

By: Senator(s) Smith

To: Finance

## SENATE BILL NO. 2660

1 AN ACT TO CREATE A TRUST FUND IN THE STATE TREASURY INTO  
2 WHICH ALL MONIES RECEIVED BY THE STATE ARISING OUT OF TOBACCO  
3 LITIGATION SHALL BE DEPOSITED; TO REQUIRE A TWO-THIRDS VOTE OF THE  
4 ELECTED MEMBERSHIP OF BOTH HOUSES OF THE LEGISLATURE FOR ANY  
5 APPROPRIATION OF THE PRINCIPAL OF THE TRUST FUND; TO PROVIDE THAT  
6 THE LEGISLATURE SHALL APPROPRIATE THE INTEREST AND INCOME EARNED  
7 ON THE TRUST FUND FOR THE PURPOSE OF FUNDING THE READING  
8 SUFFICIENCY PROGRAM UNTIL FULLY FUNDED; TO ENACT THE "MISSISSIPPI  
9 READING SUFFICIENCY ACT OF 1999"; TO REQUIRE EACH STUDENT ENROLLED  
10 IN THE 3RD AND 4TH GRADES TO BE ASSESSED FOR THE ACQUISITION OF  
11 READING SKILLS, AND TO REQUIRE A PROGRAM OF INSTRUCTION FOR THOSE  
12 FOUND NOT TO BE READING AT THE APPROPRIATE GRADE LEVEL; TO  
13 PRESCRIBE THE COMPONENTS OF THE PLAN, TO PROVIDE FOR SCHOOL  
14 READING ASSESSMENT COMMITTEES, TO PROVIDE FOR TUTORING AND TO  
15 PROVIDE THAT COPIES OF THE ASSESSMENT SHALL BE MADE PART OF THE  
16 PERMANENT RECORD OF EACH STUDENT; AND FOR RELATED PURPOSES.

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

18 SECTION 1. There is created within the State Treasury a  
19 special trust fund into which shall be deposited all monies  
20 received by the state, whether under settlement agreement or  
21 judgment rendered by a court of competent jurisdiction, arising  
22 from all present and future claims asserted by the Attorney  
23 General on behalf of the State of Mississippi and all of its  
24 governmental agencies, departments, political subdivisions and any  
25 other state-controlled public entities against tobacco  
26 manufacturers, distributors, trade firms and such other entities  
27 in the tobacco industry which are named defendants, presently or  
28 in the future, in litigation relating to the manufacturing,  
29 marketing, packaging, distribution and sale of tobacco products.  
30 The principal of the trust fund shall remain inviolate unless such  
31 monies are appropriated by the Legislature by a two-thirds (2/3)  
32 vote of the elected membership of each house of the Legislature.  
33 The principal shall be invested by the State Treasurer in the

34 manner provided in Section 27-105-33.

35         Each year before December 1, the Legislative Budget Office  
36 shall recommend to the Legislature proposed expenditures for the  
37 interest earned on the trust fund and income derived from the  
38 investment of the principal of the trust fund for the next  
39 succeeding fiscal year; provided, however, that beginning with  
40 Fiscal Year 2001 the interest in said trust fund shall be  
41 appropriated by the Legislature for the purpose of funding the  
42 public school Reading Sufficiency Program established in Section 2  
43 of this act, until such program is fully funded. Any amounts of  
44 the interest and income derived from the investment of the  
45 principal of the trust fund which are not appropriated shall not  
46 lapse into the State General Fund at the end of the fiscal year  
47 but shall be deposited to the credit of the trust fund.

48         SECTION 2. (1) This section shall be known and may be cited  
49 as the "Mississippi Reading Sufficiency Act of 1999."

50         (2) The purpose of the Mississippi Reading Sufficiency Act  
51 is to ensure that each child attains the necessary reading skills  
52 by completion of the Fourth Grade which will enable that student  
53 to continue development of reading skills and to succeed  
54 throughout school and life.

55         (3) Beginning with the 1999-2000 school year, each student  
56 enrolled in Third and Fourth Grades of the public schools of this  
57 state shall be assessed by multiple on-going assessments for the  
58 acquisition of reading skills for the grade level in which that  
59 student is enrolled. Before the close of the current school year,  
60 any student, except for students who are on an individualized  
61 education program or have limited English proficiency, found not  
62 to be reading at the appropriate grade level shall be provided a  
63 reading assessment plan which will include a program of  
64 instruction in reading designed to enable the student to acquire  
65 the appropriate grade level of reading skills. The plan shall  
66 include, but not be limited to:

67                 (a) Sufficient additional in-school instructional time  
68 for the development of reading and comprehension skills of the  
69 student;

70                 (b) If necessary, tutorial instruction after regular

71 school hours, on Saturdays and during summer; and

72 (c) Utilization of teaching methodologies, including  
73 phonics and other methodologies in wide practice, as is determined  
74 appropriate by the reading assessment committee.

75 The student shall be reassessed at the conclusion of the  
76 program of instruction. The program of instruction shall continue  
77 until the student is determined to be reading at or above grade  
78 level. The student may continue to progress to the next grade  
79 level while the tutorial reading instruction continues.

80 (4) Each school site shall establish a committee composed of  
81 educators, which if possible shall include a certified reading  
82 specialist, to determine the reading assessment plan for each  
83 student for whom one is necessary. A parent or guardian of the  
84 student shall be included in the development of the reading  
85 assessment plan for that student. Every school district shall  
86 adopt and annually update a district plan which includes a plan  
87 for each site and which outlines how each school site will comply  
88 with the provisions of the Mississippi Reading Sufficiency Act.

89 (5) For any Fourth Grade student not reading at that grade  
90 level as determined by multiple assessments including a nationally  
91 recognized reading assessment given mid-year, a new reading  
92 assessment plan shall be developed as specified in this section  
93 and implemented. In addition to other requirements of this act,  
94 the plan shall include specialized tutoring and may include a  
95 recommendation as to whether the student should be retained in the  
96 Fourth Grade at the close of that year.

97 (6) Copies of the results of the assessment administered  
98 pursuant to subsection (3) of this section shall be made a part of  
99 the permanent record of each student until the student is reading  
100 on grade level so that the results of the next grade level  
101 assessment can be measured against the previous grade level  
102 results.

103 (7) Pursuant to appropriation by the Legislature

104 specifically for such purpose from the trust fund established  
105 under Section 1 of this act, the State Department of Education  
106 shall provide in-service training, computer software and certified  
107 reading instructor personnel for training local school district  
108 certificated personnel to assist students and otherwise implement  
109 the provisions of this act.

110 SECTION 3. This act shall take effect and be in force from  
111 and after July 1, 1999.