

SECOND REGULAR SESSION

# HOUSE BILL NO. 1980

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KELLEY (127).

4463H.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Section A. Sections 167.263, 167.268, and 167.645, RSMo, are repealed and four  
2 new sections enacted in lieu thereof, to be known as sections 167.263, 167.268, 167.645, and  
3 186.080, to read as follows:

167.263. 1. A program to provide teacher assistants in regular classrooms in grades  
2 kindergarten through three is established. For the purposes of this section a "teacher  
3 assistant" is defined as a qualified person employed by a school district to assist a certificated  
4 teacher in classroom instruction and management. No teacher assistant shall be counted as a  
5 teacher for the purposes of establishing ratios of teachers to pupils in a classroom, school, or  
6 school district. Any public elementary school containing such grades ~~[which]~~ **that** meets the  
7 criteria pursuant to this section shall be eligible for a state financial supplement to employ  
8 teacher assistants. Eligibility criteria are that the school shall have a breakfast program, the  
9 school shall serve at least forty percent of its lunches to pupils who are eligible for free or  
10 reduced price meals according to federal guidelines, and the school shall have a reading  
11 ~~[intervention]~~ **success plan for any student who requires such a plan** pursuant to section  
12 167.268.

13 2. A school district ~~[which]~~ **that** contains such eligible schools may apply to the  
14 department of elementary and secondary education for a state financial supplement to employ  
15 teacher assistants in those schools named in the application and in no other schools of the  
16 district. The state full-time equivalent financial supplement shall be three thousand dollars

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 per teacher assistant. No more than one assistant per classroom shall be supplemented by the  
18 state pursuant to this section. Teacher assistants thus employed pursuant to this section shall  
19 assist teachers in grades kindergarten through three and in no other grades. School districts  
20 shall not apply for or assign teacher assistants employed pursuant to this section in classrooms  
21 designated as special education or compensatory education classrooms.

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

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

12 2. The [~~state board of~~] **department of elementary and secondary** education shall  
13 develop guidelines to assist **school districts and charter schools** in formulating policies for  
14 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  
16 and treatment of [~~auditory dyslexia, and information on the Lindamood Auditory~~  
17 ~~Conceptualization Test and the Auditory Discrimination in Depth Program~~] **dyslexia and**  
18 **other reading deficiencies. In addition, any guidelines for instruction shall meet the**  
19 **needs of the students by ensuring that instruction is explicit and systematic based on the**  
20 **five areas of reading: phonological awareness, phonics, fluency, vocabulary, and**  
21 **comprehension. The guidelines shall emphasize that preassessments and**  
22 **postassessments are necessary to measure student progress.** Such guidelines may also

23 identify performance levels for pupils identified as handicapped or severely handicapped and  
24 conditions under which such pupils ~~[are]~~ **may be** exempt from the provisions of this section.

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

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

- 2 (1) **"Dyslexia", the same definition as in section 633.420;**  
3 (2) **"Evidence-based reading instruction", any research-validated program that**  
4 **has successful evidence to demonstrate adequate gains in reading achievement where**  
5 **such 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**  
8 **successful readers that will remain essentially unchanged if collected on a different day**  
9 **or by a 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**  
16 **shall include, but is not limited to, standard checklists designed for use as a student reads out**  
17 **loud, paper-and-pencil tests promulgated by nationally recognized organizations, and other**  
18 **recognized methods of determining a student's reading accuracy, expression, fluency, and**  
19 **comprehension in order to make a determination of the student's grade-level reading ability.**  
20 **Assessments ~~[which]~~ that do not give a grade-level result may be used in combination with**  
21 **other assessments to reach a grade-level determination. Districts **and charter schools** are**  
22 **encouraged but not required to select assessment methods identified pursuant to section**  
23 **167.346. Districts **and charter schools** are also encouraged to use multiple methods of**  
24 **assessment;**  
25 ~~[(2)]~~ (4) **"Structured literacy", evidence-based reading instruction that is a**  
26 **research-validated program that has successful evidence to demonstrate adequate gains**  
27 **in reading achievement that addresses phonology, sound-symbol association, syllable**  
28 **instruction, morphology, syntax, and semantics when such instruction is taught through**  
29 **systematic, cumulative, explicit, and diagnostic methods;**

30 (5) "Summer school", for reading instruction purposes, a minimum of forty hours of  
31 reading instruction and practice. A school district **or charter school** may arrange the hours  
32 and days of instruction to coordinate with its regular program of summer school.

33 2. For purposes of this section, methods of reading assessment shall be determined by  
34 each school district **and charter school**. Unless a student has been determined in the  
35 ~~current~~ **previous** school year to be reading at grade level or above, each school district **and**  
36 **charter school** shall administer a reading assessment or set of assessments to each student  
37 within ~~[forty-five days of the end of the third-grade year]~~ **the first thirty calendar days of**  
38 **school for grades one through four, and by January thirty-first for kindergarten**, except  
39 that the provisions of this subsection shall not apply to students receiving special education  
40 services under an individualized education plan pursuant to sections 162.670 to 162.999, to  
41 students receiving services pursuant to Section 504 of the Rehabilitation Act of 1973 **(29**  
42 **U.S.C. Section 794)**, **as amended**, whose services plan includes an element addressing  
43 reading, or to students determined to have limited English proficiency, or to students who  
44 have been determined, prior to the beginning of any school year, to have a cognitive ability  
45 insufficient to meet the reading requirement set out in this section, provided that districts **and**  
46 **charter schools** shall provide reading ~~[improvement]~~ **success plans for students with an**  
47 **individualized education program who have a reading deficiency, for students receiving**  
48 **services under Section 504 of the Rehabilitation Act of 1973 whose service plan includes**  
49 **an element addressing reading, and to students** determined to have such insufficient  
50 cognitive ability. The assessment required by this subsection shall also be required for  
51 students who enter a school district **or charter school** in grades four, five, or six unless such  
52 student has been determined in the current school year to be reading at grade level or above.

53 ~~[3. Beginning with school year 2002-03, for each student whose third-grade reading~~  
54 ~~assessment determines that such student is reading below second-grade level, the school~~  
55 ~~district shall design a reading improvement plan for the student's fourth-grade year. Such~~  
56 ~~reading improvement plan shall include, at a minimum, thirty hours of additional reading~~  
57 ~~instruction or practice outside the regular school day during the fourth-grade year.]~~

58 3. (1) School districts and charter schools shall offer a reading success plan to  
59 each student in grades kindergarten through four who exhibits a reading deficiency, has  
60 been identified as being at risk for dyslexia in the statewide dyslexia screening  
61 requirement, or has a formal diagnosis of dyslexia to ensure students can read at or  
62 above grade level by the end of the fourth grade. The reading success plan shall be  
63 provided in addition to core reading instruction that is provided to all students in the  
64 general education classroom. The reading success plan shall:

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

67 (b) Be provided to all students in grades kindergarten through four identified  
68 with a reading deficiency as determined by the school district or charter school using  
69 local or statewide screening assessments administered within the first thirty days of  
70 school for grades one through four, and on or before January thirty-first for  
71 kindergarten;

72 (c) Provide explicit and systematic multisensory instruction in phonological  
73 awareness, phonics, fluency, vocabulary, and comprehension as applicable to each  
74 student;

75 (d) Monitor the progress of each student's reading skills throughout the school  
76 year and adjust instruction according to the student's needs; and

77 (e) Be implemented during regular school hours.

78 (2) A structured literacy or other evidence-based reading instruction program  
79 shall be provided to any student with a formal diagnosis of dyslexia or for a student who  
80 was found to be at risk for dyslexia in the statewide dyslexia screening.

81 (3) If a student who is provided a reading success plan is determined not to be  
82 reading at or above grade level by the end of second grade, the student shall receive  
83 structured literacy instruction as well as additional support and services including, but  
84 not limited to:

85 (a) Frequent, targeted reading intervention based on the student's needs and  
86 provided in a small group or one-on-one setting;

87 (b) Frequent monitoring of the student's reading skills throughout the school  
88 year; and

89 (c) Adjustment of the structured literacy instruction and reading interventions  
90 according to the student's needs.

91 (4) For students in grades six through twelve, school districts and charter schools  
92 shall continue to address the reading deficiencies of any student for whom the deficiency  
93 creates a barrier to success in school.

94 4. Any student in kindergarten or any grade no higher than the fourth grade  
95 who exhibits a deficiency in reading at any time, based upon local or statewide screening  
96 assessments, shall receive an individual reading success plan no later than forty-five  
97 calendar days after the identification of the reading deficiency. The reading success  
98 plan shall be created by the teacher and other pertinent school personnel, after  
99 consultation with the parent or legal guardian, and shall describe the evidence-based  
100 reading intervention services the student shall receive to remedy the deficit. The  
101 reading success plan shall specify whether the student was found to be at risk for  
102 dyslexia in the local or statewide dyslexia screening requirement or whether the student

103 has a formal diagnosis of dyslexia. Each student shall receive appropriate reading  
104 intervention until the student no longer has a deficiency in reading.

105         **5. Beginning with the 2022-23 school year, any student who is not reading at**  
106 **grade level by the end of the second grade shall receive appropriate reading intervention**  
107 **to remedy the student's specific reading deficiency. The reading intervention services**  
108 **shall include effective instructional strategies to accelerate student progress. Each**  
109 **school district and charter school shall conduct a review of student reading success**  
110 **plans for all students who are not reading at grade level by the end of the second grade.**  
111 **The review shall address additional supports and services, as described in this**  
112 **subsection, needed to remedy the identified area or areas of reading deficiency. The**  
113 **school district or charter school shall provide the following:**

114         **(1) Training to all teachers and instructors of grades kindergarten through four**  
115 **about the screening assessments;**

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

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

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

123             **(b) Frequent, targeted small group reading intervention based on the student's**  
124 **needs;**

125             **(c) Explicit and systematic instruction with more detailed explanations, more**  
126 **extensive opportunities for guided practice, and more opportunities for error correction**  
127 **and feedback;**

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

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

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

139           **6. Each school district and charter school shall provide reading intervention for**  
140 **any student not reading at proficient or above on the third-grade state or other local**  
141 **assessment. The appropriate reading intervention shall include criteria established in**  
142 **subsection 5 of this section and shall provide explicit and systematic multisensory**  
143 **evidence-based reading instruction.** The school district **or charter school** shall determine  
144 the method of reading instruction necessary to enforce this ~~[subsection]~~ **section**. The school  
145 district **or charter school** may also require the student to attend summer school for reading  
146 instruction as a condition of promotion to fourth grade. The department of elementary and  
147 secondary education may, from funds appropriated for the purpose, reimburse school districts  
148 **and charter schools** for additional instructional personnel costs incurred in the  
149 implementation and execution of the thirty hours of additional reading instruction minus  
150 the revenue generated by the school district **or charter school** through the foundation  
151 formula for the additional reading instruction average daily attendance.

152           ~~[4. Each student for whom a reading improvement plan has been designed pursuant to~~  
153 ~~subsection 3 of this section shall be given another reading assessment, to be administered~~  
154 ~~within forty five days of the end of such student's fourth grade year. If such student is~~  
155 ~~determined to be reading below third grade level, the student shall be required to attend~~  
156 ~~summer school to receive reading instruction. At the end of such summer school instruction,~~  
157 ~~such student shall be given another reading assessment. If such student is determined to be~~  
158 ~~reading below third grade level, the district shall notify the student's parents or guardians, and~~  
159 ~~the student shall not be promoted to fifth grade. No student shall be denied promotion more~~  
160 ~~than once solely for inability to meet the reading standards set out in this section.~~

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

164           ~~6.]~~ **7.** The mandatory process of additional reading ~~[instruction pursuant to]~~  
165 **intervention for reading support outside the regular school day and school year under**  
166 this section shall cease at the end of the sixth grade. ~~[The permanent record of students who~~  
167 ~~are determined to be reading below the fifth grade level at the end of sixth grade shall carry a~~  
168 ~~notation advising that such student has not met minimal reading standards. The notation shall~~  
169 ~~stay on the student's record until such time as the district determines that a student has met~~  
170 ~~minimal reading standards.]~~ **If the student is still not reading at grade level upon**  
171 **completion of the sixth grade, the school district and charter school shall continue to**  
172 **provide a reading success plan to be implemented during the regular school day until**  
173 **such time as the student is reading at grade level, or otherwise determined by the**  
174 **district, or upon graduation from high school. Appropriate documentation of a**

175 **student's reading success plans shall be provided to an enrolling district within ten**  
176 **school days of when a student transfers to a public or charter school district.**

177 ~~[7-]~~ **8.** Each school district **and charter school** shall be required to offer summer  
178 school reading instruction to any student with a reading ~~[improvement]~~ **success** plan.  
179 Districts **and charter schools** may fulfill the requirement of this section through cooperative  
180 arrangements with neighboring districts~~[- provided that such districts shall timely make all~~  
181 ~~payments provided pursuant to such cooperative agreements]~~ **or through the Missouri**  
182 **course access and virtual school program established in section 161.670, or through**  
183 **anything else that the district deems appropriate.**

184 ~~[8-]~~ **9.** A school district **or charter school** may adopt a policy that requires retention  
185 in grade of any student who has been determined to require summer school instruction in  
186 reading and who does not fulfill the summer school attendance requirement.

187 ~~[9-]~~ **10.** Nothing in this section shall preclude a school district **or charter school** from  
188 retaining any student in grade when a determination is made in accordance with district **or**  
189 **charter school** policy that retention is in the best interests of the student.

190 ~~[10-]~~ **11.** The state board of education shall not incorporate information about the  
191 number of students receiving additional instruction pursuant to this section into any element  
192 of any standard of the Missouri school improvement program or its successor accreditation  
193 program; provided, however, each district **and charter school** shall make available, upon the  
194 request of any parent, patron, **advocacy group**, or media outlet within the district, the number  
195 and percentage of students receiving remediation pursuant to this section. The information  
196 shall be presented in a way that does not permit personal identification of any student or  
197 educational personnel.

198 ~~[11-]~~ **12.** Each school district **and charter school** shall make a systematic effort to  
199 inform parents of the methods and materials used to teach reading in kindergarten through  
200 fourth grade, in terms understandable to a layperson ~~[and shall similarly inform parents of~~  
201 ~~students for whom a reading improvement plan is required pursuant to this section].~~ **The**  
202 **parent or legal guardian of any student in grades kindergarten through four who**  
203 **exhibits a deficiency in reading at any time during the school year, as determined by the**  
204 **school, shall be notified in writing that the child has a reading deficiency no later than**  
205 **thirty calendar days after the identification of the reading deficiency as determined by**  
206 **the school district or charter school. Such written notification shall include the**  
207 **following:**

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

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



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

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

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

220 13. The state board of education shall recommend that the department of  
221 elementary and secondary education align literacy and reading instruction coursework  
222 with knowledge and practice standards from the Center for Effective Reading  
223 Instruction or What Works Clearinghouse. The department of elementary and  
224 secondary education shall communicate with institutions of higher education to add  
225 dyslexia education to teacher education programs, including early childhood,  
226 kindergarten through fifth grade elementary teacher certification, middle school  
227 English, high school English, and all reading and special education certificates. The  
228 certification learning standards shall include multiple strategies for students with  
229 learning and reading disabilities. Teacher candidates shall:

230 (1) Receive training in the structure of language, also called Structured Literacy,  
231 and other evidence-based instruction and strategies. This includes knowledge of the  
232 speech-sound system (phonology), the spelling system (orthography), the structure of  
233 sentences (syntax), the meaningful parts of words (morphology), the meaningful  
234 relationships among words (semantics), and the organization of spoken and written  
235 discourse;

236 (2) Have a foundational knowledge of oral and written language development,  
237 dyslexia and other language difficulties, and the administration and interpretation of  
238 assessments and their role in planning instruction; and

239 (3) Have a knowledge base and know how to translate assessment results into  
240 effective practice in the classroom, specific to the needs of the students.

241 14. The department of elementary and secondary education may promulgate  
242 rules to implement the provisions of this section. Any rule or portion of a rule, as that  
243 term is defined in section 536.010, that is created under the authority delegated in this  
244 section shall become effective only if it complies with and is subject to all of the  
245 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter  
246 536 are nonseverable, and if any of the powers vested with the general assembly  
247 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul

248 a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
249 and any rule proposed or adopted after August 28, 2022, 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  
10 instruction;
- 11 (6) Parents of elementary and secondary school-age pupils;
- 12 (7) Dyslexia advocacy groups; and
- 13 (8) Researchers with expertise in reading instruction and how students learn to  
14 read.

15 2. The council shall meet no less often than quarterly. The council shall review  
16 the implementation and success of reading success plans under sections 167.268 and  
17 167.645. The council shall review best practices in reading instruction and related  
18 policy provisions.

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

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