ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES GOVERNING THE RIGHT TO READ ACT
Effective Date: June 5, 2022

1.00 REGULATORY AUTHORITY

1.01 The State Board of Education enacted these rules pursuant to its authority as 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, including an open-enrollment public charter school, 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 Beginning with the 2018-2019 school year, a public school district, including an open-enrollment public charter school, 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 By the beginning of the 2019-2020 school year, a public school district, including an open enrollment public charter school, 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 2023-2024 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 K-12 Special education teachers;

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

4.01.1.4 Reading specialists.

4.01.2 A teacher described in Section 4.01.1 who has not demonstrated proficiency by the 2023-2024 school year may be afforded an opportunity to demonstrate proficiency by being placed in intensive support status for a period of time specified by the teacher's evaluator in the professional growth plan for the teacher.

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

4.02 All teachers who begin employment in the 2023-2024 school year, and each following school year, 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 2023-2024 school year, each public school district, including open-enrollment public charter schools, must document that each teacher has demonstrated either proficiency or awareness in compliance with Section 4.00 of these Rules as part of professional development reporting requirements in eFinance.

4.03.1 Each public school district, including an open-enrollment public charter school, 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, 2023, 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 pass a stand-alone reading assessment approved by the State Board of Education, be deemed proficient by a Certified Assessor, or met 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 a 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 who 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, including an open-enrollment public charter school, 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 7.06.1.

7.06.3 The Division shall publish the timeline for submission of requests for approval under Section 7.06.1 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 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, including an open-enrollment public charter school, 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, including an open-enrollment public charter school, 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.

9.04 A public school district, including an open-enrollment public charter school, shall not use the program of instruction for students in kindergarten through grade two (K-2) that is based in any practice or intervention program that utilizes the three-cueing system model of reading, visual memory as the primary basis for teaching word recognition, or the three-cueing system model of reading based on meaning, structure and syntax, and visual, also known as MSV.

9.05 Beginning with the 2023-2024 school year, if the state board determines that a public school district, including an open-enrollment public charter school, has violated Section 9.04 of these rules, the state board shall notify the public school district of its violation.

9.05.1 If a public school district, including an open-enrollment public charter school, fails to remedy its violation under Section 9.04 of these rules within sixty (60) days of notification of its failure to comply, the state board shall direct the Division to withhold a maximum of ten percent (10%) of the monthly distribution of state foundation funding aid to the public school district as provided under Ark. Code Ann. § 6-20-2305(a)(1)(B).

9.05.2 Once the state board determines that a public school has complied with Section 9.04 of the rules, the Division shall restore the monthly distribution of state foundation funding aid to the public school district to its original amount before the reduction was made under Section 9.05.01 of these rules.

10.00 EDUCATION OMBUDSMAN

10.01 The Secretary of the Division shall hire an Education Ombudsman to assist the Division in the enforcement of these rules, including without limitation enforcing

the requirements for demonstrating proficiency, providing professional development, and using a permitted program of instruction.

10.01.1 The Secretary of the Division may designate additional requirements related to public education, including without limitation the enforcement of literacy requirements.

10.01.2 The Secretary of the Division shall supervise the Education Ombudsman and shall not delegate supervision to an employee of the Division.

10.01.3 The minimum qualifications for the Education Ombudsman shall include a master's degree in education or a related field. An individual who served as a past public school district superintendent or serves as a current public school district superintendent is not eligible to serve as the Education Ombudsman under this Section.

10.01.4 The Education Ombudsman may communicate with a public school student, with permission from a parent, legal guardian, or person standing in loco parentis of the public school student, a parent, legal guardian, or person standing in loco parentis of a public school student, and administration, faculty, and staff employed by a public school district, including an open-enrollment public charter school.

10.01.5 The Education Ombudsman may review an issue or concern related to the education of a public school student enrolled in a public school, including an open-enrollment public charter school.

10.01.6 The Education Ombudsman may recommend training and resources to a public school, public school district, including an open-enrollment public charter school.

10.01.7 The Education Ombudsman shall prepare and submit an annual report to the state board concerning the work of the Education Ombudsman and any recommendations related to the focus areas of the Education Ombudsman.

10.01.7.1 The report required under Section 10.01.07 of these Rules shall be submitted every two (2) years to the House Committee on Education and the Senate Committee on Education.