

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 949

AN ACT

To repeal sections 167.225, 167.263, 167.268, and 167.645, RSMo, and to enact in lieu thereof three 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 167.225, 167.263, 167.268, and 167.645,
2 RSMo, are repealed and three new sections enacted in lieu
3 thereof, to be known as sections 167.225, 167.263 and 167.450, to
4 read as follows:

5 167.225. 1. As used in this section, the following terms
6 mean:

7 (1) ["Blind persons", individuals who:

8 (a) Have a visual acuity of 20/200 or less in the better
9 eye with conventional correction, or have a limited field of
10 vision such that the widest diameter of the visual field subtends
11 an angular distance not greater than twenty degrees; or

12 (b) Have a reasonable expectation of visual deterioration;

13 or

14 (c) Cannot read printed material at a competitive rate of
15 speed and with facility due to lack of visual acuity;

16 (2)] "Braille", the system of reading and writing through
17 touch [commonly known as standard English braille];

1 [(3)] (2) "Student", any student who [is blind or any
2 student eligible for special education services for visually
3 impaired as defined in P.L. 94-142] has an impairment in vision
4 that, even with correction, adversely affects a child's
5 educational performance and who is determined eligible for
6 special education services under the Individuals with
7 Disabilities Education Act.

8 2. All students [may] shall receive instruction in braille
9 reading and writing as part of their individualized education
10 plan unless the individual education program team determines,
11 after an evaluation of the child's reading and writing skills,
12 needs, and appropriate reading and writing media, including an
13 evaluation of the child's future needs for instruction in braille
14 or the use of braille, that instruction in braille or the use of
15 braille is not appropriate. No student shall be denied the
16 opportunity of instruction in braille reading and writing solely
17 because the student has some remaining vision.

18 3. Instruction in braille reading and writing shall be
19 sufficient to enable each student to communicate effectively and
20 efficiently at a level commensurate with [his] the student's
21 sighted peers of comparable grade level and intellectual
22 functioning. The student's individualized education plan shall
23 specify:

24 (1) How braille will be implemented as the primary mode for
25 learning through integration with normal classroom activities.
26 If braille will not be provided to a child who is blind, the
27 reason for not incorporating it in the individualized education
28 plan shall be documented therein;

1 (2) The date on which braille instruction will commence;

2 (3) The level of competency in braille reading and writing
3 to be achieved by the end of the period covered by the
4 individualized education plan; and

5 (4) The duration of each session.

6 4. As part of the certification process, teachers certified
7 in the education of blind and visually impaired children shall be
8 required to demonstrate competence in reading and writing
9 braille. The department of elementary and secondary education
10 shall adopt assessment procedures to assess such competencies
11 which are consistent with standards adopted by the National
12 Library Service for the Blind and Physically Handicapped, Library
13 of Congress, Washington, D. C.

14 167.263. 1. A program to provide teacher assistants in
15 regular classrooms in grades kindergarten through three is
16 established. For the purposes of this section a "teacher
17 assistant" is defined as a qualified person employed by a school
18 district to assist a certificated teacher in classroom
19 instruction and management. No teacher assistant shall be
20 counted as a teacher for the purposes of establishing ratios of
21 teachers to pupils in a classroom, school or school district.
22 Any public elementary school containing such grades which meets
23 the criteria pursuant to this section shall be eligible for a
24 state financial supplement to employ teacher assistants.
25 Eligibility criteria are that the school shall have a breakfast
26 program, the school shall serve at least forty percent of its
27 lunches to pupils who are eligible for free or reduced price
28 meals according to federal guidelines, and the school shall have

1 a reading [intervention] success plan [pursuant to section
2 167.268] under section 167.450.

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

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

28 167.450. 1. For the purposes of this section, the

1 following terms shall mean:

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

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

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

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

27 (1) Be provided to all K-3 students identified with a
28 reading deficiency as determined by an approved local or

1 statewide screening assessment administered within the first
2 thirty days of school for students in grades first through third
3 and by January thirty-first for kindergarten students;

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

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

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

14 (5) Be implemented during regular school hours.

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

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

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

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

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

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

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

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

27 6. Each school district and charter school shall conduct a
28 review of student reading success plans for all students who are

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

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

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

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

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

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

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

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

26 (e) Frequent monitoring of the progress of each student's
27 reading skills throughout the school year and adjustment of the
28 instruction according to the student's needs; and

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

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

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

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

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

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

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

26 (3) A structured literacy reading success plan for any
27 child with a formal diagnosis of dyslexia or who has been
28 identified as a student at risk for dyslexia in the statewide

1 dyslexia screening assessment as established in section 167.950.

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

16 9. Providers for the local and statewide screening
17 assessment required pursuant to subdivision (1) of subsection 2
18 of this section shall be selected through a request for proposals
19 process through the department of elementary and secondary
20 education. The department shall publish the list of approved
21 local and statewide screening assessment providers.

22 10. The board of each school district and charter school
23 shall annually report in writing to the department of elementary
24 and secondary education by September first the following
25 information on the prior school year:

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

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

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

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

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

26 12. The state board of education shall strongly recommend
27 that institutions of higher education and the department of
28 elementary and secondary education align literacy and reading

1 instruction coursework with knowledge and practice standards from
2 the center for effective reading instruction (CERI).

3 13. The state board of education shall have authority to
4 enforce this section and may do so with any means necessary at
5 its discretion.

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

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

33 2. The state board of education shall develop
34 guidelines to assist districts in formulating policies
35 for reading intervention plans. Such guidelines may
36 include, but are not limited to, timelines for

1 measuring pupil improvement in reading, information on
2 screening for and treatment of auditory dyslexia, and
3 information on the Lindamood Auditory Conceptualization
4 Test and the Auditory Discrimination in Depth Program.
5 Such guidelines may also identify performance levels
6 for pupils identified as handicapped or severely
7 handicapped and conditions under which such pupils are
8 exempt from the provisions of this section.

9 3. Each local school district enrolling a pupil
10 identified as reading below grade level shall develop
11 an individual plan of reading intervention for such
12 pupil. The individual pupil's plan may include
13 individual or group reading development activities.
14 The plan may be developed after consultation with the
15 pupil's parent or legal guardian.]
16

17 [167.645. 1. For purposes of this section, the
18 following terms mean:

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

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

41 2. For purposes of this section, methods of
42 reading assessment shall be determined by each school
43 district. Unless a student has been determined in the
44 current school year to be reading at grade level or
45 above, each school district shall administer a reading
46 assessment or set of assessments to each student within
47 forty-five days of the end of the third-grade year,
48 except that the provisions of this subsection shall not
49 apply to students receiving special education services
50 under an individualized education plan pursuant to
51 sections 162.670 to 162.999, to students receiving

1 services pursuant to Section 504 of the Rehabilitation
2 Act of 1973 whose services plan includes an element
3 addressing reading or to students determined to have
4 limited English proficiency or to students who have
5 been determined, prior to the beginning of any school
6 year, to have a cognitive ability insufficient to meet
7 the reading requirement set out in this section,
8 provided that districts shall provide reading
9 improvement plans for students determined to have such
10 insufficient cognitive ability. The assessment
11 required by this subsection shall also be required for
12 students who enter a school district in grades four,
13 five or six unless such student has been determined in
14 the current school year to be reading at grade level or
15 above.

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

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

1 this section.

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

7 6. The mandatory process of additional reading
8 instruction pursuant to this section shall cease at the
9 end of the sixth grade. The permanent record of
10 students who are determined to be reading below the
11 fifth-grade level at the end of sixth grade shall carry
12 a notation advising that such student has not met
13 minimal reading standards. The notation shall stay on
14 the student's record until such time as the district
15 determines that a student has met minimal reading
16 standards.

17 7. Each school district shall be required to
18 offer summer school reading instruction to any student
19 with a reading improvement plan. Districts may fulfill
20 the requirement of this section through cooperative
21 arrangements with neighboring districts; provided that
22 such districts shall timely make all payments provided
23 pursuant to such cooperative agreements.

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

29 9. Nothing in this section shall preclude a
30 school district from retaining any student in grade
31 when a determination is made in accordance with
32 district policy that retention is in the best interests
33 of the student.

34 10. The state board of education shall not
35 incorporate information about the number of students
36 receiving additional instruction pursuant to this
37 section into any element of any standard of the
38 Missouri school improvement program or its successor
39 accreditation program; provided, however, each district
40 shall make available, upon the request of any parent,
41 patron, or media outlet within the district, the number
42 and percentage of students receiving remediation
43 pursuant to this section. The information shall be
44 presented in a way that does not permit personal
45 identification of any student or educational personnel.

46 11. Each school district shall make a systematic
47 effort to inform parents of the methods and materials
48 used to teach reading in kindergarten through fourth
49 grade, in terms understandable to a layperson and shall
50 similarly inform parents of students for whom a reading
51 improvement plan is required pursuant to this section.]