



# Third-Grade Reading Laws



Over the past dozen years, more than 30 states have passed third-grade reading laws. These laws apply to students who are performing at the lowest level on third-grade reading assessments. Here's how these laws impact the success of students with learning and attention issues.



## What are Third-Grade Reading Laws?

Many states have laws that set standards for how well third-grade students must be performing in reading to move on to fourth grade. Most of these laws provide for frequent monitoring and intensive interventions to help students meet those standards. The laws are one way states are trying to ensure that all third graders have the reading skills required to be successful in fourth grade and beyond.



## What is "Retention"?

Retention is the practice of having a student repeat a grade. Retention is typically a last resort intended to give struggling students more time to improve their skills. Some schools have used retention—without providing interventions—assuming that time alone will make a difference. However, comprehensive and well-implemented third-grade reading laws generally focus on screening, progress monitoring and targeted interventions for struggling students.



## Why Third Grade?

In Pre-K through third grade, students generally are learning to read. Starting in fourth grade, students must be able to read in order to learn, except in very rare cases in which a student with a disability that impacts reading receives appropriate services and accommodations and can demonstrate knowledge in other ways. A student who is unable to read in fourth grade and beyond may fall behind in other subject areas.

According to the 2013 results of the National Assessment of Educational Progress (NAEP), 69 percent of fourth-grade students with a disability were reading at a below-basic level, compared to 27 percent of students without a disability. (The NAEP is the nation's report card.)

According to the Annie E. Casey Foundation (*Double Jeopardy, 2011*), 88% of students who fail to graduate high school were struggling readers in third grade.

Only 35 percent of the nation's fourth graders are reading proficiently, according to the 2013 NAEP results (*National Center for Education Sciences, 2014*).

## ? How Third-Grade Reading Laws Impact Students With Learning and Attention Issues

Third-grade reading laws impact students with learning and attention issues, including students with disabilities (such as learning disabilities) who are covered by federal laws and provided certain rights. We must carefully consider how third-grade reading laws can be best crafted and implemented to meet the needs of students with learning and attention issues.

The practice of retention is not appropriate for



all students and should be used only when it will

benefit the student. At the same time, a student who doesn't learn to read by third grade has a higher chance of falling behind or dropping out of school. Third-grade reading laws must balance these competing concerns.

**1 in 20**  
public school students  
are identified with *specific learning disabilities* (SLD)

**ANOTHER 15 PERCENT**

struggle in school due to *unidentified* learning and attention issues<sup>1</sup>



### Key Principles for Third-Grade Reading Laws

- 1. EARLY INTERVENTIONS** All students should be screened for reading difficulties at least yearly between Pre-K and third grade, including through regular classroom observations. Every year from Pre-K through third grade, students should have individual reading plans and receive intensive reading interventions based on those plans.
- 2. PARENT ENGAGEMENT** Policies must include parent notification and provide opportunities for parent engagement in developing and implementing interventions.
- 3. APPROPRIATE EXEMPTIONS** Students with disabilities, as a whole, should not automatically be exempted from these policies.
- 4. MULTIPLE MEASURES OF SUCCESS** Policies must provide students with multiple methods to demonstrate reading ability.
- 5. INTENSIVE INTERVENTIONS** Retention must be coupled with intensive intervention and a change in instruction.

*Specific issues in current laws also need to be addressed.*

<sup>1</sup> Understood (2014), "Why We Call Them Learning and Attention Issues" article here: <https://www.understood.org/en/learning-attention-issues/getting-started/what-you-need-to-know/why-we-call-them-learning-and-attention-issues>

## How Third-Grade Reading Laws Impact Students With Learning and Attention Issues

### Students With Individualized Education Programs (IEPs)

Some states exempt all students who have an IEP from third-grade reading laws, allowing some students to move to fourth grade without being able to read. However, we know that many students with IEPs can meet reading standards. Even some students with reading disabilities can learn to read at grade level and move to fourth grade with appropriate services, instruction and supports.

Exempting all students with IEPs can harm students with learning and attention issues:

- It allows poor reading instruction to go undetected in students whose disabilities don't impact reading.
- It reinforces the idea that all students with disabilities need different academic standards than those in general education, resulting in fewer services to help them reach the same standards as their peers.

Therefore, students with disabilities, as a whole, should not be automatically exempted from these policies.



### Appropriate Services and Targeted Interventions

While students with disabilities are often capable of meeting the same high standards as their peers, they may need more time and uniquely tailored instruction to master certain skills and demonstrate their understanding of grade-level content. These students should be provided an appropriate education, including individualized supports and intensive interventions, as outlined in their IEPs or 504 plans. Any student who is promoted should also be provided a reading plan outlining the interventions and instruction the student will receive.



### Retention as a Last Resort

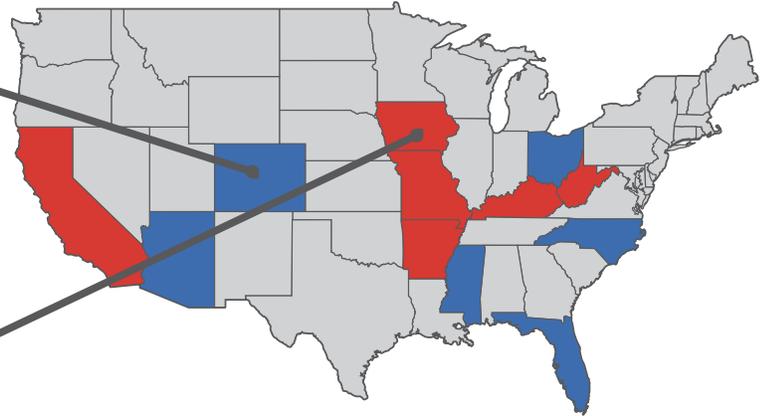
Retention should be a last resort for any student who is struggling with reading. Retention should only occur after the student has received intensive interventions from Pre-K through third grade. If a student is retained, instruction should include personalized, intensive, evidence-based strategies that are targeted to the area of need. The strategies should also be reviewed often to determine whether the student is ready to move on.



# How Some States Are Addressing the Needs of Students With Learning and Attention Issues

**COLORADO** provides an exemption for any student who: (1) takes an alternative statewide assessment; or (2) has an IEP and a disability that substantially impacts the student's progress in developing reading skills, resulting in the student's reading deficiency (READ Act, 2012).

**IOWA** exempts students who demonstrate an acceptable level of performance on an alternative measure or through a portfolio (Senate File 2284 [2012]).



## STATES IMPLEMENTING PROMISING PRACTICES

**ARIZONA** requires annual written, detailed notice to parents and dictates what information the notice must provide to parents (2012: ARS § 15-211).

**COLORADO** begins its annual reading assessments in kindergarten (READ Act, 2012).

**NORTH CAROLINA** requires that students be given a development screening within 30 days of entering kindergarten and a kindergarten entry assessment within 60 days (Read to Achieve; Session Law 2012-142).

**FLORIDA** provides multiple options for third-grade students to demonstrate reading skills required for promotion to fourth grade, including the statewide reading assessment, an alternative reading measure and a student reading portfolio. This ensures one test on one day isn't the sole determining factor for promotion (F.S. 1008.25).

**MISSISSIPPI** requires parents to receive notice when a student is demonstrating reading difficulty or is not reading at grade level and requires that parents continue to receive quarterly progress reports on student progress during the school year (Literacy-Based Promotion Act; Senate Bill 2347).

**OHIO** requires that any third-grade student identified as a struggling reader be taught by a teacher who has either received a passing score on a rigorous test of principles of scientifically based reading instruction approved by the state board of education or has a reading endorsement on the teacher's license (Third-Grade Guarantee; Senate Bill 316).

## STATES WITH ROOM TO IMPROVE

**ARKANSAS** exempts any student with an IEP (§6-15; 2009) and only requires notice of the retention rule annually to parents in the student handbook.

**CALIFORNIA** begins providing interventions to struggling readers for the first time in second grade (CA Education Code § 48070).

**IOWA** exempts any student who participates in summer school, regardless of the student's level of proficiency after completing it (Senate File 2284 [2012]).

**MISSOURI** exempts any student who has an IEP or a 504 plan (167.645).

**TENNESSEE** exempts any student with an IEP (Senate Bill 2156 [2012]).

**WEST VIRGINIA** exempts any student with an IEP and promotes any student who participates in an intervention before fourth grade, regardless of proficiency level (West Virginia Code §18-2E-10).