



## **Third Grade Reading Law Frequently Asked Questions (FAQs)**

The Michigan Department of Education (MDE) has compiled answers to the following FAQs regarding MCL 380.1280f. Please note the FAQs will be updated as necessary.

### **Link to legislation:**

<http://www.legislature.mi.gov/documents/2015-2016/publicact/pdf/2016-PA-0306.pdf>

### **Deficiency**

#### **1. How is deficiency defined?**

Deficiency is defined in the law as "scoring below grade level, or being determined to be at-risk of reading failure based on a screening assessment, diagnostic assessment, standardized summative assessment, or progress monitoring."

#### **2. What will constitute "one year deficient at the end of third grade?"**

The assessment and accountability teams at the MDE are currently working to determine, based on state assessments, what will constitute one (1) grade level behind. Additional information will be provided through the ["3<sup>rd</sup> Grade Reading Law" webpage](#) as this definition is determined.

### **Instruction and Intervention**

#### **1. How can we best prepare students for success on the 3rd grade summative assessment?**

The Michigan English Language Arts (ELA) state summative assessment is matched with the rigor and content of the Michigan state academic standards. The Michigan state assessment sets a high standard for rigor and assesses in formats that may be new to some educators. All Michigan educators are encouraged to familiarize themselves with the Michigan state academic standards as well as the state summative assessment to understand what students will be expected to know and do. Information on

the Michigan State-wide Summative Assessment can be found at the [M-STEP Resource Page](#). In addition, instruction should be based on the [Michigan ELA Standards for K-3](#). The [Essential Instructional Practices in Early Literacy](#) will further support student literacy skills and should lead to success on the 3rd grade ELA summative assessment.

2. What is a reading program?

A reading program is a locally determined system of assessment, instruction, curriculum and resources. This system is used to provide evidenced-based instruction on literacy for all students.

3. How do I know if my district's reading program meets the requirements in the law?

The law requires that the assessment, instruction, curriculum, and resources, of a program be evidence-based; which means based in research and with proven efficacy. Additional guidance on the determination of whether a program is evidence-based will be provided in the future.

4. What is evidence-based instruction as defined in the Third-Grade Reading Law (MCL.380.1280f)?

In this legislation, "evidence-based" means based in research and with proven efficacy. Additional guidance on this definition will be provided in the future and will be linked to the ESSA definition for continuity.

5. If a student is retained in 3<sup>rd</sup> grade, does the reading instruction and intervention need to incorporate opportunities to master grade 4 state standards in other core academic areas?

If applicable and appropriate for the needs of the student.

## **Assessment**

1. What is the status of the "approved" assessment system MDE is to provide?

The assessment information has been released. Please visit the website and follow the link for details. Please plan to read all the information in detail. [http://www.michigan.gov/mde/0,4615,7-140-28753\\_74161---,00.html](http://www.michigan.gov/mde/0,4615,7-140-28753_74161---,00.html)

2. How does the MDE define initial and extensive assessments?

An initial assessment is an assessment that will be delivered to all students, cover a more extensive aspect of the standards, and assist with identifying a possible area of concern for a student in English Language Arts. Schools should select one initial assessment from the approved list for use during the 2017-18 school year. This assessment must be administered to students within the first 30 days of the academic year.

An extensive assessment is an assessment that will be delivered to students who seem to display a deficiency, will provide a more in-depth look at student ability, will be more directly aligned to a specific skill, and will produce support for the placement of students into intervention tiers.

3. When do we have to begin administering assessments from the approved assessment system and to whom?

Assessments must be delivered to students in Grades K-3 beginning in Fall 2017. The initial assessment must be delivered to all students within the first 30 school days.

4. When outlining assessment accommodations on an Individual Education Plan (IEP), are the initial and extensive assessments given considered state or district assessments?

The initial and extensive assessments are district assessments. A state assessment is a required summative assessment used for accountability purposes. Student needs should be outlined in a student's IEP. The provisions in that IEP should address how those needs are being addressed. Accommodations selected for classroom, district and state assessments should mirror that which is provided during instruction, according to the needs of the student.

5. What assessment is used to 'trigger' retention and when does the retention part go into effect?

The 3rd grade state summative assessment will be used to 'trigger' retention beginning the 2019-2020 school year.

6. How do the Essential Instructional Practices fit in with our assessment system?

The [Essential Instructional Practices](#) are a set of practices to support what research suggests will have a positive impact on literacy development. The

practices, in conjunction with the assessments, can be used to build an effective literacy program.

7. Who will determine what constitutes "deficiency" on the various assessments?

The guidelines for what constitutes a deficiency are determined at the local level. This determination should be based on the selected assessments utilized by the school district. The assessment results assist with predicting those students who are at risk of falling one, or more, grade-levels behind on the third-grade Michigan ELA summative assessment.

8. How do we ensure we continue to focus on the whole child while simultaneously using predictability of the assessments we use before the 3rd grade state assessment?

In addition to addressing reading deficits, schools and public school academies (PSAs) will need to reflect on what they know about student learning and simultaneously address social emotional skills and mental well-being to ensure the growth needed. Schools and PSAs can utilize observational assessment, integration of literacy practices across content areas, and Essential Instructional Practices for literacy, in addition to other methods, to help students succeed.

9. Can school districts request an initial assessment waiver for 2017-18 if they do not currently have an initial assessment at 3<sup>rd</sup> grade because they are preparing to use the Michigan Early Literacy Assessment that will be available in 2018-19?

Because the requirements are identified in law, no waivers are available. However, for districts selecting the Michigan Early Literacy Assessments in grades K, 1 and 2 as their initial assessment meeting the requirements of MCL 380.1280f (Third-grade Reading Law), the MDE understands that a district may not have an initial assessment for grade three for the 2017-2018 academic year. In this instance, the department will work with local districts to investigate their current assessment system for grade three and determine the best fit for their meeting the requirements of the Third-grade Reading Law for the 2017-2018 year.

If you would like to discuss this scenario with department representation, please contact [MDE-earlyliteracy@michigan.gov](mailto:MDE-earlyliteracy@michigan.gov) before August 1, 2017.

## **Individual Reading Improvement Plan (IRIP)**

### 1. What is an Individual Reading Improvement Plan (IRIP)?

The IRIP describes the reading intervention services a pupil needs to remedy the reading deficiency.

### 2. When do I start creating IRIPs for students with reading deficiencies?

The district should begin creating IRIPs during the 2017-2018 school year for students in grades K-3 who show a deficiency.

### 3. Are students in a young fives and developmental kindergarten program required to have an IRIP?

Yes, if they show a deficiency.

### 4. Are students with Individual Education Plans (IEP's) exempt from the IRIP?

No, students with IEPs are not exempt from the IRIP.

### 5. Can the student's IEP be considered a student's IRIP?

No. Legislation requires that any student exhibiting a reading deficiency must have an IRIP. An IRIP is needed for students to document and address the reading deficiencies and interventions. An IRIP is not a legal document for IDEA requirements. However, the IRIP may reference a student's IEP, if appropriate.

### 6. Will a standard format or template to facilitate the development of IRIPs be developed?

Districts and PSAs must create the plan process based upon their own context and needs. The identified process is then used to create each IRIP with the pupil's teacher, school, principal, and parent or legal guardian and other pertinent school personnel. The IRIP describes the reading intervention services the pupil will receive. This intensive intervention plan should be used until the pupil no longer has a reading deficiency and be modified as needed based on identified student needs.

The MDE recommends that districts and PSA revise the plan as necessary according to demonstrated student needs. Teams may also want to explicitly address special education and English learners through a specific section of this plan.

7. Will this standard format include procedural safeguards?

Districts and PSAs are encouraged to create policies to handle complaints specific to IRIPs and retention.

8. What are the options if parents dissent/opt out of signing/agreeing to an IRIP?

The law does not provide an opt-out process. Districts and PSAs are encouraged to maintain communication with parents and guardians about their student's reading progress and plan. Districts and PSAs are required to document efforts by the student's school to engage the parent or legal guardian and whether those efforts were successful. They are also required to document any dissenting opinions expressed by school personnel or a parent or guardian concerning the individual reading improvement plan.

### **Read at Home Plan**

1. Does there have to be Read at Home plan for grades K-3 or just grade 3?

In grades K-3, tools need to be provided to parents to address the deficiency or delay at home. The legislation does not specifically address a Read at Home Plan until grade 3. Districts are encouraged to provide this plan for all students in K-3 as well as for students who are passed on to grade 4 who exhibit a reading deficiency.

2. Will there be standard supports for Read at Home plans and professional development for parents or caregivers?

Districts and PSAs have the authority to determine the format and content of Read at Home plans and professional development for parents and caregivers.

### **Coaching**

1. If a district does not have an early literacy coach, would they rely on the Intermediate School District (ISD) early literacy coach?

The legislation states that districts are expected to utilize their ISD early literacy coach at a minimum.

## **Portfolios**

1. Will MDE provide portfolio guidelines?

The MDE will provide support around Portfolio-Based assessments, but not specific to this legislation. Districts should create standards and practices that align with their assessment systems and instructional delivery.

2. If the portfolio demonstrates proficiency in ALL subject areas, except for ELA, is that a reason for a Good Cause Exemption?

The law states that the student must demonstrate BOTH proficiency on all subject areas assessed on the grade 3 state assessment other than language arts AND demonstrate proficiency in Science and Social Studies as shown through the pupil portfolio and as determined by the teacher who provided the grade 3 instruction to the pupil in Science and Social Studies, as applicable.

## **CEPI**

1. What is CEPI?

CEPI is the acronym for the Center for Educational Performance and Information (<http://www.michigan.gov/cepi/>). They are the agency responsible for collecting, securely managing, and reporting education data in Michigan.

2. The law states that a letter will be generated by CEPI notifying parents of their student's performance at least one grade level below on the state assessment. What do we know about this letter and its contents?

This portion of the law goes into effect in the 2019-2020 school year. There will be more information about the CEPI letter as the 2019-2020 school year approaches. Section 5(d)(i-iv) of this legislation currently outlines what the letter will entail stating based on standardized testing, this state has determined the pupil may be required to be retained under state law and even if the pupil is not eligible to enroll in grade 4 based on the state assessments, the pupil may still be allowed to enroll in grade 4 if he or she demonstrates a grade 3 reading level through performance on an alternative standardized reading assessment or through a pupil portfolio. The parent or legal guardian has the right to request a good cause exemption and the

parent or guardian must request the exemption within 30 days after the date of the notification of CEPI and must direct the request to the school district or public school academy in which the pupil intends to enroll for grade 4. The parent of legal guardian has a right to request a meeting with the school to discuss the retention requirement and the standards and processes for a good cause exemption.

3. What is the required timing for school officials to meet with the parent once they receive the certified letter from CEPI?

A parent may request a meeting within 30 days of receiving the letter and be notified of student placement at least 30 days prior to the start of the school year.

4. Will CEPI send letters home to parents/guardians of students with IEPs or 504s?

Beginning the 2019-2020 school year, CEPI is required to send a letter, via certified mail, to parents whose child scored less than one year behind on the State Summative Assessment. The parent, teacher, or other school personnel will need to initiate the process for a good cause exemption. CEPI will not know which students have a 504 or IEP.

### **Good Cause Exemptions**

1. Can a teacher other than the student's assigned homeroom teacher advocate for a Good Cause Exemption?

A parent or guardian, any teacher, the Section 504 coordinator, or any member of the student's Individualized Education Plan (IEP) team can request a Good Cause Exemption. The district superintendent will make a determination in writing of the requested exemption.

2. Can schools submit an exemption for their entire special needs population?

No. Having an Individual Education Plan can be cause for an exemption, but each individual circumstance needs to be considered.

3. If a student is promoted based on a Good Cause Exemption, what needs to be done for the student in 4<sup>th</sup> grade?

The pupil remains eligible for reading intervention services designed to enable the pupil to achieve proficiency in reading and would be similar to those provided for a student who was retained in grade 3.

### **Promotion to 4th Grade**

1. If an end of Grade 3 assessment indicates retention, but services over the summer provide sufficient acceleration as demonstrated at end of summer or beginning of Grade 4, can a student be moved at that time?

Districts and PSAs are encouraged to develop placement policies to provide evidence of competency in grade 3 ELA standards through a pupil portfolio with multiple work samples. Students must demonstrate a grade 3 reading level before being promoted to fourth grade.

2. Can a 10-year-old who completed 3rd grade and is enrolling in the district for the first time but is not at grade level be enrolled in 4th grade?

A student entering the district for the first time, under 10 years of age and wants to enroll in 4th grade must demonstrate 1 of the following before doing so:

- Achieve a grade 3 reading score as determined by the department based on the reading portion of the grade 3 state English language arts assessment.
- Demonstrate a grade 3 reading level through performance on an alternative standardized reading assessment approved by the superintendent of public instruction.
- Demonstrate a grade 3 reading level through a pupil portfolio as evidence by demonstrating competence in all grade 3 state English language arts standards through multiple work samples

For students who are age 10 and older, the student should be placed in an appropriate grade level that supports their learning and will move them toward meeting appropriate standards.

3. Is it one year behind in “reading” or “English Language Arts (ELA)”?

The Michigan Summative Assessment covers all ELA standards including reading, writing, language, and listening.

### **Summer Reading Camps**

1. To deliver a summer camp or program, can we partner/collaborate with county library summer programs?

Yes, the MDE strongly supports the use of appropriate partners in providing supports to students.

2. Will Summer Reading Camps be an acceptable use of Title One funds?

Yes, and the Additional Instructional Time Grant can be used if applicable. Please note that there is a difference between Title I Targeted Assistance and Title I Schoolwide programs. Only specific identified students can participate in Title I interventions in a Targeted Assistance program. All students may participate in Title I interventions in a Schoolwide program.

### **Every Student Succeeds Act (ESSA) / Title I Connections**

1. How does the new reading law interplay with ESSA/Title I requirements?

There is not a direct correlation between the Michigan law and the ESSA/Title I requirements, but they are not in opposition to each other. ESSA does not directly address early literacy - it is much broader. Title I services are based on a comprehensive needs assessment, so if there is a need for reading/literacy interventions, Title I funds could support that work.

2. Do the existing Title I supports in districts and schools already, in effect, meet the added instructional time and interventions for students demonstrated deficiencies in reading?

Currently, Title I funds may be used to support instructional time, if this need is documented in the comprehensive needs assessment. Not all districts may have data that would lead to providing added instructional time or interventions for students demonstrating reading efficiencies. If Title I funds are currently being used for these interventions and the student performance is not showing improvement, then the current initiatives supported by these funds should be reevaluated. It is not recommended to continue implementing initiatives that are not improving student achievement.

3. If there are more students demonstrating deficiencies than there are resources to intervene, does a school/district prioritize to serve those with greatest needs first?

The reading legislation states that any student who exhibits a reading deficiency at any time must be provided with an Individual Reading Improvement Plan within 30 days. This language clarifies that all students demonstrating deficiencies must be served.

## **Staffing Implications**

1. If there is language regarding student caseload or student placement within classrooms that conflicts with the placement requirement for students with highly effective teachers, what recommendations are there? (i.e.: if there are 1 highly effective and 3 effective teachers at a grade level)

Students who have been retained can be assigned to 1 or more of the following:

- A highly effective teacher
- The highest evaluated grade three teacher
- A teacher with a reading specialist endorsement

If a district or PSA cannot furnish the number of teachers needed to satisfy the criteria required in the law, the district or PSA develops a staffing plan for providing services. The plan must be posted on the district or PSA website.

### **Other:**

1. What is the process for exempting students from this legislation?

No student is exempt from the law. Districts and PSAs are encouraged to develop processes and procedures in accordance with the law.