

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 1442

AN ACT

To repeal sections 161.097, 161.241, 167.268, and 167.645, RSMo, and to enact in lieu thereof four new sections relating to literacy of elementary school students.

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

Section A. Sections 161.097, 161.241, 167.268, and 167.645, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 161.097, 161.241, 167.268, and 167.645, to read as follows: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 education and the coordinating board for higher education regarding matters of mutual interest in the area of quality

educator preparation programs in Missouri. The advisory board shall include at least three active elementary or secondary classroom teachers and at least three faculty members within approved educator preparation programs. The classroom teacher members shall be selected to represent various regions of the state and districts of different sizes. The faculty representatives shall represent institutions from various regions of the state and sizes of programs. The advisory board shall hold regular meetings that allow members to share needs and concerns and plan strategies to enhance teacher preparation.

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

4. The state board of education shall, in consultation with MABEP, align literacy and reading instruction coursework for teacher education programs in early childhood, kindergarten to fifth grade elementary teacher certification, middle school communication arts, high school communication arts, and all reading and special education certificates to include the following:

(1) Teacher candidates shall receive classroom and clinical training in:

(a) The core components of reading, including phonemic awareness, phonics, fluency, comprehension, morphology, syntax, and vocabulary;

(b) Oral and written language development; and
(c) Identification of reading deficiencies, dyslexia, and other language difficulties;

(2) Teacher candidates shall also have training on:

(a) The selection and use of high-quality reading curricula and instructional materials that do not include the three-cueing system model as defined in section 170.014;

(b) The administration and interpretation of assessments;

(c) How to translate assessment results into effective practice in the classroom specific to the needs of students; and

(d) Additional best practices in the field of literacy instruction as recommended by the literacy advisory council pursuant to section 186.080;

(3) Educator preparation programs shall not include instruction in, or endorsement of, the three-cueing system model of reading instruction as defined in section 170.014.

5. Beginning July 1, 2027, the department of elementary and secondary education shall annually review and publicly report on the compliance of educator preparation programs with subsection 4 of this section. The review shall include an evaluation of whether instruction is grounded in the components of evidence-based reading instruction, such as phonological awareness, phonics, fluency, vocabulary, comprehension, morphology, syntax, and semantics. The review shall also include an evaluation of whether prohibited practices, including three-cueing as defined in section 170.014, are excluded from coursework. Educator preparation programs not in compliance with subsection 4 of this section shall not be approved to certify new teachers.

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

161.241. 1. The state board of education, in collaboration with the coordinating board for higher education and the commissioner's advisory council under section 186.080, shall develop a plan to establish a comprehensive system of services for reading instruction.

2. The state board of education shall establish and periodically update a statewide literacy plan that supports high quality, evidence-based reading instruction for all students.

3. The state board of education shall create an office of literacy. The commissioner of education shall coordinate staff with roles relating to literacy and align staff work around supporting best practices in reading instruction.

4. The state board of education shall align literacy and reading instruction coursework for teacher education programs as required under subsection 4 of section 161.097.

5. Subject to appropriation, the department of elementary and secondary education shall recruit and employ quality teacher trainers with expertise in reading instruction and provide opportunities for evidence-based

professional development in reading instruction available for all active teachers.

6. The department shall maintain and publish data on reading outcomes, provided that the report shall not include individually identifiable student data.

7. The department shall publish criteria and examples to help districts and schools select and use evidence-based reading curricula and instructional materials.

Additionally, the department shall publish a list of curricula that ensure instruction is explicit, systematic, diagnostic, and based on phonological awareness, phonics, fluency, vocabulary, comprehension, morphology, syntax, and semantics. This shall be a resource to districts.

8. The department shall provide online tools and training for active teachers on evidence-based reading instruction.

9. There is hereby created in the state treasury the "Evidence-based Reading Instruction Program Fund". The fund shall be administered by the department and used to reimburse school districts and charter schools for efforts to improve student literacy, including, but not limited to: initiatives that provide optional training and materials to teachers regarding best practices in reading pedagogies; resources for parents and guardians to assist them in teaching their children to read; funding for reading tutoring programs outside of regular school hours; stipends for teachers who undergo additional training in reading instruction, which may also count toward professional development requirements; and funding for summer reading programs. The fund shall consist of moneys appropriated annually by the general assembly from general revenue to such fund, any moneys paid into the state treasury and required by law to be credited to such fund, and any gifts,

bequests, or donations to such fund. The fund shall be kept separate and apart from all other moneys in the state treasury and shall be paid out by the state treasurer pursuant to chapter 33. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund at the end of the biennium shall not be transferred to the credit of the general revenue fund. All interest and moneys earned on the fund shall be credited to the fund.

10. Subject to appropriation, the department of elementary and secondary education shall remit to each school district and charter school five hundred dollars for each grade four student enrolled in such school district or charter school who exhibited a substantial reading deficiency in any of grades kindergarten to grade three, or who was identified as dyslexic, and who subsequently scores at the proficient level or higher in reading on the annual summative English language arts assessment administered to grade four students.

167.268. 1. Each school district and charter school shall have on file a policy for reading success plans. Each school district and charter school shall provide all parents and guardians of students, including parents of students who are identified as having a substantial deficiency in reading under subsection ~~[1]~~ 2 of section 167.645, with suggestions for regular parent-guided home reading.

2. The department of elementary and secondary education shall develop guidelines to assist districts and charter schools in formulating policies for reading success plans. Such guidelines may include, but are not limited to, measures of reading proficiency, strategies for addressing reading deficiencies, timelines for measuring pupil improvement in reading, and information on screening of dyslexia. Such guidelines may also identify performance

levels for pupils identified as handicapped or severely handicapped and conditions under which such pupils may be exempt from the provisions of this section and section 167.645.

3. Each school district and charter school shall provide intensive reading instruction to students as provided in section 167.645.

167.645. 1. Each school district and charter school shall assess all students enrolled in kindergarten through grade three [at the beginning and end of each school year] during three annual administration windows established by the department of elementary and secondary education for their level of reading or reading readiness on state-approved reading assessments. Additionally, all school districts and charter schools shall assess any newly enrolled student in grades one through five for their level of reading or reading readiness on a reading assessment from the state-approved list.

2. At the beginning of the school year, each school district and charter school shall provide a reading success plan to any student who:

(1) Exhibits a substantial deficiency in reading which creates a barrier to the child's progress learning to read. The identification of such deficiency may be based upon the most recent assessments [or teacher observation]; or

(2) Has been identified as being at risk of dyslexia in the statewide dyslexia screening or has a formal diagnosis of dyslexia.

For the purposes of this section, a substantial reading deficiency shall refer to a student who is one or more grade level or levels behind in reading or reading readiness; provided that nothing in this section shall be interpreted

to prevent a school district or charter school from offering a reading success plan to any student based on an assessment completed [at the start and end of the school year] during the three administration windows or based on teacher observation. For any student entering the school district or charter school after the start of the school year, such student shall be provided a reading success plan in the event the student has been identified as having a substantial reading deficiency based on the student's most recent assessment [or otherwise being identified through teacher observation]. The student's reading proficiency shall be reassessed by reading assessments on the state-approved list. The student shall continue to be provided with intensive reading instruction under a reading success plan until the reading deficiency is remedied.

[2.] 3. The district or charter school shall notify the parent or guardian of any student in kindergarten through grade three who exhibits a substantial deficiency in reading, as described in subsection [1] 2 of this section, at least annually in writing, and in an appropriate, alternative manner for the parent or other guardian if necessary, of the following:

- (1) That the child has been identified as having a substantial deficiency in reading;
- (2) A description of the services currently provided to the child;
- (3) A description of the proposed supplemental instructional services and supports that the school district will provide to the child that are designed to remediate the identified area of reading deficiency. For students identified as being at risk of dyslexia or those that have a diagnosis of dyslexia the district shall provide an explanation that the instruction that will be used to teach

the child reading shall be explicit, systematic, and diagnostic and based on phonological awareness, phonics, fluency, vocabulary, comprehension, morphology, syntax, and semantics;

(4) Strategies for parents and guardians to use in helping the child succeed in reading proficiency, including but not limited to the promotion of parent-guided home reading;

(5) That if the child has a substantial deficiency in reading at the end of grade three, as assessed by the reading portion of the statewide English language arts assessment for grade three, and as measured against a minimum cutscore determined by the department of elementary and secondary education and approved by the state board of education, the child shall not be promoted to grade four unless the child qualifies for a good cause exemption under subsections 6 and 7 of this section.

[3.] 4. If the school district or charter school provides a summer reading program under this section, the district or charter school shall notify the parent or guardian of each student who exhibits a substantial deficiency in reading of the opportunity to attend the summer reading program.

[4.] 5. (1) Beginning in the 2027-28 school year and continuing in all subsequent school years, if a student has a substantial reading deficiency at the end of third grade, [the student's parent or guardian and appropriate school staff shall discuss whether the student should be retained in grade level, based on a consideration of all relevant factors, including the reading deficiency, the student's progress in other subject areas, and the student's overall intellectual, physical, emotional, and social development. A decision to promote or retain a student with a substantial

reading deficiency at the end of grade three shall be made only after direct personal consultation with the student's parent or guardian and after the formulation of a specific plan of action to remedy the student's reading deficiency.] as assessed by the reading portion of the statewide English language arts assessment for grade three, and as measured against a minimum cutscore determined by the department of elementary and secondary education and approved by the state board of education, the student shall be retained in grade three, unless:

(a) Such student demonstrates the substantial reading deficiency has been remedied on a retest opportunity under subdivision (2) of this subsection; or

(b) Such student qualifies for a good cause exemption under subsections 6 and 7 of this section.

(2) A student identified for retention under subdivision (1) of this subsection may be promoted to grade four if the student demonstrates the substantial reading deficiency has been remedied on a grade three reading assessment from the state-approved list.

6. A student may be promoted to grade four despite failing to demonstrate reading readiness if the student has a good cause exemption. Good cause exemptions shall be limited to the following:

(1) Students with disabilities who have an approved individualized education plan developed under the federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1401, et seq., as amended, that indicates that participation in the statewide assessment program is not appropriate, consistent with state and federal law;

(2) Students with disabilities who participate in the statewide summative English language arts assessment and who have either of the following plans reflecting that the

student has received intensive reading intervention for more than two years but still fails to demonstrate reading readiness:

(a) An approved individualized education plan developed under the federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1401, et seq., as amended; or

(b) A 504 plan created under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, as amended;

(3) Students identified as English language learners who have had fewer than two years of instruction in an English language learner program; and

(4) Students who have already been retained at least once in kindergarten to grade three.

7. Requests for a good cause exemption shall be made in accordance with the following requirements:

(1) Documentation shall be submitted from the student's teacher to the school principal indicating that the promotion of the student is appropriate. Such documentation shall consist only of the good cause exemption being requested and the existing reading improvement plan or individualized education plan, as applicable;

(2) The school principal shall review and discuss the recommendation with the teacher and make the determination as to whether the student qualifies for one of the good cause exemptions described in subsection 6 in this section. If the school principal determines that the student is eligible for one of the good cause exemptions based on the documentation provided, the school principal shall make such recommendation in writing to the superintendent of the school district or the chief administrative officer or governing board of the charter school. The principal, chief

administrative officer, or governing board shall accept or reject the school principal's recommendation in writing.

8. (1) A school district shall assist schools with providing, and a charter school shall provide, written notification to the parent of any student who is retained that:

(a) Such student has not met the reading level required for promotion;

(b) The reasons the student is not eligible for a good cause exemption; and

(c) That such student will be retained in grade three.

(2) The notification required under subdivision (1) of this subsection shall include a description of the proposed interventions and supports that will be provided to the child to remedy the identified area or areas of reading deficiency in the following school year.

[5.] 9. Each school district or charter school shall do all of the following:

(1) Provide students who are identified as having a substantial deficiency in reading under subsection **[1]** 2 of this section, have been identified as being at risk of dyslexia in the statewide dyslexia screening, or have a formal diagnosis of dyslexia with intensive instructional services and supports specified in a reading success plan, as appropriate according to student need, free of charge, to remediate the identified areas of reading deficiency, including additional scientific, evidence-based reading instruction and other strategies prescribed by the school district or charter school which may include but are not limited to the following:

(a) Small group or individual instruction;

(b) Reduced teacher-student ratios;

(c) More frequent progress monitoring;

- (d) Tutoring or mentoring;
- (e) Extended school day, week, or year; and
- (f) Summer reading programs;

(2) For any student with a formal diagnosis of dyslexia or for a student who was found to be at risk of dyslexia in the statewide dyslexia screening, the school district or charter school shall provide evidence-based reading instruction that addresses phonology, sound-symbol association, syllable instruction, morphology, syntax, and semantics provided through systematic, cumulative, explicit, and diagnostic methods;

(3) At regular intervals, but no less than four times per year in a manner that reflects progress through each school term, notify the parent or guardian of academic and other progress being made by the student and give the parent or guardian other useful information;

(4) In addition to required reading enhancement and acceleration strategies, provide all parents of students, including parents of students who are identified as having a substantial deficiency in reading under subsection [1] 2 of this section, with a plan that includes suggestions for regular parent-guided home reading.

[6.] 10. Each school district and charter school shall ensure that intensive reading instruction through a reading development initiative shall be provided to each kindergarten through grade five student who is assessed as exhibiting a substantial deficiency in reading. In addition to the requirements otherwise provided, such instruction shall also comply with all of the following criteria:

(1) Be provided to all kindergarten through grade five students who exhibit a substantial deficiency in reading under this section. The assessments shall measure phonemic awareness, phonics, fluency, vocabulary, and comprehension;

(2) Be provided during regular school hours;

(3) Provide a reading curriculum that meets the requirements of section 170.014, and at a minimum has the following specifications:

(a) Assists students assessed as exhibiting a substantial deficiency in reading to develop the skills to read at grade level;

(b) Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension;

(c) Includes a scientifically based and reliable assessment;

(d) Provides initial and ongoing analysis of each student's reading progress; and

(e) Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.

[7.] 11. School districts and charter schools shall report to the department the specific intensive reading interventions and supports implemented by the school district or charter school pursuant to this section as well as the reading assessment data collected for grades kindergarten through five. The department shall annually prescribe the components of required or requested reports.

[8.] 12. (1) Each school district and charter school shall address reading proficiency as part of its comprehensive school improvement plan, drawing upon information about children from assessments conducted pursuant to subsection 1 of this section and the prevalence of deficiencies identified by classroom, elementary school, and other student characteristics. As part of its comprehensive school improvement plan or contract, each school district or charter school shall review chronic early elementary absenteeism for its impact on literacy

development. If more than fifteen percent of an attendance center's students are not at grade level in reading by the end of third grade, the comprehensive school improvement plan or contract shall include strategies to reduce that percentage, including school and community strategies to raise the percentage of students who are proficient in reading.

(2) Each school district and charter school shall provide professional development services to enhance the skills of elementary teachers in responding to children's unique reading issues and needs and to increase the use of evidence-based strategies.

13. Each district school board shall, by October first of each year, report in writing to the department of elementary and secondary education the following information regarding the immediately preceding school year:

(1) The school board's policies and procedures regarding student retention and promotion;

(2) By grade level, the number and percentage of all students in kindergarten through grade three with substantial reading deficiencies;

(3) By grade level, the number and percentage of all students retained in kindergarten to grade three due to substantial reading deficiencies; and

(4) The total number and percentage of students in grade three who were promoted with good cause exemptions, delineated by each category of good cause exemption specified in subsection 6 of this section.