

FIRST REGULAR SESSION

HOUSE BILL NO. 312

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLEY (127).

0328H.02I

DANA RADEMAN MILLER, Chief Clerk

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.

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Section A. Sections 167.263, 167.268, and 167.645, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 167.263, 167.268, 167.645, and 186.080, to read as follows: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

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 pursuant to this section. Teacher assistants thus employed pursuant to this section shall assist
18 teachers in grades kindergarten through three and in no other grades. School districts shall not
19 apply for or assign teacher assistants employed pursuant to this section in classrooms designated
20 as special 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]~~ **department of elementary and secondary education**
13 shall develop guidelines to assist 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 and
16 treatment of ~~[auditory dyslexia, and information on the Lindamood Auditory Conceptualization~~
17 ~~Test and the Auditory Discrimination in Depth Program]~~ **dyslexia and other reading**
18 **deficiencies. In addition, any guidelines for instruction shall meet the needs of the students**
19 **by ensuring that instruction is explicit and systematic and based on the five areas of**
20 **reading: phonological awareness, phonics, fluency, vocabulary, and comprehension. The**
21 **guidelines shall emphasize that preassessments and postassessments are necessary to**
22 **measure student progress.** Such guidelines may also identify performance levels for pupils
23 identified as handicapped or severely handicapped and conditions under which such pupils ~~[are]~~
24 **may be** 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 be developed after]~~ **shall 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**
19 **in order to make a determination of the student's grade-level reading ability. Assessments**
20 **[which] that do not give a grade-level result may be used in combination with other assessments**
21 **to reach a grade-level determination. Districts and charter schools are encouraged but not**
22 **required to select assessment methods identified pursuant to section 167.346. Districts and**
23 **charter schools 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 on or before January thirty-first for kindergarten**, except that
38 the 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 **(29 U.S.C. Section**
41 **794), as amended**, whose services plan includes an element addressing reading, or to students
42 determined to have limited English proficiency, or to students who have been determined, prior
43 to the beginning of any school year, to have a cognitive ability insufficient to meet the reading
44 requirement set out in this section, provided that districts **and charter schools** shall provide
45 reading ~~[improvement]~~ **success** plans for students **with an individualized education plan that**
46 **have a reading deficiency, for students receiving services under Section 504 of the**
47 **Rehabilitation Act of 1973 whose services plan includes an element addressing reading, and**
48 **to students** determined to have such insufficient cognitive ability. The assessment required by
49 this subsection shall also be required for students who enter a school district **or charter school**
50 in grades four, five, or six unless such student has been determined in the current school year to
51 be reading at grade level 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 minimum thirty hours of additional reading instruction or~~
56 ~~practice outside the regular school day during the fourth-grade year.]~~ **(1) School districts and**
57 **charter schools shall offer a reading success plan to each student in grades kindergarten**
58 **through four who exhibits a reading deficiency, has been identified as being at risk for**
59 **dyslexia in the state dyslexia screening requirement, or has a formal diagnosis of dyslexia**
60 **to ensure students can read at or above grade level by the end of the fourth grade. The**
61 **reading success plan shall be provided in addition to core reading instruction that is**
62 **provided to all students in the general education classroom. The reading success plan**
63 **shall:**

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

66 (b) **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 on or before January thirty-first for kindergarten;

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

73 (d) 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 (e) Be implemented during regular school hours.

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

79 4. Any student in kindergarten or any grade no higher than the fourth grade who
80 exhibits a deficiency in reading at any time, based upon local or statewide screening
81 assessments, shall receive an individual reading success plan no later than forty-five
82 calendar days after the identification of the reading deficiency. The reading success plan
83 shall be created by the teacher and other pertinent school personnel, after consultation
84 with the parent or legal guardian, and shall describe the evidence-based reading
85 intervention services the student shall receive to remedy the deficit. The reading success
86 plan shall specify whether a student was found to be at risk for dyslexia in the local or state
87 dyslexia screening requirement or whether the student has a formal diagnosis of dyslexia.
88 Each student shall receive appropriate reading intervention until the student no longer has
89 a deficiency in reading.

90 5. Beginning with the 2021-22 school year, any student who is not reading at grade
91 level by the end of the second grade shall receive appropriate reading intervention to
92 remedy the student's specific reading deficiency. The reading intervention services shall
93 include effective instructional strategies to accelerate student progress. Each school district
94 and charter school shall conduct a review of student reading success plans for all students
95 who are not reading at grade level by the end of the second grade. The review shall
96 address additional supports and services, as described in this subsection, needed to remedy
97 the identified area or areas of reading deficiency. The school district or charter school
98 shall provide the following:

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

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

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

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

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

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

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

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

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

123 **6. Each school district and charter school shall provide reading intervention for any**
124 **student not reading at proficient or above on the third-grade state or other local**
125 **assessment. The appropriate reading intervention shall include criteria established in**
126 **subsection 5 of this section and shall provide explicit and systematic multisensory evidence-**
127 **based reading instruction.** The school district or charter school shall determine the method
128 of reading instruction necessary to enforce this subsection. The school district or charter school
129 may also require the student to attend summer school for reading instruction as a condition of
130 promotion to fourth grade. The department of elementary and secondary education may, from
131 funds appropriated for the purpose, reimburse school districts **and charter schools** for additional
132 instructional personnel costs incurred in the implementation and execution of the thirty hours of
133 additional reading instruction minus the revenue generated by the school district or **charter**
134 **school** through the foundation formula for the additional reading instruction average daily
135 attendance.

136 ~~[4. Each student for whom a reading improvement plan has been designed pursuant to~~
137 ~~subsection 3 of this section shall be given another reading assessment, to be administered within~~
138 ~~forty-five days of the end of such student's fourth-grade year. If such student is determined to be~~

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

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

148 ~~6.]~~ **7.** The mandatory process of additional reading ~~[instruction pursuant to]~~ **intervention**
149 **for reading support outside the regular school day and school year under** this section shall
150 cease at the end of the sixth grade. ~~[The permanent record of students who are determined to be~~
151 ~~reading below the fifth-grade level at the end of sixth grade shall carry a notation advising that~~
152 ~~such student has not met minimal reading standards. The notation shall stay on the student's~~
153 ~~record until such time as the district determines that a student has met minimal reading~~
154 ~~standards.]~~ **If the student is still not reading at grade level upon completion of the sixth**
155 **grade, the school district and charter school shall continue to provide a reading success**
156 **plan to be implemented during the regular school day until such time as the student is**
157 **reading at grade level, or otherwise determined by the district, or upon graduation from**
158 **high school. Appropriate documentation of a student's reading success plans shall be**
159 **provided to an enrolling district within ten school days of when a student transfers to a**
160 **public or charter school district.**

161 ~~[7.]~~ **8.** Each school district **and charter school** shall be required to offer summer school
162 reading instruction to any student with a reading ~~[improvement]~~ **success plan. Districts and**
163 **charter schools** may fulfill the requirement of this section through cooperative arrangements
164 with neighboring districts~~]; provided that such districts shall timely make all payments provided~~
165 ~~pursuant to such cooperative agreements]~~ **or through the Missouri course access and virtual**
166 **school program established in section 161.670, or through anything else that the district**
167 **deems appropriate.**

168 ~~[8.]~~ **9.** A school district **or charter school** may adopt a policy that requires retention in
169 grade of any student who has been determined to require summer school instruction in reading
170 and who does not fulfill the summer school attendance requirement.

171 ~~[9.]~~ **10.** Nothing in this section shall preclude a school district **or charter school** from
172 retaining any student in grade when a determination is made in accordance with district **or**
173 **charter school** policy that retention is in the best interests of the student.

174 [10.] 11. The state board of education shall not incorporate information about the
175 number of students receiving additional instruction pursuant to this section into any element of
176 any standard of the Missouri school improvement program or its successor accreditation
177 program; provided, however, each district **and charter school** shall make available, upon the
178 request of any parent, patron, **advocacy group**, or media outlet within the district, the number
179 and percentage of students receiving remediation pursuant to this section. The information shall
180 be presented in a way that does not permit personal identification of any student or educational
181 personnel.

182 [11.] 12. Each school district **and charter school** shall make a systematic effort to
183 inform parents of the methods and materials used to teach reading in kindergarten through fourth
184 grade, in terms understandable to a layperson ~~[and shall similarly inform parents of students for
185 whom a reading improvement plan is required pursuant to this section].~~ **The parent or legal
186 guardian of any student in grades kindergarten through four who exhibits a deficiency in
187 reading at any time during the school year, as determined by the school, shall be notified
188 in writing that the child has a reading deficiency no later than thirty calendar days after
189 the identification of the reading deficiency as determined by the school district or charter
190 school. Such written notification shall include the following:**

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

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

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

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

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

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

210 include multiple strategies for students with learning and reading disabilities. Teacher
211 candidates shall:

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

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

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

222 14. The department of elementary and secondary education may promulgate rules
223 to implement the provisions of this section. Any rule or portion of a rule, as that term is
224 defined in section 536.010, that is created under the authority delegated in this section shall
225 become effective only if it complies with and is subject to all of the provisions of chapter
226 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and
227 if any of the powers vested with the general assembly pursuant to chapter 536 to review,
228 to delay the effective date, or to disapprove and annul a rule are subsequently held
229 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
230 after August 28, 2021, 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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