



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

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To: BOCES Superintendents
School District Superintendents
Charter School Leaders

From: Jason Harmon, Deputy Commissioner

Subject: United States Department of Education (USDE) Extension of New York's "Double Testing" Waiver in Grades 6 and 7 Mathematics and Grades 7 and 8 Science

Date: May 20, 2022

On March 9, 2022, the New York State Education Department (NYSED or "the Department") submitted a waiver extension request to the USDE on behalf of all local education agencies (LEAs) in New York State seeking flexibility that would allow New York middle school students to take a Regents examination in mathematics or science when the student is enrolled in the corresponding course for high school credit instead of taking the grade level examination.

This memo is to inform you that on May 16, 2022, USDE granted NYSED a waiver extension that will be in effect from the 2021-2022 school year through the 2024-2025 school year and will permit the following:

- Students enrolled in grade 6 who take high school Regents mathematics courses may take the corresponding high school level Regents examination in mathematics in lieu of the grade 6 mathematics test.
- Students enrolled in grade 7 who take high school level Regents mathematics courses may take the corresponding high school level Regents examination in mathematics in lieu of the grade 7 mathematics test.
- Students enrolled in grade 7 or 8 who take high school level Regents science courses may take the corresponding high school level Regents examination in science in lieu of the Intermediate-Level Science test.

To secure the waiver extension of Every Student Succeeds Act (ESSA) requirements, USDE required New York State to assure that if a student takes a Regents mathematics examination in Grade 6 or Grade 7 in lieu of the grade level mathematics assessment or takes a Regents science examination in Grade 7 or Grade 8 in lieu of the Grade 8 science examination:

- The student's performance and participation on the assessment will be used in the year in which the student takes the assessment for the purposes of measuring academic achievement and participation as it pertains to the school-based accountability system required under ESSA.

- In high school, the student will take a more advanced, State-administered end-of-course assessment or a nationally recognized high school academic assessment and the student's performance on and participation in that assessment will be used for the purposes of measuring academic achievement and participation as it pertains to the school-based accountability system required under ESSA.

Based on the waiver extension granted by USDE, NYSED will present to the Board of Regents at its June 2022 meeting proposed amendments to Commissioner's Regulations related to implementing these middle school mathematics and science testing flexibilities beginning with 2021–2022 school year assessments.

The Department remains committed to supporting your efforts to provide the best education and support to all students across New York State. Questions concerning the information contained in this memo should be directed to accountinfo@nysed.gov.

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