

SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 360  
AN ACT

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

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

Section A. Sections 160.518, 160.522, and 161.092, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 160.518, 160.522, and 161.092, to read as follows:

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

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

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

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

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

54 commissioner of education may, upon request of the school  
55 district, present a plan for the waiver of rules and  
56 regulations to any such school, to be known as "Outstanding  
57 Schools Waivers", consistent with the provisions of  
58 subsection 4 of this section.

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

87 to meet the criteria established by the state board of  
88 education consistent with subsection 3 of this section.

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

95 3. School districts and charter schools shall create,  
96 purchase, or adopt a local assessment system.

97 4. The local assessment system shall be:

98 (1) Authentic to student discipline-specific learning,  
99 experience, and the demonstration of performance-based  
100 learning;

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

102 (3) Evaluated and graded in a manner that provides  
103 students and teachers with meaningful feedback that can be  
104 used for academic improvement;

105 (4) Developed in consultation with building level  
106 administrators, teachers, students, parents, and the  
107 community; and

108 (5) Available for demonstration and community  
109 inspection.

110 **[6.]** 5. The state board of education shall identify  
111 or, if necessary, establish one or more developmentally  
112 appropriate alternate assessments for students who receive  
113 special educational services, as that term is defined  
114 pursuant to section 162.675. In the development of such  
115 alternate assessments, the state board shall establish an  
116 advisory panel consisting of a majority of active special  
117 education teachers residing in Missouri and other education  
118 professionals as appropriate to research available  
119 assessment options. The advisory panel shall attempt to

120 identify preexisting developmentally appropriate alternate  
121 assessments but shall, if necessary, develop alternate  
122 assessments and recommend one or more alternate assessments  
123 for adoption by the state board. The state board shall  
124 consider the recommendations of the advisory council in  
125 establishing such alternate assessment or assessments. Any  
126 student who receives special educational services, as that  
127 term is defined pursuant to section 162.675, shall be  
128 assessed by an alternate assessment established pursuant to  
129 this subsection upon a determination by the student's  
130 individualized education program team that such alternate  
131 assessment is more appropriate to assess the student's  
132 knowledge, skills and competencies than the assessment  
133 developed pursuant to subsection 1 of this section. The  
134 alternate assessment shall evaluate the student's  
135 independent living skills, which include how effectively the  
136 student addresses common life demands and how well the  
137 student meets standards for personal independence expected  
138 for someone in the student's age group, sociocultural  
139 background, and community setting.

140 [7.] 6. The state board of education shall also  
141 develop recommendations regarding alternate assessments for  
142 any military dependent who relocates to Missouri after the  
143 commencement of a school term, in order to accommodate such  
144 student while ensuring that he or she is proficient in the  
145 knowledge, skills, and competencies adopted under section  
146 160.514.

160.522. 1. [The department of elementary and  
2 secondary education shall produce or cause to be produced,  
3 at least annually, a school accountability report card for  
4 each public school district, each public school building in  
5 a school district, and each charter school in the state.  
6 The report card shall be designed to satisfy state and

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

21 2. [The department of elementary and secondary  
22 education shall develop a standard form for the school  
23 accountability report card.] The information reported shall  
24 include, but not be limited to, the district's [most recent]  
25 accreditation [rating] status, enrollment, rates of pupil  
26 attendance, high school dropout rate and graduation rate,  
27 the number and rate of suspensions of ten days or longer and  
28 expulsions of pupils, the district or charter school ratio  
29 of students to administrators and students to classroom  
30 teachers, the average years of experience of professional  
31 staff and advanced degrees earned, student achievement and  
32 growth as measured through the statewide and local  
33 assessment [system] systems developed pursuant to section  
34 160.518, student scores on the ACT, along with the  
35 percentage of graduates taking the test, average teachers'  
36 and administrators' salaries compared to the state averages,  
37 average per-pupil current expenditures for the district or  
38 charter school as a whole and by attendance center as  
39 reported to the department of elementary and secondary

40 education, the adjusted tax rate of the district, assessed  
41 valuation of the district, percent of the district or  
42 charter school operating budget received from state,  
43 federal, and local sources, the percent of students eligible  
44 for free or reduced-price lunch, data on the percent of  
45 students continuing their education in postsecondary  
46 programs, information about the job placement rate for  
47 students who complete district or charter school vocational  
48 education programs, whether the school district or charter  
49 school currently has a state-approved gifted education  
50 program, and the percentage and number of students who are  
51 currently being served in the district's or charter school's  
52 state-approved gifted education program.

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

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

63 5.] The report card shall not limit or discourage  
64 other methods of public reporting and accountability by  
65 local school districts and charter schools. Districts and  
66 charter schools shall provide information included in the  
67 report card to parents, community members, and the print and  
68 broadcast news media[, and legislators] by December first  
69 annually or as soon thereafter as the information is  
70 available to the district or charter school, giving  
71 preference to methods that incorporate the reporting into  
72 substantive official communications such as student report

73 cards. The school district or charter school shall provide  
74 a printed copy of the district-level or school-level report  
75 card to any patron upon request and shall make reasonable  
76 efforts to supply businesses such as, but not limited to,  
77 real estate and employment firms with copies or other  
78 information about the reports so that parents and businesses  
79 from outside the district who may be contemplating  
80 relocation have access.

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

161.092. 1. The state board of education shall:

- 2 (1) Adopt rules governing its own proceedings and  
3 formulate policies for the guidance of the commissioner of  
4 education and the department of elementary and secondary  
5 education;
- 6 (2) Carry out the educational policies of the state  
7 relating to public schools that are provided by law and  
8 supervise instruction in the public schools;
- 9 (3) Direct the investment of all moneys received by  
10 the state to be applied to the capital of any permanent fund  
11 established for the support of public education within the  
12 jurisdiction of the department of elementary and secondary  
13 education and see that the funds are applied to the branches  
14 of educational interest of the state that by grant, gift,

15 devise or law they were originally intended, and if  
16 necessary institute suit for and collect the funds and  
17 return them to their legitimate channels;

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

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

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

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

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

40 (9) Classify the public schools of the state[, subject  
41 to limitations provided by law and subdivision (14) of this  
42 section, establish requirements for the schools of each  
43 class,] and formulate rules governing the inspection and  
44 accreditation of schools preparatory to classification, with  
45 such requirements taking effect not less than two years from  
46 the date of adoption of the proposed rule by the state board  
47 of education, provided that this condition shall not apply

48 to any requirement for which a time line for adoption is  
49 mandated in either federal or state law nor shall this  
50 condition apply to accreditation by an approved accrediting  
51 agency identified under this subdivision. Such rules shall  
52 [include a process to allow any district that is accredited  
53 without provision that does not meet the state board's  
54 promulgated criteria for a classification designation of  
55 accredited with distinction to propose alternative criteria  
56 to the state board to be classified as accredited with  
57 distinction] identify and recognize a minimum of two  
58 national school accreditation agencies from which any  
59 district may seek to obtain accreditation and specify that  
60 any district with current accreditation from at least one of  
61 the identified national school accreditation agencies shall  
62 be considered to have full accreditation status without  
63 provision for all purposes of law and rule. Nothing in this  
64 subsection shall prohibit the state board from adopting a  
65 system of accreditation that school districts may choose to  
66 utilize for the purposes of accreditation; however, the  
67 state board is prohibited from utilizing any such system to  
68 issue any classification, ratings, accreditation status, or  
69 reports for districts that choose to utilize a national  
70 school accreditation agency identified in this section;

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

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

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

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

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

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

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

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

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

105 (14) [Promulgate rules under which the board shall  
106 classify the public schools of the state; provided that the  
107 appropriate scoring guides, instruments, and procedures used  
108 in determining the accreditation status of a district shall  
109 be subject to a public meeting upon notice in a newspaper of  
110 general circulation in each of the three most populous  
111 cities in the state and also a newspaper that is a certified  
112 minority business enterprise or woman-owned business

113 enterprise in each of the two most populous cities in the  
114 state, and notice to each district board of education, each  
115 superintendent of a school district, and to the speaker of  
116 the house of representatives, the president pro tem of the  
117 senate, and the members of the joint committee on education,  
118 at least fourteen days in advance of the meeting, which  
119 shall be conducted by the department of elementary and  
120 secondary education not less than ninety days prior to their  
121 application in accreditation, with all comments received to  
122 be reported to the state board of education;

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

124 2. The provisions of this section shall expire on  
125 August 28, 2030.