

SENATE BILL NO. 681

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

4133S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 161.097, 167.263, 167.268, and 167.645, RSMo, and to enact in lieu thereof five new sections relating to reading success in schools, with a delayed effective date.

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

Section A. Sections 161.097, 167.263, 167.268, and 167.645, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 161.097, 167.263, 167.268, 167.645, and 186.080, to read as follows:

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

2. There is hereby established within the department of elementary and secondary education the "Missouri Advisory Board for Educator Preparation", hereinafter referred to as "MABEP". The MABEP shall advise the state board of

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

18 education and the coordinating board for higher education
19 regarding matters of mutual interest in the area of quality
20 educator preparation programs in Missouri.

21 3. Upon approval by the state board of education of
22 the teacher education program at a particular teacher
23 training institution, any person who graduates from that
24 program, and who meets other requirements which the state
25 board of education shall prescribe by rule, regulation and
26 statute shall be granted a certificate or license to teach
27 in the public schools of this state. However, no such rule
28 or regulation shall require that the program from which the
29 person graduates be accredited by any national or regional
30 accreditation association.

31 4. **The state board of education shall require literacy**
32 **and reading instruction coursework for teacher education**
33 **programs aligned to certification in early childhood**
34 **education, elementary education, middle school education**
35 **with subject area certification in language arts, secondary**
36 **education with subject area certification in English,**
37 **special reading, and special education to include training**
38 **in:**

39 (1) **The core components of reading, such as phonemic**
40 **awareness, phonics, fluency, comprehension, morphology,**
41 **syntax, and vocabulary;**

42 (2) **Oral and written language development;**

43 (3) **Identification of reading deficiencies, dyslexia,**
44 **and other language difficulties; and**

45 (4) **The administration and interpretation of**
46 **assessments and how to translate assessment results into**
47 **effective practice in the classroom specific to the needs of**
48 **students.**

49 5. Any rule or portion of a rule, as that term is
50 defined in section 536.010, that is created under the
51 authority delegated in this section shall become effective
52 only if it complies with and is subject to all of the
53 provisions of chapter 536 and, if applicable, section
54 536.028. This section and chapter 536 are nonseverable and
55 if any of the powers vested with the general assembly
56 pursuant to chapter 536 to review, to delay the effective
57 date, or to disapprove and annul a rule are subsequently
58 held unconstitutional, then the grant of rulemaking
59 authority and any rule proposed or adopted after August 28,
60 2014, shall be invalid and void.

 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
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. **The state board of education, in
2 collaboration with the coordinating board for higher
3 education and the literacy advisory council established
4 pursuant to section 186.080, shall develop a plan to
5 establish a comprehensive system of services for reading
6 instruction.**

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

24 [2.] **3.** The [state board of] **department of elementary**
25 **and secondary** education shall develop guidelines to assist
26 **school districts and charter schools** in formulating policies
27 for reading [intervention] **success** plans. Such guidelines
28 may include, but are not limited to, **measures of reading**
29 **proficiency, strategies for addressing reading deficiencies**
30 **and disorders**, timelines for measuring pupil improvement in
31 reading[,] **and** information on screening for and treatment of
32 [auditory] dyslexia[, and information on the Lindamood
33 Auditory Conceptualization Test and the Auditory
34 Discrimination in Depth Program] **and other reading**
35 **deficiencies. In addition, any guidelines for instruction**
36 **shall meet the needs of the students by ensuring that**
37 **instruction is explicit, systematic, and diagnostic and**
38 **based on phonological awareness, phonics, fluency,**

39 **vocabulary, comprehension, morphology, syntax, and**
40 **semantics.** Such guidelines may also identify performance
41 levels for pupils identified as handicapped or severely
42 handicapped and conditions under which such pupils [are] **may**
43 **be** exempt from the provisions of this section.

44 [3.] **4.** Each local school district [enrolling a pupil
45 identified as reading below grade level shall develop an
46 individual plan of reading intervention for such pupil. The
47 individual pupil's plan may include individual or group
48 reading development activities. The plan may be developed
49 after consultation with the pupil's parent or legal
50 guardian] **and charter school shall provide supplemental**
51 **reading instruction under a reading success plan created**
52 **pursuant to section 167.645 to any enrolled student who**
53 **exhibits a reading deficiency.**

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", scientific**
6 **research-based interventions that have been peer reviewed**
7 **with substantial evidence of their effectiveness through**
8 **multiple outcome evaluation;**

9 (3) **"Reading assessment", a recognized method of**
10 **judging a student's reading ability, with results expressed**
11 **as reading at a particular grade level. The term reading**
12 **assessment shall include, but is not limited to, standard**
13 **checklists designed for use as a student reads out loud,**
14 **paper-and-pencil tests promulgated by nationally recognized**
15 **organizations and other recognized methods of determining a**
16 **student's reading accuracy, expression, fluency and**
17 **comprehension in order to make a determination of the**

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

25 [(2)] (4) **"Structured literacy", an evidence-based**
26 **reading instruction that addresses phonology, sound-symbol**
27 **association, syllable instruction, morphology, syntax, and**
28 **semantics when such instruction is taught through**
29 **systematic, cumulative, explicit, and diagnostic methods;**

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

35 2. For purposes of this section, methods of reading
36 assessment shall be determined by each school district **and**
37 **charter school. Each school district and charter school**
38 **shall provide training on the administration of reading**
39 **assessments to all kindergarten through fifth grade teachers**
40 **and any other personnel who provide literacy instruction.**

41 Unless a student has been determined in the [current]
42 **previous** school year to be reading at grade level or above,
43 each school district **and charter school** shall administer a
44 reading assessment or set of assessments to each student
45 within [forty-five days of the end of the third-grade year]
46 **the first thirty calendar days of school for grades one**
47 **through four, and by January thirty-first for kindergarten,**
48 except that the provisions of this subsection shall not
49 apply to students receiving special education services under

50 an individualized education plan pursuant to sections
51 162.670 to 162.999, to students receiving services pursuant
52 to Section 504 of the Rehabilitation Act of 1973 whose
53 services plan includes an element addressing reading or to
54 students determined to have limited English proficiency or
55 to students who have been determined, prior to the beginning
56 of any school year, to have a cognitive ability insufficient
57 to meet the reading requirement set out in this section,
58 provided that districts **and charter schools** shall provide
59 reading [improvement] **success** plans for students **with an**
60 **individualized education plan that have a reading**
61 **deficiency, for students receiving services under Section**
62 **504 of the Rehabilitation Act of 1973 whose service plan**
63 **includes an element addressing reading, and to students**
64 determined to have such insufficient cognitive ability. The
65 assessment required by this subsection shall also be
66 required for students who enter a school district **or charter**
67 **school** in grades four, five, or six unless such student has
68 been determined in the current school year to be reading at
69 grade level or above.

70 3. [Beginning with school year 2002-03, for each
71 student whose third-grade reading assessment determines that
72 such student is reading below second-grade level, the school
73 district shall design a reading improvement plan for the
74 student's fourth-grade year. Such reading improvement plan
75 shall include, at a minimum, thirty hours of additional
76 reading instruction or practice outside the regular school
77 day during the fourth-grade year.] **(1) School districts**
78 **and charter schools shall offer a reading success plan to**
79 **each student in grades kindergarten through four who**
80 **exhibits a reading deficiency, has been identified as being**
81 **at risk for dyslexia in the statewide dyslexia screening**

82 requirement, or has a formal diagnosis of dyslexia to ensure
83 students can read at or above grade level by the end of the
84 fourth grade. School districts and charter schools shall
85 consider the input of teachers and other building-level
86 staff when identifying students for reading success plans.
87 The reading success plan shall be provided in addition to
88 core reading instruction that is provided to all students in
89 the general education classroom. The reading success plan
90 shall:

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

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

100 (c) Provide explicit and systematic multisensory
101 instruction in phonological awareness, phonics, fluency,
102 vocabulary, and comprehension as applicable to each student;

103 (d) Monitor the reading progress of each student's
104 reading skills throughout the school year and adjust
105 instruction according to the student's needs; and

106 (e) Be implemented during regular school hours.

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

111 (3) If a student who is provided a reading success
112 plan is determined to not be reading at or above grade level
113 by the end of second grade, the student shall receive

114 structured literacy instruction as well as additional
115 support and services including but not limited to:

116 (a) Frequent, targeted reading intervention based on
117 the student's needs and provided in a small-group or one-on-
118 one setting;

119 (b) Frequent monitoring of the student's reading
120 skills throughout the school year; and

121 (c) Adjustment of the structured literacy instruction
122 and reading interventions according to the student's needs.

123 (4) For students in grades six through twelve, school
124 districts and charter schools shall continue to address the
125 reading deficiencies of any student for whom the deficiency
126 creates a barrier to success in school.

127 4. A reading success plan shall be created for a
128 student within forty-five days following the identification
129 of a reading deficiency by such student's teacher and other
130 pertinent school personnel, after consultation with the
131 student's parent or legal guardian, and shall describe the
132 evidence-based reading intervention services the student
133 shall receive to remedy the deficiency. The reading success
134 plan shall specify whether the student was found to be at
135 risk for dyslexia in the local or statewide dyslexia
136 screening requirement or whether the student has a formal
137 diagnosis of dyslexia. Each student shall receive
138 appropriate reading intervention until the student no longer
139 has a deficiency in reading.

140 5. The school district or charter school shall
141 determine the [method of reading instruction] specific
142 structured literacy curriculum necessary to enforce this
143 subsection. The school district or charter school may also
144 require the student to attend summer school for reading
145 instruction as a condition of promotion to fourth grade.

146 The department of elementary and secondary education may,
147 from funds appropriated for the purpose, reimburse school
148 districts **and charter schools** for additional instructional
149 personnel costs incurred in the implementation and execution
150 of the thirty hours of additional reading instruction minus
151 the revenue generated by the school district **or charter**
152 **school** through the foundation formula for the additional
153 reading instruction average daily attendance.

154 [4.] 6. Each student for whom a reading [improvement]
155 **success** plan has been designed pursuant to subsection 3 of
156 this section shall be given another reading assessment, to
157 be administered within forty-five days of the end of such
158 student's fourth-grade year. If such student is determined
159 to be reading below third-grade level **at the end of the**
160 **third grade**, the student shall be [required to attend summer
161 school to receive reading instruction. At the end of such
162 summer school instruction, such student shall be given
163 another reading assessment. If such student is determined
164 to be reading below third-grade level, the district shall
165 notify the student's parents or guardians, and the student
166 shall not be promoted to fifth grade. No student shall be
167 denied promotion more than once solely for inability to meet
168 the reading standards set out in this section.

169 5. The process described in subsections 3 and 4 of
170 this section shall be repeated as necessary through the end
171 of the sixth grade, with the target grade level rising
172 accordingly. Mandatory retention in grade shall not apply
173 to grades subsequent to fourth grade] **referred for an**
174 **evaluation for an individualized education plan (IEP) and**
175 **the district shall provide appropriate intensive structured**
176 **literacy instruction on a one-to-one individualized basis.**
177 **If the student does not qualify for an IEP under the state**

178 **guidelines for qualification, the student shall continue to**
179 **receive appropriate intensive structured literacy**
180 **instruction on a one-to-one individualized basis until the**
181 **student is reading at grade level.**

182 [6. The mandatory process of additional reading
183 instruction pursuant to this section shall cease at the end
184 of the sixth grade. The permanent record of students who
185 are determined to be reading below the fifth-grade level at
186 the end of sixth grade shall carry a notation advising that
187 such student has not met minimal reading standards. The
188 notation shall stay on the student's record until such time
189 as the district determines that a student has met minimal
190 reading standards.]

191 7. Each school district **and charter school** shall be
192 required to offer summer school reading instruction to any
193 student with a reading [improvement] **success** plan.
194 Districts **and charter schools** may fulfill the requirement of
195 this section through cooperative arrangements with
196 neighboring districts[; provided that such districts shall
197 timely make all payments provided pursuant to such
198 cooperative agreements].

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

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

209 10. **The state board of education shall evaluate and**
210 **give weight to district and charter school reading**
211 **interventions and compliance with the provisions of this**
212 **section within the Missouri school improvement program.**

213 11. The state board of education shall not incorporate
214 information about the number of students receiving
215 additional instruction pursuant to this section into any
216 element of any standard of the Missouri school improvement
217 program or its successor accreditation program; provided,
218 however, each district **or charter school** shall make
219 available, upon the request of any parent, patron, **advocacy**
220 **group**, or media outlet [within the district], the number and
221 percentage of students receiving remediation pursuant to
222 this section. The information shall be presented in a way
223 that does not permit personal identification of any student
224 or educational personnel.

225 [11.] 12. Each school district **and charter school**
226 shall make a systematic effort to inform parents of the
227 methods and materials used to teach reading in kindergarten
228 through [fourth] **fifth** grade, in terms understandable to a
229 layperson [and shall similarly inform parents of students
230 for whom a reading improvement plan is required pursuant to
231 this section]. **Notice to the parent or legal guardian of**
232 **any student for whom a reading success plan is required**
233 **shall be provided within thirty days. Such communication**
234 **may be through electronic or other means; however, effort**
235 **shall be made to ensure a parent received such**
236 **communication. The notice shall state that the student has**
237 **been identified as having a deficiency in reading identified**
238 **through a screening or other method. The communication**
239 **shall also note if the student screened positive for the**

240 characteristics of dyslexia. Additionally, the
241 communication shall include the following information:

242 (1) That a reading success plan for the student shall
243 be developed by the teacher and other personnel;

244 (2) A description of the current services and
245 proposed, evidence-based structured literacy interventions
246 and supplemental services;

247 (3) That the parent or guardian shall have the
248 opportunity for input regarding the reading success plan;

249 (4) The timing for periodic updates on student
250 progress, which shall be aligned with other normal interim
251 student progress updates to the extent practical; and

252 (5) Suggested strategies for use at home to help the
253 student succeed in reading.

254 13. The department of elementary and secondary
255 education may promulgate rules to implement the provisions
256 of this section. Any rule or portion of a rule, as that
257 term is defined in section 536.010, that is created under
258 the authority delegated in this section shall become
259 effective only if it complies with and is subject to all of
260 the provisions of chapter 536 and, if applicable, section
261 536.028. This section and chapter 536 are nonseverable, and
262 if any of the powers vested with the general assembly
263 pursuant to chapter 536 to review, to delay the effective
264 date, or to disapprove and annul a rule are subsequently
265 held unconstitutional, then the grant of rulemaking
266 authority and any rule proposed or adopted after August 28,
267 2022, shall be invalid and void.

186.080. 1. There is hereby established within the
2 department of elementary and secondary education the
3 "Literacy Advisory Council", which shall be composed of at
4 least fifteen and no more than twenty members to be

5 appointed by the commissioner of education. The members of
6 the council shall include at least:

- 7 (1) One public school board member;
- 8 (2) One charter school representative;
- 9 (3) One public school district superintendent;
- 10 (4) One elementary or secondary school principal;
- 11 (5) Three teachers with expertise in reading
12 instruction, including at least one teacher selected by each
13 of the three largest statewide teacher organizations, and
14 all of whom shall either be certified by the Center for
15 Effective Reading Instruction or shall have completed all
16 levels of the Language Essentials for Teachers of Reading
17 and Spelling training program;
- 18 (6) One special education teacher;
- 19 (7) One parent of an elementary or secondary school
20 student who has been diagnosed with dyslexia;
- 21 (8) One representative from Decoding Dyslexia Missouri;
- 22 (9) One representative from an institution of
23 postsecondary education which offers approved teacher
24 preparation programs;
- 25 (10) One representative from an independent private
26 provider or nonprofit organization serving individuals with
27 dyslexia;
- 28 (11) One representative from the Missouri branch of
29 the International Dyslexia Association;
- 30 (12) One certified academic language therapist
31 recommended by the Academic Language Therapy Association who
32 is a resident of this state;
- 33 (13) One professional with experience diagnosing
34 dyslexia, such as a school psychologist or
35 neuropsychologist, who is licensed under chapter 337; and

36 (14) One dyslexia specialist from the department of
37 elementary and secondary education.

38 2. The advisory council shall meet biannually to
39 review best practices in literacy instruction and related
40 policies.

41 3. The advisory council shall periodically provide
42 recommendations to the commissioner and the state board of
43 education regarding any identified improvements to literacy
44 instruction and policy for elementary and secondary
45 students. The recommendations may include recommendations
46 for changes to state law, and the commissioner shall furnish
47 any such recommendations to the joint committee on education.

48 4. The department of elementary and secondary
49 education, in conjunction with the advisory council, shall
50 identify and create a list of approved materials, resources,
51 and curriculum programs for public school districts and
52 charter schools. A school district or charter school shall
53 use only materials, resources, or curriculum programs from
54 such list.

Section B. The repeal and reenactment of section
2 167.645 of section A of this act shall become effective on
3 July 1, 2023.

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