



This document contains official guidance for the third-grade retention component of Iowa Code section 279.68.

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# Executive Summary

## Overview

Iowa Code section 279.68 provides Iowa students support to become successful readers through early intervention. The following guidance is intended to support schools implementing the retention requirements of Iowa Code section 279.68 that go into effect at the end of the 2017-2018 academic year. In addition to legal requirements and procedures, documentation guidance and sample tools are provided. Other official guidance and resources related to Iowa Code section 279.68 can be found at <https://www.educateiowa.gov/early-literacy-implementation>.

## Requirement

Iowa Code section 279.68 includes a retention component for some students who are not proficient readers or are persistently at risk in the area of reading at the end of third grade. Grade placement is a school and district decision and requires careful consideration for each individual student impacted. The law contains several considerations when making the decision.

## Promotion to Fourth Grade

Students are eligible for promotion to fourth grade when they meet any one of four criteria:

- A. Meet [proficiency](#) standards on the statewide assessment in reading;
- B. Are not [persistently at risk in reading](#);
- C. Qualify for a [Good-Cause Exemption](#); and/or
- D. Complete an [Intensive Summer Reading Program](#).

Students who do not meet any of the above criteria must be considered for retention. Each retention decision is made after careful consideration and documentation. The retention decision is made using the following considerations:

- A. Reading proficiency, as determined by state, district, and classroom assessments (factor given most weight);
- B. Progress and development in other subject areas (e.g. math, writing);
- C. The student's overall intellectual, physical, emotional, and social development;
- D. Direct personal consultation with the student's parents; and
- E. The individualized and targeted action plan for remediation developed by the school.

## Timeline of Decisions

As schools are implementing these requirements, timely communication and decisions are essential. Parents need to be notified of their child's potential invitation to an intensive summer reading program immediately after the winter screening window (February) to allow families time to plan accordingly. Additionally, the school will consider good-cause exemptions for each child who is not proficient during the spring of the third-grade year. A visual depiction of the [timeline](#) is provided later in this document.

# Retention Guidance

## Purpose

The purpose of this guidance is to aid Iowa’s public school districts in interpreting and implementing the portion of Iowa Administrative Code (IAC) chapter 281–62 related to third-grade progression/retention. These legal requirements for this Administrative Code chapter are from Iowa Code section 279.68. Appendix A includes a table with the Administrative Code citations for guidance contained in this document.

## Process

The graphic in Appendix B describes the decision-making process. When making retention decisions, the Iowa Department of Education (Department) recommends using the Retention Decision-Making Form (see [Appendix C](#)).

Table 1.  
*Retention Process Component and Related Guidance*

Retention Process Component	Guidance
A. Proficiency on Iowa’s accountability assessment in reading	Students who are <a href="#">proficient</a> on Iowa’s statewide assessment in reading are eligible for promotion to fourth grade.
B. Persistently at risk in reading	<p>Schools will offer the intensive summer reading program to students who are <a href="#">persistently at risk in reading</a> AND are not proficient on Iowa’s statewide assessment in reading. Students who are proficient on Iowa’s statewide assessment are not required to be offered the intensive summer reading program.</p> <p>In order to provide timely communication to parents, schools will identify students who are at risk or persistently at risk in reading using data from the winter of third grade (February). Schools will notify parents immediately after the winter screening window that participation in an intensive summer reading program may be required to avoid potential retention.</p> <p>Schools will invite students who qualify for a good-cause exemption to the intensive summer reading program if they are persistently at risk in reading and not proficient on Iowa’s statewide assessment in reading. Their participation is not used in making a retention decision, and they are not required to enroll in or complete the intensive summer reading program.</p>
C. Good-cause exemptions	<p>Students who qualify for a good-cause exemption will be promoted to the fourth grade. The good-cause exemptions include:</p> <ol style="list-style-type: none"> <li>1. The student is a limited English proficient student with less than two years of instruction in an English as second language (ESL) program.</li> <li>2. The student has an individualized education program (IEP) and the student’s IEP indicates that participation in the assessments required by Iowa Code section 279.68 is not appropriate.</li> <li>3. The student has demonstrated an acceptable level of performance on an alternative assessment based on scientifically-based research.</li> <li>4. The student has demonstrated mastery through a portfolio review that meets the <a href="#">Portfolio Review Criteria</a>.</li> </ol>

Retention Process Component	Guidance
	<p>5. The student was previously retained and has received intensive remediation in reading for at least two years.</p> <p>Documentation of a good-cause exemption must be completed by the end of the school year for all qualifying students in the third grade and needs to include information from the student’s teacher regarding the good-cause exemption.</p> <p>The required documentation form for good-cause exemptions can be found in <a href="#">Appendix E</a> and is required to be kept in the student’s records for five years and may be requested as part of the accreditation process.</p>
<p>D. Intensive summer reading program</p>	<p>The school district must keep attendance records for all students enrolled in the program.</p> <p>Students who are invited to the intensive summer reading program and do not qualify for a good-cause exemption are required to enroll in and complete the intensive summer reading program. Completion of the intensive summer reading program requires at least 85 percent attendance.</p> <p>Those students who are: (1) not proficient on Iowa’s statewide assessment in reading; (2) are persistently at risk in reading; (3) do not qualify for a good-cause exemption; and (4) do not complete the intensive summer reading program, are required to be considered for retention.</p>
<p>E. Retention Decision</p>	<p>When making a retention determination, schools must consider each of the following:</p> <ul style="list-style-type: none"> <li>• Reading proficiency, as determined by state, district and classroom assessments (factor given most weight);</li> <li>• Progress and development in other subject areas (e.g., math, writing);</li> <li>• The student’s overall intellectual, physical, emotional, and social development;</li> <li>• Direct personal consultation with the student’s parents; and</li> <li>• School develops an individualized and targeted action plan for remediation.</li> </ul> <p><b>Reading Proficiency</b> Students who are candidates for retention score below expectations on the statewide reading assessment and other district measures of reading skills. Schools must place significant weight on any area in which the student is persistently at risk in reading in determining whether to retain a student in third grade. This is the factor given the most weight in any retention decision.</p> <p><b>Other Academic and Development Progress</b> When considering the retention decision, schools must also weigh progress in other academic areas, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• math,</li> <li>• science, and</li> <li>• social studies.</li> </ul> <p>The school must also consider the student’s developmental and social</p>

Retention Process Component	Guidance
	<p>progress, including overall intellectual, physical, emotional, and social development, using locally-available information. These additional progress considerations allow schools to make a retention decision based upon a picture of the child’s total development.</p> <p><b>Parent Consultation</b> The school is required to make a direct, personal consultation with the student’s parents, or legal guardians, prior to making the retention decision. Information gained through this consultation will be used by the school as it makes the retention decision. It is highly recommended that the meeting be held in a face-to-face format. The Department recommends minutes from the meeting be kept and shared with the parents or guardians.</p> <p><b>Action Plan for Remediation</b> The school, including the principal, teacher, and parents or guardians, must formulate or revise an <a href="#">action plan</a> to increase the student’s reading skills prior to making a retention decision. The plan should specify the targeted actions the district will take to meet the student’s individual needs. The school will consider implementation of this action plan when making the retention decision.</p>
F. Reporting Requirements	<p>School districts will report the specific intensive reading interventions and supports provided to K-3 students to the Department. Further information related to this reporting will be forthcoming.</p> <p>School districts shall maintain the following data, on an annual basis, to be available upon request:</p> <ul style="list-style-type: none"> <li>• The number and percent of third-grade students who were persistently at risk after the spring universal screening assessment period and passed the statewide assessment in reading.</li> <li>• The number and percent of third-grade students who were persistently at risk after the spring universal screening assessment period and were not proficient on the statewide assessment in reading.</li> <li>• The number and percent of third-grade students who were persistently at risk after the spring universal screening assessment period who qualified for a good-cause exemption.</li> <li>• The number and percent of third-grade students who enrolled in and completed the intensive summer reading program (disaggregated by those that were required to attend and those who qualified for a good-cause exemption).</li> <li>• The number and percent of third-grade students who were subject to a retention decision and the number and percent who were and were not retained.</li> <li>• The number and percent of students enrolled in the summer reading program who did not meet the attendance requirements.</li> </ul>

# Good-Cause Exemptions

The good-cause exemptions require promotion to the fourth grade for those students who qualify. Below is guidance related to each good-cause exemption. The school will keep documentation related to good-cause exemptions in students' files for at least five years.

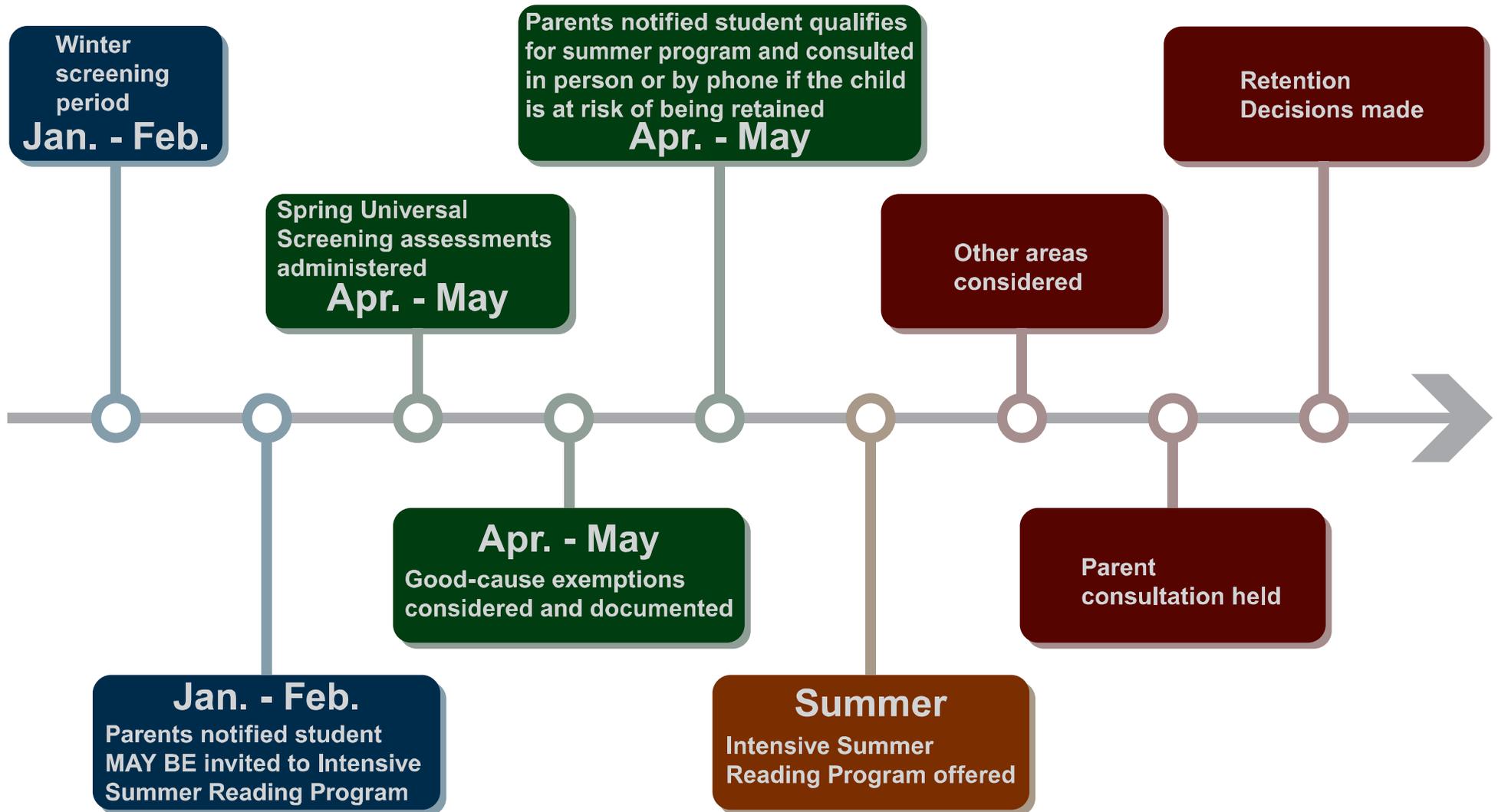
Table 2.

*Good-Cause Exemption and Related Guidance*

Good-Cause Exemption	Guidance
<p>1. The student is a limited English proficient student with less than two years of instruction in an ESL program.</p>	<p>If the student is identified as an English learner in the school's student information system, is still receiving ESL services, <u>and</u> has received services for less than two years, then the child is exempt from the retention decision.</p>
<p>2. The student has an IEP and the student's IEP indicates that participation in the assessments required by Iowa Code section 279.68 is not appropriate.</p>	<p>If the student has an IEP and participates in the Iowa Alternate Assessment, per the student's IEP, then the child is exempt from the retention decision.</p> <p>Note that this exemption does not apply to all students with IEPs. It is specific to the small number who participate in the Iowa Alternate Assessment.</p>
<p>3. The student has demonstrated an acceptable level of performance on an alternative assessment based on scientifically-based research.</p>	<p>A district-wide assessment that is designed to measure Iowa Core English/language arts (ELA) standards that is administered to all children may be used to determine that a student is a proficient reader. This includes, but is not limited to, the evidence-based universal screening assessment used in the district.</p>
<p>4. The student has demonstrated mastery through a portfolio review that meets Department required criteria.</p>	<p>The school may use a portfolio review that demonstrates reading proficiency. Use the Portfolio Review Criteria (see <a href="#">Appendix D</a>) to document the good-cause exemption decision.</p> <p>This criteria document was adapted from guidance provided to Florida schools regarding that state's early literacy law.</p>
<p>5. The student was previously retained and has received intensive remediation in reading for at least two years.</p>	<p>If the child was previously retained and has received remediation in reading for at least two years, the child is exempt from retention.</p>

# Timeline

Schools will make retention decisions as data are available. The decision can be made in the spring for students who attain proficiency or qualify for a good-cause exemption. Schools will need to make retention decisions for students participating in the intensive summer reading program upon completion of the program. The timeline below represents the process a school follows when making decisions during a student's third-grade year.



# Frequently Asked Questions

Below are frequently asked questions related to the third-grade retention component of Iowa Code section 279.68.

Table 3.  
*Question and Answer*

RETENTION		
No	QUESTION	ANSWER
R1	When do these requirements take effect?	Schools are required to implement the retention component of Iowa Code section 279.68 at the conclusion of the 2017-2018 school year. This change is a result of Senate File 2323.
R2	Why is the term “substantial deficiency” no longer used?	Iowa Code section 279.68 was amended this year by House File 2413 and the term substantial deficiency was changed to “persistently at risk in reading.” The application of the term remains the same. It is used to identify students who score below the grade-level benchmark on two consecutive screening assessments.
R3	What if a child receives a score below his or her ability on the statewide reading assessment in third grade?	If the student was not proficient on the statewide reading assessment, the student must be invited to attend the intensive summer reading program. The child will also be considered for the good-cause exemption related to proficiency on another alternative assessment or portfolio review. If the teacher has information from an alternative assessment or portfolio that the student is a proficient reader, the child would qualify for a good-cause exemption.
R4	What if a child receives a score below his or her ability on the spring universal screening assessment?	If a student receives a score that falsely indicates the child is a persistently at-risk reader, one of two situations may occur. First, if the student was proficient on the statewide reading assessment, he or she will be eligible for promotion to fourth grade.  If the student was not proficient on the statewide reading assessment, the student must be invited to attend the intensive summer reading program. The child will also be considered for the good-cause exemption related to proficiency on another alternative assessment or portfolio review. If the teacher has information from an alternative assessment or portfolio that the student is a proficient reader, the child would qualify for a good-cause exemption.
R5	What if a child is below target on his or her universal screening assessment but is proficient on the statewide reading assessment?	The child is eligible for promotion to fourth grade.  Although the child may be persistently at risk in reading, school districts are not required to invite these children to the intensive summer reading program.
R6	What if a child meets benchmark on his or her universal screening assessment but is not proficient on the statewide reading assessment?	The student is not persistently at risk and is eligible for promotion to the fourth grade.  The student is not required to be offered the intensive summer reading program, but the school district may choose to do so since the student is not proficient on the statewide reading assessment.

## RETENTION

No	QUESTION	ANSWER
R7	What if a child both persistently at risk in reading and not proficient on the statewide assessment in reading but has met proficiency on another district-wide reading assessment?	The student may qualify for a <a href="#">Good-Cause Exemption</a> . The school may consider the good-cause exemption and document evidence of meeting the exemption (See <a href="#">Appendix E</a> ).
R8	Past Early Literacy Guidance has indicated that universal screening data would be used during the retention decision. Does this new guidance change that?	Retention decisions are not based on one single data point or assessment. Students who are either proficient on the statewide assessment in reading OR are not persistently at risk in reading are eligible for promotion to fourth grade. Additionally, other considerations are taken into account when making retention decisions.
R9	Is the district required to provide the intensive summer reading program for children who are not persistently at risk in reading?	No. It is recommended, but not required, that all students who are not proficient readers be invited to the intensive summer reading program.
R10	Is the district required to provide summer school for grades K-2 in addition to grade 3?	No. It is recommended but not required.
R11	Can a school district request a waiver from the requirement to provide an intensive summer reading program?	Senate File 2323 allows school districts to request a waiver from the Department only for the summer of 2018. Information about the waiver process is forthcoming.
R12	Can a child who is eligible for a good-cause exemption attend summer school?	Yes.
R13	Does a student who is eligible for a good-cause exemption have to attend summer school in order to avoid retention?	No. The district is required to offer the intensive summer reading program to students who are persistently at risk in reading, regardless of their qualification for a good-cause exemption. However, these students are not required to enroll and attend the program in order to avoid retention.
R14	Does the exemption related to students with IEPs apply to all students with IEPs, to students with reading goals on their IEPs, or only those who currently take the Iowa Alternate Assessment?	This exemption applies only to students whose IEP indicates they participate in the Iowa Alternate Assessment.
R15	Are children with IEPs required to attend the summer program?	The vast majority of students with IEPs will be required to enroll and attend the intensive summer reading program if they are persistently at risk in reading. Those children with IEPs who participate in the Iowa Alternate Assessment, per their IEP, qualify for a good-cause exemption. Because of that, they are not required to enroll and complete the program.

## RETENTION

No	QUESTION	ANSWER
R16	Does Extended School Year (ESY) count as an intensive summer reading program?	Students who participate in Extended School Year (ESY), per their IEPs, may count the ESY program as the intensive summer reading program only if the ESY services meet the requirements of IAC 281 – 62 and services on the IEP are also provided during the summer program.
R17	Is the district required to provide IEP services during summer school?	Yes. Districts are required to meet applicable IEP needs during the intensive summer reading program. For example, if a child needs accommodations during literacy instruction throughout the school year, those accommodations must be provided during the intensive summer reading program.
R18	Does placement in a pre-K program count as retention?	In determining if the child was retained, schools must review the child's participation in district-coded kindergarten programs. In many Iowa districts, a pre-kindergarten program has been implemented that has reported attending students to the state as kindergarten students. These students are considered retained since they spent two years in a state kindergarten program.  Remember that the good-cause exemption related to retention includes retention <u>and</u> at least two years of intervention.
R19	If a student is persistently at risk in reading and retention is recommended, does the student repeat third-grade reading AND third-grade math, science, and so on?	In Iowa, students may only be assigned to one grade level at a time. If a student is retained in third grade, the student is considered a third-grade student only. Schools may differentiate for these students in all subjects as they would any other child.
R20	What happens if a student moves to Iowa only in third grade? Does this guidance apply to that student?	Yes.
R21	What happens if a student is in Iowa in kindergarten but then moves out-of-state for a while and comes back in third grade? Does this guidance apply to them?	Yes.
R22	Do schools need to implement this retention guidance for students in later grades as well?	No. The retention requirements only apply to students in their third-grade year. The district is required to continue reading intervention until students are proficient readers, though.
R23	What recourse do parents have when they disagree with a decision to retain?	A parent may follow local district policy regarding the appeal process for a retention/grade level placement decision. Each district's policy may differ, therefore it is recommended you refer to local policies.
R24	What will be the response by local education agencies or the Department if a parent refuses to agree to retention or summer school?	A parent may follow local district policy regarding the appeal process for a retention/grade level placement decision. Each district's policy may differ, therefore it is recommended you refer to local policies. There is no state level appeal.
R25	What will happen if a parent	Schools may choose to consider retention decisions and consult

## RETENTION

No	QUESTION	ANSWER
	refuses to enroll their child in the intensive summer reading program?	with parents prior to the completion of the intensive summer reading program when it is clear that a parent will not enroll their child in the program.
R26	What if a child cannot attend the intensive summer reading program because she lives in another town, in Iowa, with a non-custodial parent during the summer months?	It is recommended that the resident district contact the district in which the child will spend summer months to determine if the child can attend the summer program in that town. If the child does enroll in and complete the summer program, the resident district may accept that completion as meeting requirements of Iowa Code section 279.68.
R27	What if a child cannot attend the intensive summer reading program because she lives in another town, outside of Iowa, with a non-custodial parent during the summer months?	If the child is not able to enroll in and complete the intensive summer reading program, and does not qualify for a good-cause exemption, the district must consider the retention decision. See guidance above regarding information used to make the decision.
R28	What if a child does not attend the intensive summer reading program but becomes a proficient reader over the summer?	The factor given the most weight in any retention decision is reading proficiency; therefore, any child who is considered for retention that has become proficient would progress to fourth grade. Schools should inquire about any learning or progress related to reading during the parent consultation.
R29	If a parent decides to homeschool when the school makes a retention decision, does the child return in fourth or fifth grade a year later?	Assignments to grade level, upon return, are local district decisions.

# Important Terms

**Action Plan:** A plan developed by the school that identifies the specific, targeted supports provided to a student. The plan is designed to support the student to become a proficient reader.

**Alternate Assessment:** An assessment provided to a student with a significant cognitive disability pursuant to his or her IEP in addition to universal screening and progress monitoring assessments.

**Alternative Assessment:** An alternative assessment is any district-wide assessment, administered to all students in the grade level, and is designed to measure the grade level Iowa Core ELA standards. The alternative assessment must be reasonably calculated to provide equivalent information about the student's reading proficiency (i.e. the alternative assessment provides information similar to that provided by the statewide reading assessment).

**Intensive Summer Reading Program:** Summer reading intervention offered to all students who are persistently at risk in reading at the end of third grade. The program must meet the requirements of [Iowa Administrative Code 281-61.3](#).

**Parent Consultation:** Districts are required to consult with parents when making a retention decision. Although Iowa Code does not specify how this consultation takes place, it is highly recommended that schools meet with parents in person to discuss the retention considerations. This consultation must occur as part of a retention decision, as opposed to after the decision is made.

**Persistently At Risk in Reading:** When students demonstrate they are at risk on two consecutive universal screening assessments, they are considered persistently at risk in reading. This was formerly referred to as "substantial deficiency" in Iowa Code section 279.68.

**Reading Proficiency:** Student demonstrates adequate understanding of and ability to apply the knowledge and skills associated with meeting grade-level Iowa Core ELA standards.

**Retention:** Students are considered retained when the school district determines they will be assigned to a grade level during a new academic year that they were placed in the previous year. Grade levels for each student are reported to the state annually.

**Significant Weight:** In making the retention decision, schools must place more weight than any other factor on the student's reading proficiency. Other considerations must be taken into account, but reading proficiency is a prioritized consideration.

# Appendix A: Administrative Code Citations

# Requirements

The table below lists requirements related to the guidance contained in this document.

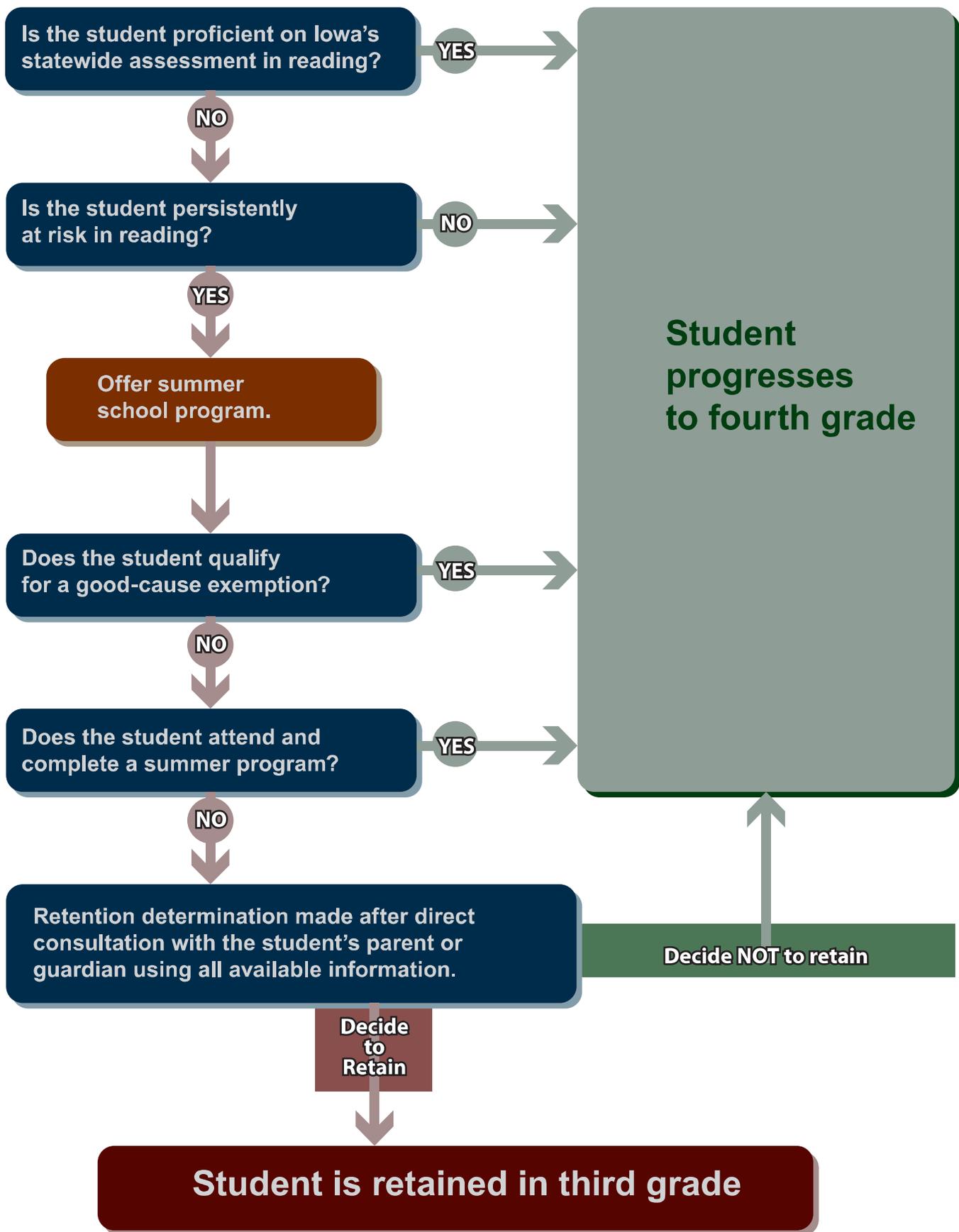
Table 4.

*Iowa Administrative Code and Action Required.*

Iowa Administrative Code Citation	Action Required
IAC 281–62.5(1)	Notify the parent/guardian the student is not a proficient reader by the end of third grade that they may enroll their student in an intensive summer reading program.
IAC 281–62.5(3)	Offer and provide an intensive summer reading program for any student who is persistently at risk in reading.  The summer reading program must meet the standards and implementation guidelines established in rule.
IAC 281–62.7(1)	School districts shall place significant weight on any area in which the student is persistently at risk in reading when making a retention decision.
IAC 281–62.7(2)	Students shall be retained if their parent does not enroll them in the summer reading program.
IAC 281–62.7(3)	School districts shall weigh progress and development in other areas besides reading when making the retention decision.
IAC 281–62.7(4)	District will make a direct personal consultation with the student’s parents prior to making the retention decision.
IAC 281–62.7 (5)	A specific plan of action to remedy the reading difficulty must be formulated prior to deciding to retain a student.
IAC 281–62.8 (1)	Students who qualify for a good-cause exemption will not be retained.
IAC 281–62.8(2)	Documentation for the good-cause exemption shall include information from a student’s teacher to the school principal that indicates that the child qualifies for a good-cause exemption.

# Appendix B: Retention Decision-Making Process

Figure 1 - Retention Decision Flow Chart



# Appendix C: Sample Retention Decision-Making Form

## Sample Retention Decision-Making Form

This form is designed to be used by classroom teachers and principals each spring to monitor and summarize retention decisions for students who are not proficient on Iowa's statewide assessment in reading and are persistently at risk in reading. Although it is not a required form, it includes all required considerations for the retention decision. This form may be modified to meet each school's needs.

Student Last Name	Student First Name	Good-Cause Exemption (indicate which qualifies for 1-5 or no)	Enrolled in Summer Program	Summer Program Completed	Parent Directly Consulted (notes attached)	Other Academic and Developmental Information	Retention Decision
		1/2/3/4/5/N	Y/N	Y/N		On-track/At risk	Y/N
		1/2/3/4/5/N	Y/N	Y/N		On-track/At risk	Y/N
		1/2/3/4/5/N	Y/N	Y/N		On-track/At risk	Y/N
		1/2/3/4/5/N	Y/N	Y/N		On-track/At risk	Y/N
		1/2/3/4/5/N	Y/N	Y/N		On-track/At risk	Y/N
		1/2/3/4/5/N	Y/N	Y/N		On-track/At risk	Y/N
		1/2/3/4/5/N	Y/N	Y/N		On-track/At risk	Y/N
		1/2/3/4/5/N	Y/N	Y/N		On-track/At risk	Y/N
		1/2/3/4/5/N	Y/N	Y/N		On-track/At risk	Y/N

# Appendix D: Portfolio Review Criteria

## Portfolio Review Criteria

Schools will use the criteria located in this document to demonstrate proficiency on grade level standards for students who qualify for the good-cause exemption described in IAC 281–62.

Student: \_\_\_\_\_ Teacher: \_\_\_\_\_

Criterion	Met/Not Met
All items in the portfolio were selected by the student’s teacher(s).	
The portfolio is an accurate representation of the student’s ability and only includes student work that has been independently produced in the classroom.	
The portfolio includes evidence that the Iowa Core English/Language Arts Standards* have been met. Such evidence must include chapter or unit tests from the district-adopted core reading curriculum or teacher-prepared assessments that include multiple choice items and grade-level text passages. For each grade level standard, there must be at least (2) examples of mastery.	

\* For students with significant cognitive disabilities, this includes the Iowa Core Essential Elements.

\_\_\_\_\_  
Classroom Teacher

\_\_\_\_\_  
Date

\_\_\_\_\_  
Principal

\_\_\_\_\_  
Date

*Adapted from Florida’s State Board Rules requirements ([www.justreadflorida.com](http://www.justreadflorida.com))*

# Appendix E: Good-Cause Exemption Documentation

## Good-Cause Exemption

Student:

Teacher:

This document certifies that the student above qualifies for a good-cause exemption, per IAC 281–62.7. Identify which of the following applies, explain when needed, and attach any needed additional documentation.

Exemption	Explanation	Attachments
1. The student is a Limited English proficient student with less than two years of instruction in an ESL program.		N/A
2. The student has an IEP and the student's IEP indicates that the student participates in the Iowa Alternate Assessment.		Copy of IEP page indicating alternate assessment
3. The student has demonstrated an acceptable level of performance on an alternative assessment based on scientifically-based research.		Assessment summary report
4. The student has demonstrated mastery through a portfolio review that meets Department required criteria.		Signed Portfolio Review Summary
5. The student was previously retained and has received intensive remediation in reading for at least two years.		N/A