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# Third Grade Reading Laws: Implementation and Impact



## THE COUNCIL OF CHIEF STATE SCHOOL OFFICERS

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# Third Grade Reading Laws: Implementation and Impact

## Key Findings

- **At least 26 states have third grade reading laws. These laws aim to improve early literacy outcomes through a variety of approaches involving the principles of prevention, intervention, and retention.**
  - Five states have laws that focus only on retention, nine states have laws that delegate most decisions to school districts, and 12 states have comprehensive laws that include state and local requirements with prevention, intervention, and retention elements.
- **The body of research on these laws yields mixed results for students, and mostly focuses on the impact of retention or promotion based on third grade reading scores.**
- **At a national level, assessment scores in elementary school reading have stagnated and gaps for historically underserved student groups have not closed significantly. But, some states are bucking that trend.**
  - There is no clear indication that having a third grade reading law, or having a certain type of law, is associated with higher levels of improvement.
- **A closer look at third grade reading implementation approaches in four states with high levels of recent growth, Tennessee, Indiana, Nevada, and Mississippi, suggests deeper lessons for states beyond the specifics of a law.**
- **States considering implementing a third grade reading law, or creating a plan to improve third grade reading outcomes, should:**
  - Work across multiple programs, policies, and regulatory areas to bring about systemic change. Examples include direct training for teachers and leaders, regulatory changes for teacher preparation, revisions to state standards and assessments, or targeted funding for evidence-based instructional approaches;
  - Prioritize proactive communications and stakeholder engagement strategies around early literacy;
  - Build connections and coherence with other agency efforts across the birth through third grade continuum, especially pre-K; and,
  - Anticipate a multi-year timeline to see changes in third grade outcomes, and invest in monitoring and evaluation strategies that can track leading indicators of progress and identify areas for improvement.

## INTRODUCTION

A robust body of research attests to the importance of early literacy, and other critical areas of development and learning from birth through third grade.<sup>i</sup> Students who are reading at grade level at the end of third grade are more likely to succeed in other subjects and are more likely to graduate high school on time.

Given this, state education leaders know that reading is an indispensable part of every student’s education. But average elementary school reading results nationally have not changed significantly in the past ten years.<sup>ii</sup> Unacceptably large achievement and equity gaps persist, especially for historically underserved student subgroups, including low-income students, students of color, dual language learners, and students with developmental delays or disabilities.

Recognizing the critical importance of early literacy, the Council of Chief State School Officers (CCSSO) and the Center on Enhancing Early Learning Outcomes (CEELO) have both worked intensively with states on birth through third grade improvement strategies across literacy and other learning domains. Third grade reading laws are one strategy that many states have employed to address early literacy challenges; at least 26 states have passed third grade reading laws over the past 20 years.<sup>iii</sup> This brief is intended to give an overview of the current status of state third grade reading laws and policies, with the goal of supporting states’ early literacy goals.

Third grade reading laws, broadly, are laws that specify supports, processes, success measures, or interventions focused on developing reading skills by third grade. States without laws on third grade reading often have regulations or state board policies regarding similar topics, so the number of states with specific policies on third grade reading is even higher. The policies range from “minimalist” ones that set broad parameters but leave decision-making up to school districts, to “maximalist” ones that specify extensive required early literacy interventions.

The goal of these policies is to improve reading outcomes by bringing attention and resources to early literacy, and by recommending or requiring some combination of **prevention**, **intervention**, and/or **retention**.

- **Prevention:** Efforts to increase the overall quality of reading instruction and to build more effective systems to support early literacy and child development.

### Key Definitions

- Literacy: The skills and knowledge necessary to learn to read
- Early Literacy: Literacy skills developed from birth through third grade
- Reading: The process of understanding and comprehend meaning from texts
- Third Grade Readings Laws: State laws that specify supports, processes, success measures, or interventions to ensure more students learn to read by third grade

Source: Lori Connors-Tadros, “Definitions and Approaches to Measuring Reading Proficiency,” CEELo, 2014, [http://ceelo.org/wp-content/uploads/2014/05/ceelo\\_fast\\_fact\\_reading\\_proficiency.pdf](http://ceelo.org/wp-content/uploads/2014/05/ceelo_fast_fact_reading_proficiency.pdf).

- **Intervention:** Efforts to identify and diagnose reading difficulties early in individual students and provide them with targeted additional supports in or out of the classroom to help them get on track for reading before the end of third grade.
- **Retention:** Requirements that a student not advance past third grade if her or she cannot demonstrate reading proficiency. Retention requirements are intended to create stronger incentives for schools and teachers to focus on early literacy instruction and intervention, and to ensure all students enter fourth grade with strong reading skills. In many such laws, retention is positioned as a last resort after attempts at interventions, and there are usually a number of “good cause exemptions” for students including dual language learners and students with disabilities.<sup>iv</sup>

The goal of this brief is to take stock on the impact of third grade reading laws and to identify strategies and approaches among selected states that have shown success. The brief is not to advocate for one legislative approach over another. Overall, these states’ stories indicate that the specific content of state laws matters much less than how states and districts implement those policies. Because the laws themselves are no panacea, states should anticipate working across various areas of policy, programs, and regulations to create systemic improvements in early learning outcomes – such as teacher preparation, curriculum, special education, and pre-K. States should not expect third grade scores to change overnight, but with sustained commitment and attention to the evidence on early literacy, sustained long-term improvements are possible.

### Background: The National Reading Panel and The Science of Reading

Many states’ third grade reading laws and policies reference “scientifically-based” or “research-based” reading instruction, interventions, and curriculum. These terms most often refer to the findings of the landmark National Reading Panel report, “[Teaching Children to Read](#),”<sup>1</sup> released in 2000. The report summarized the results of available research on reading instruction and literacy development. It identified five components of reading instruction, also known as “The Big Five”:

1. **Phonemic awareness:** The knowledge that spoken words are made up of individual sounds, or phonemes.
2. **Phonics:** The relationship between phonemes and printed letters.
3. **Fluency:** Being able to read quickly, accurately, and with understanding, aloud and to oneself.
4. **Vocabulary development:** Knowledge of what words mean and how they sound, across a variety of topics.
5. **Reading comprehension:** An active process of understanding written text using a variety of comprehension skills and strategies. Reading comprehension closely interlinked with all of the four other skills. For example, a sufficient vocabulary is a prerequisite to comprehension, and comprehension skills can help students expand and retain new words in their vocabulary.

Children who experience reading instruction that explicitly incorporates these five elements are much more likely to develop strong reading skills at a young age. Despite a strong scientific consensus and evidence to support these findings, [subsequent studies](#) have shown that even today too few teachers learn about the science of reading in their preparation programs and professional development,<sup>2</sup> and many commercially [available curricula](#) still do not explicitly and sufficiently emphasize these foundational reading skills. There are signs of progress, which may be in part due to state reading laws. The National Council on Teacher Quality [found](#) that the percentage of undergraduate teacher preparation programs teaching the science of reading climbed from 17 percent in 2006 to 39 percent in 2016.<sup>3</sup> More rigorous, college- and career-ready state standards are explicitly built upon reading and developmental research, although they do not specify [instructional approaches](#), and more states and educational experts are engaged in evaluating [curriculum quality](#) and encouraging the adoption of high-quality, scientifically-based curriculum.<sup>4</sup>

<sup>1</sup>National Reading Panel, *Teaching Children to Read: An Evidence Based Assessment of the Scientific Research Literature on Reading and Its Implications for Reading Instruction*, National Institutes of Health, 2000, <https://www.nichd.nih.gov/sites/default/files/publications/pubs/nrp/Documents/report.pdf>.

<sup>2</sup>Sam Lubell, "The Science of Teaching Reading," National Council on Teacher Quality, 2017, <https://www.nctq.org/blog/The-Science-of-Teaching-Reading>.

<sup>3</sup> "A Closer Look at Early Reading," National Council on Teacher Quality, 2016, [https://www.nctq.org/dmsView/NCTQ\\_-\\_Standard\\_2\\_How\\_Programs\\_Stack\\_Up](https://www.nctq.org/dmsView/NCTQ_-_Standard_2_How_Programs_Stack_Up).

<sup>4</sup>David Steiner, "Curriculum Research: What We Know and Where We Need to Go," Standards Work, 2017, <https://standardswork.org/wp-content/uploads/2017/03/sw-curriculum-research-report-fnl.pdf>.

## POLICY AND HISTORY

- **As third grade reading laws evolved over the past 20 years, states put the principles of prevention, intervention, and/or retention into law in very different ways.**

The trend towards third grade reading laws began in the early 2000s. In 2002, the Florida state legislature passed a law focused on third grade reading proficiency that helped launch a wave of policy change on early reading (for more information, see Florida sidebar, at right).<sup>v</sup>

At the same time, President George W. Bush made early reading a centerpiece of his education platform, and supported the creation of the “Reading First” program as a signature element of No Child Left Behind.<sup>vi</sup> Reading First funded literacy coaches in pre-K through third grade and encouraged a science-based reading approach inspired directly from the results of the National Reading Panel Report, drawing additional national attention to the importance of early literacy and the components of effective reading instruction.<sup>vii</sup> In parallel, a growing body of research pointed to third grade as a pivot point in children’s education, and identified third grade reading as a predictor of later school and life outcomes.<sup>viii</sup> These factors kicked off a trend of third grade reading laws in other states.

This is a topic that continues to come up in state legislatures: At least four states passed third grade reading laws in the last three years, and several more states considered bills that did not pass.<sup>ix</sup> Several states have also amended their third grade reading laws multiple times over the years, or phased-in various requirements.

When we look beyond laws to other kinds of policies, nearly every state is putting time, energy, and resources behind efforts to improve reading outcomes, usually through multiple initiatives across the birth through third grade spectrum.

### Florida’s Third Grade Reading Law

Florida was among the earliest and most influential states to pass a third grade reading law, and its results have been subject to close scrutiny and evaluation (see page 9 for more). Other states explicitly cite Florida’s law as an inspiration. The influence of Florida’s model for third grade reading laws was spread by the Foundation for Excellence in Education, founded by former Florida Governor Jeb Bush, which still works extensively with states on the issue of early literacy laws.

Florida’s third grade reading law requires early identification of struggling young readers, reading interventions for students starting in kindergarten, and ongoing monitoring, action, and communication with parents leading up to the end of third grade. If students do not meet a certain score on state tests, are not eligible for a specified “good cause” exemption, and cannot demonstrate their reading ability in an alternative approved way, they must repeat third grade. Florida requires schools to provide retained students with summer school, an academic improvement plan, intensive reading instruction, and assignment to a high performing teacher.

The specific components of third grade reading laws vary by state (see Appendix 1 for state by state detail) but can include:

- Prevention:
  - Requirements that literacy interventions, curricula, teacher licensing requirements, and professional development be **based on the science of reading** (15 states)
  - Required **plans, goals, and reporting** at the school, district, and/or state level (17 states)
  - **State-level strategies**, like annual reports and monitoring of local data, state-level goal setting, and intensive support and technical assistance for low performing schools and districts (13 states)
  
- Intervention:
  - Requirements for early **diagnostic screening** to identify students with reading difficulties starting from pre-K (19 states)
  - **Individual reading plans** for students identified as needing support (11 states)
  - **Intervention strategies** at a school or district level, such as summer learning opportunities, tutoring, or curriculum changes (22 states);
  - **Parental notification** and involvement when a student is identified as struggling or is at risk of retention (20 states)
  
- Retention:
  - Setting a statewide **standard for retention** based on state assessments or another measures (19 states)
  - Specifying the role of district official or teachers in retention decisions (7 states)
  - Identifying **exemptions** and **alternative** routes to demonstrate reading proficiency prior to retention (13 states)
  - Setting requirements for **post-retention interventions** or changes in a students' educational experience (14 states)

States can be categorized into four primary groups where third grade reading laws are concerned (See Appendix for details for each state):

1. **States without third grade reading laws (24 states and the District of Columbia):** Lack of a law specifically relating to third grade reading does not mean that a state has not put in effort or made commitments to early literacy without being required to do so by law. Interventions, supports, and success measures at the state level are not all specified in law. For example:

- **Alabama** does not currently have a law focused on third grade reading. But, the state has set a goal to have all third grade students be proficient in reading by 2022.<sup>x</sup> Alabama funds reading coaches at struggling schools, is piloting a state-designed summer program for struggling readers, and provides financial incentives for schools with the most third grade reading growth.<sup>xi</sup> Additionally, Alabama’s First Class Pre-K program is one of only three states meeting all ten National Institute for Early Education Research (NIEER) pre-K quality standards, and continues to expand enrollment.<sup>xii</sup>
2. **States with laws that only set retention requirements (five states):** Some states’ third grade reading laws only address retention and set the statewide standard for retention in third grade. States in this category are likely doing more around early literacy not specified in law. Most of these states allow for promotion to fourth grade based on good-cause exemptions for special education students and/or dual language learners, or alternative methods of demonstrating reading proficiency, such as summer programs or locally-designed portfolios.<sup>xiii</sup>
- **Tennessee** law requires that students shall not be promoted to fourth grade unless they have shown reading skills based on their grades or standardized test results.<sup>xiv</sup> There are exemptions for students who participate in a research-based reading intervention over the summer, and for students with individual education plans (IEPs). Tennessee’s work in this area is described in further detail below.
3. **States with laws that delegate authority to school districts (nine states):** Some states’ third grade reading laws require certain actions from school districts, while leaving districts considerable flexibility in deciding how to implement them, and do not specify the state’s role in articulating third grade reading policy. A state in this category might say that districts need to monitor and assess student reading progress from pre-K through third grade, and act if a student falls behind. But, these laws do not specify the exact measures, interventions, or processes that districts have to follow. For example:
- **Maryland** law requires that the state set a minimum standard of reading ability in grades 2-12, and directs local boards of education to make decisions for students in grades 3, 7, 9, and 11 as to whether the student needs to repeat the grade or enroll in an appropriate reading assistance program.<sup>xv</sup>
  - **New York** law requires districts to diagnostically screen all students in grades pre-K through third grade, including screenings in language, literacy, reading fluency, and written expression.<sup>xvi</sup> If students have low scores in math or reading, the district must review their instructional programs, monitor student progress, and tailor instruction to meet student needs. The district must also notify parents when students require an intervention.

4. **States with comprehensive third grade reading laws (11 states):** States with more detailed and robust reading laws cover years prior to third grade; address a spectrum of prevention, intervention, and in some cases, retention; and set out roles for both the state and local districts in improving reading outcomes.

- **Minnesota** law directs school districts to adopt developmentally-appropriate, culturally-responsive assessments to identify reading difficulties among students in kindergarten through second grade.<sup>xvii</sup> The law also directs districts to pay special attention to the reading needs of dual language learners and to offer reading assessments in students' native languages where possible. The state specifies interventions and requires parental notification and teacher professional development. Each district must adopt a local literacy plan, post it publicly, and make annual updates. The state's role is to monitor district implementation and recommend appropriate assessment tools and scientifically-based reading instructional methods, programs, and interventions. Minnesota also added a requirement that all students identified as not reading at grade level by the end of each grade K-3 be screened for characteristics of dyslexia. Link: [https://www.revisor.mn.gov/laws/2019/1/11/%5E\(%3FP laws.2.2.0%5B0-9%5C.a-zA-Z%5Cs/%5C/%5D+\)\\$#laws.2.2.0](https://www.revisor.mn.gov/laws/2019/1/11/%5E(%3FP laws.2.2.0%5B0-9%5C.a-zA-Z%5Cs/%5C/%5D+)$#laws.2.2.0)
- **Nevada** law, which was revised in 2019, requires districts to create a literacy plan for elementary school students. At the school level, principals must identify a literacy strategist to assist other teachers with reading instruction, and teachers must complete state-mandated professional development around reading. If a student in kindergarten through third grade falls behind in reading, the district must notify parents, and districts must create a plan to monitor the students' progress. The state had planned to phase in a retention requirement in the coming years, but 2019 revisions to the law eliminated that requirement.

As the next section discusses in further detail, there is not enough evidence to conclusively say which type of law or policy is best in terms of student outcomes.

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## RESEARCH ON READING LAWS

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- **Research on third grade reading laws shows some examples with strong results, and others with less evidence of success. Rigorous impact research mostly focuses on the effects on retention, which is only relevant to a small number of states.**

The research on third grade reading laws yields mixed results, and in many states it is too early to say what the impact will be for students who began school after third grade reading laws were implemented in their state. Most studies focus on the effects of reading laws on retention, which is only one outcome that could be impacted by states' third grade reading laws.<sup>xviii</sup> Other common features of third grade reading laws could have a broader and stronger impact on reading outcomes

but are more difficult to measure. For example, universal diagnostic screenings and scientifically-based reading instruction requirements directly affect outcomes beyond retention for a large group of student, not just those who are at risk of being retained, but these policy shifts tend to be gradual, diffuse, and more difficult to directly connect with student outcomes beyond retention.

Moreover, states with similarly-structured retention policies have seen very different results. Research in Florida over the years has suggested that students who are retained and repeat the third grade with extra supports are likely to see improved academic performance over the short term, and graduate at similar rates as their peers (see sidebar, on page 6).<sup>xxix</sup> Research cannot say whether it was the retention itself, the accompanying extra supports, or both together, that made a difference for students. A recently-released evaluation of North Carolina’s Read to Achieve policy, which shares many similarities with Florida’s policy on paper,<sup>xxx</sup> found that state-level reading scores stayed flat or declined slightly, and low-performing students who received extra reading supports between third and fourth grade did not do better on state reading tests than students who received no extra services.<sup>xxxi</sup> The researchers believed these results may be due to inconsistent implementation of the law across school districts, and recommended the state shift its emphasis to a more robust, statewide pre-K through third grade set of interventions.

Other factors may be impacting results from reading laws. First, being retained could have negative social and emotional consequences for students, and could put them at a higher risk of dropping out of high school.<sup>xxii</sup> Second, because the lowest-performing students in many states are from historically disadvantaged student groups, even with good-cause exemptions, retention policies may disproportionately impact students of color and low-income students.<sup>xxiii</sup> Retention is also an expensive intervention because it essentially doubles the cost of third grade for each retained student, not to mention the costs of providing additional supports after retention.<sup>xxiv</sup>

Regardless of their stance on retention policies, researchers, educators, and advocates agree that reading by third grade is a critical milestone for students, and that proficient reading skills and other domains of early learning must be built long before third grade tests. The variety of outcomes from the available research, and the variety of state policies surrounding third grade reading, suggest that state and district implementation decisions may be a more decisive factor in improving third grade outcomes than the laws themselves.

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## STATE IMPLEMENTATION PROFILES

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The existing research on third grade reading laws explained above both suggest that the requirements of a third grade law alone may not be as important as how states choose to implement their laws, and the broader context around pre-K through third grade education in the state. This section looks more closely at implementation approaches and outcomes in Indiana, Tennessee, Nevada, and Mississippi. These states were chosen based on a combination of National Assessment of Educational Progress (NAEP) fourth grade reading growth, NAEP fourth grade math scores, available state implementation and evaluation reports, and CELO and CCSSO’s work with

various state and district partners. To more fully illustrate the third grade reading story in each of these states, we interviewed state staff and leaders directly involved in reading initiatives, and reviewed state data, guidance, and published reports. In some states, we also spoke with teachers, coaches, or other external groups familiar with the laws and their implementation.

As the table below shows, these states each have very different third grade reading stories, policy and political contexts, and agency strategies, which demonstrates the variety of paths states can take toward similar goals.

State	Law, Year	Implementation Highlights
Mississippi	Comprehensive 2013	<ul style="list-style-type: none"> <li>• Directly hired, trained and deployed literacy coaches in low-performing schools</li> <li>• Requires statewide kindergarten through third grade diagnostics</li> <li>• Revised teacher licensure standards, working to align with higher education faculty</li> <li>• Higher test bar for retention taking effect in 2019</li> </ul>
Tennessee	Retention 2012	<ul style="list-style-type: none"> <li>• Law is limited to retention; the state's leadership has been guided by its strategic "Read to be Ready" initiative and enabled by funding from the legislature; a strategic refresh and reexamination is currently underway</li> <li>• Districts opt-in to a coaching support network</li> <li>• State developed literacy "Unit Starters" for kindergarten through third grade</li> <li>• Ongoing, in-depth evaluations with classroom observations</li> </ul>
Indiana	Local 2010	<ul style="list-style-type: none"> <li>• Designed an additional third grade reading test focused on foundational skills</li> <li>• New educator-developed literacy frameworks aim to translate the standards with an emphasis on research-based instruction</li> <li>• After a superintendent transition, state chose to deemphasize retention and offer more local control</li> </ul>
Nevada	Comprehensive 2015, 2019	<ul style="list-style-type: none"> <li>• Requires every district to have a literacy plan and every elementary school to have a literacy strategist</li> <li>• After two years with a menu of kindergarten through third grade assessments, state adopted a single system</li> <li>• Retention requirements eliminated prior to implementation</li> </ul>

## TENNESSEE

### Data

- Tennessee’s average scale score on the NAEP fourth grade reading assessment increased by 3 points from 2007-2017, from 216 points to 219 points.<sup>1</sup>
  - 33 percent of students were proficient in fourth grade reading in 2017, compared with 27 percent in 2007.
  - Fourth grade math results have also improved overall in that time period, although scores dropped slightly in 2017.
- Recent changes in state tests (TNReady) prevent full analysis of trends since the passage of the third grade reading law. In 2016-17, 30 percent of second grade students and 35 percent of third grade students demonstrated “on-track” or “mastery” status on grade-level reading tests.<sup>2</sup> In 2018, the state reported a slight increase to 37 percent of third graders demonstrating proficiency.
  - The state also evaluates their progress on early literacy using teacher surveys and classroom observations in a sample of schools.<sup>3</sup> Observations focus on the implementation of effective, scientifically-based instructional practices in literacy. These findings showed some improvements in the quality of K-3 literacy instruction but identified opportunities to improve instructional alignment with Tennessee Academic Standards and to strategically focus on areas such as foundational skills instruction, text complexity, and strong question sequences and tasks.

### Law and Policy

Tennessee law and regulations limit third grade promotion based on reading proficiency.<sup>4</sup> The law states that no student in third grade may be promoted unless they have shown “a basic understanding of curriculum and ability to perform the skills required in the subject of reading as demonstrated by the student’s grades or standardized test results.” Additionally, state policy sets parameters for district policies and processes regarding their promotion and retention for students in grades K-8.

From 2015-2019 the Tennessee Department of Education’s guiding policy document around early literacy and third grade reading was its strategic plan, “Tennessee Succeeds.” Tennessee Succeeds included a significant focus on early literacy through the Read to be Ready initiative, which set a statewide goal of 75 percent third grade reading proficiency by 2025. The Department is now developing a new strategic plan, including an updated approach to early literacy.

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1 NCES NAEP

2 [https://www.tn.gov/content/dam/tn/education/reports/rpt\\_first\\_steps\\_reading\\_report.pdf](https://www.tn.gov/content/dam/tn/education/reports/rpt_first_steps_reading_report.pdf)

3 [https://www.tn.gov/content/dam/tn/readready/documents/2018-folder/teaching\\_literacy\\_in\\_tn\\_update\\_2\\_6\\_18.pdf](https://www.tn.gov/content/dam/tn/readready/documents/2018-folder/teaching_literacy_in_tn_update_2_6_18.pdf)

4 Tennessee Code Annotated 49-6-3115

## Implementation summary

Although Tennessee’s law focuses exclusively on retention, state-level efforts are deeply engaged around strong instructional practices for all students, alongside more specific prevention and intervention practices to improve third grade reading outcomes.

The state legislature funded the early literacy work with \$18 million over three years starting in 2016. “Read to be Ready is a multifaceted initiative that helps teachers understand core literacy instruction for all students,” says Executive Director of Early Literacy Becky Cox. “Our focus has been ongoing, embedded support around multiple components of literacy instruction and differentiation based on the needs of students.” One of the signature programs of Read to be Ready is the coaching network. Districts opted-in to have their school-based reading coaches receive support and training from state consultants. 68 percent of Tennessee school districts have joined the network. “These districts represent large, small, urban, rural, and everything in between,” Cox said.

Through the coaching program, the state recognized an unmet demand for stronger instructional materials, especially concrete ways to integrate literacy instruction with rich knowledge-building opportunities for students. It responded with materials and resources targeted towards K-3 instruction, such as K-3 “unit starters” integrated with subjects such as earth science, life science, and social studies.<sup>5</sup> The unit starters and accompanying guidance materials are freely available for coaches and teachers. “The unit starters created an opportunity to better understand what the expectations for their students should look like,” says Assistant State Superintendent Elizabeth Alves.

The state also recently revised the standards preparation programs needed around literacy instruction. A collaborative network aimed toward supporting the refinement of early literacy instruction programs that build in complexity across courses. Working with educator preparation institutions has been critical in bridging the teacher preparation pipeline with the work happening in schools and districts.

Across these strands of Read to be Ready work—coaching, unit starters, preparation standards—Tennessee emphasizes an evidenced-based approach to literacy grounded in the state standards. “We are working to support teachers statewide as they help our students become capable and motivated readers, speakers, writers, and thinkers as they progress through the grades,” says Cox. The state evaluates their efforts through a combination of state assessment results, surveys from teachers and coaches, and deeper observational evaluations in a sample of schools and districts.

Knowing that fewer than 40 percent of third grade students perform on- or above-grade level in state assessments, state leaders say that maintaining momentum related to early literacy initiatives is key, even with a strategic plan refresh underway. Key efforts include multifaceted instructional, intervention, and coaching supports, and collaboration with educator preparation programs.

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5 Tennessee Department of Education, “Teaching Literacy in Tennessee,” <https://www.tn.gov/readtobeready/just-for-educators/summer-learning-series.html>.

## INDIANA

### Data

- Indiana’s average scale score on the NAEP fourth grade reading assessment increased by 6 points from 2007-2017, from 222 point to 226 points.<sup>xxv</sup>
  - o 41 percent of students were proficient in third grade reading 2017, compared with 33 percent in 2007.
  - o Fourth grade math results have also improved overall in that time period.
- In 2017-18, 87 percent of third grade students passed IREAD-3, Indiana’s assessment of foundational reading skills. The pass rate for this assessment has been similarly high since its inception in 2011-12.
  - o 68 percent of students passed the third grade ISTEP+ ELA test, which measures college- and career-ready state standards.
  - o Indiana also offers optional IREAD K-2 assessments that schools can use to benchmark earlier progress.

### Law and Policy

In 2010, Indiana passed a third grade reading law focused on reading prevention and intervention.<sup>xxvi</sup> The law requires that districts which create a reading remediation program prioritize resources for students in grades 1-3 (kindergarten is not mandatory in Indiana, though almost all public school students enroll in kindergarten at age five). The act also directs the state superintendent, in conjunction with the state board, to develop a reading improvement plan focused on grades 1-3, which includes retention “as a last resort.” The state must adopt a measure to evaluate reading skills in third grade and take appropriate remedial action.

This law gives significant flexibility to the state superintendent to create a state-level plan, and gives significant autonomy to local districts for designing and implementing their own approaches.

### Implementation summary

Since this law passed, Indiana’s approach has shifted to emphasize instructional supports and local flexibility. “Where possible, we give control to school districts with guidance and support, especially in terms of interventions, practices, and curricula,” says Robin LeClaire, currently the director of student improvement for the state, and an elementary school principal when the law passed.

For several years the state determined the process for potential retention for students who did not pass the state’s reading standard. Beginning in 2017-18, the state superintendent chose to give schools and districts more flexibility to determine an instructional plan for these students.<sup>xxvii</sup>

The state also allocates funds for every district to use on early intervention resources, such as diagnostic screeners, or district professional development on evidence-based reading instruction.

At the same time, Indiana has introduced new resources such as professional development modules and a new teacher-developed literacy instructional framework. The framework is meant to translate state standards into action in the classroom, and in teacher preparation programs aligned with the scientifically-based components of literacy.

One of the most unique features of Indiana's approach is its assessments. Instead of using the state's federally-required third grade English language arts assessment (formerly ISTEP, now called ILEARN) as the measure of reading skills under the state law, Indiana created a new assessment, called IREAD-3.<sup>xxviii</sup> IREAD-3 is designed to measure foundational reading skills from kindergarten through third grade, whereas ILEARN is aligned to the state's college- and career-ready standards for third grade. All students take both tests. Passage rates for IREAD-3 have been close to 90 percent since the test was introduced in 2011.

Although the introduction of a retention requirement in the law drew initial attention to third grade reading, state leaders says that the longer term shifts in district and school practices have centered on proactive interventions and instructional approaches. "Many schools have adopted dedicated 90-minute reading blocks, and evidence-based instruction has become more established in schools and in teacher preparation," says LeClaire. The state sees positive changes and room for continued improvement reflected in NAEP scores and in IREAD-3 results.

One of Indiana's biggest lessons for other states is the importance of educator involvement in implementation. Educators played a critical role in developing the IREAD-3, professional development offerings, and the new literacy framework. Not only can this make the product stronger and more useful, engaged educators can act as ambassadors in their schools and communities for the importance of early literacy and communicate the state's approach at a local level.

## NEVADA

### Data

- Nevada’s average scale score on the NAEP fourth grade reading assessment increased by 4 points from 2007-2017, from 211 point to 215 points.<sup>xxix</sup>
  - o 31 percent of students were proficient in third grade reading 2017, compared with 24 percent in 2007.
  - o Fourth grade math results improved between 2007 and 2011, but have since decreased back to 2007 levels.
- Nevada uses the Smarter Balanced assessment to measure reading performance at the end of grade three, but like Indiana, they adopted another measure to fit their third grade reading bill. The Measures of Academic Progress (MAP) test is a growth-oriented test that Nevada uses for kindergarten through third grade.
  - o 46 percent of students met or exceeded expectations in third grade reading as measured by Smarter Balanced in 2017-18. This percentage has not changed since 2015-16.

### Law and Policy

Nevada’s “Read by Grade 3 Act” (SB 391) passed with nearly unanimous support in 2015. In 2019, the law was substantially revised (AB 289).<sup>xxx</sup> Read by Grade 3 is a comprehensive third grade reading law which sets out clear required actions and interventions for the state and districts. The law requires districts to develop elementary school literacy plans, and to include a designated reading literacy strategist (originally called a learning strategist) in every elementary school. All literacy strategists and all teachers in kindergarten through fourth grade were required to complete professional development aligned to evidence-based reading instruction. State law also requires diagnostic assessment in kindergarten through third grade, individual reading plans for struggling readers based on evidence and the science of reading, and specific early interventions to be carried out at the school level. The law originally set out a promotion/retention decision-making process at the end of third grade for students who do not meet the state standards for passing. This portion of the law was revised in 2019, replacing the retention requirement with a requirement for “intervention services and intensive instruction.”

The state agency must monitor and approve district plans. From 2015-2019, the state agency distributed Read by Grade 3 grants to fund district interventions on a competitive basis. These grants totaled over \$27 million from 2015-2017, making Read by Grade 3 one of Nevada’s largest state-funded school improvement programs. Moving forward, 2019 amendments require funds to be distributed to all schools on a noncompetitive, formula basis.

## Implementation summary

When Read by Grade 3 passed in 2015, the most urgent initial tasks were for districts to develop their local reading plans and for schools to identify literacy learning strategists in every building (now called literacy strategists). Nevada had a head start on this process at the state level because a federal Striving Readers grant had already supported the creation of a state comprehensive literacy plan.<sup>xxxix</sup> The state required that local plans align with the state plan, and supported districts to understand the learning strategist role. This role combines elements of instructional coaching, leading assessment and professional development, and outreach to teachers and families around early literacy.<sup>xxxix</sup> “We worked hard and did a lot of training so that districts would understand that this should be an extension of the instructional staff,” and ensure that the relationship with teachers would be effective and collaborative, said Kevin Marie Laxalt, Northern Nevada Read by Grade 3 Education Program Professional.

The state monitors district’s implementation of their plans with a combination of onsite and desk monitoring, and offers monthly webinars for districts on technical assistance around the law, and literacy best practices.

Outside of monitoring district plans, one of the state’s main levers for changing literacy practice was the early literacy competitive grant program. In order to receive extra funding for literacy interventions and learning strategists, school districts had to demonstrate a rigorous evidence base behind their plans. The 2019 amendment shifted this to a noncompetitive weighted formula grant.

The law also requires elementary schools to frequently monitor students’ reading skills in order to identify and intervene with struggling readers. Initially, the state offered districts a list of 12 recommended assessment options. With support from a strong majority of district leaders, the state board of education approved a single, unified kindergarten through third grade assessment in reading in 2017, the Measures of Academic Progress (MAP). In the first year of implementation, approximately 44 percent of kindergarten through third grade students were identified as struggling readers using MAP.<sup>xxxix</sup> “We now have a common measure of reading progress across all our schools, and parents have more reliable information than they have ever had before on how their students are doing in reading,” said Joan Jackson, Southern Nevada Read by Grade 3 Education Program Professional. This common assessment instrument also opens the possibility of richer statewide evaluations of effective reading practices and interventions.

Like some other states, the retention and promotion elements of the 2015 law provoked some strong reactions, resulting in a 2019 amendment to revoke the retention component before the state implemented it.

The state team dedicated exclusively to this work is lean—two people—but leverages the collaborative efforts with the larger Office of Student and School Supports, the Office of Early Learning and others. “There is no way the team could do this work in isolation,” said Keo, “and we work hard to build and maintain that collaboration and coherence within the agency.”

Nevada's third grade reading law and subsequent work in this area is more recent than some of the other states in this brief. Despite this, there are several promising signs of improvement. Results from the first statewide administration of MAP suggest that students identified as struggling readers are improving over the course of the year with the interventions required by law, across student subgroups including dual language learners, low-income students, and students with disabilities. One of the biggest shifts in practice the state team sees in their day-to-day work has been a growing shared sense of literacy responsibility in elementary schools, and an understanding that literacy should stretch across all aspects of the curricula.

# MISSISSIPPI

## Data

- Mississippi's average scale score on the NAEP fourth grade reading assessment has increased by 6 points from 2007-2017, from 208 point to 215 points.<sup>xxxiv</sup>
  - After adjusting for demographics, Mississippi's performance meets the national average, and its growth in reading performance is one of the highest compared with other states.<sup>xxxv</sup>
  - Fourth grade math results have also improved.
- Recent changes in state tests prevent full analysis of trends since the passage of the third grade reading law.
  - Proficiency on state tests in third grade reading has grown from 32 percent in 2016 to 45 percent in 2018.<sup>xxxvi</sup>
  - The percentage of students eligible for retention due to scoring in the lowest performance level on the state test has fallen from 13 percent to 7 percent between 2016 and 2018.
  - The percentage of students meeting expectations on the state's kindergarten readiness assessment has grown from 63% to 65%.

## Law and Policy

In 2013, Mississippi passed the Literacy Based Promotion Act,<sup>xxxvii</sup> a comprehensive third grade reading law addressing prevention, intervention, and retention, which was modeled on the Florida approach.<sup>xxxviii</sup> First, all students in kindergarten through third grade must take a state-approved screener assessment at the beginning, middle, and end of the school year. Any student identified as exhibiting a substantial deficiency in reading must "be given intensive reading instruction and intervention," based on research and targeting each student's specific reading difficulties. The law's extensive requirements include parent notification, third grade retention requirements and exemptions, screening and assessment procedures, and requirements that interventions must be scientifically based. The law empowers the state to provide technical assistance and training to teachers and administrators to carry out the Act.

Amendments in 2016 added a requirement for an Individual Reading Plan for each student identified as having a reading deficiency and raised the standard for promotion to fourth grade.<sup>xxxix</sup>

## Implementation Summary

The passage of Mississippi's third grade reading law in 2013 coincided with other important changes for early education in the state. That same year, Carey Wright began her tenure as

superintendent of the Mississippi Department of Education (MDE) with a focus on early learning. And the state legislature passed the Early Learning Collaboratives Act, creating Mississippi's first state-funded pre-K program. Mississippi's third grade reading law is comprehensive, meaning it delineates specific responsibilities in prevention, intervention, and retention for school districts and the state. Mississippi's state legislature allocated \$69.5 million from 2013-2018 to fund the law.

In order to maintain a high-level of quality and fidelity across the various aspects of the law, Wright committed to a muscular implementation role for the state. "We have taken the helm on reading reform, and we knew implementation was going to be key," said Wright. State Literacy Director Kymyona Burk underlined the importance of direct state leadership, saying "we have been able to deploy our state support directly to schools and teachers, and we were able to control the resources and control the quality at the state level."

One example of MDE's implementation approach was their early literacy coach program, which is a cornerstone of their early literacy improvement approach. The state designed the program to fulfill the law's requirement for training and technical assistance. MDE decided to deploy coaches in the lowest-performing elementary schools. The state education department directly recruited, hired, and placed the coaches, rather than giving that responsibility to individual school districts. They also developed extensive protocols and requirements for coaching responsibilities and how coaches should spend their time.

"We initially put literacy coaches in our 50 lowest performing schools [in third grade reading]," said Burk, "and now we have 80 coaches supporting 182 schools." Districts and schools assigned to the program were initially skeptical. A coaching coordinator said initial resistance from principals created challenges for coaches trying to build trust with teachers. But, "after the first year, the mindset changed, and more districts were asking for these resources. It did not take long for the word to spread that these coaches were a hot commodity," said chief academic officer Nathan Oakley.

Through the coaching program, MDE leaders realized the extent to which teachers and administrators were unfamiliar with the science of reading and with effective reading interventions. They also struggled with high teacher and school leader turnover in some schools. Progress on coaching can seem ephemeral in an environment of high staff turnover. As a result, MDE turned to teacher preparation to drive change at a broader level. "We put a stake in the ground: if you are teaching children to read you need to demonstrate what you know," said Wright. Revised regulations for elementary teacher licensure now require new teachers to demonstrate knowledge of reading science and effective instructional approaches to literacy development.

The state partnered with the Barksdale Reading Institute to study reading curriculum in teacher preparation institutions, and to work with an initial cohort of 40 higher education professors to change the shape of educator preparation in literacy. Kelly Butler, managing director of policy and partnerships at Barksdale, says that the pace of change has been slow, but that investment in changing teacher preparation could significantly reduce the need to retrain teachers in literacy science after they are in classrooms.

State leaders describe significant changes in practice because of these efforts, and they point in particular to the schools that have been gradually released from the literacy support program by demonstrating consistent improvement. They see growth not only in NAEP and state third grade assessments, but in pre-K through second grade assessment results. State leaders also note changes in how superintendents and other district leaders talk about early literacy and allocate resources to earlier grades.

One of the biggest challenges for MDE has been implementing the law's retention requirements. From 2015 to 2018, the law specified that students scoring at level one on state third grade reading tests would be eligible for retention, with exemptions. The retention requirement sparked pushback from district leaders, educators, and some families, and generated many local headlines. "We did not have a lot of time [after the law passed] before the retention requirement kicked in," said Burk. "We had to do a lot of proactive communication to explain what was going to happen, and emphasize prevention and intervention before retention even comes into the picture."

Beginning in 2019, students scoring at levels one and two will be eligible for retention, bringing the promotion bar closer to proficiency which is defined as scoring at levels four and five. Wright advocated for this shift. In May 2019, MDE shared initial test data showing that approximately one in four students had not met the third grade reading standard.<sup>6</sup> However, students will have opportunities to retest; actual retainment numbers were not final at time of publication.

Another challenge has been ramping up capacity within MDE to accomplish all this work. Partnerships with the University of Mississippi, REL Southeast, and others helped the state supplement capacity on evaluation, professional development services, and content development while maintaining a strong state role. The number of state staff focused on early literacy has grown from single digits in 2015 to over 80 in 2019, mostly through the coaching program.

The state's early reading efforts also coincided with other important developments in birth through third grade education and state education policies. As mentioned earlier, MDE simultaneously began to build its state pre-K program, which consistently earns high scores on NIEER's quality ratings. MDE has introduced Early Childhood Education (ECE) coaches in parallel to its literacy coaches, with support from the W.K. Kellogg Foundation. The state adopted new standards and assessments, including new, comprehensive ECE standards. Professional development and support offerings from the state are aligned to this higher, common bar for rigor. These factors may also contribute to third grade reading results.

When asked to give advice to other states, MDE leaders suggest a few key lessons. First, states should commit to reading improvement over the long term, knowing that outcomes may lag by several years. Throughout implementation, investigate the root causes of poor reading outcomes, and get creative to address them. Additionally, states should deploy resources strategically, based on data; do not shy away from using the state bully pulpit to message the importance of reading and the science behind it, in order to motivate action.

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<sup>6</sup> Jeff Amy, "1 in 4 Mississippi third graders flunk tougher reading test," Associated Press, May 22, 2019, <https://www.apnews.com/d71fc550bb0748d58c7fbcadd78af4e9>.

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## CONCLUSION

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States have taken a wide variety of legislative and implementation approaches to solving the urgent challenge of low performance and inequity in early literacy. The available research so far is mixed, and long term lessons are still evolving. So, what are the considerations for state leaders and legislators to set their students up for success?

- **The science of reading and child development is clear.** There is strong consensus among experts about how students learn to read, but this science is not always reflected in teacher preparation, curriculum, or professional development. Effective approaches to third grade reading should embed evidence-based approaches across the spectrum of prevention, intervention, and retention efforts. This also applies more broadly to developmentally appropriate, rigorous instruction in pre-K through third grade classrooms—research-based approaches have often been slow to permeate at the classroom level, but states can play an important role in spreading those lessons.
- **Passing a law is only the beginning.** The specifics of a third grade reading law can shape state efforts, but implementation decisions play a decisive role. A law can bring attention and hopefully resources to the issue of early literacy, but even states with very minimal, broad laws or no laws can drive improvement for young students. State leaders should take that charge and hone in on the specific strategies and levers for change that fit their context and needs.
- **Consider the theory of action from the state to the classroom.** The states we studied often took different paths to similar goals. Consider the example of literacy coaches or learning strategists in school buildings. There is a strong body of evidence that coaches can effectively improve teacher practices in elementary school literacy, but there are many ways a state could engage to make high-quality coaching available to more teachers. Mississippi chose to select and deploy coaches directly in low performing schools; Tennessee created an opt-in coaching network where state regional coordinators coached the coaches; and Nevada required every school to identify a learning strategist, but only initially funded the strongest proposals for interventions. These decisions reflect differences in law, in SEA strategy, and in relationships with districts, and could drive improvement in different ways.
- **Change must happen across multiple fronts.** All the state leaders we interviewed emphasized a multi-pronged strategy to bring about systemic change in early reading outcomes. Even if states started out with one primary initiative, they soon realized all the intertwined areas that contribute to third grade reading outcomes. Evidence-based knowledge and skill-building opportunities around literacy need to reach teachers and leaders. Teachers and leaders need reliable tools to identify struggling readers and to measure progress over time. State standards for training and licensure should match expectations for the classroom. And all these actions should drive towards greater quality and equity for students.

- **Communication is key.** Several states wished in retrospect that they had devoted more initial time to proactive communication and stakeholder engagement, especially around the implementation plans and exemptions for retention requirements. In some states, anxieties around testing and retention overshadowed bigger efforts around prevention and intervention. States have since sought to draw attention to the full scope of their efforts around early literacy, beyond retention.
- **Build connections and coherence.** Third grade reading laws are rarely the only effort underway that impacts young students. States are also expanding pre-K, revising state standards, creating new accountability systems and more. Third grade reading efforts should not be siloed from the other factors shaping classroom instruction and creating coherence within state agencies around literacy can expand the states' internal capacity to reach teachers and leaders.
- **Commit over the long term and evaluate from the beginning.** State leaders should anticipate a multi-year timeline to see changes in third grade outcomes, especially as schools identify struggling readers earlier and work with them for a longer period of time. But, that long-term view should be accompanied by close attention to monitoring, evaluation, and continuous improvement. States should track leading indicators of progress through vehicles such as developmentally appropriate assessments prior to third grade, teacher surveys, and classroom observations, and identify areas for improvement, learning, and change along the way.

## APPENDIX: THIRD GRADE READING LAWS IN STATES

	Law	Type	Prevention			Intervention				Retention				Other Notes	Reference Links	
			Science of reading	School or district plans, goals, public reporting	State support and assistance	Diagnostic screening	Individual student plans	Required intervention strategies	Parental notification	Retention based on assessment performance	Local retention decisions only	Exemptions	Alternative method of demonstrating skills			Post-retention requirements
Alabama	N															
Alaska	Y	Local	Y	Y		Y	Y	Y			Y					<a href="http://www.legis.state.ak.us/PDF/28/Bills/SB0057Z.PDF">http://www.legis.state.ak.us/PDF/28/Bills/SB0057Z.PDF</a> , <a href="http://www.akleg.gov/basis/Bill/Text/20?Hsid=SB0203B">http://www.akleg.gov/basis/Bill/Text/20?Hsid=SB0203B</a>
Arizona	Y	Comprehensive	Y		Y	Y	Y	Y	Y				Y			<a href="https://www.azleg.gov/ars/15/00701.htm">https://www.azleg.gov/ars/15/00701.htm</a>
Arkansas	Y	Retention				Y			Y							<a href="https://law.justia.com/codes/arkansas/2010/title-6/subtitle-2/chapter-15/subchapter-20/6-15-2009/">https://law.justia.com/codes/arkansas/2010/title-6/subtitle-2/chapter-15/subchapter-20/6-15-2009/</a>
California	N															<a href="http://www.leginfo.ca.gov/pub/97-98/bill/asm/pub_97-98/bill_asm_ab_1601-1650/ab_1626_bill_19980923_chaptered.pdf">http://www.leginfo.ca.gov/pub/97-98/bill/asm/pub_97-98/bill_asm_ab_1601-1650/ab_1626_bill_19980923_chaptered.pdf</a>
Colorado	Y	Local	Y	Y		Y	Y	Y								<a href="https://www.assessmentandretention.com/codes/colorado/2016/title-22-general-and-administrative/article-7/part-12/section-22-7-1205">22-7-1205</a> - assessment and retention (revised 2016) ( <a href="https://www.assessmentandretention.com/codes/colorado/2016/title-22-general-and-administrative/article-7/part-12/section-22-7-1205">https://www.assessmentandretention.com/codes/colorado/2016/title-22-general-and-administrative/article-7/part-12/section-22-7-1205</a> ) ( <a href="https://www.assessmentandretention.com/codes/colorado/2016/title-22-general-and-administrative/article-7/part-12/section-22-7-1206">https://www.assessmentandretention.com/codes/colorado/2016/title-22-general-and-administrative/article-7/part-12/section-22-7-1206</a> )
Connecticut	Y	Local		Y		Y	Y	Y	Y			Y				<a href="https://www.assessmentandretention.com/codes/connecticut/2012/title-10/chapter-172/section-10-265g/">10-265</a> assessment and retention (2012) ( <a href="https://www.assessmentandretention.com/codes/connecticut/2012/title-10/chapter-172/section-10-265g/">https://www.assessmentandretention.com/codes/connecticut/2012/title-10/chapter-172/section-10-265g/</a> )
Delaware	Y	Local				Y		Y	Y			Y				<a href="http://delcode.delaware.gov/title14/c001/sc03/">http://delcode.delaware.gov/title14/c001/sc03/</a>
District of Columbia	N															<a href="http://lims.dccouncil.us/Download/29467/B20-0311-SignedAct.pdf">http://lims.dccouncil.us/Download/29467/B20-0311-SignedAct.pdf</a>

	Law	Type	Prevention			Intervention				Retention				Other Notes	Reference Links
			Science of reading	School or district plans, goals, public reporting	State support and assistance	Diagnostic screening	Individual student plans	Required intervention strategies	Parental notification	Retention based on assessment performance	Local retention decisions only	Exemptions	Alternative method of demonstrating skills		
Florida	Y	Comprehensive	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		<a href="https://www.flsenate.gov/Laws/Statutes/2011/1008.25">https://www.flsenate.gov/Laws/Statutes/2011/1008.25</a>
Georgia	Y	Comprehensive				Y	Y	Y	Y	Y	Y	Y	Y		<a href="https://www.gadoe.org/External-Affairs-and-Policy/State-Board-of-Education/SBOE%20Rules/160-4-2-.1.1.pdf">https://www.gadoe.org/External-Affairs-and-Policy/State-Board-of-Education/SBOE%20Rules/160-4-2-.1.1.pdf</a> ; <a href="https://law.justia.com/codes/georgia/2010/title-20/chapter-2/article-6/part-3/20-2-153/">https://law.justia.com/codes/georgia/2010/title-20/chapter-2/article-6/part-3/20-2-153/</a>
Hawaii	N														
Idaho	N														
Illinois	N														
Indiana	Y	Local		Y	Y				Y						<a href="http://www.in.gov/legislative/bills/2010/HE/HE1367_1.html">http://www.in.gov/legislative/bills/2010/HE/HE1367_1.html</a>
Iowa	Y	Local	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y		<a href="https://custom.statenet.com/public/resources.cgi?id=ID:bill:A2015000H2413&amp;ciq=ncsl5&amp;client_md=349bd78bea60c462720f2e34f367588&amp;mode=current_text">https://custom.statenet.com/public/resources.cgi?id=ID:bill:A2015000H2413&amp;ciq=ncsl5&amp;client_md=349bd78bea60c462720f2e34f367588&amp;mode=current_text</a>
Kansas	N														
Kentucky	N														
Louisiana	N														
Maine	Y	Retention							Y						<a href="http://www.mainelegislature.org/legis/statutes/20-a/title20-Asec6209.html">http://www.mainelegislature.org/legis/statutes/20-a/title20-Asec6209.html</a>
Maryland	Y	Local				Y		Y	Y	Y	Y	Y	Y		<a href="https://codes.findlaw.com/md/education/md-code-educ-sect-7-202.html">https://codes.findlaw.com/md/education/md-code-educ-sect-7-202.html</a>

	Prevention			Intervention				Retention				Other Notes	Reference Links		
	Law	Type	Science of reading	School or district plans, goals, public reporting	State support and assistance	Diagnostic screening	Individual student plans	Required intervention strategies	Parental notification	Retention based on assessment performance	Local retention decisions only			Exemptions	Alternative method of demonstrating skills
Massachusetts	Y	Comprehensive	Y	Y	Y									MA has an unusual third grade law that primary convenes a panel to advise department action around early literacy, it does not quite fit into any of the frameworks.	<a href="https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter287">https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter287</a>
Michigan	Y	Comprehensive	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Extensive coaching and professional development requirements	<a href="http://www.legislature.mi.gov/(S)pehpyugndb4sgbrkoxztk)/mleg.aspx?page=getObject&amp;objectName=mcl-388-1704c">http://www.legislature.mi.gov/(S)pehpyugndb4sgbrkoxztk)/mleg.aspx?page=getObject&amp;objectName=mcl-388-1704c</a> ; <a href="http://www.legislature.mi.gov/(S)oa9qdcylprbj0v1hauiu4y)/mleg.aspx?page=getObject&amp;objectName=mcl-380-1280f">http://www.legislature.mi.gov/(S)oa9qdcylprbj0v1hauiu4y)/mleg.aspx?page=getObject&amp;objectName=mcl-380-1280f</a>
Minnesota	Y	Comprehensive	Y	Y	Y	Y	Y	Y	Y	Y					<a href="https://www.revisor.mn.gov/statutes/cite/120B.12">https://www.revisor.mn.gov/statutes/cite/120B.12</a>
Mississippi	Y	Comprehensive	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		<a href="https://house.mo.gov/billtracking/bills101/billpdf/intro/HB2277I.PDF">https://house.mo.gov/billtracking/bills101/billpdf/intro/HB2277I.PDF</a>
Missouri	Y	Retention					Y	Y	Y	Y	Y	Y	Y		<a href="https://house.mo.gov/billtracking/bills101/billpdf/intro/HB2277I.PDF">https://house.mo.gov/billtracking/bills101/billpdf/intro/HB2277I.PDF</a>
Montana	N														
Nebraska	N														
Nevada	Y	Comprehensive	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		<a href="https://legiscan.com/NV/text/SB391/rcl/240949">https://legiscan.com/NV/text/SB391/rcl/240949</a>
New Hampshire	N														

	Law	Type	Prevention			Intervention				Retention				Other Notes	Reference Links	
			Science of reading	School or district plans, goals, public reporting	State support and assistance	Diagnostic screening	Individual student plans	Required intervention strategies	Parental notification	Retention based on assessment performance	Local retention decisions only	Exemptions	Alternative method of demonstrating skills			Post-retention requirements
New Jersey	N														Only concerns the sole rights of school boards to make retention decisions, not only on third grade	<a href="https://law.justia.com/codes/new-jersey/2014/title-18a/section-18a-35-4.9/">https://law.justia.com/codes/new-jersey/2014/title-18a/section-18a-35-4.9/</a>
New Mexico	N														Does not focus on third grade, only on retention	<a href="https://law.justia.com/codes/new-mexico/2015/chapter-22/article-13/section-22-13-28/">https://law.justia.com/codes/new-mexico/2015/chapter-22/article-13/section-22-13-28/</a> , <a href="https://law.justia.com/codes/new-mexico/2015/chapter-22/article-2c/section-22-2c-6">https://law.justia.com/codes/new-mexico/2015/chapter-22/article-2c/section-22-2c-6</a>
New York	Y	Local	Y	Y		Y				Y	Y					<a href="http://www.nysed.gov/common/nysed/files/programs/bilingual-ed/cr_part_117.pdf">http://www.nysed.gov/common/nysed/files/programs/bilingual-ed/cr_part_117.pdf</a>
North Carolina	Y	Comprehensive	Y	Y	Y	Y				Y	Y					<a href="https://www.ncleg.net/Sessions/2013/Bills/House/HTML/H230v4.html">https://www.ncleg.net/Sessions/2013/Bills/House/HTML/H230v4.html</a>
North Dakota	N															
Ohio	Y	Comprehensive	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		<a href="https://law.justia.com/codes/ohio/2011/title33/chapter3313/section3313-608">https://law.justia.com/codes/ohio/2011/title33/chapter3313/section3313-608</a>
Oklahoma	Y	Comprehensive	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Amended 2018	<a href="http://webserver1.lsb.state.ok.us/cf_pdf/2017-18%20ENR/HB/HB1760%20ENR.PDF">http://webserver1.lsb.state.ok.us/cf_pdf/2017-18%20ENR/HB/HB1760%20ENR.PDF</a>
Oregon	N															
Pennsylvania	N															
Rhode Island	N															
South Carolina	Y	Comprehensive	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		<a href="https://www.scstatehouse.gov/2013-2014/bills/516.htm">https://www.scstatehouse.gov/2013-2014/bills/516.htm</a>
South Dakota	N															

	Law	Prevention			Intervention				Retention				Other Notes	Reference Links
		Science of reading	School or district plans, goals, public reporting	State support and assistance	Diagnostic screening	Individual student plans	Required intervention strategies	Parental notification	Retention based on assessment performance	Local retention decisions only	Exemptions	Alternative method of demonstrating skills		
Tennessee	Y							Y						<a href="http://www.capitol.tn.gov/Bills/107/Bill/SB2156.pdf">http://www.capitol.tn.gov/Bills/107/Bill/SB2156.pdf</a>
Texas	N					Y			Y	Y	Y		Does not focus on third grade, only on retention/assessment/standards	<a href="https://law.justia.com/codes/texas/2015/education-code/title-2/subtitle-f/chapter-28/">https://law.justia.com/codes/texas/2015/education-code/title-2/subtitle-f/chapter-28/</a>
Utah	N													
Vermont	N													
Virginia	N													
Washington	Y								Y	Y	Y	Y	Includes interventions, but only after student is in third grade and has failed the state test (thus, retention retention only)	<a href="http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5803-S.S.L.pdf">http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5803-S.S.L.pdf</a>
West Virginia	Y		Y	Y				Y					Broad law that directs the state and districts to make plans	<a href="http://www.legislature.gov/WVcode/ChapterEntire.cfm?chap=18&amp;art=2E&amp;section=10">http://www.legislature.gov/WVcode/ChapterEntire.cfm?chap=18&amp;art=2E&amp;section=10</a>
Wisconsin	N													
Wyoming	N													

Methods Notes: Based on a direct reading of state statute. Some states have laws about promotion/retention decisions. If these laws do not specifically pertain to third grade reading, this analysis does not count them as third grade reading laws.

## Endnotes

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