

SENATE BILL NO. 542

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HENDERSON.

1329S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 135.714, 160.410, 160.518, 160.526, 160.570, 160.720, 161.855, 161.1085, 161.1090, 161.1100, 162.1300, 163.023, 167.905, 168.749, and 170.017, RSMo, and to enact in lieu thereof fifteen new sections relating to the statewide assessment system, with a contingent effective date.

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

Section A. Sections 135.714, 160.410, 160.518, 160.526,
2 160.570, 160.720, 161.855, 161.1085, 161.1090, 161.1100,
3 162.1300, 163.023, 167.905, 168.749, and 170.017, RSMo, are
4 repealed and fifteen new sections enacted in lieu thereof, to
5 be known as sections 135.714, 160.410, 160.518, 160.526,
6 160.570, 160.720, 161.855, 161.1085, 161.1090, 161.1100,
7 162.1300, 163.023, 167.905, 168.749, and 170.017, to read as
8 follows:

135.714. 1. Each educational assistance organization
2 shall:

3 (1) Notify the state treasurer of such organization's
4 intent to provide scholarship accounts to qualified students;

5 (2) Demonstrate to the state treasurer that such
6 organization is exempt from federal income tax under Section
7 501(c)(3) of the Internal Revenue Code of 1986, as amended;

8 (3) Provide a state treasurer-approved receipt to
9 taxpayers for contributions made to the organization;

10 (4) Ensure that grants are distributed to scholarship
11 accounts of qualified students in the following order:

12 (a) Qualified students who received a scholarship
13 grant in the previous school year;

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

14 (b) Qualified students who are siblings of qualified
15 students who will receive a scholarship grant in the current
16 school year;

17 (c) Qualified students that have an approved
18 "individualized education plan" (IEP) developed under the
19 federal Individuals with Disabilities Education Act (IDEA),
20 20 U.S.C. Section 1400, et seq., as amended, or who have
21 been diagnosed with dyslexia, as the term "dyslexia" is
22 defined in section 633.420;

23 (d) Qualified students who are eligible for free lunch
24 as approved by the department of elementary and secondary
25 education in accordance with federal regulations and who
26 reside in an unaccredited or provisionally accredited school
27 district;

28 (e) Qualified students who are eligible for reduced
29 price lunch as approved by the department of elementary and
30 secondary education in accordance with federal regulations
31 and who reside in an unaccredited or provisionally
32 accredited school district;

33 (f) Qualified students who are eligible for free lunch
34 as approved by the department of elementary and secondary
35 education in accordance with federal regulations;

36 (g) Qualified students who are eligible for reduced
37 price lunch as approved by the department of elementary and
38 secondary education in accordance with federal regulations;

39 (h) Qualified students who are active duty military
40 dependents who have relocated to Missouri and are enrolling
41 in a school in the state for the first time; and

42 (i) All other qualified students;

43 (5) Ensure that:

44 (a) One hundred percent of such organization's
45 revenues from interest or investments is spent on
46 scholarship accounts;

47 (b) At least ninety percent of such organization's
48 revenues from qualifying contributions is spent on
49 scholarship accounts; and

50 (c) Marketing and administrative expenses do not
51 exceed the following limits of such organization's remaining
52 revenue from contributions:

53 a. Ten percent for the first two hundred fifty
54 thousand dollars;

55 b. Eight percent for the next five hundred thousand
56 dollars; and

57 c. Three percent thereafter;

58 (6) (a) Distribute scholarship account payments
59 either four times per year or in a single lump sum at the
60 beginning of the year as requested by the parent of a
61 qualified student, based on the state adequacy target as
62 defined in section 163.011 and calculated by the department
63 of elementary and secondary education, subject to the
64 following total grant amount limits:

65 a. For a qualified student who meets the criteria to
66 be included in a school district's limited English
67 proficiency pupil count as set forth in subdivision (8) of
68 section 163.011, not more than one hundred sixty percent of
69 the state adequacy target;

70 b. For a qualified student who is eligible for free or
71 reduced price lunch as approved by the department of
72 elementary and secondary education in accordance with
73 federal regulations, not more than one hundred twenty-five
74 percent of the state adequacy target;

75 c. For a qualified student who has an approved
76 individualized education plan developed under the federal
77 Individuals with Disabilities Education Act (IDEA), 20
78 U.S.C. Section 1400, et seq., as amended, not more than one
79 hundred seventy-five percent of the state adequacy target;
80 and

81 d. For all other qualified students, not more than the
82 state adequacy target;

83 (b) Scholarship account payments distributed under
84 this subdivision shall be in the form of a deposit into the
85 scholarship account of the qualified student;

86 (7) Provide the state treasurer, upon request, with
87 criminal background checks on all such organization's
88 employees and board members and exclude from employment or
89 governance any individual who might reasonably pose a risk
90 to the appropriate use of contributed funds;

91 (8) Demonstrate such organization's financial
92 accountability by:

93 (a) Submitting to the state treasurer annual audit
94 financial statements by a certified public accountant within
95 six months of the end of the educational assistance
96 organization's fiscal year; and

97 (b) Having an auditor certify that the report is free
98 of material misstatements; and

99 (9) Ensure that participating students take [the state
100 achievement tests or] nationally norm-referenced tests that
101 measure learning gains in math and English language arts[,
102 and provide for value-added assessment, in grades that
103 require testing under the statewide assessment system set
104 forth in section 160.518];

105 (10) Allow costs of the testing requirements to be
106 covered by the scholarships distributed by the educational
107 assistance organization;

108 (11) Provide the parents of each student who was
109 tested with a copy of the results of the tests on an annual
110 basis, beginning with the first year of testing;

111 (12) Provide the test results to the state treasurer,
112 the department of elementary and secondary education, and
113 the board established in section 135.715 on an annual basis,
114 beginning with the first year of testing;

115 (13) Report student information that would allow the
116 state treasurer, the department of elementary and secondary
117 education, and the board established in section 135.715 to
118 aggregate data by grade level, gender, family income level,
119 and race;

120 (14) Provide rates of high school graduation, college
121 attendance, and college graduation for participating
122 students to the state treasurer, the department of
123 elementary and secondary education, and the board
124 established in section 135.715 in a manner consistent with
125 nationally recognized standards;

126 (15) Provide to the state treasurer, the department of
127 elementary and secondary education, and the board
128 established in section 135.715 the results from an annual
129 parental satisfaction survey, including information about
130 the number of years that the parent's child has participated
131 in the scholarship program. The annual satisfaction survey
132 shall ask parents of scholarship students to express:

133 (a) Their level of satisfaction with the child's
134 academic achievement, including academic achievement at the
135 schools the child attends through the scholarship program

136 versus academic achievement at the school previously
137 attended;

138 (b) Their level of satisfaction with school safety at
139 the schools the child attends through the scholarship
140 program versus safety at the schools previously attended;

141 (16) Demonstrate such organization's financial
142 viability, if such organization is to receive donations of
143 fifty thousand dollars or more during the school year, by
144 filing with the state treasurer before the start of the
145 school year a surety bond payable to the state in an amount
146 equal to the aggregate amount of contributions expected to
147 be received during the school year or other financial
148 information that demonstrates the financial viability of the
149 educational assistance organization.

150 2. The annual audit required under this section shall
151 include:

152 (1) The name and address of the educational assistance
153 organization;

154 (2) The name and address of each qualified student for
155 whom a parent opened a scholarship account with the
156 organization;

157 (3) The total number and total dollar amount of
158 contributions received during the previous calendar year; and

159 (4) The total number and total dollar amount of
160 scholarship accounts opened during the previous calendar
161 year.

162 3. The state treasurer shall:

163 (1) Ensure compliance with all student privacy laws
164 for data in the state treasurer's possession;

165 (2) Collect all test results;

166 (3) Provide the test results and associated learning
167 gains to the public via a state website after the third year

168 of test and test-related data collection. The findings
169 shall be aggregated by the students' grade level, gender,
170 family income level, number of years of participation in the
171 scholarship program, and race; and

172 (4) Provide graduation rates to the public via a state
173 website after the third year of test and test-related data
174 collection.

175 4. The state treasurer shall cause the following
176 information to be posted on the state treasurer's website
177 annually, provided that no personally identifiable
178 information of any student is released:

179 (1) The number of students who have been awarded a
180 scholarship to date and the number of students who have been
181 awarded a scholarship in the current school year;

182 (2) The number of scholarship recipients enrolled in
183 each qualified school, along with the number of recipients
184 who qualify for free and reduced price lunch and the number
185 of recipients who receive special education services and the
186 type of special education services received. Such
187 information shall be broken down by school year and the
188 total to date;

189 (3) The total number of scholarship recipients who are
190 eligible for free and reduced price lunch as approved by the
191 department of elementary and secondary education in
192 accordance with federal guidelines, broken down by school
193 year and the total to date;

194 (4) The total number of scholarship recipients who
195 have an individualized education plan (IEP) developed under
196 the federal Individuals with Disabilities Education Act, 20
197 U.S.C. Section 1400, et seq., as amended, broken down by
198 school year and the total to date;

199 (5) The number of scholarship recipients who have
200 received a grant from each educational assistance
201 organization, broken down by school year and the total to
202 date;

203 (6) The student test scores required to be posted
204 online pursuant to subdivision (3) of subsection 3 of this
205 section;

206 (7) The results of the parent satisfaction survey
207 required annually pursuant to subdivision (15) of subsection
208 1 of this section;

209 (8) The average dollar amount of a scholarship grant
210 for all students who participate in the program;

211 (9) The average dollar amount of a scholarship grant
212 for all students who participate in the program and who have
213 an IEP;

214 (10) The average duration of a student's participation
215 in the program;

216 (11) The number of students who are in their first
217 year of participation in the program;

218 (12) A list of the educational assistance
219 organizations that make contributions to the empowerment
220 scholarship accounts of students enrolled in each qualified
221 school; and

222 (13) The total amount of money that has been remitted
223 from qualified students' empowerment scholarship accounts to
224 each qualified school, broken down by school year and the
225 total aggregate amount.

226 5. An educational assistance organization may contract
227 with private financial management firms to manage
228 scholarship accounts with the supervision of the state
229 treasurer, provided that all laws and regulations that apply
230 to employees of such educational assistance organization

231 shall also apply to the actions of any employees of the
232 management firm while they are conducting work relating to
233 the direct decision-making of the operation of such
234 educational assistance organization.

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it
3 operates;

4 (2) Nonresident pupils eligible to attend a district's
5 school under an urban voluntary transfer program;

6 (3) Nonresident pupils who transfer from an
7 unaccredited district under section 167.895, provided that
8 the charter school is an approved charter school, as defined
9 in section 167.895, and subject to all other provisions of
10 section 167.895;

11 (4) In the case of a charter school whose mission
12 includes student drop-out prevention or recovery, any
13 nonresident pupil from the same or an adjacent county who
14 resides in a residential care facility, a transitional
15 living group home, or an independent living program whose
16 last school of enrollment is in the school district where
17 the charter school is established, who submits a timely
18 application; and

19 (5) In the case of a workplace charter school, any
20 student eligible to attend under subdivision (1) or (2) of
21 this subsection whose parent is employed in the business
22 district, who submits a timely application, unless the
23 number of applications exceeds the capacity of a program,
24 class, grade level or building. The configuration of a
25 business district shall be set forth in the charter and
26 shall not be construed to create an undue advantage for a
27 single employer or small number of employers.

28 2. If capacity is insufficient to enroll all pupils
29 who submit a timely application, the charter school shall
30 have an admissions process that assures all applicants of an
31 equal chance of gaining admission and does not discriminate
32 based on parents' ability to pay fees or tuition except that:

33 (1) A charter school may establish a geographical area
34 around the school whose residents will receive a preference
35 for enrolling in the school, provided that such preferences
36 do not result in the establishment of racially or
37 socioeconomically isolated schools and provided such
38 preferences conform to policies and guidelines established
39 by the state board of education;

40 (2) A charter school may also give a preference for
41 admission of children whose siblings attend the school or
42 whose parents are employed at the school or in the case of a
43 workplace charter school, a child whose parent is employed
44 in the business district or at the business site of such
45 school;

46 (3) Charter schools may also give a preference for
47 admission to high-risk students, as defined in subdivision
48 (5) of subsection 2 of section 160.405, when the school
49 targets these students through its proposed mission,
50 curriculum, teaching methods, and services;

51 (4) A charter school may also give a preference for
52 admission to students who will be eligible for the free and
53 reduced price lunch program in the upcoming school year.

54 3. A charter school shall not limit admission based on
55 race, ethnicity, national origin, disability, income level,
56 except as allowed under subdivision (4) of subsection 2 of
57 this section, proficiency in the English language or
58 athletic ability, but may limit admission to pupils within a
59 given age group or grade level. Charter schools may limit

60 admission based on gender only when the school is a single-
61 gender school. Students of a charter school who have been
62 enrolled for a full academic year shall be counted in the
63 performance of the charter school on [the statewide
64 assessments] **nationally norm-referenced assessments** in that
65 calendar year, unless otherwise exempted as English language
66 learners. [For purposes of this subsection, "full academic
67 year" means the last Wednesday in September through the
68 administration of the Missouri assessment program test
69 without transferring out of the school and re-enrolling.]

70 4. A charter school shall make available for public
71 inspection, and provide upon request, to the parent,
72 guardian, or other custodian of any school-age pupil
73 resident in the district in which the school is located the
74 following information:

- 75 (1) The school's charter;
- 76 (2) The school's most recent annual report card
77 published according to section 160.522;
- 78 (3) The results of background checks on the charter
79 school's board members; and
- 80 (4) If a charter school is operated by a management
81 company, a copy of the written contract between the
82 governing board of the charter school and the educational
83 management organization or the charter management
84 organization for services. The charter school may charge
85 reasonable fees, not to exceed the rate specified in section
86 610.026 for furnishing copies of documents under this
87 subsection.

88 5. When a student attending a charter school who is a
89 resident of the school district in which the charter school
90 is located moves out of the boundaries of such school
91 district, the student may complete the current semester and

92 shall be considered a resident student. The student's
93 parent or legal guardian shall be responsible for the
94 student's transportation to and from the charter school.

95 6. If a change in school district boundary lines
96 occurs under section 162.223, 162.431, 162.441, or 162.451,
97 or by action of the state board of education under section
98 162.081, including attachment of a school district's
99 territory to another district or dissolution, such that a
100 student attending a charter school prior to such change no
101 longer resides in a school district in which the charter
102 school is located, then the student may complete the current
103 academic year at the charter school. The student shall be
104 considered a resident student. The student's parent or
105 legal guardian shall be responsible for the student's
106 transportation to and from the charter school.

107 7. The provisions of sections 167.018 and 167.019
108 concerning foster children's educational rights are
109 applicable to charter schools.

160.518. 1. Consistent with the provisions contained
2 in section 160.526, the state board of education shall
3 **[develop, modify, and revise, as necessary, a statewide**
4 **assessment system that provides maximum flexibility for**
5 **local school districts to] ensure that local school**
6 **districts test students' academic achievement using**
7 **nationally norm-referenced assessments that** determine the
8 degree to which students in the public schools of the state
9 are proficient in the knowledge, skills, and competencies
10 adopted by such board pursuant to section 160.514. **[The**
11 **statewide assessment system] Such nationally norm-referenced**
12 **assessments** shall assess problem solving, analytical
13 ability, evaluation, creativity, and application ability in
14 the different content areas and shall be performance-based

15 to identify what students know, as well as what they are
16 able to do, and shall enable teachers to evaluate actual
17 academic performance. [The statewide assessment system] **The**
18 **nationally norm-referenced assessments** shall neither promote
19 nor prohibit rote memorization and shall not include
20 existing versions of tests approved for use pursuant to the
21 provisions of section 160.257, nor enhanced versions of such
22 tests. [After the state board of education adopts and
23 implements academic performance standards as required under
24 section 161.855, the state board of education shall develop
25 and adopt a standardized assessment instrument under this
26 section based on the academic performance standards adopted
27 under section 161.855.] The [statewide assessment system]
28 **nationally norm-referenced assessments** shall measure, where
29 appropriate by grade level, a student's knowledge of
30 academic subjects including, but not limited to, reading
31 skills, writing skills, mathematics skills, world and
32 American history, forms of government, geography and science.

33 2. [The statewide assessment system shall only permit
34 the academic performance of students in each school in the
35 state to be tracked against prior academic performance in
36 the same school.]

37 3. The state board of education shall suggest, but not
38 mandate, criteria for a school to demonstrate that its
39 students learn the knowledge, skills and competencies at
40 exemplary levels worthy of imitation by students in other
41 schools in the state and nation. Exemplary levels shall be
42 measured by the statewide assessment system developed
43 pursuant to subsection 1 of this section, or until said
44 statewide assessment system is available, by indicators
45 approved for such use by the state board of education. The
46 provisions of other law to the contrary notwithstanding, the

47 commissioner of education may, upon request of the school
48 district, present a plan for the waiver of rules and
49 regulations to any such school, to be known as "Outstanding
50 Schools Waivers", consistent with the provisions of
51 subsection 4 of this section.

52 4. For any school that meets the criteria established
53 by the state board of education for three successive school
54 years pursuant to the provisions of subsection 3 of this
55 section, by August first following the third such school
56 year, the commissioner of education shall present a plan to
57 the superintendent of the school district in which such
58 school is located for the waiver of rules and regulations to
59 promote flexibility in the operations of the school and to
60 enhance and encourage efficiency in the delivery of
61 instructional services. The provisions of other law to the
62 contrary notwithstanding, the plan presented to the
63 superintendent shall provide a summary waiver, with no
64 conditions, for the pupil testing requirements pursuant to
65 section 160.257, in the school. Further, the provisions of
66 other law to the contrary notwithstanding, the plan shall
67 detail a means for the waiver of requirements otherwise
68 imposed on the school related to the authority of the state
69 board of education to classify school districts pursuant to
70 subdivision (9) of section 161.092 and such other rules and
71 regulations as determined by the commissioner of education,
72 excepting such waivers shall be confined to the school and
73 not other schools in the district unless such other schools
74 meet the criteria established by the state board of
75 education consistent with subsection 3 of this section and
76 the waivers shall not include the requirements contained in
77 this section and section 160.514. Any waiver provided to
78 any school as outlined in this subsection shall be void on

79 June thirtieth of any school year in which the school fails
80 to meet the criteria established by the state board of
81 education consistent with subsection 3 of this section.

82 5.] The score on any assessment test developed
83 pursuant to this section or this chapter of any student for
84 whom English is a second language shall not be counted until
85 such time as such student has been educated for three full
86 school years in a school in this state, or in any other
87 state, in which English is the primary language.

88 [6.] 3. The state board of education shall identify
89 or, if necessary, establish one or more developmentally
90 appropriate alternate assessments for students who receive
91 special educational services, as that term is defined
92 pursuant to section 162.675. In the development of such
93 alternate assessments, the state board shall establish an
94 advisory panel consisting of a majority of active special
95 education teachers residing in Missouri and other education
96 professionals as appropriate to research available
97 assessment options. The advisory panel shall attempt to
98 identify preexisting developmentally appropriate alternate
99 assessments but shall, if necessary, develop alternate
100 assessments and recommend one or more alternate assessments
101 for adoption by the state board. The state board shall
102 consider the recommendations of the advisory council in
103 **identifying or, if necessary,** establishing such alternate
104 assessment or assessments. Any student who receives special
105 educational services, as that term is defined pursuant to
106 section 162.675, shall be assessed by an alternate
107 assessment established pursuant to this subsection upon a
108 determination by the student's individualized education
109 program team that such alternate assessment is more
110 appropriate to assess the student's knowledge, skills and

111 competencies than the assessment developed pursuant to
112 subsection 1 of this section. The alternate assessment
113 shall evaluate the student's independent living skills,
114 which include how effectively the student addresses common
115 life demands and how well the student meets standards for
116 personal independence expected for someone in the student's
117 age group, sociocultural background, and community setting.

118 [7.] 4. The state board of education shall also
119 develop recommendations regarding alternate assessments for
120 any military dependent who relocates to Missouri after the
121 commencement of a school term, in order to accommodate such
122 student while ensuring that he or she is proficient in the
123 knowledge, skills, and competencies adopted under section
124 160.514.

160.526. 1. In establishing, evaluating, modifying,
2 and revising the academic performance standards and learning
3 standards authorized by section 160.514 [and the statewide
4 assessment system authorized by subsection 1 of section
5 160.518], the state board of education shall consider the
6 work that has been done by other states, recognized regional
7 and national experts, professional education discipline-
8 based associations, other professional education
9 associations, the work product from the department of higher
10 education and workforce development's curriculum alignment
11 initiative, or any other work in the public domain.

12 2. [The state board of education shall by contract
13 enlist the assistance of such national experts to receive
14 reports, advice and counsel on a regular basis pertaining to
15 the validity and reliability of the statewide assessment
16 system. The reports from such experts shall be received by
17 the state board of education. Within six months prior to
18 implementation of or modification or revision to the

19 statewide assessment system, the commissioner of education
20 shall inform the president pro tempore of the senate and the
21 speaker of the house of representatives about the procedures
22 to implement, modify, or revise the statewide assessment
23 system, including a report related to the reliability and
24 validity of the assessment instruments, and the general
25 assembly may, within the next sixty legislative days, veto
26 such implementation, modification, or revision by concurrent
27 resolution adopted by majority vote of both the senate and
28 the house of representatives.

29 3.] The commissioner of education shall establish a
30 procedure for the state board of education to regularly
31 receive advice and counsel from professional educators at
32 all levels in the state, district boards of education,
33 parents, representatives from business and industry, the
34 general assembly, and labor and community leaders pertaining
35 to the implementation of sections 160.514 and 160.518. By
36 December 31, 2014, the commissioner of education shall
37 revise this procedure to allow the state board of education
38 to regularly receive advice and counsel from professional
39 educators at all levels in the state, district boards of
40 education, parents, representatives from business and
41 industry, the general assembly, and labor and community
42 leaders whenever the state board develops, evaluates,
43 modifies, or revises academic performance standards[,] or
44 learning standards[, or the statewide assessment system]
45 under [sections] **section** 160.514 [and 160.518]. The
46 procedure shall include, at a minimum, the appointment of ad
47 hoc committees.

160.570. 1. Nothing in this section or section
2 105.1209 shall be construed to affect or limit any state
3 agency's authority regarding professional registration,

4 licensing or issuance of professional certificates, nor
5 shall this section be construed to limit or affect the
6 authority of the state board of education to examine
7 applicants and issue high school equivalency certificates.

8 2. The school board of each school district shall
9 establish a written policy on student participation in
10 **[statewide] nationally norm-referenced** assessments. The
11 policy shall be provided to each student and the parent,
12 guardian or other person responsible for every student under
13 eighteen years of age at the beginning of each school year
14 and a copy of the policy shall be maintained in the district
15 office and shall be available for viewing by the public
16 during business hours of the district office. A school
17 board may establish a policy designed to encourage students
18 to give their best efforts on each portion of any
19 **[statewide] nationally norm-referenced** assessment
20 established pursuant to section 160.518 which may include
21 but is not limited to incentives or supplementary work as a
22 consequence of performance.

23 3. In no case shall the state board of education or
24 any other state agency establish any single test or group of
25 tests as a condition or requirement for high school
26 graduation or as a requirement for a state-approved diploma.

160.720. 1. The department of elementary and
2 secondary education shall identify as a priority school any
3 school building or attendance center that fails to meet
4 acceptable standards of student achievement established by
5 the state board of education and based upon factors which
6 shall include, but not be limited to, student assessments,
7 graduation rate, drop-out rate, school attendance rate,
8 graduate placement in college, vocational or technical

9 school, or high-wage employment and incidence of school
10 violence.

11 2. The board of education of any district that
12 contains a priority school shall submit a comprehensive
13 school improvement plan that provides for the following:

14 (1) Identification of the areas of academic deficiency
15 in student performance on the [statewide] **nationally norm-**
16 **referenced** assessment established pursuant to section
17 160.518 by disaggregating scores based upon school, grade,
18 academic content area and student demographic subgroups,
19 which shall include, but shall not be limited to, race,
20 ethnicity, disability status, migrant status, limited
21 English proficiency, and economic disadvantage;

22 (2) Implementation of research-based strategies to
23 assist the priority school in addressing the areas of
24 deficiency;

25 (3) Alignment of the priority school's curriculum to
26 address deficiencies in student achievement;

27 (4) Reallocation of district resources to address the
28 areas of academic deficiency, which shall include focusing
29 available funding on professional development in the areas
30 of deficiency; and

31 (5) Listing of all school buildings and attendance
32 centers declared to be priority schools in the district's
33 annual school accountability report distributed pursuant to
34 section 160.522.

35 3. The state board of education may appoint a team to
36 conduct an educational audit of any priority school to
37 determine the factors that have contributed to the lack of
38 student achievement and shall give audit priority to schools
39 based upon failure to meet standards of student achievement
40 as established pursuant to this section.

41 (1) An audit team shall include an experienced teacher
42 and an experienced administrator from successful school
43 districts of comparable size and per-pupil funding. The
44 size of the audit team shall be based upon the size of the
45 school to be audited;

46 (2) The audit team shall report its findings to the
47 state board of education and the local board of education;

48 (3) The state board may require all or part of those
49 findings to be addressed in the comprehensive school
50 improvement plan required pursuant to this section.

51 4. Comprehensive school improvement plans shall be
52 evaluated based upon standards established pursuant to
53 subsection 2 of this section and upon the following time
54 lines:

55 (1) The comprehensive school improvement plan shall be
56 submitted to the department of elementary and secondary
57 education on or before August fifteenth following any school
58 year in which a school district building meets the criteria
59 established under subsection 1 of this section;

60 (2) The department of elementary and secondary
61 education shall review and identify areas of concern in the
62 plan within sixty days of receipt; and

63 (3) Changes to the plan shall be forwarded to the
64 department of elementary and secondary education within
65 sixty days of notice to the district of the areas of concern.

66 5. The department of elementary and secondary
67 education shall withhold funds authorized in section 163.031
68 from any school district that fails to submit a
69 comprehensive school improvement plan based upon the
70 standards and time lines established in this section.
71 Withheld funds shall be released upon submission of a

72 comprehensive school improvement plan that meets the
73 established requirements.

74 6. Designation as a priority school and the
75 effectiveness of the school district in implementing the
76 comprehensive school improvement plan required under this
77 section shall be considered by the state board of education
78 in the school district's accreditation granted pursuant to
79 section 161.092.

80 7. No rule or portion of a rule promulgated under this
81 section shall become effective unless it has been
82 promulgated pursuant to chapter 536.

161.855. 1. By October 1, 2014, the state board of
2 education shall convene work groups composed of education
3 professionals to develop and recommend academic performance
4 standards. The work groups shall be composed of individuals
5 as provided in section 160.514. The state board of
6 education and the work groups shall follow the procedures
7 and conduct the public hearings required by section
8 160.514. The state board of education shall convene
9 separate work groups for the following subject areas:
10 English language arts; mathematics; science; and history and
11 governments. For each of these four subject areas, the
12 state board of education shall convene two separate work
13 groups, one work group for grades kindergarten through five
14 and another work group for grades six through twelve.

15 2. The work groups shall develop and recommend
16 academic performance standards to the state board of
17 education by October 1, 2015. The work groups shall report
18 on their progress in developing the academic performance
19 standards to the president pro tempore of the senate and the
20 speaker of the house of representatives on a monthly basis.

21 3. The state board of education shall adopt and
22 implement academic performance standards beginning in the
23 2016-17 school year. [The state board of education shall
24 align the statewide assessment system to the academic
25 performance standards as needed.

26 4. The department of elementary and secondary
27 education shall pilot assessments from the Smarter Balanced
28 Assessment Consortium during the 2014-15 school year.
29 Notwithstanding any rules adopted by the state board of
30 education or the department of elementary and secondary
31 education in place on August 28, 2014, for the 2014-15
32 school year, and at any time the state board of education or
33 the department of elementary and secondary education
34 implements a new statewide assessment system, develops new
35 academic performance standards, or makes changes to the
36 Missouri school improvement program, the first year of such
37 statewide assessment system and performance indicators shall
38 be utilized as a pilot year for the purposes of calculating
39 a district's annual performance report under the Missouri
40 school improvement program. The results of a statewide
41 pilot shall not be used to lower a public school district's
42 accreditation or for a teacher's evaluation.

43 5.] 4. Any person performing work for a school
44 district or charter school for which teacher certification
45 or administrator certification is regularly required under
46 the laws relating to the certification of teachers or
47 administrators shall be an employee of the school district
48 or charter school. All evaluations of any such person shall
49 be maintained in the teacher's or administrator's personnel
50 file and shall not be shared with any state or federal
51 agency.

161.1085. For purposes of sections 161.1080 to
2 161.1130, the following terms mean:

3 (1) "Department", the department of elementary and
4 secondary education;

5 (2) "Governing board", the board of education of a
6 district or the governing board of a charter school that has
7 declared itself a local educational agency;

8 (3) "Initial remedial year", the year in which a
9 district school or charter school is designated as a school
10 in need of intervention under section 161.1090;

11 (4) "Local educational agency", any school district
12 and any charter school that has declared itself a local
13 educational agency;

14 (5) **"Nationally norm-referenced assessment", any test**
15 **of student achievement in English language arts,**
16 **mathematics, or science, including any such test**
17 **administered in a computer-adaptive format, that is**
18 **administered under section 160.518;**

19 (6) "School", a public school under the control of a
20 local educational agency;

21 [(6)] (7) "School in need of intervention", a school
22 that has been designated as in need of intervention by the
23 department according to an outcome-based measure as
24 determined by the department under section 161.1090, which
25 may include, but shall not be required to include, schools
26 identified for intervention under the state's every student
27 succeeds act plan[;]

28 (7) "Statewide assessment", any test of student
29 achievement in English language arts, mathematics, or
30 science, including any such test administered in a computer-
31 adaptive format, that is administered statewide under
32 section 160.518].

161.1090. 1. Subject to appropriation, the department
2 shall establish a school turnaround program to assist
3 schools designated by the department as in need of
4 intervention in accordance with the provisions of sections
5 161.1080 to 161.1130.

6 2. The department shall use an outcome-based measure
7 to set criteria for the designation of schools in need of
8 intervention.

9 3. No more than one month after **[statewide]** **nationally**
10 **norm-referenced** assessment results are made public, the
11 department shall designate specific schools as in need of
12 intervention. The department shall designate a school as in
13 need of intervention only if sufficient funds are available
14 in the school turnaround fund established in section
15 161.1105 to pay an independent school turnaround expert.

16 4. The department shall determine the specific
17 criteria that a school shall be required to meet in order to
18 exit the school turnaround program based on the same outcome-
19 based measure that was used to designate the school as in
20 need of intervention.

21 5. The department shall not designate any school as in
22 need of intervention before September 1, 2020.

23 6. Nothing in this section shall prohibit the criteria
24 established under this section from satisfying a school's
25 requirement for intervention under the every student
26 succeeds act.

161.1100. 1. Before August 30, 2020, the department
2 shall identify two or more approved independent school
3 turnaround experts, through a request for proposals process,
4 that a school in need of intervention may select from to
5 partner with, to:

6 (1) Collect and analyze data on the school's student
7 achievement, personnel, culture, curriculum, assessments,
8 instructional practices, digital tools and other methods for
9 teaching and learning, governance, leadership, finances, and
10 policies;

11 (2) Recommend changes to the school's culture,
12 curriculum, assessments, instructional practices,
13 governance, finances, policies, or other areas based on data
14 collected under subdivision (1) of this subsection;

15 (3) Develop and implement, in partnership with the
16 school turnaround committee, a school turnaround plan that
17 meets the criteria described in section 161.1095;

18 (4) Monitor the effectiveness of a school turnaround
19 plan through reliable means of evaluation including, but not
20 limited to, onsite visits, observations, surveys, analysis
21 of student achievement data, and interviews;

22 (5) Provide ongoing implementation support and project
23 management for a school turnaround plan;

24 (6) Provide high-quality professional development and
25 coaching personalized for school staff that is designed to
26 build:

27 (a) The leadership capacity of the school principal;

28 (b) The instructional capacity of school staff; and

29 (c) The collaborative practices of teacher and
30 leadership teams;

31 (7) Provide job-embedded professional learning and
32 coaching for all instructional staff on a weekly basis, at a
33 minimum;

34 (8) Provide job-embedded professional learning and
35 coaching for the school principal at least twice monthly,
36 focused on proven strategies to turn around schools in need

37 of intervention that are aligned with administrator
38 standards developed under section 168.410; and

39 (9) Leverage support from community partners to
40 coordinate an efficient delivery of supports to students
41 both inside and outside the classroom.

42 2. In identifying independent school turnaround
43 experts under subsection 1 of this section, the department
44 shall identify experts who:

45 (1) Have a credible track record of improving student
46 academic achievement in public schools with various
47 demographic characteristics, as measured by [statewide]
48 **nationally norm-referenced** assessments;

49 (2) Have experience designing, implementing, and
50 evaluating data-driven instructional systems in public
51 schools;

52 (3) Have experience coaching public school
53 administrators and teachers on designing and implementing
54 data-driven school improvement plans;

55 (4) Have experience collaborating with the various
56 education entities that govern public schools;

57 (5) Have experience delivering high-quality
58 professional development and coaching in instructional
59 effectiveness to public school administrators and teachers;

60 (6) Are willing to be compensated for professional
61 services based on performance as described in section
62 161.1105; and

63 (7) Are willing to partner with any school in need of
64 intervention in the state, regardless of location.

162.1300. If a change in school district boundary
2 lines occurs under section 162.223, 162.431, 162.441, or
3 162.451, or by action of the state board of education under
4 section 162.081, including attachment of a school district's

5 territory to another district or dissolution, such that a
6 school district receives additional students as a result of
7 such change, the [statewide] **nationally norm-referenced**
8 assessment scores and all other performance data for those
9 students whom the district received shall not be used for
10 three years when calculating the performance of the
11 receiving district for three school years for purposes of
12 the Missouri school improvement program.

163.023. 1. Commencing September 1, 1997, a school
2 district that has an operating levy for school purposes as
3 defined in section 163.011, of less than the minimum value
4 required by section 163.021, shall be classified as
5 unaccredited by the state board of education and shall be
6 deemed to be an unclassified school district for all
7 purposes under force of law, pursuant to the authority of
8 the state board of education to classify school districts
9 pursuant to section 161.092, except that no school district
10 shall be classified as unaccredited or deemed to be an
11 unclassified school district pursuant to this section if
12 such district is ineligible to receive state aid under
13 section 163.031, exclusive of categorical add-ons, because
14 the district's local effort is greater than its weighted
15 average daily attendance multiplied by the state adequacy
16 target multiplied by the dollar value modifier. No school
17 district, except a district which is ineligible to receive
18 state aid under section 163.031, exclusive of categorical
19 add-ons, because the district's local effort is greater than
20 its weighted average daily attendance multiplied by the
21 state adequacy target multiplied by the dollar value
22 modifier, may be classified or reclassified as accredited
23 until such district has an operating levy for school
24 purposes which is equal to or greater than the minimum value

25 required by section 163.021. Beginning July 1, 1998, the
26 state board of education shall consider the results for a
27 school district from the [statewide assessment system
28 developed] **nationally norm-referenced assessments conducted**
29 pursuant to the provisions of section 160.518 when
30 classifying a school district as authorized by subdivision
31 (9) of section 161.092. Further, the state board of
32 education shall consider the condition and adequacy of
33 facilities of a school district when determining such
34 classification.

35 2. For any school district classified unaccredited for
36 any school year, the state board of education shall conduct
37 procedures to classify said school district for the first
38 school year following.

167.905. 1. By July 1, 2018, each school district
2 shall develop a policy and implement a measurable system for
3 identifying students in their ninth grade year, or students
4 who transfer into the school subsequent to their ninth grade
5 year, who are at risk of not being ready for college-level
6 work or for entry-level career positions. Districts shall
7 include, but are not limited to, the following sources of
8 information:

9 (1) A student's performance on [the Missouri
10 assessment program test] **a nationally norm-referenced**
11 **assessment** in eighth grade in English language arts and
12 mathematics;

13 (2) A student's comparable statewide assessment
14 performance if such student transferred from another state;

15 (3) The district's overall reported remediation rate
16 under section 173.750; and

17 (4) A student's attendance rate.

18 2. The district policy shall require academic and
19 career counseling to take place prior to graduation so that
20 the school may attempt to provide sufficient opportunities
21 to the student to graduate college-ready or career-ready and
22 on time.

23 3. Each school district shall adopt a policy to permit
24 the waiver of the requirements of this section for any
25 student with a disability if recommended by the student's
26 IEP committee. For purposes of this subsection, "IEP" means
27 individualized education program.

 168.749. 1. Beginning with school year 2010-11,
2 teachers who elect to participate in the teacher choice
3 compensation package shall be eligible for stipends based on
4 the following criteria:

5 (1) Score on a value-added test instrument or
6 instruments. Such instruments shall be defined as those
7 which give a reliable measurement of the skills and
8 knowledge transferred to students during the time they are
9 in a teacher's classroom and shall be selected by the school
10 district from one or more of the following assessments:

11 (a) A list of recognized value-added instruments
12 developed by the department of elementary and secondary
13 education;

14 (b) Scores on the [statewide] assessments established
15 under section 160.518 may be used for this purpose, and the
16 department of elementary and secondary education shall
17 develop a procedure for identifying the value added by
18 teachers that addresses the fact that not all subjects are
19 **necessarily** tested at all grade levels each year [under the
20 state assessment program];

21 (c) Scores on annual tests required by the federal
22 Elementary and Secondary Education Act reauthorization of

23 2002 for third through eighth grade may be used as value-
24 added instruments if found appropriate after consideration
25 and approval by the state board of education;

26 (d) A district may choose an instrument after a public
27 hearing of the district board of education on the matter,
28 with the reasons for the selection entered upon the minutes
29 of the meeting; provided, however, that this option shall
30 not be available to districts after scores are established
31 for paragraphs (a), (b), and (c) of this subdivision;

32 (2) Evaluations by principals or other administrators
33 with expertise to evaluate classroom performance;

34 (3) Evaluations by parents and by students at their
35 appropriate developmental level.

36 Model instruments for these evaluations shall be developed
37 or identified by the department of elementary and secondary
38 education. Districts may use such models, may use other
39 existing models, or may develop their own instruments. A
40 district that develops its own instrument shall not use that
41 instrument as its sole method of evaluation.

42 2. The department of elementary and secondary
43 education shall develop criteria for determining eligibility
44 for stipend increments, including a range of target scores
45 on assessments for use by the districts. The test-score
46 options listed in subdivision (1) of subsection 1 of this
47 section shall be given higher weight than the evaluation
48 options listed in subdivisions (2) and (3) of subsection 1
49 of this section. The decision of individual districts about
50 the qualifications for each increment based on the
51 evaluations listed in subdivisions (2) and (3) of subsection
52 1 of this section and for value-added instruments for which
53 target scores have not been developed by the department of

54 elementary and secondary education may address the
55 district's unique characteristics but shall require
56 demonstrably superior performance on the part of the
57 teacher, based primarily on improved student achievement
58 while taking into account classroom demographics including
59 but not limited to students' abilities, special needs, and
60 class size.

170.017. The department of elementary and secondary
2 education shall, by July 1, 2015, develop a high school
3 graduation policy that allows a student to fulfill one unit
4 of academic credit with a district-approved agriculture or
5 career and technical education course for any communication
6 arts, mathematics, science, or social studies unit required
7 for high school graduation in any combination up to
8 fulfilling one requirement in each of the four subject
9 areas. [The substitution may not be made where the course
10 for which the agriculture or career and technical education
11 course is being substituted requires an end-of-course
12 statewide assessment. The credit cannot be substituted for
13 any course which requires a statewide end-of-course
14 assessment.] The policy required under this section shall
15 be in addition to the optional waiver of one unit of
16 academic credit for a three-unit career and technical
17 program of studies.

Section B. Section A of this act shall become
2 effective only upon notification to the revisor of statutes
3 by an opinion by the attorney general of Missouri, a
4 proclamation by the governor of Missouri, or the adoption of
5 a concurrent resolution by the Missouri general assembly
6 that the United States Department of Education has been

7 abolished or dismantled by an act of the United States
8 Congress.

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