

Third Grade Reading Legislation Unpacked

Public Act 306 of 2016

ENROLLED HOUSE BILL No. 4822

MDE Shall:

- Approve three or more valid and reliable screening, formative and diagnostic reading assessment systems for selection and use by school districts and PSAs.
- Recommend or develop an Early Literacy Coach Model.

Early Literacy Coaches Shall:

- Model effective instructional strategies for teachers.
- Facilitate study groups.
- Train teachers in data analysis and differentiated instruction.
- Coach and mentor colleagues.
- Ensure evidence-based reading programs.
- Train teachers to diagnose and address reading deficiencies.
- Work with teachers in applying evidence-based reading strategies in other content areas.
- Not be assigned a regular classroom teaching assignment, but shall be expected to work frequently with pupils in whole and small group instruction or tutoring in the contents of modeling and coaching in or outside of teachers' classrooms.
- Increase instructional density.
- Help lead and support reading leadership teams.
- Have opportunities to increase their knowledge base in best practices in reading instruction and intervention.
- Model small and whole group instruction.
- Not be asked to function in any administrative capacity.



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Districts Shall:

- Select one valid and reliable screening, formative, and diagnostic reading assessment system from the assessment types approved by MDE.
- Use the assessment to diagnose difficulties and inform instruction and intervention needs.
- Administer the assessment at least three times per year. The first of which must be administered within the first thirty days of school.
- Provide an Individual Reading Improvement Plan within thirty days after identification for any pupil in grades Kindergarten through grade three who exhibits a reading deficiency.
- Ensure that the Individual Reading Improvement Plan shall be created by the teachers, school principal, and parent or legal guardian and other pertinent school personnel.
- Provide written notice to the pupil's parent or legal guardian of the delay or reading deficiency in writing and provide tools to assist the parent or legal guardian to engage in intervention and to correct any reading deficiency at home.
- Provide intensive development in the five major reading components: phonemic awareness, phonics, fluency, vocabulary, and comprehension.
- Provide interventions implemented during regular school hours in addition to regular classroom reading instruction.
- Provide parents, legal guardians, or other providers of care with a "Read at Home" plan for pupils not proficient.
- Provide training workshops for parents, guardian or care providers regarding the "Read At Home" plans.
- Provide documentation of efforts by the pupil's school to engage the pupil's parent or legal guardian and whether or not those efforts were successful.
- Provide documentation of any dissenting opinions expressed by school personnel or parent or legal guardian concerning the Individual Reading Improvement Plan provided for the pupil.
- Provide Tier I effective instructional strategies necessary to assist the pupil in becoming a successful reader and include one or more of the following:
 - A highly effective teacher of reading as determined by the evaluation system under section 1249.
 - The highest evaluated grade three teacher in the school as determined by the teacher evaluation system under section 1249.
 - A Reading specialist.

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- Reading programs that are evidence based and have proven results in accelerating pupil reading achievement within the same school year.
 - Daily targeted small group or one to one reading intervention that is based upon pupil needs, determined by assessment data, and on identified reading deficiencies that includes explicit and systematic instruction with more detailed and varied explanations.
 - Administration of ongoing progress monitoring assessments.
- Provide Tier II reading intervention intended to correct deficiencies that is:
- Evidence based and has provided results within the same school year.
 - Provides more dedicated time than the pupils' previous school year in evidence based reading instruction an intervention.
 - Provides daily targeted small group or one to one reading intervention based upon pupil needs.
 - Provides administration of ongoing progress monitoring.
 - Provides supplemental evidence based reading intervention delivered by a teacher, tutor or volunteer with specialized reading training before, after or during the school hours, but outside the regular English Language Arts classroom time.
 - Supplemental evidence based reading intervention delivered by a teacher or tutor with specialized reading training that is provided before school, after school, and during the school day but outside of regular ELA classroom time.
- Beginning June 4, 2019, if a school district or public school academy cannot furnish the number of teachers needed to satisfy one or more of the criteria set forth in this section, related to staffing, then by August 15 (before the beginning of that school year) the school district shall develop a staffing plan for providing services.
- Beginning in 2020, not later than September 1 of each year, a school district or PSA shall submit a retention report to CEPI in the form and manner prescribed by the Center.

English Learners Shall Be Provided:

- Ongoing assessments that provide actionable data for teachers to use interventions.
- Instruction in academic vocabulary.
- Instruction in the five major reading components.
- Common English language development strategies such as modeling, guided practice, and comprehensive input.

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Building Leadership (Principals) Shall for Teachers in Kindergarten through Third Grades:

- Target specific areas of PD.
- Differentiate and intensify PD for teachers based on data gathered by monitoring teacher progress in improving pupil proficiency rates.
- Establish a collaborative system within the school to improve reading rates.
- Ensure that time is provided for teachers to meet for PD.
- Utilize, at least, the early literacy coaches provided by the ISD

Beginning in 2019-2020:

- A student may not enroll in grade four until one of the following occurs:
 - A pupil achieves a reading score that is less than one grade level behind as determined by the department based upon the grade three state ELA assessment.
 - Pupil demonstrates proficiency on an alternative standardized reading assessment approved by the Superintendent of public instruction.
 - Pupil demonstrates proficiency as evidenced by a pupil portfolio demonstrating competency in all grade three state ELA standards through multiple work samples.
- A child younger than ten years of age who seeks to enroll for the first time in a school district or public school academy in grade four, the district shall not allow the child to enroll in grade four unless:
 - The child achieves a grade three reading score as determined by the dept. based on the reading portion of the grade three assessment.
 - The child demonstrates a grade three reading level through a pupil portfolio.
 - The child demonstrates proficiency on an alternate assessment
- By May 23 of each year, the department shall provide CEPI with grade three Assessment Scores for every grade three pupil.
- CEPI shall identify each pupil completing grade three that year who is subject to third grade retention and shall notify parents and legal guardians that the child will be retained in grade three.

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Good Cause Exemptions May Be Granted If:

- Student has an IEP
 - Student has a 504 plan
 - Student is limited English Proficient
 - Student received intensive reading intervention for two or more years but still demonstrates a reading deficiency and was previously retained in kindergarten, grade one, grade two, or grade three.
 - Student has been enrolled in a district for less than two years and there is evidence that the pupil was not provided with an appropriate Individual Reading Improvement Plan.
 - Parent or legal guardian has requested a good cause exemption within the time period provided and the superintendent or designee grants the request.
 - Parents and Legal Guardians have the right to request a good cause exemption.
 - Must be requested within thirty days after the date of the notification by CEPI.
 - Parent or Legal Guardian has a right to request a meeting with school officials to discuss the retention requirement under state law and the standards and processes for a good cause exemption from that requirement.
 - Student has demonstrated proficiency in all subject areas assessed on the grade three state assessment other than ELA as evidenced by his or her scores on those assessments. In addition, the student has also demonstrated proficiency in science and social studies as shown through a pupil portfolio as determined by the teacher who provided the grade three instruction to the pupil in science and social studies.
 - Superintendent or designee chooses to grant a good cause exemption to promote the pupil to grade four without meeting the requirements.
- The Superintendent, chief administrator, or designee shall review the request and any supporting information and shall consider whether or not the good cause exemption is in the best interest of the pupil. After deliberation a determination will be made and communicated in writing. This determination shall be communicated at least thirty days before the first day of school. The decision of the superintendent or chief administrator is final.

Additional Resources Relating to the Law:

- [Senate Fiscal Agency's Bill Analysis of House Bill 4822](#)
- [House Fiscal Agency's Legislative Analysis of House Bill 4822](#)