

SECOND REGULAR SESSION

SENATE BILL NO. 747

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5034S.011

AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to reading instruction and student promotion.

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

Section A. Chapter 167, RSMo, is amended by adding thereto one new
2 section, to be known as section 167.735, to read as follows:

**167.735. 1. Beginning July 1, 2017, every public school in the
2 metropolitan school district or in any urban school district containing
3 most or all of a home rule city with more than four hundred thousand
4 inhabitants and located in more than one county, including charter
5 schools, shall incorporate a response-to-intervention tiered approach
6 to reading instruction to focus resources on students who are
7 determined by their school to need additional or changed instruction
8 to make progress as readers. At a minimum, the reading levels of
9 students in kindergarten through tenth grade shall be assessed at the
10 beginning and middle of the school year, and students who score below
11 district benchmarks shall be provided with intensive, systematic
12 reading instruction.**

**13 2. Beginning January 1, 2017, and every January first thereafter,
14 every public school in the metropolitan school district or in any urban
15 school district containing most or all of a home rule city with more
16 than four hundred thousand inhabitants and located in more than one
17 county, including charter schools, shall prepare a personalized learning
18 plan for any kindergarten or first grade student whose most recent
19 school-wide reading assessment result shows the student is working
20 below grade level unless the student has been determined by other
21 means in the current school year to be working at grade level or**

22 above. The provisions of this section shall not apply to students
23 otherwise served under an individualized education program, to
24 students receiving services through a plan prepared under Section 504
25 of the Rehabilitation Act of 1973 that includes an element addressing
26 reading below grade level, or to students determined to have limited
27 English proficiency.

28 3. For any student in a metropolitan school district or in any
29 urban school district containing most or all of a home rule city with
30 more than four hundred thousand inhabitants and located in more than
31 one county that is required by this section to have a personalized
32 learning plan, the student's main teacher shall consult with the
33 student's parent or guardian during the preparation of the plan and
34 shall consult, as appropriate, any district personnel or department of
35 elementary and secondary education personnel with necessary
36 expertise to develop such a plan. The school shall require the written
37 consent of the parent or guardian to implement the plan; however, if
38 the school is unsuccessful in contacting the parent or guardian by
39 January fifteenth, the school may send a letter by certified mail to the
40 student's last known address stating its intention to implement the plan
41 by February first.

42 4. After implementing the personalized learning plan through the
43 end of the student's first grade year, the school shall refer any student
44 who still performs below grade level for assessment to determine if an
45 individualized education program is necessary for the student. A
46 student who is assessed as not needing an individualized education
47 program but who is reading below grade level at the end of the first
48 grade shall continue to be required to have a personalized learning
49 plan until the student is reading at grade level.

50 5. Notwithstanding any provision of law to the contrary, any
51 student in a metropolitan or in any urban school district containing
52 most or all of a home rule city with more than four hundred thousand
53 inhabitants and located in more than one county who is not reading at
54 second-grade level by the end of second grade may be promoted to the
55 third grade only under one of the following circumstances:

56 (1) The school provides additional reading instruction during the
57 summer and demonstrates the student has the abilities and the
58 knowledge to successfully learn in third grade at the end of the summer

59 school;

60 (2) The school provides a combined classroom in which the
61 student continues with the same teacher, sometimes referred to as
62 "looping". If the student in such a classroom is not reading at third-
63 grade level by the end of third grade, the student shall be retained in
64 third grade; or

65 (3) The student's parents or guardians have signed a notice that
66 they prefer to have their student promoted although the student is
67 reading below grade level. The school shall have the final
68 determination on the issue of retention.

69 6. The metropolitan school district, any urban school district
70 containing most or all of a home rule city with more than four hundred
71 thousand inhabitants and located in more than one county, and each
72 charter school located in such districts shall provide in its annual
73 report card under section 160.522 the numbers and percentages by
74 grade from first grade to tenth grade in each school of any students at
75 any grade level who have been promoted who have been determined as
76 reading below grade level, except that no reporting shall permit the
77 identification of an individual student.

78 7. School districts and charter schools under this section may
79 provide for a student promotion and retention program and a reading
80 instruction program that are equivalent to those which are described
81 in this section with the oversight and approval of the department of
82 elementary and secondary education.

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