

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 400

AN ACT

To repeal sections 160.518, 160.545, 161.092, and 163.023, RSMo, and to enact in lieu thereof six new sections relating to the accreditation of public schools and school districts.

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

Section A. Sections 160.518, 160.545, 161.092, and 163.023, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 160.518, 160.545, 161.092, 161.890, 162.084, and 163.023, to read as follows:

160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop, modify, and revise, as necessary, a statewide 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 promote nor prohibit rote memorization and shall not include existing versions of tests approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such tests. After the state board of education adopts and implements academic performance standards as required under section 161.855, the state board of education shall develop

and adopt a standardized assessment instrument under this section based on the academic performance standards adopted under section 161.855. The statewide assessment system shall measure, where appropriate by grade level, a student's knowledge of academic subjects including, but not limited to, reading skills, writing skills, mathematics skills, world and American history, forms of government, geography and science.

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

3.] The state board of education shall suggest, but not mandate, criteria for a school to demonstrate that its students learn the knowledge, skills and competencies at exemplary levels worthy of imitation by students in other schools in the state and nation. Exemplary levels shall be measured by the statewide assessment system developed pursuant to subsection 1 of this section, or until said statewide assessment system is available, by indicators approved for such use by the state board of education. The provisions of other law to the contrary notwithstanding, the commissioner of education may, upon request of the school district, present a plan for the waiver of rules and regulations to any such school, to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection [4] 3 of this section.

[4.] 3. For any school that meets the criteria established by the state board of education for three successive school years pursuant to the provisions of subsection [3] 2 of this section, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school

district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of subsection 2 of section 161.092 and such other rules and regulations as determined by the commissioner of education, excepting such waivers shall be confined to the school and not other schools in the district unless such other schools meet the criteria established by the state board of education consistent with subsection ~~[3]~~ 2 of this section and the waivers shall not include the requirements contained in this section and section 160.514. Any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the criteria established by the state board of education consistent with subsection ~~[3]~~ 2 of this section.

~~[5.]~~ 4. The score on any assessment test developed pursuant to this section or this chapter of any student for whom English is a second language shall not be counted until such time as such student has been educated for three full school years in a school in this state, or in any other state, in which English is the primary language.

~~[6.]~~ 5. The state board of education shall identify or, if necessary, establish one or more developmentally

appropriate alternate assessments for students who receive special educational services, as that term is defined pursuant to section 162.675. In the development of such alternate assessments, the state board shall establish an advisory panel consisting of a majority of active special education teachers residing in Missouri and other education professionals as appropriate to research available assessment options. The advisory panel shall attempt to identify preexisting developmentally appropriate alternate assessments but shall, if necessary, develop alternate assessments and recommend one or more alternate assessments for adoption by the state board. The state board shall consider the recommendations of the advisory council in establishing such alternate assessment or assessments. Any student who receives special educational services, as that term is defined pursuant to section 162.675, shall be assessed by an alternate assessment established pursuant to this subsection upon a determination by the student's individualized education program team that such alternate assessment is more appropriate to assess the student's knowledge, skills and competencies than the assessment developed pursuant to subsection 1 of this section. The alternate assessment shall evaluate the student's independent living skills, which include how effectively the student addresses common life demands and how well the student meets standards for personal independence expected for someone in the student's age group, sociocultural background, and community setting.

[7.] 6. The state board of education shall also develop recommendations regarding alternate assessments for any military dependent who relocates to Missouri after the commencement of a school term, in order to accommodate such student while ensuring that [he or she] such student is

proficient in the knowledge, skills, and competencies adopted under section 160.514.

160.545. 1. There is hereby established within the department of elementary and secondary education the "A+ Schools Program" to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

(1) All students be graduated from school;

(2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and

(3) All students:

(a) Earn credits toward any type of college degree while in high school; or

(b) Proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies [which] that will qualify a student for graduation from the school; and

(3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing

vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. Any nonpublic school in this state may apply to the state board of education for certification that it meets the requirements of this section subject to the same criteria as public high schools. Every nonpublic school that applies and has met the requirements of this section shall have its students eligible for reimbursement of postsecondary education under subsection 8 of this section on an equal basis to students who graduate from public schools that meet the requirements of this section. Any nonpublic school that applies shall not be eligible for any grants under this section. Students of certified nonpublic schools shall be

eligible for reimbursement of postsecondary education under subsection 8 of this section so long as they meet the other requirements of such subsection. For purposes of subdivision (5) of subsection 2 of this section, the nonpublic school shall be included in the partnership plan developed by the public school district in which the nonpublic school is located. For purposes of subdivision (1) of subsection 2 of this section, the nonpublic school shall establish measurable performance standards for the goals of the program for every school and grade level over which the nonpublic school maintains control.

4. A school district may participate in the program irrespective of its accreditation classification by the state board of education, provided it meets all other requirements.

5. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

6. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall

present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of subsection 2 of section 161.092 and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

7. For any school year, grants authorized by subsections 1, 2, and 5 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 8 or 9 of this section.

8. The department of higher education and workforce development shall, by rule, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or vocational or technical school

or within the limits established in subsection 11 of this section for any two-year private vocational or technical school for any student:

(1) Who has attended a high school in the state for at least two years that meets the requirements of subsection 2 of this section and who has graduated from such a school; except that, students who are active duty military dependents, and students who are dependents of retired military who relocate to Missouri within one year of the date of the parent's retirement from active duty who meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the two-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school or through the semester immediately before taking the course for which reimbursement is sought as determined by rule of the department of higher education and workforce development, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of the department; and

(4) Who is a citizen or permanent resident of the United States.

9. The department of higher education and workforce development shall, by rule, establish a procedure for the reimbursement of the cost of tuition, and fees for any dual-credit or dual-enrollment course offered to a student in high school in association with an institution of higher education or vocational or technical school, subject to the

requirements of subsection 11 of this section, for any student who meets the requirements established in subsection 8 of this section immediately before taking the course for which reimbursement is sought.

10. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

11. For a two-year private vocational or technical school to obtain reimbursements under subsection 8 or 9 of this section, the following requirements shall be satisfied:

(1) Such two-year private vocational or technical school shall be a member of the North Central Association and be accredited by the Higher Learning Commission as of July 1, 2008, and maintain such accreditation;

(2) Such two-year private vocational or technical school shall be designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

(3) No two-year private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such college; and

(4) The reimbursements provided to any two-year private vocational or technical school shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the Missouri Constitution or the first amendment of the United States Constitution.

12. The department of higher education and workforce development shall distribute reimbursements in the following manner:

(1) To community college or vocational or technical school students;

(2) After all students from subdivision (1) of this subsection have been reimbursed, to any dual-credit or dual-enrollment student on the basis of financial need.

161.092. 1. As used in this section, "attendance center" means any individual public elementary or secondary school or charter school.

2. The state board of education shall:

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

(2) Carry out the educational policies of the state relating to [public schools] attendance centers and school districts that are provided by law and supervise instruction in the [public schools] attendance centers and school districts;

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

(4) Cause to be assembled information which will reflect continuously the condition and management of the

[public schools] attendance centers and school districts of the state;

(5) Require of county clerks or treasurers, boards of education or other [school] attendance center or school district officers, recorders and treasurers of cities, towns and villages, copies of all records required to be made by them and all other information in relation to the funds and condition of [schools] attendance centers and school districts and the management thereof that is deemed necessary;

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

(7) When conditions demand, cause the laws relating to [schools] attendance centers and school districts to be published in a separate volume, with pertinent notes and comments, for the guidance of those charged with the execution of the laws;

(8) Grant, without fee except as provided in section 168.021, certificates of qualification and licenses to teach in any of the [public schools] attendance centers or school districts of the state, establish requirements therefor, formulate regulations governing the issuance thereof, and cause the certificates to be revoked for the reasons and in the manner provided in section 168.071;

(9) Classify the [public schools] attendance centers and school districts of the state, subject to limitations provided by law and subdivision (14) of this [section] subsection, establish requirements for the [schools] attendance centers of each class, and formulate rules governing the inspection and accreditation of [schools] attendance centers and school districts preparatory to classification, with such requirements taking effect not less than [two years] one year from the date of adoption of

the proposed rule by the state board of education, provided that this condition shall not apply to any requirement for which a time line for adoption is mandated in either federal or state law. Such rules shall include a process to allow any attendance center or school district that is accredited without provision that does not meet the state board's promulgated criteria for a classification designation of accredited with distinction to propose alternative criteria, subject to the limitations provided in subdivision (14) of this subsection, to the state board to be classified as accredited with distinction;

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

(a) A statement of the number of [public schools] attendance centers in the state~~[,]~~; the number of pupils attending the [schools,] attendance centers; their sex, race, and ethnicity; and the branches taught;

(b) A statement of the number of teachers employed~~[,]~~; their sex, race, and ethnicity; their professional training~~[,]~~; and their average salary;

(c) A statement of the receipts and disbursements of [public school] attendance center and school district funds of every description, their sources, and the purposes for which they were disbursed;

(d) Research-based and cited suggestions for the improvement of [public schools] attendance centers and school districts; and

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

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

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

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

(14) Promulgate rules under which the board shall classify the ~~[public schools]~~ attendance centers and school districts of the state; provided that:

(a) For purposes of accreditation, such classifications shall include only the categories of unaccredited, provisionally accredited, accredited, and accredited with distinction;

(b) At least seventy percent of any rubric or scoring methodology used to make an accreditation determination shall be based on academic performance as measured by achievement on state standardized tests and measures of student growth;

(c) Any attendance center performing in the bottom ten percent of the state distribution of accreditation scores shall be classified as unaccredited, unless such attendance

center has at least fifty percent composite proficiency in both mathematics and reading;

(d) Any attendance center performing in the bottom twenty-five percent of the state distribution of accreditation scores shall be classified as provisionally accredited or unaccredited, unless such attendance center has at least sixty percent composite proficiency in both mathematics and reading;

(e) Only attendance centers or school districts performing in the top ten percent of the total accreditation score shall be classified as accredited with distinction; and

(f) The appropriate scoring guides, instruments, and procedures used in determining the accreditation status of [a] an attendance center or school district shall be subject to a public meeting upon notice in a newspaper of general circulation in each of the three most populous cities in the state and also a newspaper that is a certified minority business enterprise or woman-owned business enterprise in each of the two most populous cities in the state, and notice to each attendance center and each school district board of education, each superintendent of a school district, and to the speaker of the house of representatives, the president pro tem of the senate, and the members of the joint committee on education, at least fourteen days in advance of the meeting, which shall be conducted by the department of elementary and secondary education not less than ninety days prior to their application in accreditation, with all comments received to be reported to the state board of education;

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

3. Rules promulgated under this section shall address the following:

(1) Rules relating to academic achievement and academic performance under paragraph (b) of subdivision (14) of subsection 2 of this section shall require that:

(a) Academic growth shall account for no less than forty percent of the total accreditation score;

(b) Points shall be awarded for statistically significant positive growth only if such growth has a normal curve equivalent of greater than fifty; and

(c) The total academic performance shall be computed by dividing the points gained for academic achievement and the points gained for academic growth by the total possible points in each category and adding the two quotients;

(2) Rules related to attendance centers under paragraph (c) of subdivision (14) of subsection 2 of this section shall require that:

(a) For every unaccredited attendance center, the local education agency in partnership with independent school improvement experts shall produce a research-based improvement plan to achieve at least provisional accreditation in collaboration with parents and teachers. Such plan shall be presented to the school district board or the governing board no later than sixty days after the designation is received. Plans shall contain three-year goals for math and reading proficiency and three-year goals for growth by subgroup and by grade level, and shall be approved by the school district board or governing board;

(b) Local education agencies shall be encouraged to place unaccredited schools into an innovation zone, which shall be governed by an organization exempt from taxation under 26 U.S.C. Section 501(c)(3) with a board of directors and a staff, that authorizes an attendance center or several attendance centers that are in a public school district to be governed by the organization, independently of the public

school board for the district, and to partner with nonprofit organizations with expertise in school redesign and improvement. Any attendance center that is a charter school and that is unaccredited for four consecutive years shall be reconstituted in partnership with an accredited charter organization or be closed; and

(c) Any local education agency with fifty percent or more of its attendance centers classified as unaccredited shall be classified only as "unaccredited";

(3) Rules related to attendance centers under paragraph (d) of subdivision (14) of subsection 2 of this section shall require that:

(a) For every provisionally accredited attendance center, the local education agency in partnership with independent school improvement experts shall produce a research-based improvement plan to achieve accreditation in collaboration with parents and teachers. Such plan shall be presented to the school district board or governing board no later than sixty days after the designation is received. Plans shall contain three-year goals for math and reading proficiency and three-year goals for growth by subgroup and grade level, and shall be approved by the school district board or governing board;

(b) Local education agencies shall be encouraged to place provisionally accredited schools into an innovation zone, which shall be governed by an organization exempt from taxation under 26 U.S.C. Section 501(c)(3) with a board of directors and a staff, that authorizes an attendance center or several attendance centers that are in a public school district to be governed by the organization, independently of the public school board for the district, and to partner with nonprofit organizations with expertise in school redesign and improvement;

(c) Local education agencies provide students attending any attendance center that has been provisionally accredited for five consecutive years the option to transfer to an accredited attendance center within the district; and

(d) Any local education agency with fifty percent or more of its attendance centers classified as provisionally accredited or unaccredited shall be classified only as provisionally accredited or unaccredited. Any local education agency with twenty-five percent or more of its attendance centers classified as unaccredited shall be classified only as provisionally accredited or unaccredited; and

(4) Rules relating to attendance centers or school districts classified as accredited with distinction under paragraph (e) of subdivision (14) of subsection 2 of this section shall require the department of elementary and secondary education to recognize and publish, on its own or in partnership, the top ten percent of attendance centers as measured by statistically significant academic growth in both mathematics and reading as "fast improving schools" and to produce an annual report highlighting the lessons from these schools so that others may learn about the practices that are driving learning growth.

161.890. 1. There is hereby established the "School Accountability Board". Board members shall be appointed as follows:

(1) The commissioner of education shall choose two members from among no more than three individuals from each of the following organizations:

(a) The Missouri association of school administrators;
(b) The Missouri chapter of the national education association;

(c) The Missouri chapter of the Missouri state teachers association; and

(d) The Missouri school board association;

(2) The commissioner shall choose one member from among no more than four individuals nominated by the Missouri public charter school commission;

(3) The senate education committee shall choose four members at large with demonstrated expertise in education policy and school improvement, none of whom shall be employees of a public school district or the immediate family members thereof, and two of whom shall be researchers with expertise on the impact of education and economic development;

(3) The house education committee shall choose:

(a) Two members from business and industry with demonstrated commitment to education; and

(b) Two members at large with demonstrated expertise in education policy and school improvement, none of whom shall be employees of a public school district or the immediate family members thereof.

162.084. If any attendance center, individual public elementary or secondary school, charter school, or school district is classified or reclassified as provisionally accredited or unaccredited, such attendance center, school, or district shall mail a letter to the parents and guardians of each student in such attendance center, school, or district informing such parents and guardians:

(1) That the attendance center, school, or district is classified as provisionally accredited or unaccredited;

(2) What options are available to such students as a result of the classification or reclassification; and

(3) What plans the attendance center, school, or district has for school improvement including, but not

limited to, academic proficiency and growth goals in reading and math for the next three years.

163.023. 1. Commencing September 1, 1997, a school district that has an operating levy for school purposes as defined in section 163.011, of less than the minimum value required by section 163.021, shall be classified as unaccredited by the state board of education and shall be deemed to be an unclassified school district for all purposes under force of law, pursuant to the authority of the state board of education to classify school districts pursuant to section 161.092, except that no school district shall be classified as unaccredited or deemed to be an unclassified school district pursuant to this section if such district is ineligible to receive state aid under section 163.031, exclusive of categorical add-ons, because the district's local effort is greater than its weighted average daily attendance multiplied by the state adequacy target multiplied by the dollar value modifier. No school district, except a district [which] that is ineligible to receive state aid under section 163.031, exclusive of categorical add-ons, because the district's local effort is greater than its weighted average daily attendance multiplied by the state adequacy target multiplied by the dollar value modifier, may be classified or reclassified as accredited until such district has an operating levy for school purposes [which] that is equal to or greater than the minimum value required by section 163.021. Beginning July 1, 1998, the state board of education shall consider the results for a school district from the statewide assessment system developed pursuant to the provisions of section 160.518 when classifying a school district as authorized by subdivision (9) of subsection 2 section 161.092. Further, the state board of education shall consider the condition

and adequacy of facilities of a school district when determining such classification.

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