

Know Your Rights: Curriculum and Course Offerings

Drawing on state statutes, regulations, and court mandates, the Campaign for Educational Equity (CEE) has compiled the specific educational resources, services, and supports to which students are entitled under the New York State constitution and state law. This brief, part of a series,¹ describes the rights of New York students in the area of *curriculum and course offerings*.

New York Constitutional Requirements for Curriculum and Course Offerings

In New York State, the constitutional requirement to provide all students the “opportunity for a sound basic education” demands that each school be able to provide *a suitable, up-to-date curriculum and sufficient course offerings to ensure all students a meaningful opportunity to meet the New York State Learning Standards* (including the Common Core standards in English language arts and mathematics). In addition, schools must have *appropriate curricula to prepare students to be capable civic participants and ensure they are ready for college and/or careers*. Specifically, all students must have reasonable access to all state-required academic subjects; curricula and activities that prepare them for productive civic participation; and curricula and activities that prepare them for college and/or competitive employment.



“Reasonable access” ordinarily means that each of these offerings should be available in each school. In certain cases, it may be acceptable to provide enrollment options in nearby schools or through distance learning, including online courses. (These options must be instructionally appropriate for all students’ learning needs, and all students must have meaningful access to them, including timely transportation, where necessary.)

Access to State-Required Academic Subjects

The New York State Education Department requires that all students receive instruction in certain academic subjects. Each school must have a sufficient number of appropriately qualified and adequately trained teachers to provide both the required instructional time and the course offerings in each of these subject areas. Instruction in each subject must be designed to enable students to meet state learning standards.²

**What Is the
Constitutional Right
to a Sound Basic Education?**
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¹ To see other briefs in the *Know Your Educational Rights* series, go to <http://www.equitycampaign.org>

² For more information about New York State Learning Standards, go to <http://www.p12.nysed.gov/ciai/standards.html>

Curriculum Requirements for the Elementary Grades (K-6)

Students in the elementary grades (through grade 6) are entitled to instruction designed to enable them to meet state learning standards, including *at least* the following subjects:

- Mathematics (including arithmetic, science, and technology)
- English language arts
- Social studies (including geography and U.S. history)
- The arts (including visual arts, music, dance, and theatre)
- Career development and occupational studies
- Health education
- Physical education (PE) (at least 120 minutes per week; K-3 students should have daily PE, and students in grades 4-6 should have PE at least three times per week)
- Family and consumer sciences
- Bilingual education and/or English as a second language where the need is indicated

Curriculum Requirements for Grades 7 and 8

Students in grades 7 and 8 are entitled to course offerings and instructional time designed to enable them to meet state learning standards, including *at least* the following:³

- English language arts (ELA), 180 minutes per week both years
- Mathematics, 180 minutes per week both years
- Social studies, 180 minutes per week both years
- Science, 180 minutes per week both years
- Physical education, 120 minutes per week (three times per week in one semester and two times a week in the other) both years
- Technology instruction, 180 minutes per week in either 7th or 8th grade
- Library and information skills, 45 minutes (1 period) per week both years
- Music, 180 minutes per week for one semester in either 7th or 8th grade
- Visual arts, 180 minutes per week for one semester in either 7th or 8th grade
- Health education, 180 minutes per week for one semester in either 7th or 8th grade
- Languages other than English, 180 minutes per week for one year by the end of the 8th grade
- Home and career skills, 135 minutes per week in either 7th or 8th grade
- Career development and occupational studies (no amount specified)
- Bilingual education and/or English as a second language where the need is indicated
- Qualified 8th graders must have the opportunity to take high school courses in math and at least one of the following: English, social studies, science, languages other than English, art, music, or career and technical education subjects

³ Instruction for technology education, home and career skills, and library and information skills may be integrated with other subjects. In certain cases, under a new state regulation, after consultation with the community and approval from the school district and state education commissioner, some schools will be allowed to modify prescribed instructional time requirements in subjects other than ELA, math, and science; a few schools will be allowed to modify instructional time requirements in all subjects. Students must still 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. Existing regulations regarding teacher certification and mandatory academic intervention services for students at risk of not meeting learning standards in core subject areas cannot be waived.

Curriculum Requirements for Grades 9-12

High-school students (grades 9-12) are entitled to course offerings and instructional time designed to enable them to meet state learning standards and graduate with a Regents diploma, including *at least* the following:

- English language arts (ELA), 180 minutes per week for four years
- Social studies, 180 minutes per week for four years, including two years of global studies, one year of U.S history, and one semester each of economics and “Participation in Government”
- Mathematics, 180 minutes per week for three years
- Science, 180 minutes per week for three years, including one year of a life science (e.g., Living Environment), one year of a physical science (e.g., Earth Science, chemistry, or physics)
- All science courses must include laboratory activities. Students are entitled to at least 1,200 minutes of hands-on laboratory experience before graduation.
- The arts (visual arts, music, dance, or theatre), 180 minutes per week for one year
- Health education, 180 minutes per week for one semester
- Sufficient electives to complete the 22 units of credit⁴ required for a Regents diploma and to develop greater subject-area knowledge
- Bilingual education and/or English as a second language where the need is indicated

Earning an Advanced Regents Diploma

Most high schools provide students the option of earning a Regents diploma “with advanced designation,” an achievement demonstrating that students have completed coursework aligned with the admissions requirements of many colleges. To earn an advanced Regents diploma, students must take three years of a language other than English, or, alternatively, a five-unit sequence in career and technical education or the arts. They must also be able to take courses in algebra, geometry, and trigonometry (algebra 2), because they must pass Regents exams in all three. *All students are entitled to access to an advanced Regents diploma; however, under current state regulations, high schools are not required to provide the additional course offerings necessary to earn one.*

Preparation for Civic Participation

The New York courts have emphasized that schools must prepare students to “function productively as civic participants,” including carrying out civic responsibilities such as voting and serving on a jury. To ensure that students acquire the knowledge, character traits, and practical and social skills needed for civic participation, schools at all levels should provide access to the following:

- Curricula that teach civic knowledge and civic values
- Activities, such as student government, school newspaper, team sports, and debate
- Opportunities for engagement with community and civic institutions, such as through field trips and/or service learning

Preparation for College and/or Competitive Employment

New York schools must also prepare students for college and competitive employment. This means that high schools should provide access to the following:

- Advanced, honors, college-level, and Advanced Placement (AP) and/or International Baccalaureate (IB) courses to prepare students to apply to competitive colleges
- Career- and technical-education courses that include hands-on learning opportunities, such as internships, to prepare students to apply for competitive employment

⁴ NYC public schools calculate credits toward graduation using a semester-based model, in which the state’s 22 unit of credit requirement is equated to 44 credits.

What is the Constitutional Right to a Sound Basic Education?

New York's highest court ruled in the *Campaign for Fiscal Equity (CFE)* case that the state has a constitutional obligation to provide all students the opportunity for a sound basic education that prepares them for productive civic participation and competitive employment. It further characterized what must be provided as a "meaningful high school education."⁵ The New York State Board of Regents has defined that education as one that will allow each student to meet a challenging set of academic standards and will prepare every high school graduate to be "college and career ready."

To provide a sound basic education, the court affirmed in its ruling that each school in the state must have the following:

- sufficient numbers of qualified teachers, principals, and other personnel
- suitable and up-to-date curricula
- an expanded platform of programs to help students who are at risk of academic failure
- adequate resources for students with disabilities and English-language learners
- appropriate class sizes
- sufficient and up-to-date books, supplies, libraries, educational technology, and laboratories
- a safe and orderly environment
- adequate and accessible school buildings

For the specific resource requirements in each of these areas, see Rebell, M.A. (2012). *Essential Resources: The Constitutional Requirements for Providing All Students in New York State the Opportunity for a Sound Basic Education*. New York: Campaign for Educational Equity.

Is a Constitutional Level of Resources Available in All New York Schools?

Over the past few years, studies have confirmed that, in many schools, there are large gaps between the educational opportunities students are guaranteed by law and what they actually receive. See, for example, the following:

- Rebell, M.A, Wolff, J.R., & Rogers, J.R., Jr. (2012). *Deficient Resources: An Analysis of the Availability of Basic Educational Resources in High Needs Schools in Eight New York State School Districts*. New York: Campaign for Educational Equity.
- Johnson, G., Subramanian, S., & Wilks, A. (2013). *Availability and Distribution of Selected Program Resources in New York City High Schools*. New York: New York City Independent Budget Office.
- New York State Council of School Superintendents. (2014). *Not Out of the Woods: A Survey on School Fiscal Matters*. Albany, NY: NYSCOSS.

⁵To read more about New York's constitutional requirements in education, see Rebell, M.A. (2012). Safeguarding the Right to a Sound Basic Education in Times of Fiscal Constraint. *Albany Law Review*, 75 (4).

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