

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2157
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 37-177-1, 37-177-3, 37-177-5,
2 37-177-9, 37-177-11 AND 37-177-13, MISSISSIPPI CODE OF 1972, TO
3 PROVIDE STANDARDS TO BE DOCUMENTED FOR INTENSIVE READING
4 INSTRUCTION AND INTERVENTION UNDER THE LITERACY-BASED PROMOTION
5 ACT; TO PROVIDE THAT BEGINNING IN THE 2018-2019 SCHOOL YEAR
6 PROMOTION TO GRADE 4 IS PROHIBITED UNLESS A STUDENT'S READING
7 DEFICIENCY IS REMEDIED BEFORE THE END OF GRADE 3 AS DEMONSTRATED
8 BY CERTAIN ASSESSMENTS AND TO MAKE CERTAIN TECHNICAL AMENDMENTS TO
9 THE "LITERACY-BASED PROMOTION ACT"; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 37-177-1, Mississippi Code of 1972, is
12 amended as follows:

13 37-177-1. (1) There is established an act prohibiting
14 social promotion to be known as the "Literacy-Based Promotion
15 Act," the purpose of which is to improve the reading skills of
16 Kindergarten and First_ through Third_Grade students enrolled in
17 the public schools so that every student completing the Third
18 Grade is able to read at or above grade level. It is the intent
19 of the Legislature, in establishing this act, to ensure that:
20 each Kindergarten and First_ through Third_Grade student's
21 progression is determined, in part, upon the student's proficiency



22 in reading; the policies of local school boards facilitate this
23 proficiency; and each student and the student's parent or legal
24 guardian is informed of the student's academic progress.

25 (2) Each public school student who exhibits a substantial
26 deficiency in reading at any time, as demonstrated through
27 performance on a reading screener approved or developed by the
28 State Department of Education or through locally determined
29 assessments and teacher observations conducted in Kindergarten and
30 Grades 1 through 3 or through statewide end-of-year assessments or
31 approved alternate yearly assessments in Grade 3, must be given
32 intensive reading instruction and intervention immediately
33 following the identification of the reading deficiency. The
34 intensive reading instruction and intervention must be documented
35 for each student in an individual reading plan, which includes, at
36 a minimum, the following:

37 (a) The student's specific, diagnosed reading skill
38 deficiencies as determined (or identified) by diagnostic
39 assessment data;

40 (b) The goals and benchmarks for growth;

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

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

44 (e) The research-based reading instructional
45 programming the teacher will use to provide reading instruction,



46 addressing the areas of phonemic awareness, phonics, fluency,
47 vocabulary and comprehension;

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

50 (g) Any additional services the teacher deems available
51 and appropriate to accelerate the student's reading skill
52 development.

53 (3) The universal reading screener or locally determined
54 reading assessment may be given in the first thirty (30) days of
55 the school year and repeated if indicated at midyear and at the
56 end of the school year to determine student progression in reading
57 in Kindergarten through Third Grade. If it is determined that the
58 student continues to have a reading deficiency, the student must
59 be provided with continued intensive reading instruction and
60 intervention by the school district until the reading deficiency
61 is remedied. A student exhibiting continued reading deficiency
62 with continued intensive interventions should be considered for
63 exceptional criteria evaluation.

64 (4) A Kindergarten or First-, Second- or Third-Grade student
65 identified with a deficiency in reading must be provided intensive
66 interventions in reading to ameliorate the student's specific
67 reading deficiency, as identified by a valid and reliable
68 diagnostic assessment. The intensive intervention must include
69 effective instructional strategies, and appropriate teaching
70 methodologies necessary to assist the student in becoming a



71 successful reader, able to read at or above grade level, and ready
72 for promotion to the next grade. A Kindergarten, First-, Second-
73 or Third-Grade student identified with a reading deficiency or not
74 promoted may be placed in a transition class.

75 **SECTION 2.** Section 37-177-3, Mississippi Code of 1972, is
76 amended as follows:

77 37-177-3. Immediately upon the determination of a reading
78 deficiency, and subsequently with each quarterly progress report
79 until the deficiency is remediated, the parent or legal guardian
80 of a Kindergarten or First-, Second- or Third-Grade student who
81 exhibits a substantial deficiency in reading must be notified in
82 writing by the student's teacher of the following:

83 (a) That the student has been identified as having a
84 substantial deficiency in reading;

85 (b) A description of the services that the school
86 district currently is providing to the student;

87 (c) A description of the proposed supplemental
88 instructional services and supports that are designed to remediate
89 the identified area of reading deficiency which the school
90 district plans to provide the student, as outlined in the
91 student's individual reading plan;

92 (d) That if the student's reading deficiency is not
93 remediated before the end of the student's Third-Grade year, the
94 student will not be promoted to Fourth Grade unless a good cause
95 exemption specified under Section 37-177-11 is met;



96 (e) Strategies for parents and guardians to use in
97 helping the student to succeed in reading proficiency; and

98 (f) That while the state annual accountability
99 assessment for reading in Third Grade is the initial determinant,
100 it is not the sole determiner of promotion and that approved
101 alternative standardized assessments are available to assist the
102 school district in knowing when a child is reading at or above
103 grade level and ready for promotion to the next grade.

104 **SECTION 3.** Section 37-177-5, Mississippi Code of 1972, is
105 amended as follows:

106 37-177-5. The State Department of Education shall establish
107 a Mississippi Reading Panel to collaborate with the State
108 Department of Education in recommending appropriate equitable
109 alternative standardized assessments and cut scores to be used to
110 determine promotion to the Fourth Grade of those Third-Grade
111 students who * * * did not score at the required achievement level
112 on the state annual accountability assessment, as outlined in
113 Section 37-177-9, or who, for unforeseen circumstances, were
114 unable to take the assessment. The panel should have knowledge
115 and input in the adoption or development of a universal screener
116 for required use only in select schools most in need for the
117 reading intervention program to identify reading deficiencies and
118 determine progress. A suggestive list of no less than four (4)
119 screening assessments should be available to schools not selected
120 for the critical reading intervention program taking into



121 consideration those screening assessments already being used
122 satisfactorily in Mississippi elementary schools. An approved
123 alternative standardized reading assessment may be used in * * *
124 years when the state is transitioning to a new state annual
125 accountability assessment. The panel shall consist of six (6)
126 members as follows: the State Superintendent of Education, or
127 his/her designee, who will chair the committee; the Chair of the
128 House Education Committee, or his designee; the Chairman of the
129 Senate Education Committee, or his designee; one (1) member
130 appointed by the Governor; and two (2) additional members
131 appointed by the State Superintendent of Education.

132 **SECTION 4.** Section 37-177-9, Mississippi Code of 1972, is
133 amended as follows:

134 37-177-9. A public school student may not be assigned a
135 grade level based solely on the student's age or any other factors
136 that constitute social promotion.

137 Beginning in the 2014-2015 school year, if a student's
138 reading deficiency is not remedied by the end of the student's
139 Third-Grade year, as demonstrated by the student scoring at the
140 lowest achievement level in reading on the state annual
141 accountability assessment or on an approved alternative
142 standardized assessment for Third Grade, the student shall not be
143 promoted to Fourth Grade.

144 Beginning in the 2018-2019 school year, if a student's
145 reading deficiency is not remedied by the end of the student's



146 Third-Grade year, as demonstrated by the student scoring above the
147 lowest two (2) achievement levels in reading on the state annual
148 accountability assessment or on an approved alternative
149 standardized assessment for Third Grade, the student shall not be
150 promoted to Fourth Grade.

151 **SECTION 5.** Section 37-177-11, Mississippi Code of 1972, is
152 amended as follows:

153 37-177-11. (1) A Thirdu-Grade student who does not meet the
154 academic requirements for promotion to the Fourth Grade may be
155 promoted by the school district only for good cause. Good cause
156 exemptions for promotion are limited to the following students:

157 (a) Limited English proficient students who have had
158 less than two (2) years of instruction in an English Language
159 Learner program;

160 (b) Students with disabilities whose individual
161 education plan (IEP) indicates that participation in the statewide
162 accountability assessment program is not appropriate, as
163 authorized under state law;

164 (c) Students with a disability who participate in the
165 state annual accountability assessment and who have an IEP or a
166 Section 504 plan that reflects that the individual student has
167 received intensive remediation in reading for more than two (2)
168 years but still demonstrates a deficiency in reading * * * or
169 previously was retained in Kindergarten or First, Second or Third
170 Grade;



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

174 (e) Students who have received intensive intervention
175 in reading for two (2) or more years but still demonstrate a
176 deficiency in reading and who previously were retained in
177 Kindergarten or First, Second or Third Grade for a total of two
178 (2) years and have not met exceptional education criteria. A
179 student who is promoted to Fourth Grade with a good cause
180 exemption shall be provided an individual reading plan as
181 described in Section 37-177-1(2), which outlines intensive reading
182 instruction and intervention informed by specialized diagnostic
183 information and delivered through specific reading strategies to
184 meet the needs of each student so promoted. The school district
185 shall assist schools and teachers in implementing reading
186 strategies that research has shown to be successful in improving
187 reading among students with persistent reading difficulties.

188 (2) A request for good cause exemptions for a Third-Grade
189 student from the academic requirements established for promotion
190 to Fourth Grade must be made consistent with the following:

191 (a) Documentation must be submitted from the student's
192 teacher to the school principal which indicates that the promotion
193 of the student is appropriate and is based upon the student's
194 record. The documentation must consist of the good cause
195 exemption being requested and must clearly prove that the student



196 is covered by one (1) of the good cause exemptions listed in
197 subsection (1) (a) through (e) of this section.

198 (b) The principal shall review and discuss the
199 recommendations with the teacher and parents and make a
200 determination as to whether or not the student should be promoted
201 based on requirements set forth in this chapter. If the principal
202 determines that the student should be promoted, based on the
203 documentation provided, the principal must make the recommendation
204 in writing to the school district superintendent, who, in writing,
205 may accept or reject the principal's recommendation. The parents
206 of any student promoted may choose that the student be retained
207 for one (1) year, even if the principal and district
208 superintendent determines otherwise.

209 **SECTION 6.** Section 37-177-13, Mississippi Code of 1972, is
210 amended as follows:

211 37-177-13. Beginning in the 2014-2015 school year, each
212 school district shall take the following actions for retained
213 Third-Grade students:

214 (a) Provide Third-Grade students who are not promoted
215 with intensive instructional services, progress monitoring
216 measures, and supports to remediate the identified areas of
217 reading deficiency, as outlined in the student's individual
218 reading plan, including a minimum of ninety (90) minutes during
219 regular school hours of daily, scientifically research-based
220 reading instruction that includes phonemic awareness, phonics,



221 fluency, vocabulary and comprehension, and other strategies
222 prescribed by the school district, which may include, but are not
223 limited to:

- 224 (i) Small group instruction;
- 225 (ii) Reduced teacher-student ratios;
- 226 (iii) Tutoring in scientifically research-based
227 reading services in addition to the regular school day;
- 228 (iv) The option of transition classes;
- 229 (v) Extended school day, week or year; and
- 230 (vi) Summer reading camps.

231 (b) Provide written notification to the parent or legal
232 guardian of any Third-Grade student who is retained that the
233 student has not met the proficiency level required for promotion
234 and the reasons the student is not eligible for a good cause
235 exemption. The notification must include a description of
236 proposed interventions and supports that will be provided to the
237 child to remediate the identified areas of reading deficiency, as
238 outlined in the student's individual reading plan. This
239 notification must be provided to the parent or legal guardian in
240 writing, in a format adopted by the State Board of Education in
241 addition to report cards given by the teacher.

242 (c) Provide Third-Grade students who are retained with
243 a high-performing teacher, as determined by student performance
244 data, particularly related to student growth in reading,



245 above-satisfactory performance appraisals, and/or specific
246 training relevant to implementation of this chapter.

247 (d) Provide parents and legal guardians of Third-Grade
248 students with a "Read at Home" plan outlined in a parental
249 contract, including participation in regular parent-guided home
250 reading.

251 **SECTION 7.** This act shall take effect and be in force from
252 and after July 1, 2016.

