

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.