

Students with Disabilities and The Third Grade Reading Guarantee Guidance Document

February 12, 2013

Items updated since the October 29, 2012 version are in red.

Recent legislation strengthened the longstanding Third Grade Reading 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 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

- **A reading diagnostic assessment must be given by September 30 of each year for students in kindergarten through grade three (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

- Districts must administer a reading diagnostic assessment to all students including students with disabilities in kindergarten through grade three. Districts may use the ODE reading diagnostic or a comparable reading diagnostic from an approved list.
 - Schools must administer the ODE reading diagnostic or a comparable reading diagnostic from an approved list to all students, including students with IEPs, by September 30th of each year in kindergarten, grade 1, grade 2, and grade 3.
- The approved list for 2013-2014 will be released in spring 2013. The approved comparable diagnostic tools list will address assessment of students with disabilities including students with significant cognitive disabilities.
 - The law originally required that districts use an English language arts diagnostic assessment. This meant districts had to use the ODE reading and writing diagnostic assessment. However, House Bill 555 changed this so that only the reading diagnostic assessment is required by Sept. 30.
 - Districts must administer the writing and math diagnostics as required by law to students in grades one through three for writing and grades one and two in math. The writing and math diagnostics can be administered at any time during the school year (the September 30 deadline only applies to reading).
 - All diagnostic results, including math and writing, must be submitted in the year-end EMIS collection to fulfill the general diagnostic assessment requirement in law.
- A student assessment may be used for the Third Grade Reading Guarantee and the local teacher evaluation system (i.e., multiple measures of student growth) only if the assessment is on the ODE approved list for both purposes.
- 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.
- 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 Kindergarten Readiness Assessment was also allowed to be used for the required diagnostic assessment for the 2012-2013 school year only. The following assessments will be permissible in subsequent years:
 - 2013-14: New state developed kindergarten diagnostic assessment which assesses pre-kindergarten reading expectations
 - 2014-15: Reading portion of the new ODE Kindergarten Entry Assessment

- The following tables outline the assessments districts and community schools may use for the 2012-2013, 2013-2014 and 2014-2015 school year. These charts do not apply to the mathematics and writing diagnostic assessment.

For the 2012-2013 School Year	
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>
<i>Note: The comparative tool is determined by the school district for the 2012-2013 school year only.</i>	

For the 2013-2014 School Year	
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>
<i>Note: 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. The KRA-L may not be used.</i>	

For the 2014-2015 School Year	
Grade Level	Reading Diagnostic Test Options for the September 30 Deadline
Kindergarten	<ul style="list-style-type: none"> ODE Kindergarten Entry Assessment 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>
<i>Note: Districts may use the reading portion of the Kindergarten Entry Assessment instead of the kindergarten screening measure starting in the 2014-2015 school year.</i>	

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

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 non-ODE 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 they should be used by districts to inform the translation into on-track or not on-track terms.
- 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, beginning 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

- A properly credentialed teacher. For more detail on these requirements, see the section on teacher credentials on page 10 of this document.
- 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, districts must provide a credentialed teacher to each retained student or student on a reading improvement and monitoring plan (ORC 3313.608(H)). For more detail on these requirements, see the section on teacher credentials on page 10 of this document.

Guidance for Districts

- Reading improvement and monitoring plans allow the teachers and parents to work together to understand the reading deficiency and to outline reading intervention plans.
- 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.
- A template for the reading improvement and monitoring plan will be available at the beginning of the 2013-2014 school year.
 - 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.

- Districts will be required to report the number of students scoring not on-track (and thus, on a reading improvement and monitoring plan) and the type of interventions used. ODE will release the process for all reporting by spring 2013.
- 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 required reading 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 nine 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

Teacher Credentials

Legislative requirement

- For the 2013-2014 school year, each student on a reading improvement and monitoring plan and students retained by the Third Grade Reading Guarantee entering the third grade must be assigned to a teacher actively engaged in the reading instruction of students for the previous three years and who has at least one of the following (ORC 3313.608(H)(1)):
 1. A reading endorsement on their teacher's license and a passing score on the corresponding assessment for that endorsement;
 2. A master's degree in with a major in reading;
 3. A rating of "above value-added" for the last two school years; or
 4. A credential from a program on the ODE approved list of scientifically research-based reading instruction programs.
- For the 2014-2015 school year, each student on a reading improvement and monitoring plan and students retained by the Third Grade Reading Guarantee must be assigned to a teacher actively engaged in the reading instruction of students for the previous three years and who has at least one of the following (ORC 3313.608(H)(2)):
 1. A reading endorsement on their teacher's license and a passing score on the corresponding assessment for that endorsement;
 2. A master's degree in with a major in reading;
 3. A rating of "above value-added" for the last two school years; or
 4. A passing score on a rigorous test of principles of scientifically research-based reading instruction.
- If a district does not have a sufficient number of qualified teachers to fulfill the requirements for the 2013-2014 school year, the district shall develop and submit a plan by June 30, 2013 indicating the criteria that will be used to determine those teachers in the district who will teach students on a reading improvement and monitoring plan or students retained by the Third Grade Reading Guarantee.
 - The plan must also outline how the school district will meet the requirements in the 2014-2015 school year.
 - ODE must approve or reject plans by August 15, 2013 (ORC 3313.608(H)(3)).
- Districts may include in the plan the option to contract with another school district or private provider that has been approved by ODE to provide intervention services. If the plan submitted is rejected by ODE, then the district must use a private provider than has been approved by ODE to provide intervention services (ORC 3313.608(H)(3)).

Guidance for Districts

- Previously, there were two sets of teacher credentials required, based on the students served.
 - A reading endorsement or a passing score on a reading instruction test was required for any teacher with a student on a reading improvement and monitoring plan.

- A teacher with a student retained by the Third Grade Reading Guarantee was required to be “high performing” as determined by their performance reviews and student data.
- Recent legislation (House Bill 555) aligned these credential requirements for the two sets of students and expanded the options teachers can use to demonstrate their ability to provide reading instruction to students reading below grade level.
- **Guidance on Grade Levels Affected:**
 - For the 2013-2014 school year, only teachers with a *third grade* student who was retained or is on a reading improvement and monitoring plan must have the special qualifications outlined in law.
 - For the 2014-2015 school year, teachers with a student in *kindergarten through grade three* who was retained or is on a reading improvement and monitoring plan must have the special qualifications outlined in law.
- **Guidance on the Assigned Teacher:**
 - The assigned teacher is the primary teacher responsible for the reading student’s education and spends the most time with that student. Typically, this will be the teacher assigning the student’s grade for reading.
 - Schools may match retained students or students on a reading improvement and monitoring plan (affected students) to credentialed teachers for reading instruction any method they see fit.
 - This could include the affected student receiving all instruction from a self-contained teacher with the proper credentials or flexible grouping for reading instruction.
 - Teachers without the credentials can provide the reading instruction to students who are not affected by the Third Grade Reading Guarantee. These teachers can also provide non-reading instruction to students who are affected by the Third Grade Reading Guarantee.
 - Intervention specialists are only required to have the special credentials if they provide a portion or all of an affected student’s reading instruction without co-teaching with a teacher that has the required credentials.
 - If they are co-teaching with a teacher that has the required credentials, they are not required to have the special credentials.
 - Intervention Specialists providing interventions outside of the student’s reading curriculum are not required to have these credentials.
 - Instructional aides may supplement a student’s reading interventions, under the supervision of the student’s credentialed classroom teacher. Those other staff members are not required to have the special credentials.
 - However, ODE highly recommends they have extensive training or experience in remediating struggling readers.
- **Guidance on Teacher Credential Options:**
 - Below is a list of the **special qualification options found in law**. For detailed guidance on these options, please refer to the section on teacher credentials beginning on page 6 of the [Third Grade Guarantee Guidance Document \(01/09/2013 Version\)](#).

- A teacher must be actively engaged in the reading instruction of students for the previous three years, and one of the following:
 1. **Have a Reading Endorsement:**
 2. **Have a Master's in Reading:**
 3. Be designated as **“Above Value Added”**:
 4. **2013-2014 only: Hold a Reading Instruction Program Credential**
2014-2015 and beyond: Pass a Reading Instruction Test
- **Guidance on the Teacher Staffing Plan**
 - If a district does not have a sufficient number of qualified teachers to fulfill the requirements for the 2013-2014 school year, the district must submit a plan to ODE.
 - This plan must outline the criteria that the district will use to decide who teaches the students on a reading improvement and monitoring plan or retained students.
 - The district must also detail how they intend to provide the new required staffing levels for students on a reading improvement and monitoring plan or retained students in the 2014-2015 school year and beyond.
 - The plan must be submitted by June 30, 2013 and will be approved or rejected by ODE by August 15, 2013.
 - ODE will release guidance on what is expected in the teacher staffing plans in spring 2013.
- **Guidance on the Contracted Providers:**
 - A district may contract with other school districts, ESCs, community schools, or other providers to meet the reading instruction needs of their students.
 - Districts may include the contracted providers in the teacher staffing plan.
 - If a district's teacher staffing plan is rejected by ODE, the district must use a private provider selected from a list of ODE approved providers.
 - ODE will release a list of approved outside service providers in spring 2013. The list of approved private providers will be a subset of the approved list used by parents seeking an outside service provider for their child retained by the Third Grade Reading Guarantee.

Intensive Remediation Services

Legislative requirement

- Once a student is identified as *not on-track*, the district must immediately provide intensive reading instruction services and regular diagnostic assessments to the student until the completion of the reading improvement and monitoring plan (ORC 3313.608(B)(2)(b)).
- The remediation services selected for students on a reading improvement and monitoring plan are based on the judgment of the student's teacher and parents.

- The only requirement for these services is that they be “research-based reading strategies that have been shown to be successful in improving reading among low-performing readers” (ORC 3313.608(B)(2)(b)).
- If a student has already been retained by the Third Grade Reading Guarantee, beginning in the 2012-2013 school year, the interventions must include at least 90 minutes of reading instruction (ORC 3313.608(B)(3)(a)).
- The district must offer the option for students to receive reading intervention services from one or more providers other than the district. Districts will screen and approve these providers. ODE also has the authority to screen and approved providers (ORC 3313.608(B)(3)(c) & 3313.608(H)(3)).
- Interventions for students who have been retained may include (ORC 3313.608(B)(3)(a)):
 - Small-group instruction;
 - Reduced teacher-student ratios;
 - More frequent progress monitoring;
 - Tutoring or mentoring;
 - Transition classes containing third and fourth grade students;
 - Summer reading camp; or
 - Extended school day, week or year;
- Intensive remediation services should be targeted to the student’s identified reading deficiencies (ORC 3313.608(B)(3)(a)).
- Any intervention or remediation services required by this law shall include intensive, explicit, and systematic instruction (ORC 3313.608(F)).

Guidance for Districts

- The law previously required “90 minutes of reading daily” for retained students. Recent legislation (House Bill 555) changed this requirement to “90 minutes of reading instruction.”
- In this context, reading instruction should include the interventions outlined in the student’s reading improvement and monitoring plan. This can include a wide variety of instruction and interventions.
 - The 90 minutes of reading instruction may take place during the regular school day and during regular classroom activities. It does not have to be in a single block of time.
- Districts should be prepared to provide general reading instruction and assessment to students immediately after they are identified as *not on-track*.
- Districts and community schools must screen and approve at least one outside service provider for retained students. They should outline clear criteria for their screening process and make it publically available.
- Districts are required to pay the cost of outside service providers (selected from the district or state approved list) for students retained by the Third Grade Reading Guarantee.
- In addition to the district created list of approved service providers, ODE will also create a list of approved service providers for retained students.
 - If a provider appears on the state list, the district must offer and pay for the intervention services if requested by the parents of retained students.

- Please note that districts whose 2013-2014 teacher staffing plan is rejected by ODE must select a private provider from the ODE developed list of outside service providers.
- The law does not provide a parent the right to refuse the requirements of the Third Grade Reading Guarantee. This includes student retention, diagnostic assessments, reading improvement and monitoring plans, and intervention services. However, services outside regular school hours should accommodate the schedule of the student’s parents or guardian.
- The intervention services shall include intensive, explicit, and systematic instruction. Districts can use the following explanations as guidance when planning instruction.
 - “Intensive” instruction is concentrated only on reading and very thorough or vigorous.
 - “Explicit” instruction clearly and directly explains concepts and makes no assumptions about the student’s ability to make inferences.
 - “Systematic” instruction address all the areas of reading deficiency through a planned scope and sequence, monitors the student’s progress and continually reviews and extends reading skills.

Transfer Students

Legislative Requirements

- ...The board of education of each city, local, and exempted village school district shall administer each applicable diagnostic assessment... to... any student who transfers into the district or to a different school within the district if each applicable diagnostic assessment was not administered by the district or school the student previously attended in the current school year, within thirty days after the date of transfer (ORC 3301.0715(A)(2)).
- If the district or school into which the student transfers cannot determine whether the student has taken any applicable diagnostic assessment in the current school year, the district or school may administer the diagnostic assessment to the student (ORC 3301.0715(A)(2)).

Guidance for Districts

- If a student transfers in with no evidence of completing of the reading diagnostic requirement from the previous school, the new school must give the reading diagnostic administered to other students for the purposes of the Third Grade Reading Guarantee or the state diagnostics within 30 days.
 - If a student transfers near the beginning of the year, the district has the longer of 30 days or number of days to the September 30 deadline to give the reading diagnostic assessment.
 - A reading improvement and monitoring plan, if required, must still be developed within sixty days of a student testing as *not on-track*.

- If a student transfers in at any point during the school year having taken a reading diagnostic administered for the Third Grade Reading Guarantee, the receiving school may use that diagnostic's *on-track/not on-track* results.
 - The school may also reassess the student using the school's designated reading diagnostic administered to other students for the purposes of the Third Grade Reading Guarantee or the state diagnostics.
 - A new reading improvement and monitoring plan may be created based on this diagnostic assessment.
- Schools must honor the previous school's reading improvement and monitoring plan if the parents want it to continue. The plan can only be modified for transfer students if:
 - **The process for modification in the plan allows for a change;**
 - The parents of the student's request or consent to the change; or
 - The student is reassessed using the school's designated reading diagnostic administered to other students for the purposes of the Third Grade Reading Guarantee.
- **The 30 day deadline also applies to the required math and writing diagnostic assessments. For more information on this topic, please view the Diagnostic Assessment Guidance Document posted on ODE's website.**

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.
- **If a student does not take the Grade 3 Reading OAA during the administration or makeup window, the student's score will be considered a zero for the purposes of the Third Grade Reading Guarantee and the student will be retained unless the student qualifies for an exemption.**
- Students retained in grade three for non-reading reasons alone (poor math grades, attendance issues, etc.) are not required to have these special interventions. If the student is retained in grade three for multiple reasons, one of which includes the Third Grade Reading Guarantee, then the district must provide the special interventions outlined in law.
- **To be exempt from retention by the Third Grade Reading Guarantee, a student with a disability who has an IEP should meet one of two criteria:**
 - **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**
 - **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 can then decide if the student should be excused from the Third Grade Reading Guarantee retention

provision. For more information on the Third Grade Reading Guarantee as it relates to students with disabilities, please view the Students with Disabilities Guidance Document posted on ODE's website.

- “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.”
- 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.
- ODE will provide guidance on the Reading OAA Alternative that can be used to determine retention and promotion if a student does not reach the cut score on the Grade Three Reading OAA by spring 2013.
- Districts must ensure that every student on a reading improvement and monitoring plan has a teacher with the appropriate credentials outlined by law.
 - For more detail on these legislative requirements, please see the section on teacher credentials on page 10 of this document.

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.