



## **Read by Grade Three Law Frequently Asked Questions (FAQs)**

The Michigan Department of Education (MDE) has compiled answers to the following FAQs regarding MCL 380.1280f, now referred to as the "Read by Grade Three Law", formerly known as the "third-grade reading law." Please note the FAQs will be updated as necessary. Please send any questions regarding these FAQs to [MDE-EarlyLiteracy@michigan.gov](mailto:MDE-EarlyLiteracy@michigan.gov).

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

*Italics indicate new questions and/or answers added as of February 2018.*

### **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 [Read by Grade Three Law website](#) as this definition is determined.

## **Instruction and Intervention**

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

The M-STEP is Michigan's English Language Arts (ELA) state summative assessment. As such, it is matched with the rigor and content of the Michigan state academic standards. Initially used three years ago, the M-STEP 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 M-STEP assessment to understand what students will be expected to know and do at each grade level. Information on the this 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 Read by Grade Three 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 broad 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.

An extensive assessment is an assessment that will be delivered to students who display a deficiency, will provide a more in-depth look at student ability 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 component of the assessment system (see prior question) must be delivered to all students within the first 30 school days of the academic year.

### **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. Must students who take MI-Access participate in the district assessments required in the third-grade reading law?**

There is no exemption from the district assessments for the third-grade reading law. The IDEA at 34 CFR Section 300.320(a)(6)(ii) states, "If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of why—(A) The child cannot participate in the regular assessment; and (B) The particular alternate assessment selected is appropriate for the child." An IEP team does not have the authority to exempt any student from a statewide assessment. The IEP team can only determine that a student take an alternate assessment.

## **6. What is the assessment expectation for students who are severely cognitively impaired?**

All students are required to be assessed in kindergarten through third grade to screen and diagnose reading difficulties, inform instruction and intervention needs, and assess progress towards a growth target under MCL 380.1280f. Students with significant cognitive impairments are instructed with alternate academic content standards. To comply with the third-grade reading law, districts should select an initial (screener/benchmark) reading assessment for all students in the first 30 days of school. Districts should determine which alternate initial assessment tool they think is best for assessing the reading level of this population of students. This may involve using a commercial alternate reading screener, or creating a local tool. Students for whom additional reading level information is needed beyond the initial alternate assessment tool, must be given an extensive (diagnostic) reading level assessment. The extensive alternate reading level assessment may be a commercial alternate reading tool, or districts may decide to develop their own alternate extensive reading level tool.

## **7. Can the Kindergarten Readiness Assessment (KRA)/Kindergarten Entry Observation (KEO) be included on the assessment list?**

The department sees value in using a developmentally appropriate, comprehensive assessment for young students. If a district finds that the reading portion of its chosen KRA/KEO is appropriate to substitute for one of their assessments [Initial (including benchmark and screener assessments) or Extensive (primarily diagnostic assessments)] the department will consider such use appropriate for the 2017-2018 academic year.

**8. Does the initial assessment have to be given three times per year?**

The delivery of the assessment system must take place three times per year. The initial assessment is part of this system. However, the delivery of the initial three times per year may be an inappropriate increase of testing time for some students – specifically those receiving a large amount of extensive assessments, progress monitoring, and intervention. Therefore, for the 2017-2018 academic year, if a district finds it in the best interest of the student to only receive the initial assessment twice, the department will approve this action. The department believes that if progress monitoring, extensive, and additional assessments are being used by classroom teachers to appropriately measure student achievement toward the mastery of the ELA standards, the data is being collected appropriately for students. The department would not support only using the Initial assessment once per year. The intent of these assessments is to provide a clear understanding of how a student is progressing toward mastery of a broad scope of the ELA standards. Therefore, delivery at least twice per year is needed.

**9. 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 with the 2019-2020 school year.

**10. 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.

**11. 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 (M-STEP).

**12. How do we ensure we continue to focus on the whole child while simultaneously using predictability of the assessments administered before the third-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.

**13. Are districts still required to deliver a benchmark assessment to students in grades K-2?**

Yes, districts must meet the requirements of the third-grade reading law (MCL 380.1280f) by selecting an initial assessment from the list of approved assessments. The Michigan Early Literacy Benchmark Assessment, as specified in the current state aid appropriations law [PA 108 of 2017, Section 104 c (5)], qualifies as such an assessment. Districts must also meet the requirements of PA 108 of 2017, Section 104 c (5) by continuing to administer a benchmark assessment in mathematics in grades K – 2 in the fall and spring, as the third-grade reading law (MCL 380.1280f) does not address mathematics.

## **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 within 30 days of the student showing a deficit.

### **3. What if within the 30 days a student goes from deficient to proficient? Does there still need to be an official IRIP?**

Need for an IRIP should be based on the full assessment system, including classroom assessments and formative practices and be provided to students as needed to support learning and literacy proficiency.

### **4. Are students in a “young fives” and developmental kindergarten program required to have an IRIP?**

Yes, if they show a deficiency.

### **5. Are students with Individual Education Plans (IEP’s) exempt from the IRIP?**

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

### **6. Can the student’s Individualized Education Program (IEP) be considered a student’s Individual Reading Intervention Plan (IRIP)?** *(Revised answer added in February 2018)*

*An IEP is the district’s offer of a Free Appropriate Public Education which includes special education programs and services to address the unique needs of the student that result from the student’s disability. The IEP should not reference an IRIP, however, **for students with significant cognitive***

***impairments, the IRIP may reference appropriate reading supports, communication and language goals, etc. specified in student's IEP.***

*An IRIP does not meet the IDEA requirements for student with an IEP.*

*An IRIP must address interventions that are available to all students with a reading deficiency who may or may not have an IEP. The IRIP cannot substitute services of an IEP, but provides additional support to improve reading proficiency.*

**7. Is it reasonable and appropriate for the IRIP to be delivered by the special education teacher as part of special education service time?**

Yes, but the IEP should address the reading goals that the special education teacher will be working on this. The IRIP is not a legal document for IDEA requirements. The IRIP may reference an IEP, if appropriate.

**8. Will the MI-Access ELA assessment be appropriate for the determination of need for an Individual Reading Improvement Plan?**

MI-Access ELA assessment is a state level summative assessment and should never be used as a screener or individualized achievement test.

**9. 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 PSAs 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.

The MDE is working with the Early Literacy Task Force (an expert-led leadership group working with MAISA) to identify a possible model IRIP, and is working with university experts to develop a protocol for developing and reviewing an IRIP, which can be applied to a variety of models or templates that a school district or PSA might use. Additional information regarding these resources will be posted on the MDE website when available.

**10. Will the standard format include procedural safeguards?**

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

**11. Do parents of the students also need to be notified of the deficiency and be provided tools to support as required by the third-grade reading law?**

Yes, the school and parents should work together to address the identified deficiency.

**12. 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. While the Read-at-Home plan is only required at 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 English 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/>). This is 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 should entail regarding student status. Specific details of this letter have yet to be formalized, though it will address basic criteria for retention or advancement based on assessment data or alternate assessment.

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 or 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 more than one grade level behind on the State Summative Assessment. This letter is sent to all identified students, regardless of disability status. The parent, teacher, or other school personnel will need to initiate the process for a good cause exemption.

## **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 the next school year, 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 either. 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.

## **English Learners (EL)**

**1. Does 3<sup>rd</sup> grade count as one of the three years when calculating time spent in an English Learner (EL) program for the good cause exemption?**

The three-year count commences on the first day of initial enrollment.

## **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.