

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 55**

**Representative Sprague**

**Cosponsors: Representatives Blessing, Patmon, Smith, R.**

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**A BILL**

To amend section 3313.608 of the Revised Code to 1  
specify deadlines for the administration of 2  
reading skills assessments for purposes of the 3  
Third-Grade Reading Guarantee. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3313.608 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 3313.608.** (A) (1) Beginning with students who enter 7  
third grade in the school year that starts July 1, 2009, and 8  
until June 30, 2013, unless the student is excused under 9  
division (C) of section 3301.0711 of the Revised Code from 10  
taking the assessment described in this section, for any student 11  
who does not attain at least the equivalent level of achievement 12  
designated under division (A) (3) of section 3301.0710 of the 13  
Revised Code on the assessment prescribed under that section to 14  
measure skill in English language arts expected at the end of 15  
third grade, each school district, in accordance with the policy 16  
adopted under section 3313.609 of the Revised Code, shall do one 17  
of the following: 18

(a) Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade;

(b) Promote the student to fourth grade but provide the student with intensive intervention services in fourth grade;

(c) Retain the student in third grade.

(2) Beginning with students who enter third grade in the 2013-2014 school year, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, unless one of the following applies:

(a) The student is a limited English proficient student who has been enrolled in United States schools for less than three full school years and has had less than three years of instruction in an English as a second language program.

(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.

(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education.

(d) All of the following apply:

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.

(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.

(iv) The student previously was retained in any of grades kindergarten to three.

(e) (i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.

(ii) A student who is promoted under division (A) (2) (e) (i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers.

(B) (1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student, except those students

with significant cognitive disabilities or other disabilities as 77  
authorized by the department on a case-by-case basis, enrolled 78  
in kindergarten to third grade and shall identify students who 79  
are reading below their grade level. The reading skills 80  
assessment shall be completed by the thirtieth day of September 81  
for students in grades one to three, and by the first day of 82  
November for students in kindergarten. Each district shall use 83  
the diagnostic assessment to measure reading ability for the 84  
appropriate grade level adopted under section 3301.079 of the 85  
Revised Code, or a comparable tool approved by the department of 86  
education, to identify such students. The policies and 87  
procedures shall require the students' classroom teachers to be 88  
involved in the assessment and the identification of students 89  
reading below grade level. 90

(2) For each student identified by the diagnostic 91  
assessment prescribed under this section as having reading 92  
skills below grade level, the district shall do both of the 93  
following: 94

(a) Provide to the student's parent or guardian, in 95  
writing, all of the following: 96

(i) Notification that the student has been identified as 97  
having a substantial deficiency in reading; 98

(ii) A description of the current services that are 99  
provided to the student; 100

(iii) A description of the proposed supplemental 101  
instructional services and supports that will be provided to the 102  
student that are designed to remediate the identified areas of 103  
reading deficiency; 104

(iv) Notification that if the student attains a score in 105

the range designated under division (A) (3) of section 3301.0710 106  
of the Revised Code on the assessment prescribed under that 107  
section to measure skill in English language arts expected at 108  
the end of third grade, the student shall be retained unless the 109  
student is exempt under division (A) of this section. The 110  
notification shall specify that the assessment under section 111  
3301.0710 of the Revised Code is not the sole determinant of 112  
promotion and that additional evaluations and assessments are 113  
available to the student to assist parents and the district in 114  
knowing when a student is reading at or above grade level and 115  
ready for promotion. 116

(b) Provide intensive reading instruction services and 117  
regular diagnostic assessments to the student immediately 118  
following identification of a reading deficiency until the 119  
development of the reading improvement and monitoring plan 120  
required by division (C) of this section. These intervention 121  
services shall include research-based reading strategies that 122  
have been shown to be successful in improving reading among low- 123  
performing readers and instruction targeted at the student's 124  
identified reading deficiencies. 125

(3) For each student retained under division (A) of this 126  
section, the district shall do all of the following: 127

(a) Provide intense remediation services until the student 128  
is able to read at grade level. The remediation services shall 129  
include intensive interventions in reading that address the 130  
areas of deficiencies identified under this section including, 131  
but not limited to, not less than ninety minutes of reading 132  
instruction per day, and may include any of the following: 133

(i) Small group instruction; 134

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| (ii) Reduced teacher-student ratios;   | 135  |
| (iii) More frequent progress monitoring;   | 136  |
| (iv) Tutoring or mentoring;  | 137  |
| (v) Transition classes containing third and fourth grade students;   | 138<br>139   |
| (vi) Extended school day, week, or year;   | 140  |
| (vii) Summer reading camps.  | 141  |
| (b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;   | 142<br>143<br>144<br>145                             |
| (c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.   | 146<br>147<br>148                                    |
| The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade. | 149<br>150<br>151<br>152<br>153<br>154<br>155<br>156 |
| (4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.  | 157<br>158<br>159<br>160<br>161                      |

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B) (1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following:

(1) Identification of the student's specific reading deficiencies;

(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;

(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C) (2) of this section;

(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C) (2) of this section;

(5) A reading curriculum during regular school hours that does all of the following:

(a) Assists students to read at grade level;

(b) Provides scientifically based and reliable assessment;

(c) Provides initial and ongoing analysis of each student's reading progress.

(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.

(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction. The superintendent of public instruction annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading below grade level based on the diagnostic assessments administered under division (B) of this section and the achievement assessments administered under divisions (A) (1) (a) and (b) of section 3301.0710 of the Revised Code in English language arts, aggregated by school district and building; the types of intervention services provided to students; and, if available, an evaluation of the efficacy of the intervention services provided.

(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students



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| under this section shall meet the following conditions:   | 220                                    |
| (1) The remediation methods are based on reliable educational research.   | 221<br>222                             |
| (2) The school districts conduct assessment before and after students participate in the program to facilitate monitoring results of the remediation services.  | 223<br>224<br>225                      |
| (3) The parents of participating students are involved in programming decisions.  | 226<br>227                             |
| (F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction.  | 228<br>229<br>230                      |
| (G) This section does not create a new cause of action or a substantive legal right for any person.   | 231<br>232                             |
| (H) (1) Except as provided under divisions (H) (2), (3), and (4) of this section, each student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria: | 233<br>234<br>235<br>236<br>237<br>238 |
| (a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.  | 239<br>240<br>241                      |
| (b) The teacher has completed a master's degree program with a major in reading.  | 242<br>243                             |
| (c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state   | 244<br>245<br>246<br>247               |

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| board under division (B) (2) of section 3319.112 of the Revised Code.   | 248<br>249   |
| (d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.  | 250<br>251<br>252  |
| (e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.  | 253<br>254<br>255  |
| (f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.  | 256<br>257<br>258  |
| (2) Notwithstanding division (H) (1) of this section, a student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H) (1) (a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H) (1) of this section.  | 259<br>260<br>261<br>262<br>263<br>264<br>265<br>266               |
| (3) Notwithstanding division (H) (1) of this section, a student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H) (3) of this section shall be aligned with the | 267<br>268<br>269<br>270<br>271<br>272<br>273<br>274<br>275<br>276 |

reading competencies adopted by the state board of education 277  
under section 3301.077 of the Revised Code. 278

(4) Notwithstanding division (H) (1) of this section, a 279  
student described in division (B) (3) or (C) of this section who 280  
enters third grade for the first time on or after July 1, 2013, 281  
may receive reading intervention or remediation services under 282  
this section from an individual employed as a speech-language 283  
pathologist who holds a license issued by the board of speech- 284  
language pathology and audiology under Chapter 4753. of the 285  
Revised Code and a professional pupil services license as a 286  
school speech-language pathologist issued by the state board of 287  
education. 288

(5) A teacher, other than a student's teacher of record, 289  
may provide any services required under this section, so long as 290  
that other teacher meets the requirements of division (H) of 291  
this section and the teacher of record and the school principal 292  
agree to the assignment. Any such assignment shall be documented 293  
in the student's reading improvement and monitoring plan. 294

As used in this division, "teacher of record" means the 295  
classroom teacher to whom a student is assigned. 296

(I) Notwithstanding division (H) of this section, a 297  
teacher may teach reading to any student who is an English 298  
language learner, and has been in the United States for three 299  
years or less, or to a student who has an individualized 300  
education program developed under Chapter 3323. of the Revised 301  
Code if that teacher holds an alternative credential approved by 302  
the department or has successfully completed training that is 303  
based on principles of scientifically research-based reading 304  
instruction that has been approved by the department. Beginning 305  
on July 1, 2014, the alternative credentials and training 306

described in this division shall be aligned with the reading 307  
competencies adopted by the state board of education under 308  
section 3301.077 of the Revised Code. 309

(J) If, on or after June 4, 2013, a school district or 310  
community school cannot furnish the number of teachers needed 311  
who satisfy one or more of the criteria set forth in division 312  
(H) of this section for the 2013-2014 school year, the school 313  
district or community school shall develop and submit a staffing 314  
plan by June 30, 2013. The staffing plan shall include criteria 315  
that will be used to assign a student described in division (B) 316  
(3) or (C) of this section to a teacher, credentials or training 317  
held by teachers currently teaching at the school, and how the 318  
school district or community school will meet the requirements 319  
of this section. The school district or community school shall 320  
post the staffing plan on its web site for the applicable school 321  
year. 322

Not later than March 1, 2014, and on the first day of 323  
March in each year thereafter, a school district or community 324  
school that has submitted a plan under this division shall 325  
submit to the department a detailed report of the progress the 326  
district or school has made in meeting the requirements under 327  
this section. 328

A school district or community school may request an 329  
extension of a staffing plan beyond the 2013-2014 school year. 330  
Extension requests must be submitted to the department not later 331  
than the thirtieth day of April prior to the start of the 332  
applicable school year. The department may grant extensions 333  
valid through the 2015-2016 school year. 334

Until June 30, 2015, the department annually shall review 335  
all staffing plans and report to the state board not later than 336

the thirtieth day of June of each year the progress of school 337  
districts and community schools in meeting the requirements of 338  
this section. 339

(K) The department of education shall designate one or 340  
more staff members to provide guidance and assistance to school 341  
districts and community schools in implementing the third grade 342  
guarantee established by this section, including any standards 343  
or requirements adopted to implement the guarantee and to 344  
provide information and support for reading instruction and 345  
achievement. 346

**Section 2.** That existing section 3313.608 of the Revised 347  
Code is hereby repealed. 348

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