



TO: P-12 Education Committee

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

SUBJECT: Proposed Amendment of Section 100.2 of the Regulations of the Commissioner of Education Relating to Student and Parent Notification of Advanced Coursework

DATE: February 29, 2024

AUTHORIZATION(S):

SUMMARY

Issue for Discussion

Should the Board of Regents adopt the proposed amendment to section 100.2 of the Regulations of the Commissioner of Education related to student and parent notification of advanced coursework?

Reason for Consideration

Required by State Statute (Chapter 355 of the Laws of 2023).

Proposed Handling

The proposed amendment is submitted to the P-12 Education Committee for discussion at its March 2024 meeting. A copy of the proposed rule (Attachment A) is attached.

Procedural History

A Notice of Proposed Rule Making will be published in the State Register on March 27, 2024, for a 60-day public comment period. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

On September 7, 2023, Governor Kathy Hochul signed into law Chapter 355 of the Laws of 2023 (Chapter 355), effective July 1, 2024, requiring that each New York State school district and charter school to annually provide notification of the benefits and opportunities of participating in advanced courses.

Proposed Amendment

The Department proposes to amend section 100.2 of the Regulations of the Commissioner of Education to require that each school district and charter school notify students and parents of the benefits and opportunities of participating in advanced coursework. The proposed amendment defines “advanced coursework” and, consistent with Chapter 355, requires that:

- advanced course notification be provided annually to parents and students electronically or by mail;
- the notification must include:
 - the benefits of participating in advanced courses;
 - a description of the advanced courses offered in middle and high school and how to prepare for and enroll in such courses;
 - a description of the advanced courses to be offered in the following school year; and
 - a description of the academic and non-academic support the school district or charter school provides to help students succeed in such courses, as well as any financial assistance available to reduce or eliminate any associated costs;
- the notification be provided to all students in every grade beginning either in fifth grade or one grade prior to the first year that advanced coursework is offered by the school district or charter school, whichever grade comes first;
- parents and students receive this notification annually by June 1; and
- all of the above information be posted on the school district’s or charter school’s website.

Related Regents Items

Not applicable.

Recommendation

Not applicable.

Timetable for Implementation

It is anticipated that the proposed amendment will be presented for permanent adoption at the July 2024 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the July 2024 meeting, the proposed amendment will become effective as a permanent rule on July 31, 2024.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207 and 817 of the Education Law and Chapter 355 of the Laws of 2023.

Subdivision (II) of section 100.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(II) [*Grade promotion and placement policy.*] *Notification of promotion and placement policies and advanced coursework.*

(1) Grade promotion and placement policy. Each school district shall adopt a grade promotion and placement policy that is consistent with sections 100.3(b)(2)(iv), 100.4(b)(2)(v) and (e)(6) of this Part, and annually notify the parents and persons in parental relation to the students attending such district of such policy along with an explanation of how the policy was developed. Such notification may be provided on the school district's website, if one exists, or as part of an existing informational document that is provided to parents and persons in parental relation.

(2) Notification of advanced coursework. Each school district and charter school shall annually notify students and parents by June first of each school year of the benefits and opportunities of participating in advanced coursework. For purposes of this subdivision, the term "advanced coursework" shall mean any honors, gifted, accelerated, advanced placement, international baccalaureate, dual-enrollment, or concurrent-enrollment course, or a course which would offer the ability for a student to earn college credit and/or an industry-recognized certification.

(i) Notification of advanced coursework must be provided either electronically or by mail. The notification must include:

(a) the benefits of participating in advanced courses;

(b) a description of the advanced courses offered in middle and high school and how to prepare for and enroll in such courses;

(c) a description of the advanced courses to be offered in the following school year; and

(d) a description of the academic and non-academic support the school district or charter school provides to help students succeed in such courses, including any financial assistance available to reduce or eliminate any associated costs.

(ii) Notification of advanced coursework must be provided to all students in every grade beginning either in grade 5 or one grade prior to the first year that advanced coursework is offered by the school district or charter school, whichever grade comes first.

(iii) Notification of advanced coursework must also be posted on the school district's or charter school's website.