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From: Kimberly Young Wilkins, Deputy Commissioner 

Date: March 2, 2021

Subject: Regents Exams Required by USDE to be Offered in June / August 2021

Background

Last month, [NYSED requested an assessment waiver from the U.S. Department of Education](#) (USDE) because the Department determined the spring 2021 State assessments cannot be safely, equitably, and fairly administered to all students across the State given how severely the pandemic is impacting the delivery of instruction to students and adversely affecting their social and emotional well-being. The Department believes that school instructional time would be best focused on supporting students in academics as well as social-emotional health rather than attempting to administer assessments to the limited population of students who are receiving in-person instruction.

As the 2020-21 school year has progressed, schools and districts have made frequent and often rapid adjustments in the manner that students have attended school and received instruction. The direct result of the ongoing pandemic is that a large portion of our State's student population has been receiving all or nearly all of their schooling remotely through virtual learning. This includes students who schools that have yet to open for in-person instruction as of today. In districts that provided families the opportunity to choose between in-person and remote instruction models, data collected by the Department indicates that students of color were more likely to select remote instruction compared to their White peers and are four times more likely to continue in remote learning once in-person options are made available.

Plans for June 2021

On February 22, 2021 USDE sent a letter to all states indicating USDE will not approve a blanket waiver for state assessments. As a result, [NYSED announced that it](#)

would [“propose a series of regulatory amendments](#) at the March Board of Regents meeting so Regents Exams would not be required to meet graduation requirements and to cancel any Regents Exam that is not required by USDE to be held.” Since then, the Department has received questions from the field about which Regents Exams would be administered and which would be canceled if the USDE does not grant the Department’s waiver request.

The federal Every Student Succeeds Act (ESSA) requires that students be assessed once in high school in ELA, mathematics, and science. Therefore to comply with the federal requirement, **if USDE does not approve the assessment waiver requested by NYSED, only the Regents Exams below would be administered in June 2021:**

- Algebra I
- English Language Arts
- Living Environment
- Physical Setting/Earth Science.

At the March Regents meeting, **the Department will propose to cancel the following Regents Examinations for June 2021 regardless of the outcome of New York’s waiver request as these exams are not federally required:**

- Algebra II
- Geometry
- Physical Setting/Chemistry
- Physical Setting/Physics
- Global History & Geography
- United States History & Government

Next Steps

At the March Regents meeting, the Department also will propose to cancel ALL Regents exams in August 2021.

Following the March Board of Regents meeting, NYSED will provide additional guidance to school administrators concerning the spring 2021 State assessments and diploma requirements.

NYSED continues to pursue its request for a waiver from USDE to allow NYSED to cancel all of the June 2021 Regents Examinations. The Department continues to have discussions with USDE regarding this matter to find a path forward that is best for the health and safety of all New York’s children.