

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1442

103RD GENERAL ASSEMBLY

6063S.02C

KRISTINA MARTIN, Secretary

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
2 167.645, RSMo, are repealed and four new sections enacted in
3 lieu thereof, to be known as sections 161.097, 161.241, 167.268,
4 and 167.645, to read as follows:

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

14 2. There is hereby established within the department
15 of elementary and secondary education the "Missouri Advisory
16 Board for Educator Preparation", hereinafter referred to as

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

17 "MABEP". The MABEP shall advise the state board of
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. The advisory
21 board shall include at least three active elementary or
22 secondary classroom teachers and at least three faculty
23 members within approved educator preparation programs. The
24 classroom teacher members shall be selected to represent
25 various regions of the state and districts of different
26 sizes. The faculty representatives shall represent
27 institutions from various regions of the state and sizes of
28 programs. The advisory board shall hold regular meetings
29 that allow members to share needs and concerns and plan
30 strategies to enhance teacher preparation.

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

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

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

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

53 (b) Oral and written language development; and

54 (c) Identification of reading deficiencies, dyslexia,
55 and other language difficulties;

56 (2) Teacher candidates shall also have training on:

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

60 (b) The administration and interpretation of
61 assessments;

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

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

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

71 5. **Beginning July 1, 2027, the department of**
72 **elementary and secondary education shall annually review and**
73 **publicly report on the compliance of educator preparation**
74 **programs with subsection 4 of this section. The review**
75 **shall include an evaluation of whether instruction is**
76 **grounded in the components of evidence-based reading**
77 **instruction, such as phonological awareness, phonics,**
78 **fluency, vocabulary, comprehension, morphology, syntax, and**
79 **semantics. The review shall also include an evaluation of**

80 **whether prohibited practices, including three-cueing as**
81 **defined in section 170.014, are excluded from coursework.**
82 **Educator preparation programs not in compliance with**
83 **subsection 4 of this section shall not be approved to**
84 **certify new teachers.**

85 6. Any rule or portion of a rule, as that term is
86 defined in section 536.010, that is created under the
87 authority delegated in this section shall become effective
88 only if it complies with and is subject to all of the
89 provisions of chapter 536 and, if applicable, section
90 536.028. This section and chapter 536 are nonseverable and
91 if any of the powers vested with the general assembly
92 pursuant to chapter 536 to review, to delay the effective
93 date, or to disapprove and annul a rule are subsequently
94 held unconstitutional, then the grant of rulemaking
95 authority and any rule proposed or adopted after August 28,
96 2014, shall be invalid and void.

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

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

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

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

17 5. Subject to appropriation, the department of
18 elementary and secondary education shall recruit and employ
19 quality teacher trainers with expertise in reading
20 instruction and provide opportunities for evidence-based
21 professional development in reading instruction available
22 for all active teachers.

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

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

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

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

37 9. There is hereby created in the state treasury the
38 "Evidence-based Reading Instruction Program Fund". The fund
39 shall be administered by the department and used to
40 reimburse school districts and charter schools for efforts
41 to improve student literacy, including, but not limited to:
42 initiatives that provide optional training and materials to
43 teachers regarding best practices in reading pedagogies;
44 resources for parents and guardians to assist them in
45 teaching their children to read; funding for reading

46 tutoring programs outside of regular school hours; stipends
47 for teachers who undergo additional training in reading
48 instruction, which may also count toward professional
49 development requirements; and funding for summer reading
50 programs. The fund shall consist of moneys appropriated
51 annually by the general assembly from general revenue to
52 such fund, any moneys paid into the state treasury and
53 required by law to be credited to such fund, and any gifts,
54 bequests, or donations to such fund. The fund shall be kept
55 separate and apart from all other moneys in the state
56 treasury and shall be paid out by the state treasurer
57 pursuant to chapter 33. Notwithstanding the provisions of
58 section 33.080 to the contrary, moneys in the fund at the
59 end of the biennium shall not be transferred to the credit
60 of the general revenue fund. All interest and moneys earned
61 on the fund shall be credited to the fund.

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

167.268. 1. Each school district and charter school
2 shall have on file a policy for reading success plans. Each
3 school district and charter school shall provide all parents
4 and guardians of students, including parents of students who
5 are identified as having a substantial deficiency in reading

6 under subsection [1] 2 of section 167.645, with suggestions
7 for regular parent-guided home reading.

8 2. The department of elementary and secondary
9 education shall develop guidelines to assist districts and
10 charter schools in formulating policies for reading success
11 plans. Such guidelines may include, but are not limited to,
12 measures of reading proficiency, strategies for addressing
13 reading deficiencies, timelines for measuring pupil
14 improvement in reading, and information on screening of
15 dyslexia. Such guidelines may also identify performance
16 levels for pupils identified as handicapped or severely
17 handicapped and conditions under which such pupils may be
18 exempt from the provisions of this section and section
19 167.645.

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

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

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

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

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

22 For the purposes of this section, a substantial reading
23 deficiency shall refer to a student who is one or more grade
24 level or levels behind in reading or reading readiness;
25 provided that nothing in this section shall be interpreted
26 to prevent a school district or charter school from offering
27 a reading success plan to any student based on an assessment
28 completed [at the start and end of the school year] **during**
29 **the three administration windows** or **based on** teacher
30 observation. For any student entering the school district
31 or charter school after the start of the school year, such
32 student shall be provided a reading success plan in the
33 event the student has been identified as having a
34 substantial reading deficiency based on the student's most
35 recent assessment [or otherwise being identified through
36 teacher observation]. The student's reading proficiency
37 shall be reassessed by reading assessments on the state-
38 approved list. The student shall continue to be provided
39 with intensive reading instruction under a reading success
40 plan until the reading deficiency is remedied.

41 [2.] 3. The district or charter school shall notify
42 the parent or guardian of any student in kindergarten
43 through grade three who exhibits a substantial deficiency in
44 reading, as described in subsection [1] 2 of this section,
45 at least annually in writing, and in an appropriate,

46 alternative manner for the parent or other guardian if
47 necessary, of the following:

48 (1) That the child has been identified as having a
49 substantial deficiency in reading;

50 (2) A description of the services currently provided
51 to the child;

52 (3) A description of the proposed supplemental
53 instructional services and supports that the school district
54 will provide to the child that are designed to remediate the
55 identified area of reading deficiency. For students
56 identified as being at risk of dyslexia or those that have a
57 diagnosis of dyslexia the district shall provide an
58 explanation that the instruction that will be used to teach
59 the child reading shall be explicit, systematic, and
60 diagnostic and based on phonological awareness, phonics,
61 fluency, vocabulary, comprehension, morphology, syntax, and
62 semantics;

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

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

76 [3.] 4. If the school district or charter school
77 provides a summer reading program under this section, the

78 district or charter school shall notify the parent or
79 guardian of each student who exhibits a substantial
80 deficiency in reading of the opportunity to attend the
81 summer reading program.

82 **[4.] 5. (1) Beginning in the 2027-28 school year and**
83 **continuing in all subsequent school years,** if a student has
84 a substantial reading deficiency at the end of third grade,
85 [the student's parent or guardian and appropriate school
86 staff shall discuss whether the student should be retained
87 in grade level, based on a consideration of all relevant
88 factors, including the reading deficiency, the student's
89 progress in other subject areas, and the student's overall
90 intellectual, physical, emotional, and social development.
91 A decision to promote or retain a student with a substantial
92 reading deficiency at the end of grade three shall be made
93 only after direct personal consultation with the student's
94 parent or guardian and after the formulation of a specific
95 plan of action to remedy the student's reading deficiency.]
96 **as assessed by the reading portion of the statewide English**
97 **language arts assessment for grade three, and as measured**
98 **against a minimum cutscore determined by the department of**
99 **elementary and secondary education and approved by the state**
100 **board of education, the student shall be retained in grade**
101 **three, unless:**

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

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

107 (2) A student identified for retention under
108 subdivision (1) of this subsection may be promoted to grade
109 four if the student demonstrates the substantial reading

110 deficiency has been remedied on a grade three reading
111 assessment from the state-approved list.

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

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

122 (2) Students with disabilities who participate in the
123 statewide summative English language arts assessment and who
124 have either of the following plans reflecting that the
125 student has received intensive reading intervention for more
126 than two years but still fails to demonstrate reading
127 readiness:

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

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

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

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

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

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

148 (2) The school principal shall review and discuss the
149 recommendation with the teacher and make the determination
150 as to whether the student qualifies for one of the good
151 cause exemptions described in subsection 6 in this section.
152 If the school principal determines that the student is
153 eligible for one of the good cause exemptions based on the
154 documentation provided, the school principal shall make such
155 recommendation in writing to the superintendent of the
156 school district or the chief administrative officer or
157 governing board of the charter school. The principal, chief
158 administrative officer, or governing board shall accept or
159 reject the school principal's recommendation in writing.

160 8. (1) A school district shall assist schools with
161 providing, and a charter school shall provide, written
162 notification to the parent of any student who is retained
163 that:

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

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

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

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

174 [5.] 9. Each school district or charter school shall
175 do all of the following:

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

- 188 (a) Small group or individual instruction;
189 (b) Reduced teacher-student ratios;
190 (c) More frequent progress monitoring;
191 (d) Tutoring or mentoring;
192 (e) Extended school day, week, or year; and
193 (f) Summer reading programs;

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

202 (3) At regular intervals, but no less than four times
203 per year in a manner that reflects progress through each
204 school term, notify the parent or guardian of academic and

205 other progress being made by the student and give the parent
206 or guardian other useful information;

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

213 [6.] 10. Each school district and charter school shall
214 ensure that intensive reading instruction through a reading
215 development initiative shall be provided to each
216 kindergarten through grade five student who is assessed as
217 exhibiting a substantial deficiency in reading. In addition
218 to the requirements otherwise provided, such instruction
219 shall also comply with all of the following criteria:

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

224 (2) Be provided during regular school hours;

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

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

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

233 (c) Includes a scientifically based and reliable
234 assessment;

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

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

240 [7.] 11. School districts and charter schools shall
241 report to the department the specific intensive reading
242 interventions and supports implemented by the school
243 district or charter school pursuant to this section as well
244 as the reading assessment data collected for grades
245 kindergarten through five. The department shall annually
246 prescribe the components of required or requested reports.

247 [8.] 12. (1) Each school district and charter school
248 shall address reading proficiency as part of its
249 comprehensive school improvement plan, drawing upon
250 information about children from assessments conducted
251 pursuant to subsection 1 of this section and the prevalence
252 of deficiencies identified by classroom, elementary school,
253 and other student characteristics. As part of its
254 comprehensive school improvement plan or contract, each
255 school district or charter school shall review chronic early
256 elementary absenteeism for its impact on literacy
257 development. If more than fifteen percent of an attendance
258 center's students are not at grade level in reading by the
259 end of third grade, the comprehensive school improvement
260 plan or contract shall include strategies to reduce that
261 percentage, including school and community strategies to
262 raise the percentage of students who are proficient in
263 reading.

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

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

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

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

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

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

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