

# FAQs related to Third Grade Success Act Funding for Districts – House Bill 3035



## **Funding and Staffing Questions**

**Q. How are the positions in Grades 1-3 for ECCAT/Aide/Paraprofessional/Interventionist funded?**

- A. The school aid formula was adjusted in House Bill (HB) 3035 to provide additional funding for these positions for the counties. There is a three-year phase in for Grades 1-3. Counties will receive the funding increase to hire the first grade ECCATs for the upcoming 2023-24 school year. Additional increases in funding will occur during the 2024-25 and 2025-26 school years to pay for the second and third grade ECCAT positions. If a county currently has ECCATs, aides, or paraprofessionals in Grade 1, they may hire for Grade 2 in the 2023-24 school year. (W. Va. Code §18-9A-5)

**Q. What if our county cannot find enough ECCATS, Aides or Paraprofessionals? May we hire an interventionist?**

- A. House Bill 3035 allows for the employment of interventionists (full or part-time) if there are not enough personnel to fill the ECCAT, aide, or paraprofessional positions. Since interventionists are typically teachers, the additional salary costs above an ECCAT, aide, or paraprofessional would be the responsibility of the county.

**Q. Will the legislature be providing additional funds to support the required elements found in HB 3035?**

- A. The Legislative Oversight Commission on Education Accountability (LOCEA) has requested an annual report by November 1, 2023, to address the progress of the program, the impact on student achievement, and any funding information.

**Q. Are counties allowed to use the literacy funds for personnel?**

- A. Yes, if hiring of personnel helps the county meet the goals of HB 3035 and it is supported by data indicating improved student achievement. The personnel hired using these funds must support the science of reading, literacy, and numeracy in Grades K-3 and not for other purposes or programs (i.e., social emotional programs, math field day coaches, etc.)

**Q. Are there indirect costs associated with the state funding for literacy and numeracy?**

- A. No, state funds do not have an indirect costs component.

## Benchmark/Screeners Questions

**Q. May counties adopt a screener that is not on the approved list?**

A. No, they must use a screener from the approved list.

**Q. What is the difference between a benchmark/screener?**

A. For the intention of HB 3035, the terms are used interchangeably to mean an assessment given at a point in time to determine if additional support and or testing is required. The list of approved screeners/benchmarks will provide overall information regarding a student's proficiency in the grade-level content as well as detailed information relative to the skills needed to master reading and mathematics.

**Q. Since the bill requires counties to use screeners/benchmarks in Grades K-3, may those be purchased with federal funds?**

A. No, the screeners/benchmarks may not be purchased with federal funds. Counties may use state funds available (Third Grade Success Act, Step 7, etc.) to purchase the screeners.

**Q. Will any money be allocated to districts to pay for the required screeners?**

A. Yes, to help counties with the purchase of screeners in this transition, an additional \$5 per student in Grades K-3 was incorporated into the early literacy allocation amount for each district.

**Q. When will the list of approved screeners as required by HB 3035 be available to districts?**

A. The West Virginia Department of Education (WVDE) developed a criterion for choosing approved screeners, has shared the criteria with multiple vendors, and is currently evaluating the screeners based on the criteria. The list can be found [here](#).

**Q. What if the screener/benchmark used by my county includes remediation tools?**

A. A remediation component is not required by HB 3035, so federal funds could be used for the remediation component available with a benchmark or screener tool.

**Q. May we use federal funds for benchmarks for Grades 4 and 5?**

A. Yes, since the benchmarks are not required for those grades by HB 3035, federal funds may be used for that purpose. Students transferring in from other states would be the exception for screening at these grades.

**Q. Will the WVDE be providing the training for screeners regarding administration and data analysis?**

A. Since counties will be selecting a particular benchmark/screener from the approved list, the county will collaborate with the vendor to ensure educators receive appropriate training in the administration and data analysis related to the selected screener. The WVDE will continue to provide annual training in data analysis related to the benchmark and summative assessments that are part of the West Virginia General Summative Assessment.

## Extended School Day and Extended School Year Questions

**Q. When do counties need to start providing extended year literacy and numeracy programs for K-3 students who do not meet certain criteria?**

- A. A timeline as well as West Virginia Board of Education (WVBE) Policy to support the implementation of HB 3035 is under development. Given students entering third grade in the fall of 2026 will be the first group under the retention provision of HB3035, phasing in summer learning for students who meet the eligibility criteria would be an option. (i.e., Kindergarten students in the summer of 2023, add first grade students in the summer of 2024, etc.)

**Q. Since HB 3035 mandates tutoring and extended day/year programs for all K -3 students who are not progressing, does that mean we can no longer use federal funds for afterschool and summer programs?**

- A. Educational Stabilization Funds provided through COVID relief appropriations may be used to fund extended day/year programs for all students. The American Rescue Plan (ARP) – Elementary and Secondary School Emergency Relief (ESSER) funds expire on September 30, 2024, which will allow counties to utilize this funding for extended day programs throughout the 2023-2024 school year and extended year programs in the summer of 2024.

For long range planning with on-going federal formula funding, counties may braid these federal funds with state/local funds for extended school day/year programs required by the Third Grade Success Act. Braiding federal and state funds requires planning and careful considerations of the specific requirements and limitations of each relevant funding source. Specific considerations include:

- » The Early Literacy Funds (Third Grade Success Act) may not be used for programs not related to the science of reading and/or numeracy.
- » ESEA Title Program and IDEA funds may only be spent on programs that align with evidence-based practices as defined in USDE guidance.
- » ESEA Title Program funds may be used to supplement the basic summer program required by the Third Grade Success Act. State/local funds must be used for the minimum requirements specified in the legislation and any accompanying WVBE Policy. Title I, II, III, IV, and V funds may be used to supplement in a manner that meets the specified purpose of each Title's purpose. For example:
  - Title I funds can be used for additional intervention resources, staff, and student support services.
  - Title II funds can be used to provide professional development related to the implementation of interventions selected for extended year and extended day programs.
  - Title III funds can be used for additional language acquisition resources and supports.
  - Title IV funds can be used for additional intervention resources and staff, as well as student health and well-being needs.
  - Title V funds can be used in any of the ways that Titles I, II, III, and IV can be used.

- » IDEA funds may be used to fund Extended School Year (ESY) services as outlined in student IEPs. If the summer programs designed to meet Third Grade Success Act requirements also meet the ESY specified in the IEPs of eligible students, IDEA funds can be blended to pay for these programs. For example, IDEA may pay for:
  - Special educators,
  - Special education aides,
  - Specialized transportation, and
  - Related services as required by IEPs.
- » USDE Child Nutrition Program funds may be used to provide meals for students participating in extended day/year programs.

**Q. What are the criteria for students to require extended year services for literacy and numeracy as required by HB 3035?**

- A. Specific criteria will be developed and placed in state policy upon approval by the WVBE. In general, according to HB 3035, students who have received intervention during the school day or in after school programs and continue to perform at a minimal level on benchmark assessments would attend.

## **Professional Development Questions**

**Q. May federal funds be used to pay for teachers to attend professional development sessions related to topics found in HB 3035?**

- A. Federal funds may be used for professional development sessions on a variety of topics. If the professional development session is designed solely for the purpose of meeting the requirements of HB 3035, federal funds could not be used.

**Q. What is the timeline for training personnel (Service and Professional) in the components related to instructing students in the science of reading and numeracy as found in HB 3035?**

- A. Over 1,200 professional personnel are registered for the INVEST Literacy and Numeracy conferences during the summer of 2023. Online modules for teachers, ECCATS, aides, paraprofessionals, and others will be available on the educator professional development platform (CANVAS). The WVDE is examining school calendars to determine a schedule for training during the school year that best fits the needs of the districts. The required training will be included in the plan and is due July 1, 2023, to the Legislature. Counties may also provide their own professional development in literacy and numeracy.

**Q. For in-person professional development provided by WVDE, will there be a cost to counties?**

- A. Training sessions offered by the WVDE are always free of charge. Counties would be responsible for any materials, stipends, substitute teachers, travel, and lodging if applicable.

**Q. What should be expected in terms of longevity to ensure that the training is relevant and meaningful and supports the three-year phase-in of service personnel in grades 1-3 classrooms?**

A. The implementation plan will include ongoing training for educators at all levels and may occur over multiple years. This includes training administrators in the science of reading to build their expertise as an instructional leader and onboarding of newly hired teachers, administrators, and service personnel. We will have both online, in-person, and blended options for professional development.

**Q. Will there be training for schools/districts about the roles and responsibilities of teachers, ECCATS, etc. in supporting literacy and numeracy?**

A. Training is currently being developed for teachers, ECCATs, aides, and paraprofessionals to explain best practices related to collaboration, roles, and responsibilities to ensure students are receiving effective support for literacy and numeracy. A variety of delivery options will be available.

## ***Dyslexia and Dyscalculia Questions***

**Q. Will the science of reading training include the requirements for dyslexia, dyscalculia, and intervention, or are these separate?**

A. The professional development for the science of reading and numeracy will include components that are applicable for students with characteristics of dyslexia and/or dyscalculia. However, HB 3035 requires providing annual professional development related to dyslexia and dyscalculia. The WVDE is examining a variety of delivery options for this annual training to share with counties soon. In addition, materials related to dyslexia and dyscalculia will be made available via the WVDE website.

**Q. Will the dyslexia/dyscalculia screener be separate from the literacy and numeracy screeners required in the bill?**

A. HB 3035 only requires a screener for dyslexia. The approved benchmark/screeners have components that may point to dyslexia embedded in the screener and/or have additional assessments that can be given to students if they are not responding to intensive intervention.

**Q. Regarding the extended school year programs for students exhibiting difficulties in reading or mathematics, are those allowable expenses through our Special Services (Special Education) department?**

A. If the purpose is to identify students with disabilities, the special services funding could be used for this purpose. For additional information, please contact the WVDE's Office of Special Education at 304-558-0459.

**Q. Are situations in which the child presents as "at-risk" for dyslexia or dyscalculia based on the screener results handled differently with the individual plans?**

A. An improvement plan should adequately address the student's specific area(s) of need, regardless of the student's risk status for dyslexia or dyscalculia.

## Strategic Plan Questions

- Q. Will there be any extensions to counties for completion of the strategic plan and accompanying budgets due to the new mandates and county needs for revision of their budgets?**
- A. The WVDE held several regional meetings during the spring to assist with the Early Literacy (Third Grade Success Act) funding as related to the strategic plan. Many of the questions found in this document were generated at the meetings. Counties should be able to make necessary changes and meet the strategic plan submission deadline, therefore, extensions should not be necessary.

## Multi-tiered Systems of Support and Parent Notification Questions

- Q. Will Student Assistance Team (SAT) meetings serve as the individual improvement plan?**
- A. SAT meetings could be used to develop and review a student's individual improvement plan related to literacy and numeracy, provided the SAT members are the same as the personnel listed in HB 3035.
- Q. Will there be a form (print or electronic) that will be used for parent notification, individualized reading, or mathematics improvement plans?**
- A. Templates related to parent notification and individualized plans are in development and will be available soon. Additionally, many of the reports generated by the benchmark/screener assessments provide information related to improvement plans and their development.
- Q. What guidance will be provided to schools/districts about determining which students are required to have individualized reading or mathematics improvement plans?**
- A. For each of the approved screeners, cut scores will be established that will serve to identify students required to have individualized improvement plans.
- Q. The legislation calls for “regular updates” on a child’s reading and math progress; will there be guidelines provided to define the frequency of regular updates?**
- A. The WVDE is currently developing the policy and supporting guidance for HB 3035 to include communication to parents/guardians regarding the and frequency of updates for reading and math progress.
- Q. Will the WVDE develop training materials, online courses, strategies, resources, etc. for schools to share with parents/guardians to use at home to help their child with reading and math?**
- A. Currently the WVDE has two websites with materials to support mathematics and literacy. Each of these websites contains information, strategies, and resources for parents to use with their children. Additional components are being added regularly. Literacy materials may be found at [readyreadwritewv.com](http://readyreadwritewv.com). Mathematics materials are located at [math4life's website](http://math4life's website).

**Q. Will professional learning providing intensive support to students with substantial reading or mathematics deficiencies be made available for staff?**

- A. The Multi-Tiered System of Support (MTSS) has been active in West Virginia for many years and provides a framework for the delivery of intensive support for students. Professional learning related to the science of reading and numeracy will address the content component and the WVDE will continue to provide professional learning regarding the tiered system of support.

**Q. What is the timeframe for parent notification regarding a reading or mathematics deficiency?**

- A. HB 3035 requires parents to be notified in writing no later than 15 days after the identification of reading or mathematics deficiency. This notification should include: the area(s) of deficiency, a description of the proposed interventions and supplemental supports, and strategies for parents or guardians to assist with reading/mathematics success. A finalized reading plan created from input from the teacher, principal, other pertinent school personnel as well as the parent(s) or guardians shall be in place within 30 days after the identification of the reading deficiency. In general, the date the test results are available from the screening instrument would be considered the start of the 15- and 30-day notification and implementation periods.

## **Special Education Related Questions**

**Q. If a student has an IEP, do they need an improvement plan — or does the IEP cover that?**

- A. If a student's IEP goals do not address the areas of reading or math, then yes, they should have an improvement plan. If a student does have IEP goals in these areas, then it will be up to the LEA to decide how they want to monitor these students. Since these students are still eligible for services through the MTSS process, the LEA will need to decide how to officially document a student's progress including regular checks to ensure that the interventions are aligned with student needs.

**Q. How should we decide whether to use our limited Tier 3 intervention resources for students with or without IEPs?**

- A. Around 75-80% of students should be successful with core general education curriculum alone. Around 10-20% will need Tier 2/Targeted Interventions as well and only 5-10% of students will need both Tier 2/Targeted and Tier 3/Intensive Interventions. These numbers include students with IEPs. Once screened, students who are at-risk should first receive Tier 2 interventions. Tier 2 interventions can be provided in small group settings by their classroom teacher. Progress should be monitored to ensure it is adequate. Only the students who continue to not show adequate progress in Tier 2 should also begin receiving Tier 3. If a school begins to see more than 20% of their students need Tier 2 or more than 10% need Tier 3 intervention, then Tier 1 instruction and supports need to be reviewed for efficacy and fidelity. Remember, students with disabilities are general education students who receive supplemental entitlement services through special education. Therefore, general education teachers, special education teachers, and interventionists should work together to ensure that all students who need interventions are receiving them.

**Q. Should students still be exited from the SAT process when they are made eligible for an IEP, assuming that the IEP will cover all needs?**

- A. In general, a student's IEP Team can address most educational needs or concerns that arise; however, LEAs have some flexibility in the ways that student needs are addressed at the local level, provided that the needs are addressed in accordance with relevant policies and procedures. Certain educational decisions for students with IEPs, however, can only be made by the student's IEP Team. See Policy 2419 for more information.

**Q. Should students with IEPs be kept in the SAT process in order to address their progress through the WVTSS system?**

- A. Students do not need to be in the SAT process to have their progress monitored. Progress monitoring should occur at least three times per year for all students and could occur up to once every 1 to 3 weeks for others, depending on the level of tiered intervention received targeting any observed skills deficits. Student progress monitoring data can be analyzed by grade level or instructional teams, as well as the SAT or IEP Teams. Further, LEAs have some flexibility and local control over how the requirements of the Third Grade Success Act are implemented, whether it is through SAT or another school-based process.