



## MISSISSIPPI LITERACY-BASED PROMOTION ACT

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### *Frequently Asked Questions*



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# Literacy-Based Promotion Act

## Frequently Asked Questions

### Introduction

During the 2016 legislative session, the *Literacy-Based Promotion Act* was amended to include the requirement of an Individual Reading Plan (IRP) for any student (K-3) who, at any time, exhibits a substantial deficiency in reading, as well as students who were promoted to 4<sup>th</sup> grade with a good cause exemption. According to Senate Bill 2157, Section 37-177-1:

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

The IRP serves as a tool for documenting intensive reading instruction and interventions for students with identified reading deficiencies. Each component of the IRP is crucial to the efficacy of the plan and student's success. The IRP has seven (7) components:

- (a) The student's specific, diagnosed reading skill deficiencies as determined (or identified) by diagnostic assessment data;
- (b) The goals and benchmarks for growth;
- (c) How progress will be monitored and evaluated;
- (d) The type of additional instructional services and interventions the student will receive;
- (e) The research-based reading instructional programming the teacher will use to provide reading instruction, addressing the areas of phonemic awareness, phonics, fluency, vocabulary and comprehension;
- (f) The strategies the student's parent is encouraged to use in assisting the student to achieve reading competency; and
- (g) Any additional services the teacher deems available and appropriate to accelerate the student's reading skill development.

It is important to note that multiple data points must be considered when identifying students who need Tier II and Tier III supports.

A Third-Grade student who does not meet the academic requirements for promotion to the Fourth Grade may be promoted by the school district only for good cause (§ 37-177-11).

Good Cause Exemptions for promotion are limited to the following students:

- (a) Limited English proficient students who have had less than two (2) years of instruction in an English Learner program;
- (b) Students with disabilities whose Individualized Education Program (IEP) indicates that participation in the statewide accountability assessment program is not appropriate, as authorized under state law;
- (c) Students with a disability who participate in the state annual accountability assessment and who have an IEP or a Section 504 Plan that reflects that the individual student has received intensive remediation in reading for more than two (2) years but still demonstrates a deficiency in reading **or** previously was retained in Kindergarten or First, Second or Third Grade;
- (d) Students who demonstrate an acceptable level of reading proficiency on an alternative standardized assessment approved by the State Board of Education; and
- (e) Students who have received intensive intervention in reading for two (2) or more years but still demonstrate a deficiency in reading and who previously were retained in Kindergarten or First, Second or Third Grade for a total of two (2) years and have not met exceptional education criteria.

Questions and answers on the following pages are categorized alphabetically by topic as outlined below.

## Topics

Literacy-Based Promotion Act	5
Accommodations	5
Alternative Assessment	6
Attendance	6
Documentation	6
Dyslexia	6
English Learners (ELs)	7
Good Cause Exemption(s)	7
Kindergarten	9
High-Performing Teacher	10
Students with Disabilities	10
Opt-out	11
Parent Communication	11
Public Reporting	12
Reading Interventions	13
Retention	14
Summer Program	15
Test Design	15
Transfer	15
Transition Class	16
MTSS	16
Individual Reading Plan	16
Individualized Education Program (IEP) and the IRP	18
Intensive Interventions	18
Progress Monitoring	18
Substantial Reading Deficiency	19

## Literacy-Based Promotion Act

### 1. How can a student meet the promotion requirements of the Literacy Based Promotion Act?

Students may meet promotion requirements of the LBPA by:

- earning a “met LBPA requirements” (level 3 or above) on the multiple-choice portion of the 3rd Grade MAAP-ELA Assessment.
- achieving a “met LBPA requirements” (level 3 or above) on either of the two retest opportunities on the 3rd Grade Reading Alternative Assessment. \*
- achieving a Level 3 or higher on the 3rd Grade MAAP-ELA Assessment after the writing is scored. \*

\*Please note these methods of promotion are considered Good Cause Exemption D.

### 2. If a student receives a “met LBPA requirements” on the Reading portion of the initial test but scores a Level 2 once the writing has been scored, can the student still be promoted? Yes, the student met the requirements of the LBPA on the Reading portion of the initial test.

### 3. What is the pass/fail cut score for the 3<sup>rd</sup> Grade MAAP-ELA? Students will be required to score at or above Level 3 on the online reading portion of the 3rd Grade MAAP-ELA.

## Accommodations

### 4. Will students with Individualized Education Program (IEP) read-aloud accommodations be allowed to use these on the Mississippi Assessment Program-English Language Arts (MAAP-ELA)? No. The reading portion of the MAAP-ELA test assesses student’s reading skills. Teachers cannot read the assessment to students.

### 5. Where can the accommodations list for the 3<sup>rd</sup> Grade assessments be found? For the spring administration of the Grade 3 MAAP-ELA assessment, districts should use accommodations as indicated in the [2017 Mississippi Testing Accommodations Manual](#).

### 6. Are students with disabilities or English learners (ELs) allowed to test individually in order for students to read the test aloud? Yes. This is an option available to all students. While the teacher cannot read the test to students, a student can be tested individually so the student can read the test aloud to himself/herself. This must be included in the school’s test security plan, and the test administrator and proctor must both be present during that time.

### 7. Does the test need to be completed the same day?

No, students must have an accommodation to test over multiple days. Please see Accommodation 25 in the [2017 Mississippi Testing Accommodations Manual](#).

## Alternative Assessment

- 8. What is the alternative standardized assessment approved by the State Board of Education?** The alternative assessment is a different version of the 3rd Grade Reading Assessment covering the 3<sup>rd</sup> grade ELA standards.

## Attendance

- 9. How do schools address students with excessive absences?** School personnel should work with the school attendance officer throughout the year to communicate attendance policies with parents and ensure that parents understand the consequences of a student not passing the 3<sup>rd</sup> Grade MAAP-ELA.
- 10. If a child is sick and misses the initial test period, will they have the opportunity to take the test during the retest window? If a student consistently misses the test window, will they be retained in third grade by default?** If the student is sick, they will take the test upon return during the designated testing window. A student who does not take the test nor the alternative assessment will be retained.

## Documentation

- 11. Where can schools get the Individual Reading Plan Template?** This form is located in Appendix D of the [Mississippi Literacy Based Promotion Act Implementation Guide](#). The Individual Reading Plan template may also be found in the MTSS Documentation [Packet](#) located on the [Intervention Services](#) page under MTSS (Appendix E).
- 12. What documentation must be kept for intervention and Good Cause Exemptions?** The forms that must be utilized are located in MTSS Documentation Packet and include Section 3 and Appendix E. The school/district will maintain forms and supporting documentation. This documentation may be kept electronically, but it must be readily available for review by the MDE.
- 13. Who determines if intensive reading remediation has been delivered?** The district superintendent will determine if the documentation supports that intensive reading interventions have been provided in accordance with the Literacy Based Promotion Act requirements and accept or reject the principal's recommendation in writing. **For the 2021-2022 school year**, schools and districts should provide evidence of documented intensive, explicit, reading interventions for the student. **For the 2019-2020 and/or 2020-2021 school years**, schools and districts **should provide** evidence of monitored and documented academic supports for struggling readers provided by the school district, such as, high dosage tutoring, summer school support, after-school remediation, and/or any other literacy-specific academic interventions that may have been provided to the student.

## Dyslexia

- 14. Will 3<sup>rd</sup> grade students who have an official diagnosis of dyslexia be allowed accommodations on the 3<sup>rd</sup> grade assessment?** Yes. On the [3<sup>rd</sup> Grade MAAP- ELA](#), the

extended time accommodation for MAAP is not a per-question extension. Extended time is allowable, but students must complete the assessment before 3:00 p.m. or the end of the school day, whichever occurs first. Students with a documented diagnosis of dyslexia will also be allowed accommodations 24 and 25 on the 3<sup>rd</sup> Grade MAAP-ELA which allows for testing over multiple sessions (#24) or multiple days (#25) (see the [Spring 2022 Accommodation 25 Stopping Points and Extended Time Guidance](#))

- 15. Will students with dyslexia be allowed to track the text as they read, highlight the text during the assessment, and have paper provided in order to manipulate words and decode?** Yes. Students are allowed to use a tracker if needed and may be provided paper to decode text. Highlighting text is available for the 3rd Grade MAAP-ELA assessment.

## English Learners (ELs)

- 16. Do English Learners (ELs) who have been in a school in the United States for two years or longer have to pass the 3rd Grade MAAP-ELA or the 3<sup>rd</sup> Grade Reading Alternative Assessment?** Yes. ELs who have been enrolled in a school in the United States for two calendar years or more must pass the 3<sup>rd</sup> grade reading assessment for promotion. Please contact Sharon Prestridge (sprestridge@mdek12.org) if you have questions about determining two years of service.

- 17. If a student is officially identified as an English Learner (ELs) and has not been retained, how would he or she qualify for a Good Cause Exemption?** Good Cause Exemption A addresses ELs and does not require prior retention to be applied. ELs must pass the 3<sup>rd</sup> grade reading assessment to be promoted to fourth grade unless they have had less than two years of instruction in an English language program. Please contact Sharon Prestridge (sprestridge@mdek12.org) if you have questions about determining two years of service.

- 18. Is an IRP required for EL students who have been identified as having a “substantial reading deficiency”?** Yes. All students (K-3) who, at any time, exhibit a substantial reading deficiency, as well as students who were promoted to 4<sup>th</sup> grade with a good cause exemption are required to have an IRP.

## Good Cause Exemption(s)

- 19. How can a student meet the promotion requirements of the Literacy Based Promotion Act?**

Students may meet promotion requirements of the LBPA by:

- earning a “met LBPA requirements” (level 3 or above) on the multiple-choice portion of the 3rd Grade MAAP-ELA Assessment.
- achieving a “met LBPA requirements” (level 3 or above) on either of the two retest opportunities on the 3rd Grade Reading Alternative Assessment. \*
- achieving a Level 3 or higher on the 3rd Grade MAAP-ELA Assessment after the writing is scored. \*

\*Please note these methods of promotion are considered Good Cause Exemption D.

**20. How can a student be promoted for Good Cause Exemption D?**

- Students achieving a “met LBPA requirements” (level 3 or above) on either of the two retest opportunities on the 3rd Grade Reading Alternative Assessment.
- Students achieving a Level 3 or higher on the 3rd Grade MAAP-ELA Assessment after the writing is scored.

**21. If a student receives a “met LBPA requirements” on the Reading portion of the initial test but scores a Level 2 once the writing has been scored, can the student still be promoted?** Yes, the student met the requirements of the LBPA on the Reading portion of the initial test.

**22. What is the pass/fail cut score for the 3<sup>rd</sup> Grade MAAP-ELA?** Students will be required to score at or above Level 3 on the online reading portion of the 3rd Grade MAAP-ELA.

**23. Is there a timeline for requesting a Good Cause Exemption (A, C, or E)?** Schools should apply for Good Cause Exemptions after the initial test results determine that students did not pass the assessment. Therefore, a student who qualifies for a Good Cause Exemption A, C, or E should not take the alternative assessment. Passing the alternative assessment is Good Cause Exemption D.

**24. What is the difference between Good Cause Exemption for general education students and students with disabilities?** Students with an IEP must have received two years of intensive reading intervention or have been retained at least once in Kindergarten, First, Second, or Third Grade – **Good Cause Exemption C**. General education students must have received two years of intensive reading intervention and have been retained two years total in Kindergarten, First, Second, or Third Grade – **Good Cause Exemption E**. All students must take an assessment. Students who qualify for **Good Cause Exemption B** take the MAAP-A Assessment.

**25. Who makes the final decision about Good Cause Exemptions?** The local superintendent makes the final decision about Good Cause Exemptions. Prior to this decision, the teacher submits documentation to the principal. The principal shall review and discuss the recommendations with the teacher and parents and make a determination as to whether or not the student should be promoted based on requirements set forth in this chapter. If the principal determines that the student should be promoted, based on the documentation provided, the principal must make the recommendation in writing to the school district superintendent, who, in writing, may accept or reject the principal's recommendation.

**26. How does a teacher know whether to submit a Good Cause Exemption (A, B, C, or E)?** If the student fails the first test and meets one of the Good Cause Exemption criteria (A, C, or E), then an exemption should be requested. Good Cause Exemption B does not require the

student to take the 3<sup>rd</sup> grade MAAP-ELA assessment. Good Cause Exemption D cannot be requested until the student passes the alternative assessment.

**27. How does a school address student who have failed two years or more, and who have failed the 3<sup>rd</sup> grade reading assessment for promotion but did not qualify for a Good Cause Exemption?** This student should have received Tier III intervention and possibly a referral for a comprehensive assessment. If the student has been retained two or more years and has received intensive reading intervention, as required by State Board Policy Chapter 41, Rule 41.1, the student will qualify for Good Cause Exemption E.

**28. For clarity, can two (2) years of retention include an impending retention during the current third-grade year?** No. The “impending retention” does not count. The two years of retention must have taken place prior to the current school year.

## Kindergarten

**29. Are Kindergarteners required to take the Kindergarten Readiness Assessment and the K-3 Screener?** The K-3 Universal Screener and Kindergarten Readiness Assessment are both required for kindergarten, as they are both required by MS codes/State Board policy. If districts use Renaissance as their screener, then the Kindergarten Readiness Assessment suffices as the BOY and EOY universal screener since the Kindergarten Readiness Assessment is STAR Early Literacy. If districts do not use Renaissance, the Kindergarten Readiness and the Universal Screener must both be given.

REQUIRED SCREENERS AND ASSESSMENTS Grades PK-3					
Screener	PK	K	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
Universal Screener		✓	✓	✓	✓
Dyslexia Screener		✓	✓		
Brigance	✓				
Kindergarten Readiness Assessment	✓	✓			
Mississippi Academic Assessment Program					✓

**30. When should an IRP be completed for a kindergarten student?** It is recommended that an IRP be completed for a kindergarten student after results from both the beginning-of-year screener and the first progress monitoring assessment, which typically occurs in September, have been administered. Once a student has been identified, it is **recommended** that additional diagnostic information be gathered to make the determination for intervention. Therefore, multiple data points should be used to determine substantial reading deficiencies.

**31. What should the Test Administrator or Proctor do if a student cannot get through the practice questions on the K-Readiness Assessment?** Districts are encouraged to reference the [Mississippi Accessibility Features and Testing Accommodations for the MKAS<sup>2</sup>](#) document for accessibility features available for students who experience difficulty answering questions on the Kindergarten Readiness Assessment, which may also include the ability to answer practice questions. Specifically, number 70 on the Accessibility Features states, “Student will dictate or gesture the answers to Scribe, and Scribe will mark answers directly into online test system in the presence of Test Administrator and Proctor.” Scribes may read the practice questions and should ensure that practice questions are answered correctly so that students may gain access to the Kindergarten Readiness Assessment. When the assessment begins, the Scribe must record student answers to establish a baseline and determine next steps for addressing deficiencies.

### High-Performing Teacher

**32. What constitutes a high-performing teacher? Is this determined by state assessment scores, promotion/retention rate, etc.?** A high-performing teacher is determined by the principal based upon successful student achievement (through the use of current and past assessment data) and classroom observation.

### Students with Disabilities

**33. What is the role of the IEP Committee in Good Cause Exemptions?** An IEP Committee can decide services that impact the student's least restrictive environment (LRE) placement. The student must either pass the 3<sup>rd</sup> Grade MAAP-ELA, 3<sup>rd</sup> Grade Reading Alternative Assessment, or qualify for a Good Cause Exemption to be promoted to the Fourth Grade.

**34. If an IEP Committee makes the decision to place a child in the next grade, does the Literacy-Based Promotion Act override the committee’s decision?** Yes. The IEP Committee cannot override the requirements of state law. The *Individuals with Disabilities Education Act* (IDEA) does not address grade placement. Grade promotion and/or retention are not the same as “placement.” Placement is the program of services (specially-designed instruction)—i.e. general education, self-contained, residential placement, day treatment, homebound, etc. The establishment of promotion or retention is governed by local/state-level policy.

**35. Can students who have an IEP that reflects a single eligibility of Language/Speech and who have been retained one year qualify for a Good Cause Exemption?** Yes, regardless of the eligibility category, if the IEP includes reading goals, the student can be promoted under the Good Cause Exemption C. Students with an IEP must have had one year of retention or have had two years of intensive reading intervention.

**36. Would a third-grade student with a disability who has not been retained be eligible for a Good Cause Exemption?** Yes. Students with a disability who participate in the state annual accountability assessment and who have an IEP or a Section 504 Plan that reflects

that **the individual student has received intensive remediation in reading for more than two (2) years** but still demonstrates a deficiency in reading **or** previously was retained in Kindergarten, First, Second or Third Grade may qualify for Good Cause Exemption C.

- 37. If a student becomes eligible for special education during third grade, has never been retained, has only received intensive intervention during third grade, would he/she qualify for a Good Cause Exemption?** No. The student will not qualify for a Good Cause Exemption because the student has not met the requirements of having two (2) years of documented intensive interventions.
- 38. Do students with disabilities who are NOT significantly cognitively disabled (SCD) have to be retained to qualify for a Good Cause Exemption if they have had two years of intensive reading intervention?** No. A student with a disability must have had two years of intervention OR have been retained for one year to qualify for a Good Cause Exemption.
- 39. If a student initially qualifies as a child with a disability under IDEA at any time during their third grade year, would the student then be eligible for the special education Good Cause Exemption?** Yes. If the student has an IEP and meets the additional requirements under Good Cause Exemption C, then the school would adhere to the special education requirements for Good Cause Exemptions for a student with an IEP. The exemption can only be applied once the IEP is in place for the student.
- 40. If a student is coded in MSIS as a "56" in a self-contained classroom but age-wise would be a third grade peer and is not a student determined to meet the criteria for a significant cognitive disability, should they be given the 3rd Grade MAAP-ELA?** Yes. Students who are coded 56 are assigned an assessment grade-level as determined by peer age/peer grade according to the student's age on September 1 of the current academic school year.
- 41. Does a student who has been determined SCD have to take the 3rd Grade MAAP?** Students classified as SCD are not required to take the 3rd Grade MAAP-ELA. These students will qualify under Good Cause Exemption B and should take the MAAP-A assessment.

## Opt-out

- 42. What can schools share with parents who are refusing for their students to participate in the 3rd Grade MAAP-ELA statewide accountability assessment?** In accordance with state laws (MS Code 37-177-9) and (MS Code 37-16-3), the **3rd Grade MAAP-ELA** is required for promotion to fourth grade.

## Parent Communication

- 43. How will a parent know and be notified if their child is struggling in reading?** If a K-3 student has been identified with a substantial deficit in reading, the teacher will immediately, and with each quarterly progress report, notify parents or legal guardians of the determination

and plans for addressing the deficiency, including sharing strategies that parents can use to support reading at home.

- 44. Will meetings be scheduled with parents of students being considered for a Good Cause Exemption?** The principal, teacher, and parent should work collaboratively to schedule a meeting to discuss the identified reading deficiency and an additional meeting with written notification should occur once there is a final decision on the Good Cause Exemption. Parents are to be involved throughout the process.
- 45. How often should parents be notified in writing that their child has a substantial reading deficiency?** Parents should be notified in writing immediately upon the determination of a reading deficiency, and subsequently with each quarterly progress report until the deficiency is remediated.
- 46. Does the IRP serve a dual purpose as the notification form to parents as required by law?** No. The parent notification letter is a different document. The IRP is not intended to serve as parental notification; however, it is recommended that the IRP be shared with parents.
- 47. Should the IRP documentation be discussed with the parent at a meeting or sent home with the student?** It is **recommended** that the designated individual or team meet with the parent to discuss the IRP.
- 48. What should be included in the written Parent Notification Letter when a substantial reading deficiency has been determined?** If a K-3 student is identified with a substantial reading deficiency, parents must be notified by the student's teacher in writing of the following:
- a) That the student has been identified as having a substantial deficiency in reading;
  - b) A description of the services that the school district currently is providing to the student;
  - c) A description of the proposed supplemental instructional services and supports that are designed to remediate the identified area of reading deficiency which the school district plans to provide the student, as outlined in the student's **Individual Reading Plan**;
  - d) That if the student's reading deficiency is not remediated before the end of the student's Third-Grade year, the student will not be promoted to Fourth Grade unless a good cause exemption specified under Section 37-177-11 is met.

## Public Reporting

- 49. How will districts report the number and percentage of students who are retained and/or did not pass as a result of the 3<sup>rd</sup> grade MAAP-ELA?** Schools will enter

promotion and retention data and Good Cause Exemption data in MSIS. A report will be generated by the MDE and shared with districts for publication in local newspapers.

- 50. How will data for small groups of students be reported?** For groups of students less than ten (10), the published reports will protect student identity in accordance with Family Educational Rights and Privacy Act (FERPA) guidance.
- 51. For a student who meets a Good Cause Exemption, will there be a requirement to note this or provide documentation to MDE?** Yes. Status of Good Cause Exemption will be reported electronically through MSIS. The school/district will maintain forms and supporting documentation for Good Cause Exemption determinations. The completed Good Cause Exemptions Summary Form, located in Appendix E of the [LBPA Implementation Guide](#), must be placed in the student's cumulative record. Supporting intervention documentation may be kept electronically, but it must be readily available for review by the MDE.

## Reading Interventions

- 52. Are students who did not pass the 3<sup>rd</sup> grade Reading Assessment required to have intensive interventions in addition to their core reading block instruction?** Yes, the Literacy Based Promotion Act requires a minimum of 90 minutes of daily core reading instruction during regular school hours. It is **recommended best practice** that the ninety (90) minutes be uninterrupted, but it is not required to be delivered consecutively by law. Students not promoted to 4<sup>th</sup> grade should also receive intensive instructional services, progress monitoring measures, and supports to remediate the identified areas of reading deficiency in addition to core reading instruction.
- 53. What suggested supports should be provided to 3<sup>rd</sup> grade students not promoted to 4<sup>th</sup> grade?** As outlined in the student's Individual Reading Plan, 3<sup>rd</sup> grade students not promoted to 4<sup>th</sup> grade should be provided 90 minutes of core reading instruction, scientifically based researched instruction that includes phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district, which may include but are not limited to: (1) Small group instruction; (2) Reduced teacher-student ratios; (3) Tutoring in scientifically based reading services in addition to the regular school day; (4) The option of transition classes; (5) Extended school day, week, or year; and (6) Summer reading camps. More information can be found on the [Science of Reading](#) webpage and [Strong Readers Strong Leaders](#) webpage.
- 54. What qualifies as two (2) years of "intensive reading instruction"?** Intensive reading instruction is direct, explicit, systematic instruction that addresses the reading deficiency that has been identified and that is delivered with integrity and fidelity. Intensive reading instruction must be documented for two school years.
- 55. Could two years of being in the special education system prior to third grade be considered as two years of reading intervention?** Not necessarily. If a student's IEP addresses reading difficulties and includes specific goals that address those difficulties, then

the IEP and progress monitoring of current goals will be considered as documentation of intervention. However, if the student's IEP does not address reading difficulties, then the IEP cannot serve as Intervention documentation.

**56. Would after-school tutoring be considered a Good Cause Exemption intervention?**

After-school tutoring provided at a school can be considered only if it adheres to the [MTSS-RTI Tier III requirements](#), is coordinated by the school, is provided at no cost to the parent, and is documented in the student's cumulative record.

**57. How does a school document reading interventions for a student with an IEP?**

The documentation of IEP and individual student reading goals through completed reports of progress and current level of performance qualifies as reading interventions. The general education and special education teacher should work collaboratively to implement, and progress monitor as indicated in the IEP.

**58. Can the documented intensive reading interventions come from the resource classroom, or do they have to come from the general education setting with or without special education support?**

The documented intensive reading interventions may come from the resource teacher, general education teacher, or a combination of both.

**59. Are Tier II interventions considered intensive interventions?**

No. Tier II interventions are not considered intensive interventions.

**60. Do students have to be in Tier III to get a Good Cause Exemption C or E?**

Yes. Students in general education must be receiving Tier III intensive intervention in reading.

**61. Is there a guideline to use to determine which of our students are not meeting the benchmark for universal screeners?**

Please refer to the [IRP and Intervention Guidance](#) document.

**62. Who is responsible for providing interventions during the summer prior to the third retest?**

Since the third retest will occur over the summer, parents may choose to provide support personally for the student. The school or district may also offer support but are not obligated to provide summer remediation.

## Retention

**63. If a student fails the third-grade school year due to district requirements and is retained, but passed the 3<sup>rd</sup> grade reading assessment for promotion the previous year, does the student have to pass the test again the following year?**

All students MUST take the 3rd Grade MAAP-ELA assessment to satisfy state accountability testing requirements.

If students score a Level 3 or above on MAAP-ELA or receive a “met LBPA requirements” score on either retest then that score may be banked and used to apply Good Cause Exemption D the following spring.

**64. Does the MDE have any research to support the practice of retention? Is there any research that shows retaining students with a Specific Learning Disability in reading will improve reading skills?** The State Legislature established the Literacy-Based Promotion Act. It is the job of the Mississippi Department of Education to ensure that the law is followed. We encourage districts to understand that it is not the intent of the law for retained students to have the same classroom experience when they repeat third grade. It is the intent of the law to provide students that are retained with intensive reading intervention that includes 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.

**65. Can parents choose to have their child retained if the superintendent approves promotion based on the Good Cause Exemption?** Yes. Parents can request that their child be retained even if the child qualifies for a Good Cause Exemption.

## Summer Program

**66. In accordance with the law, interventions must occur in school districts for retained third grade students. Are schools and districts required to offer transportation and summer school?** No. Additional transportation or summer school programs are not required by the law. Interventions should occur during the school year and prior to the first retest window, which is also during the school year. While the law allows for summer reading camps, schools are not required to use this approach.

## Test Design

**67. On the test, will the student be required to answer a question on a higher level of difficulty when he/she has answered the question correctly?** No. The 3<sup>rd</sup> Grade MAAP-ELA consists of items that are written to address the Grade 3 Mississippi College- and Career-Readiness Standards for English Language Arts.

**68. Will each question receive the same number of points?** No. The questions on the 3<sup>rd</sup> Grade MAAP-ELA Assessment are worth either 1 or 2 points depending on the item type. Closed-ended items are worth one point, and open-ended items are worth two points.

**69. Will the score reports for the 3<sup>rd</sup> Grade MAAP-ELA be a pass/fail roster or a detailed report?** For the 3<sup>rd</sup> Grade MAAP-ELA, districts will receive a pass/fail roster, and parents will receive an individual student score report indicating if a student met/did not meet the LBPA requirement.

## Transfer

**70. If a student transfers before or after the 3<sup>rd</sup> Grade MAAP-ELA is administered and re-enters the district after the beginning of the following school year, then this student is placed in fourth grade based on academic information from the previous school. What if a student enrolls in fourth grade, coming from a homeschool, private school, or other**

**setting?** In accordance with Standard 7 of the Mississippi Public School Accountability Standards, 2018, any transfer student from a school or program (correspondence, tutorial, or home study) not accredited regionally or by a state board of education [or its designee(s)] is given either a standardized achievement test(s) or teacher-made special subject test(s) to determine the appropriate classification of the student within thirty (30) days after filing for transfer. Notice of the administering of such test(s) shall be given to the applicant not less than five (5) days prior to the date of the administration of such test. It is the local district's responsibility to determine if a school is regionally accredited based on the local district policy. State Board Policy 36.2 states: *Enrollment in a non-public school/program (to include, but not limited to, private schools, parochial schools, home schools, virtual schools, summer schools, independent study/correspondence programs, etc.) shall not be used to circumvent participation in the Mississippi Statewide Assessment System or students meeting the graduation requirements outlined in this policy.*

- 71. Does a student who transfers from out-of-state qualify for a Good Cause Exemption?** A student enrolling in Fourth Grade from a regionally or state board accredited school would simply enroll in fourth grade. For students enrolling in fourth grade as a transfer from homeschool, private school, or some other setting, please see the response to question 70.

## Transition Class

- 72. The LBPA Implementation Guide recommends a transition class after third grade. Will MDE provide any guidance or suggestions about the implementation of this type of class?** Yes. Please visit [Guidelines for Students Identified with a Reading Deficiency and/or for Students Not Promoted](#) document for guidance.

## MTSS

- 73. In MSIS, students that passed the 3rd grade retest in June are populating as 20 day students. Should districts consider these students as 20 day students and follow protocol? These students will need an IRP in 4th grade, so will that suffice as their reason for being considered 20 day students?** In this situation, the student is promoted to fourth grade under Good Cause Exemption (D) because they passed the retest in June. This student should be considered a 20 day student. The district should conduct a 20 day meeting to decide what level of intervention support is needed for this student. They will need an IRP, but they may also need intensive interventions at Tier III

## Individual Reading Plan

- 74. Is the IRP required for all students?** No. The IRP is required for **any** public-school student (K-3) who, at any time, exhibits a substantial deficiency in reading, as well as any student who was promoted to 4<sup>th</sup> grade with a good cause exemption.

An IRP is **not** required if the K-4 student currently has an IEP with Reading goals. However, if a student's IEP does not currently address reading difficulties and the student later develops a deficit in reading, then the general education and the special education teacher must collaborate to determine whether goals need to be added to the IEP or if an

IRP is most appropriate. If a student has an IEP that only has Math goals and the student later begins to struggle in reading, then an IRP must be written for K-4 students.

The individual needs of the student should dictate the goals and the supports provided. The general education teacher and the special education teacher should work collaboratively to develop and implement the IEP and continue to progress monitor as indicated in the IEP.

- 75. Who is responsible for developing the IRP?** This will be a district decision. Typically, the Teacher Support Team (TST) will be responsible for developing the IRP.
- 76. When should the IRP be completed?** The law requires that students identified with a substantial reading deficiency be given intensive reading instruction and intervention immediately following the identification of the deficiency. The current requirements for Part 3, Chapter 41: Intervention state, "After a referral is made, the TST must develop and begin implementation of an intervention(s) within 2 weeks." Follow the MTSS model and your local district tier process for determining placement in Tier II or Tier III interventions. Once a student has been identified by a screener, it is **recommended** that additional diagnostic information be gathered to make the determination for intervention. Therefore, multiple data points should be used to determine substantial reading deficiencies.
- 77. Does IRP documentation remain at the district level or should it be submitted to the MDE?** IRP documentation should be housed at the school/classroom in which the student receives reading instruction. *Note: In the event of an audit, documentation may be requested for review.*
- 78. Should a new IRP be completed at the beginning of each school year?** Yes. Each year, student data should be used to determine whether a student will need an IRP. This meeting should be conducted by the teacher support team.
- 79. Where should the IRP be archived at the end of the year?** In accordance with State Board Policy Chapter 3, Rule 41.1, Intervention, the IRP is a component of the MTSS documentation and should be stored with those documents.
- 80. Are the IRP and Good Cause Exemption documentation packets available for digital input and storage?** Yes. Both are available in digital PDF.
- 81. Should districts use the IRP forms or the MTSS forms for students in grades K-3?** It is recommended that districts utilize Section 3 and Appendix E in the MTSS Documentation Packet.
- 82. Is each school district mandated to use the IRP template developed by the MDE?** No. The law does not mandate a specific format, only that the format include **all** required components of the IRP as provided within the MDE template and required by law (SB 2157).

All services must be appropriately documented in writing. *Note: Your district may adapt/customize the MTSS documentation for Tier III to include the IRP components.*

## Individualized Education Program (IEP) and the IRP

- 83. Is the IRP now a requirement in addition to the IEP?** No. The documentation of IEP reading goals and progress monitoring can be substituted for the IRP if the student's current IEP addresses reading difficulties.
- 84. If a student has a 504 Plan and receives intensive therapy in the dyslexia program, does he/she still need the IRP?** Yes. All public school students (K-3) who, at any time, exhibit a substantial deficiency in reading, as well as students who were promoted to 4<sup>th</sup> grade with a good cause exemption are required to have an IRP.
- 85. Is an IRP required for K-3 students receiving special education services who are classified as having a Significant Cognitive Disability (SCD) and who take the alternate assessment?** No. Students classified as having a Significant Cognitive Disability qualify for Good Cause Exemption (GCE) B for "students with disabilities whose Individualized Education Program (IEP) indicates that participation in the statewide accountability assessment program is not appropriate, as authorized under state law". Therefore, a student who meets the criteria for GCE "B" would not be required to have an IRP and should take the MAAP-A assessment.

## Intensive Interventions

- 86. If a student requires an IRP in grades K-3, can we skip Tier II and move the student straight to Tier III.** Yes. Students with a significant reading deficiency requiring an IRP should be considered Tier III students.
- 87. If a student moves out the [intervention guidance levels](#) should the intensive interventions cease immediately?** No. Once a student has been identified, it is **recommended** that additional diagnostic information be gathered to make the determination for intervention. Follow the MTSS model for providing tiered support to each student. In addition, progress monitoring for Tier II and III should be completed as **recommended** by the MTSS model to determine if students are progressing or regressing between levels based on the effectiveness of the intervention(s). Multiple measures should be used to determine which students need intervention or when to remove a student from intensive intervention services (Tier III).

## Progress Monitoring

- 88. How should progress monitoring be conducted?** Progress monitoring should be done with specific probes that monitor students' progress on the exact skill or deficiency that is being addressed through interventions. If the probe is too broad, growth may not be clearly evident.

- 89. How often should progress monitoring be performed?** According to the law, teachers must collect baseline data within the first thirty (30) days of school via a state-approved screener and monitor the progress of each student at the middle and end of the year. In accordance with MTSS guidelines, it is recommended that progress monitoring occur according to the following timeline:
- Tier I** – Formal monthly progress monitoring;
  - Tier II** – Bi-weekly progress monitoring; and,
  - Tier III** – Weekly progress monitoring.

## Substantial Reading Deficiency

- 90. How is a substantial reading deficiency identified?** A substantial deficiency in reading **may** be defined through performance on a reading screener approved or developed by the State Department of Education **or** through locally determined assessments and teacher observations conducted in grades K-3, through statewide end of the year assessments or approved alternate yearly assessments in grade 3.
- 91. What is a substantial reading deficiency?** A score in the *Intervention Guidance as set by the MDE list of approved screeners* **MAY** represent a “substantial deficiency” in reading. Schools/Districts using other assessments should review the **recommended** guidelines for that assessment to determine what constitutes a “substantial deficiency”. Additional diagnostic assessments and/or other indicators should also be used to determine specific deficit areas so that interventions are tailored to address those needs.
- 92. If more than one component of reading is identified as a deficient or multiple skills are indicated as deficiencies, which deficiency should be addressed and documented?** Each deficiency should be addressed; however, immediate attention and interventions should be given to the most basic foundational area(s) with which the student is struggling and progress accordingly.
- 93. May the identification of a "substantial reading deficiency" occur at any point during the school year?** Yes. A substantial reading deficiency may be identified during progress monitoring or any subsequent screening windows. If a student scores below the designated benchmark on formal or informal reading assessments, then he/she **may** need an IRP. Please consult with the Teacher Support Team (TST) for further guidance.

