



**TO:** The Honorable Members of the Board of Regents

**FROM:** Angelique Johnson-Dingle *Angelique Johnson-Dingle*  
Jason Harmon *Jason Harmon*

**SUBJECT:** Proposed Amendment of Section 100.5 of the Regulations of the Commissioner of Education Relating to Career and Technical Education (CTE) and Media Arts Course Flexibility for the Individual Arts Assessment Pathway (IAAP) and Career and Technical Education (CTE) +1 Pathways to High School Graduation

**DATE:** February 29, 2024

**AUTHORIZATION(S):** *Dom N. P.* *Bell...*  
**SUMMARY**

**Issue for Decision (Consent)**

Should the Board of Regents adopt the proposed amendment of section 100.5 of the Regulations of the Commissioner of Education relating to career and technical education (CTE) and media arts course flexibility for the Individual Arts Assessment Pathway (IAAP) and Career and Technical Education (CTE) +1 Pathways to high school graduation?

**Reason for Consideration**

Review of Policy.

**Proposed Handling**

The proposed amendment is presented to the Full Board for adoption as a permanent rule at the March 2024 Regents meeting. A copy of the proposed amendment (Attachment A) is included.

**Procedural History**

The proposed amendment was presented to the P-12 Education Committee for discussion at the November 2023 meeting of the Board of Regents. A Notice of Proposed Rule Making was published in the State Register on November 29, 2023, for a 60-day public comment period. Following publication in the State Register, the Department received 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. A Notice of Adoption will be published in the State Register on March 27, 2024. Supporting materials are available upon request to the Secretary of the Board of Regents.

### **Background Information**

Media arts is one of five arts disciplines included in [the NYS P-12 Learning Standards for the Arts](#). It is also a key component of the Arts, A/V Technology, & Communications Career Cluster, one of the 16 federally recognized career clusters in career and technical education (CTE).

As articulated in the New York State Education Department’s “[Guidance on Implementing the New York State Revised Learning Standards Currently in New York State](#),” media arts is understood to apply to forms of time-related artworks created by recording, producing, or manipulating sound and/or non-static visual images. Artworks that depend on a technological component to function can include screen-based projects presented via film, television, radio, audio, video, the internet, interactive and mobile technologies, video games, trans-media, as well as media-related printed books, catalogs, and journals. Media arts include communicative works that explore the technological, aesthetic, and communicative potential of electronic means such as video, internet, streaming, computer, software, gaming, mobile devices and applications, code, GPS, sound production devices, robotics, and other evolving and emerging tools under development.

In educational settings in New York State where certification to teach a media arts course is required—including public school districts and boards of cooperative educational services (BOCES)—teachers must either hold a visual arts certification or appropriate CTE certification. Media arts is the only arts discipline that does not have a classroom teacher certification title.

Media arts courses can offer students the opportunity to gain credit towards a high school diploma in either arts or CTE. If a course is offered for credit in the arts, the teacher is required to hold a visual arts certification. If the course is offered as either a stand-alone CTE course or as part of a NYSED-approved CTE program, the teacher must hold the appropriate CTE certification. If a section of the course is offered for arts credit and is taught by a visual arts teacher, the same section of the course currently cannot also be utilized for CTE credit by any student in the class, even if the curriculum is the same as a course taught by a certified CTE teacher. The opposite is also true: if the section of the course is offered for CTE credit and taught by a certified CTE teacher, no student in the section can utilize the course for arts credit, even if the content of the course is the same as one taught by a visual arts teacher.

Media arts courses can be a component of both the Individual Arts Assessment Pathway (IAAP) and the CTE 4+1 Pathway to high school graduation. The IAAP requires students to complete a locally determined three-unit sequence in the arts and demonstrate, through a collection of creative works, growth over time that meets the High School II

Accomplished Performance Indicators in the [New York State Learning Standards for the](#)

[Arts](#). The CTE pathway requires students to complete an NYSED-approved CTE program and pass a three-part technical assessment.

A frequent impediment to student access to media arts courses within the IAAP or CTE 4+1 Pathways reported by school districts, charter schools, and BOCES is that current regulations do not allow a certified CTE teacher to instruct a media arts course (such as photography) for arts credit or a visual arts teacher to instruct the same course for CTE credit, despite identical course content.

Another barrier is the availability of NYS-certified teachers. The Department has received numerous requests from districts, educators, and students to allow appropriately certified teachers to teach certain media arts courses that can be utilized as both arts credit towards an IAAP sequence and CTE credit towards a NYSED-approved CTE program.

The primary anticipated benefit to the removal of certification and course credit impediments at the local level is an increase in student access to media arts courses, the IAAP, and the CTE 4+1 pathway to graduation. Media arts as a career field continues to grow and expand. The New York State Department of Labor [projects](#) an increasing demand for media arts careers as follows:

<i>Careers</i>	<i>Projected increase 2020-2030</i>
Multimedia artists and animators	20.9%
Fine artists	33.6%
Photographers	17.1%
Camera Operators, TV, video and motion picture	23.1%
Film and video editors	23.6%

Students with knowledge and skills in media arts will be better positioned to take advantage of employment opportunities in this field.

### **Proposed Amendment**

The Department proposes to amend section 100.5 of the Commissioner’s regulations to provide local discretion on how to distribute credit for media arts courses within a CTE or IAAP sequence when these courses are taught by a visual arts certified teacher or an appropriately certified CTE teacher.

Specifically, the proposed rule amends the IAAP pathway provision in section 100.5(d)(15) to provide that the three units of diploma credit in the arts must include arts courses and/or media arts courses approved by the Department for use in a student’s IAAP sequence and Department-approved CTE program. A list of these approved media arts courses (Attachment C) is attached.

The proposed rule also amends the CTE pathway provision in section 100.5(d)(6) of the Commissioner’s regulations to provide that faculty for approved CTE programs can also have state certification in “special” subjects in addition to appropriate academic and technical subjects.

These amendments will permit students pursuing an IAAP or NYSED-approved CTE program to earn either arts or CTE credit for specific media arts courses regardless of whether the teacher is certified as a CTE teacher or a visual arts teacher.

This proposal aims to increase access to media arts courses which prepare students for high-demand, high-growth, and high-salary careers; increase student access to an IAAP or CTE 4+1 Pathway to graduation; and reduce teacher shortage and scheduling barriers by expanding the pool of eligible teachers for specific media arts courses.

### **Related Regents Items**

November 2023: [Proposed Amendment of Section 100.5 of the Regulations of the Commissioner of Education Relating to Career and Technical Education \(CTE\) and Media Arts Course Flexibility for the Individual Arts Assessment Pathway \(IAAP\) and Career and Technical Education \(CTE\) Pathways to High School Graduation](https://www.regents.nysed.gov/sites/regents/files/1123p12d1.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/1123p12d1.pdf>)

December 2022: [P-12 Education Committee Proposed Amendment of Section 100.5 of the regulations of the Commissioner of Education relating to Establishing the Individual Arts Assessment Pathway](https://www.regents.nysed.gov/sites/regents/files/1222p12d1revised.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/1222p12d1revised.pdf>)

October 2014: [Proposed Amendments to Sections 100.2 and 100.5 of the Regulations of the Commissioner of Education relating to Pathways to Graduation, Global History and Geography Course Requirements, and the Global History Regents Exam](https://www.regents.nysed.gov/sites/regents/files/1014bra4_0.pdf)  
([https://www.regents.nysed.gov/sites/regents/files/1014bra4\\_0.pdf](https://www.regents.nysed.gov/sites/regents/files/1014bra4_0.pdf))

### **Recommendation**

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

VOTED: That section 100.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective March 27, 2024.

### **Timetable for Implementation**

If adopted at the March 2024 meeting, the proposed amendment will become effective as a permanent rule on March 27, 2024.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 208, 305, 308, and 309 of the Education Law.

1. Paragraph (15) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(15) Individual Arts Assessment Pathway. Students who first enter grade nine in September 2022 and thereafter, who are otherwise eligible to receive a high school diploma pursuant to this section may meet the diploma requirements described in this section by:

(i) ...

(ii) earning 3 units of diploma credit in the arts[;]. Such credits shall include arts courses and/or media arts courses approved by the department for use in a student's individual arts assessment pathway sequence pursuant to this paragraph and department-approved career and technical education program pursuant to paragraph (6) of this subdivision;

(iii) ....

2. Clause (2) of subdivision (a) of subparagraph (iv) of paragraph (6) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(2) a certification that the board of education or board of cooperative educational services has conducted a self-study involving faculty and staff to ensure that the following elements of a career and technical education program will be available to implement an approved program:

(i) a technical and academic curriculum that achieves the commencement level of the appropriate New York State learning standards for all courses in the career and

technical education program, including integrated and/or specialized English, mathematics, science, economics and government, and faculty with State certification in appropriate academic [and/or], technical [subjects], and/or special subjects;

(ii)...

(iii)...

(iv)...

(v)...

(vi)...

ASSESSMENT OF PUBLIC COMMENT

Following the publication of the Notice of Proposed Rulemaking in the State Register on November 29, 2023, the State Education Department (SED or “the Department”) received the following comments on the proposed rule:

1. COMMENT: The majority of commenters did not support the proposed amendment. These commenters noted that media arts courses are meant to be instructed by a certified visual arts teacher. The commenters also indicated that the NYS Media Arts Teacher Association (NYSMATA) and the NYS Arts Teachers Association (NYSATA) believe that any media arts course grounded in the [NYS Learning Standards for the Arts in Media Arts](#) should be instructed by teachers holding the PK-12 Visual Arts Teacher certification title. These commenters also stated that having non-visual arts teachers instructing media arts courses is detrimental to students and programs; career and technical education (CTE) certified teachers do not have the necessary skills, understanding, or background to instruct media arts courses; and a course taught by a CTE teacher cannot be an “arts” course as it is aligned to the CTE standards.

DEPARTMENT RESPONSE: As indicated in SED’s [Guidance on Implementing the New York State Revised Learning Standards Currently in New York State](#), “media arts” is generally understood to apply to all forms of time-related artworks that are created by recording sound and/or visual images. Media artwork usually relies on a technological component for its existence. It includes both fine art and commercially oriented works presented via film, television, radio, audio, video, the internet, interactive and mobile technologies, transmedia storytelling, and satellite. Media art forms are constantly evolving in response to technological innovations. Media arts is an

interdisciplinary content area that includes both fine and commercially-oriented works of art. Forms that are shared with contemporary visual arts/fine arts include kinetic sculpture, information art, organic and algorithmic art, interactive art, and multimedia installations. Other more commercially oriented forms include news reporting, documentaries, advertisements, music videos, animation, machinima, video games, game design, and/or a combination of any of these. This can be achieved through the delivery of the [NYS Media Arts Standards](#) and the [NYS CDOS 3B Career Major Standards in the Arts/Humanities](#). Per SED's [School Codes for the Exchange of Data \(SCED\) Course to Certification Crosswalk Workbook](#), media arts courses can be instructed by appropriately certified CTE-certified teachers and visual arts-certified teachers. In addition, nothing would prohibit local school boards and school district administration, which are responsible for determining the staffing needed to instruct courses, from imposing more demanding requirements. No changes to the proposed rule are necessary.

2. COMMENT: A group of commenters indicated that the teacher shortages noted in SED's proposal can be addressed through better pay, working conditions, and increased collaboration between teachers and local administration.

DEPARTMENT RESPONSE: Education Law §1709(3) affords school districts local control to prescribe courses of study and their associated content, including prescribing curriculum. Local school boards and school district administration are responsible for determining the staffing needed for such courses, including media arts courses. The proposed amendment provides school districts local discretion on how to distribute credit for media arts courses offered within a CTE or Individual Arts Assessment Pathway (IAAP) sequence when these courses are taught by a visual arts-certified teacher or an appropriately certified CTE teacher. Additionally, local districts



and school boards set the terms of employment, including pay, preparation time, and working conditions through their collective bargaining agreements. No changes to the proposed rule are necessary.

3. COMMENT: A commenter opined that the list of courses in the proposed amendment are extensive and that, overall, the proposed amendment creates needed flexibility. Another commenter supported the increased access to the media arts provided through the proposed amendment and believes it will help students to find success in high school.

DEPARTMENT RESPONSE: The Department appreciates the supportive comments. Since the comments are supportive, no changes to the proposed rule are necessary.

4. COMMENT: A commenter expressed concern that removing requirements for who can instruct a media arts course will lower the quality of arts education around the state. A group of commenters predicted that the proposed amendment will reduce access to highly-qualified media arts teachers as CTE certified teachers' programs focus on technical processes rather than the artistic and/or creative processes in the [New York State \(NYS\) Learning Standards for the Arts](#). This group also asserted that some courses listed in the Department's list of approved media arts courses, such as printmaking and graphic design, are not media arts courses.

DEPARTMENT RESPONSE: The proposed amendment does not remove requirements for who can instruct media arts courses but aims to increase access to media arts courses by allowing appropriately certified teachers to teach certain media arts courses that can be utilized as both arts credit towards an IAAP sequence and CTE credit towards a NYSED-approved CTE program. Media art forms are constantly

evolving and there are contemporary printmaking practices that utilize digital technology and media arts practices. No changes to the proposed rule are necessary.

5. COMMENT: A group of commenters indicated that media arts courses are intended to be taught under the umbrella of visual arts, which is why there is no separate certification. Another commenter stated that CTE certified teachers will be teaching out of their area of expertise if the proposed amendment is adopted.

DEPARTMENT RESPONSE: Per SED's [SCED Course to Certification Crosswalk Workbook](#), media arts courses can be instructed by appropriately certified CTE teachers and visual arts certified teachers. The proposed amendment does not allow non-certified teachers to instruct media arts courses or eliminate any requirements for instruction. No changes to the proposed rule are necessary.

6. COMMENT: One commenter expressed concern that allowing CTE teachers to teach media arts ignores the unique training needed to facilitate media arts implementation.

DEPARTMENT RESPONSE: Currently, if a media course is offered as either a stand-alone CTE course or as part of a NYSED-approved CTE program, the teacher must hold appropriate CTE certification. The proposed amendment does not change the ability of certified CTE teachers to teach media arts courses. The proposal will permit students pursuing an IAAP or NYSED-approved CTE program to earn either arts or CTE credit for specific media arts courses regardless of whether the teacher is certified as a CTE teacher or a visual arts teacher. No changes to the proposed rule are necessary.

7. COMMENT: A commenter asserts that when SED revised the 2017 Learning Standards for the Arts, it did not create a certificate for media arts because it would be taught through the lens of the visual arts.

DEPARTMENT RESPONSE: The adoption of the 2017 Learning Standards for the Arts included a new arts discipline, Media Arts. The adoption of these standards did not change the ability of appropriately certified CTE teachers to instruct media arts courses. No changes to the proposed rule are necessary.

8. COMMENT: A group of commenters noted that nothing in the CTE Learning Standards focus on the visual arts, artmaking, or the creative process and are concerned that the IAAP will not be an arts pathway if non-arts teachers are allowed to instruct courses within an IAAP sequence. The commenters noted that all courses in the Department's list of approved media arts courses are visual arts courses according to the National Arts Education Association (NAEA) definition of media arts included in SED's [NYS arts standards implementation guide](#).

DEPARTMENT RESPONSE: The courses included in the Department's list of approved media arts courses can be instructed by either an appropriate CTE certification or a visual arts certification. The Department understands the term media art to include all forms of time-related art works that are created by recording sound and/or visual images. Media artwork usually is dependent upon a form of technological component for its existence. Media arts is an interdisciplinary content area that includes both fine and commercially-oriented works of art. This can be achieved through delivery of the [NYS Media Arts Standards](#) and the [NYS CDOS 3B Career Major Standards in the Arts/Humanities](#). CTE teachers must meet specific degree, coursework, assessment, industry credential, and/or experience requirements to achieve certification. NYSED-approved CTE programs offer students opportunities to apply

academic concepts to real-world situations, prepare for industry-based assessments or certifications, earn college credit or advanced standing, and engage in work-based learning opportunities where they can demonstrate mastery of skills essential in the workplace. No changes to the proposed rule are necessary.

10. COMMENT: A group of commenters opposed the proposed amendment, stating that it will have a detrimental impact on students and on arts education generally. The commenters noted that CTE teachers and standards do not have the necessary creative components to instruct media arts courses and that this amendment would pose a significant threat to art educator jobs. The commenters also opined that CTE teachers cannot effectively counsel students on arts careers.

DEPARTMENT RESPONSE: The proposed amendment does not change who can appropriately instruct media arts courses but provides a local, optional flexibility for appropriately certified visual arts teachers to instruct specific media arts course(s) in NYSED-approved CTE programs and an appropriately certified CTE teacher to instruct specific media arts course(s) in the IAAP. A frequent impediment to student access to media arts courses is the availability of NYS-certified teachers. SED believes that the certification and course credit requirements addressed in this proposal serve as unnecessary barriers to student access to media arts courses, the IAAP, and the CTE 4+1 pathway to graduation. No changes to the proposed rule are necessary.

11. COMMENT: A commenter noted that NAEA has opined that CTE and Arts courses should be separate rather than dual credit courses. The commenter also states that SCED course codes are more current than Basic Educational System (BEDS) codes.

DEPARTMENT RESPONSE: The proposed amendment does not create dual credit courses but affords optional, local flexibility in the awarding of credit for specific

media arts courses that can be instructed by either visual arts teachers or certified CTE teachers. The comments regarding SED's SCED and BEDS codes are beyond the scope of the proposed rule. No changes to the proposed rule are necessary.

12. COMMENT: A commenter asked how SED will ensure the regulations and flexibilities are being implemented with fidelity.

DEPARTMENT RESPONSE: Districts that offer the IAAP and NYSED-approved CTE programs must submit and receive approval prior to implementation. Otherwise, schools are responsible for implementing the flexibility provided by the proposed amendment consistent with the requirements of section 100.5(d) of the Commissioner's regulations. No changes to the proposed rule are necessary.

13. COMMENT: A commenter recommended that only the courses listed in BEDS codes for arts diploma credit be considered arts courses.

DEPARTMENT RESPONSE: The comment is outside the scope of the proposed rule. However, the Department notes that the proposed amendment does not change which courses can be used for arts diploma credit. No changes to the proposed rule are necessary.

14. COMMENT: A commenter indicated that the boundaries between the fine arts and CTE Arts should be maintained and respected. The commenter stated that the proposed amendment will diminish the impact of art and arts teachers in students' lives.

DEPARTMENT RESPONSE: The Department does not agree that the proposal will diminish the impact of art and arts teachers in students' lives. The proposed rule aims to increase access to media arts courses and provides an optional local flexibility by expanding the pool of eligible teachers for specific media arts courses. No changes to the proposed rule are needed.

15. COMMENT: One commenter expressed concern that this proposal will undermine teachers' unions.

DEPARTMENT RESPONSE: Nothing in the proposed amendment affects, or should be construed to affect, the ability of local bargaining units. Decisions concerning certification are exclusively within the authority of SED. No changes to the proposed rule are necessary.

**List of Department-approved media arts courses for use in students' IAAP sequence and NYSED-approved CTE program**

<b><u>Course Code</u></b>	<b><u>Course Code Description</u></b>
05160	Printmaking/Graphics
05161	Printmaking
05162	Graphic Design
05163	Advertising Design
05167	Photography
05168	Film/Videotape
05169	Computer-Assisted Art
05250	Media Arts—Comprehensive
05251	Digital Imaging
05252	Interactive Design
05253	Interactive Game Design
05254	Web Design
05255	Moving Image
05256	Moving Image-Animation
05257	Digital Sounds Design
05258	Virtual Design
05260	Multimedia Design
05261	Intermedia Design
05262	Media Arts Theory
05263	Media Literacy
05297	Media Arts Independent study
10202	Computer Graphics
11051	Audio/Visual Production
11052	Commercial Photography
11053	Photo Lab & Darkroom
11054	Photo Imaging
11055	Video
11097	Aud/Vid Tech Film-Ind Study
11102	Photojournalism
11103	Broadcasting Technology
11104	Publication Production
11147	Journ and Broadcast-Ind Study
11151	Digital Media Technology
11152	Desktop Publishing
11153	Digital Media Design & Prod
11154	Commercial Graphic Design
11155	Graphic Technology
11156	Photo & Print Technology

11157	Photoengraving
11158	Print Press Operations
11197	Printing Technology-Ind Study
21100	Design and Drawing for Production (DDP)
19201	Clothing and Textiles
19205	Home Furnishing