

FIRST REGULAR SESSION

SENATE BILL NO. 73

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS O'LAUGHLIN AND EMERY.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0440S.01I

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Section A. Sections 167.268 and 167.645, RSMo, are repealed and two new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 plans for any pupils of the district **and**
3 **charter school** in grades kindergarten through [three] **four** pursuant to the
4 provisions of this section. Such plans shall identify strategies to be followed by
5 the district **and charter school** teachers to raise a pupil identified as reading
6 below grade level by recognized methods to reading at grade level by the end of
7 the [third] **fourth** 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 **and charter**
10 **school**, observations of classroom teachers, and documented classroom
11 performance.

12 2. [The state board of education] **Each local school district and**
13 **charter school** shall develop guidelines [to assist districts] in formulating
14 policies for reading intervention plans. Such guidelines may include, but are not
15 limited to, timelines for measuring pupil improvement in reading, information on
16 screening for and treatment of auditory dyslexia, and information on the
17 Lindamood Auditory Conceptualization Test and the Auditory Discrimination in
18 Depth Program. Such guidelines may also identify performance levels for pupils

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

19 identified as handicapped or severely handicapped and conditions under which
20 such pupils are exempt from the provisions of this section.

21 3. Each local school district **and charter school** enrolling a pupil
22 identified as reading below grade level shall develop an individual plan of reading
23 intervention for such pupil. The individual pupil's plan may include individual
24 or group reading development activities. The plan may be developed after
25 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 and charter schools are encouraged but not required**
25 **to select assessment methods identified pursuant to section 167.346. Districts**
26 **and charter schools are also encouraged to use multiple methods of**
27 **assessment;**

28 (4) **"Structured literacy", evidence-based reading instruction that**
29 **addresses phonology, sound symbol association, syllable instruction,**

30 **morphology, syntax, and semantics. Structured literacy is taught**
31 **through systematic, cumulative, explicit, and diagnostic methods;**

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

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

56 3. [Beginning with school year 2002-03, for each student whose
57 third-grade reading assessment determines that such student is reading below
58 second-grade level, the school district shall design a reading improvement plan
59 for the student's fourth-grade year. Such reading improvement plan shall
60 include, at a] **School districts and charter schools shall offer a reading**
61 **intervention program to each student in grades kindergarten through**
62 **four that exhibits a reading deficiency or has a formal diagnosis of**
63 **dyslexia to ensure students can read at or above grade level by the end**
64 **of the fourth grade. The reading intervention program shall be**
65 **provided in addition to core reading instruction that is provided to all**

66 students in the general education classroom. The reading intervention
67 program shall:

68 (1) Be provided to all students in grades kindergarten through
69 four identified with a reading deficiency as determined by local or
70 statewide screening assessments administered within the first thirty
71 days of school for grades one through four, and by January thirty-first
72 for kindergarten;

73 (2) Provide explicit and systematic instruction in phonological
74 awareness, phonics, fluency, vocabulary, and comprehension, as
75 applicable;

76 (3) Monitor the reading progress of each student's reading skills
77 throughout the school year and adjust instruction according to the
78 student's needs; and

79 (4) Be implemented during regular school hours.

80 Structured literacy reading programs shall be provided to any student
81 with a formal diagnosis of dyslexia or for a student that was found to
82 be at risk for dyslexia in the statewide dyslexia screening.

83 4. Any student in kindergarten or any grade not higher than the
84 fourth grade who exhibits a deficiency in reading at any time, based
85 upon local or statewide screening assessments, shall receive an
86 individual reading intervention plan no later than thirty days after the
87 identification of the reading deficiency. The reading intervention plan
88 shall be created by the teacher and other pertinent school personnel,
89 and shall describe the evidence-based reading intervention services the
90 student shall receive to remedy the deficit. Each student shall receive
91 intensive reading intervention until the student no longer has a
92 deficiency in reading.

93 5. Beginning with the 2020-2021 school year, students who are
94 not reading at grade level by the end of the second grade shall receive
95 intensive reading intervention to remedy the student's specific reading
96 deficiency. The reading intervention services shall include effective
97 instructional strategies to accelerate student progress. Each school
98 district and charter school shall conduct a review of student reading
99 intervention plans for all students who are not reading at grade level
100 by the end of the second grade. The review shall address additional
101 supports and services, as described in this subsection, needed to
102 remedy the identified area or areas of reading deficiency. The school

103 district and charter school shall provide the following:

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

106 (2) A highly effective teacher of reading as demonstrated by
107 student reading performance data and teacher performance
108 evaluations;

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

111 (a) Use of reading strategies or programs that are scientifically
112 evidence-based and have proven results in accelerating student reading
113 achievement within the same school year;

114 (b) Daily, targeted small group reading intervention based on the
115 student's needs;

116 (c) Explicit and systematic instruction with more detailed
117 explanations, more extensive opportunities for guided practice, and
118 more opportunities for error correction and feedback;

119 (d) Frequent monitoring of the progress of each student's
120 reading skills throughout the school year and adjustment of instruction
121 according to the student's needs;

122 (e) A structured literacy reading intervention program, as
123 described in subsection 3 of this section, shall be used for any student
124 with a formal diagnosis of dyslexia or who has been identified as a
125 student at risk for dyslexia in the statewide dyslexia screening
126 assessment;

127 (4) The option of a transitional instructional setting that shall
128 specifically be designed to produce learning gains sufficient to meet
129 grade level performance standards in all other core academic areas,
130 while continuing to correct the areas of reading deficiency;

131 (5) Before or after school supplemental evidence-based reading
132 intervention delivered by a teacher or tutor with specialized reading
133 training; and

134 (6) A "read at home" plan prepared for parents and legal
135 guardians along with suggestions for parent and legal guardian
136 participation in training workshops or regular parent-guided home
137 reading activities.

138 6. Each school district and charter school shall establish, where
139 applicable, an intensive acceleration class for any student not reading

140 **proficient or above on the third grade state assessment. The intensive**
141 **acceleration class shall include criteria established in subsection 5 of**
142 **this section; and shall:**

143 **(1) At a minimum, provide** thirty hours of additional reading instruction
144 or practice outside the regular school day during the fourth-grade year;

145 **(2) Have a reduced student-teacher ratio;**

146 **(3) Provide explicit and systematic evidence-based reading; and**
147 **instruction and intervention for the majority of student contact time**
148 **each day.**

149 The school district **and charter school** shall determine the method of reading
150 instruction necessary to enforce this subsection. The school district **and charter**
151 **school** may also require the student to attend summer school for reading
152 instruction as a condition of promotion to fourth grade. The department of
153 elementary and secondary education may, from funds appropriated for the
154 purpose, reimburse school districts **and charter schools** for additional
155 instructional personnel costs incurred in the implementation and execution of the
156 thirty hours of additional reading instruction minus the revenue generated by the
157 school district **or charter school** through the foundation formula for the
158 additional reading instruction average daily attendance.

159 **[4.] 7. Each school district and charter school may provide**
160 **summer camps during summer school to all third grade students**
161 **scoring below proficient on the third grade statewide English language**
162 **arts assessment. Summer reading camps shall be staffed with highly**
163 **effective teachers of reading as demonstrated by student reading**
164 **performance data and teacher performance evaluations. The highly**
165 **effective teacher shall provide explicit and systematic, evidence-based**
166 **reading intervention services and supports to correct the identified**
167 **area or areas of reading deficiency. Summer reading camps shall**
168 **include, at a minimum, sixty hours of instructional time in reading. If**
169 **funding for summer school allows, school districts and charter schools**
170 **may extend summer reading camps to students in the first and second**
171 **grades identified with a reading deficiency. Each student for whom a**
172 **reading [improvement plan] intervention program** has been designed pursuant
173 to subsection 3 of this section shall be given another reading assessment, to be
174 administered within forty-five days of the end of such student's fourth-grade year.
175 If such student is determined to be reading below third-grade level, the student

176 shall be required to attend summer school to receive reading instruction. [At the
177 end of such summer school instruction, such student shall be given another
178 reading assessment. If such student is determined to be reading below
179 third-grade level, the district shall notify the student's parents or guardians, and
180 the student shall not be promoted to fifth grade. No student shall be denied
181 promotion more than once solely for inability to meet the reading standards set
182 out in this section.]

183 [5.] 8. The process described in subsections [3 and 4] **6 and 7** of this
184 section shall be repeated as necessary [through the end of the sixth grade,] with
185 the target grade level rising accordingly. [Mandatory retention in grade shall not
186 apply to grades subsequent to fourth grade.]

187 [6.] 9. The mandatory process of additional reading
188 [instruction] **intervention** pursuant to this section shall cease [at the end of the
189 sixth grade] **upon graduation from high school**. The permanent record of
190 students who are determined to be reading below the fifth-grade level at the end
191 of sixth grade shall carry a notation advising that such student has not met
192 minimal reading standards. The notation shall stay on the student's record until
193 such time as the district determines that a student has met minimal reading
194 standards.

195 [7.] 10. Each school district **and charter school** shall be required to
196 offer summer school reading instruction to any student with a reading
197 [improvement] **intervention** plan. Districts may fulfill the requirement of this
198 section through cooperative arrangements with neighboring districts **or virtual**
199 **schools as approved pursuant to section 161.670**; provided that such
200 districts shall timely make all payments provided pursuant to such cooperative
201 agreements.

202 [8.] 11. A school district **and charter school** may adopt a policy that
203 requires retention in grade of any student who has been determined to require
204 summer school instruction in reading and who does not fulfill the summer school
205 attendance requirement.

206 [9.] 12. Nothing in this section shall preclude a school district **or**
207 **charter school** from retaining any student in grade when a determination is
208 made in accordance with district **or charter school** policy that retention is in
209 the best interests of the student.

210 [10.] 13. The state board of education shall not incorporate information
211 about the number of students receiving additional instruction pursuant to this

212 section into any element of any standard of the Missouri school improvement
213 program or its successor accreditation program; provided, however, each district
214 **and charter school** shall make available, upon the request of any parent,
215 patron, or media outlet within the district, the number and percentage of
216 students receiving remediation pursuant to this section. The information shall
217 be presented in a way that does not permit personal identification of any student
218 or educational personnel.

219 [11.] **14.** Each school district **and charter school** shall make a
220 systematic effort to inform parents of the methods and materials used to teach
221 reading in kindergarten through fourth grade, in terms understandable to a
222 layperson [and shall similarly inform parents of students for whom a reading
223 improvement plan is required pursuant to this section]. **The parent or legal**
224 **guardian of any student in grades kindergarten through four who**
225 **exhibits a deficiency in reading at any time during the school year**
226 **shall be notified in writing no later than fifteen school days after the**
227 **identification of the reading deficiency. Such written notification shall**
228 **include the following:**

229 (1) **A statement that the student has been identified as having a**
230 **deficiency in reading and that a reading intervention plan shall be**
231 **developed by the teacher and other pertinent school personnel;**

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

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

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

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

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

247 (1) **By building, the number and percentage of all students in**
248 **grades three through eight scoring at each proficiency level on the**

249 English language arts statewide assessment;

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

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

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

260 16. The department of elementary and secondary education shall
261 annually report the information required in subsection 15 of this
262 section in a state-level summary to the state board of education, the
263 public, the governor, and the joint committee on education by October
264 first. Each school district and charter school shall post the data in
265 subsection 15 on their website, in student and parent handbooks at the
266 appropriate grade level, and in a visible location near the entrance of
267 each elementary and middle school and junior high building.

268 17. Any rule or portion of a rule, as that term is defined in
269 section 536.010 that is created under the authority delegated in this
270 section shall become effective only if it complies with and is subject to
271 all of the provisions of chapter 536, and, if applicable, section
272 536.028. This section and chapter 536 are nonseverable and if any of
273 the powers vested with the general assembly pursuant to chapter 536,
274 to review, to delay the effective date, or to disapprove and annul a rule
275 are subsequently held unconstitutional, then the grant of rulemaking
276 authority and any rule proposed or adopted after August 28, 2019, shall
277 be invalid and void.

278 18. The state board of education may recommend that
279 institutions of higher education and the department align literacy and
280 reading instruction course work with knowledge and practice
281 standards from the Center for Effective Reading Instruction.

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