

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 290 Department or Agency State Department of Education
Chapter No. 290-3-1-.02
Chapter Title: Regulations Governing Public Schools
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

Is there another less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Thomas R. Bice
Thomas R. Bice
State Superintendent of Education

Date 5/8/10

APA-2
11/96

STATE DEPARTMENT OF EDUCATION

NOTICE OF INTENDED ACTION

AGENCY NAME: State Department of Education

RULE NO. & TITLE: 290-3-1-.02 Regulations Governing Public Schools

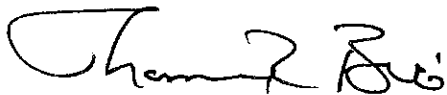
INTENDED ACTION: Amendment

SUBSTANCE OF PROPOSED ACTION: The amended chapter will provide a definition of Response to Instruction and Dyslexia, and guidance regarding the Problem Solving Team and support of students with dyslexia.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 1:00 p.m., July 14, 2015 Auditorium, Plaza Level, Gordon Persons Building, 50 North Ripley Street, Montgomery, Alabama. All persons wishing to express their views should contact the State Superintendent of Education (334-242-9700) no later than July 13, 2015, in order to be scheduled on the agenda. All persons wishing to express their views in writing to the State Superintendent of Education should address all written comments to the State Superintendent of Education, Gordon Persons Building, P.O. Box 302101, Montgomery, Alabama 36130-2101.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: July 14, 2015

CONTACT PERSON AT AGENCY: Dr. Julie Hannah
Alabama State Department of Education
P.O. Box 302101
Montgomery, Alabama 36130-2101
(334-353-1608)



Thomas R. Bice

290-3-1-.02(18)(b)7.

290-3-1-.02(19)~~(d)~~(b)

7. Each eligible student involved in athletics must meet the definition of a regular student as defined by the Alabama High School Athletic Association.

8. Any student who earns more than four (4) credits in the core curriculum in any given year or who accumulates a total in excess of the required four (4) per year may be exempt from earning the four (4) core courses in the succeeding year as long as that student remains on schedule for graduation with his/her class by earning eight (8) core credits over any two-year span, including summer school.

(c) Participation Requirements.

1. School sponsors are required to submit a request for each curricular activity that occurs outside the regular school day and/or school to the principal, superintendent, and the local board of education for approval.

2. Each request for full participation by all students, regardless of academic standing, in a curricular activity shall be granted if the principal, superintendent, and the local board of education approve participation in the activity as an extension of a course(s) requirement(s) and it is an event sanctioned by a state/national subject matter association.

3. Notwithstanding anything to the contrary in this regulation, activities offered by the school through math, science, band, choral music, and other courses at events such as athletic events (pregame, game, halftime, or other breaks), club conventions, parades, amusement park trips and competitions, trips by tour companies, performances at various meetings, etc., are extracurricular, and students academically ineligible under this policy shall not be allowed to participate.

4. Decisions on a student's participation in extracurricular activities should be developed and reached on a local school/system level consistent with the requirements found in the Individuals with Disabilities Education Act (1997) and its implementing regulations, both federal and state, as well as Section 504 of the Rehabilitation Act of 1973 if the student is identified as eligible under these statutes, rules, and regulations, and such participation is determined to be appropriate.

* Note: Unit calculations for regaining eligibility at the end of the first semester may not coincide exactly with units for graduation for students in schools on six- or seven-period days.

(19) Problem Solving Teams (PST). By August 15, 2011, all public schools in Alabama will be required to implement the PST model.

(a) Definitions.

(1.) The Problem Solving Teams (PST) is a model to guide general education intervention services for all students who have academic and /or behavioral difficulties. The PST is central to the school's successful implementation of the Response to Instruction (RtI) framework.

(2.) Response to Instruction (RtI). Response to Instruction (RtI) refers to an instructional framework that promotes a well-integrated system connecting general, gifted, supplemental, and special education services in providing high-quality, standards-based instruction and intervention that is matched to students' academic, social-emotional, and behavioral needs. RtI combines core instruction, assessment, and intervention within a multi-tiered system to increase student achievement and reduce behavior problems.

(b) Decisions regarding the number of PSTs needed by a school should be determined at the school level; however, a minimum of one PST per school is required to review data-based documentation regarding students' progress regularly, advise teachers on specific interventions matched to student needs, and communicate with parents regarding student intervention needs being provided.

290-3-1-.02(19)(c)290-3-1-.02(20)(e)

(c) The Problem Solving Teams will analyze screening and progress-monitoring data to assist teachers in planning and implementing appropriate instruction and evidence-based interventions for all students with academic and/or behavioral difficulties, including those students who exhibit the characteristics of dyslexia.

~~(e)~~(d) The documentation requirements for a referral to special education found in the Alabama Administrative Code, Chapter 290-8-9.01(2) and (4) (Child Identification) and Chapter 290-8-9.03(10)(b)1, (10)(c)2.(ii), (10)(d)2.(I)(II)(ii) and (10)(d)4 (Disability Definitions, Criteria, and Minimum Required Evaluative Components) must be collected and provided by the PST to rule out the lack of appropriate instruction in reading or math including the essential components of reading instruction or Limited English Proficiency (LEP) or to rule out the lack of dyslexia-specific intervention when deemed appropriate, as the determining factor in the eligibility decision.

~~(d)~~(e) Any student who is reevaluated and determined not eligible for special education services must be referred to the PST to determine the appropriate supplemental services to facilitate successful transition in the general education program.

(20) Dyslexia. Dyslexia is a specific learning disability that is neurological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

(a) The Alabama State Department of Education will make available a dyslexia-specific certification training course accredited by the International Multisensory Structured Language Education Council (IMSLEC) or by the International Dyslexia Association (IDA). This course will prepare individuals to implement multisensory structured language teaching techniques and strategies.

(b) As of August 19, 2015, each local education agency (LEA) must provide ongoing dyslexia-specific professional development, for all regular education teachers, special education teachers, reading coaches, administrators, speech-language pathologists, occupational therapists, and others in a classroom setting that may be deemed appropriate. This professional development should target dyslexia awareness training, dyslexia screening, dyslexia-specific classroom strategies, academic accommodations, and use of assistive technology.

(c) Each LEA must provide dyslexia-specific screening for every student who falls below the 25th percentile in overall reading or in any reading skill area, as well as for any student at teacher or parent/guardian request.

(d) Based on the screening results, each LEA must provide appropriate educational services for students with dyslexia including dyslexia-specific interventions through tiered interventions made available to all students in general education, academic accommodations as appropriate, and access to assistive technology. The dyslexia-specific intervention, as defined in the Alabama Dyslexia Resource Guide, shall be provided with fidelity by a dyslexia interventionist, an individual who has been trained to deliver dyslexia-specific interventions, and shall be monitored regularly through the PST.

(e) The PST will notify the parents of the results of the dyslexia-specific screening, will provide parents with a copy of the goals of the dyslexia-specific intervention plan, and with data-based documentation regarding the student's progress on a regular basis. Independent dyslexia evaluations provided by a parent or guardian to the PST must be considered by the members of the PST.

290-3-1-.02(20)(f)290-3-1-.02(20)(h)

(f) Dyslexia-specific intervention shall mean evidenced-based, specialized reading, writing, and spelling instruction that is multisensory in nature equipping students to simultaneously use multiple senses (vision, hearing, touch, and movement). Dyslexia-specific intervention employs direct instruction of systematic and cumulative content. The sequence must begin with the easiest and most basic elements and progress methodically to more difficult material. Each step must also be based on those already learned. Concepts must be systematically reviewed to strengthen memory. Components of dyslexia-specific intervention include instruction targeting phonological awareness, sound symbol association, syllable structure, morphology, syntax, and semantics.

(g) Dyslexia interventionist refers to the teacher or individual who provides dyslexia-specific intervention. The dyslexia interventionist shall have successfully completed a certification training course or shall have completed training in the appropriate implementation of the evidence-based, dyslexia-specific intervention being provided.

(h) The Alabama State Department of Education working with the Dyslexia Advisory Council appointed by the State Board of Education shall develop and maintain a dyslexia resource guide for the use of LEAs, public schools, teachers, and parents.

Author: Dr. Ed Richardson

Statutory Authority: Const. of Ala. 1901, Amend. No. 284, Code of Ala. (1975), 16-1-1, 16-2-2, 16-3-11, through 12, 16-3-14, 16-4-14, 16-8-35 through 36, 16-12-8, 16-26-1 through 3, 1982 Acts of Ala. No. 82-482.

History: Revised 03-27-75, repromulgated 02-19-82, 06-22-82; 03-14-85 adopted 290-030-010-.06(9)(b) effective 04-20-85; 04-11-85 adopted new Rule No. 290-030-010-.06(11.1) and 290-030-010-.06(11.2) effective 05-31-85; 05-09-85 adopted 290-030-010-.06(11)-.12ER, 290-030-010-.06(11.1)-.13ER, and 290-030-010-.06(11.2)-.14ER, effective 05-24-85; 06-27-85 adopted 290-030-010-.06(11.1)(a-1)-.27ER and 290-030-010-.06(11.2)(a-2)-.28ER effective 07-10-85; 09-12-85 adopted 290-030-010-.06(11.1)(a-1)-.27ER, and 290-030-010-.6(11.2)(a-2)-.28ER, effective 10-28-85; 09-21-85 Rule No. 290-030-010-.06(11)-.12ER and Rule No. 290-030-010-.06(11.1)-.13ER expired; 03-13-86 adopted 290-030-010-.06(11.1)(a-1), 290-030-010-.06(11.1)(h-1), 290-030-010-.06(11.2)(a-2), 290-030-010-.06(11.1)(h-2) and 290-030-010-.06(12) effective 04-23-86; 08-14-86 adopted 290-030-010-.06(11.2)(a-2) and (k-2) effective 09-24-86; 08-14-86 adopted 290-030-010-.06(12) effective 09-24-86; 04-09-87 amended 290-030-010-.06(12)(a) and repealed 290-030-010-.06(12)(f) effective 05-22-87; 08-13-87 adopted 290-030-010-.06(11.1)(a-1) and 290-030-010-.06(11.2)(a-2) effective 09-25-87; 04-28-88 adopted new 290-030-010-.06(11.13) effective 06-06-88; 10-13-88 amended 290-030-010-.06(11.1)(a-1) and .06(11.2)(a-2), removing completion of the Home and Personal Management course as a requirement for graduation from high school, effective 11-28-88; 12-8-88 amended 290-030-010-.06(6) and 290-030-010-.06(10) [to include Social Security Numbers for each child enrolling and effective dates] effective 01-18-89; 07-14-98, amended rules 290-3-1-.01 and 290-3-1-.02, effective 09-01-98; 9-10-98 adopted amended new rule 290-3-1-.02 (17)ER, effective 9-10-98; 11-12-98, adopted ER as permanent new rule 290-3-1-.02 (17) effective 11-12-98; 4-8-99, adopted amended rule as permanent rule 290-3-1-.02 (17) effective beginning with the 1999-2000 school year; 5-27-99 adopted amended new rule 290-3-1-.02(7)(c-h), effective 7-19-99; effective 7-19-99; 11-9-00, adopted amended rule 290-3-1-.02, effective 12-14-00; 10-12-00 adopted ER effective 10-12-00; adopted ER as regular rule effective 1-18-01; 08-08-02, adopted amended rule 290-3-1-.02(9)(d) and 290-3-1-.02(12), effective 09-12-02; adopted ER 290-3-1-.02-.01(1)(e), effective 3-13-03; adopted ER as regular rule 5-8-03, effective 6-12-03; adopted 290-3-1-.02(8)(g)ER effective 3-11-04; adopted ER 290-3-1-.02(8)(g) as regular rule on 5-13-04 effective 6-17-04; adopted 290-3-1-.02(8)(g) ER effective 7-13-04; adopted ER as regular rule on 9-9-04 effective 10-14-04; amended 11-18-04, effective 12-23-04; amended 11-10-05, effective 12-15-05; amended 290-3-1-.02(8)(g)(4)