



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 100.2 of the Regulations of the Commissioner of Education Relating to Student and Parent Notification of Advanced Coursework

DATE: July 3, 2024

AUTHORIZATION(S): *Dom N. P. Bellotti*

SUMMARY

Issue for Decision (Consent)

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 Full Board for adoption as a permanent rule at the July 2024 Regents meeting. A copy of the proposed rule (Attachment A) is attached.

Procedural History

The proposed amendment was presented to the P-12 Committee for discussion at the March 2024 Regents meeting. A Notice of Proposed Rule Making was published in the State Register on March 27, 2024, for a 60-day public comment period. Following publication in the State Register, the Department received no comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required and no changes to the proposed amendment are needed. If adopted at the July meeting, a Notice of Adoption will be published in the State Register on July 31, 2024. 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 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.

Non-substantial Revisions to the Proposed Rule

The Department has made a non-substantial revision to the proposed rule since publication of the Notice of Proposed Rule Making in the State Register to clarify that advanced coursework includes middle, high school, and college-level courses.

Related Regents Items

March 2024: [Proposed Amendment of Section 100.2 of the Regulations of the Commissioner of Education Relating to Student and Parent Notification of Advanced Coursework](https://www.regents.nysed.gov/sites/regents/files/324p12d1_revised.pdf)

(https://www.regents.nysed.gov/sites/regents/files/324p12d1_revised.pdf)

Recommendation

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

VOTED: That section 100.2 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 31, 2024.

Timetable for Implementation

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 relations.

(2) Notification of advanced coursework. Each school district and charter school shall annually notify students and parents by June 1 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 middle, high school, or college level honors, gifted, accelerated, advanced placement, international baccalaureate, dual-enrollment, or concurrent-enrollment course, or a course that 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.