



INDIANA STATE BOARD OF EDUCATION

To: Indiana State Board of Education
From: Chad E. Ranney, Deputy General Counsel – Indiana State Board of Education
Olivia Cornelius, Legal Intern – Indiana State Board of Education
Date: October 3, 2018
RE: **Proposed Dyslexia Rule Language**

PRINTING CODE: Amendments: Whenever an existing section of an administrative rule is being amended, the text of the existing provisions will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new administrative rule (or a new section of an existing administrative rule) is being added, the text of the new rule will appear **in this style type**.

Title 511 Indiana State Board of Education

Proposed Rule

LSA Document #18- __ __ __

DIGEST

Amends 511 IAC 6.2-3.1 to account for IC 20-35.5 (Dyslexia Screening and Intervention).
Effective 30 days after filing with the Publisher.

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; **IC 20-35.5-2-6; IC 20-35.5-7-3**
Affected: IC 20-31; IC 20-32-8.5; **IC 20-35.5**

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

(1) “Authorized reading specialist trained in dyslexia” has the meaning set forth in IC 20-35.5-1-2.

~~(1)~~ **(2)** "Core reading program" means a scientifically-based program that provides a scope and sequence that scaffolds instruction in accordance with state academic standards.

~~(2)~~ **(3)** "Dedicated time" means that scientifically-based reading research is the primary basis for the instruction provided during that time period.

~~(3)~~ **(4)** "Differentiated instruction" means the process of matching instruction to meet the different needs of students.

(5) “Dyslexia program” has the meaning set forth in IC 20-35.5-1-3.

~~(4)~~ **(6)** "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)~~ **(7)** "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)~~ **(8)** "IREAD-3" is the reading test approved by the board to test reading proficiency.

~~(7)~~ **(9)** "Job-embedded time" means professional development that occurs during the course of the work day.

(10) "Level I dyslexia screening" has the meaning set forth in IC 20-35.5-1-4.

(11) "Level II dyslexia screening" has the meaning set forth in IC 20-35.5-1-5.

~~(8)~~ **(12)** "Parent-guided home reading program" means a guidebook on how to promote reading at home.

~~(9)~~ **(13)** "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)~~ **(14)** "Reading deficiency" means reading at a level not equivalent to grade-level reading proficiency.

~~(11)~~ **(15)** "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)~~ **(16)** "Scaffolding" means instruction that builds on a student's prior knowledge and internalizes new information.

~~(13)~~ **(17)** "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.

(18) "Universal screener" has the meaning set forth in IC 20-35.5-1-7.

(Indiana State Board of Education; 511 IAC 6.2-3.1-1; filed Mar 25, 2011, 10:26 a.m.: 20110420-IR-511100635FRA; readopted filed Nov 16, 2017, 1:20 p.m.: 20171213-IR-511170398RFA)

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; filed Mar 21, 2012, 11:28 a.m.: 20120418-IR-511110561FRA)

511 IAC 6.2-3.1-3 Reading plan; components

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

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

Sec. 3. (a) 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) A requirement that all students taking ~~ISTEP and IMAST assessments~~ **the statewide assessment program test** take the IREAD-3 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.

- (8) Promotion of students retained under subdivision (6) when the student achieves grade-level reading proficiency as demonstrated by passing IREAD-3.
- (9) 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.
- (10) A monitoring plan that evaluates the implementation of the reading plan.
- (11) A universal screener or screening tool that:**
 - (A) is approved by the department;**
 - (B) screens for characteristics of dyslexia; and**
 - (C) includes indicators to screen for risk factors of dyslexia.**

(b) The universal screener must be reported in the kindergarten through grade 2 reading plan.

~~(b)~~ (c) 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; filed Mar 21, 2012, 11:28 a.m.: 20120418-IR-511110561FRA*)

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. The following exemptions apply:

(A) charter schools are exempt from this subdivision; and

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

(b) A school is not required to offer a research-based core reading program 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 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 ninety percent (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; filed Mar 21, 2012, 11:28 a.m.: 20120418-IR-511110561FRA*)

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; readopted filed Nov 16, 2017, 1:20 p.m.: 20171213-IR-511170398RFA)

511 IAC 6.2-3.1-6 Dyslexia screening requirements

Authority: IC 20-19-2-8; IC 20-19-2-16; IC 20-35.5

Affected: IC 20-19-2; IC 20-35.5-2-7

Sec. 6. (a) The mandatory universal screener approved by the department must include, as developmentally appropriate, the following:

- (1) Phonological and phonemic awareness.
- (2) Sound symbol recognition.
- (3) Alphabet knowledge.
- (4) Decoding skills.
- (5) Rapid naming skills.
- (6) Encoding skills.

(b) Except as provided in subsection (c), the following students must be screened:

- (1) Students in kindergarten, grade 1, and grade 2.
- (2) Students in kindergarten, grade 1, and grade 2 who transfer to a new school and have not previously been screened during the school year.
- (3) Students in grade 3 or higher that have difficulty, as noted by the classroom teacher, in:
 - (A) Phonological and phonemic awareness.
 - (B) Sound symbol recognition.
 - (C) Alphabet knowledge.
 - (D) Decoding skills.
 - (E) Rapid naming skills.
 - (F) Encoding skills.

(4) Students in kindergarten through grade 2 from another state that enroll in an Indiana school for the first time, unless the student has documentation that the student was screened for dyslexia during the school year.

(c) A school corporation or charter school is not required to administer a universal screening to a student if:

- (1) the student's parent or guardian objects to the screening;
- (2) the student is already receiving intervention services for dyslexia; or
- (3) the student falls within an exception identified by the department in the Indiana dyslexia resource guide required by IC 20-35.5-7-2.

511 IAC 6.2-3.1-7 At-risk student screening

Authority: IC 20-19-2-8; IC 20-19-2-16; IC 20-35.5

Affected: IC 20-19-2; IC 20-35.5-2-7

Sec. 3 (a) If a student is determined to be at risk, or at some risk for dyslexia, after a screening, the school corporation or charter shall administer a level I screening to the student.

(b) A school corporation or charter school may administer a level II screener, based on the results of the level I screener.

(c) Both level I and level II screeners must include the components listed in 511 IAC 6.2-3.1-6 and be completed consistent with the Indiana dyslexia resource guide released by the department.

(d) A parent or guardian must provide written consent before a level I and/or level II screening is administered.

511 IAC 6.2-3.1-8 Intervention services

Authority: IC 20-19-2-8; IC 20-19-2-16; IC 20-35.5

Affected: IC 20-19-2; IC 20-35.5-2-7

Sec. 4 (a) If any of the screeners indicate that a student has the characteristics of dyslexia, the school corporation or charter school shall use the response to intervention process, as set forth in subsection (b), to address the needs of the student.

(b) If the student's performance on any of the screeners indicate a need for dyslexia intervention services, the school corporation shall:

(1) Notify the parent or guardian of the results of the screening(s).

(2) Provide the student's parents/guardians with information and resource materials that include:

(A) characteristics of dyslexia;

(B) appropriate classroom interventions and accommodations for students with dyslexia; and

(C) a statement that the parent or guardian may elect to have an educational evaluation by the school.

(c) If screeners indicate a need for intervention services, the intervention may include:

(1) explicit, direct instruction that is systematic, sequential, and cumulative and follows a logical plan of presenting the alphabetic principle that targets the specific needs of the student without presuming prior skills or knowledge of the student;

(2) individualized instruction to meet the specific needs of the student in a setting that uses intensive, highly concentrated instruction methods and materials that maximize student engagement, meaning based instruction directed at purposeful reading and writing with an emphasis on comprehension and composition;

(3) instruction that incorporates the simultaneous use of two or more sensory pathways during teacher presentations and student practice; and

(4) other instructional approaches as determined appropriate by the school corporation or charter school.

511 IAC 6.2-3.1-9 Reporting; dyslexia

Authority: IC 20-19-2-8; IC 20-19-2-16; IC 20-35.5

Affected: IC 20-19-2; IC 20-35.5-2-7

Sec. 9. (a) In accordance with the reading plan, a school must report the number of students who were:

- (1) administered the universal screener; and**
- (2) determined to be at risk, or at some risk, for dyslexia.**

(b) Subject to the requirements set forth in subsection (c), each year, before July 15, each school shall report the following information on the school's Internet web site:

- (1) the dyslexia interventions that were used during the previous year;**
- (2) the number of students who received dyslexia interventions; and**
- (3) the total number of students identified as being at risk, or at some risk, for dyslexia during the previous school year.**

(c) The information required under subsection (b) shall not be reported on a school's Internet web site if the total number of students who received dyslexia interventions or the total number of students identified as being at risk for dyslexia during the previous school year is fewer than ten (10).

511 IAC 6.2-3.1-10 Reading specialists trained in dyslexia

Authority: IC 20-19-2-8; IC 20-19-2-16; IC 20-35.5

Affected: IC 20-19-2; IC 20-35.5-2-7

Sec. 10. (a) Beginning with the 2019-2020 school year, each school corporation and charter school shall employ at least one (1) individual to serve as an authorized reading specialist trained in dyslexia. The authorized reading specialist must have successfully completed training in a dyslexia program approved by the department.

(b) A school corporation or charter school may enter into an agreement with a service provider or another school corporation or charter school to obtain or share services provided by an authorized reading specialist trained in dyslexia.

(c) A school corporation or charter school may submit a written petition to the department for a waiver from the requirement set forth in subsection (a). The written petition must be submitted in the manner prescribed by the department and must specify the reasons the school corporation or charter school is seeking the waiver.

(d) A waiver granted by the department under subsection (c) is for one (1) school year only.

511 IAC 6.2-3.1-11 Rights conferred by IDEA

Authority: IC 20-19-2-8; IC 20-19-2-16; IC 20-35.5

Affected: IC 20-19-2; IC 20-35.5-2-7

Sec. 11. This administrative rule shall not be interpreted to or applied in a manner that denies or delays any rights conferred by 511 IAC 7 or the Individuals with Disabilities Education Act.