

By: Representative Harness

To: Education

HOUSE BILL NO. 568

1 AN ACT TO REQUIRE THE DISCONTINUATION OF END-OF-COURSE
 2 SUBJECT AREA TESTING AND ALL STATEWIDE ASSESSMENTS OTHER THAN A
 3 SINGLE UNIFORM BASIC SKILLS TEST FOR GRADES 3, 8 AND 11; TO AMEND
 4 SECTION 37-16-3, MISSISSIPPI CODE OF 1972, TO REQUIRE STUDENTS IN
 5 GRADES 3, 8 AND 11 TO COMPLETE A SINGLE BASIC SKILLS TEST THAT
 6 ASSESSES ALL BASIC SKILLS AND CONTENT REQUIRED BY THE DEPARTMENT
 7 TO BE TESTED IN THE RESPECTIVE GRADES; TO AMEND SECTIONS 37-3-49,
 8 37-15-38, 37-16-17 AND 37-35-3, MISSISSIPPI CODE OF 1972, IN
 9 CONFORMITY TO THE PRECEDING PROVISIONS; TO AMEND SECTION 37-177-1,
 10 MISSISSIPPI CODE OF 1972, TO REQUIRE THIRD GRADE READING
 11 ASSESSMENTS TO BE CONDUCTED AS PART OF THE GRADE 3 BASIC SKILLS
 12 TEST; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Beginning in the 2022-2023 school year, the State
 15 Board of Education shall discontinue requiring the administration
 16 of end-of-course subject area tests and all statewide assessment
 17 tests other than the uniform basic skills test in Grades 3, 8 and
 18 11 which is required under Section 37-16-3.

19 **SECTION 2.** Section 37-16-3, Mississippi Code of 1972, is
 20 amended as follows:

21 37-16-3. (1) The State Department of Education is directed
 22 to implement a program of statewide assessment testing which shall
 23 provide for the improvement of the operation and management of the



24 public schools. The statewide program shall be timed, as far as
25 possible, so as not to conflict with ongoing district assessment
26 programs. As part of the program, the department shall:

27 (a) Establish, with the approval of the State Board of
28 Education, minimum performance standards related to the goals for
29 education contained in the state's plan including, but not limited
30 to, basic skills in reading, writing and mathematics. The minimum
31 performance standards shall be approved by April 1 in each year
32 they are established.

33 (b) Conduct a uniform statewide testing program
34 in * * * Grades 3, 8 and 11 in the public schools, including
35 charter schools. The program may test skill areas, basic skills
36 and high school course content.

37 (c) Monitor the results of the assessment program and,
38 at any time the composite student performance of a school or basic
39 program is found to be below the established minimum standards,
40 notify the district superintendent or the governing board of the
41 charter school, as the case may be, the school principal and the
42 school advisory committee or other existing parent group of the
43 situation within thirty (30) days of its determination. The
44 department shall further provide technical assistance to a school
45 district in the identification of the causes of this deficiency
46 and shall recommend courses of action for its correction.

47 (d) Provide technical assistance to the school
48 districts, when requested, in the development of student



49 performance standards in addition to the established minimum
50 statewide standards.

51 (e) Issue security procedure regulations providing for
52 the security and integrity of the tests that are administered
53 under the basic skills assessment program.

54 (f) In case of an allegation of a testing irregularity
55 that prompts a need for an investigation by the Department of
56 Education, the department may, in its discretion, take complete
57 control of the statewide test administration in a school district
58 or any part thereof, including, but not limited to, obtaining
59 control of the test booklets and answer documents. In the case of
60 any verified testing irregularity that jeopardized the security
61 and integrity of the test(s), validity or the accuracy of the test
62 results, the cost of the investigation and any other actual and
63 necessary costs related to the investigation paid by the
64 Department of Education shall be reimbursed by the local school
65 district from funds other than federal funds, Mississippi Adequate
66 Education Program funds, or any other state funds within six (6)
67 months from the date of notice by the department to the school
68 district to make reimbursement to the department.

69 (2) A single uniform basic skills * * * test that includes
70 an assessment of all basic skills and content required by the
71 department to be tested in a particular grade shall be completed
72 by each student in * * * Grades 3, 8 and 11. These tests shall be
73 administered in such a manner as to preserve the integrity and



74 validity of the assessment. In the event of excused or unexcused
75 student absences, make-up tests shall be given. The school
76 superintendent of every school district in the state and the
77 principal of each charter school shall annually certify to the
78 State Department of Education that each student enrolled in the
79 appropriate grade has completed the required basic skills
80 assessment test for his or her grade in a valid test
81 administration.

82 (3) Within five (5) days of completing the administration of
83 a statewide test, the principal of the school where the test was
84 administered shall certify under oath to the State Department of
85 Education that the statewide test was administered in strict
86 accordance with the Requirements of the Mississippi Statewide
87 Assessment System as adopted by the State Board of Education. The
88 principal's sworn certification shall be set forth on a form
89 developed and approved by the Department of Education. If,
90 following the administration of a statewide test, the principal
91 has reason to believe that the test was not administered in strict
92 accordance with the Requirements of the Mississippi Statewide
93 Assessment System as adopted by the State Board of Education, the
94 principal shall submit a sworn certification to the Department of
95 Education setting forth all information known or believed by the
96 principal about all potential violations of the Requirements of
97 the Mississippi Statewide Assessment System as adopted by the
98 State Board of Education. The submission of false information or



99 false certification to the Department of Education by any licensed
100 educator may result in licensure disciplinary action pursuant to
101 Section 37-3-2 and criminal prosecution pursuant to Section
102 37-16-4.

103 **SECTION 3.** Section 37-3-49, Mississippi Code of 1972, is
104 amended as follows:

105 37-3-49. (1) The State Department of Education shall
106 provide an instructional program and establish guidelines and
107 procedures for managing such program in the public schools within
108 the school districts throughout the state as part of the State
109 Program of Educational Accountability and Assessment of
110 Performance as prescribed in Section 37-3-46. Public school
111 districts may: (a) elect to adopt the instructional program and
112 management system provided by the State Department of
113 Education * * *; or (b) elect to adopt an instructional program
114 and management system which meets or exceeds criteria established
115 by the State Department of Education for such. This provision
116 shall begin with the courses taught in Grades K-8 which contain
117 skills tested in Grades 3 and 8 through the Mississippi Basic
118 Skills Assessment Program and shall proceed through all secondary
119 school courses mandated for graduation and all secondary school
120 courses * * * included in the Grade 11 statewide basic skills
121 test. Other state core objectives must be included in the
122 district's instructional program as they are provided by the State
123 Department of Education along with instructional practices,



124 resources, evaluation items and management procedures. Districts
125 are encouraged to adapt this program and accompanying procedures
126 to all other instructional areas. The department shall provide
127 that such program and guidelines, or a program and guidelines
128 developed by a local school district which incorporates the core
129 objectives from the curriculum structure, are enforced through the
130 performance-based accreditation system. It is the intent of the
131 Legislature that every effort be made to protect the instructional
132 time in the classroom and reduce the amount of paperwork which
133 must be completed by teachers. The State Department of Education
134 shall take steps to insure that school districts properly use
135 staff development time to work on the districts' instructional
136 management plans.

137 (2) The State Department of Education shall provide such
138 instructional program and management guidelines which shall
139 require for every public school district that:

140 (a) All courses taught in Grades K-8 which contain
141 skills which are tested in Grades 3 and 8 through the Mississippi
142 Basic Skills Assessment Program, all secondary school courses
143 mandated for graduation, and all courses in the * * * Grade 11
144 statewide basic skills test shall include the State Department of
145 Education's written list of learning objectives.

146 (b) The local school board must adopt the objectives
147 that will form the core curriculum which will be systematically
148 delivered throughout the district.



149 (c) The set of objectives provided by the State
150 Department of Education must be accompanied by suggested
151 instructional practices and resources that would help teachers
152 organize instruction so as to promote student learning of the
153 objectives. Objectives added by the school district must also be
154 accompanied by suggested instructional practices and resources
155 that would help teachers organize instruction. The instructional
156 practices and resources that are identified are to be used as
157 suggestions and not as requirements that teachers must follow.
158 The goal of the program is to have students to achieve the desired
159 objective and not to limit teachers in the way they teach.

160 (d) Standards for student performance must be
161 established for each core objective in the local program, and
162 those standards establish the district's definition of mastery for
163 each objective.

164 (e) There shall be an annual review of student
165 performance in the instructional program against locally
166 established standards. When weaknesses exist in the local
167 instructional program, the district shall take action to improve
168 student performance.

169 (3) The State Board of Education and the board of trustees
170 of each school district shall adopt policies to limit and reduce
171 the number and length of written reports that classroom teachers
172 are required to prepare.



173 (4) This section shall not be construed to limit teachers
174 from using their own professional skills to help students master
175 instructional objectives, nor shall it be construed as a call for
176 more detailed or complex lesson plans or any increase in testing
177 at the local school district level.

178 (5) Districts meeting the highest levels of accreditation
179 standards, as defined by the State Board of Education, shall be
180 exempted from the provisions of subsection (2) of this section.

181 **SECTION 4.** Section 37-15-38, Mississippi Code of 1972, is
182 amended as follows:

183 37-15-38. (1) The following phrases have the meanings
184 ascribed in this section unless the context clearly requires
185 otherwise:

186 (a) A dual enrolled student is a student who is
187 enrolled in a community or junior college or state institution of
188 higher learning while enrolled in high school.

189 (b) A dual credit student is a student who is enrolled
190 in a community or junior college or state institution of higher
191 learning while enrolled in high school and who is receiving high
192 school and college credit for postsecondary coursework.

193 (2) A local school board, the Board of Trustees of State
194 Institutions of Higher Learning and the Mississippi Community
195 College Board shall establish a dual enrollment system under which
196 students in the school district who meet the prescribed criteria



197 of this section may be enrolled in a postsecondary institution in
198 Mississippi while they are still in school.

199 (3) **Dual credit eligibility.** Before credits earned by a
200 qualified high school student from a community or junior college
201 or state institution of higher learning may be transferred to the
202 student's home school district, the student must be properly
203 enrolled in a dual enrollment program.

204 (4) **Admission criteria for dual enrollment in community and**
205 **junior college or university programs.** The Mississippi Community
206 College Board and the Board of Trustees of State Institutions of
207 Higher Learning may recommend to the State Board of Education
208 admission criteria for dual enrollment programs under which high
209 school students may enroll at a community or junior college or
210 university while they are still attending high school and enrolled
211 in high school courses. Students may be admitted to enroll in
212 community or junior college courses under the dual enrollment
213 programs if they meet that individual institution's stated dual
214 enrollment admission requirements.

215 (5) **Tuition and cost responsibility.** Tuition and costs for
216 university-level courses and community and junior college courses
217 offered under a dual enrollment program may be paid for by the
218 postsecondary institution, the local school district, the parents
219 or legal guardians of the student, or by grants, foundations or
220 other private or public sources. Payment for tuition and any



221 other costs must be made directly to the credit-granting
222 institution.

223 (6) **Transportation responsibility.** Any transportation
224 required by a student to participate in the dual enrollment
225 program is the responsibility of the parent, custodian or legal
226 guardian of the student. Transportation costs may be paid from
227 any available public or private sources, including the local
228 school district.

229 (7) **School district average daily attendance credit.** When
230 dually enrolled, the student may be counted, for adequate
231 education program funding purposes, in the average daily
232 attendance of the public school district in which the student
233 attends high school.

234 (8) **High school student transcript transfer requirements.**
235 Grades and college credits earned by a student admitted to a dual
236 credit program must be recorded on the high school student record
237 and on the college transcript at the university or community or
238 junior college where the student attends classes. The transcript
239 of the university or community or junior college coursework may be
240 released to another institution or applied toward college
241 graduation requirements.

242 (9) **Determining factor of prerequisites for dual enrollment**
243 **courses.** Each university and community or junior college
244 participating in a dual enrollment program shall determine course
245 prerequisites. Course prerequisites shall be the same for dual



246 enrolled students as for regularly enrolled students at that
247 university or community or junior college.

248 (10) **Process for determining articulation of curriculum**
249 **between high school, university, and community and junior college**
250 **courses.** All dual credit courses must meet the standards
251 established at the postsecondary level. Postsecondary level
252 developmental courses may not be considered as meeting the
253 requirements of the dual credit program. A dual credit memorandum
254 of * * * understanding must be established between each
255 postsecondary institution and the school district implementing a
256 dual credit program.

257 (11) [Deleted]

258 (12) **Eligible courses for dual credit programs.** Courses
259 eligible for dual credit include, but are not necessarily limited
260 to, foreign languages, advanced math courses, advanced science
261 courses, performing arts, advanced business and technology, and
262 career and technical courses. Distance Learning Collaborative
263 Program courses approved under Section 37-67-1 shall be fully
264 eligible for dual credit. All courses being considered for dual
265 credit must receive unconditional approval from the superintendent
266 of the local school district and the chief instructional officer
267 at the participating community or junior college or university in
268 order for college credit to be awarded. A university or community
269 or junior college shall make the final decision on what courses
270 are eligible for semester hour credits.



271 (13) **High school Carnegie unit equivalency.** One (1)
272 three-hour university or community or junior college course is
273 equal to one (1) high school Carnegie unit.

274 (14) **Course alignment.** The universities, community and
275 junior colleges and the State Department of Education shall
276 periodically review their respective policies and assess the place
277 of dual credit courses within the context of their traditional
278 offerings.

279 (15) **Maximum dual credits allowed.** It is the intent of the
280 dual enrollment program to make it possible for every eligible
281 student who desires to earn a semester's worth of college credit
282 in high school to do so. A qualified dually enrolled high school
283 student must be allowed to earn an unlimited number of college or
284 university credits for dual credit.

285 (16) **Dual credit program allowances.** A student may be
286 granted credit delivered through the following means:

287 (a) Examination preparation taught at a high school by
288 a qualified teacher. A student may receive credit at the
289 secondary level after completion of an approved course and passing
290 the standard examination, such as an Advanced Placement or
291 International Baccalaureate course through which a high school
292 student is allowed CLEP credit by making a three (3) or higher on
293 the end-of-course examination.

294 (b) College or university courses taught at a high
295 school or designated postsecondary site by a qualified teacher who



296 is an employee of the school district and approved as an
297 instructor by the collaborating college or university.

298 (c) College or university courses taught at a college,
299 university or high school by an instructor employed by the college
300 or university and approved by the collaborating school district.

301 (d) Online courses of any public university, community
302 or junior college in Mississippi.

303 (17) **Qualifications of dual credit instructors.** A dual
304 credit academic instructor must meet the requirements set forth by
305 the regional accrediting association (Southern Association of
306 College and Schools). University and community and junior college
307 personnel have the sole authority in the selection of dual credit
308 instructors.

309 A dual credit career and technical education instructor must
310 meet the requirements set forth by the Mississippi Community
311 College Board in the qualifications manual for postsecondary
312 career and technical personnel.

313 (18) **Guidance on local agreements.** The Chief Academic
314 Officer of the * * * Board of Trustees of State Institutions of
315 Higher Learning and the Chief Instructional Officers of the
316 Mississippi Community College Board and the State Department of
317 Education, working collaboratively, shall develop a template to be
318 used by the individual community and junior colleges and
319 institutions of higher learning for consistent implementation of
320 the dual enrollment program throughout the State of Mississippi.



321 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
322 A local school board and the local community * * * college board
323 shall establish a Mississippi Works Dual Enrollment-Dual Credit
324 Option Program under which potential or recent student dropouts
325 may dually enroll in their home school and a local community
326 college in a dual credit program consisting of high school
327 completion coursework and a community college credential,
328 certificate or degree program. Students completing the dual
329 enrollment-credit option may obtain their high school diploma
330 while obtaining a community college credential, certificate or
331 degree. The Mississippi Department of Employment Security shall
332 assist students who have successfully completed the Mississippi
333 Works Dual Enrollment-Dual Credit Option in securing a job upon
334 the application of the student or the participating school or
335 community college. The Mississippi Works Dual Enrollment-Dual
336 Credit Option Program will be implemented statewide in the
337 2012-2013 school year and thereafter. The State Board of
338 Education, local school board and the local community college
339 board shall establish criteria for the Dual Enrollment-Dual Credit
340 Program. Students enrolled in the program will not be eligible to
341 participate in interscholastic sports or other extracurricular
342 activities at the home school district. Tuition and costs for
343 community college courses offered under the Dual Enrollment-Dual
344 Credit Program shall not be charged to the student, parents or
345 legal guardians. When dually enrolled, the student shall be



346 counted, for adequate education program funding purposes, in the
347 average daily attendance of the public school district in which
348 the student attends high school, as provided in Section
349 37-151-7(1)(a). Any transportation required by the student to
350 participate in the Dual Enrollment-Dual Credit Program is the
351 responsibility of the parent or legal guardian of the student, and
352 transportation costs may be paid from any available public or
353 private sources, including the local school district. Grades and
354 college credits earned by a student admitted to this Dual
355 Enrollment-Dual Credit Program shall be recorded on the high
356 school student record and on the college transcript at the
357 community college and high school where the student attends
358 classes. The transcript of the community college coursework may
359 be released to another institution or applied toward college
360 graduation requirements. * * * Courses eligible for dual
361 credit * * * include career, technical and degree program courses.
362 All courses eligible for dual credit shall be approved by the
363 superintendent of the local school district and the chief
364 instructional officer at the participating community college in
365 order for college credit to be awarded. A community college shall
366 make the final decision on what courses are eligible for semester
367 hour credits, and the local school superintendent, subject to
368 approval by the * * * State Department of Education, shall make
369 the final decision on the transfer of college courses credited to
370 the student's high school transcript.



371 **SECTION 5.** Section 37-16-17, Mississippi Code of 1972, is
372 amended as follows:

373 37-16-17. (1) Purpose. (a) The purpose of this section is
374 to create a quality option in Mississippi's high schools for
375 students not wishing to pursue a baccalaureate degree, which shall
376 consist of challenging academic courses and modern
377 career-technical studies. The goal for students pursuing the
378 career track is to graduate from high school with a standard
379 diploma and credit toward a community college certification in a
380 career-technical field. These students also shall be encouraged
381 to take the national assessment in the career-technical field in
382 which they become certified.

383 (b) The State Board of Education shall develop and
384 adopt course and curriculum requirements for career track programs
385 offered by local public school boards in accordance with this
386 section. The Mississippi Community College Board and the State
387 Board of Education jointly shall determine course and curriculum
388 requirements for the career track program.

389 (2) Alternative career track; description; curriculum. (a)
390 A career track shall provide a student with greater technical
391 skill and a strong academic core and shall be offered to each high
392 school student enrolled in a public school district. The career
393 track program shall be linked to postsecondary options and shall
394 prepare students to pursue either a degree or certification from a
395 postsecondary institution, an industry-based training or



396 certification, an apprenticeship, the military, or immediate
397 entrance into a career field. The career track shall be designed
398 primarily for those students who are not college bound and shall
399 provide them with alternatives to entrance into a four-year
400 university or college after high school graduation.

401 (b) Students pursuing a career track shall be afforded
402 the opportunity to dually enroll in a community or technical
403 college or to participate in a business internship or work-study
404 program, when such opportunities are available and appropriate.

405 (c) Each public school district shall offer a career
406 track program approved by the State Board of Education.

407 (d) Students in a career track program shall complete
408 an academic core of courses and a career and technical sequence of
409 courses.

410 (e) The twenty-one (21) course unit requirements for
411 the career track shall consist of the following:

412 (i) At least four (4) English credits, including
413 English I and English II.

414 (ii) At least three (3) mathematics credits,
415 including Algebra I.

416 (iii) At least three (3) science credits,
417 including one (1) unit of biology.

418 (iv) At least three (3) social studies credits,
419 including one (1) unit of U.S. History and one (1) unit of
420 Mississippi Studies/U.S. Government.



421 (v) At least one-half (1/2) credit in health or
422 physical education.

423 (vi) At least four (4) credits in career and
424 technical education courses in the dual enrollment-dual credit
425 programs authorized under Section 37-15-38.

426 (vii) At least one (1) credit in integrated
427 technology * * *.

428 (viii) At least two and one-half (2-1/2) credits
429 in additional electives or career and technical education courses
430 required by the local school board, as approved by the State Board
431 of Education. Academic courses within the career track of the
432 standard diploma shall provide the knowledge and skill necessary
433 for proficiency on the * * * Grade 11 statewide basic skills test.

434 (3) Nothing in this section shall disallow the development
435 of a dual enrollment program with a technical college so long as
436 an individual school district, with approval from the State
437 Department of Education, agrees to implement such a program in
438 connection with a technical college and the agreement is also
439 approved by the proprietary school's commission.

440 (4) The career track program for students not pursuing a
441 baccalaureate degree shall not be available to any student
442 entering the ninth grade in the 2017-2018 school year or
443 thereafter.

444 **SECTION 6.** Section 37-35-3, Mississippi Code of 1972, is
445 amended as follows:



446 37-35-3. (1) The board of trustees of any school district,
447 including any community or junior college, may establish and
448 maintain classes for adults, including general educational
449 development classes, under the regulations authorized in this
450 chapter and pursuant to the standards prescribed in subsection
451 (3). The property and facilities of the public school districts
452 may be used for this purpose where such use does not conflict with
453 uses already established.

454 (2) The trustees of any school district desiring to
455 establish such program may request the taxing authority of the
456 district to levy additional ad valorem taxes for the support of
457 this program. The board of supervisors, in the case of a county
458 school district, a special municipal separate school district, or
459 a community or junior college district, and the governing
460 authority of any municipality, in the case of a municipal separate
461 school district, is authorized, in its discretion, to levy a tax
462 not exceeding one (1) mill upon all the taxable property of the
463 district for the support of this program. The tax shall be in
464 addition to all other taxes authorized by law to be levied. In
465 addition to the funds realized from any such levy, the board of
466 trustees of any school district is authorized to use any surplus
467 funds that it may have or that may be made available to it from
468 local sources to supplement this program.

469 (3) (a) Any student participating in an approved High
470 School Equivalency Diploma Option program administered by a local



471 school district or a local school district with an approved
472 contractual agreement with a community or junior college or other
473 local entity shall not be considered a dropout. Students in such
474 a program administered by a local school district shall be
475 considered as enrolled within the school district of origin for
476 the purpose of enrollment for * * * adequate education program
477 funding only. Such students shall not be considered as enrolled
478 in the regular school program for academic or programmatic
479 purposes.

480 (b) Students participating in an approved High School
481 Equivalency Diploma Option program shall have an individual career
482 plan developed at the time of placement to insure that the
483 student's academic and job skill needs will be met. The
484 Individual Career Plan will address, but is not limited to, the
485 following:

- 486 (i) Academic/instructional needs of the student;
- 487 (ii) Job readiness needs of the student; and
- 488 (iii) Work experience program options available
489 for the student.

490 (c) Students participating in an approved High School
491 Equivalency Diploma Option program may participate in existing job
492 and skills development programs or in similar programs developed
493 in conjunction with the High School Equivalency Diploma Option
494 program and the vocational director.



495 (d) High School Equivalency Diploma Option programs may
496 be operated by local school districts or may be operated by two
497 (2) or more adjacent school districts, pursuant to a contract
498 approved by the State Board of Education. When two (2) or more
499 school districts contract to operate a High School Equivalency
500 Diploma Option program, the school board of a district designated
501 to be the lead district shall serve as the governing board of the
502 High School Equivalency Diploma Option program. Transportation
503 for students placed in the High School Equivalency Diploma Option
504 program shall be the responsibility of the school district of
505 origin. The expense of establishing, maintaining and operating
506 such High School Equivalency Diploma Option programs may be paid
507 from funds made available to the school district through
508 contributions, * * * adequate education program funds or from
509 local district maintenance funds.

510 (e) The State Department of Education will develop
511 procedures and criteria for placement of a student in * * * a High
512 School Equivalency Diploma Option * * * program. Students placed
513 in High School Equivalency Diploma Option programs shall have
514 parental approval for such placement and must meet the following
515 criteria:

516 (i) The student must be at least sixteen (16)
517 years of age;



518 (ii) The student must be at least one (1) full
519 grade level behind his or her ninth grade cohort or must have
520 acquired less than four (4) Carnegie units;

521 (iii) The student must have taken every
522 opportunity to continue to participate in coursework leading to a
523 diploma; and

524 (iv) The student must be certified to be eligible
525 to participate in the GED course by the school district
526 superintendent, based on the developed criteria.

527 (f) Students participating in an approved High School
528 Equivalency Diploma Option program * * * shall not be required to
529 take the * * * Grade 11 basic skills test.

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

532 37-177-1. (1) There is established an act prohibiting
533 social promotion to be known as the "Literacy-Based Promotion
534 Act," the purpose of which is to improve the reading skills of
535 kindergarten and first- through third-grade students enrolled in
536 the public schools so that every student completing the third
537 grade is able to read at or above grade level. It is the intent
538 of the Legislature, in establishing this act, to ensure that:
539 each kindergarten and first- through third-grade student's
540 progression is determined, in part, upon the student's proficiency
541 in reading; the policies of local school boards facilitate this



542 proficiency; and each student and the student's parent or legal
543 guardian is informed of the student's academic progress.

544 (2) Each public school student who exhibits a substantial
545 deficiency in reading at any time, as demonstrated through
546 performance on a reading screener approved or developed by the
547 State Department of Education or through locally determined
548 assessments and teacher observations conducted in kindergarten and
549 Grades 1 through 3 or through the statewide end-of-year * * *
550 Grade 3 basic skills test, must be given intensive reading
551 instruction and intervention immediately following the
552 identification of the reading deficiency. The intensive reading
553 instruction and intervention must be documented for each student
554 in an individual reading plan, which includes, at a minimum, the
555 following:

556 (a) The student's specific, diagnosed reading skill
557 deficiencies as determined (or identified) by diagnostic
558 assessment data;

559 (b) The goals and benchmarks for growth;

560 (c) How progress will be monitored and evaluated;

561 (d) The type of additional instructional services and
562 interventions the student will receive;

563 (e) The research-based reading instructional
564 programming the teacher will use to provide reading instruction,
565 addressing the areas of phonemic awareness, phonics, fluency,
566 vocabulary and comprehension;



567 (f) The strategies the student's parent is encouraged
568 to use in assisting the student to achieve reading competency; and

569 (g) Any additional services the teacher deems available
570 and appropriate to accelerate the student's reading skill
571 development.

572 (3) The universal reading screener or locally determined
573 reading assessment may be given in the first thirty (30) days of
574 the school year and repeated if indicated at midyear and at the
575 end of the school year to determine student progression in reading
576 in kindergarten through third grade. If it is determined that the
577 student continues to have a reading deficiency, the student must
578 be provided with continued intensive reading instruction and
579 intervention by the school district until the reading deficiency
580 is remedied. A student exhibiting continued reading deficiency
581 with continued intensive interventions should be considered for
582 exceptional criteria evaluation.

583 (4) A kindergarten or first-, second- or third-grade student
584 identified with a deficiency in reading must be provided intensive
585 interventions in reading to ameliorate the student's specific
586 reading deficiency, as identified by a valid and reliable
587 diagnostic assessment. The intensive intervention must include
588 effective instructional strategies, and appropriate teaching
589 methodologies necessary to assist the student in becoming a
590 successful reader, able to read at or above grade level, and ready
591 for promotion to the next grade. A kindergarten, first-, second-



592 or third-grade student identified with a reading deficiency or not
593 promoted may be placed in a transition class.

594 **SECTION 8.** This act shall take effect and be in force from
595 and after July 1, 2022.

