RA 26-349

EDUCATION DEPARTMENT[281]

Regulatory Analysis

Notice of Intended Action to be published: 281—Chapter 62
"State Standards for Progression in Reading"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.7 and 279.68A

State or federal law(s) implemented by the rulemaking: Iowa Code section 279.68 as amended by the Literacy Changes Lives Act, 2024 Iowa Acts, House File 2618, and section 279.68A as amended by the Math Counts Act, 2025 Iowa Acts, House File 784

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 17, 2026
8 to 9 a.m.

Room B50
Grimes State Office Building
Online at meet.google.com/uzu-nfiq-jca
Phone: 1.929.276.1400
PIN: 992 943 978#

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Education no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.a.mayes@iowa.gov

Purpose and Summary

This proposed rulemaking substantially amends Chapter 62 to implement the Literacy Changes Lives Act, 2024 Iowa Acts, House File 2618, and the Math Counts Act, 2025 Iowa Acts, House File 784. This proposed rulemaking, as much as possible, consolidates decision-making processes and reduces duplicative requirements.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no known costs of this proposed rulemaking. No Fiscal Notes were provided for the underlying Iowa Acts.

- **Classes of persons that will benefit from the proposed rulemaking:**

Students, their teachers, and their parents will benefit from the clarity this proposed rulemaking provides.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There is no known quantitative impact.

- **Qualitative description of impact:**

The proposed rulemaking will reduce duplication and administrative burden for teachers and other school leaders.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Implementation costs are expected to be minimal and absorbed within existing agency resources.

- **Anticipated effect on State revenues:**

The proposed rulemaking is not anticipated to have a direct effect on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The underlying legislation requires rulemaking.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The underlying legislation requires rulemaking.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No other methods were seriously considered by the Department since the underlying legislation requires rulemaking.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Alternative methods were rejected. The underlying legislation requires rulemaking.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The proposed rulemaking is not expected to impact small business.

Text of Proposed Rulemaking

ITEM 1. Amend **281—Chapter 62**, title, as follows:

STATE STANDARDS FOR PROGRESSION IN READING <u>AND MATHEMATICS</u>

ITEM 2. Amend rule 281—62.1(256,279) as follows:

281—62.1(256,279) Assessment of reading and mathematics proficiency. All school districts shall assess reading and mathematics proficiency of all students pursuant to this rule.

62.1(1) *Assessment at beginning of school year.* A school district will assess all students enrolled in kindergarten through grade three at the beginning of each school year for the students' level of reading or reading readiness and in kindergarten through grade six for mathematics.

62.1(2) *Subsequent assessments throughout school year.* A school district will provide to all students additional, brief assessments of reading and mathematics achievement in a manner specified by the department, and at least two additional times per year, using assessments that meet the standards described in subrule 62.1(5), during the grades specified in subrule 62.1(1).

62.1(3) *Progress-monitoring instruments.* For students identified as being persistently at risk in reading or mathematics, ~~as well as students who are becoming persistently at risk in reading,~~ a school district will monitor the students' progress in reading or mathematics with instruments that meet the standards in subrule 62.1(5), in at least a frequency specified by the department for reading and at least every other week for mathematics.

62.1(4) No change.

62.1(5) *Standards for approval for assessments.* Any assessment of reading or reading readiness or mathematics under this rule and used to implement this chapter is to meet the following minimum standards before use by a school district:

a. No change.

b. *Standards for universal-screening instruments.* Any assessment used for universal-screening purposes under this chapter is to meet department-adopted minimum standards for the following statistical measures for the number of screening intervals required by the department: area under the curve and specificity/sensitivity.

c. No change.

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

62.1(6) *Basic levels of reading and mathematics proficiency on approved assessments.* The department will determine benchmarks for basic levels of reading or mathematics proficiency to be used with approved assessments based on the ability to predict meaningful future outcomes of a student's reading performance that is sufficient to master appropriate grade four reading skills prior to the student's promotion to grade four or mathematics performance.

62.1(7) *Assessment measures.* Assessments of reading or reading readiness administered to implement this chapter, when taken as a whole, are to measure phonemic awareness, phonics, fluency, vocabulary, and comprehension. Assessments of mathematics administered to implement this chapter, when taken as a whole, are to measure subitizing, cardinality, object counting, verbal counting, spatial relationships, benchmark numbers, and part-part-whole models.

62.1(8) *Noncompliant assessments.* Assessments that do not meet the provisions of this rule ~~may not~~ cannot be used by any school district to implement this chapter.

ITEM 3. Amend rule 281—62.2(256,279) as follows:

281—62.2(256,279) Tools for evaluating and reevaluating reading and mathematics proficiency. The department identifies the following attributes of tools that may be used in evaluating and reevaluating reading and mathematics proficiency:

62.2(1) *Locally determined or statewide assessments.* In evaluating and reevaluating students who are or may be at risk or persistently at risk in reading or mathematics, school districts are to use assessments that meet the standards referenced in subrule 62.1(5).

62.2(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 needs an alternative assessment to determine proficiency in reading, in addition to the assessments referred to in rule 281—62.1(256,279) and subrule 62.2(1), the alternative assessment is to be founded on scientifically

based research and reasonably calculated to provide equivalent information about the student's reading, in addition to information provided by the assessments referred to in rule 281—62.1(256,279) and subrule 62.3(1). This subrule does not apply to mathematics assessment.

62.2(3) *Portfolio reviews.* School districts may review a portfolio of a student's work to determine reading proficiency. Portfolio reviews are to be conducted using standard review criteria that are founded on scientifically based research. A portfolio review may be used along with assessments in rule 281—62.1(256,279) and subrule 62.2(1), but is not to be used in lieu of such assessments. The department is to maintain a list of portfolio review criteria that are adequate under this subrule. This subrule does not apply to mathematics assessment.

62.2(4) *Teacher observation.* A student may initially be identified as being persistently at risk in reading proficiency based on teacher observation. A teacher observation under this subrule is to be based on department-approved observation criteria. Teacher observation shall not be used to determine that a student continues to be persistently at risk in reading or for identifying a student as persistently at risk in mathematics.

62.2(5) No change.

62.2(6) *Alternate assessment.* If an individual with a disability has been determined to need an alternate assessment aligned to alternate academic achievement standards in reading or mathematics, pursuant to rule 281—41.320(256B,34CFR300), that individual is to receive such alternate assessment, as well as alternate universal screening and progress monitoring pursuant to this chapter on instruments approved by the department.

62.2(7) No change.

ITEM 4. Amend rule 281—62.3(256,279) as follows:

281—62.3(256,279) Identification of a student as being persistently at risk ~~in reading~~.

62.3(1) *Definition of "persistently at risk in reading and mathematics."* A student is determined "persistently at risk" under the ~~standard~~ standards in Iowa Code ~~section~~ sections 279.68(1)*"a."* and 279.68A(4). A student is "at risk ~~in reading~~" if the student did not meet the grade-level benchmark for one of the two most recent screening assessments administered pursuant to this chapter.

62.3(2) *Determination of a persistent risk in reading and mathematics.*

a. and *b.* No change.

c. A student is determined to be persistently at risk in mathematics under the standard in Iowa Code section 279.68A(4).

d. A student is at risk in mathematics if the student did not meet the grade-level benchmark for one of the two most recent screening assessments administered pursuant to this chapter.

e. A student is persistently at risk if the student is below grade-level expectations in the reading component of the language arts portion or the mathematics portion on the statewide summative assessment administered under rule 281—12.8(256). A student is at risk if the student is approaching grade-level expectations in the reading component of the language arts portion or the mathematics portion of that assessment.

~~**62.3(3)** *Services offered to all students who are persistently at risk in reading.* A school district will provide intensive reading instruction to any student who is persistently at risk in reading. A school district will continue to provide the student with intensive reading instruction until the student is reading at grade level, at grade levels beyond grade three if necessary, as determined by the student's consistently proficient performance on valid and reliable measures of reading ability that meet the provisions of rule 281—62.1(256,279). All services provided under this subrule will comply with rule 281—62.4(256,279).~~

~~**62.3(4)** *Notice to parents.* The district will comply with Iowa Code section 279.68(2)*"b"* and *"c."*~~

62.3(3) *Exit from "persistently at risk" status.* A student who is at benchmark on two consecutive assessments pursuant to subrule 62.1(1) or 62.1(2), or who is approaching, meeting, or exceeding grade-level expectations (or an equivalent level of achievement) on the reading component

of the language arts portion or the mathematics portion, as relevant to the student, of the statewide summative assessment administered under rule 281—12.8(256) is no longer persistently at risk.

ITEM 5. Amend rule 281—62.4(256,279) as follows:

281—62.4(256,279) Successful progression for early readers. Each school district shall provide the following:

62.4(1) *Intensive instructional services.* A school district will provide students who are persistently at risk in reading with the services specified in Iowa Code section 279.68(2)*"a."* A school district will continue to provide the student with intensive reading instruction until the student is reading at grade level, at grade levels beyond grade three if necessary, as determined by the student's consistently proficient performance on valid and reliable measures of reading ability that meet the provisions of rule 281—62.1(256,279). All services provided under this subrule will comply with rule 281—62.4(256,279).

62.4(2) No change.

62.4(3) *Reading curriculum for students who are persistently at risk in reading.* A curriculum that does not meet the standards of this subrule shall not be used to implement this chapter. To implement this subrule, a school district will provide a curriculum that meets the following guidelines and specifications:

a. ~~Assists students assessed as persistently at risk in reading to develop the skills to read at grade level. Assistance shall include but not be limited to strategies that formally address dyslexia, when appropriate. For purposes of this paragraph, "dyslexia" means a specific learning disability that is neurobiological in origin, is characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities, and may include difficulties that typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, as well as secondary consequences such as problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.~~ Meets the requirements of Iowa Code section 279.68(2)*"d"*(3).

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

~~*c.*~~ *b.* Is supported by scientifically based research in reading.

~~*d.*~~ *c.* Is implemented by certified instructional staff with appropriate training and professional development. Such training and professional development will meet the provisions of 281—Chapter 83.

~~*e.*~~ *d.* Is implemented by certified instructional staff with fidelity, which meets such standards for fidelity of implementation that the department may adopt.

~~*f.* Includes a scientifically based and reliable assessment, which meets the provisions of rule 281—62.1(256,279).~~

~~*g.* Provides initial and ongoing analysis of each student's reading progress, which meets the provisions of rule 281—62.1(256,279), with notice provided to parents pursuant to subrule 62.4(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.~~

62.4(4) *Parent notice, involvement and support.* At a minimum and in addition to other provisions of this chapter, school districts will provide ~~the following~~ to all parents or guardians of students who are persistently at risk in reading~~:~~ the information required by Iowa Code section 279.68(2)*"b"* and *"c."*

~~*a.* At regular intervals, a school district will 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 will provide parents or guardians of students who are persistently at risk in reading with a plan outlined in a parental contract, including participation in regular parent-guided home reading.~~

62.4(5) *Report to the department.* Each school district will report to the department ~~the specific intensive reading interventions and supports implemented by the school district pursuant to this chapter. The department will annually prescribe the components of required or requested reports.~~ in a manner specified in Iowa Code section 279.68(2)*"e."*

62.4(6) No change.

62.4(7) *Written notice.* Each school district will provide notice to parents of students who are persistently at risk in reading in grades kindergarten through grade six in a manner prescribed by Iowa Code section 279.68(1)*"c."*

62.4(8) *Personalized reading plans.* Each school district will engage parents of students who are persistently at risk in the development of personalized reading plans in a manner prescribed by Iowa Code section 279.68(1)*"d"* through the end of sixth grade. A school district may provide personalized reading plans to students who are at risk in reading. A school district may consolidate the plan required by this subrule with the requirements of subrule 62.4(4) for students who are in kindergarten through third grade. The department may provide a sample plan or instructions to obtain substantial compliance with the requirements of this subrule and subrule 62.2(4).

ITEM 6. Amend rule 281—62.5(256,279) as follows:

281—62.5(256,279) Ensuring continuous improvement in reading proficiency.

62.5(1) *General.* ~~To ensure all children are reading proficiently by the end of third grade, each~~ Each school district will comply with the provisions of Iowa Code section 279.68(3)*"a."*

62.5(2) No change.

62.5(3) *Universal literacy curriculum.* In addition to the requirements of subrule 62.5(1), each school district will implement a literacy curriculum to ensure universal access to high-quality literacy instruction. Such a curriculum includes evidence-based reading instruction, determined by research, including those practices identified within the statewide literacy plan and employing high-quality instructional materials, and shall not include instruction or practical application on teaching foundational reading that incorporates the three-cueing system.

ITEM 7. Rescind rule 281—62.6(256,279) and adopt the following **new** rule in lieu thereof:

281—62.6(256,279) Miscellaneous provisions: reading.

62.6(1) *Services beyond third grade: additional provisions.* Students who are identified as persistently at risk in reading at the end of third grade remain entitled to intensive reading instruction until they exit from this status under subrule 62.3(5) or through the end of sixth grade, whichever occurs first. A student is initially identified as persistently at risk in grades four through six if the student is below grade-level expectation on the reading component of the language arts component of the statewide summative assessment administered under rule 281—12.8(256) or is identified as persistently at risk under subrules 62.3(1) and 62.3(2), should a district choose to administer those subrules in grades four through six. Students who are identified as persistently at risk in reading in grades four through six remain entitled to intensive reading instruction until they exit from this status under subrule 62.3(5) or through the end of sixth grade, whichever occurs first.

62.6(2) *Database.* In implementing subrule 62.4(5), the department may require school districts to enter assessment and progress monitoring data into a statewide database.

62.6(3) *Accredited nonpublic schools.* Nothing in this chapter prevents an accredited nonpublic school from voluntarily complying with this chapter. Nothing in this chapter prevents the department from offering universal screening or progress monitoring instruments to accredited nonpublic school students or prevents the department from allowing inclusion of those students' data in the database described in subrule 62.6(2).

62.6(4) *Rules of construction.* Nothing in this chapter obligates a school district to select a particular assessment, instrument, tool, curriculum, or program, so long as the assessment, instrument, tool, curriculum, or program used meets the provisions of this chapter. Nothing in this chapter limits a school district from voluntarily providing services beyond sixth grade to students who need additional support in reading.

ITEM 8. Adopt the following **new** rules 281—62.7(256,279) to 281—62.9(256,279):

281—62.7(256,279) Services and supports for students who are persistently at risk in mathematics.

62.7(1) *Supports and interventions for students who are persistently at risk in mathematics.* A student who is persistently at risk under rule 281—62.3(256,279) is entitled to supports and interventions.

a. Supports and interventions under this subrule will be research-based and implemented with fidelity and consistent with the comprehensive state mathematics plan developed pursuant to Iowa Code section 256.9(71).

b. If the student is meeting expectations related to increases in the student's level of mathematics proficiency, the student will be provided with small group interventions. If the student is not meeting expectations related to increases in the student's level of mathematics proficiency, the student will be provided with intensive interventions.

62.7(2) *Personalized mathematics plan.* For each student who is persistently at risk in mathematics, a school district will engage parents in the development of a personalized mathematics plan that meets the provisions of Iowa Code section 279.68A(2)*"b."*

62.7(3) *Duration of obligations to students who are persistently at risk in mathematics.* For each student who is persistently at risk in mathematics, a school district will provide services under this chapter until the student exits persistently at risk status under subrule 62.7(2) or completes sixth grade.

62.7(4) *Support for students at risk in mathematics.* School districts may provide additional supports to students who are at risk in mathematics under rule 281—62.3(256,279).

281—62.8(256,279) Ensuring continuous improvement in mathematics proficiency.

62.8(1) *General.* To ensure all children are proficient in mathematics by the end of sixth grade, each school district will comply with the provisions of Iowa Code section 279.68A.

62.8(2) *Relationship between this chapter and the department's general accreditation standards.* In addition to subrule 62.8(1), the department will consider compliance with and performance under this chapter in its enforcement of the general accreditation standards and school improvement process described in 281—Chapter 12.

62.8(3) *Universal mathematics curriculum.* In addition to the requirements of subrule 62.8(1), each school district will implement a mathematics curriculum to ensure universal access to high-quality mathematics instruction. Such a curriculum includes evidence-based mathematics instruction, determined by research, including those practices identified within the statewide mathematics plan and employing high-quality instructional materials.

281—62.9(256,279) Miscellaneous provisions: mathematics.

62.9(1) *Report to the department.* Each school district will report to the department the specific intensive mathematics interventions and supports implemented by the school district in a manner similar to subrule 62.4(5).

62.9(2) *Database.* The department may require school districts to enter assessment and progress monitoring data into a statewide database.

62.9(3) *Accredited nonpublic schools.* Nothing in this chapter prevents an accredited nonpublic school from voluntarily complying with this chapter. Nothing in this chapter prevents the department from offering universal screening or progress monitoring instruments to accredited nonpublic school

students or prevents the department from allowing inclusion of those students' data in the database described in subrule 62.9(2).

62.9(4) *Rules of construction.* Nothing in this chapter obligates a school district to select a particular assessment, instrument, tool, curriculum, or program, so long as the assessment, instrument, tool, curriculum, or program used meets the provisions of this chapter. Nothing in this chapter limits a school district from voluntarily providing services beyond sixth grade to students who need additional support in mathematics.

ITEM 9. Amend **281—Chapter 62**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~section~~ sections 279.68 and 279.68A.