

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING RIGHT TO READ
PUBLIC COMMENTS AND RESPONSES**

Commenter Name: Lucas Harder, Arkansas School Boards, Policy Services Director, April, 3, 2024

Comments: *Submitted Electronically*

2.01: I would recommend keeping this definition as it would make it shorter in several places in the Rules and be in alignment with other rules.

3.02: I believe that this was intended to become 3.01 with only the year of implementation being stricken but the entire paragraph was accidentally stricken.

5.02.1.1: If 2.01 was retained, then this would be able to remain as “Division” like it has elsewhere in these rules.

6.02: If the definition was retained at 2.01, it would allow for consistency within the Rules as sometimes “Division” is used and other times the full “Division of Elementary and Secondary Education” is like here.

7.06-7.07: Due to the repeal of 7.03-7.05, these should be 7.03 and 7.04 instead.

7.06.2: This should be 7.03.2 instead and the references to 7.06 and 7.06.1 should instead be to 7.03 and 7.03.1 instead.

8.03: If 2.01 was retained, it would allow for consistency in the Rules as this could remain “Division” instead of having to use the full “Division of Elementary and Secondary Education”.

9.01: If 2.01 was retained, it would allow for consistency in the Rules as this could remain “Division” instead of having to use the full “Division of Elementary and Secondary Education”.

11.01.3: If 2.01 was retained, it would allow for consistency in the Rules as this could just be “Division” instead of having to use the full “Division of Elementary and Secondary Education”.

11.03: For consistency within the rule and with other rules, I would recommend changing “fourth grade” to be “grade four (4)”.

11.03.1: For consistency within the rule and with other rules, I would recommend changing “fourth grade” to be “grade four (4)”.

12.01.6: As there is not a third item in the list, it should be “public school or public school district, including”.

12.01.7.1: The citation to “10.01.7.1” should be updated to “12.01.7.1”.

Division Response: A change was made to correct an erroneous internal citation consistent with the comment. No additional changes were made.

Commenter Name: Jon Laffoon, Farmington School District, Superintendent, April 4, 2024

Comments: *Submitted Electronically*

7.01- 06.1 - When will the district review of materials, resources, and curriculum begin? Will DESE be providing support for districts? We have purchased curriculum materials from the approved list. Will current materials be on the new list or removed?

7.06.1.1-7.06.1.3- Will the materials approved require a rationale explanation and letter from the superintendent and board president?

11.02- 11.03.2.6—What are examples of necessary, justifiable good cause exemptions for

11.03.1.1.f? What about students who transfer into a district mid-year or during the second semester? Could holding students back create the need for additional staff due to grade level or classroom-level capacity with standards?

Division Response: Comment Considered; no changes made.

Commenter Name: Julia Williams, Randall G. Lynch Middle School, Principal, April 5, 2024

Comments: *Submitted Electronically*

7.01-06.1 We have applied for and received SOR Grants over the past few years. We have spent the money on a currently approved curriculum. When will we know if what we have purchased and are repurchasing for the next cycle will be approved?

Division Response: Comment Considered; no changes made.

Commenter Name: Vicki King, Arkansas Department of Education, April, 8, 2024

Comments: *Submitted Electronically*

4.01.1.2 K-12 Special education teachers in kindergarten through grade twelve (K-12) who teach a special education course that directly relates to literacy;

It is my understanding that special education teachers are no longer tied to special education courses. Instead they are providing a special education service that directly relates to literacy.

The special education service related to literacy could occur in a number of courses and different subject areas based on the student's disability and the impact on performance.

Division Response: Comment Considered; no changes made.

Commenter Name: Anne Martfeld, Pea Ridge School District; Assistant Superintendent; April 8, 2024

Comments: *Submitted Electronically*

11.02.2 - Can an IEP take the place of this if it includes the student's specific diagnosed reading skill needs?

Does 11.03.1.1.d only apply only to students who have not been evaluated or been found eligible for special education, but have been retained? I see no provision in 11.03.1.1.d that this group of students had to have received scientifically-based reading instruction to be considered for a good cause exemption. If 11.03.1.1.d is only about students who are not reading at grade level but have been retained, why is 11.03.1.1.c necessary since retention is one of the requirements in 11:03.1.1.c regardless of the other criteria? These students would be eligible for a good cause exemption simply on the basis of retention according to 11.03.1.1.d.

7.00 Program Evaluation and Approval - Does this apply to all ELA courses (upper grades courses)? If we don't purchase a specific curriculum program, are we okay? Many of our ELA courses use open-resource materials and teacher-created materials.

Our College Board resources for Pre-AP English I and Pre-AP English II are essentially Springboard materials, and that is on the list. Spire is our Dyslexia program and that is on the list.

Division Response: Comment considered; no changes made.

Commenter Name: Dawn Bessee, Crowley's Ridge Educational Cooperative, Teacher Center Coordinator, April 11, 2024

Comments: *Submitted Electronically*

Good afternoon. I am wondering about 11.03.2.2 of the Right to Read Act and need some clarification, please. It looks as though the aforementioned rule (...Assign the student to a teacher with a value-added model score in the top quartile statewide in English language arts for the past three (3) years, or if the public school district or open-enrollment public charter school is unable to identify a teacher with a value-added model score in the top quartile statewide in English language arts for the past three (3) years, assign the student to a teacher: 11.03.2.2.a With a highly effective rating according to the Teacher Excellence and Support System, § 6-17-2801 et seq., where possible; or 11.03.2.2.b Deemed to be a high-performing teacher as defined

by a Master Professional Educator designation;) falls under the "By the beginning of 2025-2026" timeline of 11.03. Is that correct?

I only ask because the LEARNS Act specifies the same criteria for math students beginning in 2023-2024 (page 55, line 2).

We have been told by DESE personnel that these students' placement for math and literacy both should begin this year.

Division Response: Comment considered; no changes made. The concerns addressed by this comment are governed by statutory provisions.

Commenter Name: Lesley Hipp, Parent and Educator, April 11, 2024

Comments: *Submitted Electronically*

Are teachers still required to take the Pearson Foundations of Reading exam. The literature does not mention the exam at all, only paths to proficiency.

Also, does Take Flight Dyslexia training qualify as a proficient professional development?

Division Response: Comment considered; no changes made. The concerns addressed by this comment are governed by statutory provisions.

Commenter Name: Kimberly Starr, Fort Smith Public Schools, Director of Elementary Education, April, 11, 2024

Comments: *Submitted Electronically*

11.01 With scores not released until October 2024, how can public school districts determine the reading needs of students before that time, as mandated by the outlined requirements (“by no later than October 1”)?

11.02.01 Will this also satisfy the Act 940 independent reading level reporting requirement for K-2 and possibly 3rd grade?

11.02.2 - Will IEPs take the place of this if it includes the student’s specific diagnosed reading skill needs?

11.02.3.1.g This states that the plan shall include any “additional services the student’s teacher determines are available and appropriate.” Should this decision be made by the teacher only?

11.02.3.1.g What criteria points are considered by the teacher to determine the availability and appropriateness of additional services, and how are these services intended to accelerate the student’s reading skill development?

11.03 With a student: “third-grade reading standard” based solely on the student’s performance on the “state annual accountability assessment” (11.02.2.2)? Do these agree?

11.03.1.1 What about a student who moves from another state and hasn't had SoR aligned instruction/intervention?

7.06 Says that any school "that purchases" a curriculum shall choose from the approved list. DESE guidance for secondary Tier I has been "when" a school makes a purchase it should be from the approved list, but no unplanned purchases are required.

Division Response: Comment considered; no changes made. The concerns addressed by this comment are governed by statutory provisions.

Commenter Name: Tamara Smart, Mena School District, April 12, 2024

Comments: *Submitted Electronically*

4.01.2.1-What is a proficiency plan within the EES?

7.06.2-Are "C" schools considered Level 3 schools? 7.07- Are supplemental curricula considered "curriculum programs", and do they have to be reported to parents? (ie. Flocabulary, Lexia, Math Seeds,...)

9.04- Visual memory as the primary means for teaching word recognition...How does this relate to teaching high-frequency words within an HQIM?

10.00-Literacy Coaches- Where are the literacy coaches coming from? (DESE, Education Cooperatives, or District)

10.04.12- If the literacy coaches aren't a district employee, where does the \$10,000 bonus come from?

11.00- We would like clarification on all of the components of the literacy tutoring grant opportunities. (Will there be a template for the parent letters, more guidance from DESE, etc...)

11.02.1- Will DESE define a High Quality Literacy Screener, or will ATLAS just be the screener?

11.02.2- Our district developed it own Individual Reading Plan template- Does DESE plan to create a universal template?

11.03- The "good cause" exemptions are VERY BROAD and it seems as if any student could qualify for such a label. Is this the intention?

11.03.2.3- Will DESE make a usable template for the "READ AT HOME PLANS"? We would appreciate clearly defined directives.

11.03.2.2.A- Are we correct in that, if we have a novice who has been designated as Highly Effective in the EES system, can they be the TOR for students that have been promoted to the 4th grade with a "good cause exemption"?

Division Response: Comment considered; no changes made. The concerns addressed by this comment are governed by statutory provisions.

Commenter Name: Aaron Randolph, Cabot School District, Assistant Superintendent, April 15, 2024

Comments: *Submitted Electronically*

11.3 What is the “3rd grade reading standard”? It says it is “defined by the state board”, but how will that be determined, when will that standard of measure be given and how will proficiency be set? Is this based on a ELA standard, multiple standards or is it grade level reading proficiency? (There are 73 third grade ELA standards, and 29 relate specifically to decoding or reading comprehension.) Will meeting or not meeting this standard be based on one piece of data or multiple sources of information?

11.03 This only mentions public school students. Are open enrollment charter school students exempt from this requirement?

11.03.1.1.b.i: For a student with an IEP, does special education services in reading qualify as “intervention” if the goals are working toward the students reading deficits?

11.03.1.1.b.i, 11.03.1.1.c.i: “received an intensive evidence based literacy intervention program aligned to the science of reading for more than 2 years” - does the 3rd grade year count as a full year when considering time in intervention?

11.03.1.1.e.i: Will schools be given a specific list of the “certain tools” that are referred to in this section that can be used to show that a student is reading on grade level?

11.03.1.1.f: This is vague and open ended. Who will the reading experts be, and what is considered a “justifiable good-cause exemption”?

11.03.2.1: “90 minutes of evidence-based literacy instruction aligned to the science of reading during each school day”: 11.03.2 states that the requirement is the summer and school year. Is the 90 minutes of literacy instruction also required M-F during the summer (summer school) or does the summer portion only apply to the read-at-home and tutoring options in 11.03.2.3 and following?

11.03.2.3–Provide parents with a “read at home plan aligned to the science of reading”--Who is developing this plan?

11.03.2.6: “be given the opportunity to participate in additional intensive, evidence-based literacy intervention programs” - what are these and will this be covered by the state tutoring grants or something the school is expected to provide?

Division Response: **Comment considered; no changes made. The concerns addressed by this comment are governed by statutory provisions.**

Commenter Name: Mike Mertens, AAEA, Assistant Executive Director, April 22, 2024

Comments: *Submitted Electronically*

Section: 11.02.2 - Develop an individual reading plan for each student in K-3 who does not meet the reading standard...

Suggested Change/Concern: Provide clarifying language that an IEP that includes required components of an IRP is sufficient to comply with the rule.

Rationale: Having an IRP and an IEP for the same student could be confusing and an unnecessary duplication of work.

Division Response: **Comment considered; no changes made. The concerns addressed by this comment are governed by statutory provisions.**

Commenter Name: Karen Walters, Bryant School District, Superintendent, April 22, 2024

Comments: *Submitted Electronically*

11.02.3.1.a The student's specific diagnosed reading skill needs, including without limitation:

Concerns: Teachers do not diagnose a problem. Medical professionals can provide a diagnosis or a professional who has a degree in an area to make a diagnosis. Teachers can identify a deficiency in a skill based on assessment.

How will it apply to kindergarten students? Labeling them as having a reading deficiency within the first 30 days of school, when they have not had any type of formal education does not seem reasonable.

11.02.4.2 Students receiving each type of intervention.

Concerns: How will this reporting happen? Intervention groups are and should be fluid based on the students' identified skill deficit. It is not a reasonable time expectation for staff to enter the information into eschool or other reporting system and report this daily or weekly. Educator's time is better spent working with students on deficient skills. Also, students should not be given a label due to a skill deficiency. Also, most students receive intervention at some point in the school year, this does not mean they should be labeled.

11.03 ...if a public school student has not met the third-grade reading standard, as defined by the state board,....

Concern: Where is the definition of meeting third-grade reading standard?

11.03.1.1.f Other students with necessary, justifiable good-cause exemptions identified as appropriate by the state board, in consultation with reading experts.

Concern: When and how will the exemptions of good-cause be communicated to districts? Also, what qualifies a person as being a reading specialist?

11.03.2.1 Provide at least ninety (90) minutes of evidence-based literacy instruction aligned to the science of reading during each school day.

Concern: Is the 90 minutes included in the minutes that are already provided for literacy during the school day or in addition to those minutes. Example: if a literacy block is 120 minutes, does that mean an additional 90 minutes will be added. If so, what about the requirements for math, science, social studies, art, music, pe, recess, etc.

11.03.2.2-11.03.2.2.b

Concern: Moving a teacher with a highly-effective rating from one grade to a different grade does not mean you will see the same results. This is likely to cause more educators to leave the profession.

11.03.2.6 Be given the option to participate in additional intensive evidence-based literacy intervention programs aligned to the science of reading.

Concerns: What are the additional intensive evidence-based literacy intervention programs? Who will provide the programs and training? Is this covered by the state grants, if so, what is the process for parents to receive these interventions?

What class or course requirements will students be allowed to miss to receive this additional intervention (parent choice)?

Division Response: Comment considered; no changes made. The concerns addressed by this comment are governed by statutory provisions.

Commenter Name: Tiffany Lewis

Comments: *Transcript of Statement made at the public Hearing*

Tiffany Lewis, teach plus Arkansas. Good afternoon. Thank you, Chairperson, board and members of the board for allowing me the opportunity to present my testimony. My name is Tiffany Lewis and I'm a Forest Heights Stem Academy 3rd year, 3rd grade teacher. I am currently completing my Masters of Education and my National Board Certification. I'm also currently serving as a policy fellow for Teach. Mrs. Lewis, I have something for you. My student Max was standing not with our lessons exit ticket, but with a folded blue piece of paper in his hand. I did not look at the paper until my lunch break. It's simply said, Miss Lewis, you are the best teacher. Now this phrase did not bring me to tears because it was praise from a student. It was simply the fact that this student whom I know has literary struggles spelled each word correctly and with no grammatical errors. I knew how hard he thought to overcome so much to write an unsolicited note of encouragement to me after a particularly hard lesson. But this makes me beg the question. What if Max had not had the amazing team of teachers in administration in his formative years? What if he needed more years to cultivate and understand the 1st 3 pillars of reading. What about the other Maxes that need more intent and reinforcement to unlock the educational potential? Let's be honest with ourselves. For every Max there is 20 unnamed

children who don't have the same opportunities. Who helps them? Who supports them? Yes, we have resource teachers, but is that enough? No, it's not. I'm an educational soldier in the battle against illiteracy. So, here's what I know. Despite the adoption of the past legislation, Arkansas is still in knee deep in the trenches of the illiteracy war. The nation's report card shows Arkansas still significantly underperforming with 39% of our 4th graders in the below reading achievement level. The Learns act has the potential to combat this malignancy through its adoption of the science of reading. However, the mandate for wish and knowledge of the science reading for all K through secondary educators is not enough. We must extend it to 7th and 8th grade educators. 4 3.0 1 through 7.0 dealing with the proficiency and awareness mandates should be a minute to include K through 8th grade educators. We must strike 6 and add a in all proficiency mandates. Lets support educators with this mandate, we should expand state training. Currently we have rise training by stands for reading initiative for student excellence. Educators are required to extend these training sessions once in order to maintain their license. This should not be a 1 and done. It should be revisited and should be a continued educational part that must be revisited annually. Everyone knows you get more from the second and 3rd experience than you ever get from the first. They'd liken it to drinking a cool glass of water on a hot summer's day. The 1st step, the 1st SIP quenches your thirst, the second nourishes your soul. If you truly believe that the children are future and they deserve a quality education, you must join with me and say for efficiency for all K through 8 educators. Let's stop expecting them to know and help them learn. Let's help the other and older Max's win. Thank you for your time.

Division Response: **Comment considered; no changes made. The concerns addressed by this comment are governed by statutory provisions.**