

# READING LITERACY

A Fundamental Right Too Long  
Denied in Mississippi

Published September 2014



*“There can be no keener  
revelation on a society’s  
soul than the way in which  
it treats it’s children.”*

*- Nelson Mandela*



**southernecho**

Working to empower the African-American community through  
an inter-generational model of effective community organizing.



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Southern Echo is a leadership development, education and training organization working to develop new, grassroots leaders and community organizers in the African American and Latino communities in Mississippi, the southern and southwest regions, through community organizing, comprehensive training, technical and legal assistance programs and policy advocacy. The goal is to empower families in low-wealth communities to become architects rather than the objects of policy in the public and private sectors. Echo's model of community organizing is "inter-generational", with a special emphasis on the active inclusion of young people in building community power on the same basis as adults.

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# ***Reading Literacy: A Fundamental Right Too Long Denied in Mississippi***

## ***A Southern Echo Brown Paper***

### **PREFACE**

The 2013 Mississippi ***Literacy-Based Promotion Act*** has 5 fundamental premises:

1. By the 3<sup>rd</sup> grade students *must* read on grade level and be able to move from *learning to read* to *reading to learn* in order to achieve “universal literacy”;
2. Students with reading deficiencies need and are mandated to receive intensive interventions and supports to improve their reading skills beginning in Kindergarten or 1<sup>st</sup> grade;
3. The existing Mississippi teaching core does not yet have the scientific research-based tools and skills to enable students in need to move from reading deficiency to grade level reading competency and, therefore, the teachers and their students *must* be provided training, coaches and mentors to ensure reading literacy is achieved for all students.
4. Students who fail to read on grade level by the 3<sup>rd</sup> grade or earlier *must* be retained in the 3<sup>rd</sup> grade, where they are mandated to receive specially-designed intensive intervention and supports to overcome their reading deficiencies; and
5. ***However*** ... Whenever the legislature fails and refuses to appropriate sufficient funds to implement the training, interventions and supports mandated by the Act, the obligations of educators and the rights of students and parents set forth in the Act are deemed null and void and not enforceable, ***EXCEPT*** that students not reading on grade level in the 3<sup>rd</sup> grade must still be retained, even if no qualified teachers, interventions and supports have been or will be provided!

This Act is a devastating example of how critical policies are created which are supposed to bend the arc of history toward social justice, but whose implementation is made subject to legislative appropriations. These policies are then systematically subverted through the use of budget constricting measures that have the predictable effect to prevent the effective implementation of these policies. *Budget is policy!*

A Legislature without a *moral compass* will not be able find the path to liberty and justice for all.

Our state budget process needs a *moral center* in which *universal literacy* is a moral imperative.

## INTRODUCTION

First, a little bit of necessary *history as context*, so we don't think reading literacy is an isolated and accidental misfortune befallen those who are now experiencing reading difficulty; and just so we dispel the stereotypical attack on communities of black parents that they don't care about the education of their children.

- Prior to the American Civil War it was a crime, as a matter of state law, customs and practices, for anyone to teach a person of African descent held in bondage to read and write because reading and writing were tools and skills that were used to inspire and organize resistance to the horrendous indignities, humiliations and violence of involuntary servitude, enforced subordination and permanent dependency.
- In Mississippi during the Civil War, despite the danger, black families on plantations began to create schools where the free and not-free could learn to read and write. After the Civil War during Reconstruction, the black community led the fight to create and *publicly* fund *public* schools, which led to thousands of persons formerly held in bondage learning to read and write, often taught by those who had secretly learned to read and write when it was still a felony to do so. When public funding was inadequate, which it usually was, black communities taxed themselves to support these schools.
- Reconstruction was resisted by the embittered forces of the Confederacy, the plantation establishment and their political allies within the Democratic Party, and their terrorist allies within the Klan and other white supremacist organizations ... *many of whom were the same people*. Reconstruction was overthrown in stages by force and violence by the white establishment and finally ratified nationally by the treacherous pact in 1877, known as the Hayes-Tilden Compromise, that withdrew federal support for the rights created, guaranteed and that were supposed to be protected under the 1866 Civil Rights Act and the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments.
- After the collapse of Reconstruction, Jim Crow racial segregation became embodied in law and enforced by terror. Jim Crow laws and practices were designed to minimize education for those formerly held in bondage in order to hinder, limit and undermine the development of their capacity to achieve liberation, self-sufficiency, mobility, land ownership, entrepreneurship, understanding of the political process and the development of the tools and skills to impact the formation and implementation of public policy.
- Poverty was also the intended consequence of conscious policies. Jim Crow was enforced to keep black families rooted in a culture of destitution and permanently dependent on white families, whether on the plantations or in the towns and cities, an economic abyss from which communities of color are still trying to emerge.
- A key policy feature of Jim Crow public education was the intentional vast disparity in funding between white and black public schools. The strategically limited funding for black schools impacted every aspect of the education process.
- Another key feature of the Mississippi Jim Crow education process was the 1868 *Hampton Plan* sponsored and funded by northern financiers and promoted by the southern

plantation establishment. The Plan, promoted as a major new investment in education for the black community, was built on three key and very insidious premises:

- a. Black students must not be permitted to study the liberal arts, such as humanities, literature, philosophy, or political science (because they are gateways to critical thinking about liberation, self-sufficiency, political participation and policy analysis);
  - b. Black students learning a trade must only receive sufficient training to serve as *apprentices* so as to preclude them from aspiring to and becoming *entrepreneurs* in their own right who would be able to compete with white business owners;
  - c. Above all, black students must be taught unequivocally and without reservation that “politics is white folks business” and that black persons must have no involvement whatsoever with the political process.
- The 1869 Mississippi Constitution, which had guaranteed every child the right to attend a “*uniform system of public schools*”, was ignored, trampled upon, and eventually disposed of by the illegal interposition of the 1890 Constitution, a nefarious strategy eventually upheld by the US Supreme Court. The 1890 Constitution, often referred to as “The Mississippi Plan”, became the model for all the southern states. It was openly designed to minimize the right of the black community to a fair and just public education and to eradicate their participation in the political process through a *literacy test*, poll taxes and the requirement to interpret a constitutional provision to the satisfaction of a local white registrar. Resistance to the Confederate “redemption” was met with force and violence.
  - We know from numerous studies that there has been a direct correlation within communities among the extent of education, the accumulation of wealth and degree of participation in the political process. *Less education* results in less wealth and less involvement in politics and policy formation. *Less wealth* results in less access to education opportunities and less involvement in politics and policy formation. *Less involvement in politics* results in less capacity to impact policies that affect effective access to education opportunities and the accumulation of capital and wealth.
  - We also know from numerous studies that there has been a significant correlation within communities between poverty and systemic underperformance in school. So – if a community is unable to emerge from poverty, then it is going to attain less education, which means the community has less accumulation of wealth and less ability to change policies that can alter these negative conditions.
  - After *Brown v. Board of Education* was decided in 1954:
    - a. Mississippi led the organization of massive resistance in the southern states to a fair and just public education for black children;
    - b. Mississippi headquartered the white supremacist Citizens’ Councils of America, founded in Indianola, MS in 1955; the headquarters of the MS Citizens’ Councils was in Jackson.
    - c. In 1955 the Mississippi Legislature came within one vote of shutting down the entire statewide public school system in an attempt to avoid school desegregation. The effort to close the schools failed when northeast legislators voted to keep the schools open to protect the education rights of white students in their region of the state;

- d. Mississippi public schools resisted and avoided widespread desegregation until 1971;
  - e. The Legislature provided substantially less funding to majority-black schools than to majority-white schools until passage of MAEP in 1997;
  - f. The Legislature passed MAEP in 1997 with the promise of equity in school funding, but only fully funded the formula from 2007 to 2009. In the past 6 years, through 2014, the Legislature has consciously under-funded MAEP by a cumulative \$1.5 billion.
  - g. In 2005 a study prepared for the Legislature, by a nationally-recognized firm expert in school funding, concluded that to effectively meet the education needs of the 67% of Mississippi public school students eligible for free or reduced-price lunch, the Legislature needed to appropriate to local schools an equity enhancement for each such low-wealth student at **114%** above base student cost. Ignoring its own study, every year the Legislature has underfunded the education needs of low-wealth MS students by appropriating only **5%** above base student cost for students eligible for free lunch; and
  - h. In the past three years the Legislature has systematically diverted potential state revenue away from education directly into the coffers of private, for-profit corporations through a series of stunning tax cuts and other fiscal measures.
- In 2013, after a year of study by the Mississippi Dept. of Education Accountability Task Force, the Legislature adopted the *Literacy-Based Promotion Act*, for which it appropriated only \$8 million in the 1<sup>st</sup> year and in 2014, \$15 million for the 2<sup>nd</sup> year.
  - During Task Force deliberations, the consultants from Jeb Bush's foundation in Florida told the Task Force that the literacy program didn't need a lot of new money, the state could manage this process with the money it had. But it has been hard to reconcile this notion with the fact that the success in Florida came after the state invested in their literacy program more than **\$1 billion** in new money accumulated from foundation grants and legislative appropriations.
  - Since the passage of the Act in 2013 the State Dept. of Education, given the state appropriation, has not been able to employ more than 41 of the target of 72 skilled literacy coaches it deemed necessary to conduct its initial efforts to implement the Act.

Lack of literacy is a legacy of racism, the conditions of bondage and Jim Crow segregation. It is time to end this immoral burden without further delay.

The *Literacy-Based Promotion Act* in 2013, notwithstanding its righteous goals, has generated great distress among parents, and consternation among teachers, because the program has not been fully funded and not been fully implemented. There is a well-publicized expectation that at the end of the 2014-2015 school year there will be a massive 3<sup>rd</sup> grade retention of students who cannot read at 3<sup>rd</sup> grade level, and much distress about what can be done to prevent that.

In some quarters the law is commonly referred to as the "3<sup>rd</sup> Grade Reading Gate Law", as if the primary purpose of the law is to retain rather than educate students. We will see....

So first, let's find out what the *Literacy-Based Promotion Act* actually provides. Then we will talk about what the consequences of these provisions may be. And finally, what can be done about it.

## ***Duties and Corresponding Rights; Rights and Corresponding Duties***

Before we get to the Literacy Act, a word about a key feature of the *Literacy-Based Promotion Act*:

The *Literacy-Based Promotion Act* creates *duties* (obligations and responsibilities which must be done) on the part of school district officials and educators that they must carry out for the benefit of students and parents. Since the public officials have a mandatory duty to fulfill these duties, the students and parents have a *corresponding right* to expect the school district officials and educators to do what is mandated, and to hold them accountable.

By the same token, the *Literacy-Based Promotion Act* creates *rights* (legal entitlement to have or obtain something or to act in a certain way) on the part of students and their parents or guardians that parents and students are legally entitled to have or to do. Since students and parents have these rights, school district officials and educators have a *corresponding duty* to enable the students and parents to exercise these rights and/or to have them fulfilled.

Let's see how the rights and duties framework unfolds within the specific provisions of the *Literacy-Based Promotion Act*.

### **THE LITERACY-BASED PROMOTION ACT**

A summary of the key provisions of the *Literacy-Based Promotion Act*, which begins with MS Code Sec. 37-177-1, reveals an important set of duties and corresponding rights, rights and corresponding duties, and much more.

#### ***Sec. 37-177-1: The Literacy-Based Promotion Act***

Sub-section (1):

- The Act prohibits social promotion. A student can't be promoted at any grade level because of age.
- The purpose of the Act is to ensure that every student completing 3<sup>rd</sup> grade *can read at or above grade level*.
- The promotion of every student *beginning in Kindergarten or 1<sup>st</sup> grade* depends in part on the student's reading proficiency.
- *The policies of every school must enable the reading proficiency of every student.*
- *Every student, and their parents or guardians, must be kept apprised of the student's proficiency and progress in reading.*

Sub-section (2):

- There are several ways local schools can determine the reading capacity of each student:
  - a. Performance on a reading screener approved or developed by the State Dept. of Education; *Or*
  - b. Locally determined assessments and teacher observations conducted in Kindergarten and grades 1 through 3; *Or*
  - c. Statewide end-of-year assessments or approved alternate yearly assessments in 3<sup>rd</sup> grade.
- *At any time that a public school student exhibits a substantial deficiency in reading, as demonstrated by one of the forms of assessment (see bullet immediately above), then*



*each such student “must be given intensive reading instruction and intervention immediately following the identification of the reading deficiency.”*

[Note the use of terms “must” and “immediately”. These terms have important legal significance. The Act states that this must be done; it is not discretionary; and it must be right away and without delay! It is a *duty* of the school district; it is a *corresponding right* of the student and the parents or guardians of the student.]

Sub-section (3):

- The screener or assessments *may* be given in the first 30 days of the school year, at midyear and at the end of the school year to determine reading proficiency from Kindergarten through 3<sup>rd</sup> grade.

[This provision makes the timing of assessments discretionary. But see the bullet below, which makes mandatory each year the provision of valid diagnostic assessments to each student with a reading deficiency. The assessments must be given to *every* student at some point each year to determine *which* students have a reading deficiency!]

- If a student continues to have a reading deficiency, then the student “*must be provided with continued intensive reading instruction and intervention by the school district until the deficiency is remedied.*”

[Note the use of terms “must” and “until”. When do these services begin? *Immediately!* When do the service end? *Not until the reading deficiency is eliminated!* Once again: the Act states that this must be done; it is not discretionary! It is a *duty* of the school district; it is a *corresponding right* of the student and the parents or guardians of the student.]

- *A student with a reading deficiency must be provided with a valid and reliable diagnostic assessment* so that the *mandatory interventions* in Kindergarten through the 3<sup>rd</sup> grade can address and “*ameliorate the student’s specific reading deficiency.*”

[And again: the Act states that this must be done; it is not discretionary! It is a *duty* of the school district; it is a *corresponding right* of the student and the parents or guardians of the student.]

Sub-section (4):

- Intensive intervention with the student mandated by the Act “*must include effective instructional strategies, and appropriate teaching methodologies necessary to assist the student in becoming a successful reader, able to read at or above grade level, and ready for promotion to the next grade.*”

[And once again: the Act states that this must be done; it is not discretionary! It is a *duty* of the school district; it is a *corresponding right* of the student and the parents or guardians of the student.]

**Sec. 37-177-3: Notice to parent or legal guardian of reading deficiency**

- The parent or guardian of every student with a reading deficiency in Kindergarten through the 3<sup>rd</sup> grade is entitled to *immediate notification* of the reading deficiency, AND must be kept informed through *a quarterly progress report until the reading deficiency is eliminated.*
- The notification to parents or guardians must include the following information:
  - a) “That the student has been identified as having a substantial deficiency in reading”;



- b) The *services* the school district is *currently* providing to the student;
- c) Description of the proposed supplemental instructional services and supports designed to eliminate the specific reading deficiency that the district will provide;
- d) That the student will not be promoted to the 4<sup>th</sup> grade if the reading deficiency is not eliminated, unless there is a *“good cause exemption”* met under 37-177-11;
- e) Proposed strategies for parents or guardians to use to assist the student to attain reading proficiency;
- f) The statewide annual accountability assessment for 3<sup>rd</sup> grade reading is the initial factor, but not the sole factor in determining whether the student is reading at grade level and ready for promotion to the next grade. The school district has the right to use “approved alternative standardized assessments” to determine reading readiness for promotion.

#### ***Sec. 37-177-5: Mississippi Reading Panel established***

- The State Dept. of Education shall create a *Mississippi Reading Panel* to work with the State Dept. of Education to *establish assessments and standards (“cut scores”)* to be met for promotion to the 4<sup>th</sup> grade by 3<sup>rd</sup> grade students who score on the “lowest achievement level” (minimum) on the state annual accountability assessment or who were unable to take the assessment.
- The six-member Reading Panel shall include the State Supt. of Education or designee, who will chair the Panel, Chairs of each of the House and Senate Education Committees or their designees, one member appointed by the Governor and 2 additional members appointed by the State Supt. of Education.

#### ***Sec. 37-177-7: Requirements of the State Dept. of Education***

- a) The State Dept. of Education must select schools most in need for the “leading intervention program”.
- a) The State Dept. of Education must create criteria for selection of these schools based on the number and percent of student scoring in the two lowest achievement levels on state-adopted yearly reading tests, screening outcomes and other data.
- b) The State Dept. of Education assign a supervisory position within each of these selected schools “to be responsible for the faithful implementation of the Reading Intervention Program”.
- c) “Beginning with the 2014-15 school year the MS Dept. of Education shall conduct a *pilot program with willing “C” level or low-performing districts and/or schools in a geographically concise region*, using data coaches expert in pedagogy and data analysis to improve reading and literacy.

#### ***Sec. 37-177-9: Assignment of Grade Level***

- Social promotion is prohibited *“based solely on a student’s age or any other factors that constitute social promotion.”*
- Beginning in the 2014-2015 school year a 3<sup>rd</sup> grade student shall not be promoted to 4<sup>th</sup> grade if the student scores *“at the lowest achievement level in reading on the annual state accountability assessment, OR on an approved alternative standardized assessment for 3<sup>rd</sup> grade.”*

### ***Sec. 37-177-11: Promotion of students not meeting academic requirements***

Sub-section (1):

***EXEMPTIONS:*** A 3<sup>rd</sup> grade student who does not pass the reading requirements may be promoted to 4<sup>th</sup> grade *only if good cause is demonstrated*. There are five “good cause exemptions” under the Act, which are limited to the following students:

- a. “Limited English proficient students who have had less than 2 years of instruction in an English Language Learner program”.
- b. “Students with disabilities whose individual education plan (IEP) indicates that participation in the statewide accountability assessment program is not appropriate ...”
- c. Students with a disability who (i) participate in the state accountability process AND (ii) who have an IEP or 504 plan that shows the student has received at least 2 years of “intensive remediation” BUT (iii) still shows deficiency in reading AND (iv) was retained in either Kindergarten or 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> grade.

[The student must meet all 4 elements in this provision.]

- d. “Students who show an acceptable level of reading proficiency on an alternative standardized assessment approved by the State Board of Education”, notwithstanding that these students scored at the lowest level on the annual state reading assessment test.
- e. Students (i) who have had 2 years of intensive reading intervention BUT (ii) still show a reading deficiency AND (iii) who for a total of 2 years were retained either in Kindergarten, 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> grade AND (iv) have *not* met exceptional education criteria.

[The student must meet all 4 elements in this provision.]

Sub-section (2):

***PROCESS:*** There are 7 procedural requirements that concern the rights of students that are established in the provisions for exemptions:

- a) “A student who is promoted to 4<sup>th</sup> grade with a good cause exemption shall be provided intensive reading instruction and intervention” based on “specialized diagnostic information” and reading strategies designed specifically to meet the individual needs of each such student so promoted.
- a) The school district must assist schools and teachers to utilize successful research-based reading strategies that enable students with “persistent reading difficulties” to learn to read on grade level.
- b) To promote a 3<sup>rd</sup> grade student to 4<sup>th</sup> grade based on one of the exemptions, the student’s teacher must submit documentation to the school principal “based upon the student’s record” that shows the student qualifies for the exemption.
- c) Once the teacher makes a recommendation, the principal must review the recommendation with the teacher and parents of the student and determine whether the student qualifies for an exemption-based promotion to the 4<sup>th</sup> grade.
- d) If the principal determines the student qualifies for an exemption-based promotion, the principal must submit the recommendation in writing to the district superintendent.
- e) The superintendent, in writing, may accept or reject the principal’s recommendation. Notwithstanding that the principal and superintendent recommend promotion of the student to the 4<sup>th</sup> grade based on an exemption, the parents of any student so promoted may choose to have the student retained for one year.

[The Act does not entertain the question of what happens if the two parents of the student disagree about whether the student should be retained for a year.]

**Sec. 37-177-13: Services for retained third grade students**

Beginning with **this school year (2014-2015)** every school district shall provide students retained in the 3<sup>rd</sup> grade with the following package of services:

Sub-section (a):

Provide retained 3<sup>rd</sup> grade students with:

- “intensive instructional services ...”
- “progress monitoring measures ...”
- “supports to remediate identified areas of reading deficiency ...”
- “supports” shall include “a minimum of ninety (90) minutes *during regular school hours* of daily, scientifically research-based reading instruction ...”
- the reading instruction shall include “phonemic awareness, phonics, fluency, vocabulary and comprehension ...”
- in addition, the school district may prescribe other strategies which may include, but are not limited to: “(i) small group instruction; (ii) reduced teacher-student ratios; (iii) tutoring in scientifically research-based reading services *in addition to the regular school day*; (iv) the option of transition classes; (v) extended school day, week or year; and (vi) summer reading camps.”

Sub-section (b):

- provide written notification to the parent or legal guardian, in a format adopted by the State Dept. of Education, that the student has been retained, the reasons the student is not eligible for a good cause exemption promotion, and a “description of the interventions and supports that the student will receive to eliminate the areas of reading deficiency” ...

Sub-section (c):

- “provide retained 3<sup>rd</sup> grade students with a high-performing teacher ...”
- a high-performing teacher is “determined by student performance data, particularly related to student growth in reading, above-satisfactory performance appraisals, and/or specific training relevant to implementation of this chapter.”

Sub-section (d):

- “provide parents and legal guardians of 3<sup>rd</sup> grade students with a ‘Read at Home’ plan outlined in a parental contract, including participation in regular parent-guided home reading.”

**Sec. 37-177-15: Intensive acceleration**

- Each district may create an *intensive acceleration class* for any student (i) retained in 3<sup>rd</sup> grade (ii) who was also retained in Kindergarten or grades 1 – 3.
- The intensive acceleration class is intended to increase a student’s reading level by at least 2 grade levels in one school year.

- The class is intended to provide reading instruction and intervention for *the majority of student contact each day* AND generate opportunities for the student to “master the Grade 4 state standards in other core academic areas”.

***Sec. 37-177-17: Publication of state accountability results***

Sub-section (1):

“Within 30 days of final State Board of Education approval of state accountability results, the school board of each school district must publish in a newspaper in general circulation with the school district, and report to the State Board of Education and the Mississippi Reading Panel the following information relating to the preceding school year”:

- a. The provisions of the Act regarding “public school student progression and the district’s policies and procedures on student retention and promotion”;
- b. “By grade, the *number* and *percentage* of all students performing at each level of competency on the *reading and math portion* of the annual state accountability system AND the *number* and *percentage* of students given an approved alternate standardized reading assessment AND the *percentage* of these students performing at each competency level on said alternative standardized assessment”;
- c. “By grade, the number and percentage of all students *retained* in Kindergarten through Grade 8”;
- d. “Information on the total number and percentage of students who were promoted for good cause, by each category of good cause described in Section 37-177-11”;
- e. “Any revisions to the school board’s policy on student retention and promotion from the prior school year.”

Sub-section (2):

- The State Dept. of Education must establish a uniform report format for school districts to use to comply with the reporting requirements, which format must be provided to districts no later than 90 days prior to the annual due date for the report of the information.
- The State Dept. of Education must compile every year the information provided by the districts, generate state-level summary data, and report all of that to the Governor, Senate, House of Representatives, and the *general public*.

***Sec. 37-177-19: Adoption of rules and regulations***

Sub-section (1):

- “The State *Board* of Education shall adopt such policies, rules and regulations as may be necessary for the implementation of this [Act].”

Sub-section (2):

- “The State *Department* of Education shall provide such *technical assistance and training of teachers/administrators* as may be needed to aid local school districts in administering the provisions of this chapter.”

Sub-section (3):

- “Each local school district must include provisions required by this [Act] as an addition to the district’s handbook of policy for employees and students *beginning in school year 2013-2014.*”

### ***Sec. 37-177-21: Provisions subject to legislative appropriation***

“The provisions of this chapter which include components necessary to provide teacher training, instructional materials, remedial education training and administration of an intensive literacy curriculum **shall be subject to legislative appropriation.**”

[Thus, the legislature doth giveth and the legislature doth taketh away!]

### **TRUTH AND CONSEQUENCES about the Act**

So herein lies the rub!

#### *The truth ...*

Under this section of the Act, the entire fabric of *duties and responsibilities* of state and local education officials to improve student literacy through training, coaching, intervention and supports, constitute an obligation *only* to the extent that the state legislature provides funding to enable it.

Therefore, teachers, administrators, students and parents have the *corresponding rights* to training, coaching, intervention and services *only* to the extent of legislative funding.

However, the burden on students to be retained if they are not reading on grade level, and the obligation of teachers, principals and superintendents to retain them, will remain in full force and effect even when the state legislature refuses and fails to provide sufficient appropriations to underwrite the intervention and supports by trained professionals necessary to enable teachers to educate these students to read at grade level.

*This unfair and unjust framework, grounded in a classic “appropriations loophole”, is the intended consequence of conscious policies!*

#### *The consequences ... or, at least some of them!*

1. Every student with reading difficulty is affected by the MS *Literacy-Based Promotion Act*.
2. A working premise of the Act was that every student with reading difficulty will receive intervention and supports in order to achieve universal literacy. In this way, the anticipation ought to be that only a very small percentage of students will be unable to master the 3<sup>rd</sup> grade reading exit test.
3. However, although the Act is designed to assist all students everywhere in the state, legislative under-funding will guarantee that a high percentage of school teachers and their students who need training, intervention and supports will not receive it.

4. If teachers are not effectively trained and coached and the mass of students in need of reading intervention and supports do not receive them, there will be a mass percentage of students who will be retained in 3<sup>rd</sup> grade.
5. Every student who is retained in 3<sup>rd</sup> grade is supposed to be assigned a specially trained and qualified literacy teacher to work with the students every school day. But if the Act is underfunded most retained students will not receive this critical intervention and support.
6. Inability to read on grade level will undermine the capacity of students to develop the critical thinking tools and skills and clear reasoning process *expressed in writing* that is the foundation of the *new Common Core standards* for Mississippi students.
7. Students with significant reading literacy difficulties have higher rates of discipline issues in class, which discipline issues lead to higher rates of suspensions, expulsions and loss of educational opportunities.
8. Students with higher rates of discipline issues also have higher dropout rates and rates of failure to graduate 12<sup>th</sup> grade, or to graduate 12<sup>th</sup> grade on time.
9. Students with reading literacy difficulties have more limited access to higher education, which in turn limits their opportunities for employment, careers, earned income and accumulated wealth.
10. Students with reading literacy difficulties have more limited opportunities to become independent business entrepreneurs.
11. Limited reading literacy is a prime predictor of future poverty for self, family and community.
12. Limited reading literacy and limited education, combined with the inability to support self and family through employment or entrepreneurship in the mainstream economy, are building blocks on the path from schoolhouse to jailhouse as people turn to the underground economy to survive.
13. Housing prisoners is far more expensive than educating students.
14. Higher rates of involvement in crime due to poverty conditions in the community means members of the community will have higher rates of incarceration, higher rates of disenfranchisement (denial of the right to register and to vote), reduced capacity to find employment, or inhabit suitable affordable housing, or obtain access to federal and state programs, and higher rates of disqualification to serve on juries or to hold public office. These conditions, in turn, undercut the educational, economic and political opportunities for future generations of young people who come from these communities.
15. Less income due to limited reading literacy also means less effective access to health care for self and family.
16. The lack of reading literacy among our students today means greater difficulty for businesses to find competent workers with necessary skills when reading a computer screen and interpreting information is needed in many trades which used to be considered strictly manual labor. The location of new businesses and industry is affected by the availability of a capable work force.
17. Last, but not least, *3<sup>rd</sup> grade reading levels* are used by the *private for-profit corporate prison industry* to determine the best locations for new private prisons. The huge prison corporations make their handsome profits because the corporations are paid by the state for each prisoner who occupies a bed in the private prison.

The prison corporations are run by hard-nosed business “bean counters” who understand market conditions. In the past 20 years they have located a lot of new prisons in Mississippi in low-wealth communities where there are high percentages of students with reading literacy difficulties.

The state reading test scores bear them out. That's why we need this Act ... fully funded to meet the needs of all students in the state, not just some of them.

## WHAT IS TO BE DONE?

1. It is imperative that all education stakeholders, including students, parents, teachers, administrators, superintendents and school board members, appreciate the comprehensive range of training, coaching, interventions and supports that are mandated in the Act to enable all students with reading difficulties to achieve learning to read on grade level or above.
2. Education stakeholders have sufficient common ground in support of universal literacy to work together as allies rather than adversaries. We need to work shoulder to shoulder on this because we can only succeed if we work together with a unified view as to what needs to be done.
3. The State Department of Education needs to assist the public to understand the true cost of implementing this program in every school district so that education stakeholders and the general public can appreciate what it is going to take to accomplish universal reading literacy in Mississippi.
4. The State Department of Education must promulgate the regulations and guidelines mandated in the Act and make them readily accessible so that school boards, administrators, educators, parents and students can understand the range and specifics of the duties and corresponding rights entailed in implementing the Act.
5. The Legislature needs to fully fund what it takes to implement the Act for all students in every school district in the state, as is mandated by the Act. The Legislature must not play off reading literacy against other legislative priorities. Lack of reading literacy impacts every aspect of society and has a huge economic as well as social cost. Universal literacy needs to be accomplished once and for all. The payoff will be huge in every aspect of society.
6. If the Legislature fails or refuses to fully fund the program mandates to provide training, intervention and supports from Kindergarten through 3<sup>rd</sup> grade, including the intense intervention mandated for students who are retained in the 3<sup>rd</sup> grade, then the Legislature ought to place a hold on 3<sup>rd</sup> grade retention based on reading literacy.

If the Legislature deems unthinkable putting 3<sup>rd</sup> grade retention on hold, then the solution is for the Legislature to fully fund the laudable mandates in the *Literacy-Based Promotion Act*.

It's the moral, righteous thing to do! And since the polls are convincing that a strong majority of Mississippians, blacks and whites, Democrats and Republicans, support full funding for public education, it is politically sound, too. 2015 is an election year for all state legislators.



*The systemic mis-education and under-preparation of African American children in Mississippi has been the intended consequence of conscious policies. The serious deficiency in reading literacy among our children today is a major consequence of these policies.*

*Southern Echo*