



Ohio Revised Code

Section 3313.608 Third-grade reading guarantee.

Effective: July 1, 2003

Legislation: Senate Bill 1 - 124th General Assembly

(A) Beginning with students who enter third grade in the school year that starts July 1, 2003, for any student who attains a score in the range designated under division (A)(2)(d) of section 3301.0710 of the Revised Code on the test prescribed under that section to measure skill in reading expected at the end of third grade, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following:

- (1) 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;
- (2) Promote the student to fourth grade but provide the student with intensive intervention services in fourth grade;
- (3) Retain the student in third grade.

This section does not apply to any student excused from taking such test under division (C)(1) of section 3301.0711 of the Revised Code.

(B)(1) To assist students in meeting this third grade guarantee established by this section, each school district shall adopt policies and procedures with which it shall annually assess the reading skills of each student at the end of first and second grade and identify students who are reading below their grade level. If the diagnostic assessment to measure reading ability for the appropriate grade level has been developed in accordance with division (D)(1) of section 3301.079 of the Revised Code, each school district shall use such diagnostic assessment to identify such students, except that any district declared excellent under division (B)(1) of section 3302.03 of the Revised Code may use another assessment to identify such students. The policies and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level. The district shall notify the parent or guardian of each student



whose reading skills are below grade level and, in accordance with division (C) of this section, provide intervention services to each student reading below grade level. Such intervention services shall include instruction in intensive, systematic phonetics pursuant to rules adopted by the state board of education.

(2) For each student entering third grade after July 1, 2003, who does not attain by the end of the third grade at least a score in the range designated under division (A)(2)(b) of section 3301.0710 of the Revised Code on the test prescribed under that section to measure skill in reading expected at the end of third grade, the district also shall offer intense remediation services, and another opportunity to take that test, during the summer following third grade.

(C) For each student required to be offered intervention services under this section, the district shall involve the student's parent or guardian and classroom teacher in developing the intervention strategy, and shall offer to the parent or guardian the opportunity to be involved in the intervention services.

(D) 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:

(1) The remediation methods are based on reliable educational research.

(2) The school districts conduct testing before and after students participate in the program to facilitate monitoring results of the remediation services.

(3) The parents of participating students are involved in programming decisions.

(4) The services are conducted in a school building or community center and not on an at-home basis.

(E) In addition to the dates designated under division (C)(1) of section 3301.0710 of the Revised Code for the administration of the test prescribed under that section to measure skill in reading expected at the end of third grade, the state board of education shall annually designate dates on which such test shall be administered to students in the fourth and fifth grades who have not attained



at least a score in the range designated under division (A)(2)(b) of section 3301.0710 of the Revised Code as follows:

(1) One date prior to the thirty-first day of December each school year for fourth grade students;

(2) One date that is not earlier than Monday of the week containing the eighth day of March each school year for fourth and fifth grade students;

(3) One date during the summer for fourth grade students.

(F) If any fourth grade student attains a score in the range designated under division (A)(2)(d) of section 3301.0710 of the Revised Code, on the test administered under division (E)(3) of this section, the school district, in accordance with the district policy adopted under section 3313.609 of the Revised Code, shall do one of the following:

(1) Promote the student to fifth 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 fifth grade;

(2) Promote the student to fifth grade but provide the student with intensive intervention services in fifth grade;

(3) Retain the student in fourth grade.

(G) This section does not create a new cause of action or a substantive legal right for any person.