

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 949

AN ACT

To repeal sections 167.263, 167.268, and 167.645, RSMo, and to enact in lieu thereof two new sections relating to reading intervention in schools.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 167.263, 167.268, and 167.645, RSMo,
2 are repealed and two new sections enacted in lieu thereof, to be
3 known as sections 167.263 and 167.450, to read as follows:

4 167.263. 1. A program to provide teacher assistants in
5 regular classrooms in grades kindergarten through three is
6 established. For the purposes of this section a "teacher
7 assistant" is defined as a qualified person employed by a school
8 district to assist a certificated teacher in classroom
9 instruction and management. No teacher assistant shall be
10 counted as a teacher for the purposes of establishing ratios of
11 teachers to pupils in a classroom, school or school district.
12 Any public elementary school containing such grades which meets
13 the criteria pursuant to this section shall be eligible for a
14 state financial supplement to employ teacher assistants.
15 Eligibility criteria are that the school shall have a breakfast
16 program, the school shall serve at least forty percent of its
17 lunches to pupils who are eligible for free or reduced price

1 meals according to federal guidelines, and the school shall have
2 a reading [intervention] success plan [pursuant to section
3 167.268] under section 167.450.

4 2. A school district which contains such eligible schools
5 may apply to the department of elementary and secondary education
6 for a state financial supplement to employ teacher assistants in
7 those schools named in the application and in no other schools of
8 the district. The state full-time equivalent financial
9 supplement shall be three thousand dollars per teacher assistant.
10 No more than one assistant per classroom shall be supplemented by
11 the state pursuant to this section. Teacher assistants thus
12 employed pursuant to this section shall assist teachers in grades
13 kindergarten through three and in no other grades. School
14 districts shall not apply for or assign teacher assistants
15 employed pursuant to this section in classrooms designated as
16 special education or compensatory education classrooms.

17 3. The state board of education shall promulgate rules and
18 regulations for the implementation of this section. Such rules
19 shall include identifying minimum qualifications for teacher
20 assistants which may include teacher education students,
21 determining the minimum number of pupils per classroom to be
22 eligible for a teacher assistant, establishing application
23 procedures for school districts, and determining a method of
24 awarding state financial supplements in the event that the number
25 of applications exceeds the amounts appropriated therefor. No
26 rule or portion of a rule promulgated under the authority of this
27 chapter shall become effective unless it has been promulgated
28 pursuant to the provisions of section 536.024.

1 167.450. 1. For the purposes of this section, the
2 following terms shall mean:

3 (1) "Dyslexia", the same as defined in section 633.420;

4 (2) "Evidence-based reading instruction", any research
5 validated program that has successful evidence to demonstrate
6 adequate gains in reading achievement where such evidence is
7 objective data that any evaluator would identify and interpret
8 similarly, valid data on the tasks children need to accomplish to
9 be successful readers, reliable data that will remain essentially
10 unchanged if collected on a different day or by a different
11 person, systematic data that is collected according to a rigorous
12 design of either observation or experimentation, and referred
13 data that has been approved for publication by a panel of
14 independent reviewers;

15 (3) "Structured literacy", evidence-based reading
16 instruction that addresses phonology, sound symbol association,
17 syllable instruction, morphology, syntax, and semantics.
18 Structured literacy is taught through systematic, cumulative,
19 explicit, and diagnostic methods.

20 2. School districts and charter schools shall offer a
21 reading success plan to each K-3 student who exhibits a reading
22 deficiency, is identified as being at risk for dyslexia, or has a
23 formal diagnosis of dyslexia to ensure students can read at or
24 above grade level by the end of the third grade. The reading
25 success plan shall be provided in addition to core reading
26 instruction that is provided to all students in the general
27 education classroom. The reading success plan shall:

28 (1) Be provided to all K-3 students identified with a

1 reading deficiency as determined by local or statewide screening
2 assessments administered within the first thirty days of school
3 for students in grades first through third and by January thirty-
4 first for kindergarten students;

5 (2) Provide explicit and systematic instruction in
6 phonological awareness, phonics, fluency, vocabulary, and
7 comprehension, as applicable;

8 (3) Provide structured literacy reading instruction to any
9 child with a formal diagnosis of dyslexia or for a child that was
10 found to be at risk for dyslexia in the statewide dyslexia
11 screening as established in section 167.950;

12 (4) Monitor the reading progress of each student's reading
13 skills throughout the school year and adjust instruction
14 according to the student's needs; and

15 (5) Be implemented during regular school hours.

16 3. Any student in kindergarten or any grade not higher than
17 the third grade who exhibits a deficiency in reading at any time,
18 based upon local or statewide screening assessments, shall
19 receive an individual reading success plan no later than thirty
20 days after the identification of the reading deficiency. The
21 reading success plan shall be created by the teacher, other
22 pertinent school personnel, and the parents of the student, and
23 shall describe the evidence-based reading intervention services
24 the student shall receive to remedy the reading deficit. The
25 individual reading success plan shall specify if the child has a
26 formal diagnosis of dyslexia or was found to be at risk for
27 dyslexia in the statewide dyslexia screening. Each student shall
28 receive intensive reading intervention until the student no

1 longer has a deficiency in reading.

2 4. The parent of any K-3 student who exhibits a deficiency
3 in reading at any time during the school year shall be notified
4 in writing no later than fifteen days after the identification of
5 the reading deficiency. Such written notification shall include
6 the following:

7 (1) A statement that the parent's child has been identified
8 as having a deficiency in reading and that a reading success plan
9 shall be developed by the teacher or other pertinent school
10 personnel, and the parent;

11 (2) A description of the current services that are provided
12 to the child;

13 (3) A description of the proposed evidence-based reading
14 interventions and supplemental instructional services and
15 supports that shall be provided to the child that are designed to
16 remedy the identified area or areas of reading deficiency;

17 (4) A statement that the parent shall be informed in
18 writing of his or her child's progress toward grade-level reading
19 on a quarterly basis, at a minimum;

20 (5) Strategies that a parent is encouraged to use at home
21 to help his or her child succeed in reading.

22 5. Beginning with the 2020-21 school year, students who are
23 not reading at grade level by the end of the second grade shall
24 receive intensive reading intervention to remedy the student's
25 specific reading deficiency. The reading intervention services
26 shall include effective instructional strategies to accelerate
27 student progress.

28 6. Each school district and charter school shall conduct a

1 review of student reading success plans for all students who are
2 not reading at grade level by the end of the second grade. The
3 review shall address additional supports and services, as
4 described in this subsection, as needed to remedy the identified
5 area or areas of reading deficiency. The district and charter
6 school shall provide the following:

7 (1) Training shall be given to all K-3 teachers and
8 instructors about the screening assessments;

9 (2) A highly effective teacher of reading as demonstrated
10 by student reading performance data and teacher performance
11 evaluations;

12 (3) Reading intervention services and supports to correct
13 the identified area or areas of reading deficiency including, but
14 not limited to:

15 (a) More dedicated time than in the previous school year in
16 scientifically evidence-based reading instruction and
17 intervention;

18 (b) Use of reading strategies or programs that are
19 scientifically evidence-based and have proven results in
20 accelerating student reading achievement within the same school
21 year;

22 (c) Daily, targeted small group reading intervention based
23 on students' needs;

24 (d) Explicit and systematic instruction with more detailed
25 explanations, more extensive opportunities for guided practice,
26 and more opportunities for error correction and feedback;

27 (e) Frequent monitoring of the progress of each student's
28 reading skills throughout the school year and adjustment of the

1 instruction according to the student's needs; and

2 (f) A structured literacy reading success plan for any
3 child with a formal diagnosis of dyslexia or who has been
4 identified as a student at risk for dyslexia in the statewide
5 dyslexia screening assessment established in section 167.950;

6 (4) The option of a transitional instructional setting.
7 Such setting shall specifically be designed to produce learning
8 gains sufficient to meet grade level performance standards in all
9 other core academic areas while continuing to correct the area or
10 areas of reading deficiency;

11 (5) Before or after school supplemental evidence-based
12 reading intervention delivered by a teacher or tutor with
13 specialized reading training; and

14 (6) A "read at home" plan outline prepared for parents and
15 legal guardians along with suggestions for parent and legal
16 guardian participation in training workshops or regular parent-
17 guided home reading activities.

18 7. Each school district and charter school shall establish,
19 where applicable, an intensive acceleration class for any student
20 not reading proficient or above on the third grade state
21 assessment. The intensive acceleration class shall include
22 criteria established in subsection 6 of this section and:

23 (1) Have a reduced student-teacher ratio;

24 (2) Provide explicit and systematic evidence-based reading
25 instruction and intervention for the majority of student contact
26 time each day; and

27 (3) A structured literacy reading success plan for any
28 child with a formal diagnosis of dyslexia or who has been

1 identified as a student at risk for dyslexia in the statewide
2 dyslexia screening assessment as established in section 167.950.

3 8. Each school district and charter school shall provide
4 summer reading camps during summer school to all third grade
5 students scoring below proficient on the third grade statewide
6 English language arts assessment. Summer reading camps shall be
7 staffed with highly effective teachers of reading as demonstrated
8 by student reading performance data and teacher performance
9 evaluations. The highly effective teacher of reading shall
10 provide explicit and systematic evidence-based reading
11 intervention services and supports to correct the identified area
12 or areas of reading deficiency. Summer reading camps shall
13 include, at a minimum, sixty hours of instructional time in
14 reading. If funding allows, school districts shall extend summer
15 reading camps to students in the first and second grades
16 identified with a reading deficiency.

17 9. The board of each school district and charter school
18 shall annually report in writing to the department of elementary
19 and secondary education by September first the following
20 information on the prior school year:

21 (1) By building, the number and percentage of all students
22 in third grade through eighth grade scoring below the proficient
23 level on the English language arts statewide assessment;

24 (2) By building, the number and percentage of all third
25 grade through eighth grade students in each demographic category
26 scoring below the proficient level on the English language arts
27 statewide assessment;

28 (3) By district, the number and percentage of all students

1 in third grade through eighth grade scoring below the proficient
2 level on the English language arts statewide assessment; and

3 (4) By district, the number and percentage of all third
4 grade through eighth grade students in each demographic category
5 scoring below the proficient level on the English language arts
6 statewide assessment.

7 10. The department of elementary and secondary education
8 shall establish a uniform format for school districts and charter
9 schools to report the information required under subsection 9 of
10 this section. The format shall be developed with input from
11 school boards and shall be provided to each school district and
12 charter school no later than ninety days prior to the annual due
13 date. The department shall annually compile the information
14 required, along with state-level summary information, and report
15 such information to the state board of education, the public, the
16 governor, and the joint committee on education by October first.
17 Each school district shall post the data on its website and in a
18 visible location near the entrance of each elementary building.
19 The department shall provide technical assistance to aid school
20 boards in implementing this subsection.

21 11. The state board of education shall strongly recommend
22 that institutions of higher education and the department of
23 elementary and secondary education align literacy and reading
24 instruction coursework with knowledge and practice standards from
25 the center for effective reading instruction (CERI).

26 12. The state board of education shall have authority to
27 enforce this section and may do so with any means necessary at
28 its discretion.

1 13. The department of elementary and secondary education
2 shall promulgate rules to implement the provisions of this
3 section. Any rule or portion of a rule, as that term is defined
4 in section 536.010, that is created under the authority delegated
5 in this section shall become effective only if it complies with
6 and is subject to all of the provisions of chapter 536 and, if
7 applicable, section 536.028. This section and chapter 536 are
8 nonseverable, and if any of the powers vested with the general
9 assembly pursuant to chapter 536 to review, to delay the
10 effective date, or to disapprove and annul a rule are
11 subsequently held unconstitutional, then the grant of rulemaking
12 authority and any rule proposed or adopted after August 28, 2018,
13 shall be invalid and void.

14 [167.268. 1. Each local school district shall
15 have on file a policy for reading intervention plans
16 for any pupils of the district in grades kindergarten
17 through three pursuant to the provisions of this
18 section. Such plans shall identify strategies to be
19 followed by the district teachers to raise a pupil
20 identified as reading below grade level by recognized
21 methods to reading at grade level by the end of the
22 third grade. Recognized methods of identification may
23 include but need not be limited to the scores of the
24 pupil obtained through any established standardized
25 testing program currently administered by the district,
26 observations of classroom teachers, and documented
27 classroom performance.

28 2. The state board of education shall develop
29 guidelines to assist districts in formulating policies
30 for reading intervention plans. Such guidelines may
31 include, but are not limited to, timelines for
32 measuring pupil improvement in reading, information on
33 screening for and treatment of auditory dyslexia, and
34 information on the Lindamood Auditory Conceptualization
35 Test and the Auditory Discrimination in Depth Program.
36 Such guidelines may also identify performance levels
37 for pupils identified as handicapped or severely
38 handicapped and conditions under which such pupils are
39 exempt from the provisions of this section.

40 3. Each local school district enrolling a pupil

1 identified as reading below grade level shall develop
2 an individual plan of reading intervention for such
3 pupil. The individual pupil's plan may include
4 individual or group reading development activities.
5 The plan may be developed after consultation with the
6 pupil's parent or legal guardian.]
7

8 [167.645. 1. For purposes of this section, the
9 following terms mean:

10 (1) "Reading assessment", a recognized method of
11 judging a student's reading ability, with results
12 expressed as reading at a particular grade level. The
13 term reading assessment shall include, but is not
14 limited to, standard checklists designed for use as a
15 student reads out loud, paper-and-pencil tests
16 promulgated by nationally recognized organizations and
17 other recognized methods of determining a student's
18 reading accuracy, expression, fluency and comprehension
19 in order to make a determination of the student's
20 grade-level reading ability. Assessments which do not
21 give a grade-level result may be used in combination
22 with other assessments to reach a grade-level
23 determination. Districts are encouraged but not
24 required to select assessment methods identified
25 pursuant to section 167.346. Districts are also
26 encouraged to use multiple methods of assessment;

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

32 2. For purposes of this section, methods of
33 reading assessment shall be determined by each school
34 district. Unless a student has been determined in the
35 current school year to be reading at grade level or
36 above, each school district shall administer a reading
37 assessment or set of assessments to each student within
38 forty-five days of the end of the third-grade year,
39 except that the provisions of this subsection shall not
40 apply to students receiving special education services
41 under an individualized education plan pursuant to
42 sections 162.670 to 162.999, to students receiving
43 services pursuant to Section 504 of the Rehabilitation
44 Act of 1973 whose services plan includes an element
45 addressing reading or to students determined to have
46 limited English proficiency or to students who have
47 been determined, prior to the beginning of any school
48 year, to have a cognitive ability insufficient to meet
49 the reading requirement set out in this section,
50 provided that districts shall provide reading
51 improvement plans for students determined to have such

1 insufficient cognitive ability. The assessment
2 required by this subsection shall also be required for
3 students who enter a school district in grades four,
4 five or six unless such student has been determined in
5 the current school year to be reading at grade level or
6 above.

7 3. Beginning with school year 2002-03, for each
8 student whose third-grade reading assessment determines
9 that such student is reading below second-grade level,
10 the school district shall design a reading improvement
11 plan for the student's fourth-grade year. Such reading
12 improvement plan shall include, at a minimum, thirty
13 hours of additional reading instruction or practice
14 outside the regular school day during the fourth-grade
15 year. The school district shall determine the method
16 of reading instruction necessary to enforce this
17 subsection. The school district may also require the
18 student to attend summer school for reading instruction
19 as a condition of promotion to fourth grade. The
20 department of elementary and secondary education may,
21 from funds appropriated for the purpose, reimburse
22 school districts for additional instructional personnel
23 costs incurred in the implementation and execution of
24 the thirty hours of additional reading instruction
25 minus the revenue generated by the school district
26 through the foundation formula for the additional
27 reading instruction average daily attendance.

28 4. Each student for whom a reading improvement
29 plan has been designed pursuant to subsection 3 of this
30 section shall be given another reading assessment, to
31 be administered within forty-five days of the end of
32 such student's fourth-grade year. If such student is
33 determined to be reading below third-grade level, the
34 student shall be required to attend summer school to
35 receive reading instruction. At the end of such summer
36 school instruction, such student shall be given another
37 reading assessment. If such student is determined to
38 be reading below third-grade level, the district shall
39 notify the student's parents or guardians, and the
40 student shall not be promoted to fifth grade. No
41 student shall be denied promotion more than once solely
42 for inability to meet the reading standards set out in
43 this section.

44 5. The process described in subsections 3 and 4
45 of this section shall be repeated as necessary through
46 the end of the sixth grade, with the target grade level
47 rising accordingly. Mandatory retention in grade shall
48 not apply to grades subsequent to fourth grade.

49 6. The mandatory process of additional reading
50 instruction pursuant to this section shall cease at the
51 end of the sixth grade. The permanent record of

1 students who are determined to be reading below the
2 fifth-grade level at the end of sixth grade shall carry
3 a notation advising that such student has not met
4 minimal reading standards. The notation shall stay on
5 the student's record until such time as the district
6 determines that a student has met minimal reading
7 standards.

8 7. Each school district shall be required to
9 offer summer school reading instruction to any student
10 with a reading improvement plan. Districts may fulfill
11 the requirement of this section through cooperative
12 arrangements with neighboring districts; provided that
13 such districts shall timely make all payments provided
14 pursuant to such cooperative agreements.

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

20 9. Nothing in this section shall preclude a
21 school district from retaining any student in grade
22 when a determination is made in accordance with
23 district policy that retention is in the best interests
24 of the student.

25 10. The state board of education shall not
26 incorporate information about the number of students
27 receiving additional instruction pursuant to this
28 section into any element of any standard of the
29 Missouri school improvement program or its successor
30 accreditation program; provided, however, each district
31 shall make available, upon the request of any parent,
32 patron, or media outlet within the district, the number
33 and percentage of students receiving remediation
34 pursuant to this section. The information shall be
35 presented in a way that does not permit personal
36 identification of any student or educational personnel.

37 11. Each school district shall make a systematic
38 effort to inform parents of the methods and materials
39 used to teach reading in kindergarten through fourth
40 grade, in terms understandable to a layperson and shall
41 similarly inform parents of students for whom a reading
42 improvement plan is required pursuant to this section.]