**Third Grade Guarantee-Promotion of 3rd Graders**

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| **Law** | **Considerations** |
| (A)(1*)* ***Beginning with July 1, 2009, and until June 30, 2013****,* any student who attains a score of [not on track[[1]](#endnote-1)] on an [existing diagnostic screener for ELA][[2]](#footnote-1),[[3]](#footnote-2) for 3rd grade, each school district, shall do one of the following:(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. | **Promoting Students with ‘not on-track’ Scores**1. What other evaluations would/could be considered? Cut or benchmark scores? Definition of ‘academically prepared’? Differences of opinion? Documentation of?
2. Placed or promoted? Notify parents of placed? Implications of placement beyond the required improvement plan (services available, process to ensure effect on teachers’ VA is equitable)?
3. Implications for class size?
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| (A)(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 of [not on track] on an [existing diagnostic screener for ELA] for 3rd 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 two full*** school years ***and*** has had ***less than two years*** of instructionin 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*** [IEP] exempts the student from retention under this division.(c) The student demonstrates an ***acceptable*** [on-track] level of performance on an alternative standardized reading assessment ***as determined by the department of education.[[4]](#footnote-3)***(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 [existing diagnostic screener for ELA] (iii) The student’s IEP 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. | **Required Retention** How will teachers, principals and district  prepare parents for this component and engage  them in supporting the student and teacher? 1. Identification as LEP? Timeline? Evidence of consistent attendance/instruction within an authentic ESL program? Interstate differences in definition of ESL program? Documentation? ESL teacher to meet 3rd grade guarantee teacher qualifications?
2. What is the district policy/attitude regarding retention of students with IEP’s? What trends or patterns could develop and how will staffing/services be addressed to meet student needs? What if the IEP does not include Reading? Specifically, how would the IEP exempt the student from retention?

 (c) What will be the timeline for administering, or re-administering the alternate assessment?  Does this include mid-year movement of students?   ii) Will there be an alternate diagnostic assessment for retained students to avoid ‘contamination’?  iii) Will the IEP serve as documentation of remediation  plan? Notice the word ‘**amended’**.  iv) How to determine retained vs. late start or extra year  in pre-school?  |
| A student who is promoted under division (A)(2)(e)(i) ***[directly above]*** 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***. | 1. How will the day be altered to meet this specification? What will be the specific research based strategies? New strategies or continuation of what has been used already in a Reading Improvement Plan or IEP?

***Note- As of 2/1/13 the ODE states the teacher qualifications set forth in the 3rd Grade Guarantee do not apply to 4th grade teachers. However, confirmation as it relates to this section is pending.*** |
| (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 of [not on track] on an [existing diagnostic screener for ELA] for 3rd grade, ***unless one*** of the following applies: |  |
| (A)(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 of [not on track] on an [existing diagnostic screener for ELA] for 3rd 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 two full*** school years ***and*** has had ***less than two years*** of instructionin 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*** [IEP] exempts the student from retention under this division.(c) The student demonstrates an ***acceptable*** [on-track] 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 [existing diagnostic screener for ELA] (iii) The student’s IEP 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. A student who is promoted under division (A)(2)(e)(i) ***[directly above]*** 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***. |  |

 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 30th. Not on-track means any student who is not reading at grade level based on previous end-of-year standards’ expectations by September 30.

2 Comparable tool may be selected by district for only the 2012-2013 school year. ODE Diagnostic Screener is required starting 2013-2014 for kindergarten through third grade.

3 Only the Reading diagnostic is required by September 30th.

[[5]](#footnote-4)Districts may use the ODE reading diagnostic or a comparable reading diagnostic from an approved list.

The approved list for 2013-2014 will be released in spring 2013.

1. [↑](#endnote-ref-1)
2. [↑](#footnote-ref-1)
3. [↑](#footnote-ref-2)
4. [↑](#footnote-ref-3)
5. [↑](#footnote-ref-4)