



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

TO: The Honorable Members of the Board of Regents

FROM: Angelique Johnson-Dingle *Angelique Johnson-Dingle*
William P. Murphy *William Murphy*

SUBJECT: Proposed Addition of Part 101 to the Regulations of the
Commissioner of Education Relating to Dual Enrollment
Programs

DATE: December 31, 2025

AUTHORIZATION(S): *John Murphy* *Beth Murphy*

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed addition of Part 101 to the
Regulations of the Commissioner of Education relating to dual enrollment programs?

Reason for Consideration

Required by State statute (Education Law §319 as added by Section 11 of Part A of
Chapter 56 of the Laws of 2025).

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as a
permanent rule at the January 2026 Regents meeting. A copy of the proposed rule
(Attachment A) is attached.

Procedural History

The proposed amendment was presented to joint meeting of the Higher Education
and P-12 Education Committees for discussion at the September 2025 Regents meeting. A
Notice of Proposed Rule Making was published in the State Register on September 24,
2025, for a 60-day public comment period. Following publication in the State Register, the
Department received several comments on the proposed amendment.

An Assessment of Public Comment (Attachment B) is attached. No changes to the proposed amendment are recommended at this time. If adopted at the January 2026 meeting, a Notice of Adoption will be published in the State Register on January 28, 2026. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

Dual enrollment programs enable high school students to earn college credit while building the knowledge and skills needed for college and career aspirations. Additionally, these programs can save students time and money in college and positively impact student outcomes, such as high school graduation and college enrollment, success, and completion.

As part of the Enacted State Budget for the 2025-2026 fiscal year, Section 11 of Part A of Chapter 56 of the Laws of 2025 adds a new Section 319 to the Education Law which directs the Commissioner to adopt a statewide dual enrollment policy outlining the definition of dual enrollment programs in New York State and guidelines for participation and data reporting. The new statute became effective April 1, 2025.

The new statute provides the following definition of dual enrollment programs, where a "school" is a charter school, school district, or board of cooperative educational services (BOCES):

- *Dual enrollment program* means any program that is a partnership between at least one school and at least one institution of higher education that provides high school students with the opportunity to enroll in college courses and earn transferable college credit from the institution or institutions while completing high school graduation and diploma requirements.

Additionally, the statute requires charter schools, school districts, and BOCES that participate in a dual enrollment program to submit to the Department a partnership agreement with the institution or institutions of higher education with which they are partnered on or before September 1, 2026. The Commissioner is charged with developing and making publicly available the required partnership agreement form. Such partnership agreements must establish the scope and terms of the dual enrollment program and a protocol for collecting, sharing, and reporting data. The partnership agreements must be updated and resubmitted no less than once every five years.

The statute also outlines data reporting requirements for dual enrollment programs. Charter schools, school districts, and BOCES as well as institutions of higher education must annually submit to the Department data regarding participation in and outcomes of dual enrollment programs in a form and manner prescribed by the Commissioner. Additionally, the Department must annually publish the data on its website no later than January 1st in the school year following the school year for which the data is applicable.

Proposed Amendment

Consistent with the above, the Department proposes to add a new Part 101 to the Commissioner's regulations to implement this new statute. As such, the proposed amendment establishes a statewide dual enrollment policy that is designed to support P-12 and higher education partners as they collaborate on developing and sustaining high-quality dual enrollment programs. These programs should provide students equitable access to rigorous and meaningful educational experiences and include the supports students need to succeed.

School districts, BOCES, and charter schools (P-12 partners) with dual enrollment programs in place before September 1, 2026, must submit a partnership agreement form prescribed by the Commissioner on or before such date. For dual enrollment programs created after September 1, 2026, schools must submit such partnership agreement form to the Department at least 30 days prior to the start of the dual enrollment program. In both cases, the P-12 partners and institution of higher education partners must collaborate on the completion of the partnership agreement form. All partners, including other entities, must also sign the form.

The amendment clarifies the data reporting and partnership agreement requirements in statute. For example, the annual data collection would include student; program; charter school, school district, and BOCES; and institution of higher education data. Additionally, the partnership agreement form would request information about different aspects of the dual enrollment program, including a description of the program, collaboration between partners, and protocol for collecting, sharing, and reporting data.

The amendment also outlines standards for dual enrollment college courses to strengthen the quality of dual enrollment programs, including that the courses must be offered for college credit by a partner institution of higher education; be listed in the institution's course catalog; and have the same or comparable learning outcomes, content, objectives, instructional materials, methods of assessment, and level of rigor as other sections of the same college course regardless of location or mode of delivery.

Related Regents Items

[September 2025: Proposed Addition of Part 101 to the Regulations of the Commissioner of Education Relating to Dual Enrollment Programs](https://www.regents.nysed.gov/sites/regents/files/925hep12d1.pdf)
(<https://www.regents.nysed.gov/sites/regents/files/925hep12d1.pdf>)

Recommendation

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

VOTED: That Part 101 of the Regulations of the Commissioner of Education be added, as submitted, effective January 28, 2026.

Timetable for Implementation

If adopted at the January 2026 meeting, the proposed amendment will become effective on January 28, 2026.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 208, 305, 308, and 319 of the Education Law.

The Regulations of the Commissioner of Education are amended by adding a new Part 101 to read as follows:

Part 101

Dual Enrollment Programs

Section 101.1 Purpose

The purpose of this Part is to establish a statewide dual enrollment policy. Dual enrollment programs enable high school students to earn college credit while building the knowledge and skills needed for college and career aspirations. This policy is designed to support P-12 and higher education partners as they collaborate on developing and sustaining high-quality dual enrollment programs. These programs should provide students equitable access to rigorous and meaningful educational experiences and include the supports students need to succeed.

Section 101.2 Definitions

As used in this Part:

(a) *College credit* means a unit of academic award applicable towards a degree offered by an institution of higher education.

(b) *Dual enrollment program* means any program that is a partnership between at least one school and at least one institution of higher education that provides high school students with the opportunity to enroll in college courses and earn transferable college credit from the institution or institutions while completing high school graduation

and diploma requirements.

(c) *Institution of higher education* means a degree-granting institution accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education, provided such institution is authorized by the Board of Regents to operate in New York State, physically located outside of New York State offering distance education pursuant to Part 49 of this Title, or acceptable to the department.

(d) *School* means a charter school, a school district, or a board of cooperative educational services.

Section 101.3 Data Reporting

(a) Schools and institutions of higher education shall annually submit to the department data regarding participation in and outcomes of dual enrollment programs in a form and manner prescribed by the commissioner, including student, program, school, and institution of higher education data.

(b) The department shall annually publish such data on its public website no later than January first in the school year following the school year for which the data is applicable, in an aggregated, nonidentifiable form and in compliance with applicable State and federal student privacy laws and regulations.

Section 101.4 Partnership Agreement

(a) On or before September 1, 2026, all schools participating in a dual enrollment program shall submit to the department a partnership agreement with the institution or institutions of higher education with which they are partnered on a form prescribed by the commissioner. The partnership may also include other entities as partners that

support the goals of the program, such as businesses and community-based organizations. For dual enrollment programs created after September 1, 2026, schools shall submit such partnership agreement form to the Department at least 30 days prior to the start of the dual enrollment program.

(1) Schools and institutions of higher education shall collaborate on the completion of the partnership agreement form.

(2) All partners shall sign the partnership agreement form before such form is submitted to the department.

(b) Such partnership agreements shall establish the scope and terms of the dual enrollment program. The partnership agreement form shall request information about different aspects of the program, including a description of the:

(1) program, such as the courses offered, instructor types, costs, credit transferability, modality, and wrap-around services;

(2) collaboration between the partners, such as how they collaborate to advance the success of students and engage in continual improvement; and

(3) protocol for collecting, sharing, and reporting data pursuant to section 101.3 of this Part.

(c) The partnership agreements shall be updated and resubmitted to the department no less than once every five years.

Section 101.5 College Coursework

Each dual enrollment college course shall:

(a) be offered for college credit by a partner institution of higher education;

(b) be listed in such institution's course catalog; and

(c) have the same or comparable learning outcomes, content, objectives,
instructional materials, methods of assessment, and level of rigor as other sections of
the same college course regardless of location or mode of delivery.

Attachment B

ASSESSMENT OF PUBLIC COMMENT

Since the publication of the Notice of Proposed Rule Making in the State Register on September 24, 2025, the State Education Department received the following comments on the proposed amendment:

1. COMMENT: The commenter believes that the proposed definition of dual enrollment, partnership requirements, and data provisions move New York toward a more consistent system that can better serve students who have long been underserved by postsecondary structures. The commenter identified four strengths of the proposed rule: equity and transparency, including requiring disaggregated statewide data; academic rigor and credit value; and formal partnership agreements.

The commenter shared that encouraging districts and colleges to embed supports in partnership agreements, such as advising, tutoring, and clear points of contact, would help ensure equitable completion and not just participation and encouraging institutions to publish transfer policies specific to dual enrollment will reduce credit loss and help students make informed decisions. They stated that having additional data points would deepen understanding of which programs are delivering value and where improvements may be needed, including demographic data, cost per credit information, and expanded outcomes metrics—not only credits earned and enrollment but persistence, degree completion, and estimated tuition savings. They also indicated that having templates, clear guidance, and capacity-building resources could help ensure consistent implementation, and having continued engagement with students, practitioners, institutions, and community-based organizations will be essential

and regular review cycles would help the Department adjust the framework based on on-the-ground realities.

DEPARTMENT RESPONSE: The proposed rule does not encourage or prescribe certain activities for programs (e.g., tutoring, clear points of contact), giving partners the flexibility to design a program that best meets the needs of the students and recognizing that the partners have local policies related to curriculum, instruction, administration, and dual enrollment programs, including collective bargaining agreements. Programs are encouraged to include a range of activities that may positively impact student outcomes.

The proposed rule also does not identify specific data points (e.g., demographic data, cost per credit) that would be collected by the P-12 and higher education partners to provide the Department with the flexibility to collect a range of outcomes from dual enrollment programs that could change over time. The Department appreciates the recommended data points for consideration.

The Department appreciates the suggestion relating to templates, clear guidance, and capacity-building resources. It will continue to respond to questions from P-12 and higher education partners on dual enrollment issues and develop guidance and materials accordingly as well as continue to reach out to stakeholders on the dual enrollment policy. No changes to the proposed rule are necessary.

2. COMMENT: A commenter provided research and theory related to dual enrollment and believes that regulations on dual enrollment programs must be structured around three core principles for effective instruction: an instructor's deep mastery of their subject matter and their ability to facilitate college-level thinking and

analysis; the specific skills needed to teach college-level content to adolescent learners; and the instructor's ability to create a classroom culture that mirrors the expectations and norms of higher education. Given this context, the commenter outlined several recommendations:

- Include an option in section 101.3 for a state-provided or school/institutional survey of students that should be constructed in partnership with K-12 and higher education stakeholders to measure student perceptions of instructional quality, rigor, and a multidimensional view of college and career preparedness;
- Clarify the definition of outcomes in section 101.3, which they believe only explicitly covers course completion;
- Clarify the phrase "collaboration between the partners" in section 101.4(b)(2);
- Require a plan for professional development opportunities for high school teachers who teach college courses at the high school that are co-designed by the K-12 and higher education partners; and
- Have peer observation for high school dual enrollment teachers from college instructors who are from the higher education partner that is co-developed, where this collaborative approach is viewed as an option as part of the "description of the program" in section 101.4(b)(1).

DEPARTMENT RESPONSE: The proposed rule outlines requirements for dual enrollment programs, which is typical for regulations, instead of "options" as proposed in this comment. P-12 (school districts, charter schools, and BOCES) and higher

education partners are welcome to collect dual enrollment program data in addition to the data required by the Department, such as data collected from a student survey.

The reference to “outcomes” in the data reporting requirements does not explicitly refer only to outcomes related to course completion. The broad reference to outcomes in the proposed rule provides the Department with the flexibility to collect a range of data on participation in and outcomes of dual enrollment programs that could change over time.

The broad reference to “collaboration between the partners” in the partnership agreement requirements provides the Department with the flexibility to request different types of information related to collaboration on the partnership agreement form over time, especially as new types of activities emerge in programs.

Please see Department Response #1 regarding how the proposed rule does not prescribe certain activities for dual enrollment programs (e.g., professional development opportunities, peer observation).

No changes to the proposed rule are necessary.

3. COMMENT: A commenter shared that formal partnership agreements and increased data reporting will highlight the positive impact that the proliferation of dual enrollment courses has on New York high school students. They also sought clarification on the requirement that dual enrollment courses must “have the same or comparable learning outcomes, content, objectives, instructional materials, methods of assessment, and level of rigor as other sections of the same college course regardless of location or mode of delivery,” believing that the current wording allows significant

interpretation and may cause confusion. Additionally, the commenter asked which person or entity will be responsible for certifying comparability.

DEPARTMENT RESPONSE: Section 52.2(c)(5) of the Commissioner's regulations states that institutions of higher education must assure that college credit is granted only to students who have achieved the stated objectives of each credit-bearing learning activity, including dual enrollment college courses offered at a high school and taught by high school teachers who are approved by the higher education partner. Since the higher education partner is responsible for the awarding of college credit for their courses, they would determine if dual enrollment college courses are the same or comparable to other sections of the same college course in the ways identified in the proposed rule (e.g., learning outcomes, methods of assessment). The higher education partner would also be able to clarify the expected learning outcomes, content, objectives, instructional materials, methods of assessment, and level of rigor for a dual enrollment college course.

No changes to the proposed rule are necessary.

4. COMMENT: A commenter supported the adoption of dual enrollment regulations, the definition of dual enrollment, and particular aspects of the data reporting and partnership agreement requirements. They strongly recommended:

- Banning New York State colleges and universities from offering dual enrollment programs outside of their county region;
- Requiring that only community colleges can offer lower division courses through dual enrollment;
- Defining and expecting "outcomes of dual enrollment programs" to be

reported through submission of course-level results of percentage of passing grades and through course learning outcomes assessment results, which the commenter indicated are included in the Middle State Commission on Higher Education standards (MSCHE);

- Requiring a dual enrollment course learning outcomes assessment, which the commenter stated will support compliance with MSCHE standards; and
- Requiring the dual enrollment partnership agreement to include an expression of how high schools will qualify their junior and senior level students for college-level work and ensure that any course pre-requisites are met.

DEPARTMENT RESPONSE: The Department encourages the development and expansion of dual enrollment programs across the state, providing students with equitable access to life-changing educational opportunities. Prohibiting New York State colleges and universities from offering dual enrollment programs outside of their county region would be inconsistent with this goal. For example, such ban would preclude school districts, charter schools, and BOCES that are located near county borders from working with institutions of higher education (IHEs) that are very close in proximity but outside of the border as well as prevent them from accessing IHEs that have robust online courses or course offerings, including microcredentials, in subject areas that may not be offered by IHEs within the county. Additionally, only allowing community colleges to offer lower division courses in dual enrollment programs would not be consistent with this goal since there are many four-year IHEs that can offer high-quality lower division courses in the state.

The broad reference to “outcomes” in the data reporting requirement provides the Department with the flexibility to collect a range of data on participation in and outcomes of dual enrollment programs that could change over time. The proposed rule therefore does not identify specific data points (e.g., course learning outcomes assessment results) that would be reported by P-12 and higher education partners. The Department appreciates the recommended data points for consideration.

Please see Department Response #1 regarding how the proposed rule does not prescribe certain activities for dual enrollment programs (e.g., learning outcomes assessment, student qualifications).

No changes to the proposed rule are necessary.

5. COMMENT: A commenter shared and endorsed ideas that a higher education system committee developed related to dual enrollment programs. The recommendations covered the following topics:

- High school instructor qualifications, such as having a minimum set of standard qualifications as recommended by the National Alliance of Concurrent Enrollment Partnerships (NACEP), New England Commission of Higher Education (NECHE), Education Commission of the States, Southern Association of Colleges and Schools (SACSOCS), and the Higher Learning Commission. The commenter’s recommendations include requiring a master’s degree in the discipline with at least approximately 18 graduate credits in the subject area; having a training or education credential pathway if a faculty member does not meet the established criteria; and having instructors directly approved, mentored,

evaluated, and observed by the college.

- Program integrity, including recommendations related to: partners communicating transparent policies and expectations annually; data analysis; course content and assignments should be equivalent to courses at the partner institution; syllabi, course outcomes, and assessment should be reviewed on a 3-5 year cycle; point of contact; discipline-specific coordinators; and reporting of assessment data;
- Campus oversight and instructor training, including recommendations related to: routine observations; evaluation of educational offerings; approval of courses; and consideration of an upper threshold for dual credits;
- Tuition and fees, including ideas related to: funding models; tuition rate; equitable funding; and New York State paying the tuition for all students taking concurrent enrollment courses; and
- Service area considerations, including ideas related to: the enrollment of concurrent enrollment students in community college courses and the importance of institutions agreeing on service areas appropriate to their local regions.

DEPARTMENT RESPONSE: Please see Department Response #1 regarding how the proposed rule does not prescribe certain activities for dual enrollment programs (e.g., instructor qualifications and training, campus oversight, tuition and fees, service area considerations). Additionally, many of the suggested recommendations are better suited for local policies and guidelines than state

regulations.

In the proposed rule, the P-12 and higher education partners must collaborate on the completion of the partnership agreement form at least every five years, enabling the partners to communicate and identify policies and expectations. Partners are welcome to discuss them more frequently (e.g., annually). Since the higher education partner is responsible for the awarding of college credit for their courses, they would determine if dual enrollment college courses are the same or comparable to other sections of the same college course in the ways identified in the proposed rule (e.g., learning outcomes, methods of assessment).

No changes to the proposed rule are necessary.

6. COMMENT: The commenter welcomed the call for increased guidance and accountability on dual enrollment programs, citing that the current free-market style system has empowered high school administrations to determine the terms of partnerships. They also expressed confusion on why a local high school would offer a course through an institution of higher education much further away from their institution. Additionally, the commenter indicated support for the following requirements from two other commenters: a limitation that bans New York State colleges and universities from offering dual enrollment programs outside of their county region; a dual enrollment course learning outcomes assessment; only community colleges can offer lower division courses through dual enrollment; clear, minimum standard qualifications of a master's degree in the discipline with approximately at least 18 graduate credits in the subject area they plan to teach for HS faculty; clearly defined training pathways for faculty who do not meet the minimum established criteria; approval and mentoring by

faculty at the partner college; regular observations and evaluations by faculty at the partner college; and approval of all courses taught in the high school through the established shared governance processes at the partner college.

DEPARTMENT RESPONSE: Please see Department Responses #4 and #5.

No changes to the proposed rule are necessary.

7. COMMENT: A commenter who is a college faculty member shared their experience with a dual enrollment program, including their findings on how the college courses are taught at the high school level and their concern with the college not responding to their department's issues with the program. Given this context, the commenter requests that the Department require: all dual enrollment programs be certified by NACEP and maintain their certification; all partnerships involve and are guided by the college department faculty in proper course alignment, course offering decisions, and the credentialing of instructors; a mandatory and adequately supported mentorship program between the dual enrollment faculty and the college faculty; periodic classroom observations of all dual enrollment courses conducted by the department; and real course assessment on par with the course assessments performed at the crediting institution.

DEPARTMENT RESPONSE: In the proposed rule, the higher education and P-12 partners must collaborate on the completion of the partnership agreement form, enabling the partners to communicate and identify policies and expectations (e.g., decisions regarding course offerings). Since the higher education partner is responsible for the awarding of college credit for their courses, they would determine if dual enrollment college courses are the same or comparable to other sections of the same

college course in the ways identified in the proposed rule (e.g., methods of assessment).

Please see Department Response #1 regarding how the proposed rule does not prescribe certain activities for dual enrollment programs (e.g., mentorship program, classroom observations, instructor qualifications, NACEP accreditation).

Please note also that Comment #13 advocates against mandating NACEP accreditation for dual enrollment programs.

No changes to the proposed rule are necessary.

8. COMMENT: Members of a college departmental committee submitted a comment listing the following recommendations that would address many of their concerns regarding a particular dual enrollment program:

- (a) High school instructor's qualifications should be comparable to those of the college instructors teaching the same course, where they should hold a master's degree in the discipline or in teaching with at least 18 graduate credits in the discipline, which the commenter states are national standards;
- (b) Academic chairs and/or discipline faculty should be involved in the credentialing process of high school teachers for dual enrollment courses;
- (c) Academic departments should determine what course(s) are appropriate to offer in a dual enrollment program;
- (d) Academic chairs and/or discipline faculty should determine if a high school course has comparable learning outcomes and an appropriate level of rigor compared to the corresponding college course;

- (e) High school students should be held to the same standards as those students' taking courses at the college, and the college should verify prerequisite requirements to ensure all students are held to the same placement guidelines;
- (f) Courses offered through a dual enrollment program should be accessible to the public on the college's website and indicate the site at which they are being offered;
- (g) Dual credit courses should be designated on the college transcript;
- (h) Performance metrics for dual enrollment courses, including grade distributions, should be published; and
- (i) NACEP accreditation for all dual enrollment programs is strongly encouraged to ensure consistency and quality of the programs.

DEPARTMENT RESPONSE: Please see Department Response #7. Additionally, the higher education partner in a dual enrollment program is welcome to list the courses offered through the program on the college's website. High school students who successfully complete a dual credit course do not need to have the course designated as such on a college transcript; they earned the college credit as any other student who earned that college credit.

The proposed rule requires the Department to publish data regarding participation in and outcomes of dual enrollment programs annually on its public website. Please see Department Response #1 regarding how the proposed rule does not identify specific data points (e.g., grade distributions) that would be collected by the P-12 and higher education partners.

The proposed rule outlines requirements for dual enrollment programs and does not list activities that are “strongly encouraged,” which is typical for regulations. No changes to the proposed rule are necessary.

9. COMMENT: The commenter explained that the proposed rule provides New York State with the opportunity to establish a coherent, academically rigorous, and student-centered framework for dual enrollment and offered recommendations that seek to center student academic interests prioritized above enrollment FTE expansion, ensure academic integrity, and protect the long-term value of earned credits in concurrent enrollment course work. The commenter provided recommendations on the following topics and suggested establishing an annual audit system for each topic:

- Faculty qualifications and academic oversight, including recommendations related to: teacher, academic, and alternate credentials; safeguards for preventing administrative overrides of faculty determinations; annual observations; statewide certification of dual enrollment instructors; professional development; models for high schools lacking credentialed teachers; regional saturation of traditionally unqualified high school teachers; and review of partnership agreements;
- Course rigor, learning outcomes, and assessment, including recommendations related to: dual enrollment course syllabi, textbooks, learning outcomes, grading policies, prerequisites, and assessment matching on-campus courses; frequent review and observations; prohibiting college credit for seat time in Advanced Placement (AP) courses without a qualifying AP exam score; high schools documenting the difference between a

traditional high school course and the college course; prioritizing student experience and academic rigor over enrollment targets; annual oversight; and defining and giving guidance on rigor and the use of the word “comparable” in program agreements;

- Student eligibility, advising, and supports, including recommendations related to: placement and student eligibility requirements; placement tests for math courses; advising and orientation on college expectations; and academic support services;
- Data, reporting, and accountability, including recommendations related to: annual statewide reports and reporting of different requirements; concurrent enrollment courses appearing in institutional master schedules; tracking former dual enrollment students and credit transfer acceptance; transcripts; statewide clearinghouse to monitor student outcomes; and ensuring college compliance; and
- Governance, partnership agreements, and accreditation, including recommendations related to: approving authorities for courses and instructors; prohibiting administrative overrides of faculty course or credential decisions; regular review and observation of instruction; NACEP accreditation; agreements including a clear description of course delivery, instructor qualifications, and whether AP courses are used for credit without the standardized exam; agreements affirming that grading standards, academic integrity policies, and instructional expectations mirror those of the campus; annual review of agreements; and consequences for

noncompliance.

DEPARTMENT RESPONSE: The proposed rule is designed to support P-12 and higher education partners as they collaborate on developing and sustaining high-quality dual enrollment programs rather than ensure compliance with prescribed rules that are more appropriate for local policies and guidelines. Please see Department Response #1 regarding how the proposed rule does not prescribe certain activities for dual enrollment programs (e.g., faculty qualifications, student eligibility, governance). Additionally, many recommendations are better suited for local policies and guidelines than state regulations.

The required partnership agreement form must be updated and resubmitted to the Department at least every five years. The form collects information from partners and is a way for the Department to learn about dual enrollment programs across the state (e.g., course modality, wrap-around services). Partners are welcome to review the forms more frequently (e.g., annually).

Since the higher education partner is responsible for the awarding of college credit for their courses, they would determine if dual enrollment college courses are the same or comparable to other sections of the same college course in the ways identified in the proposed rule (e.g., learning outcomes, methods of assessment). The higher education partner would also be able to clarify their expectations related to rigor.

The proposed rule requires the Department to publish data regarding participation in and outcomes of dual enrollment programs annually on its public website. Please see Department Response #1 regarding how the proposed rule does not identify specific data points (e.g., credit transfer acceptance) that would be

collected by the P-12 and higher education partners.

Please note that Comment #13 advocates against mandating NACEP accreditation for dual enrollment programs. No changes to the proposed rule are necessary.

10. COMMENT: A commenter described issues related to the dual credit program at their college, including a low yield rate of high school students in the program who matriculate to the college; the courses in the program lack academic rigor, where the high schools determine what is taught in the program and the institution's name is on the transcript; many high school faculty often do not have the credentials to teach college-level courses; and superintendents who indicate to that they are not working with the college, or will go to a different institution, due to the college's requests and academic expectations. The commenter concluded that the program needs to be strengthened with properly credentialed high school faculty, deliver the courses as college-level courses, build enrollment strategies to increase the matriculation rate, and end superintendents from threatening institutions. Additionally, the commenter asked a question about their understanding that dual credit and Advanced Placement (AP) courses are different in format and expectations.

DEPARTMENT RESPONSE: The proposed rule outlines standards for dual enrollment college courses to strengthen the quality of dual enrollment programs, including that the courses must have the same or comparable learning outcomes, content, objectives, instructional materials, methods of assessment, and level of rigor as other sections of the same college course regardless of location or mode of delivery.

Dual credit and AP courses are different. Dual credit courses can lead to high

school credit and college credit, while AP courses are high school courses instead of college courses. The commenter also described program-specific concerns that are beyond the scope of the proposed rule. No changes to the proposed rule are necessary.

11. COMMENT: Two commenters requested that the proposed rule require dual enrollment college courses to address the associated NYS K-12 Learning Standards when the courses are used in place of an equivalent high school course that satisfies graduation requirements and/or endorsements. They both illustrated their point with world language courses, with one commenter stating that many college courses taught in the high school in this area are designed around grammatical concepts and/or language skills rather than communicative standards and proficiency development and expressing that this mismatch has the potential to put students who are pursuing the Seal of Biliteracy at a disadvantage and ignores that Standards are intended to be addressed in all coursework for each content area.

One of the commenters offered two additions to the proposed rule. First, they stated that the data reporting requirement should include an Assurance Statement verifying that all of the college or university courses offered are aligned to the NYS Learning Standards and that courses should clearly show alignment with the Standards for the equivalent course. Second, they indicated that the partnership agreement should include a statement that the content, assignments, and assessments of the courses offered in the high schools are aligned with the NYS Learning Standards and should require that course syllabus documents explicitly spell out how the course materials, assignments, and assessments for the course align to the Standards for the relevant content area.

DEPARTMENT RESPONSE: Local education agencies (e.g., school districts) currently identify courses as dual credit courses, where students can earn high school credit and college credit. Decisions about the content of individual courses, and how college courses may be applied toward required graduation and endorsement requirements, are made at the local school district level in New York State. While the Department establishes minimum requirements and learning standards, it is the responsibility of the school district to determine whether a student's coursework meets them. Students are provided multiple pathways to earn the New York State Seal of Biliteracy; successful completion of a Checkpoint C level world language course is one of several options for the student to demonstrate proficiency in a world language.

No changes to the proposed rule are necessary.

12. COMMENT: A commenter requested that high school world language educators have a voice in dual enrollment course design and approval so that the courses reflect the proficiency-based NYS Standards for World Languages. They added that including K-12 educators in policy and articulation decisions will preserve rigor, equity, and continuity from secondary to postsecondary study.

DEPARTMENT RESPONSE: Please see Department Response #11. World language educators can reach out to the individuals at the school who decide if a particular course is a dual credit course.

No changes to the proposed rule are necessary.

13. COMMENT: A commenter supports the Department's emphasis on data transparency, partnership clarity, and quality standards. They noted that the partnership agreement form must be completed by dual enrollment programs by

September 1, 2026, which they state may present an administrative burden and challenges for IHEs with multiple school partners. They asked if school districts and IHEs in existing dual enrollment programs will be able to request an extension, if necessary. The commenter recommended providing a phased implementation timeline or allow extension requests for programs with more than 50 school partners.

The commenter pointed to wording on a draft partnership agreement form stating that dual enrollment programs that have the “same design” across one or more higher education partners are considered “one program” for the purposes of the form and asked how “same design” is being defined or who would define it. They also raised questions about what happens if the school district and IHE disagree on definitions, if there is guidance available, and if there are issues with grouping different dual enrollment programs into a single form. They recommended providing clear definition criteria or allowing separate reporting for programs with substantially different frameworks.

The commenter inquired about a question on the draft partnership agreement form related to service area agreements and about three data points on the draft data collection related to subject area, outcome, and student selection codes. They also asked if there is a category in the draft data collection for students whose school district counsels against enrolling in dual enrollment courses due to academic or behavioral unreadiness, and if not, if such a category should be added. They recommended adding an advising outcome category that captures data on this student population.

The commenter applauds the Department's emphasis on quality standards for dual enrollment college courses and the balanced approach that establishes clear benchmarks without being overly prescriptive. They also advocate against mandating NACEP accreditation (or any single model) for all programs in the state because this approach risks encouraging "check-the-box" compliance over genuine quality improvement and innovation and the organization will be restructuring/overhauling its standards in the next few years. Instead, the commenter recommended strong guidelines and performance benchmarks that allow flexibility in how programs demonstrate that they meet or exceed quality standards. They believe that the benchmarks should emphasize outcomes beyond participation numbers or credits earned, support programmatic differences that foster innovation and excellence, and allow diverse pathways for demonstrating quality and rigor.

The commenter highlighted that New York State has an opportunity to support student learning mobility and prevent credit loss by establishing guaranteed transfer credit pathways, similar to Idaho's Dual Credit Program. They explained that, while they support IHE autonomy over transfer credit policies, the state could provide incentives or guidelines that discourage blanket policies that deny credit recognition for dual enrollment courses based on assumptions about quality or delivery location (i.e., courses offered at the high school).

The commenter discussed dual enrollment funding, including different funding models and their thoughts about state funding policy. They also recommended ensuring robust representation of private IHEs in dual

enrollment policymaking conversations, pointing out that these institutions are responsible for implementing future dual enrollment policies and are well-positioned to provide guidance grounded in decades of experience serving New York State students and schools.

DEPARTMENT RESPONSE: The P-12 partner (school district, charter school, or BOCES) will submit the partnership agreement form to the Department and the higher education partner will collaborate on the completion of the form and sign it. The deadline for the P-12 partner to submit the required partnership agreement form to the Department is listed in Education Law §319. Therefore, the Department cannot commit to an extension of the deadline of September 1, 2026.

The commenter refers to a draft partnership agreement form and draft data collection that were sent to key stakeholders for feedback. The instructions for the final partnership agreement form that was released in December 2025 has revised wording, explaining that dual enrollment programs that have the “same or similar design” across one or more higher education partners are considered “one program” for the purposes of the form. The instructions and a partnership agreement FAQ on the [Dual Enrollment Programs website](#) provides additional details and guidance, clarifying that P-12 partners will submit separate forms for programs with substantially different frameworks. Additionally, the final partnership agreement form does not include a question on service area agreements.

The data collection has also been revised based on feedback from the field and does not include the three data points listed by the commenter. Please see Department Response #1 regarding how the proposed rule does not identify specific

data points (e.g., students whose school district counsels against enrolling in dual enrollment courses) that would be collected by the P-12 and higher education partners..

The proposed rule does not provide guidelines and performance benchmarks for programs to demonstrate they meet or exceed quality standards. The Department will consider the commenter's recommendations for benchmarks in the future. Additionally, the proposed rule outlines requirements for dual enrollment programs and does not include "incentives or guidelines," such as incentives or guidelines that discourage blanket policies that deny credit recognition for dual enrollment courses. Dual enrollment funding is also beyond the scope of the proposed rule.

The Department reached out to higher education stakeholders multiple times throughout the development of the proposed rule, partnership agreement form, and data collection, as evidenced by the commenter's references to the draft partnership agreement form and draft data collection. The Department looks forward to continuing to include independent colleges and universities in the policymaking process. No changes to the proposed rule are necessary.

14. COMMENT: A commenter expressed gratitude to the Department for its efforts in developing and advancing a robust policy that will provide essential standards for program quality, data transparency, and partnership roles and recommended that it continue to consult with a diverse range of relevant stakeholders, including representatives of private, non-profit colleges and universities. They noted that the proposed rule requires that partnership agreements are submitted to the Department on or before September 1, 2026 and recommends a phased implementation timeline that

provides a one- to two-year rollout period for new administrative requirements, including options for waivers or extensions at the discretion of the Department that would help address some of the administrative burden related to data reporting for programs with 50+ school partners.

The commenter recommended establishing statewide standards for instructor qualifications and training, explaining that minimum academic and professional qualifications as well as training and professional development opportunities for high school instructors can help ensure equity of student experience and promote academic consistency and quality assurance. The commenter also encouraged the Department to develop forms, guidelines, and templates that are clear and concise and designed with the goal of not imposing unnecessary burdens on educational institutions.

The commenter made recommendations regarding the College in High School Opportunity Fund and encouraged the Department to provide clear guidance regarding areas where IHEs and partner schools have historically faced uncertainty, such as whether dual enrollment participants are treated as college students or high school visitors under applicable campus policies and liability coverage for students participating in on-campus programs. The commenter also requested clarification on whether the proposed rule applies to partnerships involving private schools.

DEPARTMENT RESPONSE: The Department reached out to higher education stakeholders multiple times throughout the development of the proposed rule, partnership agreement form, and data collection and looks forward to continuing to include independent colleges and universities in the policymaking process.

The deadline for the P-12 partner to submit the required partnership agreement form to the Department is listed in Education Law §319. Therefore, the Department cannot commit to an extension of the deadline of September 1, 2026.

Please see Department Response #1 regarding how the proposed rule does not prescribe certain activities for dual enrollment programs (e.g., instructor qualifications and training). The Department appreciates the suggestions relating to providing guidance and developing forms, guidelines, and templates. It will continue to respond to questions from P-12 and higher education partners on dual enrollment issues, develop guidance and policies accordingly, and strive to make any forms, guidelines, and templates user-friendly.

The proposed rule does not apply to nonpublic schools. For example, the data reporting and partnership agreement requirements only apply to school district, charter school, or BOCES, consistent with Education Law §319. Additionally, dual enrollment funding is beyond the scope of the proposed rule.

No changes to the proposed rule are necessary.

15. COMMENT: A commenter does not support the proposed rule. They noted that the definition of dual enrollment programs excludes credits that students earn through the College Board College-Level Examination Program (CLEP) and International Baccalaureate (IB) program and asked if these programs are exempt from the requirements of this law. They expressed that section 101.3 on data reporting creates an unfunded burden on P-12 and higher education partners, and section 101.4(a) on partnership agreements creates such burdens on higher education partners that they may decline to participate. They believe that intermediaries and funding

organizations must submit agreements and they may also decline.

The commenter also believes that the requirement to update and resubmit the partnership agreement at least every five years in section 101.4(c) will create a system similar to that currently used to approved and renew career and technical education (CTE) program and will require additional work and expenses from IHEs, P-12 schools, and NYSED, and that the partnership agreement requirement encompasses prior NYSED preapproval for new programs and therefore will lead to implementation delays. They pointed out that section 101.5 on college coursework does not indicate a mechanism for evaluation and opined that there would seem to be no need for schools to report how these programs are paid for unless NYSED is funding these programs.

The commenter expressed concerns with the Regulatory Impact Statement related to public hearings, “general management” of public schools, “equitable access,” partnership agreements, data, costs, mandates and related expenses, paperwork, duplication, alternatives, and compliance schedule. Their concerns with the Regulatory Flexibility Analysis are related to compliance requirements, time frame, standards for dual enrollment courses, professional services, costs, technological requirements, economic impacts, and notification. Their concerns with the Rural Area Flexibility Analysis are related to professional service requirements, costs, and differentiation. Regarding the Job Impact Statement, they believe the proposed rule will decrease employment in IHEs as they opt out of agreements and will increase employment at the NYSED to monitor compliance.

DEPARTMENT RESPONSE: The proposed rule conforms the Commissioner’s regulations to Education §319. As such, the statutory language in the proposed rule

cannot be changed, including the definition of a dual enrollment program and the requirements that school districts, charter schools, and BOCES (P-12 partners) and IHEs (higher education partners) must annually submit to the Department data regarding participation in and outcomes of dual enrollment programs; all P-12 partners participating in a dual enrollment program must submit to the Department a partnership agreement with the IHE(s) with which they are partnered on a form prescribed by the Commissioner on or before September 1, 2026; and partnership agreements must be updated and resubmitted to the Department no less than once every five years. For example, the timelines for the requirements in the proposed rule are not able to be eliminated or revised.

For the data reporting and partnership agreement requirements, the Department collected extensive feedback from P-12 and higher education stakeholders on drafts of the data collection and partnership agreement form. The feedback shaped the data points to be collected and the form that the partners will complete, helping to ensure that the collection and form gather valuable information while being manageable to complete (e.g., building on the current dual credit course data collected in the Department's Student Information Repository System (SIRS)). The data can be used by dual enrollment programs for continual improvement and to demonstrate the efficacy of the program. Through the partnership agreement form, the Department will be able to learn about dual enrollment programs across the state and the P-12 and higher education partners can regularly collaborate on the design of the activities and policies in the program. By having all partners sign the form, they will be aware of and have a voice in what is happening in the program. Completing and signing the form are

reasonable, rather than burdensome, actions that partners would complete in a high-quality dual enrollment program.

According to the law and proposed rule, dual enrollment programs provide high school students with the opportunity to enroll in college courses and earn transferable college credit. CLEP exams and IB courses are not college courses. Therefore, these educational opportunities are not considered dual enrollment programs and the data reporting and partnership agreement requirements would not apply to them.

The requirement to update and resubmit the partnership agreement form at least every five years is not similar to the CTE program approval and renewal process. The partnership agreement form is required and provides information to the Department about dual enrollment programs; the submission of the partnership agreement form is not a “preapproval” process for dual enrollment programs. On the other hand, CTE program approval and renewal is optional for school districts, charter schools, and BOCES, where they submit the required components for a CTE program to the Department to ensure adherence to guidelines and standards and obtain approval. Since the higher education partner is responsible for the awarding of college credit for their courses, they would determine if dual enrollment college courses are the same or comparable to other sections of the same college course in the ways identified in section 101.5 of the proposed rule (e.g., learning outcomes, methods of assessment).

Individuals can learn about the statewide dual enrollment policy by going to the [Dual Enrollment Programs website](#), which includes a memo that was sent to P-12 and higher education leaders in December 2025 notifying them about the

partnership agreement form requirement.

Regarding the comments on the regulatory supporting materials, the Department does not believe that any revisions are necessary. Any costs, timelines, paperwork requirements, mandates, etc. reiterated in the proposed rule related to data reporting and partnership agreement requirements are based on the statutory requirements, not the regulation itself.

No changes to the proposed rule are necessary.

16. COMMENT: Two commenters support the proposed rule, including the definition of dual enrollment, partnership and data requirements, and language in the purpose (section 101.1). They also provided research on dual enrollment in New York State to illustrate the high rate of participation.

The commenters recommended requiring schools and IHEs to report data on the demographic factors of dual enrollment participants, including but not limited to, race, ethnicity, disability, and socioeconomic background to bring to light disparities in participation across New York student populations and help inform future funding and policy decisions to address such disparities. They also suggested requiring schools and institutions of higher education to report the cost per credit of dual enrollment courses and whether the student, school, institution of higher education, or a combination of the aforementioned carries the cost.

The commenters urged the Commissioner, where feasible, to seek outcomes metrics beyond the number of credits earned, high school graduation rates, and college enrollment to also include those metrics that capture degree persistence, degree completion, and tuition savings. They also strongly encourage the Department to make

the requested data available on its public website to the extent that such information complies with privacy laws and regulations.

One of the commenters made two additional suggestions. They requested the Commissioner to consult closely with the CUNY College Now dual enrollment program to learn about their approach to instruction, admissions, evaluation, and program rigor and explore national accreditation for dual enrollment programs as a measure of quality, which these programs are moving towards in the next several years. They also recommended amending the proposed rule such that dual enrollment college courses must be “transferable,” bringing section 101.5 into alignment with section 101.2(b).

DEPARTMENT RESPONSE: The proposed rule requires the Department to publish data regarding participation in and outcomes of dual enrollment programs annually on its public website in compliance with applicable State and federal student privacy laws and regulations. Please see Department Response #1 regarding how the proposed rule does not identify specific data points (e.g., demographic data, cost per credit) that would be collected by the P-12 and higher education partners.

The Department appreciates the suggestion to consult with CUNY regarding its College Now dual enrollment program and will continue to reach out to stakeholders on the dual enrollment policy. Please note that Comment #13 advocates against mandating NACEP accreditation for dual enrollment programs.

According to the Commissioner’s regulations, each institution of higher education must have policies with respect to awarding of credit (section 52.2(e)(3)(iii)) and each course offered for credit must be part of a registered curriculum offered by that institution as a general education course, a major requirement, or an elective (section

52.1(f)). Therefore, institutions have their own policies related to the transferability of college credit, and the acceptability of college credit for a registered curriculum falls under the purview of the institution receiving the credit. The commenter's recommendation that dual enrollment college courses must be "transferable" would involve complex regulatory changes that are beyond the scope of the proposed rule. The Department will consider how the transferability of courses can be supported and promoted and encourages institutions to have flexible policies or other arrangements (e.g., articulation agreements) to support transferability of coursework among institutions. No changes to the proposed rule are necessary.