

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 50
91ST GENERAL ASSEMBLY

Reported from the Committee on Education-Elementary and Secondary, February 15, 2001, with recommendation that the House Committee Substitute for House Bill No. 50 Do Pass.

Taken up for Perfection February 27, 2001.

House Committee Substitute for House Bill No. 50 ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

0061L.03P

AN ACT

To repeal section 167.645, RSMo 2000, relating to promotion of students, and to enact in lieu thereof three new sections 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Section A. Section 167.645, RSMo 2000, is repealed and three new sections enacted in lieu thereof, to be known as sections 167.645, Section 1 and Section 2 to read as follows: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, the following terms mean:**

(1) "Reading assessment", a recognized method of judging a student's reading ability, with results expressed as reading at a particular grade level. The term reading assessment shall include, but is 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 student's grade-level reading ability. Assessments which do not give a grade-level result may be used in combination with other assessments to reach a grade-level determination. Districts are

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

14 encouraged but not required to select assessment methods identified pursuant to section
15 167.346. Districts are also encouraged to use multiple methods of assessment;

16 (2) "Summer school", for reading instruction purposes, a minimum of forty hours
17 of reading instruction and practice. A school district may arrange the hours and days of
18 instruction to coordinate with its regular program of summer school.

19 2. For purposes of this section, methods of reading assessment shall be determined
20 by each school district. Unless a student has been determined in the current school year
21 to be reading at grade level or above, each school district shall administer a reading
22 assessment or set of assessments to each student within forty-five days of the end of the
23 third-grade year, except that the provisions of this subsection shall not apply to students
24 receiving special education services under an individualized education plan pursuant to
25 sections 162.670 to 162.999, RSMo, to students receiving services pursuant to Section 504
26 of the Rehabilitation Act of 1973 whose services plan includes an element addressing
27 reading or to students determined to have limited English proficiency. The assessment
28 required by this subsection shall also be required for students who enter a school district
29 in grades fourth, fifth or sixth unless such student has been determined in the current
30 school year to be reading at grade level or above.

31 3. Beginning with school year 2002-2003, for each student whose third-grade
32 reading assessment determines that such student is reading below second-grade level, the
33 school district shall design a reading improvement plan for the student's fourth-grade year.
34 Such reading improvement plan shall include, at a minimum, thirty hours of additional
35 reading instruction or practice outside the regular school day during the fourth-grade year.
36 The school district shall determine the method of reading instruction necessary to enforce
37 this subsection. The school district may also require the student to attend summer school
38 for reading instruction as a condition of promotion to fourth grade. The department of
39 elementary and secondary education shall be required to reimburse all verifiable costs
40 associated with or incurred by school districts in the implementation and execution of said
41 thirty hours of additional reading instruction program.

42 4. Each student for whom a reading improvement plan has been designed pursuant
43 to subsection 3 of this section shall be given another reading assessment, to be administered
44 within forty-five days of the end of such student's fourth-grade year. If such student is
45 determined to be reading below third-grade level, the student shall be required to attend
46 summer school to receive reading instruction. At the end of such summer school
47 instruction, such student shall be given another reading assessment. If such student is
48 determined to be reading below third-grade level, the district shall provide a reading
49 improvement plan for the student's fifth-grade year.

50 **5. The process described in subsections 3 and 4 of this section shall be repeated as**
51 **necessary through the end of the sixth grade, with the grade level requirement rising**
52 **accordingly.**

53 **6. The mandatory process of additional reading instruction pursuant to this section**
54 **shall cease at the end of the sixth grade. The permanent record of students who are**
55 **determined to be reading below the fifth-grade level at the end of sixth grade shall carry**
56 **a notation advising that such student has not met minimal reading standards. The notation**
57 **shall stay on the student's record until such time as the district determines that a student**
58 **has met minimal reading standards.**

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

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

65 **9. Nothing in this section shall preclude a school district from retaining any student**
66 **in grade when a determination is made in accordance with district policy that retention is**
67 **in the best interests of the student.**

68 **10. The state board of education shall not incorporate information about the**
69 **number of students receiving additional instruction pursuant to this section into any**
70 **element of any standard of the Missouri school improvement program or its successor**
71 **accreditation program; provided, however, each district shall make available, upon the**
72 **request of any parent, patron, or media outlet within the district, the number and**
73 **percentage of students receiving remediation pursuant to this section. The information**
74 **shall be presented in a way that does not permit personal identification of any student or**
75 **educational personnel.**

76 **11. Each school district shall make a systematic effort to inform parents of the**
77 **methods and materials used to teach reading in kindergarten through fourth grade, in**
78 **terms understandable to a lay person.**

Section 1. The performance of a limited English proficiency student on the statewide
2 **assessments pursuant to section 160.518, RSMo, shall be disaggregated from the district's**
3 **performance for five years after such student enters a Missouri public school for the**
4 **purposes of determining a district's performance for accreditation.**

Section 2. Students who receive special education services pursuant to section
2 **162.670 to 162.999, RSMo, shall be exempt from the retake provisions as required by**
3 **section 167.640, RSMo.**

Section B. Because immediate action is necessary to preserve the reading ability of the
2 elementary school students of Missouri, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and section A of this act shall be
5 in full force and effect on July 1, 2001, or upon its passage and approval, whichever later occurs.