

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Clause (f) of subparagraph (ii) of paragraph (2) of subdivision (ee) of section 100.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(f) Notwithstanding any other provision of this subparagraph [, schools]:

(i) Schools shall not be required to conduct the two-step identification process prescribed in clauses (a) and (b) of this subparagraph for [the 2020-21 school years due to the cancelation of State assessments for the 2019-20 school year] school years in which the results of the grades 3-8 assessments are not provided to schools prior to the beginning of such school year. [Schools] In such school years, schools may, but are not required to, conduct the two-step identification process prescribed in clauses (a) and (b) of this subparagraph [for the 2021-22 school year due to the limited administration of State assessments in the 2020-21 school year as a result of the State of emergency declared by the Governor for the COVID-19 crisis].

(ii) For all students who will be enrolled in grades 3 through 8 [for the 2020-21] during a school year where the two-step identification process is not required pursuant to subclause (i) of this clause, schools [shall] which opt not to conduct the two-step identification process prescribed in clauses (a) and (b) of this subparagraph shall make such identification based solely on the district-developed procedures prescribed in clauses (b), (d) and (e) of this subparagraph. [For schools that opt not to conduct the two-step identification process prescribed in clauses (a) and (b) of this subparagraph for the 2021-22 school year schools may make such identification based solely on the

district-developed procedures prescribed in clauses (b), (d), and (e) of this subparagraph for all students who will be enrolled in grades 3 through 8 for the 2021-22 school year].