

SECOND REGULAR SESSION

# HOUSE BILL NO. 1417

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KELLEY (127).

4548H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 167.263, 167.268, and 167.645, RSMo, and to enact in lieu thereof two new sections relating to reading intervention in schools.

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*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Section A. Sections 167.263, 167.268, and 167.645, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 167.263 and 167.450, to read as follows: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 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 ~~[plan pursuant to section 167.268]~~ **program under section 167.450.**

2. A school district which 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 pursuant to this section. Teacher assistants thus employed pursuant to this section shall assist teachers in

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.

18 grades kindergarten through three and in no other grades. School districts shall not apply for or  
19 assign teacher assistants employed pursuant to this section in classrooms designated as special  
20 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.

**167.450. 1. School districts shall offer a reading intervention program to each K-3  
2 student who exhibits a reading deficiency to ensure students can read at or above grade  
3 level by the end of the third grade. The reading intervention program shall be provided  
4 in addition to core reading instruction that is provided to all students in the general  
5 education classroom. The reading intervention program shall:**

6 **(1) Be provided to all K-3 students identified with a reading deficiency as  
7 determined by local or statewide screening assessments administered within the first thirty  
8 days of school;**

9 **(2) Provide explicit and systematic instruction in phonological awareness, phonics,  
10 fluency, vocabulary, and comprehension, as applicable;**

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

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

14 **2. Any student in kindergarten or any grade not higher than the third grade who  
15 exhibits a deficiency in reading at any time, based upon local or statewide screening  
16 assessments, shall receive an individual reading improvement plan no later than thirty days  
17 after the identification of the reading deficiency. The reading improvement plan shall be  
18 created by the teacher, principal, other pertinent school personnel, and the parents of the  
19 student, and shall describe the research-based reading intervention services the student  
20 shall receive to remedy the reading deficit. Each student shall receive intensive reading  
21 intervention until the student no longer has a deficiency in reading.**

22 **3. The parent of any K-3 student who exhibits a deficiency in reading at any time  
23 during the school year shall be notified in writing no later than fifteen days after the  
24 identification of the reading deficiency. Such written notification shall include the  
25 following:**

26 (1) A statement that the parent's child has been identified as having a deficiency  
27 in reading and that a reading improvement plan will be developed by the teacher,  
28 principal, other pertinent school personnel, and the parent;

29 (2) A description of the current services that are provided to the child;

30 (3) A description of the proposed research-based reading interventions and  
31 supplemental instructional services and supports that shall be provided to the child that  
32 are designed to remedy the identified area or areas of reading deficiency;

33 (4) A statement that the parent shall be informed in writing of his or her child's  
34 progress toward grade-level reading on a quarterly basis, at a minimum;

35 (5) Strategies a parent may use at home to help his or her child succeed in reading;

36 (6) A statement that if the child's reading deficiency is not corrected by the end of  
37 the third grade, the child shall not be promoted to the fourth grade unless a good-cause  
38 exemption is met; and

39 (7) A statement that while the statewide assessment in reading skills described  
40 under section 160.518 is the initial assessment used to determine promotion, it is not the  
41 sole determiner at the end of the third grade. Students shall receive a test-based student  
42 portfolio option and an alternative reading assessment option to demonstrate sufficient  
43 reading skills for promotion to the fourth grade.

44 4. Beginning with the 2020-21 school year, third grade students shall demonstrate  
45 sufficient reading skills for promotion to the fourth grade. Students shall receive the  
46 following options to demonstrate sufficient reading skills for promotion to the fourth  
47 grade:

48 (1) Scoring above the lowest achievement level on the third grade statewide English  
49 language arts assessment;

50 (2) Earning an acceptable score on an alternative standardized reading assessment  
51 as determined and approved by the state board of education; and

52 (3) Demonstrating mastery of all third grade state reading standards as evidenced  
53 through a student reading portfolio.

54 5. The department of elementary and secondary education shall promulgate rules  
55 to set criteria for the student reading portfolio and define mastery of all third grade state  
56 reading standards as described in subdivision (3) of subsection 4 of this section.

57 6. If a student cannot demonstrate sufficient reading skills on one of the three  
58 options described in subsection 4 of this section and does not qualify for a good-cause  
59 exemption as described in subsection 8 of this section, the student shall be retained. No  
60 student shall be retained twice in third grade.

61           7. Each school district shall provide summer reading camps to all third grade  
62 students scoring at the lowest achievement level on the third grade statewide English  
63 language arts assessment. Summer reading camps shall be staffed with highly effective  
64 teachers of reading as demonstrated by student reading performance data and teacher  
65 performance evaluations. The highly effective teacher of reading shall provide explicit and  
66 systematic reading intervention services and supports to correct the identified area or areas  
67 of reading deficiency. Summer reading camps shall include, at a minimum, seventy hours  
68 of instructional time in reading. If funding allows, districts shall extend summer reading  
69 camps to students in the first and second grades identified with a reading deficiency.

70           8. A school district may exempt students from mandatory retention, as provided  
71 in subsection 6 of this section, only for good cause. Good-cause exemptions shall be limited  
72 to the following:

73           (1) A student with a disability whose individualized education program indicates  
74 that participation in the statewide assessment program is not appropriate, consistent with  
75 state law;

76           (2) A student identified as an English language learner who has had less than two  
77 years of instruction in an English language learner program;

78           (3) A student with a disability who participates in the statewide assessment  
79 program and who has an individualized education program or a Section 504 plan that  
80 reflects that the student has received intensive reading intervention for more than two  
81 years but still demonstrates a deficiency in reading and was previously retained in  
82 kindergarten, first grade, second grade, or third grade; and

83           (4) A student who has received intensive reading intervention for two or more years  
84 but still demonstrates a deficiency in reading and who was previously retained in  
85 kindergarten, first grade, second grade, or third grade for a total of two years.

86           9. A student who is promoted to fourth grade with a good-cause exemption shall  
87 continue to receive intensive reading intervention that includes specific reading strategies  
88 prescribed in the student's individual reading improvement plan until the deficiency is  
89 remedied. The school district shall assist schools and teachers with the implementation of  
90 reading strategies that research has shown to be successful in improving reading among  
91 students with reading difficulties.

92           10. Requests to exempt students from the mandatory retention requirement using  
93 one of the good-cause exemptions as described in subsection 8 of this section shall be made  
94 consistent with the following:

95           (1) Documentation shall be submitted from the student's teacher to the school  
96 principal that indicates that the promotion of the student is appropriate. Such

97 **documentation shall consist only of the good-cause exemption being requested and the**  
98 **existing reading improvement plan or individualized education program, as applicable;**  
99 **and**

100 **(2) The school principal shall review and discuss the recommendation with the**  
101 **teacher and determine whether the student meets one of the good-cause exemptions. If the**  
102 **school principal determines that the student meets one of the good-cause exemptions based**  
103 **on the documentation provided, the school principal shall make such recommendation in**  
104 **writing to the district's superintendent. The district's superintendent shall accept or reject**  
105 **the school principal's recommendation in writing.**

106 **11. The school district shall assist schools with providing written notification to the**  
107 **parent of any student who is retained that states that his or her child has not met the**  
108 **reading level required for promotion, that indicates the reasons the child is not eligible for**  
109 **a good-cause exemption, and that states his or her child will be retained in third grade.**  
110 **The notification shall include a description of the proposed interventions and supports that**  
111 **will be provided to the child to remedy the identified area or areas of reading deficiency**  
112 **in the retained year.**

113 **12. Beginning with the 2020-21 school year, students retained under the provisions**  
114 **of subsection 6 of this section shall receive intensive reading intervention to remedy the**  
115 **student's specific reading deficiency. The reading intervention services shall include**  
116 **effective instructional strategies to accelerate student progress. Each school district shall**  
117 **conduct a review of student reading improvement plans for all students retained in third**  
118 **grade. The review shall address additional supports and services, as described in this**  
119 **subsection, needed to remedy the identified area or areas of reading deficiency. The**  
120 **district shall provide the following for retained students:**

121 **(1) A highly effective teacher of reading as demonstrated by student reading**  
122 **performance data and teacher performance evaluations;**

123 **(2) Reading intervention services and supports to correct the identified area or**  
124 **areas of reading deficiency including, but not limited to:**

125 **(a) More dedicated time than in the previous school year in scientifically research-**  
126 **based reading instruction and intervention;**

127 **(b) Use of reading strategies or programs that are scientifically research based and**  
128 **have proven results in accelerating student reading achievement within the same school**  
129 **year;**

130 **(c) Daily, targeted small group reading intervention based on students' needs;**

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

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

136 (3) The option of a transitional instructional setting. Such setting shall specifically  
137 be designed to produce learning gains sufficient to meet fourth grade performance  
138 standards in all other core academic areas while continuing to correct the area or areas of  
139 reading deficiency;

140 (4) Before or after school supplemental research-based reading intervention  
141 delivered by a teacher or tutor with specialized reading training; and

142 (5) A "read at home" plan outlined in a parental contract, including participation  
143 in parent training workshops or regular parent-guided home reading activities.

144 13. Each school district shall establish, where applicable, an intensive acceleration  
145 class for any student retained in third grade who was previously retained in kindergarten,  
146 first grade, or second grade. The intensive acceleration class shall include criteria  
147 established in subsection 12 of this section and:

148 (1) Have a reduced student-teacher ratio; and

149 (2) Provide explicit and systematic reading instruction and intervention for the  
150 majority of student contact time each day.

151 14. The board of each school district shall annually report in writing to the  
152 department of elementary and secondary education by September first the following  
153 information on the prior school year:

154 (1) The school board's policies and procedures on student retention and promotion;

155 (2) By grade, the number and percentage of all students in grades K-3 performing  
156 below grade level on local or statewide assessments;

157 (3) By grade, the number and percentage of all students retained in grades K-3;

158 (4) The total number and percentage of students in third grade who demonstrated  
159 sufficient reading skills for promotion on the test-based student portfolio;

160 (5) The total number and percentage of students in third grade who demonstrated  
161 sufficient reading skills for promotion on the alternative reading assessment;

162 (6) The total number and percentage of students in third grade who were promoted  
163 for good cause, by each category of good cause as specified in subsection 8 of this section;  
164 and

165 (7) The performance of students promoted for good cause on the statewide  
166 assessment in reading skills described in section 160.518 in the years following the  
167 promotion.

168 15. The department of elementary and secondary education shall establish a  
169 uniform format for school districts to report the information required under subsection  
170 14 of this section. The format shall be developed with input from school boards and shall  
171 be provided to each school district no later than ninety days prior to the annual due date.  
172 The department shall annually compile the information required, along with state-level  
173 summary information, and report such information to the state board of education, the  
174 public, the governor, the president pro tempore of the senate, and the speaker of the house  
175 of representatives by October first. The department shall provide technical assistance to  
176 aid school boards in implementing this section.

177 16. The state board of education shall have authority to enforce this section.

178 17. The department of elementary and secondary education shall promulgate rules  
179 to implement the provisions of this section. Any rule or portion of a rule, as that term is  
180 defined in section 536.010, that is created under the authority delegated in this section shall  
181 become effective only if it complies with and is subject to all of the provisions of chapter  
182 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and  
183 if any of the powers vested with the general assembly pursuant to chapter 536 to review,  
184 to delay the effective date, or to disapprove and annul a rule are subsequently held  
185 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
186 after August 28, 2018, shall be invalid and void.

2 ~~[167.268. 1. Each local school district shall have on file a policy for~~  
3 ~~reading intervention plans for any pupils of the district in grades kindergarten~~  
4 ~~through three pursuant to the provisions of this section. Such plans shall identify~~  
5 ~~strategies to be followed by the district 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 grade. Recognized methods of identification may include but~~  
8 ~~need not be limited to the scores of the pupil obtained through any established~~  
9 ~~standardized testing program currently administered by the district, observations~~  
10 ~~of classroom teachers, and documented classroom performance.~~

11 ~~2. The state board of education shall develop guidelines to assist districts~~  
12 ~~in formulating policies for reading intervention plans. Such guidelines may~~  
13 ~~include, but are not limited to, timelines for measuring pupil improvement in~~  
14 ~~reading, information on screening for and treatment of auditory dyslexia, and~~  
15 ~~information on the Lindamood Auditory Conceptualization Test and the Auditory~~  
16 ~~Discrimination in Depth Program. Such guidelines may also identify~~  
~~performance levels for pupils identified as handicapped or severely handicapped~~

17 and conditions under which such pupils are exempt from the provisions of this  
 18 section.

19 ~~3. Each local school district enrolling a pupil identified as reading below~~  
 20 ~~grade level shall develop an individual plan of reading intervention for such~~  
 21 ~~pupil. The individual pupil's plan may include individual or group reading~~  
 22 ~~development activities. The plan may be developed after consultation with the~~  
 23 ~~pupil's parent or legal guardian.]~~  
 24

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

2 ~~(1) "Reading assessment", a recognized method of judging a student's~~  
 3 ~~reading ability, with results expressed as reading at a particular grade level. The~~  
 4 ~~term reading assessment shall include, but is not limited to, standard checklists~~  
 5 ~~designed for use as a student reads out loud, paper-and-pencil tests promulgated~~  
 6 ~~by nationally recognized organizations and other recognized methods of~~  
 7 ~~determining a student's reading accuracy, expression, fluency and comprehension~~  
 8 ~~in order to make a determination of the student's grade-level reading ability.~~  
 9 ~~Assessments which do not give a grade-level result may be used in combination~~  
 10 ~~with other assessments to reach a grade-level determination. Districts are~~  
 11 ~~encouraged but not required to select assessment methods identified pursuant to~~  
 12 ~~section 167.346. Districts are also encouraged to use multiple methods of~~  
 13 ~~assessment;~~

14 ~~(2) "Summer school", for reading instruction purposes, a minimum of~~  
 15 ~~forty hours of reading instruction and practice. A school district may arrange the~~  
 16 ~~hours and days of instruction to coordinate with its regular program of summer~~  
 17 ~~school.~~

18 ~~2. For purposes of this section, methods of reading assessment shall be~~  
 19 ~~determined by each school district. Unless a student has been determined in the~~  
 20 ~~current school year to be reading at grade level or above, each school district shall~~  
 21 ~~administer a reading assessment or set of assessments to each student within~~  
 22 ~~forty-five days of the end of the third-grade year, except that the provisions of~~  
 23 ~~this subsection shall not apply to students receiving special education services~~  
 24 ~~under an individualized education plan pursuant to sections 162.670 to 162.999,~~  
 25 ~~to students receiving services pursuant to Section 504 of the Rehabilitation Act~~  
 26 ~~of 1973 whose services plan includes an element addressing reading or to~~  
 27 ~~students determined to have limited English proficiency or to students who have~~  
 28 ~~been determined, prior to the beginning of any school year, to have a cognitive~~  
 29 ~~ability insufficient to meet the reading requirement set out in this section,~~  
 30 ~~provided that districts shall provide reading improvement plans for students~~  
 31 ~~determined to have such insufficient cognitive ability. The assessment required~~  
 32 ~~by this subsection shall also be required for students who enter a school district~~  
 33 ~~in grades four, five or six unless such student has been determined in the current~~  
 34 ~~school year to be reading at grade level or above.~~



35 ~~3. Beginning with school year 2002-03, for each student whose~~  
36 ~~third-grade reading assessment determines that such student is reading below~~  
37 ~~second-grade level, the school district shall design a reading improvement plan~~  
38 ~~for the student's fourth-grade year. Such reading improvement plan shall include,~~  
39 ~~at a minimum, thirty hours of additional reading instruction or practice outside~~  
40 ~~the regular school day during the fourth-grade year. The school district shall~~  
41 ~~determine the method of reading instruction necessary to enforce this subsection.~~  
42 ~~The school district may also require the student to attend summer school for~~  
43 ~~reading instruction as a condition of promotion to fourth grade. The department~~  
44 ~~of elementary and secondary education may, from funds appropriated for the~~  
45 ~~purpose, reimburse school districts for additional instructional personnel costs~~  
46 ~~incurred in the implementation and execution of the thirty hours of additional~~  
47 ~~reading instruction minus the revenue generated by the school district through the~~  
48 ~~foundation formula for the additional reading instruction average daily~~  
49 ~~attendance.~~

50 ~~4. Each student for whom a reading improvement plan has been designed~~  
51 ~~pursuant to subsection 3 of this section shall be given another reading~~  
52 ~~assessment, to be administered within forty-five days of the end of such student's~~  
53 ~~fourth-grade year. If such student is determined to be reading below third-grade~~  
54 ~~level, the student shall be required to attend summer school to receive reading~~  
55 ~~instruction. At the end of such summer school instruction, such student shall be~~  
56 ~~given another reading assessment. If such student is determined to be reading~~  
57 ~~below third-grade level, the district shall notify the student's parents or guardians,~~  
58 ~~and the student shall not be promoted to fifth grade. No student shall be denied~~  
59 ~~promotion more than once solely for inability to meet the reading standards set~~  
60 ~~out in this section.~~

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

65 ~~6. The mandatory process of additional reading instruction pursuant to~~  
66 ~~this section shall cease at the end of the sixth grade. The permanent record of~~  
67 ~~students who are determined to be reading below the fifth-grade level at the end~~  
68 ~~of sixth grade shall carry a notation advising that such student has not met~~  
69 ~~minimal reading standards. The notation shall stay on the student's record until~~  
70 ~~such time as the district determines that a student has met minimal reading~~  
71 ~~standards.~~

72 ~~7. Each school district shall be required to offer summer school reading~~  
73 ~~instruction to any student with a reading improvement plan. Districts may fulfill~~  
74 ~~the requirement of this section through cooperative arrangements with~~  
75 ~~neighboring districts; provided that such districts shall timely make all payments~~  
76 ~~provided pursuant to such cooperative agreements.~~

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

80 ~~9. Nothing in this section shall preclude a school district from retaining~~  
81 ~~any student in grade when a determination is made in accordance with district~~  
82 ~~policy that retention is in the best interests of the student.~~

83 ~~10. The state board of education shall not incorporate information about~~  
84 ~~the number of students receiving additional instruction pursuant to this section~~  
85 ~~into any element of any standard of the Missouri school improvement program~~  
86 ~~or its successor accreditation program; provided, however, each district shall~~  
87 ~~make available, upon the request of any parent, patron, or media outlet within the~~  
88 ~~district, the number and percentage of students receiving remediation pursuant~~  
89 ~~to this section. The information shall be presented in a way that does not permit~~  
90 ~~personal identification of any student or educational personnel.~~

91 ~~11. Each school district shall make a systematic effort to inform parents~~  
92 ~~of the methods and materials used to teach reading in kindergarten through fourth~~  
93 ~~grade, in terms understandable to a layperson and shall similarly inform parents~~  
94 ~~of students for whom a reading improvement plan is required pursuant to this~~  
95 ~~section.]~~

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