

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 368**  
**101ST GENERAL ASSEMBLY**

0781H.04C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 161.097, 167.263, 167.268, and 167.645, RSMo, and to enact in lieu thereof five new sections relating to reading success in schools, with a delayed effective date for a certain section.

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

Section A. Sections 161.097, 167.263, 167.268, and 167.645, RSMo, are repealed and  
2 five new sections enacted in lieu thereof, to be known as sections 161.097, 167.263, 167.268,  
3 167.645, and 186.080, to read as follows:

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

9 2. There is hereby established within the department of elementary and secondary  
10 education the "Missouri Advisory Board for Educator Preparation", hereinafter referred to as  
11 "MABEP". The MABEP shall advise the state board of education and the coordinating board  
12 for higher education regarding matters of mutual interest in the area of quality educator  
13 preparation programs in Missouri.

14 3. Upon approval by the state board of education of the teacher education program at a  
15 particular teacher training institution, any person who graduates from that program, and who  
16 meets other requirements **[which]** **that** the state board of education shall prescribe by rule,

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 regulation, and statute shall be granted a certificate or license to teach in the public schools of  
18 this state. However, no such rule or regulation shall require that the program from which the  
19 person graduates be accredited by any national or regional accreditation association.

20 **4. The state board of education shall require literacy and reading instruction**  
21 **coursework for teacher education programs aligned to certification in early childhood**  
22 **education, elementary education, middle school education with subject area certification**  
23 **in language arts, secondary education with subject area certification in English, special**  
24 **reading, and special education to include training in:**

25 **(1) The core components of reading, such as phonemic awareness, phonics, fluency,**  
26 **comprehension, morphology, syntax, and vocabulary;**

27 **(2) Oral and written language development;**

28 **(3) Identification of reading deficiencies, dyslexia, and other language difficulties;**  
29 **and**

30 **(4) The administration and interpretation of assessments and how to translate**  
31 **assessment results into effective practice in the classroom specific to the needs of students.**

32 **5.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
33 under the authority delegated in this section shall become effective only if it complies with and  
34 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
35 and chapter 536 are nonseverable, and if any of the powers vested with the general assembly  
36 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
37 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
38 proposed or adopted after August 28, 2014, shall be invalid and void.

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

12 2. A school district ~~[which]~~ **that** contains such eligible schools may apply to the  
13 department of elementary and secondary education for a state financial supplement to employ  
14 teacher assistants in those schools named in the application and in no other schools of the

15 district. The state full-time equivalent financial supplement shall be three thousand dollars per  
16 teacher assistant. No more than one assistant per classroom shall be supplemented by the state  
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. **The state board of education, in collaboration with the coordinating  
2 board for higher education and the literacy advisory council established under section  
3 186.080, shall develop a plan to establish a comprehensive system of services for reading  
4 instruction.**

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

16 ~~[2-]~~ 3. The ~~[state board of]~~ **department of elementary and secondary** education shall  
17 develop guidelines to assist **school districts and charter schools** in formulating policies for  
18 reading ~~[intervention]~~ **success** plans. Such guidelines may include, but are not limited to,  
19 **measures of reading proficiency, strategies for addressing reading deficiencies and  
20 disorders,** timelines for measuring pupil improvement in reading, **and** information on screening  
21 for and treatment of ~~[auditory dyslexia, and information on the Lindamood Auditory  
22 Conceptualization Test and the Auditory Discrimination in Depth Program]~~ **dyslexia and other**

23 **reading deficiencies. In addition, any guidelines for instruction shall meet the needs of the**  
24 **students by ensuring that instruction is explicit, systematic, and diagnostic and based on**  
25 **phonological awareness, phonics, fluency, vocabulary, comprehension, morphology,**  
26 **syntax, and semantics.** Such guidelines may also identify performance levels for pupils  
27 identified as handicapped or severely handicapped and conditions under which such pupils ~~are~~  
28 **may be** exempt from the provisions of this section.

29 ~~[3.] 4. Each local school district [enrolling a pupil identified as reading below grade level~~  
30 ~~shall develop an individual plan of reading intervention for such pupil. The individual pupil's~~  
31 ~~plan may include individual or group reading development activities. The plan may be~~  
32 ~~developed after consultation with the pupil's parent or legal guardian] and charter school shall~~  
33 **provide supplemental reading instruction under a reading success plan created under**  
34 **section 167.645 to any enrolled student who exhibits a reading deficiency.**

35 **5. Professional development and training on reading instruction and reading**  
36 **interventions required by reading success plans created under section 167.645 shall be**  
37 **provided to teachers without cost to the teacher and shall apply toward satisfying any**  
38 **professional development requirements established under state law pertaining to teacher**  
39 **certification and to any district or school-level professional development requirements.**

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", scientific, research-based interventions**  
4 **that have been peer reviewed with substantial evidence of their effectiveness through**  
5 **multiple outcome evaluation;**  
6 (3) **"Reading assessment", a recognized method of judging a student's reading ability,**  
7 **with results expressed as reading at a particular grade level. The term reading assessment shall**  
8 **include, but is not limited to, standard checklists designed for use as a student reads out loud,**  
9 **paper-and-pencil tests or tests electronically provided via computer or other electronic**  
10 **means and promulgated by nationally recognized organizations and other recognized methods**  
11 **of determining a student's reading accuracy, expression, fluency and comprehension in order to**  
12 **make a determination of the student's grade-level reading ability. Assessments [which] that do**  
13 **not give a grade-level result may be used in combination with other assessments to reach a grade-**  
14 **level determination. Districts and charter schools are encouraged but not required to select**  
15 **assessment methods identified pursuant to section 167.346. Districts and charter schools are**  
16 **[also] encouraged to use multiple methods of assessment;**  
17 ~~[(2)]~~ (4) **"Structured literacy", an evidence-based reading instruction that**  
18 **addresses phonology, sound-symbol association, syllable instruction, morphology, syntax,**

19 **and semantics when such instruction is taught through systematic, cumulative, explicit, and**  
20 **diagnostic methods;**

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

24 2. For purposes of this section, methods of reading assessment shall be determined by  
25 each school district **and charter school**. **Each school district and charter school shall**  
26 **provide training on the administration of reading assessments to all kindergarten through**  
27 **fifth grade teachers and any other personnel who provide literacy instruction.** Unless a  
28 student has been determined in the ~~[current]~~ **previous** school year to be reading at grade level  
29 or above, each school district **and charter school** shall administer a reading assessment or set  
30 of assessments to each student within ~~[forty-five days of the end of the third-grade year]~~ **the first**  
31 **thirty calendar days of school for grades one through four, and by January thirty-first for**  
32 **kindergarten**, except that the provisions of this subsection shall not apply to students receiving  
33 special education services under an individualized education plan pursuant to sections 162.670  
34 to 162.999, to students receiving services pursuant to Section 504 of the Rehabilitation Act of  
35 1973 whose services plan includes an element addressing reading or to students determined to  
36 have limited English proficiency or to students who have been determined, prior to the beginning  
37 of any school year, to have a cognitive ability insufficient to meet the reading requirement set  
38 out in this section, provided that districts **and charter schools** shall provide reading  
39 ~~[improvement]~~ **success plans for students with an individualized education plan that have a**  
40 **reading deficiency, for students receiving services under Section 504 of the Rehabilitation**  
41 **Act of 1973 whose service plan includes an element addressing reading, and to students**  
42 **determined to have such insufficient cognitive ability.** The assessment required by this  
43 subsection shall also be required for students who enter a school district **or charter school** in  
44 grades four, five, or six unless such student has been determined in the current school year to be  
45 reading at grade level or above.

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

55 School districts and charter schools shall consider the input of teachers and other building-  
56 level staff when identifying students for reading success plans. The reading success plan  
57 shall be provided in addition to core reading instruction that is provided to all students in  
58 the general education classroom. The reading success plan shall:

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

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

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

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

69 (e) Be implemented during regular school hours.

70 (2) A structured literacy reading program shall be provided to any student with a  
71 formal diagnosis of dyslexia or for a student who was found to be at risk for dyslexia in the  
72 statewide dyslexia screening.

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

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

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

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

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

86 4. A reading success plan shall be created for a student within forty-five days  
87 following the identification of a reading deficiency by such student's teacher and other  
88 pertinent school personnel, after consultation with the student's parent or legal guardian,  
89 and shall describe the evidence-based reading intervention services the student shall  
90 receive to remedy the deficiency. The reading success plan shall specify whether the

91 **student was found to be at risk for dyslexia in the local or statewide dyslexia screening**  
92 **requirement or whether the student has a formal diagnosis of dyslexia. Each student shall**  
93 **receive appropriate reading intervention until the student no longer has a deficiency in**  
94 **reading.**

95 **5.** The school district **or charter school** shall determine the ~~[method of reading~~  
96 ~~instruction]~~ **specific structured literacy curriculum** necessary to enforce this ~~[subsection]~~  
97 **section.** The school district **or charter school** may also require the student to attend summer  
98 school for reading instruction as a condition of promotion to fourth grade. The department of  
99 elementary and secondary education may, from funds appropriated for the purpose, reimburse  
100 school districts **and charter schools** for additional instructional personnel costs incurred in the  
101 implementation and execution of the thirty hours of additional reading instruction minus the  
102 revenue generated by the school district **or charter school** through the foundation formula for  
103 the additional reading instruction average daily attendance.

104 ~~[4.]~~ **6.** Each student for whom a reading ~~[improvement]~~ **success** plan has been designed  
105 pursuant to subsection 3 of this section shall be given another reading assessment, to be  
106 administered within forty-five days of the end of such student's fourth-grade year. If such student  
107 is determined to be reading below third-grade level **at the end of the third grade**, the student  
108 shall be ~~[required to attend summer school to receive reading instruction. At the end of such~~  
109 ~~summer school instruction, such student shall be given another reading assessment. If such~~  
110 ~~student is determined to be reading below third-grade level, the district shall notify the student's~~  
111 ~~parents or guardians, and the student shall not be promoted to fifth grade. No student shall be~~  
112 ~~denied promotion more than once solely for inability to meet the reading standards set out in this~~  
113 ~~section.~~

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

117 ~~6. The mandatory process of additional reading instruction pursuant to this section shall~~  
118 ~~cease at the end of the sixth grade. The permanent record of students who are determined to be~~  
119 ~~reading below the fifth-grade level at the end of sixth grade shall carry a notation advising that~~  
120 ~~such student has not met minimal reading standards. The notation shall stay on the student's~~  
121 ~~record until such time as the district determines that a student has met minimal reading~~  
122 ~~standards]~~ **referred for an evaluation for an individualized education plan (IEP) and the**  
123 **district shall provide appropriate intensive structured literacy instruction on a one-to-one**  
124 **individualized basis. If the student does not qualify for an IEP under the state guidelines**  
125 **for qualification, the student shall continue to receive appropriate intensive structured**

126 **literacy instruction on a one-to-one individualized basis until the student is reading at**  
127 **grade level.**

128         7. Each school district **and charter school** shall be required to offer summer school  
129 reading instruction to any student with a reading ~~[improvement]~~ **success** plan. Districts **and**  
130 **charter schools** may fulfill the requirement of this section through cooperative arrangements  
131 with neighboring districts~~[- provided that such districts shall timely make all payments provided~~  
132 ~~pursuant to such cooperative agreements].~~

133         8. A school district **or charter school** may adopt a policy that requires retention in grade  
134 of any student who has been determined to require summer school instruction in reading and who  
135 does not fulfill the summer school attendance requirement.

136         9. Nothing in this section shall preclude a school district **or charter school** from  
137 retaining any student in grade when a determination is made in accordance with district **or**  
138 **charter school** policy that retention is in the best interests of the student.

139         10. **The state board of education shall evaluate and give weight to district and**  
140 **charter school reading interventions and compliance with the provisions of this section**  
141 **within the Missouri school improvement program.**

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

149         ~~[41.]~~ **12.** Each school district **and charter school** shall make a systematic effort to  
150 inform parents of the methods and materials used to teach reading in kindergarten through  
151 ~~[fourth]~~ **fifth** grade, in terms understandable to a layperson ~~[and shall similarly inform parents~~  
152 ~~of students for whom a reading improvement plan is required pursuant to this section].~~ **Notice**  
153 **to the parent or legal guardian of any student for whom a reading success plan is required**  
154 **shall be provided within thirty days. Such communication may be through electronic or**  
155 **other means; however, effort shall be made to ensure a parent received such**  
156 **communication. The notice shall state that the student has been identified as having a**  
157 **deficiency in reading identified through a screening or other method. The communication**  
158 **shall also note if the student screened positive for the characteristics of dyslexia.**  
159 **Additionally, the communication shall include the following information:**

160         **(1) That a reading success plan for the student shall be developed by the teacher**  
161 **and other personnel;**



(2) A description of the current services and proposed, evidence-based structured literacy interventions and supplemental services;

(3) That the parent or guardian shall have the opportunity for input regarding the reading success plan;

(4) The timing for periodic updates on student progress, which shall be aligned with other normal interim student progress updates to the extent practicable; and

(5) Suggested strategies for use at home to help the student succeed in reading.

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

186.080. 1. There is hereby established within the department of elementary and secondary education the "Literacy Advisory Council", which shall be composed of at least fifteen and no more than twenty members to be appointed by the commissioner of education. The members of the council shall include at least:

(1) One public school board member;

(2) One charter school representative;

(3) One public school district superintendent;

(4) One elementary or secondary school principal;

(5) Three teachers with expertise in reading instruction, including at least one teacher selected by each of the three largest statewide teacher organizations, and each of whom shall either be certified by the Center for Effective Reading Instruction or have completed all levels of the Language Essentials for Teachers of Reading and Spelling training program;

(6) One special education teacher;

(7) One parent of an elementary or secondary school student who has been diagnosed with dyslexia;

(8) One representative from Decoding Dyslexia Missouri;

(9) One representative from an institution of postsecondary education that offers approved teacher preparation programs;

20           (10) One representative from an independent private provider or nonprofit  
21 organization serving individuals with dyslexia;

22           (11) One representative from the Missouri branch of the International Dyslexia  
23 Association;

24           (12) One certified academic language therapist recommended by the Academic  
25 Language Therapy Association who is a resident of this state;

26           (13) One professional with experience diagnosing dyslexia, such as a school  
27 psychologist or neuropsychologist, who is licensed under chapter 337; and

28           (14) One dyslexia specialist from the department of elementary and secondary  
29 education.

30           2. The advisory council shall meet biannually to review best practices in literacy  
31 instruction and related policies.

32           3. The advisory council shall periodically provide recommendations to the  
33 commissioner and the state board of education regarding any identified improvements to  
34 literacy instruction and policy for elementary and secondary students. The  
35 recommendations may include recommendations for changes to state law, and the  
36 commissioner shall furnish any such recommendations to the joint committee on education.

37           4. The department of elementary and secondary education, in conjunction with the  
38 advisory council, shall identify and create a list of approved materials, resources, and  
39 curriculum programs for public school districts and charter schools. A school district or  
40 charter school may use materials, resources, or curriculum programs from such list.  
41 However, a school district or charter school may use alternative materials, resources, or  
42 curriculum programs, which may not be on the department's list, as long as such materials,  
43 resources, or curriculum programs comply with the requirements set forth in sections  
44 167.268 and 167.645.

          Section B. The repeal and reenactment of section 167.645 of section A of this act shall  
2 become effective on July 1, 2022.

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