

Iowa State Board of Education

Executive Summary

November 15, 2023



Agenda Item: Rules: 281 IAC Chapter 61, “Iowa Reading Research Center” (Notice of Intended Action)

State Board Priority: Eliminating Achievement and Opportunity Gaps

State Board Role/Authority: This rule making is proposed under the authority provided in Iowa Code section 256.7(31).

Presenter(s): Thomas A. Mayes, General Counsel

Attachment(s): One

Recommendation: It is recommended that the State Board give notice of its intent to amend Chapter 61.

Background: The current Chapter 61 contains many instances of overly restrictive language and language that duplicates statutory text verbatim. This proposed rulemaking eliminates that language.

The Department proposes removing current paragraph 61.6(4)“d,” which currently allows the Iowa Reading Research Center 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.

EDUCATION DEPARTMENT[281]

Notice of Intended Action

The State Board of Education hereby proposes to rescind and replace Chapter 61, “Iowa Reading Research Center,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7(31).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 256.7(31).

Purpose and Summary

The current Chapter 61 contains many instances of overly restrictive language and language that duplicates statutory text verbatim. This proposed rulemaking eliminates that language.

The Department proposes removing current paragraph 61.6(4)“d,” which currently allows the Iowa Reading Research Center 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.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Public Comment

Any interested person may submit comments concerning this proposed rulemaking. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 4, 2024. Comments should be directed to:

Thomas A. Mayes
Iowa Department of Education
Grimes State Office Building
400 E. 14th Street
Des Moines, IA 50319
thomas.mayes@iowa.gov
515-281-8661

Public Hearing

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

Hearing 1: January 3, 2024, from 2:00 to 2:30, State Board Room, Grimes State Office Building, Des Moines, IA 50319

Hearing 2: January 4, 2024, from 10:00 to 10:30, State Board Room, Grimes State Office Building, Des Moines, IA 50319

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the State Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action proposed:

ITEM 1. Rescind 281—Chapter 61 and adopt the following **new** chapter in lieu thereof:

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:

- a. 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.
- b. Make such guidelines available on its website.

281—61.4(256) Nature of the center’s operation. The center’s 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:

- a. Be research-based.
- b. Contain evidence establishing that they are replicable by Iowa school districts, area education agencies, and accredited nonpublic schools.
- c. Contain evidence establishing that they are capable of sustainable implementation.
- d. 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 and each school district, area education agency, and accredited nonpublic school will have 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’s director will be 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, will 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 will consist 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 will recommend and continually review center priorities, which are to be consistent with these rules. The advisory council annually will submit to the department a recommended set of projects and priorities for the reading research center.

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

d. The advisory council will advise and assist the center in preparing the annual report as set out in rule 281—61.4(256).

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

f. The advisory council will assist 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 is 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 256.9(49)“*c*.”