

## Final Rule

LSA Document #10-635(F)

## DIGEST

Amends [511 IAC 6.1-5-2.6](#) to include the utilization of the reading framework adopted by the state board of education as a portion of the required elementary curriculum. Adds [511 IAC 6.2-3.1](#) to define and require elementary schools to submit a reading plan, to provide definitions that apply throughout the rule, to require elementary schools to submit a reading plan to the department, to define the components of the reading plan, including measurable student achievement goals for each grade level and the retention of a student in third grade who does not have a passing score on the IREAD-3 assessment, to define reading instruction requirements, and to require specific intervention prior to the third grade determination and specific intervention if a student is retained at the third grade reading level. Effective 30 days after filing with the Publisher.

[511 IAC 6.1-5-2.6](#); [511 IAC 6.2-3.1](#)

SECTION 1. [511 IAC 6.1-5-2.6](#) IS AMENDED TO READ AS FOLLOWS:

[511 IAC 6.1-5-2.6](#) Elementary curriculum

Authority: [IC 20-19-2-8](#); [IC 20-31-4-17](#)

Affected: [IC 20-30-5-14](#); [IC 20-31-3](#); [IC 20-31-4-1](#)

Sec. 2.6. (a) ~~In kindergarten through grade 6,~~ The **elementary** curriculum:

**(1) utilizes the reading framework adopted by the state board of education in 2011, which does not include any later amendments or additions, and copies of which are available from the Department of Education, 200 W. Washington St., Indianapolis, IN 46204, or available at <http://www.doe.in.gov>;**

~~(4)~~ **(2)** includes:

(A) a balance of learning experiences in the academic areas in subsection (b);

(B) in grades 1 through 5, career awareness models to introduce students to work values and basic employment concepts as required by [IC 20-30-5-14](#);

(C) in grade 6, initial career information models that focus on career choices as they relate to student interest and skills as required by [IC 20-30-5-14](#); and

(D) exploratory activities;

consistent with the academic standards developed under [IC 20-31-3](#) and the general principles in section 0.6 of this rule;

~~(2)~~ **(3)** develops students' ability to apply subject matter skills to solve personal, school, and community problems;

~~(3)~~ **(4)** is appropriate to research-identified developmental characteristics of learners;

~~(4)~~ **(5)** prepares students to succeed in the Core 40 high school curriculum;

~~(5)~~ **(6)** integrates appropriate technology as described in Indiana's Academic Standards;

~~(6)~~ **(7)** includes practical experiences through which students:

(A) begin to recognize technological systems and processes;

(B) learn to use technology to solve problems related to home, school, community, and workplace; and

(C) develop skills useful in performing individual and family responsibilities;

~~(7)~~ **(8)** is provided in a culture that fosters collaboration of teachers and other school personnel across subject areas, through techniques such as teaming or professional learning communities;

~~(8)~~ **(9)** is enriched through the integration of community service-learning activities that apply curriculum-based knowledge in experiential settings;

~~(9)~~ **(10)** integrates global educational experiences that provide for the study of other societies and world issues; and

~~(10)~~ **(11)** prepares students for success in middle school.

(b) The elementary curriculum develops students' knowledge and skills based on the academic standards in the following:

(1) English language arts.

(2) Mathematics.

(3) Social studies and citizenship.

- (4) Science.
- (5) Visual arts and music.
- (6) Health and wellness.
- (7) Physical education, adapted as necessary.

(c) Through elective enrichment, the elementary curriculum develops students' knowledge and skills based on the academic standards in the following:

- (1) Theater and dance.
- (2) World languages.

**(d) A school is not required to utilize the reading framework under subsection (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 IREAD-3 assessment during the school year immediately preceding the utilization of the framework. This subdivision is not required for an exception under this subsection for the 2011-2012 school year.**

*(Indiana State Board of Education; [511 IAC 6.1-5-2.6](#); filed Dec 21, 2010, 10:13 a.m.:*

*[20110119-IR-511090382FRA](#); filed Mar 25, 2011, 10:26 a.m.: [20110420-IR-511100635FRA](#))*

SECTION 2. [511 IAC 6.2-3.1](#) IS ADDED TO READ AS FOLLOWS:

### 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 that time period.**

**(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);

(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) 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.

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

(8) 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.

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

(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.

(b) A school is not required to offer a research-based core reading program under [511 IAC 6.2-3.1-](#)

[4\(a\)\(1\)](#) [subsection (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+ during the school year immediately preceding the submission of the plan.

(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](#)

**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](#))*

*LSA Document #10-635(F)*

*Notice of Intent: [20101013-IR-511100635NIA](#)*

*Proposed Rule: [20101222-IR-511100635PRA](#)*

*Hearing Held: January 20, 2011*

*Approved by Attorney General: March 9, 2011*

*Approved by Governor: March 25, 2011*

*Filed with Publisher: March 25, 2011, 10:26 a.m.*

*Documents Incorporated by Reference: None Received by Publisher*

*Small Business Regulatory Coordinator: Jeffery P. Zaring, State Board Administrator, Indiana Department of Education, Room 229, State House, Indianapolis, IN 46204, (317) 232-6622, [jzaring@doe.in.gov](mailto:jzaring@doe.in.gov)*

*Posted: 04/20/2011 by Legislative Services Agency*

*An [html](#) version of this document.*