

As Introduced

**130th General Assembly
Regular Session
2013-2014**

S. B. No. 21

Senator Lehner

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A B I L L

To amend section 3313.608 of the Revised Code to 1
revise the requirements for reading teachers under 2
the Third-Grade Reading Guarantee. 3

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

Section 1. That section 3313.608 of the Revised Code be 4
amended to read as follows: 5

Sec. 3313.608. (A)(1) Beginning with students who enter third 6
grade in the school year that starts July 1, 2009, and until June 7
30, 2013, for any student who attains a score in the range 8
designated under division (A)(3) of section 3301.0710 of the 9
Revised Code on the assessment prescribed under that section to 10
measure skill in English language arts expected at the end of 11
third grade, each school district, in accordance with the policy 12
adopted under section 3313.609 of the Revised Code, shall do one 13
of the following: 14

(a) Promote the student to fourth grade if the student's 15
principal and reading teacher agree that other evaluations of the 16
student's skill in reading demonstrate that the student is 17
academically prepared to be promoted to fourth grade; 18

(b) Promote the student to fourth grade but provide the 19
student with intensive intervention services in fourth grade; 20

(c) Retain the student in third grade.	21
(2) Beginning with students who enter third grade in the 2013-2014 school year, no school district shall promote to fourth grade any student who attains a score in the range 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:	22 23 24 25 26 27 28
(a) The student is a limited English proficient student who has been enrolled in United States schools for less than two full school years and has had less than two years of instruction in an English as a second language program.	29 30 31 32
(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.	33 34 35 36
(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education.	37 38 39
(d) All of the following apply:	40
(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.	41 42 43
(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.	44 45 46
(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	47 48 49 50

still demonstrates a deficiency in reading. 51

(iv) The student previously was retained in any of grades 52
kindergarten to three. 53

(e)(i) The student received intensive remediation for reading 54
for two school years but still demonstrates a deficiency in 55
reading and was previously retained in any of grades kindergarten 56
to three. 57

(ii) A student who is promoted under division (A)(2)(e)(i) of 58
this section shall continue to receive intensive reading 59
instruction in grade four. The instruction shall include an 60
altered instructional day that includes specialized diagnostic 61
information and specific research-based reading strategies for the 62
student that have been successful in improving reading among 63
low-performing readers. 64

(B)(1) Beginning in the 2012-2013 school year, to assist 65
students in meeting the third grade guarantee established by this 66
section, each school district board of education shall adopt 67
policies and procedures with which it annually shall assess the 68
reading skills of each student enrolled in kindergarten to third 69
grade by the thirtieth day of September and shall identify 70
students who are reading below their grade level. Each district 71
shall use the diagnostic assessment to measure reading ability for 72
the appropriate grade level adopted under section 3301.079 of the 73
Revised Code, or a comparable tool approved by the department of 74
education, to identify such students. The policies and procedures 75
shall require the students' classroom teachers to be involved in 76
the assessment and the identification of students reading below 77
grade level. 78

(2) For each student identified by the diagnostic assessment 79
prescribed under this section as having reading skills below grade 80
level, the district shall do both of the following: 81

(a) Provide to the student's parent or guardian, in writing,	82
all of the following:	83
(i) Notification that the student has been identified as	84
having a substantial deficiency in reading;	85
(ii) A description of the current services that are provided	86
to the student;	87
(iii) A description of the proposed supplemental	88
instructional services and supports that will be provided to the	89
student that are designed to remediate the identified areas of	90
reading deficiency;	91
(iv) Notification that if the student attains a score in the	92
range designated under division (A)(3) of section 3301.0710 of the	93
Revised Code on the assessment prescribed under that section to	94
measure skill in English language arts expected at the end of	95
third grade, the student shall be retained unless the student is	96
exempt under division (A) of this section. The notification shall	97
specify that the assessment under section 3301.0710 of the Revised	98
Code is not the sole determinant of promotion and that additional	99
evaluations and assessments are available to the student to assist	100
parents and the district in knowing when a student is reading at	101
or above grade level and ready for promotion.	102
(b) Provide intensive reading instruction services and	103
regular diagnostic assessments to the student immediately	104
following identification of a reading deficiency until the	105
development of the reading improvement and monitoring plan	106
required by division (C) of this section. These intervention	107
services shall include research-based reading strategies that have	108
been shown to be successful in improving reading among	109
low-performing readers and instruction targeted at the student's	110
identified reading deficiencies.	111
(3) For each student retained under division (A) of this	112

section, the district shall do all of the following:	113
(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading instruction per day, and may include any of the following:	114
(i) Small group instruction;	115
(ii) Reduced teacher-student ratios;	116
(iii) More frequent progress monitoring;	117
(iv) Tutoring or mentoring;	118
(v) Transition classes containing third and fourth grade students;	119
(vi) Extended school day, week, or year;	120
(vii) Summer reading camps.	121
(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;	122
(c) Provide each student with a teacher who satisfies one or more of the applicable criteria set forth in division (H) of this section.	123
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.	124
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(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.

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. 172
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(6) A statement that if the student attains a score in the range 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. 174
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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 applicable criteria set forth in division (H) of this section. 179
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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. 183
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(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. 187
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(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students under this section shall meet the following conditions: 200
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(1) The remediation methods are based on reliable educational research.	203 204
(2) The school districts conduct assessment before and after students participate in the program to facilitate monitoring results of the remediation services.	205 206 207
(3) The parents of participating students are involved in programming decisions.	208 209
(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction.	210 211 212
(G) This section does not create a new cause of action or a substantive legal right for any person.	213 214
(H)(1) Prior to July 1, 2014, 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 been actively engaged in the reading instruction of students for the previous three years and who satisfies one or more of the following criteria:	215 216 217 218 219 220
(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.	221 222 223
(b) The teacher has completed a master's degree program with a major in reading.	224 225
(c) The teacher has demonstrated evidence of a credential earned from a list of scientifically research-based reading instruction programs approved by the department.	226 227 228
(d) The teacher was rated "above value added," which means most effective in reading, as determined by the department, for the last two school years.	229 230 231
(2) Effective July 1, 2014, each student described in	232

divisions (B)(3) and (C) of this section shall be assigned a 233
teacher ~~who has been actively engaged in the reading instruction~~ 234
~~of students for the previous three years and~~ who satisfies one or 235
more of the following criteria: 236

(a) The teacher holds a reading endorsement on the teacher's 237
license and has attained a passing score on the corresponding 238
assessment for that endorsement. 239

(b) The teacher has completed a master's degree program with 240
a major in reading. 241

(c) The teacher was rated above "above value added," which 242
means most effective for the last two school years. 243

(d) The teacher has earned a passing score on a rigorous test 244
of principles of scientifically research-based reading 245
instruction. This test shall be selected through a competitive 246
bidding process and shall be approved by the state board. 247

(3) If, on ~~the effective date of this amendment~~ March 22, 248
2013, a school district or community school cannot furnish the 249
number of teachers needed who satisfy one or more of the criteria 250
set forth in division (H)(1) of this section, the school district 251
or community school shall develop and submit a plan by June 30, 252
2013, in a manner determined by the department indicating the 253
criteria that will be used to determine those teachers in the 254
school district or community school who will teach and how the 255
school district or community school will meet the requirements set 256
forth in division (H)(2) of this section. 257

A school district or community school may include in this 258
plan the option to contract with another school district or 259
private provider that has been screened and approved by the 260
department to provide intervention services. If the school 261
district or community school's plan is not approved by the 262
department by August 15, 2013, the school district or community 263

school shall use a private contractor from a list approved by the 264
department or contract with another district to provide 265
intervention services for these students. 266

Section 2. That existing section 3313.608 of the Revised Code 267
is hereby repealed. 268