



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

**TO:**

The Honorable the Members of the Board of Regents

**FROM:**

John B. King, Jr.

**SUBJECT:**

Proposed Technical Amendment of Section 100.2(ee)(2) of the Regulations of the Commissioner

**DATE:**

February 1, 2011

**AUTHORIZATION(S):**

**SUMMARY**

**Issue for Decision (Consent Agenda)**

Should the Regents adopt the proposed technical amendment of section 100.2(ee)(2) of the Commissioner's Regulations?

**Reason for Consideration**

To enact a technical amendment to resolve inconsistencies in the regulation.

**Proposed Handling**

This item will be presented to the Full Board for adoption as an emergency action at the February Regents meeting. A statement of the facts and circumstances which necessitate emergency action is attached.

**Background Information**

The amendments concerning diploma credit for languages other than English (LOTE) and State assessments in Social Studies, that were adopted at the December 2010 Regents meeting, inadvertently omitted language in section 100.2(ee)(2), concerning Academic Intervention Services, that was previously adopted by the Regents in July and October 2010. The proposed amendment is necessary to clarify and resolve this inconsistency by re-inserting the inadvertently omitted language.

A Notice of Proposed Rule Making will be published in the State Register on March 2, 2011. Supporting materials are available upon request from the Secretary to the Board of Regents.

### Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That paragraph (2) of subdivision (ee) of section 100.2 of the Regulations of the Commissioner be amended as submitted, effective February 15, 2011, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to immediately clarify and resolve inconsistencies in section 100.2(ee)(2) of the Commissioner's Regulations, and therefore ensure that the regulation's provisions are properly administered pursuant to the policies established by the Board of Regents.

### Timetable for Implementation

If adopted as an emergency action at the February Regents meeting, the proposed amendment will become effective February 15, 2011. It is anticipated that the proposed amendment will be presented for adoption as a permanent rule at the May 2011 Regents meeting.