



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

TO: P-12 Education Committee

FROM: Ken Slentz

SUBJECT: Amendment of section 100.2(c) of the Commissioner's Regulations, Relating to Instruction in Civility, Citizenship and Character Education

DATE: January 5, 2012

AUTHORIZATION(S):

SUMMARY

Issue for Discussion

Should the Board of Regents adopt the proposed amendment of section 100.2(c) of the Commissioner's Regulations, relating to instruction in civility, citizenship and character education, to implement the Dignity for All Students Act (DASA)?

Reason(s) for Consideration

Required by Statute (L. 2010, Ch. 482).

Proposed Handling

The proposed amendment is being presented to the P-12 Education Committee for discussion at the January 2012 Regents meeting.

Background Information

DASA adds a new Article 2 to the Education Law (Ed.L. §§10 through 18), relating to Dignity for All Students, and amends Education Law §§801-a and 2801. The statute's provisions take effect on July 1, 2012.

The proposed amendment revises provisions relating to courses of instruction in civility, citizenship and character education, pursuant to § 801-a to ensure compliance with DASA, which provides that instruction on "tolerance", "respect for others" and "dignity" shall include awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic

groups, religions, religious practices, mental or physical abilities, sexual orientations, genders, and sexes. Since its enactment in 2000, § 801-a on civility, citizenship and character education has been interpreted by the Department to be inapplicable to charter schools. Accordingly, while the provisions of DASA relating to codes of conduct and prevention of harassment and discrimination apply to charter schools, § 801-a does not and the proposed regulation so provides.

A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

Recommendation

It is recommended that the P-12 Education Committee reach consensus on the intent of the proposed amendment prior to taking action at the March 2012 Regents meeting.

Timetable for Implementation

The statute provides that any rules or regulations necessary for the timely implementation of DASA shall be promulgated on or before July 1, 2012. It is anticipated that the proposed amendment will be presented for action at the March 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.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 801-a and 2854(1)(b) and Chapter 482 of the Laws of 2010.

Subdivision (c) of section 100.2 of the Regulations of the Commissioner of Education is amended, effective July 1, 2012, as follows:

(c) Instruction in certain subjects. Pursuant to articles 17 and 65 of the Education Law, instruction in certain subjects in elementary and secondary school shall be provided as follows:

(1) for all students, instruction in patriotism and citizenship, as required by section 801 of the Education Law;

(2) for all public school students, other than students in charter schools, instruction in civility, citizenship and character education as required by section 801-a of the Education Law, including, but not limited to, awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders, and sexes;

[(2)] (3) for all students in the eighth and higher grades, instruction in the history, meaning, significance and effect of the provisions of the Constitution of the United States and the amendments thereto, the Declaration of Independence, the Constitution of the State of New York and the amendments thereto, as required by section 801 of the Education Law;

[(3)] (4) for all students, health education regarding alcohol, drugs and tobacco abuse, as required by section 804 of the Education Law;

[(4)] (5) for all students, instruction in highway safety and traffic regulation, as required by section 806 of the Education Law;

[(5)] (6) for all students, instruction in fire drills and in fire and arson prevention, injury prevention and life safety education, as required by sections 807 and 808 of the Education Law. Such course of instruction shall include materials to educate children on the dangers of falsely reporting a criminal incident or impending explosion or fire emergency involving danger to life or property or impending catastrophe, or a life safety emergency;

[(6)] (7) for all students in grades one through eight, instruction in New York State history and civics as required by section 3204(3) of the Education Law;

[(7)] (8) for public school students, instruction relating to the flag and certain legal holidays, as required by section 802 of the Education Law;

[(8)] (9) for all public elementary school students, instruction in the humane treatment of animals and birds, as required by section 809 of the Education Law; and

[(9)] (10) for all public school students, instruction relating to the conservation of the natural resources of the State, as required by section 810 of the Education Law.

