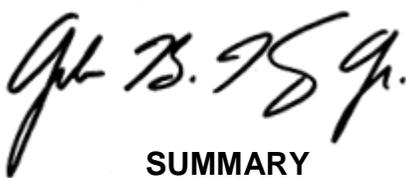




THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: P-12 Education Committee
FROM: Ken Slentz 
SUBJECT: Academic Intervention Services (AIS)
DATE: February 10, 2014
AUTHORIZATION(S): 

SUMMARY

Issue for Discussion

Should the Regents continue to provide flexibility to school districts in the provision of Academic Intervention Services for the 2014-2015 school year as a continuation of the regulation adopted for the 2013-2014 school year for those students who performed below Level 3 (proficiency) on the Grades 3-8 English language arts and math assessments but at or above cut scores to be established by the Regents?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

This item will come before the Regents P-12 Education Committee for discussion at the February 2014 Regents meeting.

Procedural History

In December 2013, the Regents adopted amendments to §100.2(ee) of the Commissioner's Regulations to provide flexibility to districts in the provision of Academic Intervention Services (AIS) for the 2013-2014 school year in recognition of the fact that the State assessments administered to New York students in spring 2013 were the first to measure student progress on the Common Core Learning Standards (CCLS).

Background Information

At the Board of Regents July 2013 meeting, Department staff discussed with the Board the implications for the provision by school districts of AIS as a result of the decrease in the percentage of students who demonstrated the knowledge and skills necessary to meet grade level CCLS relative to the percentage of students demonstrating this against the prior statewide standards.

To ensure that existing support services for students, including AIS, remain relevant and appropriate as New York implements the CCLS, the Regents directed the Department to develop proposed amendments to Commissioner's Regulations to provide flexibility in the provision of AIS.

Historically, students who have scored below proficient (Level 3) on State assessments in English language arts or mathematics have been required to receive AIS. However, proficiency standards on the 2012 and the 2013 state assessments could not be directly compared because the 2012 tests were designed to measure different learning standards than those measured by the 2013 Common Core tests. Therefore, the Department determined the scale scores for each respective year that was associated with students who scored at the same percentile rank on the two assessments. The Department then used these percentile ranks as the basis for determining which students must be provided AIS during the 2013-2014 transition year to ensure that the change in proficiency rates would not result in a significant increase in the percentage of students who must receive these services. The cut scores that the Department used resulted in districts being required to provide AIS to approximately the same percentages of students Statewide in the 2013-2014 school year as received AIS in the 2012-2013 school year. This was analogous to the action taken by the Regents in July 2010 to address the raising of the cut scores on the 2010 Grade 3-8 English language arts and mathematics assessments.

Under the regulation, districts were required to establish a policy to determine what services, if any, to provide in the 2013-2014 school year to students who scored above the transitional cut scores established by the Department but below proficiency on the 2013 assessments.

Specifically, the amendment provided that for the 2013-2014 school year only:

- Students who scored at or below the specified cut points for Grades 3-8 English Language Arts and mathematics must receive academic intervention instructional services.
- Students who scored at or above the specified cut points but below the 2013 Level 3 (proficient) cut points would not be required to receive academic intervention instructional and/or student support services unless the school district deemed it necessary.
- Each school district developed and maintained on file a uniform process by which the district determined whether to offer AIS during the 2013-14 school

year to students who scored at or above the specified cut points but below the Level 3 (proficient) on grade 3-8 English Language Arts or mathematics State assessments in 2013-14.

- Each school by November 1, 2013 either posted a description of this process to its Website or distributed to parents in writing a description of such process.

Current Promotion Determinations

The Department neither requires nor encourages districts to make student promotion decisions based on the performance of students on Grades 3-8 ELA and math assessments, nor does the Department consider retention in grade to constitute an Academic Intervention Service. If districts, consistent with local policy, elect to make promotion decisions based on student performance on Grades 3-8 ELA and math assessments, the Department strongly encourages that the results of students on these assessments be used in combination with other measures of student performance, including writing samples, class work, homework, teacher observations, and other relevant information. Districts should also establish procedures to ensure that parents/students are involved in and may appeal such determinations.

Recommendations

It is recommended that the Board of Regents direct staff to develop draft regulations that would extend the 2013-2014 amendment to Commissioner's Regulations through the 2014-2015 school year to continue flexibility in the provision of AIS. It is further recommended that the Department issue guidance indicating that (1) the Department neither requires nor encourages districts to make promotion or placement decisions using student performance on state assessments in grades 3-8; and (2) if districts choose to consider state assessments in grades 3-8 when making promotion or placement decisions, they should make adjustments to ensure students are not negatively impacted by the Common Core transition and should use multiple measures - not grades 3-8 state assessment results alone. Guidance must also remind districts that they should establish procedures to ensure that parents/students are involved in and may appeal such determinations.

Timetable for Implementation

If so directed by the Board, staff will provide draft regulations with recommended cut points for this purpose to the P-12 Education Committee for consideration at the September 2014 meeting of the Board. If so directed by the Board, staff will issue guidance to districts as soon as practicable.