

**ACADEMIC INTERVENTION SERVICES:  
QUESTIONS AND ANSWERS**

**(January 7, 2000)**

The University of the State of New York  
State Education Department  
Office of Elementary, Middle, Secondary and Continuing Education  
Albany, NY 12234

**TABLE OF CONTENTS**

	<u>Page</u>
Definition of Academic Intervention Services.....	1
Eligibility for Academic Intervention Services .....	3
District Description of Academic Intervention Services .....	8
Provision of Academic Intervention Services .....	11
Parental Notification and Involvement .....	17
Relationship of Academic Intervention Services to ERSS, PCEN and Title I .....	19
Index .....	22
Appendix A: Academic Intervention Services: Regulations	

## **Definition of Academic Intervention Services [100.1(g)]**

### **1. What are academic intervention services?**

Academic intervention services (AIS) are services designed to help students achieve the learning standards in English language arts and mathematics in grades K-12 and social studies and science in grades 4-12. These services include two components:

- additional instruction that supplements the general curriculum (regular classroom instruction); and/or
- student support services needed to address barriers to improved academic performance.

The intensity of such services may vary, but must be designed to respond to student needs as indicated through State assessments results and/or the district-adopted or district-approved procedure that is consistent throughout the district at each grade level.

#### When AIS Is Not Required

Academic intervention services are not required in standards areas where there are no State assessments, even though students must earn one or more units of credit for graduation. They are only required in English language arts, mathematics, social studies, and science.

### **2. What is meant by “additional” instruction?**

Additional instruction means the provision of extra time for focused instruction and/or increased student-teacher instructional contact time designed to help students achieve the learning standards in the standards areas requiring AIS.

### **3. How are student support services defined under AIS?**

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4. ***How does diagnostic screening under Part 117 and Sections 901-914 of the Education Law relate to support services under AIS?***

Section 100.2 (ee) of the Commissioner's Regulations allows diagnostic screening for any student at risk of not meeting State learning standards to determine whether vision, hearing, or physical disability is impeding academic progress. Part 117 applies to new entrants into the school system. Sections 901-914 of Education Law apply to all students.

Relationship of AIS to Programs Under CR Part 154 for LEP/ELL Students

Academic intervention services for limited English proficient (LEP)/English language learners (ELL) must be supplementary and "in addition to" and must not replace the bilingual and free-standing ESL instructional program requirements under CR Part 154 services. AIS must be planned and implemented in coordination with the LEP student's general education program.

5. ***Must academic intervention services be provided to students with disabilities?***

Yes. Academic intervention services must be provided to students with disabilities on the same basis as non-disabled students. Students with disabilities are determined to need such services in the same manner as students without disabilities, i.e., by scoring below the designated performance level on State assessments or through the district-adopted or district-approved procedure.

Relationship of AIS to Special Education Programs Under Education Law, Sections 4401 (1) (2)

Academic intervention services are additional general education instructional and/or support services that assist students in meeting State learning standards. AIS are provided in addition to, and must not supplant, special education services. Because AIS are general education services, they should not be indicated on the individualized education program (IEP).

Special education services are specially designed individualized or group instruction or special services or programs designed to meet the student's unique needs that result from his/her disability and enable the student to participate and progress in the general education curriculum. The Committee on Special Education (CSE), with parental input, makes recommendations for special education and related services that are listed on the student's individualized education program. Examples of special education services include consultant teacher services, resource room, or related services. The CSE cannot recommend that a student with a disability receive AIS.

Meaning of the Phrase "To the Extent Consistent with the Individualized Education Program"

"To the extent consistent with the individualized education program (IEP)" means appropriate accommodations and supports must be provided when AIS is implemented for students with disabilities to assure that these students benefit from AIS. For example, if a student's IEP indicates that a specific adaptive material, assistive technology device, or curriculum modification is to be provided, then these same accommodations or supports must be provided when AIS are delivered.

**Eligibility for Academic Intervention Services [100.2 (ee)(1), (2), and (3)]**

**6. How does a district determine which students are eligible for academic intervention services?**

Students eligible for AIS, including those with disabilities and/or limited English proficiency, are:

- those who score below the designated performance levels on elementary, intermediate, and commencement-level State assessments in English language arts, mathematics, social studies, and science;
- those at risk of not meeting State standards as indicated through the district-adopted or district-approved procedure, including those K-3 students who lack reading readiness; and
- LEP/ELL students who do not achieve the annual designated CR Part 154 performance standards as stipulated in the evaluation design of the CR Part 154 application packets.

**7. What is the “State designated performance level” on State assessments for the purpose of including students in the academic intervention services program?**

Each year the elementary and intermediate State assessments will have four designated performance levels on each assessment. All students who score below level 3 (in levels 1 and 2) are eligible to receive academic intervention services. At the high school level, students who score below the approved local passing grade on State assessments required for graduation are eligible to receive academic intervention services.

**Verification of Student Performance With Multiple Measures**

The services for particular students should vary in intensity based on their needs. Scoring at level 1 or 2 on State assessments does not automatically determine the intensity of service.

To determine the level of intensity needed by any student who scores below the designated State performance level, districts are advised to review other measures and sources of evidence to determine if a particular score on a State assessment is indicative of that student’s overall level of performance and to determine AIS accordingly. (See Question 8 regarding multiple measures and Questions 37, 38 and 39 regarding intensity of services.)

8. *What is meant by a “uniformly applied, district-adopted or district-approved procedure?”*

Districts must adopt or approve a written procedure for identifying students for academic intervention

**9. How should a district determine the need for academic intervention services in grades 4 and 5 for social studies and science?**

Elements should be incorporated into the district procedure to assess student progress tied to the core curricula in these standards areas.

**10. How should a district identify students for academic intervention services at the high school level?**

Any student who scores below the State designated performance level on one or more of the State's intermediate assessments, or any LEP/ELL student who does not meet the annual CR Part 154 performance standard, is eligible to receive academic intervention services. Any student who scores below the district-approved passing grade on any Regents examination required for graduation in English language arts, mathematics, social studies, or science is eligible to receive academic intervention services.

Districts must also identify students at-risk of not meeting State standards. Therefore, the district must adopt or approve a uniform procedure that applies to all high schools across the district for identifying students in need of academic intervention services. (See Question 8.)

**11. How should a district use the district procedure to determine which students in grades 1-3 "lack reading readiness" and are therefore in need of AIS?**

The New York State Reading Initiative includes several resources to assist districts in identifying early literacy/reading readiness and in determining which students lack such readiness. The following, and other comparable sources, should be used as the basis of such determination. Among these resources are:

- The Essential Elements of Reading\*
- The Early Literacy Profile\*
- The English Language Arts Resource Guide/Core Curriculum\*
- Final Report: New York State Reading Symposium (February 11, 1998)

Districts that have created a system, based on research and best practice in literacy learning, for monitoring student progress may continue to use that system. However, assessments of reading, writing, speaking, and listening across the English language arts standards must be included. (See Question 8 for additional assessment procedures.) Reading readiness assessments are also available from several publishers and other states.

\*These resources can be obtained from the New York State Education Department, Publication Sales Desk, Third Floor, Education Building, Albany, NY 12234. Please call (518) 474-3806 for the price of publication e also a3d ay contin9(monit9r)ing B -0.0047 T\* ThiYsi Tf Oh stude1riua7stion Depar 74Tc 1j EMC /P <<umfo  
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12. *How should the district use the district procedure to determine which students in grades 1-3 are in need of AIS for mathematics?*

In addition to the multiple assessments and sources of evidence outlined in Question 8, the district might also develop exemplars and rubrics keyed to State learning standards, as outlined in the Mathematics Resource Guide with Core Curriculum.

Use the District Procedure When

A student is absent for all or part of a State assessment ...

If a student is absent for all or part of a State assessment, no score is provided to the district. In such cases where a student has no State assessment score, the district should, as soon as

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18. ***While the regulations stipulate that districts must provide academic intervention services, are students required to participate?***

A school district has the authority and responsibility to place students in appropriate academic programs during the regular school day. Thus, a district may place students in academic intervention services as part of their academic program. A district may, by board resolution, extend the school day. Hours of compulsory attendance are district-determined and should not be confused with the hours for maximum State Aid which are 5.0 for elementary and 5.5 for secondary.

Attendance in summer school programs are voluntary and not compulsory. However, opportunities for academic intervention services in the summer are encouraged.

19. ***How should a district determine that a student no longer requires academic intervention services?***

The district should use the multiple measures criteria established in the district-adopted or district-approved procedure for identifying performance that indicates a student has met, or is likely to meet, State learning standards, and no longer in need of academic intervention services. (See Question 8.)

### **District Description of Academic Intervention Services [100.2 (ee) (4)]**

20. ***Must all districts develop a description of the academic intervention services to be offered in the district?***

Yes. All districts in New York State must develop a description of the academic intervention services that will be offered throughout the district in grades K-12 to students in need of such services, including services for LEP/ELL students and students with disabilities.

21. ***When must the first description (plan) of academic intervention services be adopted by local district Boards of Education?***

Local Boards of Education must approve the district's description of academic intervention services by July 1, 2000.

In New York City, the Board of Education may determine that plans will be approved by the Chancellor or his designee or by community school boards for schools under their jurisdiction by July 1, 2000.

22. ***How often must the description be reviewed?***

The description must be reviewed and revised, based on student performance results, every two years beginning on July 1, 2002.



26. *How should a district design a program of academic intervention services that meets the range of student needs for all schools?*

Federal

- ESEA Title I
- ESEA Title IV
- ESEA Title VI
- Emergency Immigrant  
Education Program (EIEP)

State

- PCEN Set-aside
- Extraordinary Needs Aid
- Operating Standards Aid\*
- Educationally-Related Support Services Aid
- Limited English Proficiency Aid

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Requirements for Providing Academic Intervention Services for the 1999-00 School Year

Many school districts are currently required under Part H, Section 3602 of Education Law (PCEN), Part 149 of Commissioner's Regulations (PCEN), and federal ESEA, Title I legislation, to provide remedial and/or academic support services to students who fall below State standards, or who are at risk of not meeting State standards. It is expected that these services will continue to be implemented during the 1999-00 school year as districts develop the description of academic intervention services. However, all districts are encouraged to implement the provisions of academic intervention services as soon as possible.

**33. *Who are considered "qualified, appropriately certified staff" required to provide academic intervention services?***

Districts must use staff to provide academic intervention services who are appropriately certified under Part 80 of the Commissioner's Regulations for the area(s) of their instructional assignment, i.e., reading, English language arts, mathematics, social studies, or science, or for the area of their student support service assignment, i.e., pupil personnel services. The following are examples for teachers who currently hold valid New York State teaching certificates:

- At the elementary level, appropriate certifications for instructional assignments in mathematics, social studies, and science include Common Branch, PreK-6, and N-6 as defined in Section 80.15 of Commissioner's Regulations. For the provision of AIS in reading, however, reading certification (Section 80.7 of Commissioner's Regulations) is strongly recommended.
- At the secondary level (grades 7-12) approvable certifications for AIS instructional assignments include certification in reading (80.7) and content certifications in English, mathematics, science, and social studies as specified in Section 80.16 of Commissioner's Regulations. Grade 5-6 annotations to these content certificates are also appropriate at the elementary level.
- At both elementary and secondary levels, appropriate certifications for providing AIS include those for bilingual education (Section 80.9) and teaching English to speakers of other languages (Section 80.10) of Commissioner's Regulations.
- At both elementary and secondary levels, appropriate certifications for providing AIS include those for special education as defined in Section 80.6 of Commissioner's Regulations. However, if a special education teacher provides AIS to a student, it is not a special education service.
- Appropriate certifications for the provision of student support services include those pupil personnel certifications defined under Section 80.3 of Commissioner's Regulations.

In addition to certification requirements, school districts should consider other factors such as experience, unique training, etc., to determine the qualifications of staff hired to provide AIS.

**34. *Who are considered "qualified, appropriately certified staff" required to provide academic intervention services in the area of early literacy (K-3) intervention?***

Teachers are considered to be qualified to provide AIS in the area of early literacy intervention if they:

- hold a valid New York State Common Branch or reading certification; and



- Extra period(s)/time during the regular school day;
- Within-class staffing that reduces student-teacher ratios (e.g., co-teaching, team-teaching );
- Extended school day;
- Before-school sessions;
- After-school sessions;
- Evening sessions;
- Weekend sessions; and/or
- Summer school.

Caution should be exercised in scheduling extra periods so students are not taken out of regular instruction. Some schools use study halls, activity or enrichment periods.

**39. *How else can the district/schools vary the intensity of services for students?***

The district/schools can also vary the intensity of academic intervention services for students by varying the duration and degree of individualization.

Duration

Number of times per week - (Once - Twice - Three or Four - Daily)

Amount of time per session - (Few minutes - Half hour - Entire period - Double period)

Degree of individualization

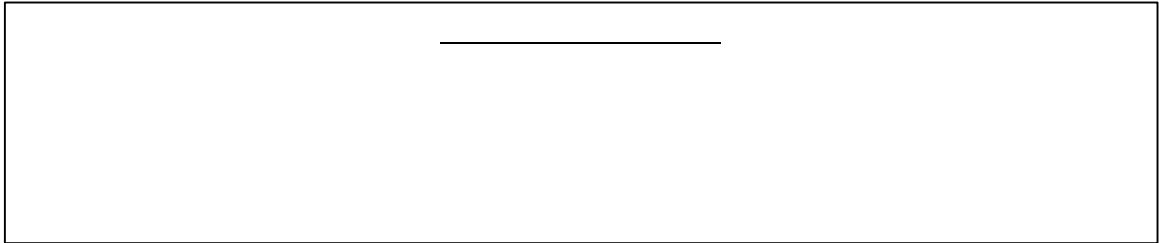
In class -- Large Group (10-15) -



- Student progress should be assessed regularly;
- Records should be kept of the services provided; and
- Certified teachers/professional staff/teaching assistants should be appropriately assigned.

**42. Can “stretch” courses (example: a one-year course extended over three semesters or more) or double period blocked courses count as academic intervention services?**

“Stretch” courses and/or double-blocked periods by themselves do not constitute academic intervention services. In order for an extended time course to count as academic intervention services[ tion



**46. *When is it not appropriate for a student to be given student support services under Section 100.2 (ee) of the Commissioner's Regulations?***

Student support services under Section 100.2(ee) would not be appropriate when a student exhibits disciplinary or social problems that do not put him/her at risk of not meeting State learning standards. This student would receive regular guidance or counseling services.

Providing AIS for Students in More Than One Standards Area

Academic instructional services in more than one standards area can be combined where appropriate. For example, lack of reading/literacy development may be preventing progress in social studies. In such cases, reading/literacy with a content focus could be the primary vehicle for academic intervention services with secondary support in social studies content/skills.

**47. *What documentation of student progress is required?***

A school should record the information necessary, including State assessment data and the measures/sources of evidence used in the district procedure, to document progress of students and to determine when that progress warrants a student being discontinued from academic intervention services. In addition, quarterly progress reports are required to be given to parent(s). These reports must be provided to parent(s) in English and translated, where appropriate, into their native language.

Considerations for AIS Instruction for LEP/ELL Students

For LEP/ELL students who are in Bilingual Education programs, academic intervention services in the standards areas of mathematics, science, social studies, and language arts must be provided in English, or the native language, depending on the specific needs of the students. Language arts incorporates English as a second language (ESL), native language arts (NLA), and English language arts (ELA) instruction. For LEP/ELL students in special education, academic intervention services must be provided in the language of instruction stipulated in their IEP.





- Opportunities, once each semester, such as parent conferences, for consultation with the student's regular classroom teacher(s) and other professional staff providing academic intervention services, including those involved with academic support services.
- Quarterly reports during the regular school year on the student's progress. Such reports may be by mail, telephone, telecommunications, or included in the student's report card. Such reports should be translated into the native language of the parent(s), where appropriate. The district must also make additional accommodations for parent(s) with different modes of communication, such as the visually impaired or those with limited literacy skills in English or their native language.
- Information on ways parent(s) can become involved in working with their child, monitoring their child's progress, and working with teachers and other educators providing academic intervention services to improve their child's achievement.

Providing Parent(s) With Information To Foster Support and Involvement

Districts and schools should provide information to parent(s) in a combination of ways in order to foster their support and involvement in helping their child meet State learning standards. Examples of the many ways information can be provided include, but are not limited to, the following:

- Printed materials such as newsletters, brochures, and booklets
- Audio materials such as tapes and CDs
- Electronic means such as telephones, computers, and web sites
- Cable television
- Videos
- Parent liaisons
- Resource centers
- Training sessions
- Home-school exchange folders
- Home and school conferences

**53. *What is a district's responsibility if a parent objects to having his/her child receive academic intervention services?***

The district should, in a timely manner, listen to parental concerns, share evidence of the student's need for academic intervention services, and work with the parent(s) to assure the provision of appropriate academic intervention services. Placement in educational programs during the regular school day, however, remains the responsibility of the district and school.

**54. *Do parent(s) have the right to advocate for their child to receive academic intervention services or to make changes in academic intervention services already being provided for their child?***

Yes. Parent(s) may advocate for their child to receive academic intervention services. The district should, in a timely manner, listen to parental concerns and review the student's school record and assessment results to determine if the child meets eligibility criteria for AIS. Parent(s) also have the

right to request changes in the program of academic intervention services being provided to their child. District and school staff should work with parent(s) to:

- Determine the possible necessity for changes based on additional information; and
- Review scheduling and delivery options that might better meet the student's needs.

However, the district retains the responsibility for appropriate placement of the student.

- CR Part 149 outlines requirements for school districts receiving “set-aside” funds to provide remedial instruction to pupils with compensatory educational needs, i.e., those who do not meet State standards or who are at-risk of not meeting State standards.
- Recently approved revisions to Commissioner’s Regulations, Section 100.1(g) and 100.2(ee), have replaced the former regulations that outlined compensatory education requirements for school districts that are not required to set aside funds for the provision of remedial instruction to pupils in need of compensatory education.

Part 149 of Commissioner’s Regulations will be revised to correspond to changes in Sections 100.1(g) and 100.2(ee) and to reflect an intervention focus. Until then, however, these regulations remain in effect for districts. PCEN can partially provide academic intervention services in those districts with set-aside funding.

**58. *What is the relationship of academic intervention services (AIS) to services provided under federal Title I of ESEA (Elementary and Secondary Education Act of 1994)?***

Eligibility for students to receive services under AIS and Title I compensatory education services is determined in the same way. Both academic intervention services and compensatory education services provided under Title I allow additional instructional services for students who fall below the designated State performance level on State assessments or who are determined to be at-risk of not meeting State learning standards through the district procedure.

While the priority standards areas for Title I programs continue to be English language arts and mathematics, the instructional services under these programs do not have to be different. If districts follow the program of services outlined in the AIS district description to implement Title I services, the programs are one and the same. However, all federal requirements pertaining to Title I programs must also be met.

Among these federal requirements are the following examples:

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|--|---|--|
| • Submission of Application and Application Supplement to SED for approval | • Parent Involvement Policy (District and Schools) and School-Parent Compacts | • Inclusion of services for migrant, homeless, neglected/delinquent, nonpublic school students |
| • Poverty Criteria for Allocation of Funds to Schools                      | • Building plans for schoolwide schools                                       | • Program Reporting  |

**59. *Can a district presume to already be providing academic intervention services to at-risk and other special needs students if those students are already receiving supplemental services under entitlement programs such as PCEN (Pupils with Compensatory Educational Needs) or Title I ESEA (Elementary and Secondary Education Act of 1994)?***

Academic intervention services must be provided to eligible students according to Commissioner’s Regulations. PCEN programs may meet this requirement in part. Title I programs may also meet this requirement, in part, if “Title I funds supplement the amount of funds that would, in the absence of such federal funds, be made available from non-federal sources for the education of pupils participating in [such] programs and do not supplant such funds.” The district must show that it is not reducing the amount of local, State, or other funds that would otherwise be provided for general

education services, absent Title I funds. However, neither PCEN nor Title I programs may be sufficient to provide all of the services to which students are entitled under Section 100.2(ee) of Commissioner's Regulations.

[See ESEA, Title I, SEC. 1120A and the 1998 ESEA, Title I Amendment (200.63) – Exclusion of Supplemental State and Local Funds from Supplement Not Supplant and Comparability Determinations]

**60. *What comparability of service requirements are in effect for districts that use Title I funds to partially fund academic intervention services?***

“Comparability of services” means districts must assure that local funds will be used in schools served with Title I funds to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds. In cases where all schools in the district receive Title I funds, the district must assure that, taken as a whole, the services provided are substantially comparable in each school.

This means that State and local funds used for AIS may only be excluded from Title I comparability requirements if the AIS program meets the requirements of the Title I law. Other local and State funds for general education, however, must be included for comparability determinations.

(See the 1994 ESEA Title I reauthorization legislation, “Improving America’s School’s Act” – Section 1120A. and the 1998 Amendment 200.63 to this legislation.)



# INDEX

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AIS definition.....	
“Additional” instruction.....	
Appropriate academic intervention services .....	
Assessments for academic intervention services.....	
Barriers to student progress and student support services.....	
Comprehensive District Education Plans (CDEPs)and AIS.....	
Current School Year and AIS .....	
Description of services	

## Academic Intervention Services: Regulations

Section 100.1(g) [Definitions] of Commissioner's Regulations adopted by the Board of Regents in July 1999.

(g) Academic intervention services means additional instruction which supplements the instruction provided in the general curriculum and assists students in meeting the State learning standards as defined in subdivision (t) of this section and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance; provided that such services shall not include services provided to students with limited English proficiency pursuant to Part 154 of this Title or special education services and programs as defined in Education Law section 4401 (1) and (2). Academic intervention services are intended to assist students who are at risk of not achieving the State learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on State assessments. Academic intervention services shall be made available to students with disabilities on the same basis as nondisabled students, provided, however, that such services shall be provided to the extent consistent with the individualized education program developed for such student pursuant to section 4402 of the Education Law.

Section 100.2 (ee) of Commissioner's Regulations adopted by the Board of Regents in July 1999.

(ee) Academic intervention services.

(1) Requirements for providing academic intervention services in kindergarten to grade three. Schools shall provide academic intervention services to students in kindergarten to grade three when such students:

(i) are determined, through a district-developed or district-adopted procedure that meets State criteria and is applied uniformly at each grade level, to lack reading readiness based on an appraisal of the student, including his/her knowledge of sounds and letters; or

(ii) are determined, through a district-developed or district-adopted procedure applied uniformly at each grade level, to be at risk of not achieving the State designated performance level in English language arts and/or mathematics. This district procedure may also include diagnostic screening for vision, hearing and physical disabilities pursuant to Article 19 of the Education Law, as well as screening for possible limited English proficiency or possible disability pursuant to Part 117 of this Title.

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

(i) score below the State designated performance level on one or more of the State elementary assessments in English language arts, mathematics, social studies or science;

(ii) are limited English proficient (LEP) and are determined, through a district-developed or district-adopted procedure uniformly applied to LEP students, to be at risk of not achieving State learning standards in English language arts, mathematics, social studies and/or science, through English or the student's native language. This district procedure may also include diagnostic

screening for vision, hearing, and physical disabilities pursuant to Article 19 of the Education Law, as



(iii) Ongoing communication with parents or persons in parental relation. Parents or persons in parental relation to students receiving academic intervention services shall be provided with:

(a) an opportunity to consult with the student's regular classroom teacher(s), and other professional staff providing academic intervention services, at least once per semester during the regular school year;

(b) reports on the student's progress at least once each quarter during the regular school year by mail, telephone, telecommunications or other means, in a language or mode of communication understood by the parents or person in parental relation; and

(c) information on ways to work with their child to improve achievement; monitor their child's progress; and work with educators to improve their child's achievement.

Section 100.4(b) (4) [Program requirements for grades seven and eight] of the Commissioner's Regulations adopted by the Board of Regents in July 1999

(4) Students who have been determined to need academic intervention services as set forth in section 100.2(ee)(2)(i) of this Part may have the unit of study requirements for one or more of their subjects reduced, provided that:

(i) academic intervention services shall be coordinated with and supplement instruction in the general curriculum;

(ii) requirements for subjects set forth in paragraph (1) of this subdivision and for languages other than English instruction set forth in section 100.2(d) of this Part may be reduced but not eliminated. Academic intervention services shall be provided in a manner that does not diminish instructional time to a degree that may prevent a student from achieving the State learning standards