

SENATE BILL NO. 360

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

0070S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 160.518, 160.522, and 161.092, RSMo, and to enact in lieu thereof three new sections relating to assessment of public elementary and secondary schools.

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

Section A. Sections 160.518, 160.522, and 161.092, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 160.518, 160.522, and 161.092, to read as follows:

160.518. 1. **Sections 160.518, 160.522, and 161.092 shall be known and may be cited as the "Education Freedom Act".**

2. Consistent with the provisions contained in section 160.526, the state board of education shall develop, modify, and revise, as necessary, a statewide **summative** assessment system that [provides maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills, and competencies adopted by such board pursuant to section 160.514. The statewide assessment system shall assess problem solving, analytical ability, evaluation, creativity, and application ability in the different content areas and shall be performance-based to identify what students know, as well as what they are able to do, and shall enable teachers to evaluate actual academic performance. The statewide assessment system shall neither

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

18 promote nor prohibit rote memorization and shall not include
19 existing versions of tests approved for use pursuant to the
20 provisions of section 160.257, nor enhanced versions of such
21 tests. After the state board of education adopts and
22 implements academic performance standards as required under
23 section 161.855, the state board of education shall develop
24 and adopt a standardized assessment instrument under this
25 section based on the academic performance standards adopted
26 under section 161.855. The statewide assessment system
27 shall measure, where appropriate by grade level, a student's
28 knowledge of academic subjects including, but not limited
29 to, reading skills, writing skills, mathematics skills,
30 world and American history, forms of government, geography
31 and science] **satisfies the pupil testing mandates in effect**
32 **under the federal Every Student Succeeds Act (P.L. 114-95),**
33 **as amended, for each school year. Results from the**
34 **assessment created under this subsection shall be used only**
35 **for the purpose of compliance with the requirements of such**
36 **federal law and for no other purpose except for determining**
37 **performance districts under sections 163.011 and 163.031.**
38 **Results from such assessments shall not be used to classify**
39 **school districts and charter schools.**

40 [2. The statewide assessment system shall only permit
41 the academic performance of students in each school in the
42 state to be tracked against prior academic performance in
43 the same school.

44 3. The state board of education shall suggest, but not
45 mandate, criteria for a school to demonstrate that its
46 students learn the knowledge, skills and competencies at
47 exemplary levels worthy of imitation by students in other
48 schools in the state and nation. Exemplary levels shall be
49 measured by the statewide assessment system developed

50 pursuant to subsection 1 of this section, or until said
51 statewide assessment system is available, by indicators
52 approved for such use by the state board of education. The
53 provisions of other law to the contrary notwithstanding, the
54 commissioner of education may, upon request of the school
55 district, present a plan for the waiver of rules and
56 regulations to any such school, to be known as "Outstanding
57 Schools Waivers", consistent with the provisions of
58 subsection 4 of this section.

59 4. For any school that meets the criteria established
60 by the state board of education for three successive school
61 years pursuant to the provisions of subsection 3 of this
62 section, by August first following the third such school
63 year, the commissioner of education shall present a plan to
64 the superintendent of the school district in which such
65 school is located for the waiver of rules and regulations to
66 promote flexibility in the operations of the school and to
67 enhance and encourage efficiency in the delivery of
68 instructional services. The provisions of other law to the
69 contrary notwithstanding, the plan presented to the
70 superintendent shall provide a summary waiver, with no
71 conditions, for the pupil testing requirements pursuant to
72 section 160.257, in the school. Further, the provisions of
73 other law to the contrary notwithstanding, the plan shall
74 detail a means for the waiver of requirements otherwise
75 imposed on the school related to the authority of the state
76 board of education to classify school districts pursuant to
77 subdivision (9) of section 161.092 and such other rules and
78 regulations as determined by the commissioner of education,
79 excepting such waivers shall be confined to the school and
80 not other schools in the district unless such other schools
81 meet the criteria established by the state board of

82 education consistent with subsection 3 of this section and
83 the waivers shall not include the requirements contained in
84 this section and section 160.514. Any waiver provided to
85 any school as outlined in this subsection shall be void on
86 June thirtieth of any school year in which the school fails
87 to meet the criteria established by the state board of
88 education consistent with subsection 3 of this section.

89 5. The score on any assessment test developed pursuant
90 to this section or this chapter of any student for whom
91 English is a second language shall not be counted until such
92 time as such student has been educated for three full school
93 years in a school in this state, or in any other state, in
94 which English is the primary language.]

95 3. School districts and charter schools shall create,
96 purchase, or adopt an interim assessment system that
97 measures students' knowledge at the beginning of each school
98 year and measures academic growth throughout the same school
99 year.

100 4. The interim assessment system shall be:

101 (1) Authentic to student discipline-specific learning,
102 experience, and the demonstration of performance-based
103 learning;

104 (2) Related to curriculum taught in the school;

105 (3) Evaluated and graded in a manner that provides
106 students and teachers with meaningful feedback that can be
107 used for academic improvement;

108 (4) Developed in consultation with building level
109 administrators, teachers, students, parents, and the
110 community; and

111 (5) Available for demonstration and community
112 inspection.

113 **[6.] 5.** The state board of education shall identify
114 or, if necessary, establish one or more developmentally
115 appropriate alternate assessments for students who receive
116 special educational services, as that term is defined
117 pursuant to section 162.675. In the development of such
118 alternate assessments, the state board shall establish an
119 advisory panel consisting of a majority of active special
120 education teachers residing in Missouri and other education
121 professionals as appropriate to research available
122 assessment options. The advisory panel shall attempt to
123 identify preexisting developmentally appropriate alternate
124 assessments but shall, if necessary, develop alternate
125 assessments and recommend one or more alternate assessments
126 for adoption by the state board. The state board shall
127 consider the recommendations of the advisory council in
128 establishing such alternate assessment or assessments. Any
129 student who receives special educational services, as that
130 term is defined pursuant to section 162.675, shall be
131 assessed by an alternate assessment established pursuant to
132 this subsection upon a determination by the student's
133 individualized education program team that such alternate
134 assessment is more appropriate to assess the student's
135 knowledge, skills and competencies than the assessment
136 developed pursuant to subsection 1 of this section. The
137 alternate assessment shall evaluate the student's
138 independent living skills, which include how effectively the
139 student addresses common life demands and how well the
140 student meets standards for personal independence expected
141 for someone in the student's age group, sociocultural
142 background, and community setting.

143 **[7.] 6.** The state board of education shall also
144 develop recommendations regarding alternate assessments for

145 any military dependent who relocates to Missouri after the
146 commencement of a school term, in order to accommodate such
147 student while ensuring that he or she is proficient in the
148 knowledge, skills, and competencies adopted under section
149 160.514.

160.522. 1. [The department of elementary and
2 secondary education shall produce or cause to be produced,
3 at least annually, a school accountability report card for
4 each public school district, each public school building in
5 a school district, and each charter school in the state.
6 The report card shall be designed to satisfy state and
7 federal requirements for the disclosure of statistics about
8 students, staff, finances, academic achievement, and other
9 indicators. The purpose of the report card shall be to
10 provide educational statistics and accountability
11 information for parents, taxpayers, school personnel,
12 legislators, and the print and broadcast news media in a
13 standardized, easily accessible form] **School districts and
14 charter schools shall provide public reporting of
15 information on an annual basis as provided in this section.
16 The school district and charter school reports shall be
17 distributed to all media outlets serving the district or
18 charter school, and shall be made available to all district
19 and charter school patrons, and to the department of
20 elementary and secondary education.**

21 2. [The department of elementary and secondary
22 education shall develop a standard form for the school
23 accountability report card.] The information reported shall
24 include, but not be limited to, the district's [most recent]
25 accreditation [rating] **status**, enrollment, rates of pupil
26 attendance, high school dropout rate and graduation rate,
27 the number and rate of suspensions of ten days or longer and

28 expulsions of pupils, the district **or charter school** ratio
29 of students to administrators and students to classroom
30 teachers, the average years of experience of professional
31 staff and advanced degrees earned, student achievement **and**
32 **growth** as measured through the **statewide and local**
33 assessment [system] **systems** developed pursuant to section
34 160.518, student scores on the ACT, along with the
35 percentage of graduates taking the test, average teachers'
36 and administrators' salaries compared to the state averages,
37 average per-pupil current expenditures for the district **or**
38 **charter school** as a whole and by attendance center as
39 reported to the department of elementary and secondary
40 education, the adjusted tax rate of the district, assessed
41 valuation of the district, percent of the district **or**
42 **charter school** operating budget received from state,
43 federal, and local sources, the percent of students eligible
44 for free or reduced-price lunch, data on the percent of
45 students continuing their education in postsecondary
46 programs, information about the job placement rate for
47 students who complete district **or charter school** vocational
48 education programs, whether the school district **or charter**
49 **school** currently has a state-approved gifted education
50 program, and the percentage and number of students who are
51 currently being served in the district's **or charter school's**
52 state-approved gifted education program.

53 3. The report card shall permit the disclosure of data
54 on a school-by-school basis, but the reporting shall not be
55 personally identifiable to any student or education
56 professional in the state.

57 4. [The report card shall identify each school or
58 attendance center that has been identified as a priority
59 school under sections 160.720 and 161.092. The report also

60 shall identify attendance centers that have been categorized
61 under federal law as needing improvement or requiring
62 specific school improvement strategies.

63 5.] The report card shall not limit or discourage
64 other methods of public reporting and accountability by
65 local school districts **and charter schools**. Districts **and**
66 **charter schools** shall provide information included in the
67 report card to parents, community members, **and** the print and
68 broadcast news media[, and legislators] by December first
69 annually or as soon thereafter as the information is
70 available to the district **or charter school**, giving
71 preference to methods that incorporate the reporting into
72 substantive official communications such as student report
73 cards. The school district **or charter school** shall provide
74 a printed copy of the district-level or school-level report
75 card to any patron upon request and shall make reasonable
76 efforts to supply businesses such as, but not limited to,
77 real estate and employment firms with copies or other
78 information about the reports so that parents and businesses
79 from outside the district who may be contemplating
80 relocation have access.

81 [6.] 5. For purposes of completing and distributing
82 the annual report card as prescribed in this section, a
83 school district may include the data from a charter school
84 located within such school district, provided the local
85 board of education or special administrative board for such
86 district and the charter school reach mutual agreement for
87 the inclusion of the data from the charter schools [and the
88 terms of such agreement are approved by the state board of
89 education]. The charter school shall not be required to be a
90 part of the local educational agency of such school district
91 and may maintain a separate local educational agency status.

161.092. The state board of education shall:

2 (1) Adopt rules governing its own proceedings and
3 formulate policies for the guidance of the commissioner of
4 education and the department of elementary and secondary
5 education;

6 (2) Carry out the educational policies of the state
7 relating to public schools that are provided by law and
8 supervise instruction in the public schools;

9 (3) Direct the investment of all moneys received by
10 the state to be applied to the capital of any permanent fund
11 established for the support of public education within the
12 jurisdiction of the department of elementary and secondary
13 education and see that the funds are applied to the branches
14 of educational interest of the state that by grant, gift,
15 devise or law they were originally intended, and if
16 necessary institute suit for and collect the funds and
17 return them to their legitimate channels;

18 (4) Cause to be assembled information which will
19 reflect continuously the condition and management of the
20 public schools of the state;

21 (5) Require of county clerks or treasurers, boards of
22 education or other school officers, recorders and treasurers
23 of cities, towns and villages, copies of all records
24 required to be made by them and all other information in
25 relation to the funds and condition of schools and the
26 management thereof that is deemed necessary;

27 (6) Provide blanks suitable for use by officials in
28 reporting the information required by the board;

29 (7) When conditions demand, cause the laws relating to
30 schools to be published in a separate volume, with pertinent
31 notes and comments, for the guidance of those charged with
32 the execution of the laws;

33 (8) Grant, without fee except as provided in section
34 168.021, certificates of qualification and licenses to teach
35 in any of the public schools of the state, establish
36 requirements therefor, formulate regulations governing the
37 issuance thereof, and cause the certificates to be revoked
38 for the reasons and in the manner provided in section
39 168.071;

40 (9) Classify the public schools of the state[, subject
41 to limitations provided by law and subdivision (14) of this
42 section, establish requirements for the schools of each
43 class,] and formulate rules governing the inspection and
44 accreditation of schools preparatory to classification, with
45 such requirements taking effect not less than two years from
46 the date of adoption of the proposed rule by the state board
47 of education, provided that this condition shall not apply
48 to any requirement for which a time line for adoption is
49 mandated in either federal or state law **nor shall this**
50 **condition apply to accreditation by an approved accrediting**
51 **agency identified under this subdivision.** Such rules shall
52 [include a process to allow any district that is accredited
53 without provision that does not meet the state board's
54 promulgated criteria for a classification designation of
55 accredited with distinction to propose alternative criteria
56 to the state board to be classified as accredited with
57 distinction] **identify and recognize a minimum of two**
58 **national school accreditation agencies from which any**
59 **district may seek to obtain accreditation and specify that**
60 **any district with current accreditation from at least one of**
61 **the identified national school accreditation agencies shall**
62 **be considered to have full accreditation status without**
63 **provision for all purposes of law and rule. Nothing in this**
64 **subsection shall prohibit the state board from adopting a**

65 **system of accreditation that school districts may choose to**
66 **utilize for the purposes of accreditation; however, the**
67 **state board is prohibited from utilizing any such system to**
68 **issue any classification, ratings, accreditation status, or**
69 **reports for districts that choose to utilize a national**
70 **school accreditation agency identified in this section;**

71 (10) Make an annual report on or before the first
72 Wednesday after the first day of January to the general
73 assembly or, when it is not in session, to the governor for
74 publication and transmission to the general assembly. The
75 report shall be for the last preceding school year, and
76 shall include:

77 (a) A statement of the number of public schools in the
78 state, the number of pupils attending the schools, their
79 sex, and the branches taught;

80 (b) A statement of the number of teachers employed,
81 their sex, their professional training, and their average
82 salary;

83 (c) A statement of the receipts and disbursements of
84 public school funds of every description, their sources, and
85 the purposes for which they were disbursed;

86 (d) Suggestions for the improvement of public schools;
87 and

88 (e) Any other information relative to the educational
89 interests of the state that the law requires or the board
90 deems important;

91 (11) Make an annual report to the general assembly and
92 the governor concerning coordination with other agencies and
93 departments of government that support family literacy
94 programs and other services which influence educational
95 attainment of children of all ages;

96 (12) Require from the chief officer of each division
97 of the department of elementary and secondary education, on
98 or before the thirty-first day of August of each year,
99 reports containing information the board deems important and
100 desires for publication;

101 (13) Cause fifty copies of its annual report to be
102 reserved for the use of each division of the state
103 department of elementary and secondary education, and ten
104 copies for preservation in the state library;

105 (14) [Promulgate rules under which the board shall
106 classify the public schools of the state; provided that the
107 appropriate scoring guides, instruments, and procedures used
108 in determining the accreditation status of a district shall
109 be subject to a public meeting upon notice in a newspaper of
110 general circulation in each of the three most populous
111 cities in the state and also a newspaper that is a certified
112 minority business enterprise or woman-owned business
113 enterprise in each of the two most populous cities in the
114 state, and notice to each district board of education, each
115 superintendent of a school district, and to the speaker of
116 the house of representatives, the president pro tem of the
117 senate, and the members of the joint committee on education,
118 at least fourteen days in advance of the meeting, which
119 shall be conducted by the department of elementary and
120 secondary education not less than ninety days prior to their
121 application in accreditation, with all comments received to
122 be reported to the state board of education;

123 (15)] Have other powers and duties prescribed by law.

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