

By: Representative Moore

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 51

1 AN ACT TO AMEND SECTIONS 37-177-5, 37-177-9 AND 37-177-11,
2 MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN PROVISIONS OF THE
3 LITERACY-BASED PROMOTION ACT FOR PURPOSES OF CLARIFYING PURPOSES
4 OF RETENTION TO THIRD GRADE AND USE OF ACCOUNTABILITY ASSESSMENTS;
5 AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 37-177-5, Mississippi Code of 1972, is
8 amended as follows:

9 37-177-5. The State Department of Education shall establish
10 a Mississippi Reading Panel to collaborate with the State
11 Department of Education in recommending appropriate equitable
12 alternative standardized assessments and cut scores to be used to
13 determine promotion to the fourth grade of those third grade
14 students who * * * did not score at the required achievement level
15 on the state annual accountability assessment as outlined in
16 Section 37-177-9, or who, for unforeseen circumstances, were
17 unable to take the assessment. The panel should have knowledge
18 and input in the adoption or development of a universal screener
19 for required use only in select schools most in need for the



20 reading intervention program to identify reading deficiencies and
21 determine progress. A suggestive list of no less than four (4)
22 screening assessments should be available to schools not selected
23 for the critical reading intervention program taking into
24 consideration those screening assessments already being used
25 satisfactorily in Mississippi elementary schools. An approved
26 alternative standardized reading assessment may be used in * * *
27 years when the state is transitioning to a new state annual
28 accountability assessment. The panel shall consist of six (6)
29 members as follows: the State Superintendent of Education, or
30 his/her designee, who will chair the committee; the Chair of the
31 House Education Committee, or his designee; the Chairman of the
32 Senate Education Committee, or his designee; one (1) member
33 appointed by the Governor; and two (2) additional members
34 appointed by the State Superintendent of Education.

35 **SECTION 2.** Section 37-177-9, Mississippi Code of 1972, is
36 amended as follows:

37 37-177-9. (1) A public school student may not be assigned a
38 grade level based solely on the student's age or any other factors
39 that constitute social promotion.

40 (2) Beginning in the 2014-2015 school year, if a student's
41 reading deficiency is not remedied by the end of the student's
42 Third grade year, as demonstrated by the student scoring at the
43 lowest achievement level in reading on the state annual
44 accountability assessment or on an approved alternative



45 standardized assessment for third grade, the student shall not be
46 promoted to fourth grade.

47 (3) Beginning in the 2018-2019 school year, if a student's
48 reading deficiency is not remedied by the end of the student's
49 third grade year, as demonstrated by the student scoring at the
50 lowest two (2) achievement levels in reading on the state annual
51 accountability assessment or on an approved alternative
52 standardized assessment for third grade, the student shall not be
53 promoted to fourth grade.

54 **SECTION 3.** Section 37-177-11, Mississippi Code of 1972, is
55 amended as follows:

56 37-177-11. (1) A third grade student who does not meet the
57 academic requirements for promotion to the fourth grade may be
58 promoted by the school district only for good cause. Good cause
59 exemptions for promotion are limited to the following students:

60 (a) Limited English proficient students who have had
61 less than two (2) years of instruction in an English Language
62 Learner program;

63 (b) Students with disabilities whose individual
64 education plan (IEP) indicates that participation in the statewide
65 accountability assessment program is not appropriate, as
66 authorized under state law;

67 (c) Students with a disability who participate in the
68 state annual accountability assessment and who have an IEP or a
69 Section 504 plan that reflects that the individual student has



70 received intensive remediation in reading for more than two (2)
71 years but still demonstrates a deficiency in reading * * * or
72 previously was retained in kindergarten or first, second or third
73 grade;

74 (d) Students who demonstrate an acceptable level of
75 reading proficiency on an alternative standardized assessment
76 approved by the State Board of Education; and

77 (e) Students who have received intensive intervention
78 in reading for two (2) or more years but still demonstrate a
79 deficiency in reading and who previously were retained in
80 kindergarten or first, second or third grade for a total of two
81 (2) years and have not met exceptional education criteria. A
82 student who is promoted to fourth grade with a good cause
83 exemption shall be provided intensive reading instruction and
84 intervention informed by specialized diagnostic information and
85 delivered through specific reading strategies to meet the needs of
86 each student so promoted. The school district shall assist
87 schools and teachers in implementing reading strategies that
88 research has shown to be successful in improving reading among
89 students with persistent reading difficulties.

90 (2) A request for good cause exemptions for a third grade
91 student from the academic requirements established for promotion
92 to fourth grade must be made consistent with the following:

93 (a) Documentation must be submitted from the student's
94 teacher to the school principal which indicates that the promotion



95 of the student is appropriate and is based upon the student's
96 record. The documentation must consist of the good cause
97 exemption being requested and must clearly prove that the student
98 is covered by one (1) of the good cause exemptions listed in
99 subsection (1) (a) through (e) of this section.

100 (b) The principal shall review and discuss the
101 recommendations with the teacher and parents and make a
102 determination as to whether or not the student should be promoted
103 based on requirements set forth in this chapter. If the principal
104 determines that the student should be promoted, based on the
105 documentation provided, the principal must make the recommendation
106 in writing to the school district superintendent, who, in writing,
107 may accept or reject the principal's recommendation. The parents
108 of any student promoted may choose that the student be retained
109 for one (1) year, even if the principal and district
110 superintendent determines otherwise.

111 **SECTION 4.** This act shall take effect and be in force from
112 and after July 1, 2016.

