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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 117\*  
135<sup>th</sup> General Assembly

## Bill Analysis

[Click here for H.B. 117's Fiscal Note](#)

**Version:** As Reported by House Primary and Secondary Education

**Primary Sponsors:** Reps. Manning and Robinson

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### SUMMARY

- Beginning with the 2023-2024 school year, eliminates student retention under the Third Grade Reading Guarantee.
- Requires only one administration of the third-grade English language arts assessment per year.
- Expands the grade bands for which school districts and chartered nonpublic schools are required to provide reading intervention services.
- Expands from three to five the grades in which the State Board of Education must prescribe standards for the teaching of phonics and in-service training programs for teachers.

### DETAILED ANALYSIS

#### Retention under the Third Grade Reading Guarantee

Beginning with students who enter the third grade in the 2023-2024 school year, the bill eliminates the retention of third grade students who do not attain the required score on the third-grade English language arts achievement assessment under the Third Grade Reading Guarantee.<sup>1</sup> In addition, beginning with the 2023-2024 school year, the bill requires only one administration of the third-grade English language arts assessment per year.<sup>2</sup>

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\* This analysis was prepared before the report of the House Primary and Secondary Education Committee appeared in the House Journal. Note that the legislative history may be incomplete.

<sup>1</sup> R.C. 3301.163 and 3313.608(A)(3).

<sup>2</sup> R.C. 3301.0711(B)(1).

## Remediation and intervention plans

The bill generally maintains the requirement that public (school districts, community schools, and STEM schools) and private (chartered nonpublic) schools offer intervention and remediation services to students reading below grade level.<sup>3</sup>

However, the bill makes the following changes to intervention and remediation services requirements for both public and private schools:<sup>4</sup>

1. Increases from three to five the grades for which schools are required to provide reading intervention services;
2. Requires public schools to offer reading improvement and monitoring plans for students in grades four or five who have been identified as having reading skills below grade level;
3. Requires private schools to provide intensive reading instruction services, as determined appropriate by the school;
4. Requires schools to offer reading improvement and monitoring plans or, for private schools, intensive reading instruction services, for students who were retained in any of grades kindergarten through three and received remediation services but continue to read below grade level.

## Phonics instruction

The bill expands from kindergarten through three to kindergarten through five the grades for which the State Board of Education must prescribe standards for the teaching of phonics.<sup>5</sup> The bill commensurately expands the grade bands for which the State Board must provide in-service training programs for teachers on the use of phonics as a technique in the teaching of reading.

## Background

The Third Grade Reading Guarantee is a program to identify students in grades kindergarten through three who are reading below grade level. Schools must administer diagnostic assessments in reading for grades kindergarten through three to identify students who are reading below grade level and to provide intervention services for those students prior to taking the third-grade English language arts assessment. Currently, if a student does not attain a level of achievement determined by the Department of Education on the third-grade English language assessment, unless otherwise exempted, that student may not be promoted to the fourth grade.

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<sup>3</sup> R.C. 3301.163(D) and 3313.608(A)(3).

<sup>4</sup> R.C. 3301.163(D) and 3313.608(D).

<sup>5</sup> R.C. 3301.07(M).

A similar guarantee applies to students attending chartered nonpublic schools with state scholarships.

Both provisions are amended by the bill to eliminate student retention.

### **Promotion under the state report card**

As described above, the bill eliminates retention under the Third Grade Reading Guarantee; however, it maintains certain promotion-related provisions with regard to the state report card as enacted by H.B. 82 of the 134<sup>th</sup> General Assembly. It is not clear how those report card measures will be affected by the bill's provisions.

For a full description of the relevant provisions please see pages 11 and 12 of the [Final Analysis of H.B. 82 of the 134<sup>th</sup> General Assembly \(PDF\)](#) accessible at: <http://www.legislature.ohio.gov/> for a discussion of the "Early Literacy" report card component and "Reported-only data."

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## **HISTORY**

Action	Date
Introduced	03-16-23
Reported, H. Primary & Secondary Education	---

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