

Students with Disabilities and The Third Grade Reading Guarantee Guidance Document

October 29, 2012

Recent legislation strengthened the longstanding Third Grade Guarantee to give a greater emphasis to reading instruction and intervention in the early grades. Through this initiative, school districts and community schools will diagnose reading deficiencies in all students at grades kindergarten through three, including students with disabilities who have an Individual Education Program (IEP). Students not reading at grade level will now receive individualized reading improvement and monitoring plans and intensive reading interventions.

The new law also includes additional requirements for school districts and community schools beginning in the 2012-2013 school year. To help understand how these legislative changes impact students with disabilities, the Ohio Department of Education (ODE) created this guidance document. There will be periodic additions to this document when topics require more clarity and new issues arise.

This guidance document outlines the **minimum requirements** of this new law ~~as they~~ related to students with disabilities. Districts are encouraged to do whatever is necessary above and beyond the law's minimum requirements to ensure their students are reading at grade level.

ODE also created a section on its website to serve as a collection of resources for administrators, educators, and parents. Additional resources will be added as they become available. To view these resources, go to the [Third Grade Reading Guarantee page](#) or www.education.ohio.gov and search "Third Grade Reading Guarantee."

Diagnostic Testing

Legislative Requirements

- An English language arts (ELA) diagnostic assessment must be given by September 30 of each year for students in kindergarten through Grade 3, starting in the 2012-13 school year (ORC 3313.608(B)(1)).
- District boards of education must adopt board policies and procedures for annually assessing the reading skills of each student in grades K-3. These policies must specify that the diagnostic assessments for the Third Grade

Reading Guarantee be given by September 30 each year, beginning in the 2012-13 school year (ORC 3313.608(B)(1)).

Guidance for Districts

- The law requires districts to use an English language arts diagnostic assessment, which, for the ODE diagnostics is the reading and writing diagnostic assessment combined. However, ODE will allow districts to administer only the reading portion of the ODE ELA diagnostic assessment for the requirements of the Third Grade Reading Guarantee.
 - Schools must administer the reading diagnostic to all students, including students with IEPs, by September 30th of each year in kindergarten, grade 1, grade 2, and grade 3.
- The diagnostic should be administered without accommodations that may interfere with obtaining an accurate assessment of the child's reading skills whenever possible. The purpose of the diagnostic is to obtain an objective measure of the child's reading level.
 - The diagnostic's administration manual may be consulted to determine allowable accommodations, if any, for administering to students with disabilities.
- Because the changes in law were made during this summer, after many districts had already ordered their reading diagnostic assessments, districts may use the state's reading diagnostic assessment or any diagnostic they already planned to use for the 2012-2013 school year.
- All students with disabilities shall take the required diagnostic assessments that are administered to nondisabled students at the designated grades except any student with disabilities who is excused from taking any particular assessment and is required to participate instead in an alternate assessment.
 - Because ODE does not have an alternate *diagnostic* assessment, districts may use a comparable standardized diagnostic for the 2012-2013 school year. All districts will report the diagnostic assessment used for the Third Grade Reading Guarantee to ODE.
- Each school district should annually assess the reading skills of each student with a sensory impairment (such as visual impairment and/or hearing impairment) enrolled in the district in each format or medium in which instruction is specified as appropriate for the student.
 - ODE will approve a list of comparable standardized assessments for students with sensory impairments.
 - The results of each assessment shall be provided in a written statement that specifies the student's strengths and weaknesses in each medium assessed.
 - The results of the standardized diagnostic assessment will be reported as *on-track* or *not on-track*.
- Beginning with the 2013-2014 school year, ODE will release an approved comparable diagnostic tools list, which districts will use to determine if the diagnostic tool they would like to use is approved by ODE as required by law. ODE-approved diagnostic tools will address assessment of students with disabilities including students with significant cognitive disabilities.

- All students enrolled in a non-public school on a scholarship are not required to have a diagnostic assessment and are exempt from the other provisions of the Third Grade Reading Guarantee. Non-public schools do not have to meet the requirements of the Third Grade Reading Guarantee.
- The following tables outline the assessments districts and community schools may use for the 2012-2013 and 2013-2014 school year. These charts do not apply to the mathematics and writing diagnostic assessment.

<i>For the 2012-2013 School Year</i>	
Grade Level	Reading Diagnostic Test Options for the September 30 Deadline
Kindergarten	<ul style="list-style-type: none"> • Kindergarten Readiness Assessment – Literacy (KRA-L) • ODE Grade K Short Screener • Comparable Tool <i>selected by district for 2012-2013 only</i>
Grade 1	<ul style="list-style-type: none"> • ODE Grade K Screening Measure or Grade 1 Short Screener • Comparable Tool <i>selected by district for 2012-2013 only</i>
Grade 2	<ul style="list-style-type: none"> • ODE Grade 1 Screening Measure or Grade 2 Short Screener • Comparable Tool <i>selected by district for 2012-2013 only</i>
Grade 3	<ul style="list-style-type: none"> • ODE Grade 2 Screening Measure • Comparable Tool <i>selected by district for 2012-2013 only</i>
<u>Guidance:</u> <ul style="list-style-type: none"> • For 2012-2013, districts can administer the previous year's screening measure to K-3 students, the current grade level short screener or a comparable tool selected by the district. • The previous year's screening measure addresses the end-of-year expectations of the previous year's standards; the current grade level short screener addresses end-of-year expectations of the current grade level and determines whether students already are performing at current grade level. • The comparative tool is determined by the school district for the 2012-2013 school year only. • Because ODE does not have an alternate diagnostic assessment, districts may use a comparable standardized diagnostic for the 2012-2013 school year. 	

<i>For the 2013-2014 School Year</i>	
Grade Level	Reading Diagnostic Test Options for the September 30 Deadline
Kindergarten	<ul style="list-style-type: none"> • ODE K Screening Measure • Comparable Tool <i>from ODE approved list</i>
Grade 1	<ul style="list-style-type: none"> • ODE Grade 1 Screening Measure • Comparable Tool <i>from ODE approved list</i>
Grade 2	<ul style="list-style-type: none"> • ODE Grade 2 Screening Measure • Comparable Tool <i>from ODE approved list</i>
Grade 3	<ul style="list-style-type: none"> • ODE Grade 3 Screening Measure • Comparable Tool <i>from ODE approved list</i>
<u>Guidance:</u> <ul style="list-style-type: none"> • ODE will develop a new diagnostic screening measure for all grades K-3 for use in 2013-2014 that will measure previous end-of-year expectations. For example, the ODE Grade 2 Screening Measure now measures the year-end expectations of Grade 1. • ODE will approve a list of comparable standardized assessments for students with significant cognitive disabilities who participate in the alternate assessment. • For the 2013-2014 school year and thereafter, comparative tools selected by district must appear on ODE-approved list. 	

Assessment Results (*On-Track* or *Not On-Track*)

Legislative Requirements

- If the diagnostic assessment shows that the student is *not on-track* to be reading at grade level by the end of the year, schools must provide the parents, in writing (ORC 3313.608(B)(2)(a)):
 - Notice that the school has identified a reading deficiency with their child;
 - A description of current services provided to the student;
 - A description of proposed supplemental instruction services;
 - Notice that the Ohio Achievement Assessment for third grade reading is not the only measure of reading competency; and
 - Notice that unless the student attains the appropriate level of reading competency by the end of Grade 3, the student will be retained.
- For each student shown to be *not on-track*, schools must:
 - Begin reading intervention immediately using research-based reading strategies targeted at the student's identified reading deficiencies (ORC 3313.608(B)(2)(b));
 - Develop a reading improvement and monitoring plan within 60 days of learning of the reading deficiency (ORC 3313.608(C)); and
 - Beginning in the 2013-2014 school year, provide a teacher who has either passed a reading instruction test or has a reading endorsement on their teacher's license (ORC 3313.608(C)(6)).

Guidance for Districts

- The ODE-developed diagnostics identify students as *on-track* and *not on-track*.
 - **On-track** means any student who is reading at grade level based on previous end-of-year standards' expectations by September 30.
 - **Not on-track** means any student who is not reading at grade level based on previous end-of-year standards' expectations by September 30.
- The results of vendor or district-developed assessments used by districts as a comparable tool should be translated to the *on-track* or *not on-track* designations, based on the vendor's results description and ODE's definitions of *on-track* and *not on-track*.
- ODE's diagnostics have descriptors for *on-track* and *not on-track* and can be used by districts to inform the translation into *on-track* or *not on-track* terms. ODE's definition of *on-track* can be found on [ODE's website](#).
- If any student, even a student with a disability on an IEP, is *not on-track* as determined by the reading diagnostic, the school should notify the student's parents as soon as possible so they may begin creating the reading improvement and monitoring plan. The notification requirement begins in the 2012-2013 school year.
- The assessment results notification and reading improvement and monitoring plan may mention the retention exemptions that may apply to the student and the implications of those exemptions. For all students, including students with disabilities who have an IEP, scoring *not on-track* requires parent notification and a reading improvement and monitoring plan regardless of the exemptions.

- Students who are on IEPs and who are determined to be *not on-track* and retained by the Third Grade Reading Guarantee must be provided:
 - Immediate intervention;
 - An effective reading curriculum during regular school hours;
 - A reading improvement and monitoring plan (beginning in 2012-2013); and
 - Teacher with a reading endorsement or who has passed a reading instruction test (beginning 2013-14).
- Districts shall address the legislative requirements of a reading improvement and monitoring plan for students, including students with IEPs, identified as *not on-track* based on the diagnostic, beginning in the 2012-2013 school year.

Reading Improvement and Monitoring Plans

Legislative Requirements

- All reading improvement and monitoring plans must be created within 60 days of when a student is designated *not on-track*. It shall include (ORC 3313.608(C)):
 1. Identification of the student's specific reading deficiency;
 2. A description of proposed supplemental instruction services that will target the student's identified reading deficiencies;
 3. Opportunities for the student's parents or guardians to be involved in the instructional services;
 4. A process to monitor the implementation of the student's instructional services;
 5. A reading curriculum during regular school hours that assists students to read at grade level, provides for reliable assessments, and provides ongoing analysis of each student's reading progress; and
 6. A statement that unless the student attains the appropriate level of reading competency by the end of Grade 3, the student will be retained.
- Beginning in the 2013-2014 school year, provide a teacher who has either passed a reading instruction test or has a reading endorsement on their teacher's license (ORC 3313.608(C)(6)).

Guidance for Districts

- Beginning in the 2012-2013 school year, districts shall develop a reading improvement and monitoring plan for each student including students with IEPs identified with a reading deficiency within 60 days after receiving that student's diagnostic results.
- Districts should develop reading improvement and monitoring plans that address all requirements in legislation.
- Presently, ODE does not have templates or sample reading improvement and monitoring plans available. While a school may elect to use a plan template, please remember that each plan is meant to be tailored to the individual student's reading deficiencies and include the interventions selected by that student's parents and teacher.

- The reading improvement and monitoring plan must outline the process of how it may be modified in the future.
- ODE and the State Board of Education are pursuing legislative changes to remove the endorsement and test requirement. Instead of these two requirements, all students on a reading improvement and monitoring plan would have to have a “high-performing” teacher. This would align with the teacher requirements for students retained by the Third Grade Reading Guarantee.
 - This change, if adopted, may not be finalized until December 2012.
 - Should the changes not occur, the State Board will review and select a reading instruction test in early 2013. At this time, the selection process has not yet begun and there are no details to share.
 - ODE will communicate all policy changes and test selections directly to schools this December.
- The requirements of the Third Grade Reading Guarantee relate to the Child Find provision in the Individuals with Disabilities Education Act (IDEA) as follows:
 - The Child Find provision in IDEA requires ongoing progress monitoring data to be used to determine if there is a need for referral for a suspected disability.
 - The Third Grade Reading Guarantee requires reading intervention for students with disabilities *who are retained*. This includes 90 minutes of reading a day and the option to use outside service providers.
- Documentation of the student’s evaluation and assessment data, including the Third Grade Reading Guarantee diagnostic reading results, and previous interventions should be summarized within the student’s Evaluation Team Report (ETR).
- When a student with an IEP is determined to be *not on-track* based on the diagnostic assessment, the school district should consider whether to convene a meeting of the IEP team to review the student’s IEP.
- Even if students with IEPs are determined to be *not on-track* this designation does not necessarily indicate the need to create IEP goals to address reading. The reading improvement and monitoring plan should document reading interventions to address newly identified deficits. Based on the student’s progress on reading interventions and the child’s already identified disability, the IEP team **may** need to reconvene and plan for a reevaluation to determine whether the child has an additional disability.
- Schools should use caution to ensure that the reading improvement and monitoring plan aligns but does not conflict with the IEP.
- The chart on page eight may be used to review whether any of the required components of the reading improvement and monitoring plan are addressed in the IEP. For ease of documenting, reporting, and tracking, it is recommended that the reading improvement and monitoring plan be a separate document that aligns with the IEP.
 - Components one through five in the reading improvement and monitoring plan column of the table are not required or recommended to be documented within the IEP.

- Component six, the exemption from retention, should be documented within the IEP using the options outlined in the table on the following page.
- Similar to the exemption from consequences for the Ohio Graduation Test, to be eligible to be excused, the student should meet one of two criteria; 1) the student is completing a curriculum that is significantly different from the curriculum completed by other students required to take Grade 3 Reading OAA or 2) the student requires accommodations that are beyond the allowable accommodations as outlined in OAC 3301-13-03(H). If the student meets one of these criteria, the IEP team then decides if the student will be excused from the Third Grade Reading Guarantee retention provision.

Relationship of a Reading Improvement and Monitoring Plan to an Individual Education Program (IEP)

Reading Improvement and Monitoring Plan <i>Third Grade Reading Guarantee</i>	Individual Education Program (IEP) <i>Individuals with Disabilities Education Act (IDEA)</i>
1. Identification of the student's specific reading deficiency	Section 3: Profile (identification of specific reading deficiency)
	Section 6: Measureable Annual Goals (specific to identified reading deficiency)
2. A description of proposed supplemental instruction services that will target the student's identified reading deficiencies	Section 7: Description of specially designed services (to intervene with the identified reading deficiency)
3. Opportunities for the student's parents or guardians to be involved in the instructional services	Section 6: Measurable Annual Goals (shared or developed with parents)
4. A process to monitor the implementation of the student's instructional services	Section 6: Measurable Annual Goals (monitoring the implementation of the student's instructional services)
5. A reading curriculum during regular school hours that assists students to read at grade level, provides for reliable assessments, and provides ongoing analysis of each student's reading progress	Section 11: Least Restrictive Environment (Accessible reading curriculum during the regular school day...)
6. A statement that unless the student attains the appropriate level of reading competency by the end of Grade 3, the student will be retained	Section 12: Statewide and District wide testing <ul style="list-style-type: none"> • "Yes, the child is exempt from retention in the third grade because of the Third Grade Reading Guarantee."

Note: ODE only recommends including component six within the student's IEP

Retention in the Third Grade

Legislative Requirements

- For the 2012-2013 school year, districts must select one of the following options for students not reaching the designated score on the third grade reading Ohio Achievement Assessment (OAA) (ORC 3313.608(A)(1)):
 - Promote the student to the fourth grade if the principal and student's reading teacher agree that the student is prepared academically for Grade 4, based on another evaluation of reading skill;
 - Promote the student to the fourth grade, but continue to provide intensive intervention services in Grade 4; or
 - Retain the student in the third grade.
- Beginning with the 2013-2014 school year, all students scoring below the designated level on the third grade reading, OAA must be retained, except for the following students (ORC 3313.608(A)(2)):
 - *Limited English proficient students* who have been enrolled in U.S. schools for less than two full school years and have had less than two years of instruction in an English as a Second Language program;
 - *Special education students* whose IEPs specifically exempt them from retention under the third grade guarantee;
 - *Students who demonstrate reading competency on an alternative reading assessment* approved by ODE; and
 - Any student who has received *intensive remediation for two years and was previously retained* in kindergarten through Grade 3.
 - A student that advances because of this exception must continue to receive intensive reading instruction in the fourth grade, which requires an altered instructional day to accommodate reading interventions, or whatever reading interventions are required by the student's IEP or 504 plan.
- Students who are retained must have a high-performing teacher as determined by the teacher's student performance data or performance reviews (ORC 3313.608(B)(3)(c)).
- Districts will need a policy for students to move on to the fourth grade any time they demonstrate proficiency in reading, including the summer before the fourth grade and the middle of the year (ORC 3313.608(B)(3)(b)).
- If students demonstrate proficiency in a subject area higher than Grade 3, they must still receive grade level appropriate instruction in that subject area (ORC 3313.608(B)(4)).

Guidance for Districts

- The cut score that students must achieve to avoid retention was set for the next two years by the State Board of Education in September 2012. This cut score will rise over time and be adjusted to accommodate the new PARCC assessments.
- Cut scores for retention triggered by the Third Grade Reading Guarantee are:
 - 390 for the 2012-2013 school year
 - 392 for the 2013-2014 school year

- A student must reach 390 on either the Fall or Spring administration of the Grade 3 Reading OAA.
- Any student who does not reach the cut score by the end of the third grade will not advance to the fourth grade. However, there are some exceptions. The existing rules apply for the 2012-2013 school year and new rules start in the 2013-2014 school year.
- “Exempt from retention” documentation for students with disabilities should be recorded in the IEP within Section 12 (statewide and district wide testing) as follows:
 - *Write in:* “Yes, the child is exempt from retention in the third grade because of the Third Grade Reading Guarantee.”
- Similar to the exemption from consequences for the Ohio Graduation Test, to be eligible to be excused, the student should meet one of two criteria; 1) the student is completing a curriculum that is significantly different from the curriculum completed by other students required to take the Grade 3 Reading OAA or 2) the student requires accommodations that are beyond the allowable accommodations as outlined in OAC 3301-13-03(H). If the student meets one of these criteria, the IEP team then decides if the student will be excused from the Third Grade Reading Guarantee retention provision.
- The state law does not provide a parent the right to refuse the requirements of the Third Grade Reading Guarantee. This includes student retention (if not exempted within the student's IEP), diagnostic assessments, reading improvement and monitoring plans, and intervention services.

Federal Funding

Legislative Requirements

- Not applicable

Guidance for Districts

- It is permissible for IDEA Early Intervening funds to be used for the Third Grade Reading Guarantee pursuant to IDEA Sec 613(f). Districts may redirect up to 15% of their sum of Part B and Early Childhood Special Education original allocations pursuant to IDEA Sec 613(f) Early Intervening Services. If districts use these federal Early Intervening funds, the funds must be utilized for **non-IEP** students.
- Districts may use their Title I funds to support and supplement reading instruction programs selected or created by the district for children who are at risk of not meeting state achievement standards.
- A student on a reading improvement and monitoring plan can participate in reading intervention programs funded by Title I if the student meets the criteria for students regularly served by that program.

- No Title I funding may be spent on specific state mandates. Within the Third Grade Reading Guarantee, districts may not use Title I funding for:
 - Reading diagnostic assessments used for the Third Grade Reading Guarantee instead of ODE assessments;
 - Notifications to parents of students found to be not on track for reading;
 - Staff time and resources used to create reading improvement and monitoring plans
 - Outside providers selected by parents for extra reading instruction after their child is retained by the Third Grade Reading Guarantee.