

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 360

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

0070S.08P

KRISTINA MARTIN, Secretary

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.

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,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 160.518, 160.522, and 161.092, to read as
4 follows:

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

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

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

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] **satisfies the pupil testing mandates in effect under the federal Every Student Succeeds Act (P.L. 114-95), as amended, for each school year. Results from the assessment created under this subsection shall be used only for the purpose of compliance with the requirements of such federal law and for no other purpose except for determining performance districts under sections 163.011 and 163.031. Results from such assessments shall not be used to classify school districts and charter schools.**

[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

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.

[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

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 made
17 publicly available on a data dashboard on the website of the
18 school district or charter school and separately shared with
19 the department of elementary and secondary education.**

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

of students to administrators and students to classroom teachers, the average years of experience of professional staff and advanced degrees earned, student achievement **and growth** as measured through the **statewide and local** assessment **[system] systems** developed pursuant to section 160.518, student scores on the ACT, along with the percentage of graduates taking the test, average teachers' and administrators' salaries compared to the state averages, average per-pupil current expenditures for the district **or charter school** as a whole and by attendance center as reported to the department of elementary and secondary education, the adjusted tax rate of the district, assessed valuation of the district, percent of the district **or charter school** operating budget received from state, federal, and local sources, the percent of students eligible for free or reduced-price lunch, data on the percent of students continuing their education in postsecondary programs, information about the job placement rate for students who complete district **or charter school** vocational education programs, whether the school district **or charter school** currently has a state-approved gifted education program, and the percentage and number of students who are currently being served in the district's **or charter school's** state-approved gifted education program.

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

4. **[The report card shall identify each school or attendance center that has been identified as a priority school under sections 160.720 and 161.092. The report also shall identify attendance centers that have been categorized**

under federal law as needing improvement or requiring specific school improvement strategies.

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

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

(8) Grant, without fee except as provided in section 168.021, certificates of qualification and licenses to teach in any of the public schools 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 of the state, subject to limitations provided by law and subdivision [(14)] (15) of this section, establish requirements for the schools of each class, and formulate rules governing the inspection and accreditation of schools preparatory to classification, with such requirements taking effect not less than two years 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 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 to the state board to be classified as accredited with distinction. **The provisions of this subdivision shall expire on August 28, 2025, and shall subsequently be effective beginning on August 28, 2030;**

(10) **Classify the public schools of the state and formulate rules governing the inspection and accreditation of schools preparatory to classification, with such requirements taking effect not less than two years 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 nor shall this condition apply to accreditation by an approved accrediting agency identified under this subdivision. Such rules shall identify and recognize a minimum of two national school accreditation agencies from which any district may seek to obtain accreditation. Nothing in this subdivision shall prohibit the state board of education from adopting a system of accreditation that school districts may choose to utilize for the purposes of accreditation. Notwithstanding any provision of law to the contrary, regardless of which approved accreditation agency or system a school district chooses to utilize, the state board of education shall accept any accreditation obtained by the school district from an approved national school accreditation agency, provided that the accreditation status obtained from the recognized national school accreditation agency is in accordance with the guidelines of such national school accreditation agency as documented by such agency; and further provided that the state board of education shall determine whether a school district accredited by a national school accreditation agency shall be considered accredited, provisionally accredited, or unaccredited solely for the purposes of section 160.400. The provisions of this subdivision shall expire on August 28, 2030;

(11) 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:

95 (a) A statement of the number of public schools in the
96 state, the number of pupils attending the schools, their
97 sex, and the branches taught;

98 (b) A statement of the number of teachers employed,
99 their sex, their professional training, and their average
100 salary;

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

104 (d) Suggestions for the improvement of public schools;
105 and

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

109 [(11)] (12) Make an annual report to the general
110 assembly and the governor concerning coordination with other
111 agencies and departments of government that support family
112 literacy programs and other services which influence
113 educational attainment of children of all ages;

114 [(12)] (13) Require from the chief officer of each
115 division of the department of elementary and secondary
116 education, on or before the thirty-first day of August of
117 each year, reports containing information the board deems
118 important and desires for publication;

119 [(13)] (14) Cause fifty copies of its annual report to
120 be reserved for the use of each division of the state
121 department of elementary and secondary education, and ten
122 copies for preservation in the state library;

123 [(14)] (15) Promulgate rules under which the board
124 shall classify the public schools of the state; provided
125 that the appropriate scoring guides, instruments, and
126 procedures used in determining the accreditation status of a

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 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. **The provisions of this subdivision shall expire on August 28, 2025, and shall subsequently be effective beginning on August 28, 2030;**

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

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