



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 the Performance-Based Learning and Assessment Networks (PLAN) Pilot Program

DATE: May 29, 2025

AUTHORIZATION(S): *Dom N. B.* *Betty M.*

SUMMARY

Issue for Discussion

Should the Board of Regents consider adopting the proposed amendment of section 100.2 of the Regulations of the Commissioner of Education relating to the Performance-Based Learning and Assessment Networks (PLAN) Pilot Program?

Reason for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is presented to the P-12 Education Committee for discussion at the June 2025 Regents 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 June 25, 2025, for a 60-day public comment period. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

The PLAN program was first launched in October 2021. The program was created to study how performance-based assessment approaches could be implemented in a diverse range of schools as part of an assessment strategy incorporating multiple measures and how the Department could support schools in making that transition. Through the PLAN program, the Department will develop systems of support, policies, guidance, tools, and resources to support the implementation of performance-based learning and assessment and instructional practices that use multiple measures to assess student learning in schools across New York State.

In 2024, the Department selected 23 pilot schools and eight mentor schools to collect necessary evidence on how schools can successfully – and equitably – transition to performance-driven systems of teaching and learning that utilize multiple measures. These schools were then combined into pilot networks so that they could support and learn from one another. Each PLAN pilot network is implementing one of three approaches to performance-based learning and assessment: career and technical education and work-based learning; inquiry-based approaches with learner profiles; and project-based learning and performance-based assessment tasks.

It has been the Department's goal to work collaboratively with the pilot schools and provide them with flexibility to support them in implementing their vision of performance-based learning and assessment. As a result, the Department proposes a regulatory amendment to establish a process for schools participating in the PLAN pilot program to apply for regulatory flexibility that would support their plans for implementing performance-based learning and assessment.

In addition, on or before the effective date of the proposed rule, the Department will develop and publish comprehensive guidance to further elaborate on the application process outlined in the proposed rule. The guidance will address, among other things, which schools may apply for flexibility and the process to do so, and the timeframes that schools can expect a decision to be issued by the Department.

Related Regents Items

[October 2021: Acceptance of a \\$500,000 grant from Carnegie Corporation of New York](https://www.regents.nysed.gov/sites/regents/files/1021brca12.pdf)
(<https://www.regents.nysed.gov/sites/regents/files/1021brca12.pdf>)

Recommendation

Not applicable.

Timetable for Implementation

It is anticipated that the proposed amendment will be presented for permanent adoption at the October 2025 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 October 2025 meeting, the proposed amendment will become effective on October 22, 2025.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

Section 100.2 of the Regulations of the Commissioner of Education is amended by adding a new subdivision (rr) to read as follows:

(rr) PLAN pilot program.

(1) Notwithstanding any provision of this section to the contrary, any school district, charter school, board of cooperative educational services (BOCES) or registered nonpublic school may apply to the commissioner for exemption(s) from specific requirements prescribed in Part 100 of this part for enrolled students participating in the performance-based learning and assessment networks (PLAN) pilot program.

(2) Requests must describe how the exemption(s) would support a school's ability to implement performance-based learning and assessment, including the anticipated impact(s) such exemption(s) would have on its students.

(i) Schools may apply for exemption(s) at any time during their participation in the pilot program.

(3) The commissioner may grant such exemption(s) if:

(i) the school demonstrates that such exemption(s) will enable the school to provide a more innovative and/or sustainable educational program, consistent with the aims of the PLAN pilot; and

(ii) such requirement(s) are not otherwise required by state or federal law.