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Johanna Duncan-Poitier  
Senior Deputy Commissioner of Education P-16  
New York State Education Department  
Albany, NY 12234

Dear Johanna:

The District Superintendents' Curriculum, Instruction, and Assessment Committee focuses its efforts on addressing those issues that will increase the probability that students will complete high school. During the past six months, we have discussed the effectiveness of Academic Intervention Services (AIS). We are writing this letter to indicate our concerns with the regulation and to offer our support in collaborating with the department on making some needed changes.

Our essential questions are the following:

- Does the Academic Intervention Services regulation work?
- Is there evidence that the current regulations have produced the results anticipated in 1999, especially in light of the financial resources dedicated to AIS?
- Will a focus on prevention and early intervention be more successful than mandated remediation?
- What will be the impact of the required Response to Intervention regulations on student success?
- Do we have any evidence of effective practices in intervention?
- How does AIS align with the new Literacy Framework?

As you know, the concept of Academic Intervention Services was first proposed in 1999, as part of the Board of Regents policies on increasing academic achievement based on the New York State Learning Standards. The requirement, put into Commissioner's Regulations, was designed to ensure the provision of appropriate supports to individual students so that all would reach and exceed the New York State Standards. Built into the regulation is an ongoing biennial review process. Requirements for Academic Intervention Services included the development of a cohesive plan, regular assessments, parental notification, and a biennial review. Developed prior to all of the requirements of No Child Left Behind, the regulation specified the procedural requirements that schools must implement.

**Impact of Regulations.** Conceptually, the model and the regulation seemed appropriate; its focus was to identify students who are not on track to meet the state standards and provide them with additional instruction or support services. At least one evaluation of the implementation of academic intervention services was done and published in 2004 (Killeen and Sipple, 2004). This study found that districts had implemented AIS services and that approximately 31% of students upstate and close to 50% of students in the Big Five Cities were involved in Academic Intervention Services. This study, and a subsequent one by the same authors do not address the impact of the academic intervention services on improving student outcomes. It appears, based on an analysis of state assessment results over time and high school completion rates, that the results have not been consistent with the significant amount of resources, both time and money, that have been expended.

The measure of the success or impact of the program may be determined in two significant ways. The first is the cost of the program to the school districts in the state. The second, and more important, is the improvement in the achievement of students on the New York State assessments.

There is no readily available assessment of the total that has been expended in meeting this regulation. In many ways, this has been considered by school districts as another unfunded mandate that was developed with little research evidence that it would work. In the seven years since the regulation was implemented, school districts in the state have expended a significant amount of money to meet the requirements through the addition of a multitude of staff, increases in classes, and changes in intervention programs. Programs have been developed and implemented without the benefit of a significant body of research regarding the design and practice of effective intervention programs.

The improvement of student achievement during the seven years may be one measure of the impact of Academic Intervention Services. Consider the following information taken from the most recent releases of information on the 3<sup>rd</sup> through 8<sup>th</sup> grade testing in English Language Arts and Mathematics:

- Statewide, there is a substantial decline in student performance between 3<sup>rd</sup> and 8<sup>th</sup> grade in both mathematics and ELA
- The percentage of students meeting the state standards in mathematics at the 8<sup>th</sup> grade level have increased from 38% in 1999 to 54% in 2006.
- In ELA, however, at the 8<sup>th</sup> grade level, there has been only a slight increase from 47% to 48% in the numbers of students meeting the state standards.
- The most recent release of data on the 3<sup>rd</sup>-8<sup>th</sup> grade assessments indicates that the percentage of students scoring at Level 1 in mathematics increases from 6% at grade 3 to 15% at grade 8.

Based on this data, it does not appear that the models of AIS as currently designed and implemented have had the level of success that was envisioned when the regulations were developed.

## Critical Issues.

A variety of issues have been raised regarding the implementation of Academic Intervention Services that indicate a need for consideration of changes in the model.

- **Deficit model.** Academic intervention services, by their design, are based on a deficit model that reduces the responsibility and ownership for student success from the classroom teacher. Current discussions of other instructional models, such as mandated IDEA, Response to Intervention, and Reading Recovery are designed around a more holistic approach to teaching and learning based on differentiated instruction, monitoring of academic progress, with ownership for each student's success being more clearly delineated (whether it be one or more teachers).
- **Research base.** There is little research that guides Academic Intervention Services in development, implementation, or evaluation. Years of research on the Title 1 model of remediation, in fact, indicated that remedial approaches of providing a "pull-out" and unconnected approach to remediating students did not yield academic gains. During the seven years that AIS has been in place in New York State, there has been little research to support academic effectiveness (Killeen and Sipple, 2004, 2005). The two articles that are available have focused on whether or not AIS has been implemented, not the levels of effectiveness.
- **Use of time.** At the middle level, the implementation of AIS is problematic because of the state required coursework. Implementation of AIS during the school day often requires students to miss instruction in other courses, most typically the non-core courses in music, art, technology and health. At the high school level, the lack of academic credit allowed for AIS courses impacts students' abilities to gain credits toward graduation. Since students who may require AIS are also at risk for dropping out of high school because of a lack of high school credits, Academic Intervention Services act as a deterrent to keeping students in school.
- **Best practices.** There has been little guidance or sharing of the best practices in the provision of Academic Intervention Services.
- **Differentiation of services.** Schools in need of improvement often may have more than half of their students who require academic intervention services. This raises questions regarding the needs for the entire instructional program to be changed, rather than providing individual student intervention. Should the requirements of be academic intervention services differ based on the overall achievement of a school?

## **Recommendations.**

Academic Intervention Services are a part of the complex issues surrounding the improvement of students' success in completing high school. It is interrelated with discussions of early literacy, adolescent literacy, rigor and relevance of instruction, and high school drop outs. The segregation of discussions regarding Academic Integration Services from the other discussions is difficult and most likely counterproductive. We would recommend, therefore, that

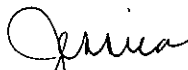
1. School districts be held accountable for achieving success with all students and not accountable for the mechanisms or the process of how that success is achieved. This recommendation requests that consideration be given to the elimination of the Academic Intervention Services regulations. Since the regulation was instituted, the No Child Left Behind federal legislation has changed the accountability process requiring school districts to develop effective strategies to ensure the success of all students. This makes the AIS regulations redundant.
2. There should be a reallocation of resources and emphasis from academic intervention services to prevention and early intervention. There is little question that the vast majority of learning problems are related to the lack of a solid base of literacy competency. Approaching the problem from a prevention and early intervention focus will provide a return on our investment earlier.
3. A research base of effective practices in academic intervention services should be developed. It is recommended that this research base be developed by The State Education Department, in cooperation with the New York Comprehensive Center, NY State institutions of higher education, and the 37 BOCES.
4. Mechanisms for sharing promising practices in assessing, providing, and evaluating academic intervention services be developed and implemented using NYSED, SCDN, and the Teachers' Centers.
5. Issues related to the provision of services to students with disabilities and ELL students be identified and the regulations be revised to ensure that there are no conflicts that impede the ability of students to receive a coordinated education.
6. The Board of Regents should consider the development of differentiated requirements for AIS that would ensure a comprehensive, effective, and systematic approach to the education of all students. The current systems in many districts result in students having expanded time for interventions but little coordination between the classroom teacher, the AIS teacher, and after school providers.

Every district in New York State will be responsible for conducting an audit of their Academic Intervention Services program by July 2008. We ask that before districts are

required to do this, an analysis be done to determine if Academic Intervention Services regulations should be altered.

At our November 17, 2007 meeting, the District Superintendents discussed the Academic Intervention Services regulations and endorsed this letter. We look forward to hearing your thoughts and questions on this issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jessica".

Jessica F. Cohen, Ph.D.

Chair

District Superintendents' Curriculum, Assessment, and Instruction Committee

c: District Superintendents