FIRST REGULAR SESSION

SENATE BILL NO. 255

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Read 1st time January 5, 2017, and ordered printed.

1051S.01I

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 167.131, RSMo, and to enact in lieu thereof six new sections relating to school operations, with an emergency clause.

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

Section A. Section 167.131, RSMo, is repealed and six new sections

- 2 enacted in lieu thereof, to be known as sections 160.085, 161.088, 167.131,
- 3 167.730, 168.310, and 171.417, to read as follows:

160.085. 1. Section 160.085, section 161.088, section 167.730,

- 2 section 168.310, and section 171.417 shall be known and may be cited as
- B the "Every Child Can Learn Act".
- 2. For any school that has been classified as unaccredited by the
- 5 state board of education under the system of classification enacted
- 6 under section 161.088, the school board of the district in which it is
- 7 located shall adopt and implement a school turnaround option for the
- 8 unaccredited school no later than the first day of school of the school
- 9 year beginning in the next calendar year.
- 3. For purposes of this section, the following terms shall mean:
- 11 (1) "Department", the department of elementary and secondary 12 education;
- 13 **(2)** "Education management organization", a for-profit or 14 nonprofit organization that provides whole-school operation services
- 15 to a district;
- 16 (3) "Restart model", a model in which a district converts a school
- 17 or closes and reopens a school using an education management
- 18 organization that has been selected through a rigorous review
- 19 process. Any school in which a restart model is used shall enroll,
- 20 within the grades it serves, any former student who wishes to attend

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21 the school;

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- 22 (4) "School turnaround option", when used alone, shall refer to 23 a restart model, a transformation model, and a turnaround model;
- (5) "Student academic growth", the change in achievement for an individual student between two or more points in time based on standards-based measures that are valid, rigorous, and comparable across classrooms of similar content and levels;
- 28 (6) "Transformation model", a model in which a district shall 29 implement each of the following actions:
 - (a) The district develops and increases teacher and school leader effectiveness through required activities. To accomplish this action, the district shall:
- 33 a. Replace the principal who led the school prior to 34 commencement of the transformation model;
 - b. Use rigorous, transparent, and equitable evaluation systems for teachers and principals that take into account data on student academic growth, as defined in this section, as a significant factor as well as other factors such as multiple observation-based assessments of performance and ongoing collections of professional practice reflective of student achievement and increased high school graduation rates and that are designed and developed with teacher and principal involvement;
 - c. Identify and reward school leaders, teachers, and other staff who, in implementing this model, have increased student achievement and high school graduation rates and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so; and
 - d. Provide staff with ongoing, high-quality, job-embedded professional development, including but not limited to specific subject pedagogy, instruction that reflects a deeper understanding of the community served by the school or differentiated instruction that is aligned with the school's comprehensive instructional program and designed with school staff to ensure they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies;
- 56 (b) The district implements strategies, which may include but 57 not be limited to financial incentives, increased opportunities for

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promotion and career growth, and flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in a transformation school;

- 61 (c) The district implements comprehensive instructional reform 62 strategies, which shall include:
 - a. The use of data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with state academic standards; and
 - b. The promotion of the continuous use of student data to inform and differentiate instruction in order to meet the academic needs of individual students. Student data may be obtained from the use of formative, interim, and summative assessments;
- 70 (d) Increases learning time and creates community-oriented 71 schools by:
- a. Establishing schedules and implementing strategies that provide increased and extended learning time and opportunities; and
 - b. Provides ongoing mechanisms for family and community engagement; and
 - (e) Provides operational flexibility and sustained support by:
 - a. Giving the school sufficient operational flexibility to fully implement a comprehensive approach to substantially improve student achievement outcomes and increase high school graduation rates. Operational flexibility shall include, but not be limited to, staffing decisions at the school, changes in school calendars and attendance time, and budgeting; and
 - b. Ensuring that the school receives ongoing, intensive technical assistance and related support from the district, the department, or a designated external lead partner organization, such as a school turnaround organization or an education management organization;
 - (7) "Turnaround model", a model in which a district performs the following actions:
- (a) Replaces the principal and grants a new principal sufficient operational flexibility to implement a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates. Operational flexibility shall include, but not be limited to, staffing decisions at the school, changes in school calendars and attendance time, and budgeting;

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- 95 (b) Notwithstanding any provision of law to the contrary, uses 96 locally adopted competencies to measure the effectiveness of staff who 97 can work within the turnaround environment to meet the needs of 98 students, screen all existing staff and rehire no more than fifty percent 99 of existing staff, and select new staff;
 - (c) Implements such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in the turnaround school;
- (d) Provides staff with ongoing, high quality, job-embedded professional development that is aligned with the school's comprehensive instructional program and designed with school staff to ensure that they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies;
- 111 (e) Adopts a new governance structure, which may include, but 112 not be limited to, requiring the school to report to a new turnaround 113 office that may be established in the district or in the department, hire 114 a turnaround leader who reports directly to the district 115 superintendent, or enter into a multi-year contract with the district or 116 the department to obtain added flexibility in exchange for greater 117 accountability;
 - (f) Uses data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with state academic standards;
- 121 (g) Promotes the continuous use of student data, such as 122 formative assessments, interim assessments, and summative 123 assessments to inform and differentiate instruction in order to meet the 124 academic needs of individual students;
- 125 (h) Establishes schedules and implements strategies that provide 126 increased learning time; and
- 127 (i) Provides appropriate social-emotional and community-128 oriented services and supports for students.
 - 161.088. 1. As authorized under its duty to classify the schools 2 of the state under section 161.092, the state board of education shall 3 adopt a system of classification as part of the Missouri school

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4 improvement program that classifies and accredits individual schools 5 within a district separately from the district for:

- (1) Any metropolitan school district; and
- 7 (2) Any urban school district containing most or all of a home 8 rule city with more than four hundred thousand inhabitants and 9 located in more than one county.
- 2. For any district identified in subsection 1 of this section, the state board of education shall classify the district as a whole in addition to classifying each individual school within the district.
 - 3. The system of classification shall classify the schools in the following manner:
 - (1) Accredited with distinction;
- 16 (2) Accredited;

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- 17 (3) Provisionally accredited; or
- 18 (4) Unaccredited.
- 19 4. The state board of education's system of classification shall be promulgated through administrative rule. Any rule or portion of a rule, 20 as that term is defined in section 536.010 that is created under the 21 authority delegated in this section shall become effective only if it 2223 complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are 24 nonseverable and if any of the powers vested with the general assembly 26 pursuant to chapter 536, to review, to delay the effective date, or to 27disapprove and annul a rule are subsequently held unconstitutional, 28 then the grant of rulemaking authority and any rule proposed or 29 adopted after August 28, 2017, shall be invalid and void.
- 167.131. 1. Except as provided in subsection 3 of this section, the board of education of each district in this state that does not maintain an accredited school pursuant to the authority of the state board of education to classify schools as established in section 161.092 shall pay the tuition of and provide transportation consistent with the provisions of section 167.241 for each pupil resident therein who attends an accredited school in another district of the same or an adjoining county or who attends an approved charter school in the same or an adjoining county.
- 9 2. The rate of tuition to be charged by the district attended and paid by 10 the sending district is the per pupil cost of maintaining the district's grade level 11 grouping which includes the school attended. The rate of tuition to be charged

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by the approved charter school attended and paid by the sending district is the 12per pupil cost of maintaining the approved charter school's grade level 14 grouping. For a district, the cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed 15all amounts spent for teachers' wages, incidental purposes, debt service, 16 maintenance and replacements. For an approved charter school, the cost of 17maintaining a grade level grouping shall be determined by the approved charter 19 school but in no case shall it exceed all amounts spent by the district in which the 20 approved charter school is located for teachers' wages, incidental purposes, debt 21service, maintenance, and replacements. The term "debt service", as used in this 22 section, means expenditures for the retirement of bonded indebtedness and 23expenditures for interest on bonded indebtedness. Per pupil cost of the grade 24level grouping shall be determined by dividing the cost of maintaining the grade 25level grouping by the average daily pupil attendance. If there is disagreement as 26 to the amount of tuition to be paid, the facts shall be submitted to the state board 27 of education, and its decision in the matter shall be final. Subject to the 28 limitations of this section, each pupil shall be free to attend the public school of 29 his or her choice.

- 3. Before a student enrolled in and attending a public school that is classified as unaccredited by the state board of education under the system of classification enacted under section 161.088 may transfer to a public school in an accredited district in the same or an adjoining county under subsection 1 of this section, the district in which an unaccredited school is located shall determine if there is sufficient capacity in another public school in the student's district of residence that offers the student's grade level of enrollment and is accredited by the state board of education. If such capacity exists, the district shall permit the student to enroll in the accredited school. If such capacity does not exist or the student is unable to transfer to another accredited public school within his or her district of residence, the student may transfer to a public school in an accredited district in the same or an adjoining county. To be eligible to transfer to an accredited district in the same or an adjoining county, a student shall have been enrolled in and attending a public school in the unaccredited district for the three previous school years.
 - 4. Each district in which an unaccredited school is located, as

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48 determined under the system of classification created under section 161.088, shall publicly post a student transfer application on its 49 internet website and otherwise make it available to parents and 50 guardians. Any parent or guardian who seeks to transfer his or her child under this section shall complete a transfer application by April 52 1 for enrollment in the following school year. If an unaccredited school 53 regains accreditation from the state board of education during the 54school year, any student who has enrolled in another accredited public 55 school within the district or in an accredited district in the same or an 56 adjoining county may complete the school year at the school of 57 58 enrollment.

- 5. For purposes of this section, "approved charter school" means a charter school that has existed for less than three years or a charter school with a three-year average score of seventy percent or higher on its annual performance report.
- 167.730. 1. Beginning July 1, 2018, every public school in the metropolitan school district, including charter schools, shall incorporate a response-to-intervention tiered approach to reading instruction to focus resources on students who are determined by their school to need additional or changed instruction to make progress as readers. At a minimum, the reading levels of students in kindergarten through tenth grade shall be assessed at the beginning and middle of the school year, and students who score below district benchmarks shall be provided with intensive, systematic reading instruction.
- 10 2. Beginning January 1, 2018, and every January first thereafter, every public school in the metropolitan school district, including 11 charter schools, shall prepare a personalized learning plan for any kindergarten or first grade student whose most recent school-wide reading assessment result shows the student is working below grade 14 level unless the student has been determined by other means in the current school year to be working at grade level or above. The 16 provisions of this section shall not apply to students otherwise served under an individualized education program, to students receiving services through a plan prepared under Section 504 of the 19 Rehabilitation Act of 1973 that includes an element addressing reading 20 below grade level, or to students determined to have limited English 2122proficiency.

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3. For any student that is required by this section to have a personalized learning plan, the student's main teacher shall consult with the student's parent or guardian during the preparation of the 26plan and shall consult, as appropriate, any district personnel or department of elementary and secondary education personnel with 2728necessary expertise to develop such a plan. The school shall require the written consent of the parent or guardian to implement the plan; 29 however, if the school is unsuccessful in contacting the parent or 30 31 guardian by January fifteenth, the school may send a letter by certified mail to the student's last known address stating its intention to 3233 implement the plan by February first.

- 4. After implementing the personalized learning plan through the end of the student's first grade year, the school shall refer any student who still performs below grade level for assessment to determine if an individualized education program is necessary for the student. A student who is assessed as not needing an individualized education program but who is reading below grade level at the end of the first grade shall continue to be required to have a personalized learning plan until the student is reading at grade level.
- 5. A student who is not reading at second-grade level by the end of second grade may be promoted to the third grade only under one of the following circumstances:
- (1) The school provides additional reading instruction during the summer and demonstrates the student is ready for third grade at the end of the summer school;
- 48 (2) The school provides a combined classroom in which the student continues with the same teacher, sometimes referred to as 49 "looping". If the student in such a classroom is not reading at third-50 grade level by the end of third grade, the student shall be retained in 52 third grade; or
 - (3) The student's parents or guardians have signed a notice that they prefer to have their student promoted although the student is reading below grade level. The school shall have the final determination on the issue of retention.
- 6. The metropolitan school district and each charter school located in it shall provide in its annual report card under section 58 160.522 the numbers and percentages by grade from first grade to tenth 59

grade in each school of any students at any grade level who have been promoted who have been determined as reading below grade level, except that no reporting shall permit the identification of an individual student.

168.310. Notwithstanding any provision of sections 168.102 to 168.130 or 168.221 to the contrary, upon classification of a school as unaccredited under the system of classification provided in section 161.088, the school board of the district in which the school is located may, without a hearing or the procedures required by sections 168.102 to 168.130 or section 168.221:

- 7 (1) Terminate the employment of any school personnel employed 8 in an unaccredited school; or
- 9 (2) Not renew the contract of any school personnel employed in 10 an unaccredited school.
- 171.417. 1. By July 1, 2019, the department of elementary and secondary education shall develop and implement a system of assigning letter grades to each public school based on the public school's performance and student growth.
- 5 2. Except as otherwise provided in this section, the department 6 shall determine the grade for each public school that includes any of 7 grades kindergarten through eight in the following manner:
- 8 (1) Assign points for the public school for each of the following 9 performance and student growth factors, as determined by the 10 department:
- 11 (a) One point for each one percent of included pupils of the 12 public school who score at or above the proficient level on state 13 standardized assessments in English language arts;
- 14 (b) One point for each one percent of included pupils of the 15 public school who score at or above the proficient level on state 16 standardized assessments in mathematics;
- 17 (c) One point for each one percent of included pupils of the 18 public school who score at or above the proficient level on state 19 standardized assessments in science, as applicable;
- 20 (d) One point for each one percent of included pupils of the 21 public school who make annual learning gains in English language arts;
- 22 (e) One point for each one percent of included pupils of the 23 public school who make annual learning gains in mathematics;

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- 24 (f) One point for each one percent of included pupils who are in the lowest thirty percent of included pupils in English language arts in 25the public school and make annual learning gains in English language 2627 arts:
- 28 (g) One point for each one percent of included pupils who are in 29 the lowest thirty percent of included pupils in mathematics in the public school and make annual learning gains in mathematics; 30
 - (2) Add together all of the points assigned for the public school under subdivision (1) of this subsection;
 - (3) Assign a grade to the public school according to the scale described in subsection 4 of this section.
 - 3. Except as otherwise provided in this section, the department shall determine the grade for each public school that includes any of grades nine through twelve as follows:
- 38 (1) Assign points for the public school using a point system 39 determined by the department to be appropriate for assigning a letter 40 grade to a high school. The point system shall satisfy all of the following requirements: 41
- 42 (a) Assign at least fifty percent of the points based on pupil proficiency of included pupils, as determined by state standardized 43 assessments and other measures considered appropriate by the 44 45 department;
 - (b) Assign the balance of the points based on graduation rate, measures of college and career readiness, and measures of learning gains for included pupils;
- 49 (2) Add together all of the points assigned for the public school under subdivision (1) of this subsection; and 50
- (3) Assign a grade to the public school according to the scale described in subsection 4 of this section. 52
 - 4. After the department assigns points to each public school in this state under subsections 2 and 3 of this section, the department shall establish a grading scale for the letter grades to be assigned for that year according to the number of points assigned to each public school under subsections 2 or 3 of this section and shall assign grades according to that scale. The department shall develop a separate grading scale for public schools that operate any of grades kindergarten through eight and a separate grading scale for public

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schools that operate any of grades nine through twelve. All of the following criteria apply to these grading scales: 62

- 63 (1) For the first school year for which grades are assigned, for 64 each of the two separate grading scales, the department shall ensure 65 that:
- 66 (a) No more than ten percent of public schools are assigned a grade of A; 67
- 68 (b) Approximately twenty-eight percent of public schools are 69 assigned a grade of B;
- 70 (c) Approximately thirty-one percent of public schools are assigned a grade of C; 71
- 72(d) Approximately twenty-eight percent of public schools are 73 assigned a grade of D;
- (e) At least five percent of public schools are assigned a grade of 7475 F; and
 - (f) The department's deviations from the specified percentages shall be based on any observed natural cut points in the distribution of school scores;
- (2) Except as provided in this subdivision, for subsequent school years for which grades are assigned, for each of the two separate grading scales, the number of points required for each grade on a 82 grading scale established under subdivision (1) of this subsection shall 83 remain the same as when it was established under subdivision (1) of 84 this subsection. The department shall adjust the number of points required to achieve a grade on the grading scale if either of the 86 following conditions exists by increasing the number of points required to achieve each grade on the scale by five percent or by a greater amount if the department projects that a greater adjustment is likely to be needed to ensure that the conditions requiring the adjustment do not occur again in the next year:
 - (a) The use of that point scale resulted in more than seventy-four percent of the public schools graded on that scale being assigned a grade of A or B for the immediately preceding school year;
 - (b) If at the time of the projection a federal law requires the department to identify the lowest achieving five percent of all public schools in this state, the department projects that it is probable that the use of that point scale will result in less than five percent of the

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98 public schools graded on that scale being assigned a grade of F for the 99 next school year;

- (3) For a public school that does not operate all of grades kindergarten through eight or all of grades nine through twelve and is unable to achieve the full allotment of points under subsection 2 or 3 of this section, the department shall modify the grading scale to reflect the total possible points that may be achieved with the grade configuration at the public school. The modification shall be designed to grade all public schools on an equitable basis without regard to grade configuration at the public school.
- 5. After the implementation of the letter grade system under this section, all of the following requirements shall apply:
- (1) Before August first annually, the department shall notify each public school and school district of all of the following information and provide an appeal process that is concluded by that September first:
- 113 (a) For each public school, the public school's letter grade for 114 that year and, if available, the public school's letter grade from the 115 immediately preceding two years;
- 116 (b) The detailed formula and metrics for the letter grade system; 117 and
 - (c) The building-level data used to generate the letter grade;
 - (2) By August first annually, the department shall post on its internet website and shall report to the president pro tempore of the senate, the speaker of the house of representatives, and the joint committee on education all of the information under subdivision (1) of this subsection;
 - (3) Each district shall publish the information under subdivision (1) of this subsection on the district's internet website and, if the district maintains an internet website for a particular public school, a link on the internet website to the information for that public school;
 - (4) If the department changes any aspect of the letter grade system, it shall provide written notice of the change to the president pro tempore of the senate, the speaker of the house of representatives, and joint committee on education and shall make department personnel available to the general assembly to discuss the change if requested prior to implementing the change.
- 6. If a public school offers any combination of grades

kindergarten through eight and grades nine through twelve, the department shall calculate and assign a separate grade for the school for the separate grade configurations. The department shall treat each of the separate grade configurations as a separate public school for purposes of this section.

- 7. A school district may apply to the commissioner of education in a form and manner prescribed by him or her for designation of one or more of the public schools that it operates as an alternative education campus. The commissioner of education shall designate a public school as an alternative education campus if he or she determines that the public school meets one or more of the following criteria:
- 147 (1) The public school serves a pupil population in which more 148 than ninety-five percent of the pupils have an individualized education 149 program;
- 150 (2) The public school serves a pupil population in which a 151 majority of the pupils meet one or more of the following criteria:
 - (a) Are homeless;

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- 153 (b) Have a documented history of one or more serious 154 psychological behavioral disorders, including, but not limited to, 155 suicidal behaviors; or
 - (c) For a high school, are over the traditional age for the pupil's grade level and lack adequate credit hours to be on track to graduate in four years.
- 159 8. If a public school is designated as an alternative education 160 campus under subsection 7 of this section, then the department shall not assign a letter grade to that public school and shall instead issue 161 162 a summary status of "maintaining" or "failing" for that public school. The information reported under subsection 5 of this section 163 shall be based on this summary status. The department shall issue a 164 summary status of "maintaining" if the department determines that 165 166 included pupils enrolled at a public school designated as an alternative 167 education campus are making meaningful, measurable academic progress toward educational goals that have been established by the 168 169 district's school board and approved by the commissioner of education.
 - 9. Neither the state board of education nor the department shall establish any evaluation or ranking system for public schools or school

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172 districts other than the letter grade system under this section.

- 173 10. By July 1, 2019, the department shall establish and implement a waiver system for waiving regulatory or statutory reports and 174requirements for a public school that consistently maintains a grade of 176A or B under this section. If the department determines that a public school qualifies for a waiver under this section, the commissioner of 177education shall grant the waiver, effective for as long as the public 178 school maintains a grade of A or B, and the regulatory or statutory 179 requirement that is waived does not apply to that public school for the 180 duration of the waiver. Before implementing this waiver system, the 181 182 department shall submit to the joint committee on education a list of the regulatory and statutory reports and requirements that are 183 184 proposed to be subject to the waiver.
 - 11. For purposes of this section, the following terms shall mean:
- 186 (1) "Department", the department of elementary and secondary 187 education;
- 188 (2) "Included pupil", a pupil who has been enrolled in the public 189 school for at least one full school year.
- 190 12. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this 191 192 section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 193 536.028. This section and chapter 536 are nonseverable and if any of 194 195 the powers vested with the general assembly pursuant to chapter 536, 196 to review, to delay the effective date, or to disapprove and annul a rule 197 are subsequently held unconstitutional, then the grant of rulemaking 198 authority and any rule proposed or adopted after August 28, 2017, shall 199 be invalid and void.

Section B. Because of the importance of providing guidance to school districts on student transfers and improving underperforming schools, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.