

HCS SB 323 -- ELEMENTARY AND SECONDARY EDUCATION

SPONSOR: May (Wallingford)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elementary and Secondary Education by a vote of 12 to 2. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 7 to 2.

The following is a summary of the House Committee Substitute for SB 323.

SECLUSION AND RESTRAINT RESTRICTIONS (Section 160.263 RSMo.)

The bill defines "restraint" and "seclusion" and requires school districts, charter schools, or publicly contracted private providers to include in policy a prohibition on the use of restraint and seclusion, including "prone restraint" as defined by the bill, for any purpose other than situations or conditions in which there is imminent danger of physical harm to self or others. Any incident requiring restraint or seclusion shall be monitored by school personnel with written observation. The bill requires that before July 1, 2022 each school district, and charter school, or publicly contracted private providers policy shall include: (1) When to remove a child from restraint, seclusion, or isolation; (2) Requirement for annual mandatory training; (3) Reporting requirements for any occurrence of restraint, seclusion or isolation as outlined in the bill, including the reporting requirements for parental notification and providing a copy of each report to the Department of Elementary and Secondary Education (DESE); (4) Notification requirement for each occurrence of a restraint, seclusion, or isolation incident to parents or guardians within one hour after the end of school on the day the incident occurs. (5) Protections for individuals that report or provide information about violations of policy under this section.

This provision is similar to HB 387 (2021)

EXTENDED LEARNING OPPORTUNITY (Section 160.565)

This bill creates the "Extended Learning Opportunities Act". The bill requires that beginning in the 2022-23 school year the State Board of Education (SBE) and each local school board shall routinely inform students and their parents of the ability to earn credit for participating in extended learning opportunities, as defined in the bill to include out-of-classroom learning experiences that provide enrichment opportunities or career readiness as outlined in the bill. These extended learning opportunities shall count as a credit toward graduation.

requirements upon submission of a written request for credit and proof of successful completion. The State Board shall develop policies relating to extended learning opportunities which shall include an application process, list of entities, among other specified criteria.

#### ADULT HIGH SCHOOL (Section 160.2700 to 160.2705)

Currently, an adult high school includes on-site child care for the children of students, this bill removes the on-site requirement and specifies that an adult high school is considered a "secondary school system" in regards to providing child care. The bill also adds that a student connected online to a live class is considered in-person instruction for an adult high school student.

#### NURSING ACCOMMODATIONS (Section 160.3005)

This bill requires the DESE to develop a model policy, by January 1, 2022 relating to accommodations for breastfeeding. Public school districts must adopt a written policy by July 1, 2022.

The policy must include provisions to provide accommodations to lactating employees, teachers, and students to express, or breast-feed for each public school building within the district for at least a year after the birth of a child. Accommodations must meet requirements as specified in bill and districts must provide a minimum of three opportunities during a school day to express or breast-feed.

This provision is similar to HB 254 (2021)

#### READING SUCCESS PLANS (Sections 161.097, 167.263, 167.268 and 167.645)

This bill will require the State Board of Education (SBE) to require literacy and reading coursework for teacher education programs aligned to certification for teachers in early childhood, elementary, language arts, English, special reading, and special education. Such coursework shall include the core components of reading, oral and written language development, identification of reading deficiencies and language difficulties, the administration of assessments, and the application of assessment data to the classroom.

This bill requires the SBE to collaborate with the coordinating board for higher education and the Literacy Advisory Council established in the bill to develop a comprehensive system for reading instruction.

This bill modifies current law regarding reading success plans, formerly known as reading intervention programs. Each local school district and charter school shall have on file a policy for reading success plans for any pupils of the district in grades kindergarten through four, rather than through grade three. Each policy shall be aligned with the guidelines developed by (DESE) for reading success plans.

Authority to develop guidelines to assist school districts and charter schools in formulating policies for reading intervention plans is transferred from the SBE to DESE. Any guidelines for instruction must meet the needs of the student by ensuring that instruction is explicit, systematic, diagnostic, and is based on phonological awareness, phonics, fluency, vocabulary, comprehension, morphology, syntax, and semantics. Frequent assessments are necessary to measure student progress.

Each local school district and charter school is required to include in an individual pupil's reading success plan, individual and small group reading development activities and to provide professional development and training on reading instruction and interventions to teachers.

As specified in this bill, each school district and charter school shall administer a reading assessment or set of assessments to each student within the first 30 days of school for grades one through four, and by January 31 for kindergarten, unless a student has been determined in the previous school year to be reading at grade level or above. School districts and charter schools shall provide reading success plans to students with an individualized education plan (IEP) who have a reading deficiency, and for students receiving services under the Rehabilitation Act of 1973 whose service plan includes an element addressing reading.

This bill removes the requirement that school districts and charter schools design a reading success plan for the student's fourth-grade year if the student's third grade reading assessment determines the student is reading below second-grade level. The provision is replaced with a requirement that school districts and charter schools offer a reading success plan to each kindergarten through fourth grade student 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. The reading success plan shall be provided in addition to the core reading instruction provided to all students, and shall meet criteria specified in the bill.

Any kindergarten through fourth grade student who exhibits a deficiency in reading at any time, based upon local or statewide

screening assessments, shall receive an individual reading success plan no later than 45 days after the identification of the deficiency. Such plan shall be created by the teacher and other pertinent school personnel, along with the parent or legal guardian, and shall describe the evidence-based reading improvement services the student shall receive. The reading success plan shall specify if a student was found to be at risk for dyslexia in the statewide dyslexia screening requirement or if the student has a formal diagnosis of dyslexia.

This bill specifies that, students who are not reading at grade level by the end of the second grade shall receive appropriate reading intervention to remedy the student's specific reading deficiency. Each school district and charter school shall conduct a review of student reading success plans for all students who are not reading at grade level by the end of the second grade, and shall address additional support services needed to remedy the areas of deficiency. School districts and charter schools shall provide improvement and support services set forth in the bill.

School districts and charter schools are required, as specified in the bill, to provide an appropriate acceleration for any student not reading proficient or above on a local or statewide third-grade reading assessment and has a reading success plan, and shall meet certain criteria listed in the bill. Currently, each student for whom a reading success plan has been designed shall be given another reading assessment to be administered within 45 days of the end of the student's fourth-grade year. If such student is determined to be reading below third-grade level, the student shall be referred for an evaluation for an IEP and the district shall provide appropriate intensive structured literacy instruction on a one-to-one individualized basis. If the student does not qualify for an IEP under the state guidelines for qualification, the student shall continue to receive appropriate intensive structured literacy instruction on a one-to-one individualized basis until the student is reading at grade level.

If the student is still not reading at grade level upon completion of the sixth grade, the school district and charter school shall continue to provide a reading success plan to be implemented during the regular school day until such time as the student is reading at grade level, or upon graduation from high school.

Each school district and charter school is required to offer summer school reading instruction to any student with a reading success plan. Districts may fulfill the requirement through cooperative arrangements with neighboring districts or virtual schools.

The parent or legal guardian of any student who exhibits a

deficiency in reading or has screened positive for the characteristics of dyslexia shall be notified in writing no later than 30 calendar days. This section has a delayed effective date of July 1, 2022.

This provision is similar to HCS HB 368 (2021)

#### RECORDING PUBLIC SCHOOL MEETINGS (Section 162.686)

This bill prevents any public school districts and charter schools from prohibiting a parent or guardian from audio recording any meeting held under (IDEA) or a Section 504 plan meeting.

This provision is similar to HCS for HB 228 (2021)

#### HIGH NEEDS COSTS FOR SPECIAL NEEDS (Section 162.974)

Currently, the Department of Elementary and Secondary Education (DESE) will reimburse school districts for the costs of special education for high-needs children with an Individualized Education Program (IEP) exceeding three times the current expenditure per average daily attendance as calculated on the District Annual Secretary of the Board Report for the year in which the expenditures are claimed. This bill states that any money reimbursed to a school district, with 500 or less students, is excluded from such calculation. This bill specifies that a school district shall submit the cost of serving any high-needs student with an IEP to DESE.

This provision is similar to HB 64 (2021)

#### CURSIVE WRITING INSTRUCTION (Section 170.025)

This bill requires school districts to provide instruction in cursive writing by the end of the fifth grade, including a proficiency test of competency in reading and writing cursive.

This provision is similar to HB 108 (2021)

#### CAREER AND TECHNICAL EDUCATION CERTIFICATE (Section 170.029)

This bill requires the State Board of Education, in consultation with the Career and Technical Advisory Council, to develop a statewide plan establishing the minimum requirements for a Career and Technical Education (CTE) Certificate. The statewide plan will match workforce needs with appropriate educational resources. Each local school district shall determine the curriculum, programs of study, and course offerings based on the requirements of the statewide plan. The Department of Elementary and Secondary

Education is required to convene work groups on an as needed basis from each CTE program area to develop written model curriculum frameworks that may be used by districts.

This provision is similar to HB 896 (2021)

#### STRESS MANAGEMENT TRAINING (Section 170.047)

This bill requires that beginning in the 2021-22 school year the optional, professional development training in youth suicide awareness and prevention, contain at least one unit relating to stress management strategies for students and faculty.

This provision is similar to HB 465 (2021)

#### ELECTIVE BIBLE COURSES (Section 170.341)

The bill allows a school district to offer an elective social studies unit on the Hebrew Scriptures, the Old Testament of the Bible, or the New Testament of the Bible. The course will include the contents, history, literary style and structure, and influences on society. No requirement shall be made by the district on the text translation students must use. This bill requires that any course offered shall follow applicable laws maintaining religious neutrality, and shall not endorse, favor, promote, or show hostility to any particular religion, nonreligious faith, or religious perspective.

This provision is the underlying SB 323 (2021)

#### INCLEMENT WEATHER MAKE-UP DAYS (Section 171.033)

This bill will allow one-half-day education programs to account for make-up days or hours lost or canceled because of inclement weather on a proportional basis.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

**PROPONENTS:** Supporters say that this bill will clarify for teachers and school districts the ability to teach religious texts and will allow for stand alone elective courses on Christian and Jewish religious texts. There is broad support for the inclusion of religious studies in schools as there is historical, political, and cultural impacts on society.

Testifying for the bill was Senator May.

OPPONENTS: Those who oppose the bill say that this bill violates the first amendment and favors one religion over others. This bill will elevate the protestant bible over other faiths and while a religious studies course would be appropriate this bill goes well past that by choosing a specific religious text as the focus of the course. Many denominations feel that using their sacred text as a classroom textbook is sacrilegious and that religious studies should be the job of parents and churches not the public schools.

Testifying against the bill were Alison Gill, American Atheists; Cynthia Holmes; Ed Wright; Susan Gibson; Brian Kaylor, Word&Way; Churchnet; Scott McKellar, American Atheists; W.B. (Bart) Tichenor; and the American Civil Liberties Union of Missouri.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.