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(31)
State or federal law(s) implemented by the rulemaking: Iowa Code section 279.68

Public Hearing

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

November 19, 2024 8 to 9:30 a.m.	Room B100 Grimes State Office Building Des Moines, Iowa

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

Purpose and Summary

This proposed rulemaking implements 2024 Iowa Acts, House File 2618, and expands support for students who are not proficient in reading.

Analysis of Impact

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

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

Practitioner preparation programs will bear the cost of compliance with this rulemaking.

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

Students, schools, and parents will benefit from the additional support required by this rulemaking.

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 clarity that the proposed rulemaking provides is anticipated to have a qualitative benefit of unknown magnitude.

3. Costs to the State:

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

The Department will bear routine enforcement costs (e.g., the costs of monitoring and enforcing any school law).

- **Anticipated effect on state revenues:**

None were noted.

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

The statute requires rules, so no comparison is necessary.

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

The statute requires rules, so no determination is necessary.

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

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

The statute requires rules, so no alternatives were considered.

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

The statute requires rules, so no alternatives were considered.

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?

There is no known impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 62.3(4) as follows:

62.3(4) *Notice to parents.* The district will comply with Iowa Code section ~~279.68(2)~~ 279.68(1) *"b"* ~~and *"c."*~~ through *"d"* as amended by 2024 Iowa Acts, House File 2618, and section 279.68(2) *"b"* and *"c."*

ITEM 2. Amend subrule 62.4(4) as follows:

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:~~ parents with the notices required in Iowa Code section 279.68(1)*"b,""c,"* and *"d"* as amended by 2024 Iowa Acts, House File 2618, including notices regarding retention in grade, and 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.~~

ITEM 3. Amend subrule 62.6(1) as follows:

62.6(1) *Services beyond third grade.*

a. Students who are identified as persistently at risk in reading at the end of third grade remain entitled to intensive reading instruction. ~~Nothing in this chapter prohibits a school district from determining a student above third grade is persistently at risk in reading or from providing services to a student so identified.~~

b. Students in grades four through six who are "not reading proficiently" will receive services under this chapter. Students may be identified under this paragraph by any method identified in this chapter or by being identified as "not yet proficient" on the Iowa statewide assessment of student progress (ISASP). If a student is identified as not reading proficiently on the ISASP, the student remains identified under this chapter until the student attains proficiency on the ISASP.