



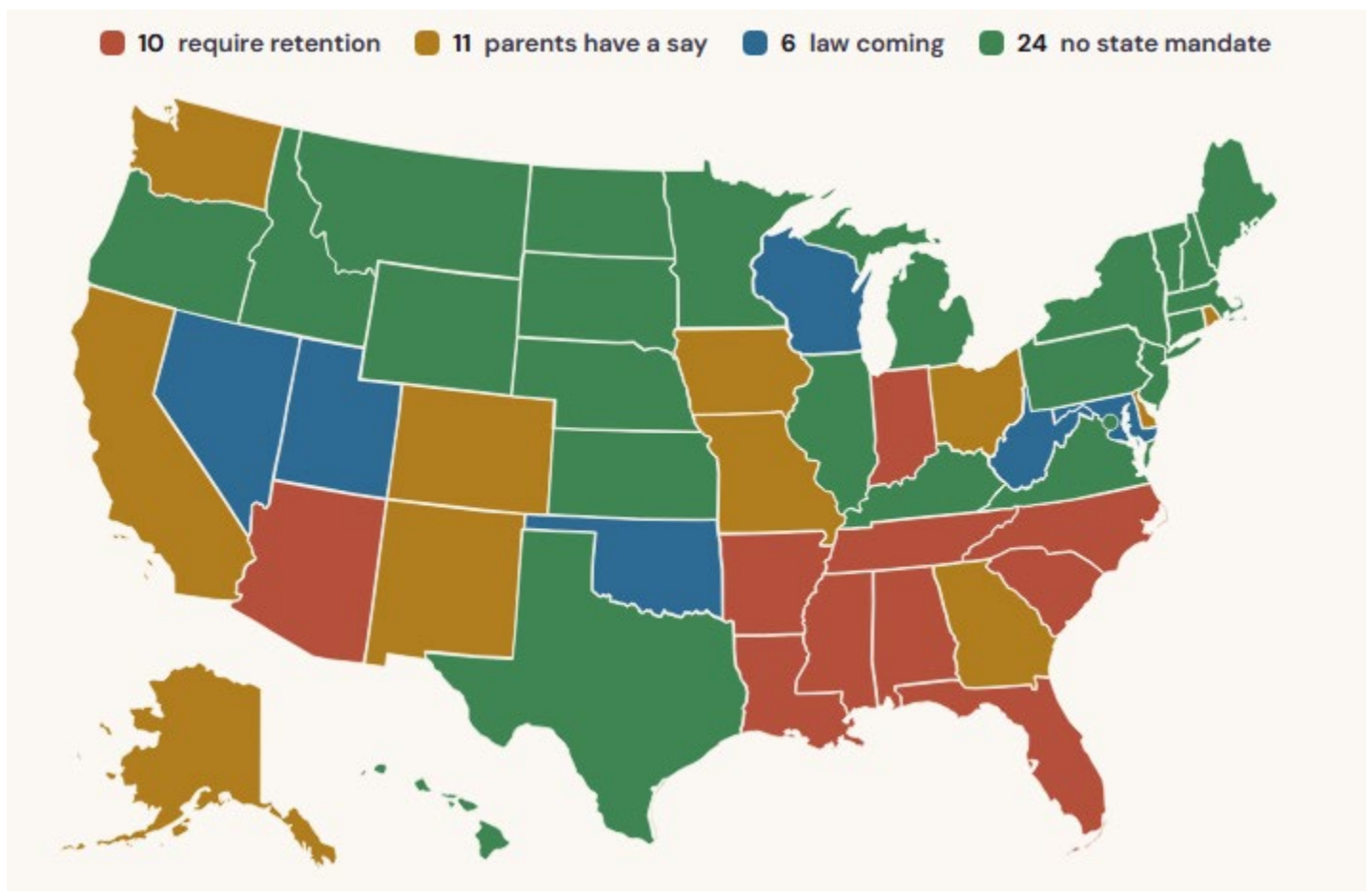
THIRD-GRADE READING RETENTION LAWS

**Current as of August 7, 2026*

Executive Summary

The “Mississippi Miracle” refers to Mississippi’s unusually large improvement in K–12 student achievement since about 2013, especially in early literacy and fourth-grade reading. This was not a single program but a sustained package of policy, implementation, and accountability reforms that changed classroom practice statewide. Mississippi’s turnaround is most closely associated with the [Literacy-Based Promotion Act \(LBPA\)](#) and related reforms that emphasized phonics and the science of reading, early screening for reading problems, intensive teacher training, reading coaches, and a third-grade promotion standard tied to reading proficiency. By 2024, Mississippi had moved from near the bottom nationally to roughly the middle or above average on key reading measures, with especially strong gains among younger students.

One such component of this historic turnaround was the implementation of a third-grade reading law that requires retention of students who fail to pass the third-grade reading benchmarks. As of June 2026, more than half of the states in the U.S. have some form of “reading gate” – requiring or allowing for retention. In the South, only three states – Kentucky, Texas, and Virginia – do not have a statewide mandate, while Oklahoma just enacted its mandatory retention law during the 2026 legislative session.



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Research Methods

Review of state statutes, as well as review of state legislation using Quorum.

Findings and Analysis – Legislation and Statutes

State	Year Enacted (Measure)	Type (Exemptions)	Citation(s)
Alabama	2023 (House Bill 430)	Mandate	Ala. Code § 16-6G-5
Arkansas	2023 (Senate Bill 294)	Mandate	Ark. Code Ann. § 6-15-2009
Florida	2015 (House Bill 7069)	Mandate	Fla. Stat. § 1008.25
Georgia	2026 (House Bill 1193)	Parental Consent	O.C.G.A. § 20-2-282 et seq.
Kentucky	-	-	-
Louisiana	2023 (House Bill 12)	Mandate	La. Rev. Stat. § 17:24.11
Mississippi	2013 (Senate Bill 2347)	Mandate	Miss. Code Ann. § 37-177-1 et seq.
Missouri	2022 (Senate Bill 681)	Parental Consent	Mo. Rev. Stat. § 167.645
North Carolina	2021 (Senate Bill 387)	Mandate	N.C. Gen. Stat. § 115C-83.7
Oklahoma	2026 (Senate Bill 1778)	Mandatory	70 Okla. Stat. § 1210.508C
South Carolina	2024 (Senate Bill 418)	Mandatory	S.C. Code Ann. § 59-155-160
Tennessee	2021 (Senate Bill 1156)	Mandatory	Tenn. Code Ann. § 49-6-3115
Texas	-	-	-
Virginia	-	-	-
West Virginia	2023 (House Bill 3035)	Automatic (Parental and IEPs)	W. Va. Code § 18-2E-10

Findings and Analysis – Exemption Details

State	Exemption(s) to Automatic Retention
Alabama	- English Language Learners with fewer than three years of English instruction - Students with an IEP or 504 plan reflecting two plus years of intensive reading intervention - Students with a portfolio demonstrating grade-level reading - Learners who pass a state-approved alternative assessment
Arkansas	- English Language Learners with limited English proficiency - Students with an IEP (Individualized Education Program) or a 504 plan - Students previously retained in a prior grade - Students currently enrolled in an intensive literacy intervention program - Students referred for a special education evaluation
Florida	- Students with limited English proficiency who have been in an ESOL program for fewer than two years - Students with disabilities whose IEP indicates the statewide assessment is not appropriate - Students earning an acceptable score on a State-Board-approved alternative standardized ELA assessment - Students demonstrating Level-2-equivalent performance through a district-approved evidence portfolio - Students with a disability who have already been retained once in K–3 and received two plus years of intensive reading instruction per their IEP/504 plan - Students who have received intensive reading intervention for two plus years and were



State	Exemption(s) to Automatic Retention
	previously retained in K–3 (<i>this exemption may be used only once — no student may be retained in grade 3 more than once</i>)
Georgia	-
Kentucky	-
Louisiana	• Students who are English Language Learners, new to an ELL program • Students with dyslexia or other disabilities whose IEP or 504 plan documents intensive remediation • Students with a disability who were previously retained in K–3 • Students demonstrating proficiency on an alternative approved screener
Mississippi	• Limited English Proficient students with fewer than two years in an ELL program • Students with disabilities whose IEP indicates the statewide assessment is not appropriate • Students with a disability whose IEP or 504 plan shows two plus years of intensive reading remediation and who were previously retained in K–3 • Students scoring at an acceptable level on an alternative state-approved standardized assessment • Students who received two plus years of intensive reading intervention, were previously retained in K–3, and have not yet met exceptional education criteria
Missouri	-
North Carolina	• Students have been in an ESL/ELL program for fewer than two years • Students have an IEP designating the NCEXTEND1 alternate assessment, or documents at least a two-year educational delay, or two plus years of intensive literacy interventions • Students demonstrating proficiency on an approved alternative assessment • Students who demonstrate proficiency through a state-approved reading portfolio process • Students who have been retained more than once AND received literacy interventions (prior multi-retention)
Oklahoma	• English Language Learners with fewer than two consecutive years of English instruction • Students with disabilities whose IEP documents two plus years of intensive literacy intervention without sufficient progress • Students already retained once in kindergarten through third grade • Students with disabilities previously retained once in K-3 • Students who have been retained twice in K-3 are exempt from a third retention
South Carolina	• English Language Learners with fewer than two years of ESOL instruction • Students with disabilities whose IEP indicates alternative assessments or documents two plus years of intensive remediation without sufficient progress • Students with Section 504 plans documenting two plus years of intensive remediation • Successful completion of the state Summer Reading Camp (scoring Approaches Expectations or above on the end-of-camp assessment) • Passing an approved alternative assessment (MAP, STAR, or i-Ready with a cut score of 489) • Students previously retained who have received two additional years of intervention
Tennessee	• English learners with fewer than two years of ELA instruction • Students previously retained in kindergarten through third grade • Students with a disability — or a suspected disability — that affects reading
Texas	-



State	Exemption(s) to Automatic Retention
Virginia	-
West Virginia	• Students with disabilities whose IEP indicates participation in the alternate summative assessment • English learners with fewer than three years of English instruction • Students with disabilities (IEP or 504 plan) who take the regular assessment • Students who attend an approved extended-year program after third grade and reach proficiency on an approved alternative assessment • A parent-requested exception, consistent with county policy and approved by the county superintendent