

Red Tape Review Rule Report (Due: September 1, 2023)

Department Name:	Education	Date:	July 26, 2023	Total Rule Count:	9
IAC #:	281	Chapter/ SubChapter/ Rule(s):	61	Iowa Code Section Authorizing Rule:	256.7(31)
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What is the intended benefit of the rule?

The intended benefit of this rule is improved reading instruction and performance in Iowa.

Is the benefit being achieved? Please provide evidence.

The Iowa Reading Research Center provides a large amount of support and technical assistance to Iowa's schools, in the form of training, assessments, and practice guides. These are detailed in the IRRC's most recent annual report (https://irrc.education.uiowa.edu/sites/irrc.education.uiowa.edu/files/2023-04/fy_23_annual_report_irrc.pdf).

What are the costs incurred by the public to comply with the rule?

The costs of complying with this rule are defrayed by an annual appropriation to the Department for the IRRC (\$1,500,000 in the coming fiscal year).

What are the costs to the agency or any other agency to implement/enforce the rule?

The Department's costs are absorbed in its general operating funds.

Do the costs justify the benefits achieved? Please explain.

Yes. The IRRC provides important supports to Iowa's students and educators, including addressing dyslexia and implementing the science of reading.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

Iowa Code section 256.7(31) requires rules. The Department has sought to remove unnecessary language. The Department proposes removing current subrule 66.4, paragraph "d", which would allow the IRRC to charge for the actual costs of providing its services. This is inconsistent with the underlying statute, which does not authorize these charges and which requires professional development services to be provided at no cost.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

The Department proposes removing obsolete, duplicative, and unnecessary language, including current rule 61.1, which has no operative effect.

RULES PROPOSED FOR REPEAL (list rule number[s]):

61.1 (unnecessary)
61.9 (consolidated with another rule)

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

See below.

METRICS

Total number of rules repealed:	2
Proposed word count reduction after repeal and/or re-promulgation	507
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	51

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

None noted.

Proposed New Chapter 61

CHAPTER 61
IOWA READING RESEARCH CENTER

281—61.1(256) Establishment. There is established an Iowa reading research center (“center”). The director of the department of education will select a public education entity to serve as the host for the center. The director will give preference to a school district, an area education agency, or the joint area education agencies system. The selection of a host is to be for a specified period of time.

281—61.2(256) Purpose. The center’s purpose is set forth in Iowa Code section 256.9(49)(c)(1).

281—61.3(256) Intensive summer literacy program. The center hereby establishes program criteria and guidelines for voluntary implementation of the program by school districts.

61.3(1) Program criteria: summer reading programs pursuant to Iowa Code section 279.68. Each district that chooses to implement a summer reading program as part of its implementation of Iowa Code section 279.68(2) “a”(6) is to comply with the terms of that section and 281—Chapter 62. A school district will employ appropriately licensed and supervised teachers and paraprofessionals, will monitor student progress, and is encouraged to use an evidence-based curriculum.

61.3(2) Additional voluntary program criteria: intensive summer literacy program. Each district’s voluntary intensive summer literacy program is encouraged to meet, in addition to the terms of subrule 61.3(1), the following program criteria.

a. Criterion 1. Each district is encouraged to adopt instructional practices or programs that have some evidence of success and that include explicit and systematic instruction in foundational reading skills based on student need, consistent with Iowa Code section 279.68.

b. Criterion 2. Each district is to employ skilled, high-quality instructors. For the purposes of this paragraph, 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 is encouraged to allow sufficient time for meaningful reading instruction and student learning.

d. Criterion 4. Each district is encouraged to provide instruction in small classes and small groups. To meet this criterion, a district is encouraged to employ the same instructional grouping formats described in the evidence-based intervention chosen. In the absence of specifications from the intervention chosen, a district is encouraged to 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.

- e. *Criterion 5.* Each district is encouraged to monitor and promote student attendance.
- f. *Criterion 6.* Each district is encouraged to evaluate student outcomes and the quality of program implementation, including implementation of these voluntary criteria.
- g. *Criterion 7.* Each program is to be under the leadership and supervision of at least one appropriately licensed teacher and at least one appropriately licensed administrator. The two roles may be filled by the same individual. Nonlicensed personnel are to be supervised by an appropriately licensed teacher. It is encouraged that either the teacher or the administrator holds a reading (K-8) endorsement or a reading specialist endorsement.

h. *Option to use private providers.* A district may enter into an agreement with a private provider that uses evidence-based instructional strategies to provide summer literacy instruction under 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 is at the parent’s sole cost.

61.3(3) Guidelines for implementation by school districts. The center is to (1) publish guidelines to assist school districts in applying the program criteria contained in subrule 61.3(1) and the voluntary criteria contained in subrule 61.3(2) and in improving the performance of intensive summer literacy programs and (2) make such guidelines available on its Web site.

281—61.4(256) Nature of the center’s operation. The center work is governed by the provisions of Iowa Code section 256.9(49)(c)(2). Annually, the center submits the report specified in section 256.9(49)(c)(3).

281—61.5(256) Nature of the center’s products.

61.5(1) General. The center’s strategies, models, materials, and assessments, including the products referred to in subrule 61.6(3), are judged by and subject to the following requirements. To the extent possible, strategies, models, materials, and assessments, including the products referred to in subrule 61.6(3), shall:

1. Be research-based.
2. Contain evidence establishing that they are replicable by Iowa school districts, area education agencies, and accredited nonpublic schools.
3. Contain evidence establishing that they are capable of sustainable implementation.
4. Be widely and liberally distributed and used.

61.5(2) Intellectual property. Regardless of any intellectual property right that may accrue to the center, the department of education, each school district, area education agency, and accredited nonpublic school has a perpetual, irrevocable, royalty-free, nonexclusive, nontransferable license to use any of the strategies, models, and materials produced by the center. Regardless of any intellectual property right that may accrue to the center, each school district, area education agency, accredited nonpublic school, and practitioner preparation program approved by the department of education has a perpetual, irrevocable, royalty-free, nonexclusive, nontransferable license to use any of the strategies, models, and materials produced by the center to provide training to current and prospective teachers and administrators.

281—61.6(256) Governance and leadership of the center.

61.6(1) Director and other personnel. The center shall have a director employed by the host referred to in rule 281—61.1(256). The director of the department of education or the director’s designee, in consultation with the host and the advisory council, shall select, determine the compensation of, and annually evaluate the director of the center.

- a. Responsibilities of the director of the center will include the following:
- (1) Enacting the priorities of the reading research center, as defined by the department;
 - (2) Achieving the Iowa reading research center’s mission and purpose;
 - (3) Directing the center’s budget;
 - (4) Managing the center’s staff;
 - (5) Managing and overseeing the request for proposal (RFP) or contracting process or both to enact priorities of the center;
 - (6) Providing oversight and management of all contracts and projects initiated by the center;
 - (7) Establishing models for an intensive summer literacy program replicable in Iowa schools;
 - (8) Disseminating literacy research and its application; and
 - (9) Submitting required reports to the department and the general assembly.

b. The center may employ such other personnel as may be necessary to fulfill its responsibilities, upon approval of such positions by the director of the department of education.

61.6(2) Advisory council. When setting priorities for the center, the department of education seeks advice and assistance from an advisory council. The advisory council is to establish its bylaws and govern itself by the following paragraphs:

- a. The advisory council consists of representatives of the department, school districts, area education agencies, accredited nonpublic schools, institutions of higher education, organizations representing reading and literacy teachers,

community-based nonprofit organizations that are focused on literacy, statewide literacy organizations, and parents. Members who offer other perspectives may be appointed. Members may serve in more than one role. Members are appointed by the director of the department of education or the director's designee. Actual expenses for members of the advisory council may be assumed by the center.

b. The advisory council recommends and continually reviews center priorities, which are to be consistent with these rules. The advisory council annually submits to the department a recommended set of projects and priorities for the reading research center.

c. The advisory council provides input to the director of the department on the desired qualifications for the position of director of the center.

d. The advisory council advises and assists the center in preparing the annual report in rule 281—61.4(256).

e. The advisory council fosters collaboration across the Iowa reading research and evaluation community and serves as a facilitator in identifying additional research needs and ways to apply research to practice in Iowa schools and communities.

f. The advisory council assists the director of the center in reviewing proposals for quality, viability, and statewide impact.

g. Meetings of the advisory council are public meetings subject to Iowa Code chapter 21.

61.6(3) *Use of advisory council recommendations.* The department is to consider the priorities established by its advisory council in determining which projects or activities to direct the center to enact, consistent with these rules and with the center's funding.

61.6(4) *Contracts and awards.* In the furtherance of its work, the center may contract with other entities or may make awards by competitive bid. The rules in this chapter are incorporated by reference in any contract or award under this subrule. Any product produced pursuant to a contract or award shall be subject to these rules, including subrule 61.5(2).

281—61.7(256) *Financing of the center.* The center will be financed in the following manner:

61.7(1) *Host as fiscal agent.* The host is the fiscal agent for the center.

61.7(2) *Public or private funds.* The host and the center may solicit and accept funds from public and private sources for the fulfillment of the mission and purpose of the center.

61.7(3) *Oversight by the department.* The department has oversight responsibilities for the financial operations of the center.

These rules are intended to implement Iowa Code sections 256.7(31)"b" and (49) "c".