




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

TO: The Honorable the Members of the Board of Regents

FROM: Angélica Infante-Green *A. Infante - Green*

SUBJECT: Proposed Amendment to Section 100.5(b) of the Commissioner's Regulations Relating to the Laboratory Experiences Required in Order to Take a Science Regents Examination for Students in State Agency Educational Programs and Correctional Facilities

DATE: June 29, 2018

AUTHORIZATION(S):  *Margellen Elin*

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt the proposed amendment to §100.5(b)(7)(iv)(d) of the Commissioner's Regulations to provide that, for students who attend an educational program administered pursuant to Education Law §112 and Part 116 or Part 118 of the Commissioner's Regulations, the 1,200 minutes of laboratory experience required to qualify to take a Regents examination in science may be met through a combination of hands-on and simulated laboratory experience?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is presented to the Full Board for adoption at the July 2018 Board of Regents meeting. A copy of the proposed amendment is included as Attachment A.

Procedural History

A Notice of Proposed Rulemaking and Emergency Adoption was published in the State Register on March 28, 2018, for a 60-day public comment period which expired on May 29, 2018. The Department did not receive any public comments on the proposed amendment. The regulation was adopted by the Board of Regents as an emergency measure at the March 2018 meeting. A second emergency action was necessary at the June 2018 Regents meeting to ensure that the rule remained continuously in effect until it could be presented for adoption and take effect as a permanent rule at the July 2018 meeting. A second Notice of Emergency Adoption was published on June 27, 2018. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

Pursuant to §100.5(b)(7)(iv)(d) of the Commissioner's regulations, in order to qualify to take a Regents examination in any of the sciences, a student must complete 1,200 minutes of actual hands-on (not simulated) laboratory experience.

Because of the unique safety and security issues that may arise when providing hands-on science laboratory experiences as part of the educational programs administered pursuant to Education Law §112 and Part 116 or Part 118 of the Commissioner's Regulations, the proposed regulation would enable students attending such programs to complete the 1,200 minute laboratory experience requirement though a combination of hands-on and simulated experiences. The proposed amendment would, therefore, expand opportunities for students to participate in science Regents examinations by allowing them to participate in the required laboratory experiences while they are attending such programs.

Related Regents Items

[May 2018](http://www.regents.nysed.gov/common/regents/files/618brca10.pdf) (<http://www.regents.nysed.gov/common/regents/files/618brca10.pdf>)

[March 2018](http://www.regents.nysed.gov/common/regents/files/318p12a1.pdf) (<http://www.regents.nysed.gov/common/regents/files/318p12a1.pdf>)

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That clause (d) of subparagraph (iv) of paragraph (7) of subdivision (b) of §100.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective August 1, 2018.

Timetable for Implementation

If adopted at the July Regents meeting, the proposed amendment will become effective as a permanent rule on August 1, 2018.

Attachment A

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Clause (d) of subparagraph (iv) of paragraph (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education is amended as follows:

(d) Science, three units of credit and one of the Regents examinations in science or an approved alternative pursuant to section 100.2(f) of this Part. In order to qualify to take a Regents examination in any of the sciences a student must complete 1,200 minutes of actual hands-on (not simulated) laboratory experience with satisfactory documented laboratory reports, provided that, for students who attend educational programs administered pursuant to Education Law section 112 and Part 116 or Part 118 of this Title, the 1,200 minutes of laboratory experience may be met through a combination of hands-on and simulated laboratory experience. The 1,200 minutes of laboratory experience must be in addition to the required classroom instruction associated with earning a unit of credit.