

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 208, 209, 305, 1704, 3204, 3205, 3210, 3212, 3602, and 3604 of the Education Law.

1. Paragraph (2-a) of subdivision (h) of section 100.10 of the Regulations of the Commissioner of Education is amended to read as follow:

(2-a) Due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis, students shall be exempt from the annual assessment and alternative evaluation requirements of this subdivision for the 2019-20 and 2020-21 school [year] years where a student otherwise achieves the learning outcomes in accordance with their IHIP.

2. Paragraph (2) of subdivision (n) of section 175.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(2) For the 2019-20 and 2020-21 school years, notwithstanding any other provision of this section to the contrary, any school district may be eligible for a waiver from the annual instructional hour requirement set forth in subdivision (c) of this section if the district is unable to meet such requirement as a result of an Executive Order(s) of the Governor pursuant to the State of emergency declared for the COVID-19 crisis, or pursuant to Education Law § [3604(8)] 3604(7), as amended by Chapter 107 of the Laws of 2020, or reopening procedures implemented as a result of the COVID-19 crisis, provided that such district meets the requirements outlined in subparagraphs (i)[,] and (iii)[, and (iv)] of paragraph (1) of subdivision (m) of this section.

3. Subdivision (d) of section 100.4 of the Regulations of the Commissioner of Education is amended to read as follows:

(d) *Grade 8 acceleration for diploma credit.*

(1) Public school students in grade 8 shall have the opportunity to take high school courses in mathematics and in at least one of the following areas: English, social studies, languages other than English, art, music, career and technical education subjects or science courses.

(2) Credit may be awarded for an accelerated course only when at least one of the following conditions has been met:

(i) accelerated students attend classes in a high school with high school students and pass the course on the same basis as the high school students. Credit is awarded by the high school; or

(ii) the student passes the course and the associated [State proficiency examination] checkpoint A locally developed world language test or Regents examination, when available, provided, however that a student shall be awarded credit for an accelerated course where such student passes the course and has been exempted from the associated Regents examination pursuant to paragraph (iv) of subdivision (a) of section 100.5 of this Part or from the associated checkpoint A locally developed world language test pursuant to paragraph (5) of subdivision (d) of section 100.2 of this Part due to the COVID-19 crisis. The credit must be accepted as a transfer credit by all registered New York State high schools; or

(iii) in cases where no appropriate state assessment is available, the student passes a course in the middle, junior high or intermediate school that has been approved for high school credit by the public school district superintendent(s), or his or

her designee(s), or the district(s) where the middle, junior high or intermediate school and the high school are located.

(3) Such opportunity shall be provided subject to the following conditions:

(i) The superintendent, or his or her designee, shall determine whether a student has demonstrated readiness in each subject in which he or she asks to begin high school courses in the eighth grade leading to a diploma.

(ii) A student shall be awarded high school credit for such courses only if such student passes a Regents examination, a [second language proficiency examination when available] checkpoint A locally developed test, [or a career and technical education proficiency examination,] or, if no such examinations are available, a locally developed examination that establishes student performance at a high school level as determined by the principal, provided, however, that a student need not pass such an examination where the student has been exempted from a Regents examination pursuant to paragraph (iv) of subdivision (a) of section 100.5 of this Part or from a checkpoint A locally developed world language test pursuant to paragraph (5) of subdivision (d) of section 100.2 of this Part due to the COVID-19 crisis.

(4) Courses taken pursuant to this subdivision may be substituted for the appropriate requirements set forth in subdivision (c) of this section.