair and valid future State tests can be developed; and

- the need does not arise to add to the field testing assignments for cooperating school districts in order to compensate for those districts that otherwise do not cooperate with their assigned field tests.

The Department's goal is to require the least amount of field testing necessary to build and administer high quality assessments that provide accurate information about student achievement. All field tests associated with New York State tests in Grades 3-8 and most field tests associated with Regents Exams keep to a minimum the amount of stand-alone field testing that is necessary for students and schools across the State by restricting their length to one brief, 40-minute (one class period) session. For the Grades 3-8 ELA and Math Tests, we are able to further reduce the amount of participation needed in stand-alone field tests by embedding some multiple-choice field test questions into the operational tests that are administered in the spring. Given current constraints it would not be possible to eliminate these brief field tests without making the operational test sessions too long or adding a fourth test session to each of the Grades 3-8 ELA and Math Tests.

The American Educational Research Association, American Psychological Association, and National Council on Measurement in Education states in *Standards for Education and Psychological Testing* that in field testing, the population "should be as representative as possible of the population(s) for which the test is intended" (Standard 3.8).

The participation of all public schools, including charter schools, and nonpublic schools that administer State assessments, is essential to ensure that all New York State operational assessments are fair and valid. Each question on every standardized test administered across this nation, from the SAT to the ACT to the MCAS (Massachusetts' Grade 3-8 assessments), must be field tested to ensure its validity. Budget constraints, coupled with New York State's practices of scoring the exams locally and making public many of the exam questions following the test administration, make it essential that most test questions be tried out in required stand-alone field tests.

Timetable for Implementation

It is anticipated that the proposed amendment will be presented for adoption at the February 2015 Regents meeting, after publication of a Notice of Proposed Rule Making in the State Register and expiration of the 45-day public comment period prescribed in the State Administrative Procedure Act. If adopted at the February meeting, the proposed amendment will take effect on February 25, 2015.

Attachment

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 208, 209, 211-a, 305, 308, and 309

1. Subdivision (e) of section 100.2 of the Regulations of the Commissioner of Education is amended, effective February 25, 2015, as follows:

(e) Availability of Regents diploma and courses. Each public school district shall offer students attending its schools the opportunity to meet all the requirements for and receive a Regents high school diploma. Students shall have the opportunity to take Regents courses in grades 9 through 12 and, when appropriate, in grade eight. Public schools, including charter schools, and nonpublic schools that administer State assessments, shall administer those related field tests as may be prescribed by the Commissioner for which the school has been assigned to those students enrolled in the applicable courses of study.

2. Paragraph (2) of subdivision (b) of section 100.3 of the Regulations of the Commissioner of Education is amended, effective February 25, 2015, as follows:

(2) Required assessments. (i) Except as otherwise provided in subparagraphs (ii) and (iii) of this paragraph, at the specified grade level, all students shall take the following tests, provided that testing accommodations may be used as provided for in section 100.2(g) of this Part in accordance with department policy:

(a) beginning in January 1999, the English language arts elementary assessment and the mathematics elementary assessment shall be administered in grade four and, beginning in the 2005-2006 school year, the English language arts elementary assessments and the mathematics elementary assessment and the related

field tests essential to their development as may be prescribed by the commissioner shall be administered in grades three and four; and

(b) beginning in January 2000, the elementary science assessment and the related field tests essential to its development as may be prescribed by the commissioner shall be administered in grade four.

(ii) . . .

(iii) In accordance with their individualized education programs, students with disabilities instructed in the alternate academic achievement standards defined in section 100.1(t)(2)(iv) of this Part shall be administered a State alternate assessment to measure their achievement, and shall be administered the related field tests essential to the development of such alternate assessment as may be prescribed by the commissioner.

3. Paragraph (2) of subdivision (b) of section 100.4 of the Regulations of the Commissioner of Education is amended, effective February 25, 2015, as follows:

(2) Required assessments. (i) Except as otherwise provided in subparagraphs (iv) and (v) of this paragraph, 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:

(ii) beginning with the 2005-06 school year, English language arts and mathematics assessments and the related field tests essential to their development as may be prescribed by the commissioner shall be administered in grades 5 and 6;

(iii) . . .

(iv) . . .

(v) in accordance with their individualized education programs, students with disabilities instructed in the alternate academic achievement standards defined in section 100.1(t)(2)(iv) of this Part shall be administered a State alternate assessment to measure their achievement, and shall be administered the related field tests essential to the development of such alternate assessment as may be prescribed by the commissioner;

(vi) . . .

(vii) . . .

4. Subdivision (e) of section 100.4 of the Regulations of the Commissioner of Education is amended, effective February 25, 2015, 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) Beginning with school year 1998-99, the English language arts intermediate assessment shall be administered in grade 8. Beginning with the 2005-2006 school year, English language arts assessments and the related field tests essential to their development as may be prescribed by the commissioner shall be administered in grades 7 and 8.

(2) Beginning with the 1998-99 school year, the mathematics intermediate assessment shall be administered in grade 8. Beginning with the 2005-06 school year,

mathematics assessments and the related field tests essential to their development as may be prescribed by the commissioner shall be administered in grades 7 and 8, provided that, for the 2013-2014 school year, 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, in accordance with section 100.18(b)(14) of this Part.

(3) . . .

(4) Beginning with the school year 2000-2001, the science intermediate assessment and the related field tests essential to its development as may be prescribed by the commissioner 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)(4) 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) . . .

5. Subdivision (g) of section 100.4 of the Regulations of the Commissioner of Education is amended, effective February 25, 2015, as follows:

(g) In accordance with their individualized education programs, students with disabilities instructed in the alternate academic achievement standards defined in section 100.1(t)(2)(iv) of this Part shall be administered a State alternate assessment to measure their achievement, and shall be administered the related field tests essential to

the development of such alternate assessment as may be prescribed by the commissioner;