



## MEMORANDUM

**TO:** State Board of Education  
**FROM:** Anna Shults, John Wolf, Zach Foughty  
**DATE:** July 25, 2012  
**SUBJECT:** Proposed rulemaking to modify Reading Plan, 511 IAC 6.2-3.1

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In the June 2012 SBOE meeting, the SBOE approved the initiation of rulemaking to reflect changes from the 2012 legislative session. During the 2012 legislative session, the legislature passed HEA 1376, which affected the application of the Reading Plan Rule for Charter Schools.

Upon further review, IDOE has determined that other provisions of the rule need modified and seeks approval to initiate broader rule changes, including:

- ❖ Provide direction regarding decisions about exemption from retention:
    - Students with IEPs and ILPs
      - Aim: Provide appropriate framework for Students with Disabilities and English Learners to allow exemption from second test yet ensure appropriate intervention/remediation is provided.
      - Modified language would require that the determination: ***Shall*** be made after the intervention required under section 5 of this rule has been provided;  
In the discretion of the case conference committee, ***may*** be made prior to the summer administration of the IREAD-3.
    - Students who have been retained in two previous years
      - Aim: Clarify that schools are not prohibited from retaining students who have been retained twice previously
      - The current language states they such students “shall not be retained”.
      - Modified language would provide: The student is not required to be retained if the student has been retained two (2) times prior to promotion to grade 4 and the following requirements are met:
        - (i) the school determines that promotion is appropriate;
        - (ii) the school addresses learning needs of students who are promoted under this subsection.
  - ❖ Define retention to mean that a student shall have access to third-grade literacy instruction, shall be reported to the department as a third-grade student, and shall participate in state assessments at the third-grade level.
  - ❖ Define elementary school to include any school that grades K,1, 2, or 3.
  - ❖ Provide consequences for schools who fail to submit the required Reading Plan under the rule.
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