

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 349
100TH GENERAL ASSEMBLY

Reported from the Committee on Government Reform, March 14, 2019, with recommendation that the Senate Committee Substitute do pass.

1825S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 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:

Section A. Sections 167.268 and 167.645, RSMo, are repealed and two new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

167.268. 1. Each local school district **and charter school** shall have on
2 file a policy for reading [intervention] **success** plans for any pupils of the district
3 **and charter school** in grades kindergarten through [three] **four** pursuant to
4 the provisions of this section. Such plans shall identify strategies to be followed
5 by the district **and charter school** 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] **fourth** grade. Recognized methods of identification may
8 include but need not be limited to the scores of the pupil obtained through any
9 established standardized testing program currently administered by the district
10 **and charter school**, observations of classroom teachers, and documented
11 classroom performance. **The local policy shall be aligned with the**
12 **guidelines developed by the department of elementary and secondary**
13 **education for reading success plans.**

14 2. The [state board of education] **department** shall develop guidelines
15 to assist districts in formulating policies for reading [intervention] **success**
16 plans. Such guidelines may include, but are not limited to, timelines for
17 measuring pupil improvement in reading, **and** information on screening for and

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

18 treatment of [auditory] dyslexia[,] and [information on the Lindamood Auditory
19 Conceptualization Test and the Auditory Discrimination in Depth Program]
20 **other reading deficiencies. In addition, any guidelines for instruction**
21 **shall meet the needs of the students by ensuring that instruction is**
22 **explicit and systematic and based on the five areas of reading:**
23 **phonological awareness, phonics, fluency, vocabulary, and**
24 **comprehension. Pre- and post-assessments shall be conducted to**
25 **measure student progress.** Such guidelines may also identify performance
26 levels for pupils identified as handicapped or severely handicapped and conditions
27 under which such pupils [are] **may be** exempt from the provisions of this section.

28 3. Each local school district **and charter school** enrolling a pupil
29 identified as reading below grade level shall develop an individual plan of reading
30 intervention for such pupil. The individual pupil's plan [may] **shall** include
31 individual [or] **and small** group reading development activities. The plan [may]
32 **shall** be developed after consultation with the pupil's parent or legal guardian.

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

- 2 (1) **"Dyslexia", as defined in section 633.420;**
3 (2) **"Evidence-based reading instruction", any research validated**
4 **program that has successful evidence to demonstrate adequate gains in**
5 **reading achievement where such evidence is:**
6 (a) **Objective data that any evaluator would identify and**
7 **interpret similarly;**
8 (b) **Valid and reliable data that the tasks children need to**
9 **accomplish to be successful readers will remain essentially unchanged**
10 **if collected on a different day or by a different person;**
11 (c) **Systematic data that is collected according to a rigorous**
12 **design of either observation or experimentation; and**
13 (d) **Referred data that has been approved for publication by a**
14 **panel of independent reviewers;**
15 (3) **"Reading assessment", a recognized method of judging a student's**
16 **reading ability, with results expressed as reading at a particular grade level. The**
17 **term reading assessment shall include, but is not limited to, standard checklists**
18 **designed for use as a student reads out loud, paper-and-pencil tests promulgated**
19 **by nationally recognized organizations and other recognized methods of**
20 **determining a student's reading accuracy, expression, fluency and comprehension**
21 **in order to make a determination of the student's grade-level reading**

22 ability. Assessments which do not give a grade-level result may be used in
23 combination with other assessments to reach a grade-level
24 determination. [Districts are encouraged but not required to select assessment
25 methods identified pursuant to section 167.346.] Districts **and charter schools**
26 are [also] encouraged to use multiple methods of assessment;

27 (4) **"Structured literacy", evidence-based reading instruction that**
28 **addresses phonology, sound symbol association, syllable instruction,**
29 **morphology, syntax, and semantics. Structured literacy is taught**
30 **through systematic, cumulative, explicit, and diagnostic methods;**

31 [(2)] (5) "Summer school", for reading instruction purposes, a minimum
32 of forty hours of reading instruction and practice. A school district **and charter**
33 **school** may arrange the hours and days of instruction to coordinate with its
34 regular program of summer school.

35 2. For purposes of this section, methods of reading assessment shall be
36 determined by each school district **and charter school**. Unless a student has
37 been determined in the [current] **previous** school year to be reading at grade
38 level or above, each school district **and charter school** shall administer a
39 reading assessment or set of assessments to each student within [forty-five days
40 of the end of the third-grade year] **the first thirty days of school for grades**
41 **one through four, and by January thirty-first for kindergarten**, except
42 that the provisions of this subsection shall not apply to students receiving special
43 education services under an individualized education plan pursuant to sections
44 162.670 to 162.999, to students receiving services pursuant to Section 504 of the
45 Rehabilitation Act of 1973 whose services plan includes an element addressing
46 reading or to students determined to have limited English proficiency or to
47 students who have been determined, prior to the beginning of any school year, to
48 have a cognitive ability insufficient to meet the reading requirement set out in
49 this section, provided that districts **and charter schools** shall provide reading
50 [improvement] **success plans for students with an individualized education**
51 **plan that have a reading deficiency, for students receiving services**
52 **pursuant to Section 504 of the Rehabilitation Act of 1973 whose services**
53 **plan includes an element addressing reading, and to students** determined
54 to have such insufficient cognitive ability. The assessment required by this
55 subsection shall also be required for students who enter a school district **or**
56 **charter school** in grades four, five or six unless such student has been
57 determined in the current school year to be reading at grade level or above.

58 3. [Beginning with school year 2002-03, for each student whose
59 third-grade reading assessment determines that such student is reading below
60 second-grade level, the school district shall design a reading improvement plan
61 for the student's fourth-grade year. Such reading improvement plan shall
62 include, at a minimum, thirty hours of additional reading instruction or practice
63 outside the regular school day during the fourth-grade year] **School districts
64 and charter schools shall offer a reading success plan to each student
65 in grades kindergarten through four that exhibits a reading deficiency,
66 that has been identified as being at risk for dyslexia in the statewide
67 dyslexia screening requirement, or has a formal diagnosis of dyslexia
68 to ensure students can read at or above grade level by the end of the
69 fourth grade. The reading success plan shall be provided in addition
70 to core reading instruction that is provided to all students in the
71 general education classroom. The reading success plan shall:**

72 (1) **Include, at a minimum, thirty hours of additional reading
73 instruction or practice outside the regular school day during the fourth
74 grade year;**

75 (2) **Be provided to all students in grades kindergarten through
76 four identified with a reading deficiency as determined by local or
77 statewide screening assessments administered within the first thirty
78 days of school for grades one through four, and by January thirty-first
79 for kindergarten;**

80 (3) **Provide explicit and systematic instruction in phonological
81 awareness, phonics, fluency, vocabulary, and comprehension, as
82 applicable to each student;**

83 (4) **Monitor the reading progress of each student's reading skills
84 throughout the school year and adjust instruction according to the
85 student's needs; and**

86 (5) **Be implemented during regular school hours.**

87 **A structured literacy reading program shall be provided to any student
88 with a formal diagnosis of dyslexia or for a student that was found to
89 be at risk for dyslexia in the statewide dyslexia screening.**

90 4. **Any student in kindergarten or any grade not higher than the
91 fourth grade who exhibits a deficiency in reading at any time, based
92 upon local or statewide screening assessments, shall receive an
93 individual reading success plan no later than thirty days after the
94 identification of the reading deficiency. The reading success plan shall**

95 be created by the teacher and other pertinent school personnel, along
96 with the parent or legal guardian, and shall describe the evidence-
97 based reading intervention services the student shall receive to remedy
98 the deficit. The reading success plan shall specify if a student was
99 found to be at risk for dyslexia in the statewide dyslexia screening
100 requirement or if the student has a formal diagnosis of dyslexia. Each
101 student shall receive intensive reading intervention until the student
102 no longer has a deficiency in reading.

103 5. Beginning with the 2020-2021 school year, students who are
104 not reading at grade level by the end of the second grade shall receive
105 intensive reading intervention to remedy the student's specific reading
106 deficiency. The reading intervention services shall include effective
107 instructional strategies to accelerate student progress. Each school
108 district and charter school shall conduct a review of student reading
109 success plans for all students who are not reading at grade level by the
110 end of the second grade. The review shall address additional supports
111 and services, as described in this subsection, needed to remedy the
112 identified area or areas of reading deficiency. The school district and
113 charter school shall provide the following:

114 (1) Training to all teachers and instructors of grades
115 kindergarten through four about the screening assessments;

116 (2) A highly qualified teacher of reading as demonstrated by
117 teacher certification, professional development, and specialized
118 literacy training;

119 (3) Reading intervention services and supports to correct the
120 identified areas of reading deficiency including, but not limited to:

121 (a) Use of reading strategies or programs that are scientifically
122 evidence-based and have proven results in accelerating student reading
123 achievement within the same school year for students with a reading
124 success plan;

125 (b) Frequent, targeted small group reading intervention based
126 on the student's needs;

127 (c) Explicit and systematic instruction with more detailed
128 explanations, more extensive opportunities for guided practice, and
129 more opportunities for error correction and feedback;

130 (d) Frequent monitoring of the progress of each student's
131 reading skills throughout the school year and adjustment of instruction

132 according to the student's needs;

133 (e) A structured literacy reading success plan, as described in
134 subsection 3 of this section, shall be used for any student with a formal
135 diagnosis of dyslexia or who has been identified as a student at risk for
136 dyslexia in the statewide dyslexia screening required assessment for
137 any student with a reading success plan; and

138 (4) A "read at home" plan offered to parents and legal guardians
139 along with suggestions for parent and legal guardian participation in
140 training workshops or regular parent-guided home reading activities.

141 6. Each school district and charter school shall provide intensive
142 acceleration for any student not reading proficient or above on a local
143 or statewide third grade reading assessment and has a reading success
144 plan. The intensive acceleration shall include criteria established in
145 subsection 5 of this section; and shall provide explicit and systematic
146 evidence-based reading and instruction. The school district and charter
147 school shall determine the method of reading instruction necessary to enforce
148 this subsection. The school district and charter school may also require the
149 student to attend summer school for reading instruction as a condition of
150 promotion to fourth grade. The department of elementary and secondary
151 education may, from funds appropriated for the purpose, reimburse school
152 districts and charter schools for additional instructional personnel costs
153 incurred in the implementation and execution of the thirty hours of additional
154 reading instruction minus the revenue generated by the school district or
155 charter school through the foundation formula for the additional reading
156 instruction average daily attendance.

157 [4.] 7. Each student for whom a reading [improvement plan] success
158 plan has been designed pursuant to subsection 3 of this section shall be given
159 another reading assessment, to be administered within forty-five days of the end
160 of such student's fourth-grade year. If such student is determined to be reading
161 below third-grade level, the student shall be required to attend summer school as
162 defined in this section to receive reading instruction. [At the end of such
163 summer school instruction, such student shall be given another reading
164 assessment. If such student is determined to be reading below third-grade level,
165 the district shall notify the student's parents or guardians, and the student shall
166 not be promoted to fifth grade. No student shall be denied promotion more than
167 once solely for inability to meet the reading standards set out in this section.]

168 [5.] 8. The process described in subsections [3 and 4] **6 and 7** of this
169 section shall be repeated as necessary through the end of the sixth grade, with
170 the target grade level rising accordingly. [Mandatory retention in grade shall not
171 apply to grades subsequent to fourth grade.]

172 [6.] 9. The mandatory process of additional reading [instruction]
173 **intervention for reading support outside the regular school day and**
174 **school year** pursuant to this section shall cease at the end of the sixth grade.
175 **If the student is still not reading at grade level upon completion of the**
176 **sixth grade, then the school district and charter school shall continue**
177 **to provide a reading success plan to be implemented during the regular**
178 **school day until such time as the student is reading at grade level or**
179 **upon graduation from high school.** The permanent record of students who
180 are determined to be reading below the fifth-grade level at the end of sixth grade
181 shall carry a notation advising that such student has not met minimal reading
182 standards. The notation shall stay on the student's record until such time as the
183 district determines that a student has met minimal reading standards.

184 [7.] 10. Each school district **and charter school** shall be required to
185 offer summer school reading instruction to any student with a reading
186 [improvement] **success plan.** Districts may fulfill the requirement of this section
187 through cooperative arrangements with neighboring districts **or virtual schools**
188 **as approved pursuant to section 161.670;** provided that such districts shall
189 timely make all payments provided pursuant to such cooperative agreements.

190 [8.] 11. A school district **and charter school** may adopt a policy that
191 requires retention in grade of any student who has been determined to require
192 summer school instruction in reading and who does not fulfill the summer school
193 attendance requirement.

194 [9.] 12. Nothing in this section shall preclude a school district **or**
195 **charter school** from retaining any student in grade when a determination is
196 made in accordance with district **or charter school** policy that retention is in
197 the best interests of the student.

198 [10.] 13. The state board of education shall not incorporate information
199 about the number of students receiving additional instruction pursuant to this
200 section into any element of any standard of the Missouri school improvement
201 program or its successor accreditation program; provided, however, each district
202 **and charter school** shall make available, upon the request of any parent,
203 patron, **advocacy groups,** or media outlet [within the district], the number and

204 percentage of students receiving remediation pursuant to this section. The
205 information shall be presented in a way that does not permit personal
206 identification of any student or educational personnel.

207 [11.] **14. Each school district and charter school shall make a**
208 **systematic effort to inform parents of the methods and materials used to teach**
209 **reading in kindergarten through fourth grade, in terms understandable to a**
210 **layperson [and shall similarly inform parents of students for whom a reading**
211 **improvement plan is required pursuant to this section]. The parent or legal**
212 **guardian of any student in grades kindergarten through four who**
213 **exhibits a deficiency in reading at any time during the school year**
214 **shall be notified in writing that their child has a reading deficiency no**
215 **later than thirty days after the identification of the reading**
216 **deficiency. Such written notification shall include the following:**

217 (1) **A statement that the student has been identified as having a**
218 **deficiency in reading and that a reading success plan shall be**
219 **developed by the teacher and other pertinent school personnel;**

220 (2) **A description of the current services that are provided to the**
221 **student;**

222 (3) **A description of the proposed evidence-based reading**
223 **interventions and supplemental instructional services and supports**
224 **that shall be provided to the student that are designed to remedy the**
225 **identified area or areas of reading deficiency;**

226 (4) **A statement that the parent or legal guardian shall be**
227 **informed in writing of the student's progress toward grade-level**
228 **reading on a quarterly basis, at a minimum;**

229 (5) **Strategies that a parent or legal guardian should use at home**
230 **to help the student succeed in reading.**

231 **15. The board of each school district and charter school shall**
232 **annually post, by September first, the following information of the**
233 **prior school year on their website, in the student and parent**
234 **handbooks, and near the entrance of each appropriate building:**

235 (1) **By building, the number and percentage of all students in**
236 **grades three through eight scoring at each proficiency level on the**
237 **English language arts statewide assessment;**

238 (2) **By building, the number and percentage of all students in**
239 **grades three through eight in each demographic category scoring**
240 **proficiency level on the English language arts statewide assessment;**

241 (3) By district, the number and percentage of all students in
242 grades three through eight scoring at each proficiency level on the
243 English language arts statewide assessment;

244 (4) By district, the number and percentage of all students in
245 grades three through eight in each demographic category scoring at
246 each proficiency level on the English language arts statewide
247 assessment.

248 16. The department of elementary and secondary education shall
249 annually report the information required in subsection 15 of this
250 section in a state-level summary to the state board of education, the
251 public, the governor, and the joint committee on education by October
252 first. Each school district and charter school shall post the data in
253 subsection 15 on their website, in student and parent handbooks at the
254 appropriate grade level, and in a visible location near the entrance of
255 each elementary and middle school and junior high building.

256 17. Any rule or portion of a rule, as that term is defined in
257 section 536.010 that is created under the authority delegated in this
258 section shall become effective only if it complies with and is subject to
259 all of the provisions of chapter 536, and, if applicable, section
260 536.028. This section and chapter 536 are nonseverable and if any of
261 the powers vested with the general assembly pursuant to chapter 536,
262 to review, to delay the effective date, or to disapprove and annul a rule
263 are subsequently held unconstitutional, then the grant of rulemaking
264 authority and any rule proposed or adopted after August 28, 2019, shall
265 be invalid and void.

266 18. The state board of education may recommend that
267 institutions of higher education and the department align literacy and
268 reading instruction course work with knowledge and practice
269 standards from the Center for Effective Reading Instruction.

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