

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 85
AN ACT

To repeal sections 160.518, 160.522, 161.092, and 163.042, RSMo, and to enact in lieu thereof four new sections relating to assessment of public elementary and secondary schools.

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

Section A. Sections 160.518, 160.522, 161.092, and 2 163.042, RSMo, are repealed and four new sections enacted in 3 lieu thereof, to be known as sections 160.518, 160.522, 161.092, 4 and 163.201, to read as follows:

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 determine the degree to which 6 students in the public schools of the state are proficient 7 in the knowledge, skills, and competencies adopted by such 8 board pursuant to section 160.514. The statewide assessment 9 system shall assess problem solving, analytical ability, 10 evaluation, creativity, and application ability in the 11 different content areas and shall be performance-based to 12 identify what students know, as well as what they are able 13 to do, and shall enable teachers to evaluate actual academic 14 performance. The statewide assessment system shall neither 15 promote nor prohibit rote memorization and shall not include 16 existing versions of tests approved for use pursuant to the 17 provisions of section 160.257, nor enhanced versions of such

18 tests. After the state board of education adopts and
19 implements academic performance standards as required under
20 section 161.855, the state board of education shall develop
21 and adopt a standardized assessment instrument under this
22 section based on the academic performance standards adopted
23 under section 161.855. The statewide assessment system
24 shall measure, where appropriate by grade level, a student's
25 knowledge of academic subjects including, but not limited
26 to, reading skills, writing skills, mathematics skills,
27 world and American history, forms of government, geography
28 and science] satisfies the pupil testing mandates in effect
29 under the federal Every Student Succeeds Act (Public Law 114-
30 95), as amended, for each school year. Results from
31 assessments created under this subsection shall be used only
32 for the purpose of compliance with the requirements of such
33 federal law and for no other purpose except for determining
34 performance districts under sections 163.011 and 163.031.
35 Results from such assessments shall not be used to classify
36 school districts and charter schools. As permitted by
37 federal law, the state board of education shall ensure that
38 standardized summative assessments are administered to the
39 minimum extent practicable while still appropriately and
40 effectively assessing the academic achievement of students.

41 2. [The statewide assessment system shall only permit
42 the academic performance of students in each school in the
43 state to be tracked against prior academic performance in
44 the same school] School districts and charter schools shall
45 create local assessment systems in conjunction with
46 teachers, administrators, students, parents and the
47 community to reflect a complete picture of student
48 learning. The local assessments shall be reflective of
49 statewide academic standards and connected to a rich
50 curriculum and shall evaluate student learning accordingly.

51 3. [The state board of education shall suggest, but
52 not mandate, criteria for a school to demonstrate that its
53 students learn the knowledge, skills and competencies at
54 exemplary levels worthy of imitation by students in other
55 schools in the state and nation. Exemplary levels shall be
56 measured by the statewide assessment system developed
57 pursuant to subsection 1 of this section, or until said
58 statewide assessment system is available, by indicators
59 approved for such use by the state board of education. The
60 provisions of other law to the contrary notwithstanding, the
61 commissioner of education may, upon request of the school
62 district, present a plan for the waiver of rules and
63 regulations to any such school, to be known as "Outstanding
64 Schools Waivers", consistent with the provisions of
65 subsection 4 of this section] School districts and charter
66 schools shall create local assessments and assessment
67 systems that are:

68 (1) Authentic to student discipline-specific learning,
69 experience, and the demonstration of performance-based
70 learning;

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

72 (3) Evaluated and graded in a manner that provides the
73 student with meaningful feedback that can be used for
74 academic improvement;

75 (4) Developed by teachers in consultation with school
76 administrators, students, parents and the community; and

77 (5) Available for demonstration and community
78 inspection.

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

84 the superintendent of the school district in which such
85 school is located for the waiver of rules and regulations to
86 promote flexibility in the operations of the school and to
87 enhance and encourage efficiency in the delivery of
88 instructional services. The provisions of other law to the
89 contrary notwithstanding, the plan presented to the
90 superintendent shall provide a summary waiver, with no
91 conditions, for the pupil testing requirements pursuant to
92 section 160.257, in the school. Further, the provisions of
93 other law to the contrary notwithstanding, the plan shall
94 detail a means for the waiver of requirements otherwise
95 imposed on the school related to the authority of the state
96 board of education to classify school districts pursuant to
97 subdivision (9) of section 161.092 and such other rules and
98 regulations as determined by the commissioner of education,
99 excepting such waivers shall be confined to the school and
100 not other schools in the district unless such other schools
101 meet the criteria established by the state board of
102 education consistent with subsection 3 of this section and
103 the waivers shall not include the requirements contained in
104 this section and section 160.514. Any waiver provided to
105 any school as outlined in this subsection shall be void on
106 June thirtieth of any school year in which the school fails
107 to meet the criteria established by the state board of
108 education consistent with subsection 3 of this section]

109 Local assessments and assessment systems shall be developed
110 by teachers and school administrators working individually,
111 in grade teams, in discipline teams, and including the
112 community, including parents and students. School districts
113 and charter schools are encouraged to support communities of
114 practice and provide the time and resources necessary to
115 create these assessments.

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

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

149 student meets standards for personal independence expected
150 for someone in the student's age group, sociocultural
151 background, and community setting.

152 [7.] 6. The state board of education shall also
153 develop recommendations regarding alternate assessments for
154 any military dependent who relocates to Missouri after the
155 commencement of a school term, in order to accommodate such
156 student while ensuring that he or she is proficient in the
157 knowledge, skills, and competencies adopted under section
158 160.514.

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

20 2. [The department of elementary and secondary
21 education shall develop a standard form for the school
22 accountability report card.] The information reported shall
23 include, but not be limited to, the district's [most recent]

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

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

56 4. [The report card shall identify each school or
57 attendance center that has been identified as a priority
58 school under sections 160.720 and 161.092. The report also
59 shall identify attendance centers that have been categorized
60 under federal law as needing improvement or requiring
61 specific school improvement strategies.

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

80 [6.] 5. For purposes of completing and distributing
81 the annual report card as prescribed in this section, a
82 school district may include the data from a charter school
83 located within such school district, provided the local
84 board of education or special administrative board for such
85 district and the charter school reach mutual agreement for
86 the inclusion of the data from the charter schools [and the
87 terms of such agreement are approved by the state board of
88 education]. The charter school shall not be required to be a

89 part of the local educational agency of such school district
90 and may maintain a separate local educational agency status.

161.092. The state board of education shall:

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

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

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

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

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

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

29 (7) When conditions demand, cause the laws relating to
30 schools to be published in a separate volume, with pertinent

31 notes and comments, for the guidance of those charged with
32 the execution of the laws;

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

40 (9) Classify the public schools of the state, subject
41 to limitations provided by law and subdivision (14) of this
42 section, establish requirements for the schools of each
43 class, and formulate rules governing the inspection and
44 accreditation of schools preparatory to classification, with
45 such requirements taking effect not less than two years from
46 the date of adoption of the proposed rule by the state board
47 of education, provided that this condition shall not apply
48 to any requirement for which a time line for adoption is
49 mandated in either federal or state law nor shall this
50 condition apply to accreditation by an approved accrediting
51 agency identified under this subdivision. Such rules shall
52 [include a process to allow any district that is accredited
53 without provision that does not meet the state board's
54 promulgated criteria for a classification designation of
55 accredited with distinction to propose alternative criteria
56 to the state board to be classified as accredited with
57 distinction] identify and recognize a minimum of two
58 national school accreditation agencies from which any
59 district may seek to obtain accreditation and specify that
60 any district with current accreditation from at least one of
61 the identified national school accreditation agencies shall
62 be considered to have full accreditation status without
63 provision for all purposes of law and rule;

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

70 (a) A statement of the number of public schools in the
71 state, the number of pupils attending the schools, their
72 sex, and the branches taught;

73 (b) A statement of the number of teachers employed,
74 their sex, their professional training, and their average
75 salary;

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

79 (d) Suggestions for the improvement of public schools;
80 and

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

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

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

94 (13) Cause fifty copies of its annual report to be
95 reserved for the use of each division of the state

96 department of elementary and secondary education, and ten
97 copies for preservation in the state library;

98 (14) Promulgate rules under which the board shall
99 classify the public schools of the state; provided that the
100 appropriate scoring guides, instruments, and procedures used
101 in determining the accreditation status of a district shall
102 be subject to a public meeting upon notice in a newspaper of
103 general circulation in each of the three most populous
104 cities in the state and also a newspaper that is a certified
105 minority business enterprise or woman-owned business
106 enterprise in each of the two most populous cities in the
107 state, and notice to each district board of education, each
108 superintendent of a school district, and to the speaker of
109 the house of representatives, the president pro tem of the
110 senate, and the members of the joint committee on education,
111 at least fourteen days in advance of the meeting, which
112 shall be conducted by the department of elementary and
113 secondary education not less than ninety days prior to their
114 application in accreditation, with all comments received to
115 be reported to the state board of education; and further
116 provided that any district with current accreditation from
117 at least one of the national school accreditation agencies
118 identified under subdivision (9) of this subsection shall be
119 considered to have full accreditation status without
120 provision for all purposes of law and rule; and further
121 provided that no school assessment data shall be used in
122 determining state board classification; and

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

163.201. 1. Notwithstanding any provision of law to
2 the contrary, any public school district or public charter
3 school shall be designated as a local control school
4 district by the department of elementary and secondary
5 education if the district or charter school certifies to the

6 department in writing that it intends to be designated as a
7 local control school district pursuant to the provisions of
8 this section.

9 2. A local control school district shall not be
10 required by the department of elementary and secondary
11 education to participate in:

12 (1) The Missouri school improvement program;

13 (2) Annual performance reviews by the department of
14 elementary and secondary education;

15 (3) Developing standards of teaching to be provided to
16 the department as set forth in section 160.045; or

17 (4) The maintaining of a school improvement plan in
18 any format provided by or approved by the department of
19 elementary and secondary education.

20 The local board of education or governing body of a charter
21 school for a local control school district may decide by a
22 majority vote to require the district to develop and
23 publicly display a continuous improvement plan for the
24 district.

25 3. A local control school district shall not be
26 assigned the classification of unaccredited, provisionally
27 accredited, accredited, or accredited with distinction based
28 on the standards of the Missouri school improvement program
29 and shall be considered as accredited for all purposes of
30 law.

31 4. A local control school district shall develop and
32 implement a local assessment system under section 160.518.
33 The district shall not in any way be advised or incentivized
34 by the department of elementary and secondary education to
35 purchase, adopt, or implement curriculum resources, software
36 programs, or assessments purchased from commercial vendors.
37 No assessment items shall be developed from materials
38 provided to the district or teachers by entities that have

39 not been formally reviewed and adopted by the district's
40 board of education or governing body. Local control school
41 districts may form a consortium without state board of
42 education approval for the purpose of developing, reporting,
43 or purchasing assessments in their local assessment plans.

44 5. All data shall remain at a local control school
45 district on servers secured according to industry
46 standards. Only aggregate data shall be shared outside of
47 the district. No personally identifiable information shall
48 be forwarded to publicly funded or private agencies,
49 including vendors.

50 6. A local control school district may continue to
51 receive state aid through this chapter or section 160.415.

52 7. A local control school district may apply for
53 grants and shall be considered for such grants without
54 prejudice or penalty.

55 8. As used in this section, the following terms shall
56 mean:

57 (1) "Personally identifiable information" or "PII",
58 any information that permits the identity of an individual
59 to be directly or indirectly inferred, including any
60 information that is linked or linkable to that individual,
61 regardless of whether the individual is a United States
62 citizen, legal permanent resident, visitor to the United
63 States, or employee or contractor with the department of
64 elementary and secondary education. "Personally
65 identifiable information" or "PII" includes sensitive PII;

66 (2) "Sensitive PII", personally identifiable
67 information that if lost, compromised, or disclosed without
68 authorization could result in substantial harm.

2 [163.042. 1. Any board of any school
3 district may elect in any fiscal year to be
4 considered an option district. Such option
5 districts shall not be entitled to any state aid
under section 163.031 or 163.043. In exchange

6 for forgoing state aid, option districts shall
7 be granted waivers from all Missouri school
8 improvement plan provisions and any requirements
9 otherwise imposed on the school district related
10 to the authority of the state board of education
11 to classify school districts under section
12 161.092, all fund transfer restrictions under
13 chapter 165, and such other rules as determined
14 by the commissioner of education. Nothing in
15 this section exempts any school district from
16 its requirement to administer the state
17 assessment. Further, such districts may choose
18 not to comply with any requirements of federal
19 law and any funding attached to such
20 requirements, provided that such noncompliance
21 is not prohibited under federal law. In any
22 year in which a district elects to be an option
23 district, no locally generated revenue shall be
24 transferred to the state in any manner
25 whatsoever.

26 2. Between June first and June thirtieth
27 of each year, any board of any district electing
28 to be considered an option district for the
29 following fiscal year shall notify the
30 department of elementary and secondary education
31 of such intention. The department shall
32 promulgate rules concerning the specific
33 eligibility criteria for a district to become
34 and apply for option district status.]