

SECOND REGULAR SESSION
[CORRECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 949
99TH GENERAL ASSEMBLY

5339H.13C

D. ADAM CRUMBLISS, Chief Clerk

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, with a delayed effective date for certain sections.

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

Section A. Sections 167.225, 167.263, 167.268, and 167.645, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 167.225, 167.263, and 167.450, to read as follows:

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

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

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

~~(b) Have a reasonable expectation of visual deterioration; or~~

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

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

~~(3) (2) "Student", any student who [is blind or any student eligible for special education services for visually impaired as defined in P.L. 94-142]~~ **has an impairment in vision**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 **that, even with correction, adversely affects a child's educational performance and who is**
14 **determined eligible for special education services under the Individuals with Disabilities**
15 **Education Act.**

16 2. All students ~~may~~ **shall** receive instruction in braille reading and writing as part of
17 their individualized education plan **unless the individual education program team determines,**
18 **after an evaluation of the child's reading and writing skills, needs, and appropriate reading**
19 **and writing media, including an evaluation of the child's future needs for instruction in**
20 **braille or the use of braille, that instruction in braille or the use of braille is not**
21 **appropriate.** No student shall be denied ~~the opportunity of~~ instruction in braille reading and
22 writing solely because the student has some remaining vision.

23 3. Instruction in braille reading and writing shall be sufficient to enable each student to
24 communicate effectively and efficiently at a level commensurate with ~~his~~ **the student's** sighted
25 peers of comparable grade level and intellectual functioning. The student's individualized
26 education plan shall specify:

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

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

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

34 (4) The duration of each session.

35 4. As part of the certification process, teachers certified in the education of blind and
36 visually impaired children shall be required to demonstrate competence in reading and writing
37 braille. The department of elementary and secondary education shall adopt assessment
38 procedures to assess such competencies which are consistent with standards adopted by the
39 National Library Service for the Blind and Physically Handicapped, Library of Congress,
40 Washington, D. C.

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

9 percent of its lunches to pupils who are eligible for free or reduced price meals according to
10 federal guidelines, and the school shall have a reading [~~intervention~~] **success plan** [~~pursuant to~~
11 ~~section 167.268~~] **under section 167.450.**

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

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

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

- 2 (1) "Dyslexia", the same as defined in section 633.420;
- 3 (2) "Evidence-based reading instruction", any research validated program that has
4 successful evidence to demonstrate adequate gains in reading achievement where such
5 evidence is objective data that any evaluator would identify and interpret similarly, valid
6 data on the tasks children need to accomplish to be successful readers, reliable data that
7 will remain essentially unchanged if collected on a different day or by a different person,
8 systematic data that is collected according to a rigorous design of either observation or
9 experimentation, and referred data that has been approved for publication by a panel of
10 independent reviewers;
- 11 (3) "Structured literacy", evidence-based reading instruction that addresses
12 phonology, sound symbol association, syllable instruction, morphology, syntax, and
13 semantics. Structured literacy is taught through systematic, cumulative, explicit, and
14 diagnostic methods.

15 2. School districts and charter schools shall offer a reading success plan to each K-3
16 student who exhibits a reading deficiency, is identified as being at risk for dyslexia, or has

17 a formal diagnosis of dyslexia to ensure students can read at or above grade level by the
18 end of the third grade; except that, the provisions of this subsection shall not apply to
19 students receiving special education services under an individualized education program
20 under sections 162.670 to 162.999, students receiving services under Section 504 of the
21 Rehabilitation Act of 1973 whose services plan includes an element addressing reading,
22 students determined to have limited English language proficiency, or students who have
23 been determined, prior to the beginning of any school year, to have a cognitive ability
24 insufficient to meet the reading requirement set out in this section. The reading success
25 plan shall be provided in addition to core reading instruction that is provided to all
26 students in the general education classroom. The reading success plan shall:

27 (1) Be provided to all K-3 students identified with a reading deficiency as
28 determined by an approved local or statewide screening assessment administered within
29 the first thirty days of school for students in grades first through third and by January
30 thirty-first for kindergarten students;

31 (2) Provide explicit and systematic instruction in phonological awareness, phonics,
32 fluency, vocabulary, and comprehension, as applicable;

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

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

38 (5) Be implemented during regular school hours.

39 3. Any student in kindergarten or any grade not higher than the third grade who
40 exhibits a deficiency in reading at any time, based upon local or statewide screening
41 assessments, shall receive an individual reading success plan no later than thirty days after
42 the identification of the reading deficiency, except for students receiving special education
43 services under an individualized education program under sections 162.670 to 162.999,
44 students receiving services under Section 504 of the Rehabilitation Act of 1973 whose
45 services plan includes an element addressing reading, students determined to have limited
46 English language proficiency, or students who have been determined, prior to the
47 beginning of any school year, to have a cognitive ability insufficient to meet the reading
48 requirement set out in this section. The reading success plan shall be created by the
49 teacher, other pertinent school personnel, and the parents or legal guardians of the student,
50 and shall describe the evidence-based reading intervention services the student shall
51 receive to remedy the reading deficit. The individual reading success plan shall specify if
52 the child has a formal diagnosis of dyslexia or was found to be at risk for dyslexia in the

53 statewide dyslexia screening. Each student shall receive intensive reading intervention
54 until the student no longer has a deficiency in reading.

55 4. The parent or legal guardian of any K-3 student who exhibits a deficiency in
56 reading at any time during the school year shall be notified in writing no later than fifteen
57 days after the identification of the reading deficiency. Such written notification shall
58 include the following:

59 (1) A statement that the parent's or legal guardian's child has been identified as
60 having a deficiency in reading and that a reading success plan shall be developed by the
61 teacher or other pertinent school personnel, and the parent or legal guardian;

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

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

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

68 (5) Strategies that a parent or legal guardian is encouraged to use at home to help
69 his or her child succeed in reading.

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

74 6. Each school district and charter school shall conduct a review of student reading
75 success plans for all students who are not reading at grade level by the end of the second
76 grade. The review shall address additional supports and services, as described in this
77 subsection, as needed to remedy the identified area or areas of reading deficiency. The
78 district and charter school shall provide the following, as applicable:

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

81 (2) A highly effective teacher of reading as demonstrated by student reading
82 performance data and teacher performance evaluations;

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

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

87 **(b) Use of reading strategies or programs that are scientifically evidence-based and**
88 **have proven results in accelerating student reading achievement within the same school**
89 **year;**

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

91 **(d) Explicit and systematic instruction with more detailed explanations, more**
92 **extensive opportunities for guided practice, and more opportunities for error correction**
93 **and feedback;**

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

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

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

103 **(5) Before or after school supplemental evidence-based reading intervention**
104 **delivered by a teacher or tutor with specialized reading training; and**

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

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

112 **(1) Have a reduced student-teacher ratio;**

113 **(2) Provide explicit and systematic evidence-based reading instruction and**
114 **intervention for the majority of student contact time each day; and**

115 **(3) A structured literacy reading success plan for any child with a formal diagnosis**
116 **of dyslexia or who has been identified as a student at risk for dyslexia in the statewide**
117 **dyslexia screening assessment as established in section 167.950.**

118 **8. The following information on the prior school year shall be compiled by the**
119 **department of elementary and secondary education:**

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

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

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

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

132 **9. The department of elementary and secondary education shall annually compile**
133 **the information required in subsection 8 of this section, along with state-level summary**
134 **information, and report such information to the state board of education, the public, the**
135 **governor, and the joint committee on education by October first. Each school district shall**
136 **post the data on its website and in a visible location near the entrance of each elementary**
137 **building. The department shall provide technical assistance to aid school boards in**
138 **implementing this subsection.**

139 **10. The state board of education shall have authority to enforce this section and**
140 **may do so with any means necessary at its discretion.**

141 **11. The department of elementary and secondary education shall promulgate rules**
142 **to implement the provisions of this section. Any rule or portion of a rule, as that term is**
143 **defined in section 536.010, that is created under the authority delegated in this section shall**
144 **become effective only if it complies with and is subject to all of the provisions of chapter**
145 **536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and**
146 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**
147 **to delay the effective date, or to disapprove and annul a rule are subsequently held**
148 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
149 **after August 28, 2018, shall be invalid and void.**

2 ~~[167.268. 1. Each local school district shall have on file a policy for~~
3 ~~reading intervention plans for any pupils of the district in grades kindergarten~~
4 ~~through three pursuant to the provisions of this section. Such plans shall identify~~
5 ~~strategies to be followed by the district teachers to raise a pupil identified as~~
6 ~~reading below grade level by recognized methods to reading at grade level by the~~
7 ~~end of the third grade. Recognized methods of identification may include but~~
8 ~~need not be limited to the scores of the pupil obtained through any established~~
9 ~~standardized testing program currently administered by the district, observations~~
10 ~~of classroom teachers, and documented classroom performance.~~

11 ~~2. The state board of education shall develop guidelines to assist districts~~
~~in formulating policies for reading intervention plans. Such guidelines may~~

12 include, but are not limited to, timelines for measuring pupil improvement in
 13 reading, information on screening for and treatment of auditory dyslexia, and
 14 information on the Lindamood Auditory Conceptualization Test and the Auditory
 15 Discrimination in Depth Program. Such guidelines may also identify
 16 performance levels for pupils identified as handicapped or severely handicapped
 17 and conditions under which such pupils are exempt from the provisions of this
 18 section.

19 ~~3. Each local school district enrolling a pupil identified as reading below~~
 20 ~~grade level shall develop an individual plan of reading intervention for such~~
 21 ~~pupil. The individual pupil's plan may include individual or group reading~~
 22 ~~development activities. The plan may be developed after consultation with the~~
 23 ~~pupil's parent or legal guardian.]~~
 24

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

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

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

18 ~~2. For purposes of this section, methods of reading assessment shall be~~
 19 ~~determined by each school district. Unless a student has been determined in the~~
 20 ~~current school year to be reading at grade level or above, each school district shall~~
 21 ~~administer a reading assessment or set of assessments to each student within~~
 22 ~~forty-five days of the end of the third-grade year, except that the provisions of~~
 23 ~~this subsection shall not apply to students receiving special education services~~
 24 ~~under an individualized education plan pursuant to sections 162.670 to 162.999,~~
 25 ~~to students receiving services pursuant to Section 504 of the Rehabilitation Act~~
 26 ~~of 1973 whose services plan includes an element addressing reading or to~~
 27 ~~students determined to have limited English proficiency or to students who have~~
 28 ~~been determined, prior to the beginning of any school year, to have a cognitive~~
 29 ~~ability insufficient to meet the reading requirement set out in this section;~~
 30 ~~provided that districts shall provide reading improvement plans for students~~

31 ~~determined to have such insufficient cognitive ability. The assessment required~~
32 ~~by this subsection shall also be required for students who enter a school district~~
33 ~~in grades four, five or six unless such student has been determined in the current~~
34 ~~school year to be reading at grade level or above.~~

35 ~~3. Beginning with school year 2002-03, for each student whose~~
36 ~~third-grade reading assessment determines that such student is reading below~~
37 ~~second-grade level, the school district shall design a reading improvement plan~~
38 ~~for the student's fourth-grade year. Such reading improvement plan shall include,~~
39 ~~at a minimum, thirty hours of additional reading instruction or practice outside~~
40 ~~the regular school day during the fourth-grade year. The school district shall~~
41 ~~determine the method of reading instruction necessary to enforce this subsection.~~
42 ~~The school district may also require the student to attend summer school for~~
43 ~~reading instruction as a condition of promotion to fourth grade. The department~~
44 ~~of elementary and secondary education may, from funds appropriated for the~~
45 ~~purpose, reimburse school districts for additional instructional personnel costs~~
46 ~~incurred in the implementation and execution of the thirty hours of additional~~
47 ~~reading instruction minus the revenue generated by the school district through the~~
48 ~~foundation formula for the additional reading instruction average daily~~
49 ~~attendance.~~

50 ~~4. Each student for whom a reading improvement plan has been designed~~
51 ~~pursuant to subsection 3 of this section shall be given another reading~~
52 ~~assessment, to be administered within forty-five days of the end of such student's~~
53 ~~fourth-grade year. If such student is determined to be reading below third-grade~~
54 ~~level, the student shall be required to attend summer school to receive reading~~
55 ~~instruction. At the end of such summer school instruction, such student shall be~~
56 ~~given another reading assessment. If such student is determined to be reading~~
57 ~~below third-grade level, the district shall notify the student's parents or guardians,~~
58 ~~and the student shall not be promoted to fifth grade. No student shall be denied~~
59 ~~promotion more than once solely for inability to meet the reading standards set~~
60 ~~out in this section.~~

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

65 ~~6. The mandatory process of additional reading instruction pursuant to~~
66 ~~this section shall cease at the end of the sixth grade. The permanent record of~~
67 ~~students who are determined to be reading below the fifth-grade level at the end~~
68 ~~of sixth grade shall carry a notation advising that such student has not met~~
69 ~~minimal reading standards. The notation shall stay on the student's record until~~
70 ~~such time as the district determines that a student has met minimal reading~~
71 ~~standards.~~

72 ~~7. Each school district shall be required to offer summer school reading~~
73 ~~instruction to any student with a reading improvement plan. Districts may fulfill~~

74 ~~the requirement of this section through cooperative arrangements with~~
75 ~~neighboring districts; provided that such districts shall timely make all payments~~
76 ~~provided pursuant to such cooperative agreements.~~

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

80 ~~9. Nothing in this section shall preclude a school district from retaining~~
81 ~~any student in grade when a determination is made in accordance with district~~
82 ~~policy that retention is in the best interests of the student.~~

83 ~~10. The state board of education shall not incorporate information about~~
84 ~~the number of students receiving additional instruction pursuant to this section~~
85 ~~into any element of any standard of the Missouri school improvement program~~
86 ~~or its successor accreditation program; provided, however, each district shall~~
87 ~~make available, upon the request of any parent, patron, or media outlet within the~~
88 ~~district, the number and percentage of students receiving remediation pursuant~~
89 ~~to this section. The information shall be presented in a way that does not permit~~
90 ~~personal identification of any student or educational personnel.~~

91 ~~11. Each school district shall make a systematic effort to inform parents~~
92 ~~of the methods and materials used to teach reading in kindergarten through fourth~~
93 ~~grade, in terms understandable to a layperson and shall similarly inform parents~~
94 ~~of students for whom a reading improvement plan is required pursuant to this~~
95 ~~section.]~~

96

Section B. The repeal of sections 167.268 and 167.645, the repeal and reenactment of
2 section 167.263, and the enactment of section 167.450 of this act shall become effective July 1,
3 2022.

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