

SECOND REGULAR SESSION

**HOUSE BILL NO. 1336**

**100TH GENERAL ASSEMBLY**

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INTRODUCED BY REPRESENTATIVE KELLEY (127).

3040H.011

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 167.263, 167.268, and 167.645, RSMo, and to enact in lieu thereof four new sections relating to reading success in schools.

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

Section A. Sections 167.263, 167.268, and 167.645, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 167.263, 167.268, 167.645, and 186.080, to read as follows:

167.263. 1. A program to provide teacher assistants in regular classrooms in grades kindergarten through three is established. For the purposes of this section a "teacher assistant" is defined as a qualified person employed by a school district to assist a certificated teacher in classroom instruction and management. No teacher assistant shall be counted as a teacher for the purposes of establishing ratios of teachers to pupils in a classroom, school or school district. Any public elementary school containing such grades which meets the criteria pursuant to this section shall be eligible for a state financial supplement to employ teacher assistants. Eligibility criteria are that the school shall have a breakfast program, the school shall serve at least forty percent of its lunches to pupils who are eligible for free or reduced price meals according to federal guidelines, and the school shall have a reading ~~[intervention]~~ **success plan for any student who requires one** pursuant to section 167.268.

2. A school district which contains such eligible schools may apply to the department of elementary and secondary education for a state financial supplement to employ teacher assistants in those schools named in the application and in no other schools of the district. The state full-time equivalent financial supplement shall be three thousand dollars per teacher assistant. No more than one assistant per classroom shall be supplemented by the state pursuant

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 to this section. Teacher assistants thus employed pursuant to this section shall assist teachers in  
18 grades kindergarten through three and in no other grades. School districts shall not apply for or  
19 assign teacher assistants employed pursuant to this section in classrooms designated as special  
20 education or compensatory education classrooms.

21 3. The state board of education shall promulgate rules and regulations for the  
22 implementation of this section. Such rules shall include identifying minimum qualifications for  
23 teacher assistants which may include teacher education students, determining the minimum  
24 number of pupils per classroom to be eligible for a teacher assistant, establishing application  
25 procedures for school districts, and determining a method of awarding state financial  
26 supplements in the event that the number of applications exceeds the amounts appropriated  
27 therefor. No rule or portion of a rule promulgated under the authority of this chapter shall  
28 become effective unless it has been promulgated pursuant to the provisions of section 536.024.

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

12 2. ~~[The state board of education]~~ **The department of elementary and secondary**  
13 **education** shall develop guidelines to assist districts **and charter schools** in formulating policies  
14 for reading ~~[intervention]~~ **success** plans. Such guidelines may include, but are not limited to,  
15 timelines for measuring pupil improvement in reading~~;~~ **and** information on screening for and  
16 treatment of ~~[auditory] dyslexia;~~ ~~and information on the Lindamood Auditory Conceptualization~~  
17 ~~Test and the Auditory Discrimination in Depth Program]~~ **and other reading deficiencies. In**  
18 **addition, any guidelines for instruction shall meet the needs of the students by ensuring**  
19 **that instruction is explicit and systematic and based on the five areas of reading:**  
20 **phonological awareness, phonics, fluency, vocabulary, and comprehension. The guidelines**  
21 **shall emphasize that preassessments and postassessments are necessary to measure student**  
22 **progress.** Such guidelines may also identify performance levels for pupils identified as  
23 handicapped or severely handicapped and conditions under which such pupils ~~[are]~~ **may be**  
24 exempt from the provisions of this section.

25           3. Each local school district **and charter school** enrolling a pupil identified as reading  
26 below grade level shall develop an individual plan of reading ~~[intervention]~~ **success** for such  
27 pupil. The individual pupil's plan ~~[may]~~ **shall** include individual or **small** group reading  
28 development activities. The plan ~~[may]~~ **shall** ~~[be developed after]~~ **include** consultation with the  
29 pupil's parent or legal guardian **to the extent practical**.

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

- 2           (1) **"Dyslexia", the same meaning given to the term in section 633.420;**  
3           (2) **"Evidence-based reading instruction", any research-validated program that has**  
4 **successful evidence to demonstrate adequate gains in reading achievement where such**  
5 **evidence is:**  
6           (a) **Objective data that any evaluator would identify and interpret similarly;**  
7           (b) **Valid and reliable data on the tasks children need to accomplish to be successful**  
8 **readers that will remain essentially unchanged if collected on a different day or by a**  
9 **different person;**  
10          (c) **Systematic data that is collected according to a rigorous design of either**  
11 **observation or experimentation; and**  
12          (d) **Peer-reviewed data that has been approved for publication by a panel of**  
13 **independent reviewers;**  
14          (3) **"Reading assessment", a recognized method of judging a student's reading ability,**  
15 **with results expressed as reading at a particular grade level. The term reading assessment shall**  
16 **include, but is not limited to, standard checklists designed for use as a student reads out loud,**  
17 **paper-and-pencil tests promulgated by nationally recognized organizations and other recognized**  
18 **methods of determining a student's reading accuracy, expression, fluency and comprehension in**  
19 **order to make a determination of the student's grade-level reading ability. Assessments which**  
20 **do not give a grade-level result may be used in combination with other assessments to reach a**  
21 **grade-level determination. Districts and charter schools are encouraged but not required to**  
22 **select assessment methods identified pursuant to section 167.346. Districts and charter schools**  
23 **are also encouraged to use multiple methods of assessment;**  
24          ~~(2)~~ (4) **"Structured literacy", an evidence-based reading instruction that is a**  
25 **research-validated program that has successful evidence to demonstrate adequate gains**  
26 **in reading achievement that addresses phonology, sound symbol association, syllable**  
27 **instruction, morphology, syntax, and semantics. Structured literacy is taught through**  
28 **systematic, cumulative, explicit, and diagnostic methods;**  
29          (5) **"Summer school", for reading instruction purposes, a minimum of forty hours of**  
30 **reading instruction and practice. A school district or charter school may arrange the hours and**  
31 **days of instruction to coordinate with its regular program of summer school.**

32           2. For purposes of this section, methods of reading assessment shall be determined by  
33 each school district **and charter school**. Unless a student has been determined in the [~~current~~  
34 **previous** school year to be reading at grade level or above, each school district **and charter**  
35 **school** shall administer a reading assessment or set of assessments to each student within  
36 [~~forty-five days of the end of the third-grade year~~] **the first thirty calendar days of school for**  
37 **grades one through four, and by January thirty-first for kindergarten**, except that the  
38 provisions of this subsection shall not apply to students receiving special education services  
39 under an individualized education plan pursuant to sections 162.670 to 162.999, to students  
40 receiving services pursuant to Section 504 of the Rehabilitation Act of 1973 whose services plan  
41 includes an element addressing reading or to students determined to have limited English  
42 proficiency or to students who have been determined, prior to the beginning of any school year,  
43 to have a cognitive ability insufficient to meet the reading requirement set out in this section,  
44 provided that districts **and charter schools** shall provide reading [~~improvement~~] **success** plans  
45 for students **with an individualized education plan that have a reading deficiency, for**  
46 **students receiving services under section 540 of the Rehabilitation Act of 1973 whose**  
47 **service plan includes an element addressing reading, and to students** determined to have  
48 such insufficient cognitive ability. The assessment required by this subsection shall also be  
49 required for students who enter a school district **or charter school** in grades four, five or six  
50 unless such student has been determined in the current school year to be reading at grade level  
51 or above.

52           3. [~~Beginning with school year 2002-03, for each student whose third-grade reading~~  
53 ~~assessment determines that such student is reading below second-grade level, the school district~~  
54 ~~shall design a reading improvement plan for the student's fourth-grade year. Such reading~~  
55 ~~improvement plan shall include, at a~~  
56 ~~minimum thirty hours of additional reading instruction or practice outside the regular school day~~  
57 ~~during the fourth-grade year.] **School districts and charter schools shall offer a reading**  
58 **success plan to each student in grades kindergarten through four who exhibits a reading**  
59 **deficiency, has been identified as being at risk for dyslexia in the state dyslexia screening**  
60 **requirement, or has a formal diagnosis of dyslexia to ensure students can read at or above**  
61 **grade level by the end of the fourth grade. The reading success plan shall be provided in**  
62 **addition to core reading instruction that is provided to all students in the general education**  
63 **classroom. The reading success plan shall:**~~

64           (1) **Include, at a minimum, thirty hours of additional reading instruction or**  
65 **practice outside the regular school day during the fourth-grade year;**

66           (2) **Be provided to all students in grades kindergarten through four identified with**  
67 **a reading deficiency as determined by the school district or charter school using local or**

68 state screening assessments administered within the first thirty days of school for grades  
69 one through four, and by January thirty-first for kindergarten;

70 (3) Provide explicit and systematic multi-sensory instruction in phonological  
71 awareness, phonics, fluency, vocabulary, and comprehension, as applicable to each  
72 student;

73 (4) Monitor the reading progress of each student's reading skills throughout the  
74 school year and adjust instruction according to the student's needs; and

75 (5) Be implemented during regular school hours.

76

77 A structured literacy or other evidence-based reading instruction program shall be  
78 provided to any student with a formal diagnosis of dyslexia or for a student that was found  
79 to be at risk for dyslexia in the state dyslexia screening.

80 4. Any student in kindergarten or any grade not higher than the fourth grade who  
81 exhibits a deficiency in reading at any time, based upon local or statewide screening  
82 assessments, shall receive an individual reading success plan no later than forty-five  
83 calendar days after the identification of the reading deficiency. The reading success plan  
84 shall be created by the teacher and other pertinent school personnel, after consultation  
85 with the parent or legal guardian, and shall describe the evidence-based reading  
86 intervention services the student shall receive to remedy the deficit. The reading success  
87 plan shall specify whether a student was found to be at risk for dyslexia in the local or state  
88 dyslexia screening requirement or whether the student has a formal diagnosis of dyslexia.  
89 Each student shall receive appropriate reading intervention until the student no longer has  
90 a deficiency in reading.

91 5. Beginning with the 2020-21 school year, any student who is not reading at grade  
92 level by the end of the second grade shall receive appropriate reading intervention to  
93 remedy the student's specific reading deficiency. The reading intervention services shall  
94 include effective instructional strategies to accelerate student progress. Each school district  
95 and charter school shall conduct a review of student reading success plans for all students  
96 who are not reading at grade level by the end of the second grade. The review shall  
97 address additional supports and services, as described in this subsection, needed to remedy  
98 the identified area or areas of reading deficiency. The school district or charter school  
99 shall provide the following:

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

102 (2) A highly qualified teacher of reading as demonstrated by teacher certification,  
103 professional development, or specialized literacy training;

104           **(3) Reading intervention services and supports to correct the identified areas of**  
105 **reading deficiency including, but not limited to:**

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

109           **(b) Frequent, targeted small-group reading intervention based on the student's**  
110 **needs;**

111           **(c) Explicit and systematic instruction with more detailed explanations, more**  
112 **extensive opportunities for guided practice, and more opportunities for error correction**  
113 **and feedback;**

114           **(d) Frequent monitoring of the progress of the student's reading skills throughout**  
115 **the school year and adjustment of the instruction according to the student's needs; and**

116           **(e) An evidence-based reading instruction that is a research-validated program that**  
117 **has successful evidence to demonstrate adequate gains in reading achievement as described**  
118 **in subsection 3 of this section, for any student with a formal diagnosis of dyslexia or who**  
119 **has been identified as a student at risk for dyslexia in the required state dyslexia screening**  
120 **assessment; and**

121           **(4) A "read at home" plan offered to parents and legal guardians along with**  
122 **suggestions for participation by parents or legal guardians in training workshops or**  
123 **regular home reading activities.**

124           **6. Each school district and charter school shall provide reading intervention for any**  
125 **student not reading proficient or above on the third grade state or other local assessment.**  
126 **The appropriate reading intervention shall include criteria established in subsection 5 of**  
127 **this section and shall provide explicit and systematic multi-sensory evidence-based reading**  
128 **instruction.**

129

130 The school district **or charter school** shall determine the method of reading instruction  
131 necessary to enforce this subsection. The school district **or charter school** may also require the  
132 student to attend summer school for reading instruction as a condition of promotion to fourth  
133 grade. The department of elementary and secondary education may, from funds appropriated for  
134 the purpose, reimburse school districts **and charter schools** for additional instructional  
135 personnel costs incurred in the implementation and execution of the thirty hours of additional  
136 reading instruction minus the revenue generated by the school district **or charter school** through  
137 the foundation formula for the additional reading instruction average daily attendance.

138           ~~[4. Each student for whom a reading improvement plan has been designed pursuant to~~  
139 ~~subsection 3 of this section shall be given another reading assessment, to be administered within~~

140 ~~forty-five days of the end of such student's fourth-grade year. If such student is determined to be~~  
141 ~~reading below third-grade level, the student shall be required to attend summer school to receive~~  
142 ~~reading instruction. At the end of such summer school instruction, such student shall be given~~  
143 ~~another reading assessment. If such student is determined to be reading below third-grade level,~~  
144 ~~the district shall notify the student's parents or guardians, and the student shall not be promoted~~  
145 ~~to fifth grade. No student shall be denied promotion more than once solely for inability to meet~~  
146 ~~the reading standards set out in this section.~~

147 ~~———5. The process described in subsections 3 and 4 of this section shall be repeated as~~  
148 ~~necessary through the end of the sixth grade, with the target grade level rising accordingly.~~  
149 ~~Mandatory retention in grade shall not apply to grades subsequent to fourth grade.~~

150 ~~———6.]~~ **7.** The mandatory process of additional reading ~~[instruction]~~ **intervention for**  
151 **reading support outside the regular school day and school year, [pursuant to] under** this  
152 section, shall cease at the end of the sixth grade. ~~[The permanent record of students who are~~  
153 ~~determined to be reading below the fifth-grade level at the end of sixth grade shall carry a~~  
154 ~~notation advising that such student has not met minimal reading standards. The notation shall~~  
155 ~~stay on the student's record until such time as the district determines that a student has met~~  
156 ~~minimal reading standards.]~~ **If the student is still not reading at grade level upon completion**  
157 **of the sixth grade, the school district and charter school shall continue to provide a reading**  
158 **success plan to be implemented during the regular school day until such time as the student**  
159 **is reading at grade level, or otherwise determined by the district, or upon graduation from**  
160 **high school. Appropriate documentation of a student's reading success plans shall be**  
161 **provided to an enrolling district within ten school days of when a student transfers to a**  
162 **public or charter school district.**

163 ~~[7.]~~ **8.** Each school district **and charter school** shall be required to offer summer school  
164 reading instruction to any student with a reading ~~[improvement]~~ **success plan. Districts and**  
165 **charter schools** may fulfill the requirement of this section through cooperative arrangements  
166 with neighboring districts~~]; provided that such districts shall timely make all payments provided~~  
167 ~~pursuant to such cooperative agreements]~~ **or through the Missouri course access and virtual**  
168 **school program established in section 161.670, or through anything else that the district**  
169 **deems appropriate.**

170 ~~[8.]~~ **9.** A school district **or charter school** may adopt a policy that requires retention in  
171 grade of any student who has been determined to require summer school instruction in reading  
172 and who does not fulfill the summer school attendance requirement.

173 ~~[9.]~~ **10.** Nothing in this section shall preclude a school district **or charter school** from  
174 retaining any student in grade when a determination is made in accordance with district **or**  
175 **charter school** policy that retention is in the best interests of the student.

176 [10.] 11. The state board of education shall not incorporate information about the  
177 number of students receiving additional instruction pursuant to this section into any element of  
178 any standard of the Missouri school improvement program or its successor accreditation  
179 program; provided, however, each district **and charter school** shall make available, upon the  
180 request of any parent, patron, **advocacy group**, or media outlet within the district, the number  
181 and percentage of students receiving remediation pursuant to this section. The information shall  
182 be presented in a way that does not permit personal identification of any student or educational  
183 personnel.

184 [11.] 12. Each school district **and charter school** shall make a systematic effort to  
185 inform parents of the methods and materials used to teach reading in kindergarten through fourth  
186 grade, in terms understandable to a layperson ~~[and shall similarly inform parents of students for  
187 whom a reading improvement plan is required pursuant to this section].~~ **The parent or legal  
188 guardian of any student in grades kindergarten through four who exhibits a deficiency in  
189 reading at any time during the school year, as determined by the school, shall be notified  
190 in writing that his or her child has a reading deficiency, no later than thirty calendar days  
191 after the identification of the reading deficiency as determined by the school district or  
192 charter school. Such written notification shall include the following:**

193 (1) **A statement that the student has been identified as having a deficiency in  
194 reading and that a reading success plan shall be developed by the teacher and other  
195 pertinent school personnel;**

196 (2) **A description of the current services that are provided to the student;**

197 (3) **A description of the proposed evidence-based reading interventions and  
198 supplemental instructional services and supports that shall be provided to the student that  
199 are designed to remedy the identified area or areas of reading deficiency;**

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

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

204 13. The state board of education shall recommend that the department of  
205 elementary and secondary education align literacy and reading instruction coursework  
206 with knowledge and practice standards from the Center for Effective Reading Instruction  
207 or What Works Clearinghouse. The department of elementary and secondary education  
208 shall communicate with institutions of higher education to add dyslexia education to  
209 teacher education programs, including early childhood, kindergarten through fifth grade  
210 elementary teacher certification, middle school English, high school English, and all



211 reading and special education certificates. The certification learning standards shall  
212 include multiple strategies for students with learning and reading disabilities.

213 (1) Teacher candidates shall receive training in the structure of language, also  
214 called Structured Literacy, and other evidence-based instruction and strategies. This  
215 includes knowledge of the speech sound system (phonology), the spelling system  
216 (orthography), the structure of sentences (syntax), the meaningful parts of words  
217 (morphology), the meaningful relationships among words (semantics), and the organization  
218 of spoken and written discourse.

219 (2) Teacher candidates shall also have a foundational knowledge of oral and  
220 written language development, dyslexia and other language difficulties, and the  
221 administration and interpretation of assessments and their role in planning instruction.

222 (3) Teacher candidates shall have a knowledge base and know how to translate  
223 assessment results into effective practice in the classroom, specific to the needs of the  
224 students.

225 14. The department of elementary and secondary education may promulgate rules  
226 to implement the provisions of this section. Any rule or portion of a rule, as that term is  
227 defined in section 536.010, that is created under the authority delegated in this section shall  
228 become effective only if it complies with and is subject to all of the provisions of chapter  
229 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and  
230 if any of the powers vested with the general assembly pursuant to chapter 536 to review,  
231 to delay the effective date, or to disapprove and annul a rule are subsequently held  
232 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
233 after August 28, 2020, shall be invalid and void.

186.080. 1. The commissioner of education shall establish a reading instruction  
2 advisory council. The council shall consist of at least twelve and no more than twenty  
3 members, appointed by the commissioner, and shall include members representing the  
4 following stakeholder groups:

- 5 (1) School boards;
- 6 (2) Charter schools;
- 7 (3) School superintendents;
- 8 (4) Elementary and secondary building principals;
- 9 (5) Teachers, including at least two teachers with expertise in reading instruction;
- 10 (6) Parents of elementary and secondary school age pupils;
- 11 (7) Dyslexia advocacy groups; and
- 12 (8) Researchers with expertise in reading instruction and how students learn to  
13 read.

14           **2. The council shall meet no less than quarterly. The council shall review the**  
15 **implementation and success of reading success plans under sections 167.268 and 167.645.**  
16 **The council shall review best practices in reading instruction and related policy provisions.**

17           **3. The council shall, no less than annually, provide recommendations to the**  
18 **commissioner and the state board of education regarding any identified improvements to**  
19 **reading instruction and reading policy for Missouri students. The recommendations may**  
20 **include recommendations for changes to state law, and the commissioner shall furnish any**  
21 **such recommendations to the joint committee on education.**

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