

SECOND REGULAR SESSION

HOUSE BILL NO. 2671

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HENDERSON.

5729H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 161.097, 167.268, and 167.645, RSMo, and to enact in lieu thereof four new sections relating to literacy instruction, with a delayed effective date for a certain section.

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

Section A. Sections 161.097, 167.268, and 167.645, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 161.097, 167.268, 167.645, and
3 186.080, to read as follows:

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

9 2. There is hereby established within the department of elementary and secondary
10 education the "Missouri Advisory Board for Educator Preparation", hereinafter referred to as
11 "MABEP". The MABEP shall advise the state board of education and the coordinating board
12 for higher education regarding matters of mutual interest in the area of quality educator
13 preparation programs in Missouri.

14 3. Upon approval by the state board of education of the teacher education program at a
15 particular teacher training institution, any person who graduates from that program, and who
16 meets other requirements which the state board of education shall prescribe by rule, regulation

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 and statute shall be granted a certificate or license to teach in the public schools of this state.
18 However, no such rule or regulation shall require that the program from which the person
19 graduates be accredited by any national or regional accreditation association.

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

25 **(1) Teacher candidates shall receive training in:**

26 **(a) The core components of reading, such as phonemic awareness, phonics, fluency,**
27 **comprehension, morphology, syntax, and vocabulary;**

28 **(b) Oral and written language development; and**

29 **(c) Identification of reading deficiencies, dyslexia, and other language difficulties;**
30 **and**

31 **(2) Teacher candidates shall also have training on the administration and**
32 **interpretation of assessments and how to translate assessment results into effective practice**
33 **in the classroom specific to the needs of students.**

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

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

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

12 ~~[2-]~~ **3.** The ~~[state board]~~ **department of elementary and secondary** education shall
 13 develop guidelines to assist districts **and charter schools** in formulating policies for reading
 14 ~~[intervention]~~ **success plans**. Such guidelines may include, but are not limited to, **measures of**
 15 **reading proficiency, strategies for addressing reading deficiencies,** timelines for measuring
 16 pupil improvement in reading, information on screening ~~[for and treatment of auditory]~~ **and**
 17 **targeted instruction for students with characteristics of dyslexia,** and ~~[information on the~~
 18 ~~Lindamood Auditory Conceptualization Test and the Auditory Discrimination in Depth Program]~~
 19 **other reading deficiencies**. Such guidelines may also identify performance levels for pupils
 20 identified as handicapped or severely handicapped and conditions under which such pupils ~~[are]~~
 21 **may be exempt from the provisions of this section and section 167.645.**

22 ~~[3-]~~ **4.** Each ~~[local]~~ school district ~~[enrolling a pupil identified as reading below grade~~
 23 ~~level]~~ **and charter school** shall ~~[develop an individual plan of]~~ **provide** reading ~~[intervention~~
 24 ~~for such pupil. The individual pupil's plan may include individual or group reading development~~
 25 ~~activities. The plan may be developed after consultation with the pupil's parent or legal~~
 26 ~~guardian]~~ **instruction to students as provided in section 167.645.**

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

2 (1) "Reading assessment", a recognized method of judging a student's reading ability,
 3 with results expressed as reading at a particular grade level. The term reading assessment shall
 4 include, but is not limited to, standard checklists designed for use as a student reads out loud,
 5 paper-and-pencil tests promulgated by nationally recognized organizations and other recognized
 6 methods of determining a student's reading accuracy, expression, fluency and comprehension in
 7 order to make a determination of the student's grade-level reading ability. Assessments which
 8 do not give a grade-level result may be used in combination with other assessments to reach a
 9 grade-level determination. Districts are encouraged but not required to select assessment
 10 methods identified pursuant to section 167.346. Districts are also encouraged to use multiple
 11 methods of assessment;

12 (2) ~~["Summer school", for reading instruction purposes, a minimum of forty hours of~~
 13 ~~reading instruction and practice. A school district may arrange the hours and days of instruction~~
 14 ~~to coordinate with its regular program of summer school]~~ **"Reading deficiency", a deficiency**
 15 **in a student's reading ability as determined by the school district or charter school using**
 16 **local or state assessments and shall include, but not be limited to:**

17 **(a) For a student in grades kindergarten to five, a reading ability that falls more**
 18 **than one grade level below the student's current enrollment grade; and**

19 **(b) For a student in grades six to twelve, a deficiency in reading ability that creates**
 20 **a barrier to the student's success in school.**

21 2. For purposes of this section, methods of reading assessment shall be determined by
22 each school district **and charter school**. **Each school district and charter school shall**
23 **provide training on the administration and analysis of results of reading assessments to all**
24 **kindergarten through fifth grade teachers and any other personnel who provide literacy**
25 **instruction**. Unless a student has been determined in the current **or previous** school year to be
26 reading at grade level or above, each school district **and charter school** shall administer a
27 reading assessment or set of assessments to each student within **the first** forty-five days of [~~the~~
28 ~~end of the third-grade year~~] **school for grades one through five and by January thirty-first**
29 **for kindergarten**, except that the provisions of this subsection shall not apply to students
30 receiving special education services under an individualized education plan pursuant to sections
31 162.670 to 162.999, to students receiving services pursuant to Section 504 of the Rehabilitation
32 Act of 1973 (**29 U.S.C. Section 794**), **as amended**, whose services plan includes an element
33 addressing reading or to students determined to have limited English proficiency or to students
34 who have been determined, prior to the beginning of any school year, to have a cognitive ability
35 insufficient to meet the reading requirement set out in this section, provided that districts **and**
36 **charter schools** shall provide reading [~~improvement~~] **success** plans for **such** students
37 [~~determined to have such insufficient cognitive ability~~]. The assessment required by this
38 subsection shall also be required for students who enter a school district **or charter school** in
39 grades [~~four,~~] **one through** five [~~or six~~] unless such student has been determined in the current
40 **or previous** school year to be reading at grade level or above.

41 3. [~~Beginning with school year 2002-03, for each student whose third-grade reading~~
42 ~~assessment determines that such student is reading below second-grade level, the school district~~
43 ~~shall design a reading improvement plan for the student's fourth-grade year. Such reading~~
44 ~~improvement plan shall include, at a minimum, thirty hours of additional reading instruction or~~
45 ~~practice outside the regular school day during the fourth-grade year. The school district shall~~
46 ~~determine the method of reading instruction necessary to enforce this subsection. The school~~
47 ~~district may also require the student to attend summer school for reading instruction as a~~
48 ~~condition of promotion to fourth grade. The department of elementary and secondary education~~
49 ~~may, from funds appropriated for the purpose, reimburse school districts for additional~~
50 ~~instructional personnel costs incurred in the implementation and execution of the thirty hours of~~
51 ~~additional reading instruction minus the revenue generated by the school district through the~~
52 ~~foundation formula for the additional reading instruction average daily attendance.~~

53 4. Each student for whom a reading improvement plan has been designed pursuant to
54 subsection 3 of this section shall be given another reading assessment, to be administered within
55 forty-five days of the end of such student's fourth-grade year. If such student is determined to
56 be reading below third-grade level, the student shall be required to attend summer school to

57 receive reading instruction. At the end of such summer school instruction, such student shall be
58 given another reading assessment. If such student is determined to be reading below third-grade
59 level, the district shall notify the student's parents or guardians, and the student shall not be
60 promoted to fifth grade. No student shall be denied promotion more than once solely for
61 inability to meet the reading standards set out in this section.

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

65 ~~6. The mandatory process of additional reading instruction pursuant to this section shall~~
66 ~~cease at the end of the sixth grade. The permanent record of students who are determined to be~~
67 ~~reading below the fifth-grade level at the end of sixth grade shall carry a notation advising that~~
68 ~~such student has not met minimal reading standards. The notation shall stay on the student's~~
69 ~~record until such time as the district determines that a student has met minimal reading standards.~~

70 ~~7.] School districts and charter schools shall develop and implement a reading~~
71 ~~success plan for each student in grades kindergarten to five who exhibits a reading~~
72 ~~deficiency. The reading success plan shall provide for additional targeted reading~~
73 ~~instruction that occurs in addition to the core reading instruction provided to all students~~
74 ~~in the general education classroom. Methods of identification of students for a reading~~
75 ~~success plan shall include either a screening assessment, a diagnostic reading assessment,~~
76 ~~or both. Identification of students for a reading success plan shall consider input from~~
77 ~~teachers and other building-level staff. The reading success plan shall be developed by the~~
78 ~~student's teacher and other pertinent school personnel and shall provide an opportunity~~
79 ~~for the parent or legal guardian to provide input regarding the plan.~~

80 **4. Reading intervention instruction and strategies provided under a reading success**
81 **plan shall:**

82 **(1) Be provided by a highly qualified teacher of reading as demonstrated by teacher**
83 **certification, professional development, or specialized literacy training;**

84 **(2) Be provided in addition to the core reading instruction provided in the general**
85 **classroom;**

86 **(3) Include frequent, targeted small-group reading intervention based on the**
87 **student's needs;**

88 **(4) Address the major components of reading such as phonemic awareness,**
89 **phonics, fluency, comprehension, morphology, syntax, and vocabulary according to the**
90 **student's identified needs and developmental level;**

91 **(5) Be systematic and explicit by building skills gradually, providing a high level**
92 **of teacher-student interaction with modeling of skills and opportunities for practice and**
93 **transfer to authentic literacy tasks, and providing specific, corrective feedback;**

94 **(6) Include ongoing progress monitoring of skills targeted in the reading**
95 **intervention sessions to inform and adjust instruction;**

96 **(7) Increase the frequency and duration of reading intervention sessions and**
97 **implement strategies designed to accelerate student growth for students not making**
98 **progress;**

99 **(8) Provide appropriate reading intervention instructional practices for students**
100 **exhibiting characteristics of dyslexia; and**

101 **(9) Include strategies and activities for parents or legal guardians to provide**
102 **continued reading support.**

103 **5. School districts and charter schools shall continue to address reading deficiencies**
104 **for a student in grades six through twelve who exhibits a reading deficiency for such time**
105 **as the deficiency in reading ability creates a barrier to the student's success in school.**

106 **6. Each school district [~~shall be required to~~] and charter school may offer summer**
107 **school reading instruction to any student with a reading [~~improvement~~] success plan. Districts**
108 **may [~~fulfill the requirement of this section~~] provide summer school reading instruction**
109 **through cooperative arrangements with neighboring districts[; ~~provided that such districts shall~~**
110 **timely make all payments provided pursuant to such cooperative agreements.**

111 ~~8. A school district may adopt a policy that requires retention in grade of any student~~
112 ~~who has been determined to require summer school instruction in reading and who does not~~
113 ~~fulfill the summer school attendance requirement.~~

114 ~~9. Nothing in this section shall preclude a school district from retaining any student in~~
115 ~~grade when a determination is made in accordance with district policy that retention is in the best~~
116 ~~interests of the student] or any other available instructional option.~~

117 ~~[10.] 7. The state board of education shall not incorporate information about the number~~
118 ~~of students receiving additional instruction pursuant to this section into any element of any~~
119 ~~standard of the Missouri school improvement program or its successor accreditation program;~~
120 ~~provided, however, each district and charter school shall make available, upon the request of~~
121 ~~any parent, patron, or media outlet within the district, the number and percentage of students~~
122 ~~receiving [~~remediation pursuant to~~] additional instruction under this section. The information~~
123 ~~shall be presented in a way that does not permit personal identification of any student or~~
124 ~~educational personnel.~~

125 ~~[11.] 8. Each school district and charter school shall make a systematic effort to inform~~
126 ~~parents of the methods and materials used to teach reading in kindergarten through [~~fourth~~] fifth~~

127 grade, in terms understandable to a layperson and shall similarly inform parents of students for
128 whom a reading [improvement] success plan is required pursuant to this section.

**186.080. 1. The commissioner of education shall establish a literacy advisory
2 council. The council shall consist of at least twelve and no more than twenty members,
3 appointed by the commissioner, and shall include members representing the following
4 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) Special education educators;
- 11 (7) Parents of elementary and secondary school-age pupils;
- 12 (8) Dyslexia advocacy groups;
- 13 (9) Institutions of higher education with approved teacher preparation programs;

14 **and**

- 15 (10) Professionals with expertise in reading instruction and how students learn to
16 read.

17 **2. The council shall meet biannually to review best practices in literacy instruction
18 and related policy provisions.**

19 **3. The council shall periodically provide recommendations to the commissioner and
20 the state board of education regarding any identified improvements to literacy instruction
21 and policy for students. The recommendations may include recommendations for changes
22 to state law, and the commissioner shall furnish any such recommendations to the joint
23 committee on education.**

Section B. The repeal and reenactment of section 167.645 of section A of this act shall
2 become effective on July 1, 2021.

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