EDUCATION DEPARTMENT [281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5) and 2012 Acts, Senate File 2284, section 31, the State Board of Education hereby adopts new Chapter 61, "Iowa Reading Research Center" Iowa Administrative Code.

Proposed Chapter 61 describes a new Iowa Reading Research Center pursuant to 2012 Iowa Acts, Senate File 2284, sections 31 and 32.

An agency wide waiver provision is provided in 281---Chapter 4.

Notice of Intended Action was published in the October 3, 2012, Iowa Administrative Bulletin as ARC # 389C. Public comments were allowed until 4:30 p.m. on October 23, 2012. A public hearing was held on that date at which no person appeared. No written or oral comments were received.

This amendment is identical to that published under Notice, except for technical changes in 61.6(256).

After analysis and review of this rule making, no impact on jobs has been found as these rules simply establish a center as the code referenced allows.

These rules shall become effective January 2, 2013.

This amendment is intended to implement 2012 Iowa Acts, Senate File 2284, sections 31 and 32.

The following amendment is adopted.

Adopt the following **new** 281-chapter 61:

CHAPTER 61

IOWA READING RESEARCH CENTER

281—61.1(256) Establishment. There is established an Iowa reading research center. The director of the department of education shall select a public education entity to serve as the host for the Iowa reading research center. Preference shall be given to a school district, an area education agency, or the joint area education agencies system. The selection of a host shall be for a specified period of time.

281—61.2(256) Purpose. The purpose of the center shall be to apply current research on literacy to provide for the development and dissemination of all of the following, although each of the following will not necessarily be of equal priority or immediacy:

1. Instructional strategies for prekindergarten through grade 12 to achieve literacy proficiency that includes reading, reading comprehension, and writing for all students.

2. Strategies for identifying and providing evidence-based interventions for students, beginning in kindergarten, who are at risk of not achieving literacy proficiency.

3. Models for effective school, parent, and community partnerships to improve student literacy.

4. Reading assessments.

5. Professional development strategies and materials to support teacher effectiveness in student literacy development.

6. Data reports on attendance center, school district, and statewide progress toward literacy proficiency in the context of student, attendance center, and school district demographic characteristics.

7. An intensive summer literacy program, referred to in rule 281—61.3(256).

281—61.3(256) 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 of education.

61.3(1) *Program criteria.* Reserved.

61.3(2) *Guidelines for implementation by school districts.* Reserved.

281—61.4(256) First efforts of the center. The first efforts of the center shall focus on improving reading performance and instruction in kindergarten through grade 3.

281—61.5(256) Nature of the center's operation. The center shall govern its work according to the following requirements.

61.5(1) *Use of expertise.* The center shall draw upon national and state expertise in the field of literacy proficiency, including experts from Iowa's institutions of higher education and area education agencies with backgrounds in literacy development.

61.5(2) *Data and report development.* The center and its director shall seek support from the Iowa research community in methodologies for the collection of student literacy data and in data report development, the analysis of available information from Iowa education data sources, and the analysis of progress toward literacy proficiency.

61.5(3) *Coordination with the department.* The center and its director shall work with the department of education to identify additional needs for tools and technical assistance for Iowa schools to help schools achieve literacy proficiency goals and seek public and private partnerships in developing and accessing necessary tools and technical assistance.

281—61.6(256) Nature of the center's products. The center's strategies, models, materials, and assessments, including the products referred to in subrule 61.6(3), shall be judged by and subject to the following requirements:

61.6(4) *Publicly available.* Due to the nature of the center, its products shall be widely and liberally distributed and used.

a. Regardless of any intellectual property right that may accrue to the center, the department of education shall have a perpetual, irrevocable, royalty-free, nonexclusive, nontransferable license to use any of the strategies, models, ~~and~~ materials, and assessments produced by the center.

b. Regardless of any intellectual property right that may accrue to the center, each school district, area education agency, and accredited nonpublic school shall have a perpetual, irrevocable, royalty-free, nonexclusive, nontransferable license to use any of the strategies, models, ~~and~~ materials, and assessments produced by the center.

c. Regardless of any intellectual property right that may accrue to the center, each school district, area education agency, accredited nonpublic school, and practitioner preparation program approved by the department of education shall have a perpetual, irrevocable, royalty-free, nonexclusive, nontransferable license to use any of the strategies, models, ~~and~~ materials, and assessments produced by the center to provide training to current and prospective teachers and administrators.

d. Notwithstanding paragraphs 61.6(4)"a" through "c," the center may seek reimbursement from a school district, area education agency, accredited nonpublic school, or practitioner preparation program approved by the department of education for the actual cost of delivering the center's products. For purposes of this paragraph, actual costs may include printing, telecommunications expenses, personnel time, postage, and other costs, but shall not include any amount that represents a royalty or other compensation for the use of the center's intellectual property.

281—61.7(256) Governance and leadership of the center. The center shall be governed in the following manner.

61.7(1) *Director and other personnel.* The center shall have a director who shall be an employee of the host referred to in rule 281—61.1(256). The director of the department of education or the director's designee, in consultation with the host and the advisory council, shall select, determine the compensation of, and annually evaluate the director of the center.

a. Responsibilities of the director of the center will include the following:

(1) Enacting the priorities of the reading research center, as defined by the department;

(2) Achieving the Iowa reading research center's mission and purpose;

(3) Directing the center's budget;

(4) Managing the center's staff;

(5) Managing and overseeing the request for proposal (RFP) or contracting process or both to enact priorities of the center;

(6) Providing oversight and management of all contracts and projects initiated by the center;

(7) Establishing models for an intensive summer literacy program replicable in Iowa schools;

(8) Disseminating literacy research and its application; and

(9) Submitting required reports to the department and the general assembly.

b. The center may employ such other personnel as may be necessary to fulfill its responsibilities, upon approval of such positions by the director of the department of education.

61.7(2) *Advisory council.* When setting priorities for the center, the department of

education shall seek advice and assistance from an advisory council. The advisory council shall establish its bylaws and shall govern itself by the following paragraphs:

a. The advisory council shall consist of representatives of the department, school districts, area education agencies, accredited nonpublic schools, institutions of higher education, organizations representing reading and literacy teachers, community-based nonprofit organizations that are focused on literacy, statewide literacy organizations, and parents. Members who offer other perspectives may be appointed. Members may serve in more than one role. Members shall be appointed by the director of the department of education or the director's designee. Actual expenses for members of the advisory council may be assumed by the reading research center.

b. The advisory council shall recommend and continually review center priorities, which shall be consistent with these rules. The advisory council shall annually submit to the department a recommended set of projects and priorities for the reading research center.

c. The advisory council shall provide input to the director of the department on the desired qualifications for the position of director of the reading research center.

d. The advisory council shall advise and assist the center in preparing the annual report required by rule 281—61.9(256).

e. The advisory council shall foster collaboration across the Iowa reading research and evaluation community and serve as a facilitator in identifying additional research needs and ways to apply research to practice in Iowa schools and communities.

f. The advisory council shall stay abreast of emerging trends, research, and effective literacy practices.

g. The advisory council shall assist the director of the center in reviewing proposals for quality, viability, and statewide impact.

h. Meetings of the advisory council are public meetings subject to statutory open meetings requirements.

61.7(3) *Use of advisory council recommendations.* The department shall consider the priorities established by its advisory council in determining which projects or activities to direct the center to enact, consistent with these rules and with the center's funding.

61.7(4) *Contracts and awards.* In the furtherance of its work, the center may contract with other entities or may make awards by competitive bid. The rules in this chapter shall be a term of any contract or award under this subrule. Any product produced pursuant to a contract or award shall be subject to these rules, including subrule 61.6(4).

281—61.8(256) Financing of the center. The center will be financed in the following manner:

61.8(1) *Host as fiscal agent.* The host shall be the fiscal agent for the center.

61.8(2) *Public or private funds.* The host and the center may solicit and accept funds from public and private sources for the fulfillment of the mission and purpose of the center.

61.8(3) *Oversight by the department.* The department shall have oversight responsibilities for the financial operations of the center.

281—61.9(256) Annual report. The center shall submit a report of its activities to the general assembly by January 15 annually.

These rules are intended to implement 2012 Iowa Acts, Senate File 2284, sections 31 and 32.