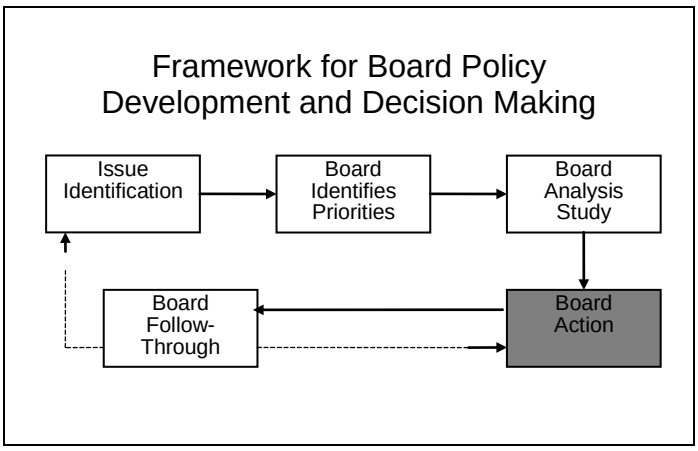
Iowa State Board of Education

Executive Summary

November 20, 2013



Agenda Item: Rules: Chapter 62 – State Standards for Progression in Reading (Notice)

Iowa Goal: All PK-12 students will achieve at a high level.

State Board Role/ Authority: Iowa Code section 256.7(5) gives the State Board of Education the statutory authority to adopt rules under chapter 17A.

Presenter: Mike Cormack, Policy Liaison
Division of Policy and Communications

Attachments: 1

Recommendation: It is recommended that the State Board give public notice of its intent to create Chapter 62, State Standards for Progression in Reading

Background: In the 2012 session of the Iowa General Assembly, a requirement was established in the comprehensive education legislation passed by that body on early literacy efforts. Students who were unable to demonstrate proficiency in reading were to have intensive efforts and offerings directed to them to address their status. That legislation required funding of literacy efforts to activate those changes. In the 2013 session, eight million dollars were appropriated to these efforts. As a result, the following rules are proposed to enact the 2012 law cited earlier to reflect the program funding.

EDUCATION DEPARTMENT [281]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to create new Chapter 62, "State Standards for Progression in Reading" Iowa Administrative Code.

The purpose of this chapter is to implement Iowa Code section 279.68. All rules in this chapter shall be construed and applied to meet the following standard: all actions under this chapter must provide reasonable expectation that a student's progress toward reading proficiency is sufficient to master appropriate grade three level reading skills prior to the student's promotion to grade four. Enactment of funding for reading programs by the 2013 Iowa General Assembly ignited the provisions of the law, requiring the need for rules on this item.

An agency-wide waiver provision is provided in 281—chapter 4.

Interested individuals may make written comments on the proposed amendments on or before January 3, 2014, at 4:30 p.m. Comments on the proposed amendments should be directed to Mike Cormack, Rules Coordinator, Iowa Department of Education, Second Floor, 400 East 14th Street, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-3399; or E-mail Mike.Cormack@Iowa.gov.

A public hearing will be held on January 3, 2014, from 2:00 to 3:00 p.m., at the State Board Room, Second Floor, Grimes State Office Building, 400 East 14th Street and Grand Avenue, Des Moines, Iowa at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should

contact and advise the Department of Education of their specific needs by calling (515)281-5295.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement 2012 Iowa Acts, Senate File 2284, sections 29 and 30.

The following amendments are proposed.

ITEM 1. Create rule **281—62.1-62.10(256, 279)** as follows:

281—62.1(256,279) Purpose. The purpose of this chapter is to implement Iowa Code section 279.68. All rules in this chapter shall be construed and applied to meet the following standard: all actions under this chapter must provide reasonable expectation that a student's progress toward reading proficiency is sufficient to master appropriate grade four level reading skills prior to the student's promotion to grade four.

281—62.2(256,279) Assessment of reading proficiency. All school districts shall assess reading proficiency of all students, in a manner required by this rule.

62.2(1) *Assessment at beginning of school year.* A school district shall assess all students enrolled in kindergarten through grade three at the beginning of each school year for their level of reading or reading readiness.

62.2(2) *Subsequent assessments throughout school year.* A school district shall provide additional, brief assessments of reading achievement in a manner required by the department to all students, using assessments that meet the standards described in subrule 62.2(5).

62.2(3) *Progress monitoring instruments.* For students identified as having a substantial deficiency in reading, as well as students who are at risk of a substantial

deficiency in reading, a school district shall monitor their progress in reading with instruments that meet the standards in subrule 62.2(5), in at least a frequency required by the department.

62.2(4) *Locally determined or statewide assessments.* Assessments may be locally determined or statewide, provided that all assessments for purposes of implementing this chapter must meet the standards described in subrule 62.2(5).

62.2(5) *Standards for approval for assessments*. Any assessment of reading or reading readiness required by this rule and used to implement this chapter shall meet the following minimum standards before use by a school district.

a. Standards for all assessments. Any assessment used under this chapter, including instruments described in paragraphs "b" and "c" of this subrule, shall meet department-adopted minimum standards for reliability and validity, at the appropriate grade level and for the skills assessed. In addition, all assessments must have information available concerning administration time per student, access to student data after completion, and amount of teacher training required.

b. Standards for universal screening instruments. Any assessment used for universal screening purposes under this chapter shall meet department-adopted minimum standards for the following statistical measures: area under the curve and specificity/sensitivity.

c. Standards for progress monitoring instruments. Any assessment used for progress monitoring purposes under this chapter shall meet department-adopted standards for number of forms of demonstrated equivalence and for the following statistical measure: reliability of slope.

d. Department publication of approved assessments. The department shall annually publish or update a list of approved assessments under this subrule. Approved assessments will have a demonstrated ability to predict future reading performance.

62.2(6) *Basic levels of reading proficiency on approved assessments.* The department shall determine benchmarks for basic levels of reading proficiency to be used with approved assessments based on predictions of meaningful future outcomes of reading performance that is sufficient to master appropriate grade four level reading skills prior to the student's promotion to grade four.

62.2(7) *Assessment measures.* Assessments administered to implement this chapter, when taken as a whole, shall measure phonemic awareness, phonics, fluency, vocabulary, and comprehension.

62.2(8) *Noncompliant assessments.* Assessments that do not comply with the requirements of this rule shall not be used by any school district to implement this chapter.

281—62.3(256,279) Tools for evaluating and reevaluating reading proficiency. The department identifies the following attributes of tools that may be used in evaluating and reevaluating reading proficiency.

62.3(1) *Locally determined or statewide assessments.* In evaluating and reevaluating students who are or be deficient in reading, school districts shall use assessments meeting the standards in subrule 62.2(5).

62.3(2) *Alternative assessments.* If a school district determines, based on the clear and unique facts of a particular student's case, that a particular student requires an alternative assessment to determine proficiency in reading, in addition to the assessments

referred to in rule 62.2(256,279) and subrule 62.3(1), the alternative assessment shall be based on scientifically based research and shall be reasonably calculated to provide information about the child's reading, in addition to information provided by the assessments referred to in rule 62.2(256,279) and subrule 62.3(1).

62.3(3) *Portfolio reviews.* School districts may review a portfolio of student work to determine reading proficiency. Portfolio reviews must be conducted using standard review criteria, such criteria being based on scientifically-based research. A portfolio review may be used along with assessments required in rule 62.2(256,279) and subrule 62.3(1), but shall not be used in lieu of such assessments. The department shall maintain a list of portfolio review criteria that are adequate under this rule.

62.3(4) *Teacher observation.* A student may initially be identified as having a substantial deficiency in reading proficiency based on teacher observation. A teacher observation under this subrule shall be based on department-approved observation criteria. Teacher observation shall not be used to determine that a student continues to have a substantial deficiency in reading.

62.3(5) *Other tools.* The department may identify additional tools for use in evaluating and reevaluating reading proficiency, so long as those tools are based on scientifically-based research.

62.3(6) *Alternate assessment.* If an individual with a disability has been determined to require an alternate assessment aligned to alternate academic achievement standards in reading, pursuant to rule 281—41.320(256B,34CFR300), that individual shall receive such alternate assessment.

62.3(7) *Noncompliant tools.* Tools that do not comply with the requirements of this rule shall not be used by any school district to implement this chapter.

62.4(256,279) Identification of a student as having a substantial deficiency in reading. A school district shall follow this rule in determining whether a student in kindergarten through grade three has a substantial deficiency in reading.

62.4(1) *Definition of a "substantial deficiency in reading."* A school district shall determine that a student has a "substantial deficiency in reading" if, based on the requirements of this chapter, the student's reading is below a standard set on an approved assessment, under subrule 62.2(6), and the student's progress on a measure that meets the requirements of this chapter is minimal.

62.4(2) *Determination of a substantial deficiency in reading.*

a. In initially determining whether a student has a substantial deficiency in reading as defined in subrule 62.4(1), the school district shall consider assessments referred to in rule 62.2(256,279) and subrule 62.3(1) or teacher observations that meet the standards described in subrule 62.3(4).

b. In determining whether a student continues to have a substantial deficiency in reading, a school district shall consider assessments referred to in rule 62.2(256,279) and subrule 62.3(1), with specific attention given to progress monitoring results under subrule 62.2(3).

62.4(3) *Services offered to all students with a substantial deficiency in reading.* A school district shall provide intensive reading instruction to any student who exhibits a substantial deficiency in reading, as defined in subrule 62.4(1). A school district shall continue to provide the student with intensive reading instruction until the reading

deficiency is remedied. All services provided under this subrule shall comply with rule 281—62.6(256,279).

62.4(4) *Notice to parents.* The parent or guardian of any student in kindergarten through grade three identified with a substantial deficiency in reading, as described subrule 62.4(1), shall be notified at least annually in writing of the following:

a. That the child has been identified as having a substantial deficiency in reading;

b. A description of the services currently provided to the child;

c. A description of the proposed supplemental instructional services and supports that the school district will provide to the child that are designed to remediate the identified area of reading deficiency; and

d. Strategies for parents and guardians to use in helping the child succeed in reading proficiency, including but not limited to the promotion of parent-guided home reading.

62.5(256,279) Intensive summer reading program.

62.5(1) *General.* Beginning May 1, 2017, unless the school district is granted a waiver pursuant to subrule 62.5(5), if a student's reading deficiency is not remedied by the end of grade three, as demonstrated by scoring on a locally determined or statewide assessment as provided in subrule 62.4(2), the school district shall notify the student's parent or guardian that the parent or guardian may enroll the student in an intensive summer reading program offered in accordance with this rule.

62.5(2) *Parent does not enroll child in intensive summer reading program.* If the parent or guardian does not enroll the student in the intensive summer reading program and the student is ineligible for the good cause exemption under rule 281—

62.8(256,279), the student shall be retained in grade three pursuant to rule 281—62.7(256,279)

62.5(3) *Student exempt or completes and is not reading proficient.* If the student is exempt from participating in an intensive summer reading program for good cause pursuant to rule 281—62.8(256,279), or completes the intensive summer reading program but is not reading proficient upon completion of the program as determined under subrule 62.4(2), the student may be promoted to grade four, but the school district shall continue to provide the student with intensive reading instruction pursuant to subrule 62.4(3) until the student is proficient in reading as demonstrated by scoring on locally determined or statewide assessments pursuant to subrule 62.4(2).

62.5(4) *Nature of intensive summer reading program.* The intensive summer reading program offered by a school district shall comply with the program criteria and guidelines for implementation contained in rule 281—61.3(256).

62.5(5) *Waiver of intensive summer reading program.* The department may grant a school district a waiver of the requirement to offer an intensive summer reading program for the summer of 2017 only. A school district must demonstrate good cause and that it is in the interest of education to receive a waiver.

62.6(256,279) Successful progression for early readers. Each school district shall do the following.

62.6(1) *Intensive instructional services.* A school district shall provide students who are identified as having a substantial deficiency in reading under subrule 62.4(2) with intensive instructional services and supports, free of charge, to remediate the

identified areas of reading deficiency. The intensive instructional services are further described in subrule 62.6(2).

a. Intensive instructional services under this subrule shall include a minimum of ninety minutes daily of scientific, research-based reading instruction.

b. In addition to the instruction described in paragraph "a" of this subrule, a school district shall prescribe other strategies, which may include but are not limited to the following:

(1) Small group instruction.

(2) Reduced teacher-student ratios.

(3) More frequent progress monitoring.

(4) Tutoring or mentoring.

(5) Extended school day, week, or year.

(6) Summer reading programs.

62.6(2) *Reading enhancement and acceleration development initiative.* The intensive instructional services described in rule 62.6(1) shall be provided to all students in kindergarten through grade three who are identified as having a substantial deficiency in reading, as determined pursuant to subrule 62.4(2). It shall meet the following requirements:

a. A school district shall provide instruction during regular school hours, in addition to the regular reading instruction.

b. A school district shall provide a reading curriculum that meets the standards of subrule 62.6(3)

62.6(3) *Reading curriculum for students with substantial deficiencies in reading.* To implement this rule, a school district shall provide a curriculum that meets the following guidelines and specifications. A curriculum that does not meet the standards of this subrule shall not be used to implement this chapter.

a. Assists students assessed as exhibiting a substantial deficiency in reading to develop the skills to read at grade level.

b. Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension.

c. Is supported by scientifically-based research in reading.

d. Is implemented by certified instructional staff with appropriate training and professional development, which at a minimum shall be the training and professional development described by the developer of the curriculum as necessary for it successful implementation.

e. Is implemented by certified instructional staff with the fidelity, which at a minimum shall be the training and professional development described by the developer of the curriculum as necessary for it successful implementation.

f. Includes a scientifically based and reliable assessment, which shall meet the requirements of rule 281—62.1(256,279).

g. Provides initial and ongoing analysis of each student's reading progress, which shall meet the requirements of rule 281—62.1(256,279), with notice provided to parents pursuant to subrule 62.6(4).

h. Is implemented during regular school hours.

i. Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.

j. Complies with any other standards established by the Iowa department of education, including but not limited to standards established under Iowa Administrative Code chapter 281—61(256).

62.6(4) *Parent notice, involvement and support.* At a minimum and in addition to other requirements of this chapter, school district shall provide the following to all parents or guardians of students who have been identified as having a substantial deficiency in reading.

a. At regular intervals, a school district shall apprise the parent or guardian of academic and other progress being made by the student and give the parent or guardian other useful information.

b. In addition to required reading enhancement and acceleration strategies provided to students, a school district shall provide parents of students who are identified as having a substantial deficiency in reading under subrule 62.4(2) with a plan outlined in a parental contract, including participation in regular parent-guided home reading.

62.6(5) *Report to the department.* Each school district shall report to the department of education the specific intensive reading interventions and supports implemented by the school district pursuant to this chapter. The department shall annually prescribe the components of required or requested reports.

62.7(256,279) Promotion to grade four.

62.7(1) *General.* In determining whether to promote a student in grade three to grade four, a school district shall place significant weight on any reading deficiency identified pursuant to subrule 62.4(2) that is not yet remediated.

62.7(2) *Mandatory retention.* A student described in subrule 62.5(2) shall be retained pursuant to this rule.

62.7(3) *Additional factors.* In addition to the significant weight required by subrule 62.7(1) the school district shall also weigh the student's progress in other subject areas, as well as the student's overall intellectual, physical, emotional, and social development.

62.7(4) *Consultation with parent or guardian.* A decision to retain a student in grade three shall be made only after direct personal consultation with the student's parent or guardian.

62.7(5) *Plan of action required.* A decision to retain a student in grade three shall be made only after the formulation of a specific plan of action to remedy the student's reading deficiency.

62.8(256,279) Good cause exemption. A school district shall exempt students from the retention requirements of rule 281—62.7(256,279) and intensive summer reading program requirements of rule 281—62.5(256,279) for good cause.

62.8(1) *"Good cause" defined.* Good cause exemptions shall be limited to the following:

a. Limited English proficient students who have had less than two years of instruction in an English as a second language program.

b. Students requiring special education whose individualized education program indicates that participation in a locally determined or statewide assessment required by this chapter, is not appropriate, consistent with the requirements of rules adopted by the state board of education for the administration of chapter 256B.

c. Students who demonstrate an acceptable level of performance on an alternative performance measure approved pursuant to subrule 62.3(2).

d. Students who demonstrate mastery through a student portfolio under alternative performance measures approved pursuant to subrule 62.3(3).

e. Students who have received intensive remediation in reading for two or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade one, grade two, or grade three. Intensive reading instruction for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The school district shall assist attendance centers and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.

62.8(2) *Additional documentation required.* Requests for good cause exemptions from the retention requirement of subrule 62.5(2) and rule 281—62.7(256,279), for students described in paragraphs “c” and “d” of subrule 62.8(1), shall include documentation from the student’s teacher to the school principal that indicates that the promotion of the student is appropriate and is based upon the student’s academic record. Such documentation shall include but not be limited to the individualized education program, if applicable, report card, or student portfolio.

62.9(256,279) Ensuring continuous improvement in reading proficiency.

62.9(1) *Reading proficiency addressed in comprehensive school improvement plan.* To ensure all children are reading proficiently by the end of third grade, each school district shall address reading proficiency as part of its comprehensive school improvement plan, drawing upon information about children from assessments conducted pursuant to this chapter and the prevalence of deficiencies identified by classroom, elementary school, and other student characteristics.

62.9(2) *Review of chronic early absenteeism.* As part of its comprehensive school improvement plan, each school district shall review chronic early elementary absenteeism for its impact on literacy development.

62.9(3) *Attendance centers with lower levels of reading proficiency.* If more than fifteen percent of an attendance center's students are not proficient in reading by the end of third grade, the comprehensive school improvement plan shall include strategies to reduce that percentage, including school and community strategies to raise the percentage of students who are proficient in reading. Strategies adopted under this subrule shall meet the requirements of this chapter.

62.9(4) *Professional development.* Each school district, subject to an appropriation of funds by the general assembly, shall provide professional development services to enhance the skills of elementary teachers in responding to children's unique reading issues and needs and to increase the use of evidence-based strategies.

62.9(5) *Relationship between this chapter and the department's general accreditation standards.* In addition to the requirement in subrule 62.9(1), the department shall consider compliance with and performance under this chapter in its

enforcement of the general accreditation standards and school improvement process described in Iowa Administrative Code chapter 281—12(256).

62.10(256,279) Miscellaneous Provisions.

62.10(1) *Services beyond third grade.* Students who are identified as having a substantial deficiency in reading that is not remediated at the end of third grade, remain entitled to intensive reading instruction. Nothing in this chapter shall be construed from preventing a school district from offering scientific, research-based instruction in reading to students above third grade. Nothing in this chapter shall be construed to prohibit a school district from determining a student above third grade as having a substantial deficiency in reading, or from providing services to a student so identified.

62.10(2) *Database.* In implementing subrule 62.6(5), the department may require school districts to enter assessment and progress monitoring data into a statewide database.

62.10(3) *Accredited nonpublic schools.* Nothing in this chapter shall be construed to prevent an accredited nonpublic school from voluntarily complying with this chapter. Nothing in this chapter shall be construed to prevent the Iowa department of education from offering universal screening or progress monitoring instruments to accredited nonpublic school students, or prevent the department from allowing those students' data from being included in the database described in subrule 62.10(2).