100.4 Program Requirements for Grades Five through Eight

a. Definitions:
   1. **Technology education** means a program of instruction designed to assist all students in meeting State intermediate standards for technology. Technology education uses concepts of science, mathematics, social science, and language arts in a hands-on, systems-based approach to problem solving that guides students in the understanding, design and development of systems, devices and products to serve human needs and wants.

   2. **Home and career skills** means a program of instruction designed to assist all students in meeting State intermediate learning standards for family and consumer sciences and to assist all students to develop strategies to manage multiple individual, family, career, and community roles and responsibilities through instructional activities which incorporate concepts of science, mathematics, social science and language arts.

b. Program requirements for students in grades five and six

   1. **Required subjects.** During grades five and six, all students shall receive instruction that is designed to facilitate their attainment of the State intermediate learning standards in the seven general curriculum areas:

      i. mathematics, including arithmetic, science, and technology;

      ii. English language arts, including reading, writing, listening and speaking for purposes of information and understanding, literary response and expression, critical analysis and evaluation, and social interaction, with attention given to comprehension, vocabulary, word study, spelling, grammar, usage and punctuation;

      iii. social studies, including geography and United States history;

      iv. languages other than English, pursuant to section 100.2(d) of this Part;

      v. the arts, including visual arts, music, dance and theatre;
vi. career development and occupational studies;

vii. where student need is established, bilingual education and/or English as a second language; and

viii. health education, physical education and family and consumer sciences;

   a. instruction in health education shall be pursuant to section 135.3(b) of this Title; and

   b. instruction in physical education shall be pursuant to section 135.4(c)(2)(i) of this Title.

2. Required assessments.

   i. Except as otherwise provided in subparagraphs (iv) and (v) of this paragraph, all students shall take the following assessments, provided that testing accommodations may be used as provided for in section 100.2(g) of this Part in accordance with department policy:

   ii. beginning with the 2005-06 school year, English language arts and mathematics assessments shall be administered in grades five and six;

   iii. for schools years prior to July 1 of the 2010-2011 school year, all students in grade five shall take the social studies elementary assessment;

   iv. students receiving a program of home instruction pursuant to section 100.10 of this Part may take, but shall not be required to take, the State assessments required of public school students;

   v. in accordance with their individualized education programs, students with disabilities instructed in the alternate academic achievement standards defined in section 100.1(t)(2)(iv) of this Part shall be administered a State alternate assessment to measure their achievement;

   vi. beginning September 1, 2000 and continuing up to and including the 2004-2005 school year, fifth grade students who scored at Level 1 of the State designated performance levels on the English language arts elementary assessment and/or the mathematics elementary assessment administered in grade four shall receive at least one semester of academic intervention services and be retested no later than the completion of grade five. Multiple sources of evaluation, including, but not limited to, a commercial test or other external test of demonstrated technical quality determined by the school district to be a valid and reliable means of evaluating a student’s progress in achieving the elementary level State learning standards in English language arts and mathematics, shall be used to retest students in accordance with the district-adopted or district-approved procedure established pursuant to section 100.2(ee) of this Part.

c. Units of study in grades seven and eight.

   1. Except as otherwise provided herein, all students shall be provided instruction designed to enable them to achieve, by the end of grade eight, State intermediate learning standards through:

   i. English language arts, two units of study;

   ii. social studies, two units of study;
iii. science, two units of study;
iv. mathematics, two units of study;
v. technology education, one unit of study;
vi. home and career skills, three quarters of a unit of study;
vii. physical education, as required by section 135.4(c)(2)(ii) of this Title;
viii. health education, one half unit of study, as required by section 135.3(c) of this Title;
ix. the arts, including one half unit of study in the visual arts, and one half unit of study in music;
x. library and information skills, the equivalent of one period per week in grade seven and eight;
x. languages other than English pursuant to section 100.2(d) of this Part; and
xii. career development and occupational studies.

2. The requirements for technology education, home and career skills, and library and information skills may be met by the integration of the State learning standards of such subjects into other courses in accordance with the following criteria:

i. In public schools, the unit of study requirements specified in subparagraphs (1)(v), (vi) and/or (xii) of this subdivision are met.

ii. In public schools, the subjects of technology education and home and career skills shall be taught by persons certified to teach those subjects.

iii. In public schools, library and information skills shall be taught by library media specialists and classroom teachers to ensure coordination and integration of library instruction with classroom instruction.

iv. In nonpublic schools, the unit of study requirements specified in subparagraphs (1)(v), (vi) and/or (xii) of this subdivision may be met, or their equivalents may be met, by the incorporation of the State learning standards of such subjects into the syllabi for other courses and/or by appropriate results on examinations which demonstrate student mastery of the learning standards of such subjects. The chief administrative officer of a nonpublic school shall document the manner in which such nonpublic school has implemented the provisions of this subparagraph. Such documentation shall be in writing and available for review upon request by the commissioner.

3. The unit of study requirements for technology education and/or home and career skills included in paragraph (1) of this subdivision may be initiated in grade five, provided that in public schools such subjects shall be taught by teachers certified in those areas.

4. The unit of study requirements for languages other than English in this subdivision may be initiated in any grade prior to grade eight, pursuant to section 100.2(d)(2) of this Part, provided that in public schools such subject shall be taught by teachers certified in that area.

i. To receive one unit of high school credit for languages other than English prior to grade nine, pursuant to section 100.2(d) of this Part, a student must take
and pass the second language proficiency examination when available, or
beginning in the 2010-2011 school year, successfully complete two units of
study in a language other than English and pass a locally developed test,
both of which are aligned to the Checkpoint A learning standards for
languages other than English, which has been approved for high school credit
by the public school district superintendent or chief administrative officer of a
registered charter or nonpublic high school.

5. Students who have been determined to need academic intervention services as set
forth in section 100.2(ee)(2)(i) of this Part may have the unit of study requirements
for one or more of their subjects reduced, provided that:

i. academic intervention services shall be coordinated with and supplement
instruction in the general curriculum;

ii. requirements for subjects set forth in paragraph (1) of this subdivision and for
languages other than English instruction set forth in section 100.2(d) of this
Part may be reduced but not eliminated. Academic intervention services shall
be provided in a manner that does not diminish instructional time to a degree
that may prevent a student from achieving the State learning standards in
any area required for graduation or from meeting local standards for
promotion. A principal shall consider a student's abilities, skills and interests in
determining the subjects for which the unit of study requirements may be
reduced;

iii. a student's parent or guardian shall be notified in writing, by the principal, of
a school's intention to implement the provisions of this paragraph; and

iv. the reduction of unit of study requirements shall remain in effect only to the
extent that the provisions of subparagraph (i) of this paragraph are being
met.

6. A student may meet the required half unit of study in music specified in
subparagraph (1) (ix) of this subdivision by participation in a school's band, chorus
or orchestra, provided that such participation is consistent with the goals and
objectives of the school's music program for grades seven and eight.

7. The half unit of study requirement for health education specified in subparagraph (1)
(viii) of this subdivision may be provided in grade six, provided that in public schools
such subject shall be taught by teachers certified in health education.

d. Grade eight acceleration for diploma credit.

1. Public school students in grade eight 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 or Regents examination, when available. 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), of 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, 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.

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

e. Required assessments in grades seven and eight. Except as otherwise provided in subdivisions (f) and (g) of this section, and except for students who have been admitted to a higher grade without completing the grade at which the assessment is administered, all students shall take the following assessments, provided that testing accommodations may be used as provided for in section 100.2(g) of this Part in accordance with department policy.

1. Beginning with school year 1998-99, the English language arts intermediate assessment shall be administered in grade eight. Beginning with the 2005-2006 school year, English language arts assessments shall be administered in grades seven and eight.

2. Beginning with the 1998-99 school year, the mathematics intermediate assessment shall be administered in grade eight. Beginning with the 2005-06 school year, mathematics assessments shall be administered in grades seven and eight.

3. The program evaluation test in social studies in grade eight, beginning in May 1989. Beginning with the school year 2000-2001 through the 2009-2010 school year, the social studies intermediate assessment shall replace the program evaluation test and shall be administered in grade eight.

4. Beginning with the school year 2000-2001, the science intermediate assessment shall be administered in grade eight.

5. Such other assessments as the commissioner determines appropriate.

Back to Top

f. Students receiving home instruction pursuant to section 100.10 of this Part may take, but shall not be required to take, the State assessments required of public school students.

g. In accordance with their individualized education programs, students with disabilities
instructed in the **alternate academic achievement standards** defined in section 100.1(t) (2)(iv) of this Part shall be administered a State alternate assessment to measure their achievement.

h. **Models for middle-level education programs.**

1. **Definitions.** As used in this subdivision:
   
i. Middle-level education program means instruction in grades five through eight or any lesser combination of such grades, as determined by the school district, provided that such combination includes instruction in grade seven.
   
ii. Model A means a middle-level education program that meets the requirements of this section and all other applicable sections of this Title.
   
iii. Model B means a middle-level education program, approved pursuant to subparagraph (2)(ii) of this subdivision, that strengthens the attainment of the State intermediate learning standards measured by required State assessments, provides effective academic intervention services, and ensures all students receive instruction in those standards areas where there are no required State assessments.
   
iv. Model C means a middle-level education program, approved pursuant to subparagraph (2)(iii) of this subdivision, that either:
      
a. restructures the delivery of instruction designed to facilitate the attainment of the State intermediate learning standards; or
   
b. enhances instruction related to one or more of the State intermediate learning standards for which there are no required State assessments. Within Model C, there may be either a restructuring of the full educational program (Model C#1) or specific program refinements (Model C#2).

2. Each school district shall conduct its middle-level education program in accordance with either Model A, Model B or Model C, as follows:
   
i. **Model A.**
      
a. **Eligibility.** All school districts are eligible to select Model A.
      
b. **Application.** No application is required. All schools not approved to operate under Model B or C shall operate under Model A.
      
c. **Plan.** No plan is required.
      
d. **Compliance requirements.** A Model A middle-level education program shall meet the requirements of this section and all other applicable sections of this Title, and shall also meet the following requirements:
         
1. districts shall administer required middle grade State assessments in English language arts, mathematics and science;
   
2. districts shall employ teaching staff that are properly certified to teach assigned subjects and classes;
   
3. districts shall ensure that the middle-level program is aligned with the Regents policy statement on middle-level education and the State Education Department’s essential elements of
standards-focused middle-level schools and programs;

4. students who are at risk of not meeting the State learning standards shall receive academic intervention services in accordance with section 100.2(ee) of this Part;

5. students shall receive instruction in all of the State learning standards, with instruction in English language arts, mathematics, social studies, science and physical education occurring each year in each of the middle grades;

6. students shall be provided opportunities for taking high school courses on an accelerated basis in accordance with subdivision (d) of this section.

ii. Model B.

a. Eligibility. The following school districts are eligible to select Model B:

1. a district proposing a program for a school or schools identified as a school requiring academic progress (SRAP) in year 3, 4 or 5, including but not limited to a school or schools identified for school improvement for three or more consecutive years under 20 U.S.C. section 6316(b), or a school or schools under registration review (SURR) pursuant to section 100.2(p) of this Part; or

2. a district proposing a program for a newly formed school or schools, including but not limited to those formed in response to a mandate to redesign or restructure pursuant to section 100.2(p) of this Part.

b. Application.

1. The district shall submit to the commissioner for approval an application in a form and according to such timelines as prescribed by the commissioner, that includes proposed measurable indicators and evidence of school change and improvement aligned with the Regents policy statement on middle-level education and the State Education Department’s essential elements of standards-focused middle-level schools and programs.

2. The application shall be approved by the superintendent of schools and the board of education prior to its submission to the commissioner. In the case of an application submitted by the city school district of the City of New York for an existing school, the application shall be developed by the regional superintendent, approved by the chancellor of the city school district, and submitted by the chancellor to the commissioner for approval. In the case of an application submitted by the city school district of the City of New York for a newly formed school, the application may be developed by either the regional superintendent or the chancellor of the city school district, and shall be approved and submitted by the chancellor of the city school district to the commissioner for approval.
3. The district shall submit with its application a report from the district’s shared decision-making team or, for the city school district of the City of New York, the district’s school leadership team, that provides evidence that consultation took place at the district and building levels and that identifies the concerns expressed by constituents.

c. Plan. Each district selecting Model B, regardless of its accountability status pursuant to section 100.2(p) of this Part, shall prepare a plan consistent with the requirements of section 100.2(p) of this Part, in a format as prescribed by the commissioner. The plan shall address the results of a State-developed, locally conducted self-study, shall conform to the design principles set forth in clause (d) of this subparagraph, and be submitted as part of the application.

d. Compliance requirements. A Model B middle-level education program shall meet the requirements of this section and all other applicable sections of this Title, except that the prescribed time requirements for units of study in courses where there are no required State assessments as set forth in paragraph (c)(1) of this section shall be met subject to such modifications as set forth in the approved application and plan, and shall also meet the following design principles:

1. Districts shall administer required middle grade State assessments in English language arts, mathematics and science;

2. Districts shall employ teaching staff that are properly certified to teach assigned subjects and classes;

3. Districts shall ensure that the middle-level program is aligned with the Regents policy statement on middle-level education and the State Education Department’s essential elements of standards-focused middle-level schools and programs;

4. Students who are at risk of not meeting the State learning standards shall receive academic intervention services in accordance with section 100.2(ee) of this Part;

5. Students shall receive instruction in all of the State learning standards, with instruction in English language arts, mathematics, social studies, science and physical education occurring each year in each of the middle grades;

6. Students shall be provided opportunities for taking high school courses on an accelerated basis in accordance with subdivision (d) of this section.

e. Approval.

1. Approval of an application shall be based upon the commissioner’s acceptance of the measurable indicators and evidence of school change and improvement as proposed in the application and plan.
2. Approval shall be for a five-year implementation period. A district may reapply pursuant to this subparagraph for continued approval to operate the Model B program for one additional five-year period.

3. The district shall monitor and publicly report, in a form and according to such timelines as prescribed by the commissioner, progress on the following factors:
   i. the implementation of the plan proposed in the application;
   ii. the measurable indicators and evidence of school change and improvement as proposed in the approved application, and other indicators of success, such as State-developed checklists of knowledge and skills in those areas where there are no required State assessments;
   iii. the school's performance indices; and
   iv. compliance with the design principles set forth in subclauses (d)(1)-(6) of this subparagraph.

4. The commissioner may terminate approval at any time during the implementation period, including any approved continuations, upon a determination that the district has failed to comply with the requirements of its approved application and the requirements of clause (d) of this subparagraph.

iii. Model C.

   a. Eligibility. The following school districts are eligible to select Model C: a district proposing a program for a newly formed, or an existing, school or schools, other than those schools described in clause (ii)(a) of this paragraph.

   b. Application.

      1. The district shall submit to the commissioner for approval an application in a form and according to such timelines as prescribed by the commissioner, that includes proposed measurable indicators and evidence of school change and improvement aligned with the Regents policy statement on middle-level education and the State Education Department's essential elements of standards-focused middle-level schools and programs.

      2. The application shall be approved by the superintendent of schools and the board of education prior to its submission to the commissioner for approval, provided that an application for specified program enhancements (Model C#2) submitted by a school district, other than a city school district with 125,000 inhabitants or more, shall be approved by the superintendent of schools and the board of education, and submitted to the district superintendent of the supervisory district in which such school district is located for his or her recommendation, prior to submission of the application to the commissioner for approval. In
the case of an application submitted by the city school district of the City of New York for an existing school, the application shall be developed by the regional superintendent, approved by the chancellor of the city school district, and submitted by the chancellor to the commissioner for approval. In the case of an application submitted by the city school district of the City of New York for a newly formed school, the application may be developed by either the regional superintendent or the chancellor of the city school district, and shall be approved and submitted by the chancellor of the city school district to the commissioner for approval.

3. The district shall submit with its application a report from the district’s shared decision-making team or, for the city school district of the City of New York, the district’s school leadership team, that provides evidence that consultation took place at the district and building levels and that identifies the concerns expressed by constituents.

4. In those districts where public school choice is required under section 120.3 of this Title, the district’s application for each newly formed school must include an agreement that a minimum of 20 percent of seats shall be offered to students seeking transfer, consistent with State and Federal law.

5. Applications for no more than 75 schools for Model C shall be approved, of which no more than 30 schools shall be approved for restructuring the full education program (Model C#1) and no more than 45 schools shall be approved for specified program enhancements (Model C#2).

c. Plan.

1. A district selecting Model C and proposing to restructure the delivery of instruction designed to facilitate the attainment of the State intermediate learning standards shall prepare a plan that is in a format prescribed by the commissioner and, where applicable, that is consistent with the requirements of section 100.2(p) of this Part. The plan shall address the results of a State-developed, locally conducted self-study, shall conform to the design principles set forth in clause (d) of this subparagraph, and be submitted as part of the application.

2. A district proposing specific program enhancements (Model C#2) shall not be required to complete the State-developed, locally conducted self-study but must include in its application a description of the program enhancement, its relationship to student achievement, student interests, and/or student development, and a plan for evaluating the effectiveness and impact of the program enhancement on student learning and development.

d. Compliance requirements. A Model C middle-level education program shall meet the requirements of this section and all other applicable
sections of this Title, subject to any modifications of such requirements as provided for in the district's approved application and plan, and shall also meet the following design principles:

1. districts shall administer required middle grade State assessments in English language arts, mathematics and science;

2. districts shall employ teaching staff that are properly certified to teach assigned subjects and classes;

3. districts shall ensure that the middle-level program is aligned with the Regents policy statement on middle-level education and the State Education Department’s essential elements of standards-focused middle-level schools and programs;

4. students who are at risk of not meeting the State learning standards shall receive academic intervention services in accordance with section 100.2(ee) of this Part;

5. students shall receive instruction in all of the State learning standards, with instruction in English language arts, mathematics, social studies, science and physical education occurring each year in each of the middle grades;

6. students shall be provided opportunities for taking high school courses on an accelerated basis in accordance with subdivision (d) of this section.

e. Approval.

1. Approval of an application shall be based upon the commissioner’s acceptance of the measurable indicators and evidence of school change and improvement as proposed in the application and plan.

2. Approval shall be for a five-year implementation period. A district may reapply pursuant to this subparagraph for continued approval to operate the Model C program for one additional five-year period.

3. The district shall monitor and publically report, in a form and according to such timelines as prescribed by the commissioner, progress on the following factors:

   i. the implementation of the plan proposed in the application;

   ii. the measurable indicators and evidence of school change and improvement as proposed in the approved application, and other indicators of success, such as State-developed checklists of knowledge and skills in those areas where there are no required State assessments;

   iii. the school’s performance indices; and

   iv. compliance with the design principles set forth in clause (d)(1)-(6) of this subparagraph.

4. The commissioner may terminate approval at any time during the
implementation period, including any approved continuations, upon a determination that the district has failed to comply with the requirements of its approved application and the requirements of clause (d) of this subparagraph.