



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

TO: P-12 Education Committee

FROM: John B. King, Jr.

SUBJECT: Proposed addition of section 100.2(ee)(7) of the Commissioner's Regulations, relating to Academic Intervention Services and the Response to Intervention Process

DATE: July 14, 2010

AUTHORIZATION(S):

SUMMARY

Issue for Discussion

Should the Regents amend section 100.2(ee) of the Commissioner's Regulations to allow a school district to provide a Response to Intervention (RTI) program in lieu of providing academic intervention services (AIS) to eligible students, provided specified conditions are met?

Reason for Consideration

Review of policy.

Proposed Handling

The proposed amendment will be presented to the P-12 Education Committee for discussion at the July 2010 Regents meeting.

Background Information

As discussed at the April 2010 Regents meeting, due to ongoing concerns about the quality of the required AIS program, given the strength of the Response to Intervention (RTI) model that currently exists in regulations, and given the need to identify ways to assist school districts in the current economic environment, the Department is considering regulatory flexibility in general and for provision of Academic Intervention Services specifically. The flexibility reflected in the proposed amendment would allow for a school district to:

- Continue with a current AIS model, or

- Move to or expand on an RTI model, or
- Use a blended approach of AIS and RTI (ex: RTI in lower grades, AIS in upper grades).

A Notice of Proposed Rule Making will be published in the State Register on August 4, 2010. Supporting materials are available from the Secretary to the Board of Regents.

Timetable for Implementation

It is anticipated that the proposed amendment will be presented for adoption at the October 2010 Regents meeting, with an effective date of November 10, 2010.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 305, 308, 309 and 3204

Paragraph (7) of subdivision (ee) of section 100.2 of the Regulations of the Commissioner of Education is added, effective November 10, 2010, as follows:

(7) Notwithstanding the provisions of this subdivision, a school district may provide a Response to Intervention (RTI) program in lieu of providing academic intervention services (AIS) to eligible students, provided that:

(i) the RTI program is provided in a manner consistent with subdivision (ii) of section 100.2 of this Part;

(ii) the RTI program is made available at the grade levels and subject areas (reading/math) for which students are identified as eligible for AIS;

(iii) all students who are otherwise eligible for AIS shall be provided such AIS services if they are not enrolled in the RTI program; and

(iv) for the 2010-2011 school year, the school district shall submit to the Department, no later than December 15, 2010, a signed statement of assurance that the services provided in the RTI program meet the requirements of this paragraph; and for each school year thereafter, the school district shall submit to the Department no later than September 1st of such school year, a signed statement of assurance that the services provided under the district's RTI program meet the requirements of this paragraph.