



ASSISTANT COMMISSIONER, OFFICE OF STATE ASSESSMENT
89 Washington Avenue, Room 775 EBA
Albany, New York 12234

June 19, 2023

To: District Superintendents
Superintendents of Public Schools
Principals of Public Schools
Leaders of Charter School

From: Zachary Warner 

Subject: Availability of 2023 Grades 3-8 Test Results and Academic Intervention Services (AIS) for the 2023-2024 School Year

The spring 2023 Grades 3-8 English Language Arts (ELA) and Mathematics Tests were the first state assessments to measure the New York State (NYS) Next Generation Learning Standards. Because these are new tests measuring new learning standards, additional analyses and NYS educator input are necessary to establish the achievement standards (also known as “cut scores”) for performance on each of the tests. These steps are taking place over the summer and results on the ELA and Math Tests are expected to be available in fall 2023.

Academic Intervention Services (AIS)

As detailed above, the 2023 Grades 3-8 assessment results will be released after the beginning of the 2023-2024 school year. To ensure that schools are able to make programming decisions and determine which students will receive AIS prior to the first day of school, the New York State Education Department will ask the Board of Regents to approve a change to Commissioner’s Regulation 100.2(ee) at their July meeting. The proposed amendments to regulations will provide flexibility for the two-step identification process for AIS for students enrolled in grades 3-8 in the 2023-2024 school year.

Under the proposed regulations, schools may, but are not required to, conduct the two-step identification process (outlined below) for grade 3-8 students during the 2023-2024 school year. Those schools that do not use the two-step identification process may make an identification based solely on local education agency (LEA)-developed procedures applicable to all grade 3-8 students during the 2023-2024 school year.

Description of the Two-Step Process for Identifying Students to Receive AIS

All students performing below the median scale score between a Level 2/partially proficient and a Level 3/proficient on a Grade 3-8 ELA or Mathematics state assessment shall be considered for AIS. At LEA discretion, this step does not have to be used for SY 2023-2024.

As a second step for LEAs using state assessment scores, or for all other LEAs, a procedure that considers multiple-measures of student performance must be used for deciding which students shall receive AIS. The LEA-developed procedure must be applied uniformly and equitably at each grade level. These multiple measures may include, but are not limited to, the following:

- 1) Developmental reading assessments for grades K-6;
- 2) New York State English as a Second Language Achievement Test (NYSESLAT);
- 3) Benchmark and lesson-embedded assessments for reading and math in grades K-6 based on teacher designed and selected assessments;
- 4) Common formative assessments that provide information about students' skills;
- 5) Unit and lesson assessments for ELA, mathematics, science, social studies and Languages Other than English (LOTE) for grades 7-8; and/or
- 6) Results of psychoeducational evaluations based on a variety of assessments and inventories.

After the LEA considers a student's scores on multiple measures of student performance, they will decide whether the student must receive AIS. LEA policies for providing AIS, including a description of which student performance measures and associated scores will be used to decide eligibility, must be posted on the LEA website and/or distributed to parents in writing.

Please contact the Office of State Assessment with questions about the Grades 3-8 ELA and Math Tests at (518) 474-5902 or emscassessinfo@nysed.gov.

Questions about AIS can be directed to the Office of Student Support Services at (518) 486-6090 or StudentSupportServices@nysed.gov.