

DEPARTMENT OF EDUCATION

Colorado State Board of Education

RULES FOR THE ADMINISTRATION OF THE COLORADO READING TO ENSURE ACADEMIC DEVELOPMENT ACT (READ ACT)

1 CCR 301-92

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

1.0 Statement of Basis and Purpose.

These rules are promulgated pursuant to Colorado Revised Statutes section 22-2-107 (1) (c) and section 22-7-1209 (1) (a) (e). Section 22-2-107 (1) (a), (c), C.R.S., authorizes the State Board of Education to perform all duties delegated to it by law and to promulgate and adopt policies, rules, and regulations concerning general supervision of the public schools, the Department, and the educational programs maintained and operated by all state governmental agencies for persons who have not completed the twelfth-grade level of instruction. Section 22-7-1209 (1) (a) (e), C.R.S., requires the Colorado State Board of Education to promulgate Rules for the Administration of the Colorado Reading to Ensure Academic Development Act (the Colorado READ Act).

~~These rules have been revised pursuant to sections 22-2-107(1)(c), C.R.S., and section 22-7-1209(1)(a)(e), C.R.S., requiring the Colorado State Board of Education to promulgate Rules for the Administration of the Colorado Reading to Ensure Academic Development Act (the Colorado READ Act). The revisions clarify how a significant reading deficiency may be determined.~~

~~These rules have been revised pursuant to section 22-2-107(1)(c), C.R.S. and section 22-7-1209(1)(a)(e), C.R.S., requiring the Colorado State Board of Education to promulgate Rules for the Administration of the Colorado Reading to Ensure Academic Development Act (the Colorado READ Act). Revisions to sections 3.00 and 13.00 of these rules were made to align the rules with H.B. 17-1160, authorizing a local education provider to determine the language in which a student who is an English language learner takes reading assessments in Kindergarten through third grade.~~

5.00 Minimum Reading Competency Skill Levels.

The following competency skill levels guide literacy instruction and interventions for students. These competency skill levels are based on the scores attained on the approved reading assessments identified in section 9.00 of these rules, the Colorado Academic Standards and have a significant correlation to reading on grade level. Students in second and third grades may demonstrate that they have attained the minimum reading skill levels primarily through scores from a State Board approved interim reading assessment. The State Board shall review the minimum reading competency skill levels on or before July 1, 2019, and every four years thereafter and update them as necessary.

8.00 Notice of Process for Possible Inclusion in Approved Assessment List(s).

8.01(A) At least one month prior to recommending any new interim, diagnostic, and summative assessments be added to the approved assessment list, the Department will-must post a notice on its web-site indicating the timeline for review and recommendation of new interim, diagnostic, and summative assessments, the process and deadline for submitting assessments for consideration, and the criteria that ~~will be used by~~ the Department will use in reviewing assessments.

- 8.01(B) ~~Criteria for reviewing~~In reviewing the interim, diagnostic, and summative assessments, ~~the Department will ensure that each recommended assessment will include~~is evidence-based or scientifically-based and aligned with the preschool through elementary and secondary education Colorado Academic Standards for reading-preschool through elementary and secondary education; each is ~~be, valid, and reliable, and, proven to effectively and accurately measure students' reading skills in the areas of phonemic awareness, phonics, vocabulary development, reading fluency, including oral skills, and reading comprehension; each is~~ proven to accurately identify deficiencies; and at least one assessment shall be normed for students who speak Spanish, consistent with the criteria outlined in section 22-7-1209 (2) (a), C.R.S.
- 8.01(C) ~~Criteria for reviewing~~In reviewing assessments, the Department will ensure that the list of interim and diagnostic assessments ~~will include~~s at least one assessment ~~that~~ can be administered using pencil and paper as outlined in section 22-7-1209 (2) (a), C.R.S.
- 8.01(D) After reviewing all submissions, the Department ~~will~~ must notify publishers of recommended lists of interim, diagnostic, and summative assessments to be presented to the State Board.
- 8.01(E) The Department ~~will~~ must periodically review lists of approved interim, diagnostic, and summative assessments at least every four years and recommend updates to the State Board as appropriate.
- 8.01(F) In reviewing, updating, and making recommendations for new reading assessments, the Department must consult with local education providers, including those with high enrollments of students who are English Language Learners as defined in section 22-24-103, C.R.S., and with third-party experts to provide a technical review as necessary. The Department shall ensure that the procedure outlined in section 8.00 of these rules is inclusive and transparent.

9.00 Approved Interim Reading Assessments.

- 9.01(A) ~~For 2012-13 and 2013-14, the Developmental Reading Assessment 2nd Edition (DRA2)/Evaluacion del desarrollo de la lectura 2 (EDL2), the Phonological Awareness Literacy Screening (PALS)/Phonological Awareness Literacy Screening Espanol (PALS Espanol), and Dynamic Indicators of Basic Early Literacy Skills (DIBELS 6th or 7th)/Indicadores Dinamicos del Exito en la Lectura (IDEL) will be approved for use as interim assessments.~~
- 9.01(B) ~~Beginning in 2013 — 2014, in addition to the Developmental Reading Assessment 2nd Edition (DRA2)/Evaluacion del desarrollo de la lectura 2 (EDL2), the Phonological Awareness Literacy Screening (PALS)/Phonological Awareness Literacy Screening Espanol (PALS Espanol), and Dynamic Indicators of Basic Early Literacy Skills (DIBELS 6th or 7th)/Indicadores Dinamicos del Exito en la Lectura (IDEL), any additional interim assessment(s) approved by the state board during the 2013 — 2014 school year may be used.~~

9.01(A) ~~The following are considered approved interim assessments:~~

- ~~9.01(A)(i) Aimsweb (English and Spanish)~~
- ~~9.01(A)(ii) Acadience Reading (Ppreviously published under DIBELS Next®)~~
- ~~9.01(A)(iii) Incidaores Dinamicos del Exit en la Lectura (IDEL)~~
- ~~9.01(A)(iv) Formative Assessment for Teachers (FAST)~~
- ~~9.01(A)(v) I Ready~~

9.01(A)(vi) ~~Instruction's Indicators of Progress for Early Reading (ISIP ER) (English and Spanish)~~

9.01(A)(vii) ~~Phonological Awareness Literacy Screening (PALS) and Phonological Awareness Literacy Screening Espanol~~

9.01(A)(viii) ~~Star Early Learning~~

9.01(C) ~~Beginning in 2014-2015, The Department may recommend~~ the addition or removal of assessments from the approved interim assessment list ~~may to~~ be approved by the State Board based on the process and criteria established by the Department as outlined in section 22-7-1209(1) (b)-(d), C.R.S.

9.01(D) ~~Beginning in 2013-2014, at~~ least one of the approved interim reading assessments for kindergarten and first, second, and third grades will be normed for the performance of students who speak Spanish as their native language, which assessment is available in both English and Spanish.

9.01(E) As reading comprehension is dependent upon students' understanding of the language, children with limited English proficiencies, as determined by the individual district's criteria and documentation, must be assessed in their language of reading instruction, leading to their proficiency in reading English.

10.00 Notice of Process for Possible Inclusion on Advisory Lists of Instructional Programming and Professional Development Programs.

10.01(A) ~~_____~~ The Department will ~~periodically~~ review its advisory lists of instructional programming and professional development programs at least every two years and update as appropriate.

10.01(B) At least one month prior to revising the lists, the Department will post a notice on its web-site indicating the timeline for review and selection of new items, the process and deadline for submitting items for consideration, and criteria that will be used by the Department in reviewing items.

10.01(C) ~~_____~~ ~~The list of~~Criteria for reviewing evidence-based or scientifically-based instructional programming, aligned with the recommended reading assessments, may include only programming that at a minimum has instructional programming will include must been proven to accelerate student progress in attaining reading competency; ~~provides~~ provides explicit and systematic skill development; ~~include~~s evidence-based or scientifically-based and aligned with the Colorado Academic Standards; includes evidence-based or scientifically basedand reliable assessments; ~~provides~~ provides initial and ongoing analysis of student's progress; ~~and includes~~ and includes texts on core academic content; ~~consistent with the criteria outlined in section 22-7-1209 (2)(b), C.R.S.~~

10.01(D) _____ In reviewing and updating its advisory list of instructional programming and professional development programs, the Department must consult with local education providers, including those with high enrollments of students who are English Language Learners as defined in section 22-24-103, C.R.S., and with third-party experts to provide a technical review as necessary. The Department shall ensure that the procedure outlined in section 10.00 of these rules is inclusive and transparent.

10.01(~~ED~~)_—After reviewing all submissions, the Department will notify publishers of recommended lists of instructional programming and professional development programs.

11.00 Appeals Process for Local Education Providers, and Publishers of Assessments, Instructional Programs, and-or Professional Development Programs.

11.01(A)_—If a local education provider's or publisher's submitted an assessment, instructional programming, or professional development program that is not included on the approved list, the publisher or local education provider may submit a written appeal to the Department no later than 14 days after receiving notification. As part of the appeal, the Department and the State Board will consider findings that the appellant may submit from a nationally recognized, evidence-based information clearinghouse that demonstrate that a program has achieved positive results for a substantially similar population of students who are identified as having significant reading deficiencies. Grounds for a written appeal will be limited to an explanation of why the submissions met the evaluation criteria that was identified and posted by the Department.

11.01(B)_—~~No later than~~Within 30 days ~~after of~~ receiving the written appeal, the Department shall either recommend that the State Board add the assessment, instructional programming, and/or professional development program to the approved lists or ~~respond to provide~~ the publisher or the local education provider with a written explanation ~~of why it will not recommend that the~~ assessment, instructional programming, or professional development program ~~will not be added to the approved list. included recommended to the state board.~~

13.00 District Reporting Requirements.

13.01 In order for the Department to comply with the reporting requirements found in section 22-7-1213, C.R.S., on an annual basis, Local Education Providers (LEPs) must submit the following information to the Department. The State Board will review the data annually to determine if district reporting requirements are consistent with section 22-7-1213, C.R.S.

13.01(A) Student background information (SASID, name, gender, date of birth and grade level);

13.01(B) Indication of whether the student has been identified as having a significant reading deficiency;

13.01(C) Interim assessment selected by the district (from list of approved assessments);

13.01(D) Interim assessment score (If the LEP is required to administer to a student at least one assessment in English, either because the student has demonstrated at least partial proficiency in English or because the student's parent has requested the student to be assessed in English, the LEP must submit the student's score on that English assessment.);

13.01(E) Indication of whether testing accommodations were provided;

13.01(F) Testing date;

13.01(G) Indication of whether retention was recommended;

13.01(H) Indication of whether student was retained; and

13.01(l) Indication of how per-pupil intervention funding was used (i.e., instructional programs, full-day kindergarten programs, summer school literacy programs, tutoring services, [professional development programming, literacy specialist services for small rural districts](#), or other intervention services).

Editor's Notes

History

Entire rule eff. 04/30/2013.

Entire rule eff. 06/30/2015.

Rules 2.34, 3.00-5.00, 5.04(B)(3), 6.01(B), 8.01(C)-(E), 13.01(l) eff. 04/30/2016.

Rules 1.0, 3.04, 3.05(A)-(B), 13.00 eff. 11/30/2017.