

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 61, "Iowa Reading Research Center," Iowa Administrative Code.

The Iowa Reading Research Center is charged to adopt program criteria and guidelines for the intensive summer literacy programs required by Iowa Code section 279.68. This amendment contains criteria and guidelines based on the work and recommendations of a multiple-member task team convened by the Center, which examined current practices in Iowa schools and evidence-based research on summer reading acceleration.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the October 14, 2015, Iowa Administrative Bulletin as ARC 2186C. Public comments were allowed until 4:30 p.m. on November 3, 2015. A public hearing was held on that date. Thirty-eight persons attended the public hearing. Approximately 90 written comments were received regarding this amendment. Based upon the public comments received, the adopted amendment reflects the following changes from the amendment published under Notice.

1. In Criterion 1, a specific reference was added to Iowa Code section 279.68, subsection 2, paragraph "d," subparagraph (3), subparagraph division (a). That subparagraph division requires that a reading curriculum must assist "students assessed as exhibiting a substantial deficiency in reading to develop the skills to read at grade level" and that such assistance shall "include but not be limited to strategies that formally address dyslexia, when appropriate."

2. In Criterion 2, definitional and clarifying language was added to give school districts more flexibility.

3. In Criterion 3, the minimum number of hours of intensive reading instruction was changed from 75 hours to 70 hours.

4. In Criterion 5 and Criterion 7, the attendance requirement for an intensive summer literacy program was changed from 90 percent attendance to 85 percent attendance.

5. In Criterion 8, an option to utilize a private provider for an intensive summer literacy program was added.

In addition, several Iowa Administrative Code references were revised for clarity and consistency.

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

This amendment is intended to implement Iowa Code sections 256.7(31) and 256.9(53)"c."

This amendment will become effective February 10, 2016.

The following amendment is adopted.

Amend rule 281—61.3(256) as follows:

**281—61.3(256) Intensive summer literacy program.** The center shall establish program criteria and guidelines for implementation of the program by school districts, under rules adopted by the state board of education.

**61.3(1) Program criteria.** ~~Reserved.~~ Each district's intensive summer literacy program shall be implemented consistent with 281—Chapter 62 and shall meet the following program criteria.

a. Criterion 1. Each district shall adopt instructional practices or programs that have demonstrated success and that include explicit and systematic instruction in foundational reading skills based on student need. Those instructional practices or programs shall incorporate the requirements of Iowa Code section 279.68, subsection 2, paragraph "d," subparagraph (3), subparagraph division (a). To meet this criterion, each district must:

(1) Adopt an instructional program from the department's review of evidence-based early literacy interventions, or

(2) Adopt instructional practices or programs that have been empirically shown to increase student literacy achievement.

b. Criterion 2. Each district shall employ skilled, high-quality instructors or provide instructors with required training, or do both. To meet this criterion, a district must hire instructors whose qualifications and training meet the requirements of the evidence-based intervention chosen. In the absence of specifications from the intervention chosen, a district must hire instructors who, at a minimum, hold a current Iowa teaching license with an endorsement in elementary education or in reading (K-8) or as a reading specialist. For the purposes of paragraph 61.3(1) “b,” a district may “hire” or “employ” personnel directly, through an agreement with one or more other districts, through an agreement with one or more accredited nonpublic schools, through an agreement with one or more state agencies or governmental subdivisions, through an agreement with one or more private not-for-profit community agencies, or some combination thereof.

c. Criterion 3. Each district shall allow sufficient time for intensive reading instruction and student learning. To meet this criterion, a district must implement, at a minimum, the total number of hours of instructional time described by the evidenced-based intervention chosen. In the absence of specifications from the intervention chosen, a district must provide a minimum of 70 hours of intensive reading instruction.

d. Criterion 4. Each district shall provide intensive instruction in small classes and small groups. To meet this criterion, a district must employ the same instructional grouping formats described in the evidence-based intervention chosen. In the absence of specifications from the intervention chosen, a district must ensure that it delivers whole-class instruction in class sizes of 15 or fewer students and that it delivers targeted intervention based on student need in small groups of 5 or fewer students. A district may elect to provide class and group sizes smaller than specified in this criterion.

e. Criterion 5. Each district shall monitor and promote student attendance. To meet this criterion, each district must adhere to an attendance policy that requires 85 percent attendance by each student.

f. Criterion 6. Each district shall evaluate student outcomes and program implementation. Evaluation of student outcomes includes attendance data and student achievement data. On a weekly basis, each district shall use the department-approved literacy assessment used during the school year to evaluate student progress toward end-of-third-grade proficiency. Evaluation of program implementation shall align with the district’s plan to address reading proficiency in its comprehensive school improvement plan, as required by rule 281—62.9(256,279). Program evaluation shall also include a measure of fidelity in implementing, at a minimum, the following requirements: instructor qualifications, amount of instructional time, group size, attendance data, and progress-monitoring data.

g. Criterion 7. Each district shall identify whether each student successfully completes the program. Each student who successfully completes the program is eligible for promotion to grade four. Each district shall provide to the parents or legal guardians of each student written notice about whether the student successfully completed the program. The notice shall include information about attendance, academic performance, additional or continuing areas of need and whether the child is eligible for promotion. Successful completion shall be defined as meeting either of the following standards:

(1) Consistent attainment of an end-of-third-grade proficiency standard pursuant to paragraph 61.3(1) “f,” or

(2) Attendance at no less than 85 percent of the program’s sessions.

h. Criterion 8. Each program shall be under the leadership and supervision of at least one teacher, as described in paragraph 61.3(1) “b,” and at least one appropriately licensed administrator. The two roles may be filled by the same individual. Either the teacher or the administrator shall hold a reading (K-8) endorsement or a reading specialist endorsement. Leadership and supervision under paragraph 61.3(1) “h” shall include monitoring the program for compliance with the program criteria in subrule 61.3(1).

i. Option to use private providers. A district may enter into an agreement with a private provider to provide intensive summer literacy instruction required by this chapter and 281—Chapter 62, at the election of a parent and in lieu of programming provided by the district. Any election under this paragraph shall be at the parent’s sole cost. The private provider shall use evidence-based instructional strategies. If a child successfully completes a private program, as defined in paragraph 61.3(1) “g,” the child shall be eligible for promotion to fourth grade.

**61.3(2)** *Guidelines for implementation by school districts.* ~~Reserved.~~ The center shall periodically publish guidelines to assist school districts in applying the program criteria contained in subrule 61.3(1) and in improving the performance of intensive summer literacy programs. The center shall make such guidelines available on its Web site.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/6/16.