

SECOND REGULAR SESSION

SENATE BILL NO. 966

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

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ADRIANE D. CROUSE, Secretary.

5272S.011

AN ACT

To repeal sections 167.263, 167.268, and 167.645, RSMo, and to enact in lieu thereof three new sections relating to reading success in schools.

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Section A. Sections 167.263, 167.268, and 167.645, RSMo, are repealed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 three new sections enacted in lieu thereof, to be known as sections 167.263,
3 167.268, and 167.645, 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] **success plan for**
13 **any student who requires such a plan** pursuant to section 167.268.

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.

167.268. 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 **or 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 **or 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 **or charter**
10 **school**, observations of classroom teachers, and documented classroom
11 performance. **The local policy shall be aligned with the guidelines**
12 **developed by the department of elementary and secondary education**
13 **for reading success plans.**

14 2. The [state board of] **department of elementary and secondary**
15 education shall develop guidelines to assist districts **and charter schools** in
16 formulating policies for reading [intervention] **success** plans. Such guidelines
17 may include, but are not limited to, timelines for measuring pupil improvement
18 in reading[,] **and** information on screening for and treatment of [auditory]
19 dyslexia[, and information on the Lindamood Auditory Conceptualization Test
20 and the Auditory Discrimination in Depth Program] **and other reading**

21 **deficiencies. In addition, any guidelines for instruction shall meet the**
22 **needs of the students by ensuring that instruction is explicit,**
23 **systematic, and diagnostic and based on phonological awareness,**
24 **phonics, fluency, vocabulary, comprehension, morphology, syntax, and**
25 **semantics. The guidelines shall emphasize that frequent assessments**
26 **are necessary to measure student progress.** Such guidelines may also
27 identify performance levels for pupils identified as handicapped or severely
28 handicapped and conditions under which such pupils [are] **may be** exempt from
29 the provisions of this section.

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

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

2 (1) **"Dyslexia", the same meaning given to the term in section**
3 **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:**

7 (a) **Objective data that any evaluator would identify and**
8 **interpret similarly;**

9 (b) **Valid and reliable data on the tasks children need to**
10 **accomplish to be successful readers that will remain essentially**
11 **unchanged if collected on a different day or by a different person;**

12 (c) **Systematic data that is collected according to a rigorous**
13 **design of either observation or experimentation; and**

14 (d) **Peer-reviewed data that has been approved for publication**
15 **by a panel of independent reviewers;**

16 (3) **"Reading assessment", a recognized method of judging a student's**
17 **reading ability, with results expressed as reading at a particular grade level. The**
18 **term reading assessment shall include, but is not limited to, standard checklists**
19 **designed for use as a student reads out loud, paper-and-pencil tests promulgated**
20 **by nationally recognized organizations and other recognized methods of**
21 **determining a student's reading accuracy, expression, fluency and comprehension**

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

29 [(2)] (4) **"Structured literacy", an evidence-based reading**
30 **instruction that addresses phonology, sound-symbol association,**
31 **syllable instruction, morphology, syntax, and semantics. Structured**
32 **literacy is taught through systematic, cumulative, explicit, and**
33 **diagnostic methods;**

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

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

58 assessment required by this subsection shall also be required for students who
59 enter a school district **or charter school** in grades four, five, or six unless such
60 student has been determined in the current school year to be reading at grade
61 level or above.

62 3. [Beginning with school year 2002-03, for each student whose
63 third-grade reading assessment determines that such student is reading below
64 second-grade level, the school district shall design a reading improvement plan
65 for the student's fourth-grade year. Such reading improvement plan shall
66 include, at a minimum, thirty hours of additional reading instruction or practice
67 outside the regular school day during the fourth-grade year.]

68 **(1) School districts and charter schools shall offer a reading**
69 **success plan to each student in grades kindergarten through four who**
70 **exhibits a reading deficiency, has been identified as being at risk for**
71 **dyslexia in the statewide dyslexia screening requirement, or has a**
72 **formal diagnosis of dyslexia to ensure students can read at or above**
73 **grade level by the end of the fourth grade. The reading success plan**
74 **shall be provided in addition to core reading instruction that is**
75 **provided to all students in the general education classroom. The**
76 **reading success plan shall:**

77 **(a) Include, at a minimum, thirty hours of additional reading**
78 **instruction or practice outside the regular school day during the**
79 **fourth-grade year;**

80 **(b) Be provided to all students in grades kindergarten through**
81 **four identified with a reading deficiency as determined by the school**
82 **district or charter school using local or statewide screening**
83 **assessments administered within the first thirty days of school for**
84 **grades one through four, and by January thirty-first for kindergarten;**

85 **(c) Provide explicit and systematic multisensory instruction in**
86 **phonological awareness, phonics, fluency, vocabulary, and**
87 **comprehension as applicable to each student;**

88 **(d) Monitor the reading progress of each student's reading skills**
89 **throughout the school year and adjust instruction according to the**
90 **student's needs; and**

91 **(e) Be implemented during regular school hours.**

92 **(2) A structured literacy reading program shall be provided to**
93 **any student with a formal diagnosis of dyslexia or for a student who**
94 **was found to be at risk for dyslexia in the statewide dyslexia screening.**

95 4. Any student in kindergarten or any grade not higher than the
96 fourth grade who exhibits a deficiency in reading at any time, based
97 upon local or statewide screening assessments, shall receive an
98 individual reading success plan no later than forty-five calendar days
99 after the identification of the reading deficiency. The reading success
100 plan shall be created by the teacher and other pertinent school
101 personnel, after consultation with the student's parent or legal
102 guardian, and shall describe the evidence-based reading intervention
103 services the student shall receive to remedy the deficiency. The
104 reading success plan shall specify whether the student was found to be
105 at risk for dyslexia in the local or statewide dyslexia screening
106 requirement or whether the student has a formal diagnosis of
107 dyslexia. Each student shall receive appropriate reading intervention
108 until the student no longer has a deficiency in reading.

109 5. Beginning with the 2021-22 school year, any student who is not
110 reading at grade level by the end of the second grade shall receive
111 appropriate reading intervention to remedy the student's specific
112 reading deficiency. The reading intervention services shall include
113 effective instructional strategies to accelerate student progress that are
114 in accordance with evidence-based structured literacy
115 instruction. Each school district and charter school shall conduct a
116 review of student reading success plans for all students who are not
117 reading at grade level by the end of the second grade. The review shall
118 address additional supports and services, as described in this
119 subsection, needed to remedy the identified area or areas of reading
120 deficiency. The school district or charter school shall provide the
121 following:

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

124 (2) A highly qualified teacher of reading, as demonstrated by
125 teacher certification, professional development, and specialized
126 literacy training, who holds a certification from the Center for
127 Effective Reading Instruction (CERI) or from the Academic Language
128 Therapists Association (ALTA);

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

131 (a) Use of reading strategies or programs that are scientifically

132 evidence-based and have proven results in accelerating student reading
133 achievement within the same school year for students with a reading
134 success plan;

135 (b) Frequent, targeted small-group or one-to-one reading
136 intervention based on the student's needs;

137 (c) Explicit and systematic instruction with more detailed
138 explanations, more extensive opportunities for guided practice, and
139 more opportunities for error correction and feedback;

140 (d) Frequent monitoring of the progress of the student's reading
141 skills throughout the school year and adjustment of the instruction
142 according to the student's needs; and

143 (e) An evidence-based structured literacy instruction that has
144 successful evidence to demonstrate adequate gains in reading
145 achievement as described in subsection 3 of this section for any student
146 with a formal diagnosis of dyslexia or who has been identified as a
147 student at risk for dyslexia in the required state dyslexia screening
148 assessment; and

149 (4) A "read at home" plan offered to parents and legal guardians
150 along with suggestions for participation by parents or legal guardians
151 in training workshops or regular parent-guided home reading
152 activities.

153 6. Each school district and charter school shall provide reading
154 intervention for any student not reading at a level of proficient or
155 above on a local or statewide third-grade reading assessment in the
156 child's third-grade year, or at proficient or above in the child's
157 subsequent grade level starting in the fourth grade, and who has a
158 reading success plan. The appropriate reading intervention shall
159 include criteria established in subsection 5 of this section and shall
160 provide explicit and systematic multisensory evidence-based structured
161 literacy reading instruction. The school district or charter school shall
162 determine the [method of reading instruction] specific structured literacy
163 curriculum necessary to enforce this subsection. The school district or charter
164 school may also require the student to attend summer school for reading
165 instruction as a condition of promotion to fourth grade. The department of
166 elementary and secondary education may, from funds appropriated for the
167 purpose, reimburse school districts and charter schools for additional
168 instructional personnel costs incurred in the implementation and execution of the

169 thirty hours of additional reading instruction minus the revenue generated by the
170 school district **or charter school** through the foundation formula for the
171 additional reading instruction average daily attendance.

172 [4.] 7. Each student for whom a reading [improvement] **success** plan has
173 been designed pursuant to subsection 3 of this section shall be given another
174 reading assessment, to be administered within forty-five days of the end of such
175 student's fourth-grade year. If such student is determined to be reading below
176 third-grade level **at the end of the third grade**, the student shall be [required
177 to attend summer school to receive reading instruction. At the end of such
178 summer school instruction, such student shall be given another reading
179 assessment. If such student is determined to be reading below third-grade level,
180 the district shall notify the student's parents or guardians, and the student shall
181 not be promoted to fifth grade. No student shall be denied promotion more than
182 once solely for inability to meet the reading standards set out in this section.

183 5. The process described in subsections 3 and 4 of this section shall be
184 repeated as necessary through the end of the sixth grade, with the target grade
185 level rising accordingly. Mandatory retention in grade shall not apply to grades
186 subsequent to fourth grade] **referred for an evaluation for an**
187 **individualized education plan (IEP) and the district shall provide**
188 **appropriate intensive structured literacy instruction on a one-to-one**
189 **individualized basis. If the student does not qualify for an IEP under**
190 **the state guidelines for qualification, the student shall continue to**
191 **receive appropriate intensive structured literacy instruction on a**
192 **one-to-one individualized basis until the student is reading at grade**
193 **level.**

194 [6.] 8. The mandatory process of additional reading [instruction pursuant
195 to] **intervention for reading support outside the regular school day and**
196 **school year under** this section shall cease at the end of the sixth grade. [The
197 permanent record of students who are determined to be reading below the
198 fifth-grade level at the end of sixth grade shall carry a notation advising that
199 such student has not met minimal reading standards. The notation shall stay on
200 the student's record until such time as the district determines that a student has
201 met minimal reading standards] **If the student is still not reading at grade**
202 **level upon completion of the sixth grade, the school district or charter**
203 **school shall continue to provide a reading success plan to be**
204 **implemented during the regular school day until such time as the**

205 **student is reading at grade level or upon graduation from high**
206 **school. Appropriate documentation of a student's reading success plans**
207 **shall be provided to an enrolling district within ten school days of**
208 **when a student transfers to a public or charter school district.**

209 [7.] **9.** Each school district **and charter school** shall be required to offer
210 summer school reading instruction to any student with a reading [improvement]
211 **success plan.** Districts **and charter schools** may fulfill the requirement of this
212 section through cooperative arrangements with neighboring districts[; provided
213 that such districts shall timely make all payments provided pursuant to such
214 cooperative agreements].

215 [8.] **10.** A school district **or charter school** may adopt a policy that
216 requires retention in grade of any student who has been determined to require
217 summer school instruction in reading and who does not fulfill the summer school
218 attendance requirement.

219 [9.] **11.** Nothing in this section shall preclude a school district **or**
220 **charter school** from retaining any student in grade when a determination is
221 made in accordance with district **or charter school** policy that retention is in
222 the best interests of the student.

223 [10.] **12.** The state board of education shall not incorporate information
224 about the number of students receiving additional instruction pursuant to this
225 section into any element of any standard of the Missouri school improvement
226 program or its successor accreditation program; provided, however, each district
227 **or charter school** shall make available, upon the request of any parent, patron,
228 **advocacy group,** or media outlet [within the district], the number and
229 percentage of students receiving remediation pursuant to this section. The
230 information shall be presented in a way that does not permit personal
231 identification of any student or educational personnel.

232 [11.] **13.** Each school district **and charter school** shall make a
233 systematic effort to inform parents of the methods and materials used to teach
234 reading in kindergarten through fourth grade, in terms understandable to a
235 layperson [and shall similarly inform parents of students for whom a reading
236 improvement plan is required pursuant to this section]. **The parent or legal**
237 **guardian of any student in grades kindergarten through four who**
238 **exhibits a deficiency in reading or has screened positive for the**
239 **characteristics of dyslexia at any time during the school year, as**
240 **determined by the school, shall be notified in writing that the child has**

241 a reading deficiency or has screened positive for the characteristics of
242 dyslexia no later than thirty calendar days after the identification of
243 the reading deficiency as determined by the school district or charter
244 school. Such written notification shall include the following:

245 (1) A statement that the student has been identified as having a
246 deficiency in reading or has screened positive for the characteristics
247 of dyslexia and that a reading success plan shall be developed by the
248 teacher and other pertinent school personnel;

249 (2) A description of the current services that are provided to the
250 student;

251 (3) A description of the proposed evidence-based structured
252 literacy reading interventions and supplemental instructional services
253 and supports that shall be provided to the student that are designed to
254 remedy the identified area or areas of reading deficiency;

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

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

260 14. The board of each school district and charter school shall
261 annually post by September first the following information of the prior
262 school year on their website, in the student and parent handbooks, and
263 near the entrance of each appropriate building:

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

267 (2) By building, the number and percentage of all students in
268 grades three through eight in each demographic category scoring at
269 each proficiency level on the English language arts statewide
270 assessment;

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

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

278 15. The department of elementary and secondary education shall
279 annually report the information required in subsection 14 of this
280 section in a state-level summary to the state board of education, the
281 public, the governor, and the joint committee on education by October
282 first. Each school district and charter school shall post the data
283 required in subsection 14 on their website, in student and parent
284 handbooks at the appropriate grade level, and in a visible location near
285 the entrance of each elementary, middle, and junior high school
286 building.

287 16. The department of elementary and secondary education may
288 promulgate rules to implement the provisions of this section. Any rule
289 or portion of a rule, as that term is defined in section 536.010, that is
290 created under the authority delegated in this section shall become
291 effective only if it complies with and is subject to all of the provisions
292 of chapter 536 and, if applicable, section 536.028. This section and
293 chapter 536 are nonseverable, and if any of the powers vested with the
294 general assembly pursuant to chapter 536 to review, to delay the
295 effective date, or to disapprove and annul a rule are subsequently held
296 unconstitutional, then the grant of rulemaking authority and any rule
297 proposed or adopted after August 28, 2020, shall be invalid and void.

298 17. The state board of education may recommend that
299 institutions of higher education and the department align literacy and
300 reading instruction course work with knowledge and practice
301 standards from the Center for Effective Reading Instruction.

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