

FIRST REGULAR SESSION

# HOUSE BILL NO. 368

## 101ST GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE GREGORY.

0781H.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 three 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Section A. Sections 167.263, 167.268, and 167.645, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 167.263, 167.268, and 167.645, to read as follows: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]~~ **shall** include, but are not limited  
15 to, 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 other**  
18 **reading deficiencies. In addition, any guidelines for instruction shall meet the needs of the**  
19 **students by ensuring that instruction is explicit, systematic, and diagnostic and based on**  
20 **phonological awareness, phonics, fluency, vocabulary, comprehension, morphology,**  
21 **syntax, and semantics. The guidelines shall emphasize that frequent assessments are**  
22 **necessary to measure student progress.** Such guidelines may also identify performance levels  
23 for pupils identified as handicapped or severely handicapped and conditions under which such  
24 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 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 practicable**.

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", evidence-based reading instruction that addresses**  
25 **phonology, sound-symbol association, syllable instruction, morphology, syntax, and**  
26 **semantics. Structured literacy is taught through systematic, cumulative, explicit, and**  
27 **diagnostic methods;**  
28          (5) **"Summer school", for reading instruction purposes, a minimum of forty hours of**  
29 **reading instruction and practice. A school district or charter school may arrange the hours and**  
30 **days of instruction to coordinate with its regular program of summer school.**

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

~~3. [Beginning with school year 2002-03, for each student whose third-grade reading assessment determines that such student is reading below second-grade level, the school district shall design a reading improvement plan for the student's fourth-grade year. Such reading improvement plan shall include, at a minimum thirty hours of additional reading instruction or practice outside the regular school day during the fourth-grade year.]~~ **(1) School districts and charter schools shall offer a reading success plan to each student in grades kindergarten through four who exhibits a reading deficiency, has been identified as being at risk for dyslexia in the statewide dyslexia screening requirement, or has a formal diagnosis of dyslexia to ensure students can read at or above grade level by the end of the fourth grade. The reading success plan shall be provided in addition to core reading instruction that is provided to all students in the general education classroom. The reading success plan shall:**

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

**(b) Be provided to all students in grades kindergarten through four identified with a reading deficiency as determined by the school district or charter school using local or**

67 statewide screening assessments administered within the first thirty days of school for  
68 grades one through four and by January thirty-first for kindergarten;

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

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

73 (e) Be implemented during regular school hours.

74 (2) A structured literacy reading program shall be provided to any student with a  
75 formal diagnosis of dyslexia and to any student found to be at risk for dyslexia in the  
76 statewide dyslexia screening.

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

88 5. Beginning with the 2020-21 school year, any student who is not reading at grade  
89 level by the end of the second grade shall receive appropriate reading intervention to  
90 remedy the student's specific reading deficiency. The reading intervention services shall  
91 include effective instructional strategies to accelerate student progress that are in  
92 accordance with evidence-based structured literacy instruction. Each school district and  
93 charter school shall conduct a review of student reading success plans for all students who  
94 are not reading at grade level by the end of the second grade. The review shall address  
95 additional supports and services, as described in this subsection, needed to remedy the  
96 identified area or areas of reading deficiency. The school district or charter school shall  
97 provide the following:

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

100 (2) A highly qualified teacher of reading, as demonstrated by teacher certification,  
101 professional development, and specialized literacy training, who holds a certification from

the Center for Effective Reading Instruction (CERI) or from the Academic Language Therapists Association (ALTA);

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

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

(b) Frequent, targeted small-group or one-to-one reading intervention based on the student's needs;

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

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

(e) An evidence-based structured literacy instruction that has successful evidence to demonstrate adequate gains in reading achievement, as described in subsection 3 of this section, for any student with a formal diagnosis of dyslexia or who has been identified as a student at risk for dyslexia in the required state dyslexia screening assessment; and

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

6. Each school district and charter school shall provide reading intervention for any student not reading at a level of proficient or above on a local or statewide third-grade reading assessment in the child's third-grade year, or at proficient or above in the child's subsequent grade level starting in the fourth grade, and who has a reading success plan. The appropriate reading intervention shall include criteria established in subsection 5 of this section and shall provide explicit and systematic multisensory evidence-based structured literacy reading instruction. The school district ~~or charter school~~ shall determine the ~~[method of reading instruction]~~ specific structured literacy curriculum necessary to enforce this subsection. The school district ~~or charter school~~ may also require the student to attend summer school for reading instruction as a condition of promotion to fourth grade. The department of elementary and secondary education may, from funds appropriated for the purpose, reimburse school districts and charter schools for additional instructional personnel costs incurred in the implementation and execution of the thirty hours of additional reading instruction minus the revenue generated by the school district ~~or charter school~~ through the foundation formula for the additional reading instruction average daily attendance.

138       ~~[4.]~~ 7. Each student for whom a reading ~~[improvement]~~ **success** plan has been designed  
139 pursuant to subsection 3 of this section shall be given another reading assessment, to be  
140 administered within forty-five days of the end of such student's fourth-grade year. If such student  
141 is determined to be reading below third-grade level **at the end of the third grade**, the student  
142 shall be ~~[required to attend summer school to receive reading instruction. At the end of such~~  
143 ~~summer school instruction, such student shall be given another reading assessment. If such~~  
144 ~~student is determined to be reading below third-grade level, the district shall notify the student's~~  
145 ~~parents or guardians, and the student shall not be promoted to fifth grade. No student shall be~~  
146 ~~denied promotion more than once solely for inability to meet the reading standards set out in this~~  
147 ~~section.~~

148       ~~5. The process described in subsections 3 and 4 of this section shall be repeated as~~  
149 ~~necessary through the end of the sixth grade, with the target grade level rising accordingly.~~  
150 ~~Mandatory retention in grade shall not apply to grades subsequent to fourth grade]~~ **referred for**  
151 **an evaluation for an individualized education plan (IEP) and the district shall provide**  
152 **appropriate intensive structured literacy instruction on a one-to-one individualized basis.**  
153 **If the student does not qualify for an IEP under the state guidelines for qualification, the**  
154 **student shall continue to receive appropriate intensive structured literacy instruction on**  
155 **a one-to-one individualized basis until the student is reading at grade level.**

156       ~~[6.]~~ 8. The mandatory process of additional reading ~~[instruction pursuant to]~~  
157 **intervention for reading support outside the regular school day and school year under** this  
158 section shall cease at the end of the sixth grade. ~~[The permanent record of students who are~~  
159 ~~determined to be reading below the fifth-grade level at the end of sixth grade shall carry a~~  
160 ~~notation advising that such student has not met minimal reading standards. The notation shall~~  
161 ~~stay on the student's record until such time as the district determines that a student has met~~  
162 ~~minimal reading standards.]~~ **If the student is still not reading at grade level upon completion**  
163 **of the sixth grade, the school district or charter school shall continue to provide a reading**  
164 **success plan to be implemented during the regular school day until the student is reading**  
165 **at grade level or upon graduation from high school. Appropriate documentation of a**  
166 **student's reading success plans shall be provided to an enrolling district within ten school**  
167 **days of the student's transfer to a public or charter school district.**

168       ~~[7.]~~ 9. Each school district **and charter school** shall be required to offer summer school  
169 reading instruction to any student with a reading ~~[improvement]~~ **success** plan. Districts **and**  
170 **charter schools** may fulfill the requirement of this section through cooperative arrangements  
171 with neighboring districts~~], provided that such districts shall timely make all payments provided~~  
172 ~~pursuant to such cooperative agreements].~~

173       ~~[8-]~~ **10.** A school district **or charter school** may adopt a policy that requires retention  
174 in grade of any student who has been determined to require summer school instruction in reading  
175 and who does not fulfill the summer school attendance requirement.

176       ~~[9-]~~ **11.** Nothing in this section shall preclude a school district **or charter school** from  
177 retaining any student in grade when a determination is made in accordance with district **or**  
178 **charter school** policy that retention is in the best interests of the student.

179       ~~[10-]~~ **12.** The state board of education shall not incorporate information about the number  
180 of students receiving additional instruction pursuant to this section into any element of any  
181 standard of the Missouri school improvement program or its successor accreditation program;  
182 provided, however, each district **and charter school** shall make available, upon the request of  
183 any parent, patron, **advocacy group**, or media outlet ~~[within the district]~~, the number and  
184 percentage of students receiving remediation pursuant to this section. The information shall be  
185 presented in a way that does not permit personal identification of any student or educational  
186 personnel.

187       ~~[11-]~~ **13.** Each school district **and charter school** shall make a systematic effort to  
188 inform parents of the methods and materials used to teach reading in kindergarten through fourth  
189 grade, in terms understandable to a layperson ~~[and shall similarly inform parents of students for~~  
190 ~~whom a reading improvement plan is required pursuant to this section]~~. **The parent or legal**  
191 **guardian of any student in grades kindergarten through four who exhibits a deficiency in**  
192 **reading or has screened positive for the characteristics of dyslexia at any time during the**  
193 **school year, as determined by the school, shall be notified in writing that the child has a**  
194 **reading deficiency or has screened positive for the characteristics of dyslexia no later than**  
195 **thirty calendar days after the identification of the reading deficiency as determined by the**  
196 **school district or charter school. Such written notification shall include the following:**

197       **(1) A statement that the student has been identified as having a deficiency in**  
198 **reading or has screened positive for the characteristics of dyslexia and that a reading**  
199 **success plan shall be developed by the teacher and other pertinent school personnel;**

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

201       **(3) A description of the proposed evidence-based structured literacy reading**  
202 **interventions and supplemental instructional services and supports that shall be provided**  
203 **to the student that are designed to remedy the identified area or areas of reading**  
204 **deficiency;**

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

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



209           **14. The board of each school district and charter school shall annually post by**  
210 **September first the following information of the prior school year on their website, in the**  
211 **student and parent handbooks, and near the entrance of each appropriate building:**

212           **(1) The number and percentage of all students in grades three through eight**  
213 **scoring at each proficiency level on the English language arts statewide assessment by**  
214 **building;**

215           **(2) The number and percentage of all students in grades three through eight in each**  
216 **demographic category scoring at each proficiency level on the English language arts**  
217 **statewide assessment by building;**

218           **(3) The number and percentage of all students in grades three through eight**  
219 **scoring at each proficiency level on the English language arts statewide assessment by**  
220 **district; and**

221           **(4) The number and percentage of all students in grades three through eight in each**  
222 **demographic category scoring at each proficiency level on the English language arts**  
223 **statewide assessment by building.**

224           **15. The department of elementary and secondary education shall annually report**  
225 **the information required in subsection 14 of this section in a state-level summary to the**  
226 **state board of education, the public, the governor, and the joint committee on education**  
227 **on or before October first. Each school district and charter school shall post the data**  
228 **required in subsection 14 on their website, in student and parent handbooks at the**  
229 **appropriate grade level, and in a visible location near the entrance of each elementary,**  
230 **middle, and junior high school building.**

231           **16. The department of elementary and secondary education may promulgate rules**  
232 **to implement the provisions of this section. Any rule or portion of a rule, as that term is**  
233 **defined in section 536.010, that is created under the authority delegated in this section shall**  
234 **become effective only if it complies with and is subject to all of the provisions of chapter**  
235 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and**  
236 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**  
237 **to delay the effective date, or to disapprove and annul a rule are subsequently held**  
238 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
239 **after August 28, 2021, shall be invalid and void.**

240           **17. The state board of education may recommend that institutions of higher**  
241 **education and the department align literacy and reading instruction course work with**  
242 **knowledge and practice standards from the Center for Effective Reading Instruction.**

✓