MEMORANDUM

TO: District Superintendents

FROM: Julie Gore-Fowler, PhD
Deputy Superintendent, Division on College and Career Readiness
John R. Payne
Director, Office of Special Education Services
Jennifer Anderson
Director, Office of Early Learning and Literacy

DATE: February 6, 2017

RE: Read to Succeed and Good Cause Exemptions for Students with Disabilities

This memorandum is to provide guidance regarding the Read to Succeed good cause exemption to retention that applies to students with disabilities who have Individualized Education Programs (IEPs). Pursuant to the Read to Succeed legislation (SC Code Ann. § 59-155-160), beginning with the 2017–18 school year, a student must be retained in the third grade if the student fails to demonstrate reading proficiency at the end of the third grade, as indicated by scoring at the lowest achievement level on the state summative reading assessment, “that equates to Not Met 1 on the Palmetto Assessment of State Standards.” A committee of educators, chosen exclusively from district superintendents’ nominations, will meet in the coming months to determine this cut score for grade 3 reading. The bookmarking method will be used.

There are several good cause exemptions to the retention requirement. One section of the legislation relates to students with disabilities (Section (A)(2)) and provides an exemption for students:

with disabilities whose individual education plan indicates the use of alternative assessments or alternative reading interventions and students with disabilities whose Individual Education Plan or Section 504 Plan reflects that the student has received intensive remediation in reading for more than two years but still does not substantially demonstrate reading proficiency.
In collaboration with the South Carolina Department of Education, Office of Early Learning and Literacy, the Office of Special Education Services (OSES) provides the following guidance that will exempt a student with a disability from the retention requirement. Specifically, a third-grade student with a disability will be exempt from third-grade retention if one of the following is true:

a. The student with a disability is eligible to take a South Carolina alternate assessment and receives instruction aligned to the state’s alternate achievement standards; or
b. The student with a disability has received intensive remediation in reading for more than two years.

To demonstrate intensive remediation in reading there must be: (1) documentation that the student’s present levels of academic achievement and functional performance have resulted in one or more annual goals and specialized instruction and/or related services in the area of reading for two or more years; (2) documentation of intensive general education interventions in the area of reading for two or more years; or (3) a combination of special education services and intensive general education intervention in the area of reading for two or more years.

In an effort to assist districts in making retention decisions that relate to students with IEPs, a decision tree is attached to this memorandum. The OSES recommends that this decision tree be broadly disseminated to IEP teams for review and consideration.

If a student with an IEP meets the exemptions based on (b) above, the IEP team should convene to consider extended school year (ESY) services, consistent with those regulatory requirements. Additionally, as part of the review process when considering exemptions, the District needs to ensure that the evidence submitted documenting “intensive remediation” or evidence-based interventions is in addition to the student’s ninety minutes of daily reading and writing (e.g., literacy block) instruction as required by the Read to Succeed legislation. S.C. Code § 59-155-150(B). Finally, should a student with a disability not meet any of the three scenarios above, the District should review to determine what, if any, other good cause exemptions may be applicable for consideration.

Should you have any questions regarding this guidance, please contact the OSES at 803-734-8224. For additional questions regarding the other good cause exemptions found in the Read to Succeed legislation, please contact the Office of Early Learning and Literacy at 803-734-1629.

cc: District Special Education Directors