



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

**TO:** Higher Education Committee  
P-12 Education Committee

**FROM:** Angelique Johnson-Dingle *Angelique Johnson-Dingle*  
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**SUBJECT:** Proposed Addition of Part 101 to the Regulations of the  
Commissioner of Education Relating to Dual Enrollment  
Programs

**DATE:** August 28, 2025

**AUTHORIZATION(S):** *Dom N. P.* *Beth M.*

### **SUMMARY**

#### **Issue for Discussion**

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 presented to a joint meeting of the Higher Education and P-12 Education Committees for discussion at the September 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 September 24, 2025, for a 60-day public comment period. 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 1<sup>st</sup> 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**

Not applicable.

### **Recommendation**

Not applicable.

### **Timetable for Implementation**

It is anticipated that the proposed amendment will be presented for permanent adoption at the January 2026 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 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.