

FIRST REGULAR SESSION

SENATE BILL NO. 349

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

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ADRIANE D. CROUSE, Secretary.

1825S.011

AN ACT

To repeal sections 167.268 and 167.645, RSMo, and to enact in lieu thereof two new sections relating to reading intervention in schools.

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

Section A. Sections 167.268 and 167.645, RSMo, are repealed and two new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

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

14 2. The [state board of education] **department** shall develop guidelines
15 to assist districts in formulating policies for reading [intervention] **success**
16 plans. Such guidelines may include, but are not limited to, timelines for
17 measuring pupil improvement in reading, **and** information on screening for and
18 treatment of [auditory] dyslexia[,] and [information on the Lindamood Auditory

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

19 Conceptualization Test and the Auditory Discrimination in Depth Program]
20 **other reading deficiencies. Any guidelines for instruction shall meet**
21 **the needs of the students by ensuring that instruction is explicit and**
22 **systematic and based on the five areas of reading: phonological**
23 **awareness, phonics, fluency, vocabulary, and comprehension. Pre- and**
24 **post-assessments shall be conducted to measure student progress.** Such
25 guidelines may also identify performance levels for pupils identified as
26 handicapped or severely handicapped and conditions under which such pupils
27 [are] **may be** exempt from the provisions of this section.

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

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

- 2 (1) **"Dyslexia", as defined in section 633.420;**
3 (2) **"Evidence-based reading instruction", any research validated**
4 **program that has successful evidence to demonstrate adequate gains in**
5 **reading achievement where such evidence is:**
6 (a) **Objective data that any evaluator would identify and**
7 **interpret similarly;**
8 (b) **Valid and reliable data that the tasks children need to**
9 **accomplish to be successful readers will remain essentially unchanged**
10 **if collected on a different day or by a different person;**
11 (c) **Systematic data that is collected according to a rigorous**
12 **design of either observation or experimentation; and**
13 (d) **Referred data that has been approved for publication by a**
14 **panel of independent reviewers;**
15 (3) **"Reading assessment", a recognized method of judging a student's**
16 **reading ability, with results expressed as reading at a particular grade level. The**
17 **term reading assessment shall include, but is not limited to, standard checklists**
18 **designed for use as a student reads out loud, paper-and-pencil tests promulgated**
19 **by nationally recognized organizations and other recognized methods of**
20 **determining a student's reading accuracy, expression, fluency and comprehension**
21 **in order to make a determination of the student's grade-level reading**
22 **ability. Assessments which do not give a grade-level result may be used in**

23 combination with other assessments to reach a grade-level
24 determination. [Districts are encouraged but not required to select assessment
25 methods identified pursuant to section 167.346.] Districts **and charter schools**
26 are [also] encouraged to use multiple methods of assessment;

27 **(4) "Structured literacy", evidence-based reading instruction that**
28 **addresses phonology, sound symbol association, syllable instruction,**
29 **morphology, syntax, and semantics. Structured literacy is taught**
30 **through systematic, cumulative, explicit, and diagnostic methods;**

31 [(2)] **(5) "Summer school", for reading instruction purposes, a minimum**
32 of forty hours of reading instruction and practice. A school district **and charter**
33 **school** may arrange the hours and days of instruction to coordinate with its
34 regular program of summer school.

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

58 3. [Beginning with school year 2002-03, for each student whose

59 third-grade reading assessment determines that such student is reading below
60 second-grade level, the school district shall design a reading improvement plan
61 for the student's fourth-grade year. Such reading improvement plan shall
62 include, at a] **School districts and charter schools shall offer a reading**
63 **success program to each student in grades kindergarten through four**
64 **that exhibits a reading deficiency, that has been identified as being at**
65 **risk for dyslexia in the statewide dyslexia screening requirement, or**
66 **has a formal diagnosis of dyslexia to ensure students can read at or**
67 **above grade level by the end of the fourth grade. The reading success**
68 **program shall be provided in addition to core reading instruction that**
69 **is provided to all students in the general education classroom. The**
70 **reading success program shall:**

71 (1) **Be provided to all students in grades kindergarten through**
72 **four identified with a reading deficiency as determined by local or**
73 **statewide screening assessments administered within the first thirty**
74 **days of school for grades one through four, and by January thirty-first**
75 **for kindergarten;**

76 (2) **Provide explicit and systematic instruction in phonological**
77 **awareness, phonics, fluency, vocabulary, and comprehension, as**
78 **applicable to each student;**

79 (3) **Monitor the reading progress of each student's reading skills**
80 **throughout the school year and adjust instruction according to the**
81 **student's needs; and**

82 (4) **Be implemented during regular school hours.**

83 **Structured literacy reading programs shall be provided to any student**
84 **with a formal diagnosis of dyslexia or for a student that was found to**
85 **be at risk for dyslexia in the statewide dyslexia screening.**

86 4. **Any student in kindergarten or any grade not higher than the**
87 **fourth grade who exhibits a deficiency in reading at any time, based**
88 **upon local or statewide screening assessments, shall receive an**
89 **individual reading success plan no later than thirty days after the**
90 **identification of the reading deficiency. The reading success plan shall**
91 **be created by the teacher and other pertinent school personnel, along**
92 **with the parent or legal guardian, and shall describe the evidence-**
93 **based reading intervention services the student shall receive to remedy**
94 **the deficit. The reading success plan shall specify if a student was**
95 **found to be at risk for dyslexia in the statewide dyslexia screening**

96 requirement or if the student has a formal diagnosis of dyslexia. Each
97 student shall receive intensive reading intervention until the student
98 no longer has a deficiency in reading.

99 5. Beginning with the 2020-2021 school year, students who are
100 not reading at grade level by the end of the second grade shall receive
101 intensive reading intervention to remedy the student's specific reading
102 deficiency. The reading intervention services shall include effective
103 instructional strategies to accelerate student progress. Each school
104 district and charter school shall conduct a review of student reading
105 success plans for all students who are not reading at grade level by the
106 end of the second grade. The review shall address additional supports
107 and services, as described in this subsection, needed to remedy the
108 identified area or areas of reading deficiency. The school district and
109 charter school shall provide the following:

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

112 (2) A highly qualified teacher of reading as demonstrated by
113 teacher certification, professional development, and teacher
114 performance evaluations;

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

117 (a) Use of reading strategies or programs that are scientifically
118 evidence-based and have proven results in accelerating student reading
119 achievement within the same school year;

120 (b) Daily, targeted small group reading intervention based on the
121 student's needs;

122 (c) Explicit and systematic instruction with more detailed
123 explanations, more extensive opportunities for guided practice, and
124 more opportunities for error correction and feedback;

125 (d) Frequent monitoring of the progress of each student's
126 reading skills throughout the school year and adjustment of instruction
127 according to the student's needs;

128 (e) A structured literacy reading success program, as described
129 in subsection 3 of this section, shall be used for any student with a
130 formal diagnosis of dyslexia or who has been identified as a student at
131 risk for dyslexia in the statewide dyslexia screening required
132 assessment;

133 **(4) Before or after school supplemental evidence-based reading**
134 **intervention delivered by a teacher or tutor with specialized reading**
135 **training; and**

136 **(5) A "read at home" plan prepared for parents and legal**
137 **guardians along with suggestions for parent and legal guardian**
138 **participation in training workshops or regular parent-guided home**
139 **reading activities.**

140 **6. Each school district and charter school shall establish, where**
141 **applicable, an intensive acceleration class for any student not reading**
142 **proficient or above on the third grade state assessment. The intensive**
143 **acceleration class shall include criteria established in subsection 5 of**
144 **this section; and shall:**

145 **(1) At a minimum, provide** thirty hours of additional reading instruction
146 or practice outside the regular school day during the fourth-grade year;

147 **(2) Have a reduced student-teacher ratio;**

148 **(3) Provide explicit and systematic evidence-based reading; and**
149 **instruction and intervention for the majority of student contact time**
150 **each day.**

151 The school district **and charter school** shall determine the method of reading
152 instruction necessary to enforce this subsection. The school district **and charter**
153 **school** may also require the student to attend summer school for reading
154 instruction as a condition of promotion to fourth grade. The department of
155 elementary and secondary education may, from funds appropriated for the
156 purpose, reimburse school districts **and charter schools** for additional
157 instructional personnel costs incurred in the implementation and execution of the
158 thirty hours of additional reading instruction minus the revenue generated by the
159 school district **or charter school** through the foundation formula for the
160 additional reading instruction average daily attendance.

161 **[4.] 7. Each student for whom a reading [improvement plan] success**
162 **program** has been designed pursuant to subsection 3 of this section shall be
163 given another reading assessment, to be administered within forty-five days of
164 the end of such student's fourth-grade year. If such student is determined to be
165 reading below third-grade level, the student shall be required to attend **forty**
166 **hours of** summer school to receive reading instruction. [At the end of such
167 summer school instruction, such student shall be given another reading
168 assessment. If such student is determined to be reading below third-grade level,

169 the district shall notify the student's parents or guardians, and the student shall
170 not be promoted to fifth grade. No student shall be denied promotion more than
171 once solely for inability to meet the reading standards set out in this section.]

172 [5.] 8. The process described in subsections [3 and 4] **6 and 7** of this
173 section shall be repeated as necessary [through the end of the sixth grade,] with
174 the target grade level rising accordingly. [Mandatory retention in grade shall not
175 apply to grades subsequent to fourth grade.]

176 [6.] 9. The mandatory process of additional reading [instruction]
177 **intervention** pursuant to this section shall cease [at the end of the sixth grade]
178 **once the student's reading deficiency has been remedied and the**
179 **student is reading on grade level, or upon graduation from high**
180 **school.** The permanent record of students who are determined to be reading
181 below the fifth-grade level at the end of sixth grade shall carry a notation
182 advising that such student has not met minimal reading standards. The notation
183 shall stay on the student's record until such time as the district determines that
184 a student has met minimal reading standards.

185 [7.] 10. Each school district **and charter school** shall be required to
186 offer summer school reading instruction to any student with a reading
187 [improvement] **success** plan. Districts may fulfill the requirement of this section
188 through cooperative arrangements with neighboring districts **or virtual schools**
189 **as approved pursuant to section 161.670**; provided that such districts shall
190 timely make all payments provided pursuant to such cooperative agreements.

191 [8.] 11. A school district **and charter school** may adopt a policy that
192 requires retention in grade of any student who has been determined to require
193 summer school instruction in reading and who does not fulfill the summer school
194 attendance requirement.

195 [9.] 12. Nothing in this section shall preclude a school district **or**
196 **charter school** from retaining any student in grade when a determination is
197 made in accordance with district **or charter school** policy that retention is in
198 the best interests of the student.

199 [10.] 13. The state board of education shall not incorporate information
200 about the number of students receiving additional instruction pursuant to this
201 section into any element of any standard of the Missouri school improvement
202 program or its successor accreditation program; provided, however, each district
203 **and charter school** shall make available, upon the request of any parent,
204 patron, **advocacy groups**, or media outlet [within the district], the number and

205 percentage of students receiving remediation pursuant to this section. The
206 information shall be presented in a way that does not permit personal
207 identification of any student or educational personnel.

208 [11.] **14.** Each school district **and charter school** shall make a
209 systematic effort to inform parents of the methods and materials used to teach
210 reading in kindergarten through fourth grade, in terms understandable to a
211 layperson [and shall similarly inform parents of students for whom a reading
212 improvement plan is required pursuant to this section]. **The parent or legal**
213 **guardian of any student in grades kindergarten through four who**
214 **exhibits a deficiency in reading at any time during the school year**
215 **shall be notified in writing that their child has a reading deficiency no**
216 **later than thirty days after the identification of the reading**
217 **deficiency. Such written notification shall include the following:**

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

221 (2) A description of the current services that are provided to the
222 student;

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

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

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

232 **15.** The board of each school district and charter school shall
233 annually post, by September first, the following information of the
234 prior school year on their website, in the student and parent
235 handbooks, and near the entrance of each appropriate building:

236 (1) By building, the number and percentage of all students in
237 grades three through eight scoring at each proficiency level on the
238 English language arts statewide assessment;

239 (2) By building, the number and percentage of all students in
240 grades three through eight in each demographic category scoring
241 proficiency level on the English language arts statewide assessment;

242 **(3) By district, the number and percentage of all students in**
243 **grades three through eight scoring at each proficiency level on the**
244 **English language arts statewide assessment;**

245 **(4) By district, the number and percentage of all students in**
246 **grades three through eight in each demographic category scoring at**
247 **each proficiency level on the English language arts statewide**
248 **assessment.**

249 **16. The department of elementary and secondary education shall**
250 **annually report the information required in subsection 15 of this**
251 **section in a state-level summary to the state board of education, the**
252 **public, the governor, and the joint committee on education by October**
253 **first. Each school district and charter school shall post the data in**
254 **subsection 15 on their website, in student and parent handbooks at the**
255 **appropriate grade level, and in a visible location near the entrance of**
256 **each elementary and middle school and junior high building.**

257 **17. Any rule or portion of a rule, as that term is defined in**
258 **section 536.010 that is created under the authority delegated in this**
259 **section shall become effective only if it complies with and is subject to**
260 **all of the provisions of chapter 536, and, if applicable, section**
261 **536.028. This section and chapter 536 are nonseverable and if any of**
262 **the powers vested with the general assembly pursuant to chapter 536,**
263 **to review, to delay the effective date, or to disapprove and annul a rule**
264 **are subsequently held unconstitutional, then the grant of rulemaking**
265 **authority and any rule proposed or adopted after August 28, 2019, shall**
266 **be invalid and void.**

267 **18. The state board of education may recommend that**
268 **institutions of higher education and the department align literacy and**
269 **reading instruction course work with knowledge and practice**
270 **standards from the Center for Effective Reading Instruction.**

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