

SENATE BILL NO. 304

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ESLINGER.

1208S.011

ADRIANE D. CROUSE, Secretary

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Section A. Sections 161.097, 167.268, and 167.645, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 161.097, 167.268, 167.645, and 186.080, to read as follows:

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

2. There is hereby established within the department of elementary and secondary education the "Missouri Advisory Board for Educator Preparation", hereinafter referred to as "MABEP". The MABEP shall advise the state board of education and the coordinating board for higher education

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

19 regarding matters of mutual interest in the area of quality
20 educator preparation programs in Missouri.

21 3. Upon approval by the state board of education of
22 the teacher education program at a particular teacher
23 training institution, any person who graduates from that
24 program, and who meets other requirements which the state
25 board of education shall prescribe by rule, regulation and
26 statute shall be granted a certificate or license to teach
27 in the public schools of this state. However, no such rule
28 or regulation shall require that the program from which the
29 person graduates be accredited by any national or regional
30 accreditation association.

31 4. **The state board of education shall align literacy
32 and reading instruction coursework for teacher education
33 programs in early childhood, kindergarten to fifth grade
34 elementary teacher certification, middle school
35 communication arts, high school communication arts, and all
36 reading and special education certificates to include the
37 following:**

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

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

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

43 (c) **Identification of reading deficiencies, dyslexia,
44 and other language difficulties; and**

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

49 5. Any rule or portion of a rule, as that term is
50 defined in section 536.010, that is created under the

51 authority delegated in this section shall become effective
52 only if it complies with and is subject to all of the
53 provisions of chapter 536 and, if applicable, section
54 536.028. This section and chapter 536 are nonseverable and
55 if any of the powers vested with the general assembly
56 pursuant to chapter 536 to review, to delay the effective
57 date, or to disapprove and annul a rule are subsequently
58 held unconstitutional, then the grant of rulemaking
59 authority and any rule proposed or adopted after August 28,
60 2014, shall be invalid and void.

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

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

19 [2.] 3. The [state board] **department of elementary and**
20 **secondary** education shall develop guidelines to assist
21 **school districts and charter schools** in formulating policies
22 for reading [intervention] **success** plans. Such guidelines

23 may include, but are not limited to, **measures of reading**
24 **proficiency, strategies for addressing reading deficiencies,**
25 timelines for measuring pupil improvement in reading,
26 information on screening [for and treatment of auditory] **and**
27 **targeted instruction for students with characteristics of**
28 dyslexia, and [information on the Lindamood Auditory
29 Conceptualization Test and the Auditory Discrimination in
30 Depth Program] **other reading deficiencies.** Such guidelines
31 may also identify performance levels for pupils identified
32 as handicapped or severely handicapped and conditions under
33 which such pupils [are] **may be** exempt from the provisions of
34 this section **and section 167.645.**

35 [3.] **4.** Each [local] school district [enrolling a
36 pupil identified as reading below grade level] **and charter**
37 **school** shall [develop an individual plan of] **provide**
38 **supplemental** reading [intervention for such pupil. The
39 individual pupil's plan may include individual or group
40 reading development activities. The plan may be developed
41 after consultation with the pupil's parent or legal
42 guardian] **instruction to students as provided in section**
43 **167.645.**

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

3 (1) "Reading assessment", a recognized method of
4 judging a student's reading ability, with results expressed
5 as reading at a particular grade level. The term reading
6 assessment shall include, but is not limited to, standard
7 checklists designed for use as a student reads out loud,
8 paper-and-pencil tests promulgated by nationally recognized
9 organizations and other recognized methods of determining a
10 student's reading accuracy, expression, fluency and
11 comprehension in order to make a determination of the

12 student's grade-level reading ability. Assessments which do
13 not give a grade-level result may be used in combination
14 with other assessments to reach a grade-level
15 determination. Districts are encouraged but not required to
16 select assessment methods identified pursuant to section
17 167.346. Districts are also encouraged to use multiple
18 methods of assessment;

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

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

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

33 2. For purposes of this section, methods of reading
34 assessment shall be determined by each school district **and**
35 **charter school. Each school district and charter school
36 shall provide training on the administration and analysis of
37 results of reading assessments to all kindergarten through
38 fifth grade teachers and any other personnel who provide
39 literacy instruction.** Unless a student has been determined
40 in the current **or previous** school year to be reading at
41 grade level or above, each school district **and charter**
42 **school** shall administer a reading assessment or set of
43 assessments to each student within **the first** forty-five days

44 of [the end of the third-grade year] **school for grades one**
45 **through five and by January thirty-first for kindergarten,**
46 except that the provisions of this subsection shall not
47 apply to students receiving special education services under
48 an individualized education plan pursuant to sections
49 162.670 to 162.999, to students receiving services pursuant
50 to Section 504 of the Rehabilitation Act of 1973 **(29 U.S.C.**
51 **Section 794), as amended,** whose services plan includes an
52 element addressing reading or to students determined to have
53 limited English proficiency or to students who have been
54 determined, prior to the beginning of any school year, to
55 have a cognitive ability insufficient to meet the reading
56 requirement set out in this section, provided that districts
57 **and charter schools** shall provide reading [improvement]
58 **success** plans for **such** students [determined to have such
59 insufficient cognitive ability]. The assessment required by
60 this subsection shall also be required for students who
61 enter a school district **or charter school** in grades [four,]
62 **one through** five [or six] unless such student has been
63 determined in the current **or previous** school year to be
64 reading at grade level or above.

65 3. [Beginning with school year 2002-03, for each
66 student whose third-grade reading assessment determines that
67 such student is reading below second-grade level, the school
68 district shall design a reading improvement plan for the
69 student's fourth-grade year. Such reading improvement plan
70 shall include, at a minimum, thirty hours of additional
71 reading instruction or practice outside the regular school
72 day during the fourth-grade year. The school district shall
73 determine the method of reading instruction necessary to
74 enforce this subsection. The school district may also
75 require the student to attend summer school for reading

76 instruction as a condition of promotion to fourth grade.
77 The department of elementary and secondary education may,
78 from funds appropriated for the purpose, reimburse school
79 districts for additional instructional personnel costs
80 incurred in the implementation and execution of the thirty
81 hours of additional reading instruction minus the revenue
82 generated by the school district through the foundation
83 formula for the additional reading instruction average daily
84 attendance.

85 4. Each student for whom a reading improvement plan
86 has been designed pursuant to subsection 3 of this section
87 shall be given another reading assessment, to be
88 administered within forty-five days of the end of such
89 student's fourth-grade year. If such student is determined
90 to be reading below third-grade level, the student shall be
91 required to attend summer school to receive reading
92 instruction. At the end of such summer school instruction,
93 such student shall be given another reading assessment. If
94 such student is determined to be reading below third-grade
95 level, the district shall notify the student's parents or
96 guardians, and the student shall not be promoted to fifth
97 grade. No student shall be denied promotion more than once
98 solely for inability to meet the reading standards set out
99 in this section.

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

105 6. The mandatory process of additional reading
106 instruction pursuant to this section shall cease at the end
107 of the sixth grade. The permanent record of students who

108 are determined to be reading below the fifth-grade level at
109 the end of sixth grade shall carry a notation advising that
110 such student has not met minimal reading standards. The
111 notation shall stay on the student's record until such time
112 as the district determines that a student has met minimal
113 reading standards.

114 7.] School districts and charter schools shall develop
115 and implement a reading success plan for each student in
116 grades kindergarten to five who exhibits a reading
117 deficiency. The reading success plan shall provide for
118 additional targeted reading instruction that occurs in
119 addition to the core reading instruction provided to all
120 students in the general education classroom. Methods of
121 identification of students for a reading success plan shall
122 include either a screening assessment, a diagnostic reading
123 assessment, or both. Identification of students for a
124 reading success plan shall consider input from teachers and
125 other building-level staff. The reading success plan shall
126 be developed by the student's teacher and other pertinent
127 school personnel and shall provide an opportunity for the
128 parent or legal guardian to provide input regarding the plan.

129 4. Reading intervention instruction and strategies
130 provided under a reading success plan shall:

131 (1) Be provided by a highly qualified instructional
132 staff as demonstrated by teacher certification, professional
133 development, or specialized literacy training;

134 (2) Be provided in addition to the core reading
135 instruction provided in the general classroom;

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

138 (4) Address the major components of reading such as
139 phonemic awareness, phonics, fluency, comprehension,

140 morphology, syntax, and vocabulary according to the
141 student's identified needs and developmental level;

142 (5) Be systematic and explicit by building skills
143 gradually, providing a high level of teacher-student
144 interaction with modeling of skills and opportunities for
145 practice and transfer to authentic literacy tasks, and
146 providing specific, corrective feedback;

147 (6) Include ongoing progress monitoring of skills
148 targeted in the reading intervention sessions to inform and
149 adjust instruction;

150 (7) Increase the frequency and duration of reading
151 intervention sessions and implement strategies designed to
152 accelerate student growth for students not making progress;

153 (8) Provide appropriate reading intervention
154 instructional practices for students exhibiting
155 characteristics of dyslexia; and

156 (9) Include strategies and activities for parents or
157 legal guardians to provide continued reading support.

158 5. School districts and charter schools shall continue
159 to address reading deficiencies for a student in grades six
160 through twelve who exhibits a reading deficiency for such
161 time as the deficiency in reading ability creates a barrier
162 to the student's success in school.

163 6. Each school district [shall be required to] **and**
164 **charter school may** offer summer school reading instruction
165 to any student with a reading [improvement] **success** plan.
166 Districts may [fulfill the requirement of this section]
167 **provide summer school reading instruction** through
168 cooperative arrangements with neighboring districts[;
169 provided that such districts shall timely make all payments
170 provided pursuant to such cooperative agreements.

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

175 9. Nothing in this section shall preclude a school
176 district from retaining any student in grade when a
177 determination is made in accordance with district policy
178 that retention is in the best interests of the student] **or**
179 **any other available instructional option.**

180 [10.] 7. The state board of education shall not
181 incorporate information about the number of students
182 receiving additional instruction pursuant to this section
183 into any element of any standard of the Missouri school
184 improvement program or its successor accreditation program;
185 provided, however, each district **and charter school** shall
186 make available, upon the request of any parent, patron, or
187 media outlet within the district, the number and percentage
188 of students receiving [remediation pursuant to] **additional**
189 **instruction under** this section. The information shall be
190 presented in a way that does not permit personal
191 identification of any student or educational personnel.

192 [11.] 8. Each school district **and charter school** shall
193 make a systematic effort to inform parents of the methods
194 and materials used to teach reading in kindergarten through
195 [fourth] **fifth** grade, in terms understandable to a layperson
196 and shall similarly inform parents of students for whom a
197 reading [improvement] **success** plan is required pursuant to
198 this section.

186.080. 1. The commissioner of education shall
2 **establish a literacy advisory council. The council shall**
3 **consist of at least twelve and no more than twenty members,**

4 appointed by the commissioner, and shall include members
5 representing the following stakeholder groups:

- 6 (1) School boards;
- 7 (2) Charter schools;
- 8 (3) School superintendents;
- 9 (4) Elementary and secondary building principals;
- 10 (5) Teachers, including at least two teachers with
11 expertise in reading instruction;
- 12 (6) Special education educators;
- 13 (7) Parents of elementary and secondary school-age
14 pupils;
- 15 (8) Dyslexia advocacy groups;
- 16 (9) Institutions of higher education with approved
17 teacher preparation programs; and
- 18 (10) Professionals with expertise in reading
19 instruction and how students learn to read.

20 2. The council shall meet biannually to review best
21 practices in literacy instruction and related policy
22 provisions.

23 3. The council shall periodically provide
24 recommendations to the commissioner and the state board of
25 education regarding any identified improvements to literacy
26 instruction and policy for students. The recommendations
27 may include recommendations for changes to state law, and
28 the commissioner shall furnish any such recommendations to
29 the joint committee on education.

Section B. The repeal and reenactment of section
2 167.645 of section A of this act shall become effective on
3 July 1, 2023.

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