

CENTER for JUDICIAL ACCOUNTABILITY, INC. (CJA)

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

March 6, 2025

TO: [New York State Board of Regents/Department of Education](#)

FROM: Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: FOIL/Records Request: Education Law §801 & the required “courses of instruction in...the constitution of the state of New York and the amendments thereto”

As identified by the five annotating footnotes in the [New York State Session Laws of 1949](#), Executive Law §801, which had been entitled “Courses of instruction in patriotism and citizenship and in **the constitution of the United States**” was amended to read “Courses of instruction in patriotism and citizenship and in **certain historic documents**”^{fn1} – with the reasons for doing so embodied by amendments to its sections 2 and 3:

“2. The regents shall prescribe courses of instruction in the history, meaning, **significance and effect**^{fn2} of the provisions of the constitution of the United States, **the amendments thereto, the declaration of independence, the constitution of the state of New York and the amendments thereto**,^{fn3} to be maintained and followed in all of the schools of the state. The boards of education and trustees of the several cities and school districts of the state shall require instruction to be given in such courses, by the teachers employed in the schools therein. All pupils attending such schools, in the eighth and higher grades, shall attend upon such instruction.

Similar courses of instruction shall be prescribed and maintained in private schools in the state, and all pupils in such schools in grades or classes corresponding to the instruction in the eighth and higher grades of the public schools shall attend upon such courses. If such courses are not so established and maintained in a private school, attendance upon instruction in such school shall not be deemed substantially equivalent to instruction given to pupils in the public schools of the city or district in which such pupils reside.”

3. The regents shall determine the subjects to be included in such courses of instruction in patriotism and citizenship and in the history, meaning, **significance and effect**^{fn4} of the provisions of the constitution of the United States, **the amendments thereto, the declaration of independence, the constitution of the state of New York and the amendments thereto**,^{fn5} and the period of instruction in each of the grades in such subjects. They shall adopt rules providing for attendance upon such instruction and for such other matters as are required for carrying into

effect the objects and purposes of this section. The commissioner of education shall be responsible for the enforcement of such section and shall cause to be inspected and supervise the instruction to be given in such subjects. The commissioner may, in his discretion, cause all or a portion of the public school money to be apportioned to a district or city to be withheld for failure of the school authorities of such district or city to provide instruction in such courses and to compel attendance upon such instruction as herein prescribed, and for a non-compliance with the rules of the regents adopted as herein provided.” (amending language in bold).

Despite incompetent, improper amendments to [Education Law §801](#) in [1994](#), [1996](#), [1997](#), and [2020](#), it is still entitled “Courses of instruction in patriotism and citizenship and in certain historic documents” and its subsection 2 reads today precisely as it did 76 years ago.

[Pursuant to Public Officers Law Article VI \(FOIL\)](#), this is to request:

- the “courses of instruction” the Board of Regents prescribed for the “eighth and higher grades” pertaining to “the history, meaning, significance and effect of the provisions of...the constitution of the state of New York and the amendments thereof” – and changes the Board of Regents made to those required “courses” over the past 76 years;
- the Board of Regents’ “rules for attendance” for the “eighth and higher grades” of the required “courses of instruction in the history, meaning, significance and effect of the provisions of...the constitution of the state of New York and amendments thereto”;
- records of the Board of Regents’ oversight of “enforcement...inspect[ion] and supervis[ion]” by the “commissioner of education” of the required “courses of instruction in the history, meaning, significance and effect of the provisions of...the constitution of the state of New York and the amendments” for the “eighth and higher grades”.

Pursuant to Public Officers Law §89.3, your response is required “within five business days” of receipt of this request.

Thank you.

s/Elena Sassower

cc: Senate Committees on Education and Higher Education
Assembly Committees on Education and Higher Education
Robert Schulz, Chair/We The People Foundation for Constitutional Education