

FIRST REGULAR SESSION

SENATE BILL NO. 54

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

0884S.01I

ADRIANE D. CROUSE, Secretary

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,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 167.263, 167.268, and 167.645, to read as
4 follows:

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

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

17 reading [intervention] **success** plan **for any student who**
18 **requires such a plan** pursuant to section 167.268.

19 2. A school district which contains such eligible
20 schools may apply to the department of elementary and
21 secondary education for a state financial supplement to
22 employ teacher assistants in those schools named in the
23 application and in no other schools of the district. The
24 state full-time equivalent financial supplement shall be
25 three thousand dollars per teacher assistant. No more than
26 one assistant per classroom shall be supplemented by the
27 state pursuant to this section. Teacher assistants thus
28 employed pursuant to this section shall assist teachers in
29 grades kindergarten through three and in no other grades.
30 School districts shall not apply for or assign teacher
31 assistants employed pursuant to this section in classrooms
32 designated as special education or compensatory education
33 classrooms.

34 3. The state board of education shall promulgate rules
35 and regulations for the implementation of this section.
36 Such rules shall include identifying minimum qualifications
37 for teacher assistants which may include teacher education
38 students, determining the minimum number of pupils per
39 classroom to be eligible for a teacher assistant,
40 establishing application procedures for school districts,
41 and determining a method of awarding state financial
42 supplements in the event that the number of applications
43 exceeds the amounts appropriated therefor. No rule or
44 portion of a rule promulgated under the authority of this
45 chapter shall become effective unless it has been
46 promulgated pursuant to the provisions of section 536.024.

167.268. 1. Each local school district **and charter**
2 **school** shall have on file a policy for reading

3 [intervention] **success** plans for any pupils of the district
4 **or charter school** in grades kindergarten through [three]
5 **four** pursuant to the provisions of this section. Such plans
6 shall identify strategies to be followed by the district **or**
7 **charter school** teachers to raise a pupil identified as
8 reading below grade level by recognized methods to reading
9 at grade level by the end of the [third] **fourth** grade.
10 Recognized methods of identification may include but need
11 not be limited to the scores of the pupil obtained through
12 any established standardized testing program currently
13 administered by the district **or charter school**, observations
14 of classroom teachers, and documented classroom
15 performance. **The local policy shall be aligned with the**
16 **guidelines developed by the department of elementary and**
17 **secondary education for reading success plans.**

18 2. The [state board of] **department of elementary and**
19 **secondary** education shall develop guidelines to assist
20 districts **and charter schools** in formulating policies for
21 reading [intervention] **success** plans. Such guidelines may
22 include, but are not limited to, timelines for measuring
23 pupil improvement in reading[,] **and** information on screening
24 for and treatment of [auditory] dyslexia[, and information
25 on the Lindamood Auditory Conceptualization Test and the
26 Auditory Discrimination in Depth Program] **and other reading**
27 **deficiencies. In addition, any guidelines for instruction**
28 **shall meet the needs of the students by ensuring that**
29 **instruction is explicit, systematic, and diagnostic and**
30 **based on phonological awareness, phonics, fluency,**
31 **vocabulary, comprehension, morphology, syntax, and**
32 **semantics. The guidelines shall emphasize that frequent**
33 **assessments are necessary to measure student progress.** Such
34 guidelines may also identify performance levels for pupils

35 identified as handicapped or severely handicapped and
36 conditions under which such pupils [are] **may be** exempt from
37 the provisions of this section.

38 3. Each local school district **and charter school**
39 enrolling a pupil identified as reading below grade level
40 shall develop an individual plan of reading [intervention]
41 **success** for such pupil. The individual pupil's plan [may]
42 **shall** include individual or **small** group reading development
43 activities. The plan [may be developed after] **shall include**
44 consultation with the pupil's parent or legal guardian **to**
45 **the extent practical.**

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

3 (1) **"Dyslexia", the same meaning given to the term in**
4 **section 633.420;**

5 (2) **"Evidence-based reading instruction", any research-**
6 **validated program that has successful evidence to**
7 **demonstrate adequate gains in reading achievement where such**
8 **evidence is:**

9 (a) **Objective data that any evaluator would identify**
10 **and interpret similarly;**

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

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

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

19 (3) **"Reading assessment", a recognized method of**
20 **judging a student's reading ability, with results expressed**
21 **as reading at a particular grade level. The term reading**

22 assessment shall include, but is not limited to, standard
23 checklists designed for use as a student reads out loud,
24 paper-and-pencil tests promulgated by nationally recognized
25 organizations and other recognized methods of determining a
26 student's reading accuracy, expression, fluency and
27 comprehension in order to make a determination of the
28 student's grade-level reading ability. Assessments [which]
29 **that** do not give a grade-level result may be used in
30 combination with other assessments to reach a grade-level
31 determination. Districts **and charter schools** are encouraged
32 but not required to select assessment methods identified
33 pursuant to section 167.346. Districts **and charter schools**
34 are [also] encouraged to use multiple methods of assessment;

35 [(2)] (4) **"Structured literacy", an evidence-based**
36 **reading instruction that addresses phonology, sound-symbol**
37 **association, syllable instruction, morphology, syntax, and**
38 **semantics. Structured literacy is taught through**
39 **systematic, cumulative, explicit, and diagnostic methods;**

40 (5) "Summer school", for reading instruction purposes,
41 a minimum of forty hours of reading instruction and
42 practice. A school district **or charter school** may arrange
43 the hours and days of instruction to coordinate with its
44 regular program of summer school.

45 2. For purposes of this section, methods of reading
46 assessment shall be determined by each school district **and**
47 **charter school**. Unless a student has been determined in the
48 [current] **previous** school year to be reading at grade level
49 or above, each school district **and charter school** shall
50 administer a reading assessment or set of assessments to
51 each student within [forty-five days of the end of the third-
52 grade year] **the first thirty calendar days of school for**
53 **grades one through four, and by January thirty-first for**

54 **kindergarten**, except that the provisions of this subsection
55 shall not apply to students receiving special education
56 services under an individualized education plan pursuant to
57 sections 162.670 to 162.999, to students receiving services
58 pursuant to Section 504 of the Rehabilitation Act of 1973
59 whose services plan includes an element addressing reading
60 or to students determined to have limited English
61 proficiency or to students who have been determined, prior
62 to the beginning of any school year, to have a cognitive
63 ability insufficient to meet the reading requirement set out
64 in this section, provided that districts **and charter schools**
65 shall provide reading [improvement] **success** plans for
66 students **with an individualized education plan that have a**
67 **reading deficiency, for students receiving services under**
68 **Section 504 of the Rehabilitation Act of 1973 whose service**
69 **plan includes an element addressing reading, and to students**
70 determined to have such insufficient cognitive ability. The
71 assessment required by this subsection shall also be
72 required for students who enter a school district **or charter**
73 **school** in grades four, five, or six unless such student has
74 been determined in the current school year to be reading at
75 grade level or above.

76 3. [Beginning with school year 2002-03, for each
77 student whose third-grade reading assessment determines that
78 such student is reading below second-grade level, the school
79 district shall design a reading improvement plan for the
80 student's fourth-grade year. Such reading improvement plan
81 shall include, at a minimum, thirty hours of additional
82 reading instruction or practice outside the regular school
83 day during the fourth-grade year.]

84 (1) **School districts and charter schools shall offer a**
85 **reading success plan to each student in grades kindergarten**

86 through four who exhibits a reading deficiency, has been
87 identified as being at risk for dyslexia in the statewide
88 dyslexia screening requirement, or has a formal diagnosis of
89 dyslexia to ensure students can read at or above grade level
90 by the end of the fourth grade. The reading success plan
91 shall be provided in addition to core reading instruction
92 that is provided to all students in the general education
93 classroom. The reading success plan shall:

94 (a) Include, at a minimum, thirty hours of additional
95 reading instruction or practice outside the regular school
96 day during the fourth-grade year;

97 (b) Be provided to all students in grades kindergarten
98 through four identified with a reading deficiency as
99 determined by the school district or charter school using
100 local or statewide screening assessments administered within
101 the first thirty days of school for grades one through four,
102 and by January thirty-first for kindergarten;

103 (c) Provide explicit and systematic multisensory
104 instruction in phonological awareness, phonics, fluency,
105 vocabulary, and comprehension as applicable to each student;

106 (d) Monitor the reading progress of each student's
107 reading skills throughout the school year and adjust
108 instruction according to the student's needs; and

109 (e) Be implemented during regular school hours.

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

114 4. Any student in kindergarten or any grade not higher
115 than the fourth grade who exhibits a deficiency in reading
116 at any time, based upon local or statewide screening
117 assessments, shall receive an individual reading success

118 plan no later than forty-five calendar days after the
119 identification of the reading deficiency. The reading
120 success plan shall be created by the teacher and other
121 pertinent school personnel, after consultation with the
122 student's parent or legal guardian, and shall describe the
123 evidence-based reading intervention services the student
124 shall receive to remedy the deficiency. The reading success
125 plan shall specify whether the student was found to be at
126 risk for dyslexia in the local or statewide dyslexia
127 screening requirement or whether the student has a formal
128 diagnosis of dyslexia. Each student shall receive
129 appropriate reading intervention until the student no longer
130 has a deficiency in reading.

131 5. Beginning with the 2022-23 school year, any student
132 who is not reading at grade level by the end of the second
133 grade shall receive appropriate reading intervention to
134 remedy the student's specific reading deficiency. The
135 reading intervention services shall include effective
136 instructional strategies to accelerate student progress that
137 are in accordance with evidence-based structured literacy
138 instruction. Each school district and charter school shall
139 conduct a review of student reading success plans for all
140 students who are not reading at grade level by the end of
141 the second grade. The review shall address additional
142 supports and services, as described in this subsection,
143 needed to remedy the identified area or areas of reading
144 deficiency. The school district or charter school shall
145 provide the following:

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

148 (2) A highly qualified teacher of reading, as
149 demonstrated by teacher certification, professional

150 development, and specialized literacy training, who holds a
151 certification from the Center for Effective Reading
152 Instruction (CERI) or from the Academic Language Therapists
153 Association (ALTA);

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

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

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

163 (c) Explicit and systematic instruction with more
164 detailed explanations, more extensive opportunities for
165 guided practice, and more opportunities for error correction
166 and feedback;

167 (d) Frequent monitoring of the progress of the
168 student's reading skills throughout the school year and
169 adjustment of the instruction according to the student's
170 needs; and

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

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

181 **6. Each school district and charter school shall**
182 **provide reading intervention for any student not reading at**
183 **a level of proficient or above on a local or statewide third-**
184 **grade reading assessment in the child's third-grade year, or**
185 **at proficient or above in the child's subsequent grade level**
186 **starting in the fourth grade, and who has a reading success**
187 **plan. The appropriate reading intervention shall include**
188 **criteria established in subsection 5 of this section and**
189 **shall provide explicit and systematic multisensory evidence-**
190 **based structured literacy reading instruction.** The school
191 district **or charter school** shall determine the [method of
192 reading instruction] **specific structured literacy curriculum**
193 necessary to enforce this subsection. The school district
194 **or charter school** may also require the student to attend
195 summer school for reading instruction as a condition of
196 promotion to fourth grade. The department of elementary and
197 secondary education may, from funds appropriated for the
198 purpose, reimburse school districts **and charter schools** for
199 additional instructional personnel costs incurred in the
200 implementation and execution of the thirty hours of
201 additional reading instruction minus the revenue generated
202 by the school district **or charter school** through the
203 foundation formula for the additional reading instruction
204 average daily attendance.

205 [4.] **7. Each student for whom a reading [improvement]**
206 **success** plan has been designed pursuant to subsection 3 of
207 this section shall be given another reading assessment, to
208 be administered within forty-five days of the end of such
209 student's fourth-grade year. If such student is determined
210 to be reading below third-grade level **at the end of the**
211 **third grade**, the student shall be [required to attend summer
212 school to receive reading instruction. At the end of such

213 summer school instruction, such student shall be given
214 another reading assessment. If such student is determined
215 to be reading below third-grade level, the district shall
216 notify the student's parents or guardians, and the student
217 shall not be promoted to fifth grade. No student shall be
218 denied promotion more than once solely for inability to meet
219 the reading standards set out in this section.

220 5. The process described in subsections 3 and 4 of
221 this section shall be repeated as necessary through the end
222 of the sixth grade, with the target grade level rising
223 accordingly. Mandatory retention in grade shall not apply
224 to grades subsequent to fourth grade] **referred for an**
225 **evaluation for an individualized education plan (IEP) and**
226 **the district shall provide appropriate intensive structured**
227 **literacy instruction on a one-to-one individualized basis.**
228 **If the student does not qualify for an IEP under the state**
229 **guidelines for qualification, the student shall continue to**
230 **receive appropriate intensive structured literacy**
231 **instruction on a one-to-one individualized basis until the**
232 **student is reading at grade level.**

233 [6.] 8. The mandatory process of additional reading
234 [instruction pursuant to] **intervention for reading support**
235 **outside the regular school day and school year under** this
236 section shall cease at the end of the sixth grade. [The
237 permanent record of students who are determined to be
238 reading below the fifth-grade level at the end of sixth
239 grade shall carry a notation advising that such student has
240 not met minimal reading standards. The notation shall stay
241 on the student's record until such time as the district
242 determines that a student has met minimal reading standards]
243 **If the student is still not reading at grade level upon**
244 **completion of the sixth grade, the school district or**

245 charter school shall continue to provide a reading success
246 plan to be implemented during the regular school day until
247 such time as the student is reading at grade level or upon
248 graduation from high school. Appropriate documentation of a
249 student's reading success plans shall be provided to an
250 enrolling district within ten school days of when a student
251 transfers to a public or charter school district.

252 [7.] 9. Each school district and charter school shall
253 be required to offer summer school reading instruction to
254 any student with a reading [improvement] success plan.
255 Districts and charter schools may fulfill the requirement of
256 this section through cooperative arrangements with
257 neighboring districts[; provided that such districts shall
258 timely make all payments provided pursuant to such
259 cooperative agreements].

260 [8.] 10. A school district or charter school may adopt
261 a policy that requires retention in grade of any student who
262 has been determined to require summer school instruction in
263 reading and who does not fulfill the summer school
264 attendance requirement.

265 [9.] 11. Nothing in this section shall preclude a
266 school district or charter school from retaining any student
267 in grade when a determination is made in accordance with
268 district or charter school policy that retention is in the
269 best interests of the student.

270 [10.] 12. The state board of education shall not
271 incorporate information about the number of students
272 receiving additional instruction pursuant to this section
273 into any element of any standard of the Missouri school
274 improvement program or its successor accreditation program;
275 provided, however, each district or charter school shall
276 make available, upon the request of any parent, patron,

277 **advocacy group**, or media outlet [within the district], the
278 number and percentage of students receiving remediation
279 pursuant to this section. The information shall be
280 presented in a way that does not permit personal
281 identification of any student or educational personnel.

282 [11.] **13.** Each school district **and charter school**
283 shall make a systematic effort to inform parents of the
284 methods and materials used to teach reading in kindergarten
285 through fourth grade, in terms understandable to a layperson
286 [and shall similarly inform parents of students for whom a
287 reading improvement plan is required pursuant to this
288 section]. **The parent or legal guardian of any student in**
289 **grades kindergarten through four who exhibits a deficiency**
290 **in reading or has screened positive for the characteristics**
291 **of dyslexia at any time during the school year, as**
292 **determined by the school, shall be notified in writing that**
293 **the child has a reading deficiency or has screened positive**
294 **for the characteristics of dyslexia no later than thirty**
295 **calendar days after the identification of the reading**
296 **deficiency as determined by the school district or charter**
297 **school. Such written notification shall include the**
298 **following:**

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

304 (2) A description of the current services that are
305 provided to the student;

306 (3) A description of the proposed evidence-based
307 structured literacy reading interventions and supplemental
308 instructional services and supports that shall be provided

309 to the student that are designed to remedy the identified
310 area or areas of reading deficiency;

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

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

317 14. The board of each school district and charter
318 school shall annually post by September first the following
319 information of the prior school year on their website, in
320 the student and parent handbooks, and near the entrance of
321 each appropriate building:

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

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

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

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

338 15. The department of elementary and secondary
339 education shall annually report the information required in
340 subsection 14 of this section in a state-level summary to

341 the state board of education, the public, the governor, and
342 the joint committee on education by October first. Each
343 school district and charter school shall post the data
344 required in subsection 14 on their website, in student and
345 parent handbooks at the appropriate grade level, and in a
346 visible location near the entrance of each elementary,
347 middle, and junior high school building.

348 16. The department of elementary and secondary
349 education may promulgate rules to implement the provisions
350 of this section. Any rule or portion of a rule, as that
351 term is defined in section 536.010, that is created under
352 the authority delegated in this section shall become
353 effective only if it complies with and is subject to all of
354 the provisions of chapter 536 and, if applicable, section
355 536.028. This section and chapter 536 are nonseverable, and
356 if any of the powers vested with the general assembly
357 pursuant to chapter 536 to review, to delay the effective
358 date, or to disapprove and annul a rule are subsequently
359 held unconstitutional, then the grant of rulemaking
360 authority and any rule proposed or adopted after August 28,
361 2021, shall be invalid and void.

362 17. The state board of education may recommend that
363 institutions of higher education and the department align
364 literacy and reading instruction course work with knowledge
365 and practice standards from the Center for Effective Reading
366 Instruction.

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