

ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING THE RIGHT TO READ ACT

Effective Date: _____

RECEIVED

JAN 15 2020

BUREAU OF
 EDUCATIONAL RESEARCH

1.00 REGULATORY AUTHORITY

- 1.01 The State Board of Education enacted these rules pursuant to its authority set forth in Ark. Code Ann. §§ 6-11-105, 6-17-402, 6-17-429, and 25-15-201 et seq.

2.00 DEFINITIONS

- 2.01 "Division" means the Division of Elementary and Secondary Education of the Arkansas Department of Education.
- 2.02 "Prescribed pathway" means approved professional development that meets the criteria established by the Division.
- 2.03 "Public school *district*" includes traditional public schools, open-enrollment charter schools, and district conversion charter schools.
- 2.04 "Science of reading" is the study of the relationship between cognitive science and educational outcomes, also referred to as scientific reading instruction.
- 2.05 "Structured literacy" is the approach by which licensed personnel teach reading in an explicit, systematic, cumulative, and diagnostic manner.

3.00 REQUIRED PROFESSIONAL DEVELOPMENT IN SCIENTIFIC READING INSTRUCTION

- 3.01 By the beginning of the 2019-2020 school year, a public school district shall establish the professional development program as required by Section 3.03 and the program shall be provided on an annual basis after the professional development in Section 4.02 is complete.
- 3.02 A public school district shall provide the following professional development in scientific reading instruction:
- 3.02.1 For teachers licensed at the elementary level in kindergarten through grade six (K-6) teaching math, science, social studies, or English language arts, teachers with a special education license in kindergarten through grade twelve (K-12), and teachers licensed as reading specialists in kindergarten through grade twelve (K-12), professional development for one (1) of the prescribed pathways to obtaining a proficiency credential in knowledge and practices in scientific reading instruction; and

3.02.2 For teachers licensed at a level other than those listed in Section 3.02.1, professional development for one (1) of the prescribed pathways to obtaining an awareness credential in knowledge and practices in scientific reading instruction.

3.03 A public school district shall include a literacy plan in the annual school-level improvement plan that shall include *without limitation a curriculum program and* a professional development program that is:

3.03.1 Aligned with the literacy needs of the district: and

3.03.2 Based on the science of reading.

4.00 PROFICIENCY AND AWARENESS FOR EMPLOYMENT

4.01 By the beginning of the 2021-2022 school year:

4.01.1 All teachers employed in any of the following teaching positions shall demonstrate proficiency in knowledge and practices of scientific reading instruction:

4.01.1.1 Elementary school teachers in grades kindergarten through six (K-6), teaching math, science, social studies, or English language arts;

4.01.1.2 Special education teachers;

4.01.1.3 English Language Learners teachers in grades kindergarten through six (K-6); and

4.01.1.4 Reading specialists.

4.01.2 All other educators shall demonstrate awareness in knowledge and practices of scientific reading instruction.

4.02 All teachers who begin employment in the 2021-2022 school year, and each school year thereafter, shall demonstrate proficiency or awareness in knowledge and practices in scientific reading instruction as is applicable to their teaching position by completing the prescribed proficiency or awareness in knowledge and practices of the scientific reading instruction credential either:

4.02.1 As a condition of licensure: or

4.02.2 Within one (1) year if the teacher is:

4.02.2.1 Already licensed; or

4.02.2.2 Employed under a waiver from licensure.

4.03 Beginning in the 2021-2022 school year, each public school district must designate each teacher as having demonstrated proficiency or awareness in eFinance.

4.03.1 Each public school district must include the information required by Section 4.03 as part of the Cycle 2 submission to the Division.

4.04 Any educator whose license expires on December 31, 2021, or after, must have an awareness credential to renew his or her license.

4.04.1 If the educator does not have the required credential, the educator's license will not be renewed.

4.05 Teachers employed under a waiver or exception from licensure requirements are subject to the requirements of these Rules.

4.06 Professional development and determination measures to meet the proficiency or awareness requirement must be approved by the Division as a prescribed pathway, as set forth in Sections 5.00 and 6.00 below.

5.00 PRESCRIBED PATHWAYS FOR PROFICIENCY

5.01 All teachers employed in any of the teaching positions in Section 4.01.1 of these Rules shall demonstrate proficiency in knowledge and practices of scientific reading instruction.

5.02 To demonstrate proficiency in knowledge and practices of scientific reading instruction, teachers must complete a prescribed pathway for proficiency.

5.02.1 Each pathway for proficiency shall have two phases:

5.02.1 Phase I outlines professional learning that meets the knowledge and practices in scientific reading instruction approved by the Division.

5.02.2 Phase II provides for the demonstration of knowledge and practices in scientific reading instruction.

5.02.2.1 To complete Phase II for proficiency, an educator may take *pass a stand alone reading assessment approved by the State Board of Education* the Foundations of Reading Assessment, be evaluated

by a Certified Assessor, or meet one of the other approved pathways.

5.03 For purposes of Section 5.02.2.1, a Certified Assessor is a licensed educator that has completed the appropriate Science of Reading training, and who, in the normal scope of his or her duties, is tasked with observing teachers and required to conduct evaluations of personnel.

5.04 If a school district wishes to use a pathway other than a pathway already approved by the Division, the district may submit a request for the Division to review a specific Independent Professional Development (IPD) provider.

5.04.1 A request under Section 5.04 must be made by a district using the IPD Review Form on the Division website.

5.04.1.1 The district is responsible for submitting all necessary materials for consideration.

5.04.1.2 The request must be made by the district and requests directly from a vendor will not be accepted.

5.04.2 A review under Section 5.04 is a review of the training program provided to teachers and is not a review of the curriculum program.

5.04.3 If an IPD training program is approved, it will be added to the list of approved prescribed pathways for proficiency on the Division website.

6.00 PRESCRIBED PATHWAYS FOR AWARENESS

6.01 All teachers that are not required to obtain a proficiency credential under Section 5.00, shall demonstrate an awareness in the knowledge and practices in scientific reading instruction by completing one of the prescribed pathways for awareness.

6.02 All approved prescribed pathways for awareness shall be listed on the Division website.

7.00 PROGRAM EVALUATION AND APPROVAL

7.01 By the beginning of the 2020-2021 school year, the Division shall identify an approved list of materials, resources, and curriculum programs for public school districts that are supported by the science of reading and based on instruction that is explicit, systematic, cumulative, and diagnostic, including without limitation:

7.01.2 Evidence-based reading intervention programs; and

7.01.3 Evidence-based reading programs that are grounded in the science of reading; and

7.01.1 Dyslexia programs that are evidence-based and:

7.01.1.1 Aligned to structured literacy; or

7.01.1.2 Grounded in Orton-Gillingham methodology.

7.02 The approved list of materials, resources, and curriculum programs is established by a committee of educators or experts who have demonstrated proficiency in the knowledge and practices of scientific reading instruction.

7.03 The Division shall provide a submission window for public school districts to submit literacy programs for review.

7.04 The Division shall provide a submission window for independent vendors to submit literacy programs for review.

7.05 The Division shall publish a list of approved programs on the Division's website.

7.06 Beginning in the 2021-2022 school year, any public school district that purchases a curriculum program shall choose a curriculum program from the Division's approved list of curriculum programs.

7.06.1 A public school district that chooses to purchase a curriculum program that is not from the Division's approved list of curriculum programs shall submit the following information to the Division for approval:

7.06.1.1 The rationale for choosing the alternative curriculum program;

7.06.1.2 Evidence-based research regarding the alternative curriculum program; and

7.06.1.3 A signed letter from the Superintendent and School Board President requesting approval of *the* alternative curriculum program.

7.06.2 A public school district receiving Level 3--coordinated support, Level 4--directed support, or Level 5--intensive support for reading, may only select an approved curriculum program from the list published pursuant to Section 7.06, and may not choose an alternative curriculum program under Section 7.07 6.1.

7.06.3 The Division shall publish the timeline for submission of requests for approval under Section 7.07 6.1 by Commissioner's Memo.

8.00 EDUCATOR PREPARATION PROGRAMS

8.01 No later than May 2023, the following shall have proficient knowledge and skills to teach reading consistent with the best practices of scientific reading instruction:

8.01.1 A person who completes a state-approved educator preparation program leading to Elementary (K-6) or Special Education (K-12) licensure; and

8.01.2 A person seeking Elementary (K-6) or Special Education (K-12) licensure by reciprocity or by adding an endorsement.

8.02 No later than May 2023, a person who completes a state-approved **education educator** preparation program leading to licensure in an area other than those listed in Section 8.01 shall demonstrate an awareness of the best practices of scientific reading instruction.

8.03 A provider of a state-approved educator preparation program, **graduate program, or alternative preparation program** shall include in its annual report to the Division a description of the provider's program to prepare educators to teach reading using scientific reading instruction.

9.00 VIOLATIONS OF THE RIGHT TO READ ACT

9.01 A public school district **that** violates the Right to Read Act, codified in Ark. Code Ann. § 6-17-429, or these Rules, or both, shall be in violation of the Standards for Accreditation of Arkansas Public Schools and School Districts and may be placed in probationary status by the Division.

9.01.1 Compliance with these Rules shall be monitored by desk monitoring, on-site monitoring, and monitoring of eFinance.

9.02 A public school district placed in probationary status under Section 9.01 shall send written notification to the parents of the students in the public school district of the reason for being placed in probationary status.

9.03 A provider of a state-approved educator preparation program, **graduate program, or alternative preparation program** that does not comply with the requirements of **the Right to Read Act, codified in Ark. Code Ann. § 6-17-429, or these Rules, or both**, may be subject to penalties up to and including having the provider's approval status revoked.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

SENATE BILL 153

4
5 By: Senators J. English, Bledsoe, B. Davis, Irvin
6 By: Representatives Barker, Bentley, Brown, Capp, Cavanaugh, Crawford, Dalby, Della Rosa,
7 Lundstrum, J. Mayberry, Petty, Rushing, Speaks, Vaught

For An Act To Be Entitled

8
9
10 AN ACT CONCERNING SCHOOL-LEVEL IMPROVEMENT PLANS AND
11 THE RIGHT TO READ ACT; TO REQUIRE THAT A PUBLIC
12 SCHOOL INCLUDE IN ITS ANNUAL SCHOOL-LEVEL IMPROVEMENT
13 PLAN A LITERACY PLAN; TO REQUIRE THAT THE CURRICULUM,
14 PROFESSIONAL DEVELOPMENT, AND GRADUATE STUDIES
15 RECOMMENDATIONS FOR A PUBLIC SCHOOL DISTRICT AND
16 OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL BE IN
17 ACCORDANCE WITH THE SCIENCE OF READING; TO REQUIRE
18 THAT THE DEPARTMENT OF EDUCATION CREATE AN APPROVED
19 LIST OF CURRICULUM PROGRAMS THAT ARE SUPPORTED BY THE
20 SCIENCE OF READING; AND FOR OTHER PURPOSES.

Subtitle

21
22
23
24 TO REQUIRE SCHOOL-LEVEL IMPROVEMENT,
25 PROFESSIONAL DEVELOPMENT, CURRICULUM, AND
26 GRADUATE STUDIES PLANS TO BE IN
27 ACCORDANCE WITH THE SCIENCE OF READING.

28
29
30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

31
32 SECTION 1. DO NOT CODIFY. Legislative findings.

33 The General Assembly finds that:

34 (1) The Right to Read Act, § 6-17-429, addresses the science of
35 reading for current educators and those in an undergraduate teaching program;

36 (2) If educators do not have an understanding of scientific



1 reading instruction, many students will not receive the reading instruction
2 necessary to read at grade level;

3 (3) The percentage of Arkansas students in grade three (3) who
4 were "ready" or "exceeding" in reading on the 2018 ACT Aspire test was
5 thirty-eight percent (38%);

6 (4) Dyslexia programs in Arkansas should be aligned to
7 structured literacy as outlined by the International Dyslexia Association;
8 and

9 (5) Educators throughout the state are in the process of
10 completing the appropriate professional development requirements with respect
11 to the science of reading and structured literacy, but public school
12 districts have not provided those teachers with the necessary materials and
13 resources to implement the methods required by science of reading and
14 structured literacy programs in their classrooms.

15
16 SECTION 2. Arkansas Code § 6-15-2914(b), concerning the annual
17 submission of school-level improvement plans, is amended to read as follows:

18 (b)(1)(A) Beginning on May 1, 2018, and by May 1 annually thereafter,
19 a public school shall submit to its public school district a school-level
20 improvement plan for approval by the public school district and public school
21 district board of directors for implementation in the following school year.

22 (B)(i) A public school district and an open-enrollment
23 public charter school shall include a literacy plan in the annual school-
24 level improvement plan required under subdivision (b)(1)(A) of this section.

25 (ii) The literacy plan required under subdivision
26 (b)(1)(B)(i) of this section shall include without limitation a curriculum
27 program and a professional development program that are:

28 (a) Aligned with the literacy needs of the
29 public school district; and

30 (b) Based on the science of reading as defined
31 by § 6-17-429(k)(1).

32 (2) School-level improvement plans shall be posted on the public
33 school district's website by August 1 of each year.

34
35 SECTION 3. Arkansas Code § 6-17-429(c), concerning the professional
36 development requirements under the Right to Read Act, is amended to read as

1 follows:

2 (c)(1) Beginning with the 2018-2019 school year, a public school
3 district and an open-enrollment public charter school shall provide the
4 following professional development in scientific reading instruction:

5 (A) For teachers licensed at the elementary level in
6 kindergarten through grade six (K-6), teachers with a special education
7 license in kindergarten through grade twelve (K-12), and teachers licensed as
8 reading specialists in kindergarten through grade twelve (K-12), professional
9 development for one (1) of the prescribed pathways to obtaining a proficiency
10 credential in knowledge and practices in scientific reading instruction; and

11 (B) For teachers licensed at a level other than the
12 elementary level in kindergarten through grade six (K-6), teachers with a
13 special education license in kindergarten through grade twelve (K-12), and
14 teachers licensed as reading specialists in kindergarten through grade twelve
15 (K-12), professional development for one (1) of the prescribed pathways to
16 obtaining an awareness credential in knowledge and practices in scientific
17 reading instruction.

18 (2) Beginning with the 2020-2021 school year, a public school or
19 open-enrollment public charter school that does not provide the professional
20 development under subdivision (c)(1) of this section shall:

21 (A) Be placed in probationary status; and

22 (B) Provide notice to parents that the public school
23 district has not met the requirements of this section.

24

25 SECTION 4. Arkansas Code § 6-17-429(e)-(g), concerning educator
26 preparation and professional development programs required under the Right to
27 Read Act, are amended to read as follows:

28 (e) A provider of a state-approved educator preparation program,
29 graduate program, or alternative preparation program shall include in its
30 annual report to the Department of Education a description of the provider's
31 program to prepare educators to teach reading using scientific reading
32 instruction.

33 (f) By the beginning of the 2020-2021 school year, the department
34 shall identify and create an approved list of materials, resources, and
35 curriculum programs for public school districts and open-enrollment public
36 charter schools that are supported by the science of reading and based on

1 instruction that is explicit, systematic, cumulative, and diagnostic,
 2 including without limitation:

3 (1) Dyslexia programs that are evidence-based and:

4 (A) Aligned to structured literacy; or

5 (B) Grounded in the Orton-Gillingham methodology;

6 (2) Evidence-based reading intervention programs; and

7 (3) Evidence-based reading programs that are grounded in the
 8 science of reading.

9 (g)(1) By the beginning of the 2021-2022 school year, any public
 10 school district and open-enrollment public charter school purchasing a
 11 curriculum program shall choose a curriculum program from the department's
 12 approved list of curriculum programs created under subsection (f) of this
 13 section.

14 (2) A public school district or open-enrollment public charter
 15 school that chooses to purchase a curriculum program that is not from the
 16 department's approved list of curriculum programs shall submit the following
 17 to the department for approval of the alternative curriculum program:

18 (A) A rationale for choosing the alternative curriculum
 19 program; and

20 (B) Evidence-based research regarding the alternative
 21 curriculum program.

22 (h) By the beginning of the 2019-2020 school year, a public school
 23 district and an open-enrollment public charter school shall establish a
 24 professional development program as required by § 6-15-2914(b)(1)(B) that
 25 shall:

26 (1) Include without limitation instruction based on the science
 27 of reading; and

28 (2) Be provided on an annual basis after the professional
 29 development required under subdivision (c)(1) of this section is complete.

30 ~~(f)~~(i)(1)(A) A public school district or an open-enrollment public
 31 charter school that employs an educator in violation of this section or that
 32 does not provide the professional development as required under this section
 33 shall be in violation of the Standards for Accreditation of Arkansas Public
 34 Schools and School Districts and may be placed in probationary status by the
 35 department.

36 (B) A public school district or an open-enrollment public

1 charter school placed in probationary status under subdivision ~~(f)(1)(A)~~
2 (i)(1)(A) of this section shall send written notification to the parents of
3 the students in the public school district of the reason for being placed in
4 probationary status.

5 (2) A provider of a state-approved educator preparation program,
6 graduate program, or alternative preparation program that does not comply
7 with the requirements of this section may be subject to penalties up to and
8 including having the provider's approval status revoked.

9 ~~(g)(j)(1)~~ The department ~~is vested with the authority to and shall~~
10 enforce:

11 (1) Enforce this section; and

12 (2) ~~The department shall promulgate~~ Promulgate rules to
13 implement this section.

14 (k) As used in this section:

15 (1) "Science of reading" means the study of the relationship
16 between cognitive science and educational outcomes; and

17 (2) "Structured literacy" means an approach by which licensed
18 personnel teach reading in an explicit, systematic, cumulative, and
19 diagnostic manner.

20
21
22 **APPROVED: 2/11/19**
23
24
25
26
27
28
29
30
31
32
33
34
35
36

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/14/17
A Bill

SENATE BILL 502

5 By: Senator Elliott
6

7 **For An Act To Be Entitled**

8 AN ACT TO CREATE THE RIGHT TO READ ACT; TO REQUIRE
9 LICENSED TEACHERS AT THE ELEMENTARY LEVEL TO BE
10 PROFICIENT IN SCIENTIFIC READING INSTRUCTION; TO
11 REQUIRE ALL OTHER LICENSED TEACHERS TO HAVE A CURSORY
12 KNOWLEDGE OF SCIENTIFIC READING INSTRUCTION; AND FOR
13 OTHER PURPOSES.
14

15
16 **Subtitle**

17 TO CREATE THE RIGHT TO READ ACT.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 4, is amended
23 to add an additional section to read as follows:

24 6-17-429. Right to Read Act.

25 (a) This section shall be known and may be cited as the "Right to Read
26 Act".

27 (b)(1)(A) No later than 2023, the following shall have proficient
28 knowledge and skills to teach reading consistent with the best practices of
29 scientific reading instruction:

30 (i) A person who completes a state-approved educator
31 preparation program; and

32 (ii) A person seeking teacher licensure by
33 reciprocity or by adding an endorsement.

34 (B) No later than 2023, a person who completes a state-
35 approved educator preparation program other than a teacher of elementary
36 education program shall demonstrate an awareness of the best practices of



1 scientific reading instruction.

2 (2) Beginning no later than the 2022-2023 school year, each
3 state-approved educator preparation program shall post on its website
4 information describing its program to prepare teachers to teach reading using
5 scientific reading instruction aligned with but not limited to the content
6 measured by the stand-alone reading assessment adopted by the State Board of
7 Education under § 6-17-402.

8 (c)(1) Beginning with the 2018-2019 school year, a public school
9 district and an open-enrollment public charter school shall provide the
10 following professional development in scientific reading instruction:

11 (A) For teachers licensed at the elementary level,
12 professional development for one (1) of the prescribed pathways to obtaining
13 a proficiency credential in knowledge and practices in scientific reading
14 instruction; and

15 (B) For teachers licensed at a level other than the
16 elementary level, professional development for one (1) of the prescribed
17 pathways to obtaining an awareness credential in knowledge and practices in
18 scientific reading instruction.

19 (2) Beginning with the 2020-2021 school year, a public school
20 that does not provide the professional development under subdivision (c)(1)
21 of this section shall:

22 (A) Be placed in probationary status; and

23 (B) Provide notice to parents that the public school
24 district has not met the requirements of this section.

25 (d)(1) By the beginning of the 2021-2022 school year:

26 (A) All teachers employed in a teaching position that
27 requires an elementary education (K-6) license or special education (K-12)
28 license shall demonstrate proficiency in knowledge and practices of
29 scientific reading instruction; and

30 (B) All other teachers shall demonstrate awareness in
31 knowledge and practices of the scientific reading instruction.

32 (2) All teachers who begin employment in the 2021-2022 school
33 year and each school year thereafter shall demonstrate proficiency or
34 awareness in knowledge and practices in scientific reading instruction as is
35 applicable to their teaching position by completing the prescribed
36 proficiency or awareness in knowledge and practices of the scientific reading

1 instruction credential either:

2 (A) As a condition of licensure; or

3 (B) Within one (1) year if the teacher is:

4 (i) Already licensed; or

5 (ii) Employed under a waiver from licensure.

6 (e) A provider of a state-approved educator preparation program shall
7 include in its annual report to the Department of Education a description of
8 the provider's program to prepare educators to teach reading using scientific
9 reading instruction.

10 (f)(1)(A) A public school district that employs an educator in
11 violation of this section or that does not provide the professional
12 development as required under this section shall be in violation of the
13 Standards for Accreditation of Arkansas Public Schools and Schools Districts
14 and may be placed in probationary status by the department.

15 (B) A public school district placed in probationary status
16 under subdivision (f)(1)(A) of this section shall send written notification
17 to the parents of the students in the public school district of the reason
18 for being placed in probationary status.

19 (2) A provider of a state-approved educator preparation program
20 that does not comply with the requirements of this section may be subject to
21 penalties up to and including having the provider's approval status revoked.

22 (g)(1) The department is vested with the authority to and shall
23 enforce this section.

24 (2) The department shall promulgate rules to implement this
25 section.

26
27 /s/Elliott

28
29
30 **APPROVED: 04/06/2017**