

February 5, 2016

UEN Comments Regarding Notice of Intended Rules to amend Chapter 61 “Iowa Reading Research Center,” Summer School Criteria, Iowa Administrative Code

The Urban Education Network submitted testimony to the DE public hearing, Nov. 3, 2015, on Summer School Criteria. Our primary concerns remain:

- 1) These rules are primarily process requirements and very restrictive, without flexibility which may be required to meet the needs of students and work with the staff we can find qualified to teach the program. We prefer a list of process goals that guide program development, with some local control maintained to balance all the challenges we will face.
- 2) There is no known experience with summer school programs meeting all 8 criteria: we don't know the cost based on all of these rules or the outcomes based on all 8.
- 3) Retention requirements and summer school rules should not move forward unless there is an appropriation to pay the costs of providing these programs.
- 4) We are grateful that the DE made some minor adjustments in the criteria, moving from 75 to 70 hours of instruction and from 90% to 85% attendance required. We still believe, however, this missed the boat. The DE focus should be on sharing the Reading Research Center's findings on what criteria constitutes a good summer school program, helping districts with technical support and training, and holding districts accountable for student learning through the accreditation process.

We respectfully ask for a Session Delay on these rules pending the Legislature's decision to appropriate funds to support moving forward and encourage the Legislature to consider delay on the mandatory retention of third graders substantially deficient in reading until the resources are made available to schools to do the job well. Doing it poorly or sacrificing the regular educational program of others in order to comply with a mandate will not serve our young readers well. We continue to invest the early literacy funds in supporting improved instruction, training K-3 teachers and providing interventions for struggling readers.

Testimony from Nov. 3, 2015, follows:

Background: The Iowa Reading Research Center is charged to adopt program criteria and guidelines for the intensive summer literacy programs required by Iowa Code section 279.68. The proposed criteria and guidelines contained in the notice of intended action are based on the work and recommendations of a multiple member task team convened by the Center, which examined current practices in Iowa schools and evidence-based research on summer reading acceleration. These rules propose the criteria that intensive summer literacy programs must follow as schools are required to offer for third-graders who are substantially non-proficient, beginning in the Summer of 2017. Related Code Sites and the proposed criteria are summarized at the end of this testimony for additional background.

Intent: UEN supports the intent of the proposed Summer School Rules, to establish research-based criteria and guidelines to help schools in delivering quality summer school experiences for students, including strong literacy programs demonstrated to improve literacy outcomes in early elementary. Given mixed research conclusions on the impact of third-grade retention on long term success for students, including significant findings that retention may actually lower

outcomes for students, the UEN assumption is that completing a positive summer school experience is the preferred alternative to repeating third grade. Also critical is the district's ability to identify individual needs of all students, including those not reading on grade level in fourth grade, and deliver quality instruction, often individualized, to support those students to success. UEN shares the goal of wanting all students to be successful readers.

Concerns:

- 1) **Cumulative impact of the eight criteria:** Although the criteria as a set might describe the very best summer school program, there is no evidence or example of the existence of summer school programs that have met all of the criteria proposed. Collectively, the criteria may inadvertently create a threshold that is as expensive to deliver as it is difficult to achieve. As we understand it, the task force and the Reading Research Center looked at solid, research-based literacy programs that were not specific to summer school, since there simply are not summer school programs focused on literacy that have been reviewed by scholars. The very programs identified by the DE as possible policy choices likely do not meet all eight criteria (indeed these rules allow a district choosing one of the DE identified programs to follow the lower criteria in that program rather than these default criteria.) Although each individual criteria has potential to positively impact students, the summer school programs cannot operate in a vacuum. Additionally, the combination of the eight criteria may very well chill creative thinking and application of great instructional strategies that might make a bigger difference for students.
- 2) **Unknown cost and funding impacts:** There are no cost estimates available for programs meeting all the criteria. It will be challenging for districts to estimate locally, especially given uncertainty about which students must participate and which additional students might benefit from participation. Additional costs such as transportation, facility support staffing, provision of additional content and experiences that do not constitute intense literacy, but would be beneficial for students, provision of school lunch, etc., must be considered in the program. As such, the UEN would encourage the 2016 Iowa Legislature to provide a sufficient appropriation that provides district flexibility in covering support and transportation costs for the summer school program.
- 3) **Meeting the needs of all students and unknown application of exemptions to retention:** There are students, such as students whose first language is not English, but have only been in the LEP program for one or two years, for whom the summer school literacy experience is ideal. Similar needs of some special education students or even students who may be barely proficient, but may need a little extra support to prevent the summer slide, might suggest they also benefit from summer school. Solid instructional practice also suggests good role models, such as proficient third graders included in the mix, as they contribute to the success of the non-proficient students. UEN would support the ability of school districts to include other students in the summer school program and resist the DE's consideration of this program as strictly "Categorical" in nature in terms of students served.
- 4) **Process of Oversight Should Respect Local Control and Flexibility First, DE Support based on Nonperformance Follows:** The DE's new tiered accreditation process is a

theoretical good fit for supporting successful implementation of early literacy efforts, including summer school. UEN supports local district flexibility to create a program demonstrating an understanding of the criteria and goals toward meeting or closely meeting these proposed criteria. If literacy performance continues to lag, the DE steps in during the accreditation process to help local educators ask those difficult program evaluation questions to guide them to improvement. This strikes a nice balance between local autonomy/ flexibility/creativity and state expectation, while also understanding the financial constraints districts may faces in implementation. Additionally, it should be assumed that local districts will willingly implement the criteria that are suggested as guidelines when they are able, and in many cases, will strive to do so, even if not mandated. We all want students to be successful readers.

Thank you: The UEN appreciates the openness of the Reading Research Center including a taskforce of stakeholders and the DE's outreach to school district leaders seeking comments. Thank you for the opportunity to share our concerns.

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Code Section 279.68(2)(e) which includes the mandate that school districts offer summer school and the cross reference to section 256.9 which states the responsibility of the Reading Research Center to establish program criteria and guidelines for implementation:

e. Offer each summer, beginning in the summer of 2017, unless the school district receives a waiver from this requirement from the DE for the summer of 2017, an intensive summer literacy program for students assessed as exhibiting a substantial deficiency in reading. The program shall meet the criteria and follow the guidelines established pursuant to section 256.9, subsection 53, paragraph "c", subparagraph (1), subparagraph division (g):

(g) An intensive summer literacy program. The center shall establish program criteria and guidelines for implementation of the program by school districts, under rules adopted by the state board pursuant to section 256.7, subsection 31.

The proposed criteria require school district summer school programs to:

- Adopt instructional practices/programs that have demonstrated success (from DE's reviewed list of programs or some other program empirically shown to increase student literacy.)

- Employ skilled, high-quality instructors, provide instructors with training, or both.
- Sufficient time for intensive reading instruction and student learning (minimum of hours described by the intervention chosen or 75 hours if time is not specifically mentioned.)
- Small classes: employ grouping formats described in the intervention or whole class size of no more than 15 and small groups of five or fewer students.
- Monitor and promote student attendance (include a policy that requires 90% attendance by each student to define successful completion.)
- Evaluate student outcomes and program implementation (weekly progress monitoring for students plus program evaluation shall also include a measure of fidelity in implementing the following requirements, at a minimum: instructor qualifications, amount of instructional time, grouping size, attendance data, and progress monitoring data.)
- Identify if student successfully completes the program (either attains proficiency or completes 90% attendance, letter to parents including attendance, academic performance, additional or continuing areas of need, and whether child is promoted to fourth grade.)
- Program must be under leadership/supervision of at least one teacher and at least one appropriately licensed administrator (may be same person) with either a reading endorsement K-8 or a reading specialist K-12.