

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 ~~are required by~~ 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.

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3.00 Administration of Interim Reading Assessments and Determination of a Significant Reading Deficiency.

3.01 All students in grades K-3 shall be assessed with a State Board approved interim reading assessment. If, based on grade-level cut-scores on the State Board approved interim reading assessment in a specific school year, a teacher finds that a student demonstrates reading competency appropriate for his or her grade level, the Local Education Provider is not required to administer the State Board approved interim reading assessments to the student for the remainder of the specific school year. Students who score at or below the cut-off score for a

Significant Reading Deficiency on a State Board approved interim reading assessment shall receive the services outlined in section 4.00 of these rules, below.

- 3.02 In grades 1-3, a student shall be assessed on a State Board approved interim reading assessment within 30 calendar days of enrollment.
- 3.03 Students in kindergarten shall be assessed on a State Board approved interim reading assessment during the first 90 days of the school year. If a Local Education Provider administers the State Board approved interim reading assessment within the first 60 days of the school year, it is not required to administer the literacy component of the school readiness assessment required pursuant to section 22-7-1014(1)(a), C.R.S.
- 3.04 For students who receive literacy instruction in both English and Spanish, the Local Education Provider may opt to utilize a State Board approved interim reading assessment in Spanish to determine whether the student has a significant reading deficiency. In these instances, students shall also be assessed once annually using a State Board approved interim reading assessment in English for the purpose of informing reading instruction and intervention services and for the monitoring of student progress toward grade level reading competency.

3.05 (A) For a student who is an English language learner, as defined in section 22-24-103, C.R.S., and whose native language is Spanish, the Local Education Provider shall determine whether the student takes the State Board approved interim reading assessment in English or Spanish. If the State Board adopts a list of approved reading assessments pursuant to section 22-7-1209, C.R.S., that includes assessments in languages other than English or Spanish, the Local Education Provider shall determine whether a student who is an English language learner, as defined in section 22-24-103, C.R.S., and whose native language is not Spanish, will take the State Board approved interim reading assessments in the student's native language. If a student takes a reading assessment in the student's native language, the Local Education Provider may also administer a State Board approved interim reading assessment in English to the student, at the request of the student's parent. A student's parent has the right to request that his child be administered an assessment in English. If the Local Education Provider denies the parent request to administer an assessment in English, the Local Education Provider will provide an opportunity for the parent to appeal that decision to an individual or committee designated by the Local Education Provider. If the appeal is denied, the Local Education Provider shall explain the rationale for the decision verbally and in writing.

(B) If a student who is an English language learner takes a State Board approved interim reading assessment in the student's native language, the Local Education Provider shall determine, and communicate in writing to the student's parent in a language the parent understands, if possible, the level of English proficiency at which the student must take at least one of the State Board approved interim reading assessments in English. In determining whether a student must take the reading assessments in a language other than English, each Local Education Provider shall review the student's score on the most recent annual assessment

administered pursuant to the English Language Proficiency Act, C.R.S. section 22-24-101, et seq. If the student scores within the range that the Local Education Provider determines demonstrates partial proficiency in English or higher, the Local Education Provider shall ensure that the student annually takes at least one of the State Board approved interim reading assessments in English.

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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, ~~beginning with the 2012-2013 school year~~ during the collection window established by the Education Data Advisory Committee, 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) ~~and~~;
- 13.01(B) Indication of whether the student has been identified as having a significant reading deficiency ~~and~~;
- 13.01(C) Interim assessment selected by the district (from list of approved assessments) ~~and~~;
- 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.) ~~and~~;
- 13.01(E) Indication of whether testing accommodations were provided ~~and~~;
- 13.01(F) Testing date ~~and~~;
- 13.01(G) Indication of whether retention was recommended ~~and~~;
- 13.01(H) Indication of whether student was retained ~~and~~; and
- 13.01(I) Indication of how per-pupil intervention funding was used (i.e., instructional programs, full-day kindergarten programs, summer school literacy programs, tutoring services, or other intervention services).

13.02 In order for the State Board to exercise general supervision over each LEP's implementation of the Colorado READ Act, LEPs also must submit the following to the Department:

13.02(A) If an LEP administers an assessment in students' native language, a copy of the communication sent to the students' parents, as described in section 3.05(B) of these rules; and

13.02(B) If an LEP administers an assessment in a student's native language and the student is assessed only in the student's native language, the LEP must submit the number of years that the student has been assessed only in the student's native language.