

# SENATE BILL NO. 1628

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

6975S.031

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 162.720, 167.268, 167.340, and 167.645, RSMo, and to enact in lieu thereof four new sections relating to student evaluations.

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

Section A. Sections 162.720, 167.268, 167.340, and  
2 167.645, RSMo, are repealed and four new sections enacted in  
3 lieu thereof, to be known as sections 162.720, 167.268, 167.340,  
4 and 167.645, to read as follows:

162.720. 1. (1) This subdivision shall apply to all  
2 school years ending before July 1, 2024. Where a sufficient  
3 number of children are identified as gifted and their  
4 development requires programs or services beyond the level  
5 of those ordinarily provided in regular public school  
6 programs, districts may establish special programs for such  
7 gifted children.

8 (2) For school year 2024-25 and all subsequent school  
9 years, if three percent or more of students enrolled in a  
10 school district are identified as gifted and their  
11 development requires programs or services beyond the level  
12 of those ordinarily provided in regular public school  
13 programs, the district shall establish a state-approved  
14 gifted program for gifted children.

15 2. For school year 2024-25 and all subsequent school  
16 years, any teacher providing gifted services to students in

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

17 districts with an average daily attendance of more than  
18 three hundred fifty students shall be certificated in gifted  
19 education. In districts with an average daily attendance of  
20 three hundred fifty students or fewer, any teacher providing  
21 gifted services shall not be required to be certificated to  
22 teach gifted education but such teacher shall annually  
23 participate in at least six clock hours of professional  
24 development focused on gifted services. The school district  
25 shall pay for such professional development focused on  
26 gifted services.

27 3. The state board of education shall determine  
28 standards for such gifted programs and gifted services.  
29 Approval of gifted programs shall be made by the state  
30 department of elementary and secondary education based upon  
31 project applications submitted at a time and in a form  
32 determined by the department of elementary and secondary  
33 education.

34 4. **(1) For the 2027-28 school year and all subsequent**  
35 **school years, each school district shall provide universal**  
36 **screenings for all students at least once before the**  
37 **beginning of grade three for the purpose of screening for**  
38 **gifted students. Such screenings shall:**

39 (a) Provide a body of current, valid, and reliable  
40 evidence from a minimum of two areas including, but not  
41 limited to:

- 42 a. General mental ability testing;
- 43 b. Academic achievement;
- 44 c. Creativity;
- 45 d. Reasoning;
- 46 e. Problem solving;
- 47 f. Parent, teacher, student, or self-referrals; and
- 48 g. Other evidence of gifts and talents; and

49           **(b) Be reviewed by a minimum of three staff members**  
50 **trained in gifted education, administration, or assessment,**  
51 **or a combination of such areas for a referral for formal**  
52 **gifted assessment.**

53           **(2) No district shall identify a child as gifted based**  
54 **solely on the child's participation in an advanced placement**  
55 **course or international baccalaureate course.**

56           **(3) Districts shall identify a child as gifted only if**  
57 **the child meets the definition of gifted children as**  
58 **provided in section 162.675.**

59           **(4) A child's failure to meet criteria on a single**  
60 **screening or assessment tool shall not prevent further data**  
61 **collection or consideration for gifted identification of**  
62 **such child.**

63           5. [Any district with a gifted education program  
64 approved under subsection 3 of this section] **For the 2026-27**  
65 **school year and all subsequent school years, each school**  
66 **district shall have a policy, approved by the board of**  
67 **education of the district, that establishes a process:**

68           **(1) For the universal screening of students for gifted**  
69 **program selection;**

70           **(2) For providing annual notification to parents and**  
71 **guardians of such screening process;**

72           **(3) For identifying students for the gifted program**  
73 **and notifying parents and guardians of the criteria the**  
74 **district uses for the identification of students for the**  
75 **gifted program, provided that such criteria shall be guided**  
76 **by recommendations from the advisory council on the**  
77 **education of gifted and talented children established under**  
78 **section 161.249 and the standards established by the state**  
79 **board of education; and**

80           (4) That outlines the procedures and conditions under  
81 which parents or guardians may request a review of the  
82 decision that their child did not qualify to receive  
83 services through the district's gifted education program.

84           6. School districts and school district employees  
85 shall be immune from liability for any and all acts or  
86 omissions relating to the decision that a child did not  
87 qualify to receive services through the district's gifted  
88 education program.

89           7. The department of elementary and secondary  
90 education may promulgate all necessary rules and regulations  
91 for the implementation and administration of this section.  
92 Any rule or portion of a rule, as that term is defined in  
93 section 536.010, that is created under the authority  
94 delegated in this section shall become effective only if it  
95 complies with and is subject to all of the provisions of  
96 chapter 536 and, if applicable, section 536.028. This  
97 section and chapter 536 are nonseverable and if any of the  
98 powers vested with the general assembly pursuant to chapter  
99 536 to review, to delay the effective date, or to disapprove  
100 and annul a rule are subsequently held unconstitutional,  
101 then the grant of rulemaking authority and any rule proposed  
102 or adopted after August 28, 2022, shall be invalid and void.

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 **reading deficiency or** substantial  
6 **reading** deficiency [in reading] under subsection [1] 4 of  
7 section 167.645, with suggestions for regular parent-guided  
8 home reading.

9           2. The department of elementary and secondary  
10 education shall develop guidelines to assist districts and  
11 charter schools in formulating policies for reading success  
12 plans. Such guidelines may include, but are not limited to,  
13 measures of reading proficiency, strategies for addressing  
14 reading deficiencies, timelines for measuring pupil  
15 improvement in reading, and information on screening of  
16 dyslexia. Such guidelines may also identify performance  
17 levels for pupils identified as handicapped or severely  
18 handicapped and conditions under which such pupils may be  
19 exempt from the provisions of this section and section  
20 167.645.

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

          167.340. 1. The provisions of sections 167.340 to  
2 167.346 shall be known and may be cited as the "Read to be  
3 Ready Program".

4           2. Beginning July 1, [2000] **2027**, if a school district  
5 provides reading improvement instruction for students in  
6 [kindergarten] **first grade** through third grade who do not  
7 meet the [district's] **state's** objectives for reading as  
8 demonstrated by performance on the [district's chosen  
9 methods of reading assessment] **Missouri universal reading**  
10 **screeener established in section 167.645**, such students who  
11 receive reading improvement instruction pursuant to this  
12 subsection may be counted for additional average daily  
13 attendance for state school aid during their reading  
14 improvement instruction time if such time falls outside  
15 normal school hours.

16           3. Reading improvement instruction may take the form  
17 of summer school, provided that the summer school

18 instruction addresses the reading deficiency, additional  
19 hours of instruction or such other methods as the district  
20 may select including, but not limited to, smaller class  
21 sizes, additional resources including computers, reading  
22 specialists, teacher and administrator training, tutoring,  
23 phonics instruction and use of parents and volunteers.

167.645. 1. (1) **The "Missouri Universal Reading  
2 Screener" is hereby established as a uniform, universal,  
3 literacy-based reading assessment administered to students  
4 in grade one through grade three in every school district  
5 and charter school in the state. The screener shall score  
6 each student in one of the following categories: "below  
7 basic", "basic", "grade-level", "proficient", or  
8 "advanced". Proficiency benchmarks associated with these  
9 categories shall be determined by the department of  
10 elementary and secondary education.**

11 (2) Each school district and charter school shall  
12 assess all students enrolled in [kindergarten] **grade one**  
13 through grade three [at the beginning and end of each school  
14 year] for their level of reading [or reading readiness on  
15 state-approved reading assessments. Additionally, all  
16 school districts and charter schools shall assess any newly  
17 enrolled student in grades one through five for their level  
18 of reading or reading readiness on a reading assessment from  
19 the state-approved list] **proficiency on the Missouri  
20 universal reading screener. Each school district and  
21 charter school shall administer the Missouri universal  
22 reading screener during three annual administration windows  
23 established by the department of elementary and secondary  
24 education.**

25 2. The department of elementary and secondary  
26 education shall provide the Missouri universal reading

27 screener at no cost to school districts and charter  
28 schools. The Missouri universal reading screener:

29 (1) Shall be appropriate for students in grade one  
30 through grade three; and

31 (2) May be used to comply with the dyslexia screening  
32 requirements established in section 167.950.

33 3. Student results on the universal reading screener  
34 shall not be used to make decisions concerning the  
35 accreditation classification of a public school or school  
36 district.

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

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

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

48 For the purposes of this section, **a reading deficiency shall**  
49 **refer to a student who scores "basic" on the Missouri**  
50 **universal reading screener, and** a substantial reading  
51 deficiency shall refer to a student who [is one or more  
52 grade level or levels behind in reading or reading  
53 readiness] **scores below "below basic" on the Missouri**  
54 **universal reading screener;** provided that nothing in this  
55 section shall be interpreted to prevent a school district or  
56 charter school from offering a reading success plan to any  
57 student based on an assessment completed [at the start and

58 end of the school year] **during the three administration**  
59 **windows** or **based on** teacher observation. For any student  
60 entering the school district or charter school after the  
61 start of the school year, such student shall be provided a  
62 reading success plan in the event the student has been  
63 identified as having a **reading deficiency or** substantial  
64 reading deficiency based on the student's most recent  
65 assessment [or otherwise being identified through teacher  
66 observation. The student's reading proficiency shall be  
67 reassessed by reading assessments on the state-approved  
68 list]. The student shall continue to be provided with  
69 intensive reading instruction under a reading success plan  
70 until the reading deficiency is remedied.

71 [2.] 5. The district or charter school shall notify  
72 the parent or guardian of any student in [kindergarten]  
73 **grade one** through grade three who exhibits a **reading**  
74 **deficiency or** substantial **reading** deficiency [in reading],  
75 as described in subsection [1] 4 of this section, at least  
76 annually in writing, and in an appropriate, alternative  
77 manner for the parent or other guardian if necessary, of the  
78 following:

79 (1) That the child has been identified as having a  
80 **reading deficiency or** substantial **reading** deficiency [in  
81 reading];

82 (2) A description of the services currently provided  
83 to the child;

84 (3) A description of the proposed supplemental  
85 instructional services and supports that the school district  
86 will provide to the child that are designed to remediate the  
87 identified area of reading deficiency. For students  
88 identified as being at risk of dyslexia or those that have a  
89 diagnosis of dyslexia the district shall provide an

90 explanation that the instruction that will be used to teach  
91 the child reading shall be explicit, systematic, and  
92 diagnostic and based on phonological awareness, phonics,  
93 fluency, vocabulary, comprehension, morphology, syntax, and  
94 semantics;

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

99 (5) **That if the child has a substantial reading**  
100 **deficiency that is not corrected by the end of grade three,**  
101 **the child shall not be promoted to grade four unless the**  
102 **child qualifies for a good cause exemption under subsections**  
103 **8 and 9 of this section.**

104 [3.] 6. If the school district or charter school  
105 provides a summer reading program under this section, the  
106 district or charter school shall notify the parent or  
107 guardian of each student who exhibits a **reading deficiency**  
108 **or** substantial **reading** deficiency [in reading] of the  
109 opportunity to attend the summer reading program.

110 [4.] 7. (1) **Beginning in the 2027-28 school year and**  
111 **continuing in all subsequent school years,** if a student has  
112 a substantial reading deficiency at the end of third grade[,  
113 the student's parent or guardian and appropriate school  
114 staff shall discuss whether the student should be retained  
115 in grade level, based on a consideration of all relevant  
116 factors, including the reading deficiency, the student's  
117 progress in other subject areas, and the student's overall  
118 intellectual, physical, emotional, and social development.  
119 A decision to promote or retain a student with a substantial  
120 reading deficiency at the end of grade three shall be made  
121 only after direct personal consultation with the student's

122 parent or guardian and after the formulation of a specific  
123 plan of action to remedy the student's reading deficiency]  
124 as determined by the department of elementary and secondary  
125 education based upon such student's performance on the  
126 Missouri universal reading screener, the student shall be  
127 retained in grade three, unless:

128 (a) Such student scores "basic" or higher on a retest  
129 opportunity under subdivision (2) of this subsection; or

130 (b) Such student qualifies for a good cause exemption  
131 under subsections 8 and 9 of this section.

132 (2) A student retained under subdivision (1) of this  
133 subsection may be promoted to grade four if the student  
134 successfully completes a state-approved summer reading  
135 program and scores "basic" or higher on a retest opportunity  
136 through the Missouri universal reading screener.

137 8. A student may be promoted to grade four despite  
138 scoring "below basic" on the Missouri universal reading  
139 screener if the student has a good cause exemption. Good  
140 cause exemptions shall be limited to the following:

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

147 (2) Students with disabilities who participate in the  
148 statewide summative English language arts assessment and who  
149 have either of the following plans reflecting that the  
150 student has received intensive reading intervention for more  
151 than two years but still demonstrates a substantial reading  
152 deficiency:

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

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

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

163           (4) Students who have already been retained at least  
164 once in any of grades kindergarten through grade three.

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

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

173           (2) The school principal shall review and discuss the  
174 recommendation with the teacher and make the determination  
175 as to whether the student qualifies for one of the good  
176 cause exemptions described in subsection 8 in this section.  
177 If the school principal determines that the student is  
178 eligible for one of the good cause exemptions based on the  
179 documentation provided, the school principal shall make such  
180 recommendation in writing to the superintendent of the  
181 school district. The superintendent shall accept or reject  
182 the school principal's recommendation in writing.

183           10. (1) The school district shall assist schools with  
184 providing written notification to the parent of any student  
185 who is retained that:

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

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

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

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

196           [5.] 11. Each school district or charter school shall  
197 do all of the following:

198           (1) Provide students who are identified as having a  
199 **reading deficiency or** substantial **reading** deficiency [in  
200 reading] under subsection [1] 4 of this section, have been  
201 identified as being at risk of dyslexia in the statewide  
202 dyslexia screening, or have a formal diagnosis of dyslexia  
203 with intensive instructional services and supports specified  
204 in a reading success plan, as appropriate according to  
205 student need, free of charge, to remediate the identified  
206 areas of reading deficiency, including additional  
207 scientific, evidence-based reading instruction and other  
208 strategies prescribed by the school district or charter  
209 school which may include but are not limited to the  
210 following:

211           (a) Small group or individual instruction;

212           (b) Reduced teacher-student ratios;

213           (c) More frequent progress monitoring;

214           (d) Tutoring or mentoring;

215 (e) Extended school day, week, or year; and

216 (f) Summer reading programs;

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

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

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

237 [6.] 12. Each school district and charter school shall  
238 ensure that intensive reading instruction through a reading  
239 development initiative shall be provided to each  
240 [kindergarten] **grade one** through grade [five] **three** student  
241 who is assessed as exhibiting a **reading deficiency or**  
242 substantial **reading** deficiency [in reading]. In addition to  
243 the requirements otherwise provided, such instruction shall  
244 also comply with all of the following criteria:

245 (1) Be provided to all [kindergarten] **grade one**  
246 through grade [five] **three** students who exhibit a **reading**

247 **deficiency or** substantial **reading** deficiency [in reading]  
248 under this section. The assessments shall measure phonemic  
249 awareness, phonics, fluency, vocabulary, and comprehension;

250 (2) Be provided during regular school hours;

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

254 (a) Assists students assessed as exhibiting a **reading**  
255 **deficiency or** substantial **reading** deficiency [in reading] to  
256 develop the skills to read at grade level;

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

259 (c) Includes a scientifically based and reliable  
260 assessment;

261 (d) **Does not include the three-cueing system, as**  
262 **defined in section 170.014, to teach word reading;**

263 (e) Provides initial and ongoing analysis of each  
264 student's reading progress; and

265 [(e)] (f) Provides a curriculum in core academic  
266 subjects to assist the student in maintaining or meeting  
267 proficiency levels for the appropriate grade in all academic  
268 subjects.

269 [7.] 13. School districts and charter schools shall  
270 report to the department the specific intensive reading  
271 interventions and supports implemented by the school  
272 district or charter school pursuant to this section as well  
273 as the reading assessment data collected for grades  
274 [kindergarten] **one** through [five] **three**. The department  
275 shall annually prescribe the components of required or  
276 requested reports.

277 [8.] 14. (1) Each school district and charter school  
278 shall address reading proficiency as part of its

279 comprehensive school improvement plan, drawing upon  
280 information about children from assessments conducted  
281 pursuant to subsection 1 of this section and the prevalence  
282 of deficiencies identified by classroom, elementary school,  
283 and other student characteristics. As part of its  
284 comprehensive school improvement plan or contract, each  
285 school district or charter school shall review chronic early  
286 elementary absenteeism for its impact on literacy  
287 development. If more than fifteen percent of an attendance  
288 center's students are not at grade level in reading by the  
289 end of third grade, the comprehensive school improvement  
290 plan or contract shall include strategies to reduce that  
291 percentage, including school and community strategies to  
292 raise the percentage of students who are proficient in  
293 reading.

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

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

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

305 (2) **By grade level, the number and percentage of all**  
306 **students in grades kindergarten through three with reading**  
307 **deficiencies or substantial reading deficiencies;**

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

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

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