Ohio Legislative Service Commission

Bill Analysis

Holly Cantrell Gilman

Sub. S.B. 21*

130th General Assembly
(As Reported by S. Education)

Sen. Lehner

BILL SUMMARY

- Provides for the retention of a third-grade student who does not attain on the third-grade reading achievement assessment a score in the range prescribed by the State Board of Education (as under current law) or at least the "equivalent level of achievement" as determined by the Department of Education.
- Exempts from the annual diagnostic assessment students with significant cognitive disabilities or other disabilities as authorized by the Department of Education.
- Removes the requirement that reading teachers under the third-grade reading guarantee must have been actively engaged in the reading instruction of students for the previous three years.
- Makes other changes in the criteria for qualifying as a teacher to provide services under the third-grade reading guarantee.
- Removes the requirement that a waiver from the third-grade reading guarantee teacher qualification criteria for the 2013-2014 school year is subject to approval by the Department of Education.
- Declares an emergency.

* This analysis was prepared before the report of the Senate Education Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

CONTENT AND OPERATION

Background

The third-grade reading guarantee requires each school district and community school to use diagnostic assessments adopted by the State Board of Education to assess a student's reading skills at the beginning of kindergarten and first, second, and third grade to identify students reading below grade level. Upon identification of a student as underperforming, the district or school must notify the student's parent and provide the student with intervention services. To that end, the district or school must develop a reading improvement and monitoring plan within 60 days after receiving the student's results on the diagnostic assessment. Also, current law generally prohibits school districts and community schools from promoting to fourth grade a student scoring in the range designated by the State Board on the third-grade English language arts (reading) achievement assessment, but makes exceptions for students in specific circumstances.

Retention under the third-grade guarantee

As noted above, a school district or community school that has a third-grade student who attains a score in the range designated by the State Board on the reading assessment is generally retained in third grade.[1] The bill modifies that benchmark by triggering retention for any student who attains a score in that range or who does not attain at least the "equivalent level of achievement" as determined by the Department of Education.[2]

The bill also specifically excludes a student who is already excused from taking the assessment under separate law from this requirement.[3] This excuse generally applies to students with disabilities whose individualized education programs (IEP) or rehabilitation plans excuse them from the test or provides for other accommodations such as an alternative assessment. It might also apply to limited English proficient students who have been in the United States for less than one year.[4] Provisions of the current third-grade guarantee law, unchanged by the bill, also exclude certain children

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[1] R.C. 3313.608(A)(1) and (2).

[2] R.C. 3313.608(A)(1) and (2). See R.C. 3301.0710, not in the bill.

[3] R.C. 3313.608(A)(1) and (2).

[4] R.C. 3301.0711(C), not in the bill.

with disabilities and limited English proficient children who have been in the United States for less than *two* years.[5]

Exemption from annual diagnostic assessment

The bill exempts outright from the requirement to take the annual diagnostic assessment of reading skills students with "significant cognitive disabilities" or other disabilities as authorized by the Department.[6]

Teacher qualifications for third-grade reading guarantee services

Requirement for at least three years of experience

Under current law, a student who is retained or who has a reading improvement monitoring plan must be assigned a teacher who has been actively engaged in the reading instruction of students for the previous three years and who meets certain other criteria. The bill removes the three-year teaching requirement.[7] However, as described below, the bill also retains, modifies, and adds to some of the other criteria.

"Credential" criterion modified

Under the bill, a teacher must demonstrate evidence of completion of a program (rather than "a credential earned" as required under current law) from a list of scientifically research-based reading instruction programs approved by the Department in order to provide reading guarantee services. Additionally, the bill permits a teacher to provide those services by satisfying this criterion beyond the 2013-2014 school year (rather than only for the 2013-2014 school year as prescribed by current law).[8]

"Above value added" criterion replaced

The bill prescribes that if a teacher is "an effective reading instructor, as determined by criteria established by the Department," that teacher may provide reading guarantee services for the 2013-2014 school year and beyond.[9] This provision replaces current law permitting a teacher to provide reading guarantee services for only the 2013-2014 school year if that teacher was rated "above value added," which means

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[5] R.C. 3313.608(A)(2)(a) and (b).

[6] R.C. 3313.608(B)(1).

[7] R.C. 3313.608(H).

[8] R.C. 3313.608(H)(1)(c).

[9] R.C. 3313.608(H)(1)(d).

most effective in reading, as determined by the Department for the last two school years.

Scientifically research-based reading instruction test criterion

Under current law, a teacher may provide reading guarantee services if the teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction. The bill retains this criterion but removes a current requirement that this test be selected through a competitive bidding process and, instead, requires the test to be approved by the State Board.[10]

Criteria unaffected by the bill

Current law also permits a teacher to provide reading guarantee services if the teacher: (1) holds a reading endorsement and has attained a passing score on the corresponding assessment, or (2) has obtained a master's degree with a major in reading. These provisions are not changed by the bill.

Waiver of criteria for the 2013-2014 school year

Continuing law prescribes that for the 2013-2014 school year, a district or community school that cannot furnish the number of teachers needed who satisfy one or more of the criteria (as described above) must develop and submit to the Department a plan, by June 30, 2013, indicating the criteria that will be used to determine those teachers who will teach during that year. The bill relieves the Department of the duty to approve or disapprove the plan by August 15, 2013, causing the plan to be effective upon submission.[11] Under continuing law, a district or school that submits a plan must indicate how the school will find teachers who meet one or more of the criteria in the 2014-2015 school year and beyond.

Effective date

The bill's provisions take effect on March 22, 2013, which coincides with the effective date of prior amendments to the third-grade reading guarantee enacted in Am. Sub. H.B. 555 of the 129th General Assembly.[12]

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[10] R.C. 3313.608(H)(1)(e).

[11] R.C. 3313.608(H)(2).

[12] Sections 3 and 4.

HISTORY

ACTION	DATE
Introduced	02-12-13
Reported by S. Education	---

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