

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 949

## 99TH GENERAL ASSEMBLY

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Reported from the Committee on Education, March 29, 2018, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

5339S.04C

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### 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.

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

Section A. Sections 167.263, 167.268, and 167.645, RSMo, are repealed  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

167.263. 1. A program to provide teacher assistants in regular classrooms  
2 in grades kindergarten through three is established. For the purposes of this  
3 section a "teacher assistant" is defined as a qualified person employed by a school  
4 district to assist a certificated teacher in classroom instruction and management.  
5 No teacher assistant shall be counted as a teacher for the purposes of  
6 establishing ratios of teachers to pupils in a classroom, school or school  
7 district. Any public elementary school containing such grades which meets the  
8 criteria pursuant to this section shall be eligible for a state financial supplement  
9 to employ teacher assistants. Eligibility criteria are that the school shall have  
10 a breakfast program, the school shall serve at least forty percent of its lunches  
11 to pupils who are eligible for free or reduced price meals according to federal  
12 guidelines, and the school shall have a reading intervention [plan pursuant to  
13 section 167.268] **program under section 167.450.**

14 2. A school district which contains such eligible schools may apply to the  
15 department of elementary and secondary education for a state financial  
16 supplement to employ teacher assistants in those schools named in the  
17 application and in no other schools of the district. The state full-time equivalent  
18 financial supplement shall be three thousand dollars per teacher assistant. No

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

19 more than one assistant per classroom shall be supplemented by the state  
20 pursuant to this section. Teacher assistants thus employed pursuant to this  
21 section shall assist teachers in grades kindergarten through three and in no other  
22 grades. School districts shall not apply for or assign teacher assistants employed  
23 pursuant to this section in classrooms designated as special education or  
24 compensatory education classrooms.

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

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

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

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

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

18 **2. School districts and charter schools shall offer a reading  
19 intervention program to each K-3 student who exhibits a reading  
20 deficiency, is identified as being at risk for dyslexia in the statewide**

21 dyslexia screenings, or has a formal diagnosis of dyslexia to ensure  
22 students can read at or above grade level by the end of the third  
23 grade. The reading intervention program shall be provided in addition  
24 to core reading instruction that is provided to all students in the  
25 general education classroom. The reading intervention program shall:

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

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

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

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

40 (5) Be implemented during regular school hours.

41 3. Any student in kindergarten or any grade not higher than the  
42 third grade who exhibits a deficiency in reading at any time, based  
43 upon local or statewide screening assessments, shall receive an  
44 individual reading improvement plan no later than thirty days after the  
45 identification of the reading deficiency. The reading improvement plan  
46 shall be created by the teacher, other pertinent school personnel, and  
47 the parents of the student, and shall describe the evidence-based  
48 reading intervention services the student shall receive to remedy the  
49 reading deficit. The individual reading improvement plan shall specify  
50 if the child has a formal diagnosis of dyslexia or was found to be at risk  
51 for dyslexia in the statewide dyslexia screening. Each student shall  
52 receive intensive reading intervention until the student no longer has  
53 a deficiency in reading.

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

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

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

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

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

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

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

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

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

86           (2) A highly effective teacher of reading as demonstrated by  
87 student reading performance data and teacher performance  
88 evaluations;

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

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

94           (b) Use of reading strategies or programs that are scientifically

95 evidence-based and have proven results in accelerating student reading  
96 achievement within the same school year;

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

99 (d) Explicit and systematic instruction with more detailed  
100 explanations, more extensive opportunities for guided practice, and  
101 more opportunities for error correction and feedback;

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

105 (f) A structured literacy reading intervention program for any  
106 child with a formal diagnosis of dyslexia or who has been identified as  
107 a student at risk for dyslexia in the statewide dyslexia screening  
108 assessment established in section 167.950;

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

114 (5) Before or after school supplemental evidence-based reading  
115 intervention delivered by a teacher or tutor with specialized reading  
116 training; and

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

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

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

127 (2) Provide explicit and systematic evidence-based reading  
128 instruction and intervention for the majority of student contact time  
129 each day; and

130 (3) A structured literacy reading intervention program for any  
131 child with a formal diagnosis of dyslexia or who has been identified as

132 a student at risk for dyslexia in the statewide dyslexia screening  
133 assessment.

134 8. Each school district and charter school shall provide summer  
135 reading camps during summer school to all third grade students  
136 scoring below proficient on the third grade statewide English language  
137 arts assessment. Summer reading camps shall be staffed with highly  
138 effective teachers of reading as demonstrated by student reading  
139 performance data and teacher performance evaluations. The highly  
140 effective teacher of reading shall provide explicit and systematic  
141 evidence-based reading intervention services and supports to correct  
142 the identified area or areas of reading deficiency. Summer reading  
143 camps shall include, at a minimum, sixty hours of instructional time in  
144 reading. If funding allows, school districts shall extend summer  
145 reading camps to students in the first and second grades identified  
146 with a reading deficiency.

147 9. The board of each school district and charter school shall  
148 annually report in writing to the department of elementary and  
149 secondary education by September first the following information on  
150 the prior school year:

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

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

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

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

165 10. The department of elementary and secondary education shall  
166 establish a uniform format for school districts and charter schools to  
167 report the information required under subsection 9 of this section. The  
168 format shall be developed with input from school boards and shall be

169 provided to each school district and charter school no later than ninety  
170 days prior to the annual due date. The department shall annually  
171 compile the information required, along with state-level summary  
172 information, and report such information to the state board of  
173 education, the public, the governor, and the joint committee on  
174 education by October first. Each school district shall post the data on  
175 its website and in a visible location near the entrance of each  
176 elementary building. The department shall provide technical  
177 assistance to aid school boards in implementing this subsection.

178 11. The state board of education shall strongly recommend that  
179 institutions of higher education and the department of elementary and  
180 secondary education align literacy and reading instruction coursework  
181 with knowledge and practice standards from the center for effective  
182 reading instruction (CERI).

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

185 13. The department of elementary and secondary education shall  
186 promulgate rules to implement the provisions of this section. Any rule  
187 or portion of a rule, as that term is defined in section 536.010, that is  
188 created under the authority delegated in this section shall become  
189 effective only if it complies with and is subject to all of the provisions  
190 of chapter 536 and, if applicable, section 536.028. This section and  
191 chapter 536 are nonseverable, and if any of the powers vested with the  
192 general assembly pursuant to chapter 536 to review, to delay the  
193 effective date, or to disapprove and annul a rule are subsequently held  
194 unconstitutional, then the grant of rulemaking authority and any rule  
195 proposed or adopted after August 28, 2018, shall be invalid and void.

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

11 and documented classroom performance.

12 2. The state board of education shall develop guidelines to  
13 assist districts in formulating policies for reading intervention  
14 plans. Such guidelines may include, but are not limited to,  
15 timelines for measuring pupil improvement in reading, information  
16 on screening for and treatment of auditory dyslexia, and  
17 information on the Lindamood Auditory Conceptualization Test and  
18 the Auditory Discrimination in Depth Program. Such guidelines  
19 may also identify performance levels for pupils identified as  
20 handicapped or severely handicapped and conditions under which  
21 such pupils are exempt from the provisions of this section.

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

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

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

17 (2) "Summer school", for reading instruction purposes, a  
18 minimum of forty hours of reading instruction and practice. A  
19 school district may arrange the hours and days of instruction to



20 coordinate with its regular program of summer school.

21 2. For purposes of this section, methods of reading  
22 assessment shall be determined by each school district. Unless a  
23 student has been determined in the current school year to be  
24 reading at grade level or above, each school district shall  
25 administer a reading assessment or set of assessments to each  
26 student within forty-five days of the end of the third-grade year,  
27 except that the provisions of this subsection shall not apply to  
28 students receiving special education services under an  
29 individualized education plan pursuant to sections 162.670 to  
30 162.999, to students receiving services pursuant to Section 504 of  
31 the Rehabilitation Act of 1973 whose services plan includes an  
32 element addressing reading or to students determined to have  
33 limited English proficiency or to students who have been  
34 determined, prior to the beginning of any school year, to have a  
35 cognitive ability insufficient to meet the reading requirement set  
36 out in this section, provided that districts shall provide reading  
37 improvement plans for students determined to have such  
38 insufficient cognitive ability. The assessment required by this  
39 subsection shall also be required for students who enter a school  
40 district in grades four, five or six unless such student has been  
41 determined in the current school year to be reading at grade level  
42 or above.

43 3. Beginning with school year 2002-03, for each student  
44 whose third-grade reading assessment determines that such  
45 student is reading below second-grade level, the school district  
46 shall design a reading improvement plan for the student's  
47 fourth-grade year. Such reading improvement plan shall include,  
48 at a minimum, thirty hours of additional reading instruction or  
49 practice outside the regular school day during the fourth-grade  
50 year. The school district shall determine the method of reading  
51 instruction necessary to enforce this subsection. The school district  
52 may also require the student to attend summer school for reading  
53 instruction as a condition of promotion to fourth grade. The  
54 department of elementary and secondary education may, from  
55 funds appropriated for the purpose, reimburse school districts for

56 additional instructional personnel costs incurred in the  
57 implementation and execution of the thirty hours of additional  
58 reading instruction minus the revenue generated by the school  
59 district through the foundation formula for the additional reading  
60 instruction average daily attendance.

61 4. Each student for whom a reading improvement plan has  
62 been designed pursuant to subsection 3 of this section shall be  
63 given another reading assessment, to be administered within  
64 forty-five days of the end of such student's fourth-grade year. If  
65 such student is determined to be reading below third-grade level,  
66 the student shall be required to attend summer school to receive  
67 reading instruction. At the end of such summer school instruction,  
68 such student shall be given another reading assessment. If such  
69 student is determined to be reading below third-grade level, the  
70 district shall notify the student's parents or guardians, and the  
71 student shall not be promoted to fifth grade. No student shall be  
72 denied promotion more than once solely for inability to meet the  
73 reading standards set out in this section.

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

79 6. The mandatory process of additional reading instruction  
80 pursuant to this section shall cease at the end of the sixth  
81 grade. The permanent record of students who are determined to be  
82 reading below the fifth-grade level at the end of sixth grade shall  
83 carry a notation advising that such student has not met minimal  
84 reading standards. The notation shall stay on the student's record  
85 until such time as the district determines that a student has met  
86 minimal reading standards.

87 7. Each school district shall be required to offer summer  
88 school reading instruction to any student with a reading  
89 improvement plan. Districts may fulfill the requirement of this  
90 section through cooperative arrangements with neighboring  
91 districts; provided that such districts shall timely make all

92 payments provided pursuant to such cooperative agreements.

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

97 9. Nothing in this section shall preclude a school district  
98 from retaining any student in grade when a determination is made  
99 in accordance with district policy that retention is in the best  
100 interests of the student.

101 10. The state board of education shall not incorporate  
102 information about the number of students receiving additional  
103 instruction pursuant to this section into any element of any  
104 standard of the Missouri school improvement program or its  
105 successor accreditation program; provided, however, each district  
106 shall make available, upon the request of any parent, patron, or  
107 media outlet within the district, the number and percentage of  
108 students receiving remediation pursuant to this section. The  
109 information shall be presented in a way that does not permit  
110 personal identification of any student or educational personnel.

111 11. Each school district shall make a systematic effort to  
112 inform parents of the methods and materials used to teach reading  
113 in kindergarten through fourth grade, in terms understandable to  
114 a layperson and shall similarly inform parents of students for  
115 whom a reading improvement plan is required pursuant to this  
116 section.]

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