

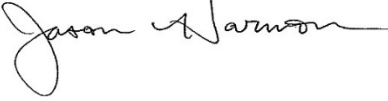


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To: District Superintendents
Superintendents of Public and Nonpublic Schools
Principals of Public, Nonpublic, and Charter Secondary Schools
Other Interested Parties

From: Jason Harmon, Assistant Commissioner

Subject: Request for Public Comment 

Date: April 23, 2021

The New York State Education Department (NYSED or “the Department”) is requesting public comment on the inclusion of Regents Examination exemptions when calculating Performance Indices (PI) as required by the New York State approved Every Student Succeeds Act (ESSA) accountability plan. These Regents Examination exemptions will impact calculations of student performance measures for accountability determinations for multiple years beyond the current school year. Therefore, the Department must determine how records for students eligible for exemptions from Regents Examinations should be included when calculating Performance Indices. Any amendments to New York’s approved ESSA plan to address the inclusion of exemptions into the accountability system will need approval from the United States Department of Education and adoption of regulatory amendments by the New York State Board of Regents.

Background Information

In response to the ongoing impact of the COVID-19 pandemic, the Board of Regents adopted emergency regulations that resulted in the cancellation of the Regents Examinations in [June 2020](#), [August 2020](#), and [January 2021](#). On [March 19, 2021](#), the Board of Regents also approved additional regulatory amendments regarding exemptions to diploma requirements for the 2020-21 school year. Specifically, the Board of Regents directed the Department to cancel all but four of the Regents Examinations scheduled to be administered in June 2021 and all the Regents Examinations scheduled to be administered in August 2021.¹

For administrations of the June 2020, August 2020, January 2021, June 2021, and August 2021 Regents Examinations*, eligible students may be exempt from certain assessment-related diploma requirements. Students enrolled in a course of study that culminates in a Regents Examination* during any of these administration periods may be exempt from taking the Regents Examination* if the student passed the course. These students are reported in the Student Information Repository System with a Standard Achieved Code of “86.”

¹ For more information, see the [Frequently Asked Questions Related to the June 2021 and August 2021 Exemptions from Diploma Requirements](#).

* Includes an approved alternative to a Regents or a New York State Alternate Assessment (NYSAA).

Description of Current Performance Index Calculations:

Under the ESSA accountability system, a Composite Performance Level at the secondary level is determined using a multi-step process for each accountability subgroup. According to New York's approved ESSA plan, high school accountability cohort PI must be calculated for ELA, math, science, and social studies using the formula given below:

$$\text{Performance Index} = \frac{1 (\# \text{Acct. Level 2}) + 2 (\# \text{Acct. Level 3}) + 2.5 (\# \text{Acct. Level 4})}{(4 - \text{Year Cohort as of June 30})} * 100$$

1. At the secondary level, the examinations used for determining Composite Performance Indices include Regents Examinations in English, math, science, and social studies, approved alternatives to Regents Examinations, and the New York State Alternative Assessment (NYSAA) in ELA, math, and science if the student is eligible.
2. The four-year cohort used as the denominator includes all student who first entered grade 9 (or ungraded students with disabilities who reached their seventeenth birthday) during the same reporting year, (July 1-June 30) and who were enrolled in the school/district on BEDS (Basic Educational Data System) day four years after first entering grade 9 (or reaching their seventeenth birthday, in the case of ungraded students with disabilities).

If the student takes multiple Regents Examinations in the same subject, the examination for which the student receives the highest accountability performance level is used. Students who do not take an examination in a subject while a member of the accountability cohort are included in the denominator when computing the PI in a subject. The PI for each subject is then weighted and combined to determine the Composite Performance Index.

Description of Proposed Adjustments to Performance Index Calculations²:

Below is the proposal being considered for how a student who receives an exemption by passing a course and a student who is not granted an exemption for failing a course³:

Passed a Course and is Eligible for an Examination Exemption:

- If a student met the criteria to receive a Regents exemption⁴ **and** the student has a valid Regents score for another Regents Examination* in the same subject (including another administration of the same course of study as the exemption) that places the student at an accountability Level 3 or 4, NYSED will use that accountability level in the PI calculation.
- If the same student instead has a Regents accountability Level 1 or 2 (rather than Level 3 or 4) **or** the student does not have an examination result in the same subject, NYSED will exclude the student from the PI calculation (both the numerator and the denominator).

² Applies to students who are members of the 2016 and subsequent year accountability cohorts.

³ Guidelines for reporting examination exemptions and course outcomes (pass or fail) under this option would be provided under a separate cover. For more information regarding the reporting of January 2021 Regents Examination exemptions, see the November 6, 2020 memo regarding [Reporting of Student Exemptions for the January 2021 Regents Examinations in SIRS in Response to COVID-19](#).

⁴ For detailed information about exemption eligibility, see the March 19, 2021 memo regarding [Exemptions from Diploma Requirements and Cancellation of the August 2021 Administration of the New York State \(NYS\) High School Regents Examination Program in Response to the Ongoing Impact of the COVID-19 Pandemic](#).

* Includes an approved alternative to a Regents or a New York State Alternate Assessment (NYSAA).

Failed a Course and is not Eligible for an Examination Exemption:

- If the student failed the course in a subject and the student has a Regents* score for another administration in the same subject that places the student at an accountability Level 1, 2, 3 or 4, NYSED will use the highest accountability level achieved for the PI calculation.
- If the student does not have a Regents accountability level for another administration of a Regents Examination* in the same subject, then NYSED will assign the student an accountability Level 1 and include the student in the denominator for the PI calculation.

See the Attachment for specific examples of how records would be processed under this proposal.

The Department is seeking public comment regarding this proposal to include exemptions when generating high school PIs by subject in New York’s approved ESSA accountability system. Districts and schools are encouraged to inform their comments by using locally available data to determine how this approach might impact their Performance Indices. The Department welcomes alternate proposals for how to modify the Performance Index to incorporate Regents exemptions. Please submit your comments by email to ESSAComments@nysed.gov. Please include, “Public Comment on Regents Exemption PI” in the subject line of your email. Comments must be received by Wednesday, June 23, 2021.

We thank you for your support and look forward to hearing from you.

cc: Kim Wilkins
Rose LeRoy
Jennifer Todd
Lisa Long

* Includes an approved alternative to a Regents or a New York State Alternate Assessment (NYSAA).

**Attachment:
Examples for How Records Would Be Processed Under the Proposal for Consideration
for Students of the 2018 Accountability Cohort**

Table 1: How records with exemptions would be processed using Math Regents as an example

| Regents Course | Performance Outcome for Math Regents Examinations | Proposal Include exemptions <i>only if</i> the student received a Level 3 or higher on a same-subject Regents Examination | Table 2 Student Scenario if January/June 2022 Examination IS NOT Taken | Table 2 Student Scenario if January/June 2022 Examination IS Taken |
|--|---|---|---|---|
| Fails course: Not eligible for an exemption | Does not take another administration of any Math Regents Examination | Assign Accountability Level 1 and include in the denominator | A, B | Not Applicable |
| | Took a Math Regents Examination (or will take Math Regents Examination in June 2021 or in January or June 2022) | Include the highest level obtained in the numerator and include in the denominator | C, D, E | A, B, C, D, E |
| Passes course: Eligible for an exemption | Does not take another administration of any Math Regents Examination | Exclude from numerator and the denominator | F, G, H | Not Applicable |
| | Scores an Accountability Level 1 or 2 on another administration of the Math Regents Examination | Exclude from numerator and the denominator ⁵ | I, J, K | F, G, H, I, J, K |
| | Scores an Accountability Level 3 or higher on another administration of the Math Regents Examination | Include the highest level obtained in the numerator and include in denominator | L, M, N | F, G, H, I, J, K, L, M, N |

⁵ Exclusion also applies for students who received Level 1 or 2 on multiple Math Regents Examinations.

Table 2: Calculation of Accountability Level in Mathematics for a member of the 2018 Accountability Cohort

| Student Scenario | Regents Examination Result 2018-19 or 2019-20 (Aug. or Jan.) ⁶ | Course Outcome 2019-20 (June) or 2020-21 (Aug.) ⁷ | Course Outcome 2020-21 (June) | Regents Examination Result 2020-21 (June) | What happens to Final Accountability Performance Level if Student DOES NOT Take Regents Examination in January 2022 or June 2022? | What happens to Final Accountability Performance Level if Student DOES Take Regents Examination in January 2022 or June 2022? |
|------------------|---|--|-------------------------------|---|--|--|
| A | Did not take examination | Failed | Not Enrolled | N/A | Assign Level 1; include in denominator | Use Level obtained on Regents taken in January/June 2022 |
| B | Did not take examination | Not Enrolled | Failed | Did not take examination | Assign Level 1; include in denominator | Use Level obtained on Regents taken in January/June 2022 |
| C | Accountability Level 1-4 | Failed | Not Enrolled | N/A | Include highest Level obtained | Include January/June 2022 level if higher than previous level obtained; otherwise use previous level |
| D | Accountability Level 1-4 | Not Enrolled | Failed | Accountability Level 1-4 | Include highest Level obtained | Include January/June 2022 level if higher than previous level obtained; otherwise use previous level |
| E | Did not take examination | Not Enrolled | Failed | Accountability Level 1-4 | Include highest Level obtained | Include January/June 2022 level if higher than previous level obtained; otherwise use previous level |
| F | Did not take examination | Passed | Not Enrolled | N/A | Exclude | Exclude if highest Level obtained is Level 1 or 2; Use highest Level obtained if 3 or 4 |
| G | Did not take examination | Not Enrolled | Passed | Did not take examination | Exclude | Exclude if highest Level obtained is Level 1 or 2; Use highest Level obtained if 3 or 4 |

⁶ Also includes results for students who took a Regents Examination in Grade 8 in the 2017-18 school year, and the result was banked for high school accountability.

⁷ Include students who passed a course in the 2018-19 school year and intended to take a Regents Examination in the 2019-20 school year.

| Student Scenario | Regents Examination Result 2018-19 or 2019-20 (Aug. or Jan.) ⁶ | Course Outcome 2019-20 (June) or 2020-21 (Aug.) ⁷ | Course Outcome 2020-21 (June) | Regents Examination Result 2020-21 (June) | What happens to Final Accountability Performance Level if Student DOES NOT Take Regents Examination in January 2022 or June 2022? | What happens to Final Accountability Performance Level if Student DOES Take Regents Examination in January 2022 or June 2022? |
|------------------|---|--|-------------------------------|---|--|--|
| H | Did not take examination | Failed | Passed | Did not take examination | Exclude | Exclude if highest Level Obtained is Level 1 or 2; Use highest Level obtained if 3 or 4 |
| I | Accountability Level 1 or 2 | Passed | Not Enrolled | N/A | Exclude | Exclude if highest Level obtained is Level 1 or 2; Use highest Level obtained if 3 or 4 |
| J | Accountability Level 1 or 2 | Not Enrolled | Passed | Did not take examination | Exclude | Exclude if highest Level obtained is Level 1 or 2; Use highest Level obtained if 3 or 4 |
| K | Did not take examination | Not Enrolled | Passed | Accountability Level 1 or Level 2 | Exclude | Exclude if highest Level obtained is Level 1 or 2; Use highest Level obtained if 3 or 4 |
| L | Accountability Level 3 or 4 | Passed | Not Enrolled | N/A | Include highest Level obtained | Include January/June 2022 level if higher than previous level obtained: otherwise use previous level |
| M | Accountability Level 3 or 4 | Not Enrolled | Passed | Did not take examination | Include highest Level obtained | Include January/June 2022 level if higher than previous level obtained: otherwise use previous level |
| N | Did not take examination | Not Enrolled | Passed | Accountability Level 3 or 4 | Include highest Level obtained | Include January/June 2022 level if higher than previous level obtained: otherwise use previous level |

Note: Examination and course can be for the same subject as long as it is in the same content area. For English language arts, mathematics, and the New Framework in Global History examinations, Student Performance Level 1 and 2 = Accountability Level 1; Student Performance Level 3 = Accountability Level 2; Student Performance Level 4 = Accountability Level 3; and Student Performance Level 5 = Accountability Level 4. For non-Common Core science and social studies examinations, Student Performance Levels and Accountability Levels are the same.