

## AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

Paragraph (2) of subdivision (ee) of section 100.2 of the Regulations of the Commissioner of Education is amended, effective December 31, 2014, as follows:

(2) Requirements for providing academic intervention services in grade three to grade eight. Schools shall provide academic intervention services when students:

(i) score below:

(a) the State designated performance level on one or more of the State elementary assessments in English language arts, mathematics or science, provided that for the [2013-2014] 2014-2015 school year only, the following shall apply:

(1) those students scoring below a scale score specified in subclause (3) of this clause shall receive academic intervention instructional services; and

(2) those students scoring at or above a scale score specified in subclause (3) of this clause but below level 3/proficient shall not be required to receive academic intervention instructional and/or student support services unless the school district, in its discretion, deems it necessary. Each school district shall develop and maintain on file a uniform process by which the district determines whether to offer AIS during the [2013-2014] 2014-2015 school year to students who scored above a scale score specified in subclause (3) of this clause but below level 3/proficient on a

grade 3-8 English language arts or mathematics State assessment in [2012-2013] 2013-2014, and shall no later than [November 1, 2013] November 1, 2014 either post to its website or distribute to parents in writing a description of such process;

(3) . . .

(b) . . .

(ii) . . .

(iii) . . .