

This notification is submitted in accordance with the provisions of section 101-a of the Executive Law.

The Commissioner of Education proposes to amend section 100.3 of the Regulations of the Commissioner of Education relating to evidence-based and scientifically based reading instruction.

A Notice of Emergency Adoption and Proposed Rule Making will be published in the State Register on December 24, 2024. It is anticipated that the proposed amendment will be presented for permanent adoption at the April 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 April 2025 meeting, the proposed rule will become effective on April 23, 2025.

Communications regarding the proposed action may be submitted to Angelique Johnson-Dingle, Deputy Commissioner for P-12 Instructional Support, Office of P-12 Education, Room 400, 55 Hanson Place, Brooklyn, NY 11217 ([REGCOMMENTS@nysed.gov](mailto:REGCOMMENTS@nysed.gov)). Comments on the proposed rule must be received by the State Education Department on or before February 24, 2025.

The text of the proposed rule follows:

#### AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 305, and 818 of the Education Law, and Part B of Chapter 56 of the Laws of 2024.

1. Section 100.3 of the Regulations of the Commissioner of Education is amended by adding a new subdivision (c) to read as follows:

(c) Additional program requirements for prekindergarten through grade three.

(1) On or before September 1, 2025, all school districts shall verify to the commissioner that their curriculum and instructional practices in reading for students in prekindergarten through grade three align with all elements of instructional best practices provided by the commissioner pursuant to Education Law §818. Such instructional best practices for the teaching of reading shall be evidence-based and scientifically based, focusing on reading competency in the areas of phonemic

awareness, phonics, vocabulary development, reading fluency, comprehension, including background knowledge, oral language and writing, oral skill development, and align with the department's culturally responsive-sustaining education (CRSE) framework.

(2) Every school district shall annually review its curriculum and instructional practices in the subject of reading to ensure that they align with instructional best practices provided by the commissioner, and to ensure that all early reading instructional practices and interventions are part of an aligned plan designed to improve student reading outcomes in prekindergarten through grade three.

(3) For purposes of this subdivision, the following terms shall have the following meanings:

(i) *phonemic awareness* means the ability to notice, think about, and work with phonemes (sounds) in spoken words;

(ii) *phonics* means the relationship between graphemes (letters) and the phonemes they represent;

(iii) *vocabulary development* means the acquisition of knowledge about the meanings, uses, and pronunciation of words;

(iv) *reading fluency* means the ability to read out loud accurately at an appropriate rate, and with appropriate expression (including proper phrasing, intonation, and pausing);

(v) *comprehension* means the understanding of the meaning of texts (in print or other forms) and the context in which words occur;

(vi) culturally responsive-sustaining education (CRSE) framework means a view of learning and human development in which multiple expressions of diversity are recognized and regarded as assets for teaching and learning. The CRSE Framework was published by the State Education Department in 2018, and is available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, NY 12234;

(vii) evidence-based means an activity, strategy, or intervention that demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on: (1) strong evidence (e.g., experimental studies), (2) moderate evidence (e.g., quasi-experimental studies), or (3) promising evidence (e.g., correlational studies; or (4) a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes, and includes ongoing efforts to examine the effects of such activity, strategy, or intervention; and

(viii) scientifically based means that the instructional method or practice is based on research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education.