

SECOND REGULAR SESSION

# SENATE BILL NO. 918

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EHLMANN.

Read 1st time January 26, 2000, and 1,000 copies ordered printed.

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TERRY L. SPIELER, Secretary.

## AN ACT

To repeal section 167.645, RSMo Supp. 1999, relating to reading ability in elementary school, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 167.645, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 167.645, to read as follows:

167.645. [No public school student shall be promoted to a higher grade level unless that student has a reading ability level at or above one grade level below the student's grade level; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999, RSMo.] **1. For purposes of this section, "reading assessment" shall mean a recognized method of judging a pupil's reading ability, with results expressed as reading at a particular grade level, including, but not limited to, standard checklists designed for use as a student reads out loud, paper-and-pencil tests promulgated by nationally-recognized organizations and other recognized methods of determining a student's reading accuracy, expression, fluency and comprehension in order to make a determination of the child's grade-level reading ability.**

**2. For purposes of this section, methods of reading assessment shall be determined by each school district. School districts are encouraged to use multiple methods of assessment. Assessments which do not give a grade-level result may be used in combination with other assessments to reach a grade-level determination. Each school district shall administer a reading assessment or set of**

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

assessments to each pupil within forty-five days of the end of each school year, except that the provisions of this subsection shall not apply to:

(1) Pupils receiving special education services under an individualized education plan pursuant to sections 162.670 to 162.999, RSMo;

(2) Students whose second language is English; or

(3) Students in an educational plan under section 504 of the Federal Rehabilitation Act of 1973, 20 U.S.C. Section 794, as amended, where it is determined that such student's disability affects such student's ability to read; or

(4) Students who have been determined, prior to the beginning of any school year, to have an intellectual ability insufficient to meet the reading requirement set out in this section, so long as the parents or guardians have been notified of such fact and concur, in writing, with the district's assessment. Students may be given the assessment as many times as the school district allows in order to meet the reading standard set out in this section. If any student taking an assessment fails to meet the standard, the student's parents or guardians shall be notified.

3. A student scoring proficient or advanced on the statewide assessment in communication arts shall be considered meeting the reading standard as defined in this subsection. For each student whose reading assessment at the end of any given school year determines that such student is reading below the first month of the grade level immediately below the grade level of the student's current school year, the school shall notify the student's parents or guardians of the student's reading assessment and the student shall be required to attend summer school reading instruction. A school district may arrange the hours and days of instruction to coordinate with its regular program of summer school. If at the end of summer school reading instruction, the student has still not met the reading standard required in this section, the school district shall design a reading plan for the student's next grade. Such reading plan shall include, at a minimum, thirty hours of additional reading instruction or practice outside the regular school day during the next grade. Summer school reading instruction shall include a minimum of two hours of reading instruction and practice for twenty days. The school district shall determine the method of reading instruction necessary to enforce this subsection. If the student and the student's parents or guardians agree to the reading plan, the student may be promoted to the next grade level but shall be on probation until such time as the student has met the reading standard.

4. Each student for whom a reading plan has been designed pursuant to subsection 3 of this section shall be given another reading assessment, to be administered within forty-five days of the end of such student's next grade year. If such student is determined to be reading below the first month of the grade level

**immediately below the grade level of the student in that school year, the school shall notify the student's parents or guardians and the student shall be required to attend summer school reading instruction. If at the end of summer school reading instruction, the student has still not met the standard required in this section and such student is determined to be reading below the level required by this section, the school shall notify the student's parents or guardians and the student shall not be promoted to a higher grade level. No student shall be denied promotion more than once solely for inability to meet the reading standards set out this section.**

**5. The process described in subsections 3 and 4 of this section shall be first applied to students seeking promotion to third grade and repeated as necessary through the end of the eighth grade, with the target grade level rising accordingly.**

**6. The mandatory process of additional reading instruction pursuant to this section shall cease at the end of the ninth grade.**

**7. Each school district shall be required to offer summer school reading instruction to any student with a reading plan. Districts may fulfill the requirement of this section through cooperative arrangements with other districts.**

**8. A school district may adopt a policy that requires retention in grade of any student who has been determined to require summer school reading instruction and who does not fulfill the summer school reading instruction attendance requirement.**

**9. A school district may adopt a policy that is more stringent or requires a higher standard than required by this section.**

**10. A school district may not be penalized on its Missouri school improvement program evaluation or any other state evaluation for changes in curriculum or procedures instituted to allow more students to meet the reading standard set out in this section.**

Section B. Because of the need for Missouri elementary students to be adequately trained in reading, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

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