



MEMORANDUM

TO: State Board of Education

FROM: Anna Shults and John Wolf, Literacy Specialists

DATE: January 25, 2012

SUBJECT: 11-561

No changes were made between the proposed and final rule language. A public hearing was held on January 6, 2012 at 10:00 a.m. During that public hearing oral testimony was given by Russ Simnick, representing Indiana Public Charter Schools Association, Barbara Burke Fondren, representing Community Montessori, Jane Morgan Herman, representing Community Montessori, Ronald Wallace, representing himself, and Carey Dahncke, representing Christel House.

Concerns were expressed regarding the focus on inputs rather than outputs, that charters did not need this type of accountability because parents can enroll their students elsewhere when dissatisfied, that the 90 minute block should not use term "block", that the plan submissions should be the same between charter schools and traditional public schools to facilitate comparison, that charters were not receiving the flexibility promised, and that 90 minutes is not best for students.

The comments were considered. Due to the research supporting 90 minutes of scientifically-based reading instruction and the flexibility allowed schools in how the instruction is delivered, no changes were made as a result of the comments. The Reading Plan does focus on outputs but also seeks to provide a framework for schools to deliver reading instruction that will result in fewer public school students needing remediation. Finally, the flexibility in plan submissions by charters is consistent with the flexibility provided to charter schools in exchange for increased accountability in **IC 20-24-2-1 (4)**.

TITLE 511 INDIANA STATE BOARD OF EDUCATION

Proposed Rule LSA Document #11-561

DIGEST

Amends 511 IAC 6.2-3.1 to establish new procedures for reading plans. Amends 511 IAC 6.2-3.1-2 to state that charter schools are exempt from requirements where noted. Amends 511 IAC 6.2-3.1-3 to specify students required take IREAD-3 assessment and to provide the procedure for submission of plans by charter schools. Amends 511 IAC 6.2-3.1-4 to provide exemptions from plan requirements. Effective 30 days after filing with the publisher.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

511 IAC 6.2-3.1-2; 511 IAC 6.2-3.1-3; 511 IAC 6.2-3.1-4

Rule 3.1. Reading Plan

511 IAC 6.2-3.1-1 Definitions

Authority: IC 20-19-2-8; IC 20-32-8.5-4

Affected: IC 20-31; IC 20-32-8.5

Sec. 1. The following definitions apply throughout this rule:

- (1) "Core reading program" means a scientifically-based program that provides a scope and sequence that scaffolds instruction in accordance with state academic standards.
- (2) "Dedicated time" means that scientifically-based reading research is the primary basis for the instruction provided during
- (3) "Differentiated instruction" means the process of matching instruction to meet the different needs of students.
- (4) "English learner" means a student whose native language is not English and who is classified as a Level 1-4 limited English proficient or Level 5 fluent English proficient based on the LAS Links English proficiency assessment.
- (5) "Individual learning plan" means the record keeping document developed for each English learner, outlining the student's level of English proficiency and instructional and assessment adaptations.
- (6) "IREAD-3" is the reading test approved by the board to test reading proficiency.
- (7) "Job-embedded time" means professional development that occurs during the course of the work day.
- (8) "Parent-guided home reading program" means a guidebook on how to promote reading at home.
- (9) "Principles of response to instruction" means the systemic process of meeting the educational needs of all students through the following:
 - (A) Professional accountability to ensure delivery of scientific research-based core curriculum and instruction.
 - (B) Ongoing monitoring of student data to assess instruction effectiveness.
 - (C) Determination and delivery of targeted and intensive individualized student supports. Response to instruction guidance is available at the department's website.
- (10) "Reading deficiency" means reading at a level not equivalent to grade-level reading proficiency.
- (11) "Reading instruction" means instruction on the five (5) components of scientifically-based reading, which includes the following:
 - (A) Phonics.
 - (B) Phonemic awareness.
 - (C) Fluency.
 - (D) Vocabulary.
 - (E) Comprehension.
- (12) "Scaffolding" means instruction that builds on a student's prior knowledge and internalizes new information.
- (13) "Scientifically-based reading research" means research that includes the following:
 - (A) Scientific methods with an emphasis on experimental control or comparison groups.

- (B) Replication of results, using multiple studies by different investigators.
- (C) Ability to generalize results from one (1) sample to other children in the general population.
- (D) Fulfillment of rigorous standards with an emphasis on peer review.
- (E) Consistency of results between studies.

(Indiana State Board of Education; 511 IAC 6.2-3.1-1; filed Mar 25, 2011, 10:26 a.m.: 20110420-IR-511100635FRA)

511 IAC 6.2-3.1-2 Applicability

Authority: IC 20-19-2-8; IC 20-32-8.5-4

Affected: IC 20-24-8-5; IC 20-26-15; IC 20-31; IC 20-32-8; IC 20-32-8.5; IC 20-35-5; IC 36-1-7

Sec. 2. (a) This rule applies to:

- (1) elementary schools, including charter schools as set forth under IC 20-24-8-5(18), **with exemptions for charter schools noted;**
 - (2) elementary schools organized by an interlocal agreement under IC 36-1-7;
 - (3) special education cooperative organized under IC 20-35-5; and
 - (4) accredited nonpublic school under IC 20-26-15 or 511 IAC 6.1-1-1.
- (b) A school is an elementary school under this rule if any students in the school attend kindergarten, first, second, or third grade.
- (c) Each school shall submit the details of a reading plan that includes components set forth in section 3 of this rule to the department on the June 30 before the school year of implementation.
- (d) If an entity under subsection (a) receives funding under IC 20-32-8, the entity shall prioritize that funding on resources for students who have a reading deficiency in grades 1 through 3.

(Indiana State Board of Education; 511 IAC 6.2-3.1-2; filed Mar 25, 2011, 10:26 a.m.: 20110420-IR-511100635FRA)

511 IAC 6.2-3.1-3 Reading plan; components

Authority: IC 20-19-2-8; IC 20-32-8.5-4

Affected: IC 20-20-31; IC 20-31; IC 20-32-8.5

Sec. 3. A reading plan includes the following:

- (1) Membership of the reading leadership team.
- (2) Measurable student achievement goals for each grade level.
- (3) Reading instruction in accordance with section 4 of this rule.
- (4) Details of the manner in which the school plans to use formative and summative assessments for the following:
 - (A) Students in kindergarten through grade 2 that measure the following:
 - (i) Phonemic awareness.
 - (ii) Phonics.
 - (iii) Fluency.
 - (iv) Vocabulary.
 - (v) Comprehension.
 - (B) Students in grade 3 and higher that measure vocabulary and comprehension in relation to content knowledge.
- (5) Intervention in accordance with section 5 of this rule.
- (6) **Requirement that all students taking ISTEP and IMAST assessments take the IREAD3 assessment.**
- (7) Beginning with the 2012-2013 school year, retention of a student in grade 3 if the student does not achieve a passing score on the IREAD-3 assessment during the previous school year or during a subsequent attempt at passing IREAD-3. The student shall not be retained if one (1) of the following applies to the student:
 - (A) The student has been retained two (2) times prior to promotion to grade 4.
 - (B) The student has a disability and a case conference committee has determined that promotion is appropriate.
 - (C) The student is an English learner and a committee consisting of:

- (i) the student's parent;
- (ii) a building level administrator or designee;
- (iii) a classroom teacher of service;
- (iv) an English learner teacher, if one exists; and
- (v) an English learner district administrator, if one exists; determines that promotion is appropriate based on the implementation of researched-based instructional practices outlined in the student's individual learning plan.

(87) Promotion of students retained under subdivision (6) when the student achieves grade-level reading proficiency as demonstrated by passing IREAD-3.

(98) Professional development for teachers that includes the following:

- (A) Utilizing assessment data to target the measurable student achievement goals for each grade level.
- (B) Development differentiated for teachers based on classroom data.
- (C) Development of model classrooms within the school.
- (D) When possible, job-embedded time for professional development and collaboration.

(109) A monitoring plan that evaluates the implementation of the reading plan.

(b) A reading plan for a charter school will be collected by a charter school's sponsor, and must include the general information required in this section, but does not need to meet the form prescribed by the department.

(Indiana State Board of Education; 511 IAC 6.2-3.1-3; filed Mar 25, 2011, 10:26 a.m.: 20110420-IR-511100635FRA)

511 IAC 6.2-3.1-4 Reading plan; instruction

Authority: IC 20-19-2-8; IC 20-32-8.5-4

Affected: IC 20-31; IC 20-32-8.5

Sec. 4. (a) Reading instruction for all students in kindergarten through third grade must include the following:

(1) A research-based core reading program that provides a scope and sequence in order to scaffold the instruction of scientifically-based reading, including the following:

- (A) Phonemic awareness.
- (B) Phonics.
- (C) Fluency.
- (D) Vocabulary

(E) Comprehension.

(2) A dedicated, uninterrupted minimum ninety (90) minute block of time daily to all students. The time must include whole group instruction using a core reading program and small-group differentiated instruction. Half-day kindergarten programs must provide ninety (90) minutes of instruction but do not have to provide the instruction during an uninterrupted block of time.

(A) Charter schools are exempt from this subsection; and

(B) Public schools and accredited nonpublic schools in which ninety percent (90%) of students pass IREAD-3 are exempt from this subsection.

(b) A school is not required to offer a research-based core reading program under 511 IAC 6.2-3.1-4(a)(1) if:

(1) the state board determines that the school falls within one (1) of the top two (2) performance categories under 511 IAC 6.2-6-5; and

(2) ninety percent (90%) of students pass ~~the reading portion of ISTEP+~~IREAD-3 during the school year immediately preceding the submission of the plan.

(c) A sponsor of a charter school whose students do not pass IREAD-3 at 90% or higher shall require that charter school to implement scientifically-based reading instruction.

(Indiana State Board of Education; 511 IAC 6.2-3.1-4; filed Mar 25, 2011, 10:26 a.m.: 20110420-IR-511100635FRA)

511 IAC 6.2-3.1-5 Reading plan; intervention

Authority: IC 20-19-2-8; IC 20-32-8.5-4

Affected: IC 20-31; IC 20-32-8.5

- Sec. 5. (a) A school shall intervene with students who have reading deficiency as determined by assessment results.
- (b) Intervention for students prior to the retention determination under section 3(a)(6) [section 3(6)] of this rule must include, but is not limited to, the following types of remediation:
- (1) Research-based materials that address reading deficiencies as determined by the assessment results.
 - (2) Principles of response to instruction.
 - (c) If a school intervenes, the school shall notify and involve the student's parent or guardian. The notice must include the following:
 - (1) A description and explanation of the deficiency.
 - (2) Proposed supplemental instruction services.
 - (3) Strategies for parents to use to assist the student.
 - (4) Notice that the student will be retained if the student does not achieve a passing score on the IREAD-3 assessment.
 - (d) Intervention for students retained under section 3(a)(6) [section 3(6)] of this rule must include, but is not limited to, the following types of remediation:
 - (1) Scientifically-based reading strategies that meet the student's needs.
 - (2) Instruction by an effective teacher as measured by student performance results.
 - (3) At least ninety (90) minutes of reading instruction each school day.
 - (4) At least one (1) of the following instructional options:
 - (A) Tutoring before or after school.
 - (B) Parent workshops and a parent-guided home reading program.
 - (C) A mentor or tutor with specialized reading training and may include volunteers or school staff.
 - (D) Extended-day programs.
 - (E) Supplemental instruction services.

(Indiana State Board of Education; 511 IAC 6.2-3.1-5; filed Mar 25, 2011, 10:26 a.m.: 20110420-IR-511100635FRA)