

SECOND REGULAR SESSION

# SENATE BILL NO. 1061

100TH GENERAL ASSEMBLY

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ADRIANE D. CROUSE, Secretary.

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## AN ACT

To repeal sections 161.097, 167.268, and 167.645, RSMo, and to enact in lieu thereof four new sections relating to reading intervention in schools, with an effective date for a certain section.

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

Section A. Sections 161.097, 167.268, and 167.645, RSMo, are repealed  
2 and four new sections enacted in lieu thereof, to be known as sections 161.097,  
3 167.268, 167.645, and 186.070, to read as follows:

161.097. 1. The state board of education shall establish standards and  
2 procedures by which it will evaluate all teacher training institutions in this state  
3 for the approval of teacher education programs. The state board of education  
4 shall not require teacher training institutions to meet national or regional  
5 accreditation as a part of its standards and procedures in making those  
6 evaluations, but it may accept such accreditations in lieu of such approval if  
7 standards and procedures set thereby are at least as stringent as those set by the  
8 board. The state board of education's standards and procedures for evaluating  
9 teacher training institutions shall equal or exceed those of national or regional  
10 accrediting associations.

11 2. There is hereby established within the department of elementary and  
12 secondary education the "Missouri Advisory Board for Educator Preparation",  
13 hereinafter referred to as "MABEP". The MABEP shall advise the state board of  
14 education and the coordinating board for higher education regarding matters of  
15 mutual interest in the area of quality educator preparation programs in Missouri.

16 3. Upon approval by the state board of education of the teacher education  
17 program at a particular teacher training institution, any person who graduates

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

18 from that program, and who meets other requirements which the state board of  
19 education shall prescribe by rule, regulation and statute shall be granted a  
20 certificate or license to teach in the public schools of this state. However, no such  
21 rule or regulation shall require that the program from which the person  
22 graduates be accredited by any national or regional accreditation association.

23 **4. The state board of education shall align literacy and reading**  
24 **instruction coursework for teacher education programs in early**  
25 **childhood, kindergarten through fifth grade elementary teacher**  
26 **certification, middle school communication arts, high school**  
27 **communication arts, and all reading and special education certificates**  
28 **to include the following:**

29 **(1) Teacher candidates shall receive training in the core**  
30 **components of reading, including phonemic awareness, phonics,**  
31 **fluency, comprehension, morphology, syntax, and vocabulary; oral and**  
32 **written language development; and identification of reading**  
33 **deficiencies, dyslexia, and other language difficulties; and**

34 **(2) Teacher candidates shall also have training on the**  
35 **administration and interpretation of reading assessments and how to**  
36 **translate reading assessment results into effective practice in the**  
37 **classroom, specific to the needs of students.**

38 **5.** Any rule or portion of a rule, as that term is defined in section 536.010,  
39 that is created under the authority delegated in this section shall become effective  
40 only if it complies with and is subject to all of the provisions of chapter 536 and,  
41 if applicable, section 536.028. This section and chapter 536 are nonseverable and  
42 if any of the powers vested with the general assembly pursuant to chapter 536 to  
43 review, to delay the effective date, or to disapprove and annul a rule are  
44 subsequently held unconstitutional, then the grant of rulemaking authority and  
45 any rule proposed or adopted after August 28, 2014, shall be invalid and void.

167.268. 1. **The state board of education, in collaboration with the**  
2 **coordinating board for higher education and the commissioner's**  
3 **advisory council established under section 186.070, shall develop a plan**  
4 **to establish a comprehensive system of services for early education.**

5 **2.** Each [local] school district **and charter school** shall have on file a  
6 policy for reading [intervention] **success plans** [for any pupils of the district in  
7 grades kindergarten through three pursuant to the provisions of this  
8 section. Such plans shall identify strategies to be followed by the district

9 teachers to raise a pupil identified as reading below grade level by recognized  
10 methods to reading at grade level by the end of the third grade. Recognized  
11 methods of identification may include but need not be limited to the scores of the  
12 pupil obtained through any established standardized testing program currently  
13 administered by the district, observations of classroom teachers, and documented  
14 classroom performance].

15 [2. The state board of education]

16 **3. The department of elementary and secondary education** shall  
17 develop guidelines to assist districts **and charter schools** in formulating  
18 policies for reading [intervention] **success plans**. Such guidelines may include,  
19 but are not limited to, **measures of reading proficiency, strategies for**  
20 **addressing reading deficiencies**, timelines for measuring pupil improvement  
21 in reading, **and** information on screening [for and treatment of auditory dyslexia,  
22 and information on the Lindamood Auditory Conceptualization Test and the  
23 Auditory Discrimination in Depth Program] **and targeted instruction for**  
24 **students with characteristics of dyslexia and other reading**  
25 **deficiencies**. Such guidelines may also identify performance levels for pupils  
26 identified as handicapped or severely handicapped and conditions under which  
27 such pupils [are] **may be** exempt from the provisions of this section **and section**  
28 **167.645**.

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

34 **4. Each school district and charter school shall provide**  
35 **supplemental reading instruction to students as provided in section**  
36 **167.645**.

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

9 ability. Assessments which do not give a grade-level result may be used in  
10 combination with other assessments to reach a grade-level  
11 determination. Districts are encouraged but not required to select assessment  
12 methods identified pursuant to section 167.346. Districts are also encouraged to  
13 use multiple methods of 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] **"Reading deficiency", a deficiency in a student's reading ability**  
18 **as determined by the school district or charter school using local or**  
19 **state assessments and shall include:**

20 (a) **For a student in grades kindergarten through five, a reading**  
21 **ability that falls more than one grade level below the student's current**  
22 **enrollment grade; and**

23 (b) **For a student in grades six through twelve, a deficiency in**  
24 **reading ability that creates a barrier to the student's success in school.**

25 2. For purposes of this section, methods of reading assessment shall be  
26 determined by each school district and charter school. **Each school district**  
27 **and charter school shall provide training on the administration and**  
28 **analysis of results of reading assessments to all kindergarten through**  
29 **fifth grade teachers and any other personnel who provide literacy**  
30 **instruction.** Unless a student has been determined in the current **or previous**  
31 school year to be reading at grade level or above, each school district **and**  
32 **charter school** shall administer a reading assessment or set of assessments to  
33 each student within **the first** forty-five days of [the end of the third-grade year]  
34 **school for grades one through five and by January thirty-first for**  
35 **kindergarten**, except that the provisions of this subsection shall not apply to  
36 students receiving special education services under an individualized education  
37 plan pursuant to sections 162.670 to 162.999, to students receiving services  
38 pursuant to Section 504 of the Rehabilitation Act of 1973 whose services plan  
39 includes an element addressing reading or to students determined to have limited  
40 English proficiency or to students who have been determined, prior to the  
41 beginning of any school year, to have a cognitive ability insufficient to meet the  
42 reading requirement set out in this section, provided that districts **and charter**  
43 **schools** shall provide reading [improvement] **success** plans for **such** students  
44 [determined to have such insufficient cognitive ability]. The assessment required

45 by this subsection shall also be required for students who enter a school district  
46 [in grades four, five or six] **or charter school in grades one through five,**  
47 unless such student has been determined in the current **or previous** school year  
48 to be reading at grade level or above.

49 3. [Beginning with school year 2002-03, for each student whose  
50 third-grade reading assessment determines that such student is reading below  
51 second-grade level, the school district shall design a reading improvement plan  
52 for the student's fourth-grade year. Such reading improvement plan shall  
53 include, at a minimum, thirty hours of additional reading instruction or practice  
54 outside the regular school day during the fourth-grade year. The school district  
55 shall determine the method of reading instruction necessary to enforce this  
56 subsection. The school district may also require the student to attend summer  
57 school for reading instruction as a condition of promotion to fourth grade. The  
58 department of elementary and secondary education may, from funds appropriated  
59 for the purpose, reimburse school districts for additional instructional personnel  
60 costs incurred in the implementation and execution of the thirty hours of  
61 additional reading instruction minus the revenue generated by the school district  
62 through the foundation formula for the additional reading instruction average  
63 daily attendance.

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

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

79 6. The mandatory process of additional reading instruction pursuant to  
80 this section shall cease at the end of the sixth grade. The permanent record of

81 students who are determined to be reading below the fifth-grade level at the end  
82 of sixth grade shall carry a notation advising that such student has not met  
83 minimal reading standards. The notation shall stay on the student's record until  
84 such time as the district determines that a student has met minimal reading  
85 standards.

86 **7.] School districts and charter schools shall develop and**  
87 **implement a reading success plan for each student in grades**  
88 **kindergarten through five who exhibits a reading deficiency. The**  
89 **reading success plan shall provide for additional targeted reading**  
90 **instruction that occurs in addition to the core reading instruction**  
91 **provided to all students in the general education classroom. Methods**  
92 **of identification of students for a reading success plan shall include**  
93 **either a screening assessment, a diagnostic reading assessment, or**  
94 **both. Identification of students for a reading success plan shall**  
95 **consider input from teachers and other pertinent school**  
96 **personnel. The reading success plan shall be developed by the**  
97 **student's teacher and other pertinent school personnel and shall**  
98 **provide an opportunity for the parent or legal guardian to provide**  
99 **input regarding the plan.**

100 **4. Reading intervention instruction and strategies provided**  
101 **under a reading success plan shall:**

102 **(1) Be provided by a highly qualified teacher of reading as**  
103 **demonstrated by teacher certification, professional development or**  
104 **specialized literacy training;**

105 **(2) Be provided in addition to the core reading instruction**  
106 **provided in the general classroom;**

107 **(3) Include frequent, targeted small-group reading intervention**  
108 **based on the student's needs;**

109 **(4) Address the major components of reading, including**  
110 **phonemic awareness, phonics, fluency, comprehension, morphology,**  
111 **syntax, and vocabulary, according to the student's identified needs and**  
112 **developmental level;**

113 **(5) Be systematic and explicit by building skills gradually,**  
114 **providing a high-level of teacher-student interaction with modeling of**  
115 **skills and opportunities for practice and transfer to authentic literacy**  
116 **tasks, and providing specific, corrective feedback;**

117 **(6) Include ongoing progress monitoring of skills targeted in the**

118 **reading intervention sessions to inform and adjust instruction;**

119 **(7) Increase the frequency and duration of reading intervention**  
120 **sessions and implement strategies designed to accelerate student**  
121 **growth for students not making progress;**

122 **(8) Provide appropriate reading intervention instructional**  
123 **practices for students exhibiting characteristics of dyslexia; and**

124 **(9) Include strategies and activities for parents or legal**  
125 **guardians to provide continued reading support.**

126 **5. School districts and charter schools shall continue to address**  
127 **reading deficiencies for a student in grades six through twelve who**  
128 **exhibits a reading deficiency for such time as the deficiency in reading**  
129 **ability creates a barrier to the student's success in school.**

130 **6. Each school district [shall be required to] and charter school may**  
131 **offer summer school reading instruction to any student with a reading**  
132 **[improvement] success plan. Districts may [fulfill the requirement of this**  
133 **section] provide summer school reading instruction** through cooperative  
134 arrangements with neighboring districts[; provided that such districts shall  
135 timely make all payments provided pursuant to such cooperative agreements.

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

139 **9. Nothing in this section shall preclude a school district from retaining**  
140 **any student in grade when a determination is made in accordance with district**  
141 **policy that retention is in the best interests of the student.**

142 **10.] or any other available instructional option.**

143 **7. The state board of education shall not incorporate information about**  
144 **the number of students receiving additional instruction pursuant to this section**  
145 **into any element of any standard of the Missouri school improvement program or**  
146 **its successor accreditation program; provided, however, each district and charter**  
147 **school shall make available, upon the request of any parent, patron, or media**  
148 **outlet within the district, the number and percentage of students receiving**  
149 **[remediation] additional instruction pursuant to this section. The information**  
150 **shall be presented in a way that does not permit personal identification of any**  
151 **student or educational personnel.**

152 **[11.] 8. Each school district and charter school shall make a**  
153 **systematic effort to inform parents of the methods and materials used to teach**

154 reading in kindergarten through [fourth] **fifth** grade, in terms understandable  
155 to a layperson and shall similarly inform parents of students for whom a reading  
156 [improvement] **success** plan is required pursuant to this section.

**186.070. 1. The commissioner of education shall establish a**  
2 **literacy advisory council within the department of elementary and**  
3 **secondary education. The council shall consist of at least twelve and**  
4 **no more than twenty members appointed by the commissioner and shall**  
5 **include members representing the following stakeholder groups:**

- 6 (1) **School boards;**
- 7 (2) **Charter schools;**
- 8 (3) **School superintendents;**
- 9 (4) **Elementary and secondary building principals;**
- 10 (5) **Teachers, including at least two teachers with expertise in**  
11 **reading instruction;**
- 12 (6) **Special education educators;**
- 13 (7) **Parents of elementary and secondary school age pupils;**
- 14 (8) **Dyslexia advocacy groups;**
- 15 (9) **Institutions of higher education with approved teacher**  
16 **preparation programs; and**
- 17 (10) **Professionals with expertise in reading instruction and how**  
18 **students learn to read.**

19 2. **The council shall meet biannually to review best practices in**  
20 **literacy instruction and related policy provisions.**

21 3. **The council shall periodically provide recommendations to the**  
22 **commissioner and the state board of education regarding any identified**  
23 **improvements to literacy instruction and policy for Missouri**  
24 **students. The recommendations may include recommendations for**  
25 **changes to state law, and the commissioner shall furnish any such**  
26 **recommendations to the joint committee on education.**

27 4. **The members of the council shall not receive any**  
28 **compensation for their services but shall be reimbursed for their actual**  
29 **and necessary expenses incurred in the performance of their duties as**  
30 **members of the council.**

Section B. The repeal and reenactment of section 167.645 shall become  
2 effective on July 1, 2021.

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