

SECOND REGULAR SESSION

SENATE BILL NO. 992

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HENDERSON.

4437S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 135.714, 160.410, 160.518, 160.522, 160.526, 160.570, 160.720, 161.670, 161.855, 161.1085, 161.1090, 161.1100, 162.1300, 163.023, 167.905, 168.749, and 170.017, RSMo, and to enact in lieu thereof seventeen new sections relating to the statewide assessment system, with an effective date.

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

Section A. Sections 135.714, 160.410, 160.518, 160.522,
2 160.526, 160.570, 160.720, 161.670, 161.855, 161.1085,
3 161.1090, 161.1100, 162.1300, 163.023, 167.905, 168.749, and
4 170.017, RSMo, are repealed and seventeen new sections enacted
5 in lieu thereof, to be known as sections 135.714, 160.410,
6 160.518, 160.522, 160.526, 160.570, 160.720, 161.670, 161.855,
7 161.1085, 161.1090, 161.1100, 162.1300, 163.023, 167.905,
8 168.749, and 170.017, to read as follows:

135.714. 1. Each educational assistance organization
2 shall:
3 (1) Notify the state treasurer of such organization's
4 intent to provide scholarship accounts to qualified students;
5 (2) Demonstrate to the state treasurer that such
6 organization is exempt from federal income tax under Section
7 501(c)(3) of the Internal Revenue Code of 1986, as amended;
8 (3) Provide a state treasurer-approved receipt to
9 taxpayers for contributions made to the organization;

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

10 (4) Ensure that grants are distributed to scholarship
11 accounts of qualified students in the following order:

12 (a) Qualified students who received a scholarship
13 grant in the previous school year;

14 (b) Qualified students who are siblings of qualified
15 students who will receive a scholarship grant in the current
16 school year;

17 (c) Qualified students that have an approved
18 "individualized education plan" (IEP) developed under the
19 federal Individuals with Disabilities Education Act (IDEA),
20 20 U.S.C. Section 1400, et seq., as amended, or who have
21 been diagnosed with dyslexia, as the term "dyslexia" is
22 defined in section 633.420;

23 (d) Qualified students who are eligible for free lunch
24 as approved by the department of elementary and secondary
25 education in accordance with federal regulations and who
26 reside in an unaccredited or provisionally accredited school
27 district;

28 (e) Qualified students who are eligible for reduced
29 price lunch as approved by the department of elementary and
30 secondary education in accordance with federal regulations
31 and who reside in an unaccredited or provisionally
32 accredited school district;

33 (f) Qualified students who are eligible for free lunch
34 as approved by the department of elementary and secondary
35 education in accordance with federal regulations;

36 (g) Qualified students who are eligible for reduced
37 price lunch as approved by the department of elementary and
38 secondary education in accordance with federal regulations;

39 (h) Qualified students who are active duty military
40 dependents who have relocated to Missouri and are enrolling
41 in a school in the state for the first time; and

42 (i) All other qualified students;

43 (5) Ensure that:

44 (a) One hundred percent of such organization's

45 revenues from interest or investments is spent on

46 scholarship accounts;

47 (b) At least ninety percent of such organization's

48 revenues from qualifying contributions is spent on

49 scholarship accounts; and

50 (c) Marketing and administrative expenses do not

51 exceed the following limits of such organization's remaining

52 revenue from contributions:

53 a. Ten percent for the first two hundred fifty

54 thousand dollars;

55 b. Eight percent for the next five hundred thousand

56 dollars; and

57 c. Three percent thereafter;

58 (6) (a) Distribute scholarship account payments

59 either four times per year or in a single lump sum at the

60 beginning of the year as requested by the parent of a

61 qualified student, based on the state adequacy target as

62 defined in section 163.011 and calculated by the department

63 of elementary and secondary education, subject to the

64 following total grant amount limits:

65 a. For a qualified student who meets the criteria to

66 be included in a school district's limited English

67 proficiency pupil count as set forth in subdivision (8) of

68 section 163.011, not more than one hundred sixty percent of

69 the state adequacy target;

70 b. For a qualified student who is eligible for free or

71 reduced price lunch as approved by the department of

72 elementary and secondary education in accordance with

73 federal regulations, not more than one hundred twenty-five
74 percent of the state adequacy target;

75 c. For a qualified student who has an approved
76 individualized education plan developed under the federal
77 Individuals with Disabilities Education Act (IDEA), 20
78 U.S.C. Section 1400, et seq., as amended, not more than one
79 hundred seventy-five percent of the state adequacy target;
80 and

81 d. For all other qualified students, not more than the
82 state adequacy target;

83 (b) Scholarship account payments distributed under
84 this subdivision shall be in the form of a deposit into the
85 scholarship account of the qualified student;

86 (7) Provide the state treasurer, upon request, with
87 criminal background checks on all such organization's
88 employees and board members and exclude from employment or
89 governance any individual who might reasonably pose a risk
90 to the appropriate use of contributed funds;

91 (8) Demonstrate such organization's financial
92 accountability by:

93 (a) Submitting to the state treasurer annual audit
94 financial statements by a certified public accountant within
95 six months of the end of the educational assistance
96 organization's fiscal year; and

97 (b) Having an auditor certify that the report is free
98 of material misstatements; and

99 (9) Ensure that participating students take [the state
100 achievement tests or] nationally norm-referenced tests that
101 measure learning gains in math and English language arts[,
102 and provide for value-added assessment, in grades that
103 require testing under the statewide assessment system set
104 forth in section 160.518];

(10) Allow costs of the testing requirements to be covered by the scholarships distributed by the educational assistance organization;

(11) Provide the parents of each student who was tested with a copy of the results of the tests on an annual basis, beginning with the first year of testing;

(12) Provide the test results to the state treasurer, the department of elementary and secondary education, and the board established in section 135.715 on an annual basis, beginning with the first year of testing;

(13) Report student information that would allow the state treasurer, the department of elementary and secondary education, and the board established in section 135.715 to aggregate data by grade level, gender, family income level, and race;

(14) Provide rates of high school graduation, college attendance, and college graduation for participating students to the state treasurer, the department of elementary and secondary education, and the board established in section 135.715 in a manner consistent with nationally recognized standards;

(15) Provide to the state treasurer, the department of elementary and secondary education, and the board established in section 135.715 the results from an annual parental satisfaction survey, including information about the number of years that the parent's child has participated in the scholarship program. The annual satisfaction survey shall ask parents of scholarship students to express:

(a) Their level of satisfaction with the child's academic achievement, including academic achievement at the schools the child attends through the scholarship program

versus academic achievement at the school previously attended;

(b) Their level of satisfaction with school safety at the schools the child attends through the scholarship program versus safety at the schools previously attended;

(16) Demonstrate such organization's financial viability, if such organization is to receive donations of fifty thousand dollars or more during the school year, by filing with the state treasurer before the start of the school year a surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year or other financial information that demonstrates the financial viability of the educational assistance organization.

2. The annual audit required under this section shall include:

(1) The name and address of the educational assistance organization;

(2) The name and address of each qualified student for whom a parent opened a scholarship account with the organization;

(3) The total number and total dollar amount of contributions received during the previous calendar year; and

(4) The total number and total dollar amount of scholarship accounts opened during the previous calendar year.

3. The state treasurer shall:

(1) Ensure compliance with all student privacy laws for data in the state treasurer's possession;

(2) Collect all test results;

(3) Provide the test results and associated learning gains to the public via a state website after the third year

of test and test-related data collection. The findings shall be aggregated by the students' grade level, gender, family income level, number of years of participation in the scholarship program, and race; and

(4) Provide graduation rates to the public via a state website after the third year of test and test-related data collection.

4. The state treasurer shall cause the following information to be posted on the state treasurer's website annually, provided that no personally identifiable information of any student is released:

(1) The number of students who have been awarded a scholarship to date and the number of students who have been awarded a scholarship in the current school year;

(2) The number of scholarship recipients enrolled in each qualified school, along with the number of recipients who qualify for free and reduced price lunch and the number of recipients who receive special education services and the type of special education services received. Such information shall be broken down by school year and the total to date;

(3) The total number of scholarship recipients who are eligible for free and reduced price lunch as approved by the department of elementary and secondary education in accordance with federal guidelines, broken down by school year and the total to date;

(4) The total number of scholarship recipients who have an individualized education plan (IEP) developed under the federal Individuals with Disabilities Education Act, 20 U.S.C. Section 1400, et seq., as amended, broken down by school year and the total to date;

(5) The number of scholarship recipients who have received a grant from each educational assistance organization, broken down by school year and the total to date;

(6) The student test scores required to be posted online pursuant to subdivision (3) of subsection 3 of this section;

(7) The results of the parent satisfaction survey required annually pursuant to subdivision (15) of subsection 1 of this section;

(8) The average dollar amount of a scholarship grant for all students who participate in the program;

(9) The average dollar amount of a scholarship grant for all students who participate in the program and who have an IEP;

(10) The average duration of a student's participation in the program;

(11) The number of students who are in their first year of participation in the program;

(12) A list of the educational assistance organizations that make contributions to the empowerment scholarship accounts of students enrolled in each qualified school; and

(13) The total amount of money that has been remitted from qualified students' empowerment scholarship accounts to each qualified school, broken down by school year and the total aggregate amount.

5. An educational assistance organization may contract with private financial management firms to manage scholarship accounts with the supervision of the state treasurer, provided that all laws and regulations that apply to employees of such educational assistance organization

231 shall also apply to the actions of any employees of the
232 management firm while they are conducting work relating to
233 the direct decision-making of the operation of such
234 educational assistance organization.

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it
3 operates;

4 (2) Nonresident pupils eligible to attend a district's
5 school under an urban voluntary transfer program;

6 (3) Nonresident pupils who transfer from an
7 unaccredited district under section 167.895, provided that
8 the charter school is an approved charter school, as defined
9 in section 167.895, and subject to all other provisions of
10 section 167.895;

11 (4) In the case of a charter school whose mission
12 includes student drop-out prevention or recovery, any
13 nonresident pupil from the same or an adjacent county who
14 resides in a residential care facility, a transitional
15 living group home, or an independent living program whose
16 last school of enrollment is in the school district where
17 the charter school is established, who submits a timely
18 application; and

19 (5) In the case of a workplace charter school, any
20 student eligible to attend under subdivision (1) or (2) of
21 this subsection whose parent is employed in the business
22 district, who submits a timely application, unless the
23 number of applications exceeds the capacity of a program,
24 class, grade level or building. The configuration of a
25 business district shall be set forth in the charter and
26 shall not be construed to create an undue advantage for a
27 single employer or small number of employers.

28 2. If capacity is insufficient to enroll all pupils
29 who submit a timely application, the charter school shall
30 have an admissions process that assures all applicants of an
31 equal chance of gaining admission and does not discriminate
32 based on parents' ability to pay fees or tuition except that:

33 (1) A charter school may establish a geographical area
34 around the school whose residents will receive a preference
35 for enrolling in the school, provided that such preferences
36 do not result in the establishment of racially or
37 socioeconomically isolated schools and provided such
38 preferences conform to policies and guidelines established
39 by the state board of education;

40 (2) A charter school may also give a preference for
41 admission of children whose siblings attend the school or
42 whose parents are employed at the school or in the case of a
43 workplace charter school, a child whose parent is employed
44 in the business district or at the business site of such
45 school;

46 (3) Charter schools may also give a preference for
47 admission to high-risk students, as defined in subdivision
48 (5) of subsection 2 of section 160.405, when the school
49 targets these students through its proposed mission,
50 curriculum, teaching methods, and services;

51 (4) A charter school may also give a preference for
52 admission to students who will be eligible for the free and
53 reduced price lunch program in the upcoming school year.

54 3. A charter school shall not limit admission based on
55 race, ethnicity, national origin, disability, income level,
56 except as allowed under subdivision (4) of subsection 2 of
57 this section, proficiency in the English language or
58 athletic ability, but may limit admission to pupils within a
59 given age group or grade level. Charter schools may limit

admission based on gender only when the school is a single-gender school. Students of a charter school who have been enrolled for a full academic year shall be counted in the performance of the charter school on [the statewide assessments] **nationally norm-referenced assessments** in that calendar year, unless otherwise exempted as English language learners. [For purposes of this subsection, "full academic year" means the last Wednesday in September through the administration of the Missouri assessment program test without transferring out of the school and re-enrolling.]

4. A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located the following information:

- (1) The school's charter;
- (2) The school's most recent annual report card published according to section 160.522;
- (3) The results of background checks on the charter school's board members; and
- (4) If a charter school is operated by a management company, a copy of the written contract between the governing board of the charter school and the educational management organization or the charter management organization for services. The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing copies of documents under this subsection.

5. When a student attending a charter school who is a resident of the school district in which the charter school is located moves out of the boundaries of such school district, the student may complete the current semester and

92 shall be considered a resident student. The student's
93 parent or legal guardian shall be responsible for the
94 student's transportation to and from the charter school.

95 6. If a change in school district boundary lines
96 occurs under section 162.223, 162.431, 162.441, or 162.451,
97 or by action of the state board of education under section
98 162.081, including attachment of a school district's
99 territory to another district or dissolution, such that a
100 student attending a charter school prior to such change no
101 longer resides in a school district in which the charter
102 school is located, then the student may complete the current
103 academic year at the charter school. The student shall be
104 considered a resident student. The student's parent or
105 legal guardian shall be responsible for the student's
106 transportation to and from the charter school.

107 7. The provisions of sections 167.018 and 167.019
108 concerning foster children's educational rights are
109 applicable to charter schools.

160.518. 1. (1) Consistent with the provisions
2 contained in section 160.526, the state board of education
3 shall [develop, modify, and revise, as necessary, a
4 statewide assessment system that provides maximum
5 flexibility for local school districts to] **ensure that local
6 school districts test students' academic achievement using
7 nationally norm-referenced assessments that** determine the
8 degree to which students in the public schools of the state
9 are proficient in the knowledge, skills, and competencies
10 adopted by such board pursuant to section 160.514.

11 (2) (a) [The statewide assessment system] **Such**
12 **nationally norm-referenced assessments** shall assess problem
13 solving, analytical ability, evaluation, creativity, and
14 application ability in the different content areas and shall

15 be performance-based to identify what students know, as well
16 as what they are able to do, and shall enable teachers to
17 evaluate actual academic performance.

18 (b) The [statewide assessment system] **nationally norm-**
19 **referenced assessments** shall neither promote nor prohibit
20 rote memorization and shall not include existing versions of
21 tests approved for use pursuant to the provisions of section
22 160.257, nor enhanced versions of such tests.

23 (3) [After the state board of education adopts and
24 implements academic performance standards as required under
25 section 161.855, the state board of education shall develop
26 and adopt a standardized assessment instrument under this
27 section based on the academic performance standards adopted
28 under section 161.855.

29 (4)] The [statewide assessment system] **nationally norm-**
30 **referenced assessments** shall measure, where appropriate by
31 grade level, a student's knowledge of academic subjects
32 including, but not limited to, reading skills, writing
33 skills, mathematics skills, world and American history,
34 forms of government, geography and science.

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

39 3. (1) The state board of education shall suggest,
40 but not mandate, criteria for a school to demonstrate that
41 its students learn the knowledge, skills and competencies at
42 exemplary levels worthy of imitation by students in other
43 schools in the state and nation.

44 (2) Exemplary levels shall be measured by the
45 statewide assessment system developed pursuant to subsection
46 1 of this section, or until said statewide assessment system

47 is available, by indicators approved for such use by the
48 state board of education.

49 (3) The provisions of other law to the contrary
50 notwithstanding, the commissioner of education may, upon
51 request of the school district, present a plan for the
52 waiver of rules and regulations to any such school, to be
53 known as "Outstanding Schools Waivers", consistent with the
54 provisions of subsection 4 of this section.

55 4. (1) For any school that meets the criteria
56 established by the state board of education for three
57 successive school years pursuant to the provisions of
58 subsection 3 of this section, by August first following the
59 third such school year, the commissioner of education shall
60 present a plan to the superintendent of the school district
61 in which such school is located for the waiver of rules and
62 regulations to promote flexibility in the operations of the
63 school and to enhance and encourage efficiency in the
64 delivery of instructional services.

65 (2) The provisions of other law to the contrary
66 notwithstanding, the plan presented to the superintendent
67 shall provide a summary waiver, with no conditions, for the
68 pupil testing requirements pursuant to section 160.257, in
69 the school.

70 (3) Further, the provisions of other law to the
71 contrary notwithstanding, the plan shall detail a means for
72 the waiver of requirements otherwise imposed on the school
73 related to the authority of the state board of education to
74 classify school districts pursuant to subdivision (9) of
75 section 161.092 and such other rules and regulations as
76 determined by the commissioner of education, excepting such
77 waivers shall be confined to the school and not other
78 schools in the district unless such other schools meet the

criteria established by the state board of education consistent with subsection 3 of this section and the waivers shall not include the requirements contained in this section and section 160.514.

(4) 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 of this section.

5.] The score on any assessment test [developed] conducted 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.] 3. (1) (a) 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.

(b) 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.

(c) 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.

(d) The state board shall consider the recommendations of the advisory council in **identifying or, if necessary,** establishing such alternate assessment or assessments.

(2) 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.

(3) 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.] 4. 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 is proficient in the knowledge, skills, and competencies adopted under section 160.514.

[8.] 5. (1) As used in this subsection, the following terms mean:

(a) "Department", the department of elementary and secondary education;

(b) "Grade-level equivalence", a metric developed for grades three to eight and used by the department to show a student's proximity to doing grade-level work;

(c) "Parent", a parent, guardian, custodian, or other person with authority to act on behalf of a student.

(2) Grade-level equivalence, as developed and used under this subsection, shall consist of a student's knowledge of academic subjects by grade level and performance-level descriptors indicating whether such student is ready for the next grade or level of education. Such performance-level descriptors shall consist of the following:

(a) Advanced, which shall indicate that such student:

a. Demonstrates superior performance on challenging grade-level subject matter;

b. Is above such student's current grade or level of education; and

c. Is ready for, at a minimum, the next grade or level of education;

(b) Proficient, which shall indicate that such student:

a. Demonstrates mastery over all appropriate grade-level standards and has introductory-level knowledge for the next grade or level of education;

b. May be above such student's current grade or level of education in some areas; and

c. Is ready for the next grade or level of education;

(c) Grade level, which shall indicate that such student:

a. Demonstrates mastery over appropriate grade-level subject matter;

b. Is at such student's current grade or level of education; and

c. May be ready, with appropriate reinforcement, for the next grade or level of education;

(d) Basic, which shall indicate that such student:

173 a. Demonstrates partial mastery of the essential
174 knowledge and skills appropriate to such student's grade or
175 level of education;

176 b. May not be at such student's current grade or level
177 of education; and

178 c. May not be ready, without appropriate remediation,
179 for the next grade or level of education; and

180 (e) Below basic, which shall indicate that such
181 student:

182 a. Has failed to perform, at a minimum, at the limited
183 knowledge level necessary for such student's grade or level
184 of education;

185 b. Is not at such student's current grade or level of
186 education; and

187 c. Has been determined to be at the specific lower
188 grade or level of education measured by and listed in such
189 student's [statewide] **nationally norm-referenced** assessment
190 score.

191 (3) (a) Such grade-level equivalence shall be
192 determined at the same time each student's academic
193 performance is measured by the [statewide assessment system
194 developed] **nationally norm-referenced assessment conducted**
195 under this section.

196 (b) Such grade-level equivalence shall be provided at
197 the same time such student's [statewide] **nationally norm-**
198 **referenced** assessment score is reported to such student or
199 such student's parent.

200 (4) (a) Data related to grade-level equivalence shall
201 be searchable on a building-by-building, school-by-school,
202 district-by-district, and statewide basis on the
203 department's school accountability report card developed
204 under section 160.522.

205 (b) Data related to grade-level equivalence shall
206 display the percentage of students whose performance-level
207 descriptor is grade level or above on a building-by-
208 building, school-by-school, district-by-district, and
209 statewide basis.

210 (c) No data related to grade-level equivalence shall
211 be disclosed in any form that allows the personal
212 identification of any student to any individual or entity
213 except such student or such student's parent.

214 (5) The provisions of subsection 2 of section 160.514
215 shall not apply to the development of the grade-level
216 equivalence metric.

217 (6) The department may choose a third-party nonprofit
218 entity to develop the grade-level equivalence metric.

 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.

14 2. (1) The department of elementary and secondary
15 education shall develop a standard form for the school
16 accountability report card.

17 (2) The information reported shall include, but not be
18 limited to, the following information reported by each
19 school district or charter school:

20 (a) The most recent accreditation rating;

21 (b) Enrollment;

22 (c) Rates of pupil attendance;

23 (d) High school dropout rate and graduation rate;

24 (e) The number and rate of suspensions of ten days or
25 longer and expulsions of pupils;

26 (f) The district or charter school ratio of students
27 to administrators and students to classroom teachers;

28 (g) The average years of experience of professional
29 staff and advanced degrees earned;

30 (h) Student achievement and grade-level equivalence
31 data as measured through the [statewide assessment system
32 developed] **nationally norm-referenced assessments conducted**
33 pursuant to section 160.518;

34 (i) Student scores on the ACT, along with the
35 percentage of graduates taking the test;

36 (j) Average teachers' and administrators' salaries
37 compared to the state averages;

38 (k) Average per-pupil current expenditures for the
39 district or charter school as a whole and by attendance
40 center as reported to the department of elementary and
41 secondary education;

42 (l) The adjusted tax rate of the district or charter
43 school;

44 (m) The assessed valuation of the district;

45 (n) The percentage of the district or charter school
46 operating budget received from state, federal, and local
47 sources;

(o) The percentage of students eligible for free or reduced-price lunch;

(p) Data on the percentage of students continuing their education in postsecondary programs;

(q) Information about the job placement rate for students who complete district or charter school vocational education programs;

(r) Whether the school district or charter school currently has a state-approved gifted education program; and

(s) 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. Districts shall provide information included in the report card to parents, community members, the print and broadcast news media, and legislators by December first annually or as soon thereafter as the information is available to the district, giving preference to methods that incorporate the reporting into substantive official communications such as student report cards. The school district shall provide a printed copy of the district-

80 level or school-level report card to any patron upon request
81 and shall make reasonable efforts to supply businesses such
82 as, but not limited to, real estate and employment firms
83 with copies or other information about the reports so that
84 parents and businesses from outside the district who may be
85 contemplating relocation have access.

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

160.526. 1. In establishing, evaluating, modifying,
2 and revising the academic performance standards and learning
3 standards authorized by section 160.514 [and the statewide
4 assessment system authorized by subsection 1 of section
5 160.518], the state board of education shall consider the
6 work that has been done by other states, recognized regional
7 and national experts, professional education discipline-
8 based associations, other professional education
9 associations, the work product from the department of higher
10 education and workforce development's curriculum alignment
11 initiative, or any other work in the public domain.

12 2. [The state board of education shall by contract
13 enlist the assistance of such national experts to receive
14 reports, advice and counsel on a regular basis pertaining to
15 the validity and reliability of the statewide assessment

system. The reports from such experts shall be received by the state board of education. Within six months prior to implementation of or modification or revision to the statewide assessment system, the commissioner of education shall inform the president pro tempore of the senate and the speaker of the house of representatives about the procedures to implement, modify, or revise the statewide assessment system, including a report related to the reliability and validity of the assessment instruments, and the general assembly may, within the next sixty legislative days, veto such implementation, modification, or revision by concurrent resolution adopted by majority vote of both the senate and the house of representatives.

3.1 The commissioner of education shall establish a procedure for the state board of education to regularly receive advice and counsel from professional educators at all levels in the state, district boards of education, parents, representatives from business and industry, the general assembly, and labor and community leaders pertaining to the implementation of sections 160.514 and 160.518. By December 31, 2014, the commissioner of education shall revise this procedure to allow the state board of education to regularly receive advice and counsel from professional educators at all levels in the state, district boards of education, parents, representatives from business and industry, the general assembly, and labor and community leaders whenever the state board develops, evaluates, modifies, or revises academic performance standards[,] or learning standards[, or the statewide assessment system] under [sections] **section** 160.514 [and 160.518]. The procedure shall include, at a minimum, the appointment of ad hoc committees.

160.570. 1. Nothing in this section or section
2 105.1209 shall be construed to affect or limit any state
3 agency's authority regarding professional registration,
4 licensing or issuance of professional certificates, nor
5 shall this section be construed to limit or affect the
6 authority of the state board of education to examine
7 applicants and issue high school equivalency certificates.

8 2. The school board of each school district shall
9 establish a written policy on student participation in
10 [statewide] **nationally norm-referenced** assessments. The
11 policy shall be provided to each student and the parent,
12 guardian or other person responsible for every student under
13 eighteen years of age at the beginning of each school year
14 and a copy of the policy shall be maintained in the district
15 office and shall be available for viewing by the public
16 during business hours of the district office. A school
17 board may establish a policy designed to encourage students
18 to give their best efforts on each portion of any
19 [statewide] **nationally norm-referenced** assessment
20 established pursuant to section 160.518 which may include
21 but is not limited to incentives or supplementary work as a
22 consequence of performance.

23 3. In no case shall the state board of education or
24 any other state agency establish any single test or group of
25 tests as a condition or requirement for high school
26 graduation or as a requirement for a state-approved diploma.

160.720. 1. The department of elementary and
2 secondary education shall identify as a priority school any
3 school building or attendance center that fails to meet
4 acceptable standards of student achievement established by
5 the state board of education and based upon factors which
6 shall include, but not be limited to, student assessments,

7 graduation rate, drop-out rate, school attendance rate,
8 graduate placement in college, vocational or technical
9 school, or high-wage employment and incidence of school
10 violence.

11 2. The board of education of any district that
12 contains a priority school shall submit a comprehensive
13 school improvement plan that provides for the following:

14 (1) Identification of the areas of academic deficiency
15 in student performance on the [statewide] **nationally norm-**
16 **referenced** assessment [established] **conducted** pursuant to
17 section 160.518 by disaggregating scores based upon school,
18 grade, academic content area and student demographic
19 subgroups, which shall include, but shall not be limited to,
20 race, ethnicity, disability status, migrant status, limited
21 English proficiency, and economic disadvantage;

22 (2) Implementation of research-based strategies to
23 assist the priority school in addressing the areas of
24 deficiency;

25 (3) Alignment of the priority school's curriculum to
26 address deficiencies in student achievement;

27 (4) Reallocation of district resources to address the
28 areas of academic deficiency, which shall include focusing
29 available funding on professional development in the areas
30 of deficiency; and

31 (5) Listing of all school buildings and attendance
32 centers declared to be priority schools in the district's
33 annual school accountability report distributed pursuant to
34 section 160.522.

35 3. The state board of education may appoint a team to
36 conduct an educational audit of any priority school to
37 determine the factors that have contributed to the lack of
38 student achievement and shall give audit priority to schools

39 based upon failure to meet standards of student achievement
40 as established pursuant to this section.

41 (1) An audit team shall include an experienced teacher
42 and an experienced administrator from successful school
43 districts of comparable size and per-pupil funding. The
44 size of the audit team shall be based upon the size of the
45 school to be audited;

46 (2) The audit team shall report its findings to the
47 state board of education and the local board of education;

48 (3) The state board may require all or part of those
49 findings to be addressed in the comprehensive school
50 improvement plan required pursuant to this section.

51 4. Comprehensive school improvement plans shall be
52 evaluated based upon standards established pursuant to
53 subsection 2 of this section and upon the following time
54 lines:

55 (1) The comprehensive school improvement plan shall be
56 submitted to the department of elementary and secondary
57 education on or before August fifteenth following any school
58 year in which a school district building meets the criteria
59 established under subsection 1 of this section;

60 (2) The department of elementary and secondary
61 education shall review and identify areas of concern in the
62 plan within sixty days of receipt; and

63 (3) Changes to the plan shall be forwarded to the
64 department of elementary and secondary education within
65 sixty days of notice to the district of the areas of concern.

66 5. The department of elementary and secondary
67 education shall withhold funds authorized in section 163.031
68 from any school district that fails to submit a
69 comprehensive school improvement plan based upon the
70 standards and time lines established in this section.

71 Withheld funds shall be released upon submission of a
72 comprehensive school improvement plan that meets the
73 established requirements.

74 6. Designation as a priority school and the
75 effectiveness of the school district in implementing the
76 comprehensive school improvement plan required under this
77 section shall be considered by the state board of education
78 in the school district's accreditation granted pursuant to
79 section 161.092.

80 7. No rule or portion of a rule promulgated under this
81 section shall become effective unless it has been
82 promulgated pursuant to chapter 536.

161.670. 1. Notwithstanding any other law, prior to
2 July 1, 2007, the state board of education shall establish
3 the "Missouri Course Access and Virtual School Program" to
4 serve school-age students residing in the state. The
5 Missouri course access and virtual school program shall
6 offer nonclassroom-based instruction in a virtual setting
7 using technology, intranet, or internet methods of
8 communication. Any student under the age of twenty-one in
9 grades kindergarten through twelve who resides in this state
10 shall be eligible to enroll in the Missouri course access
11 and virtual school program pursuant to subsection 3 of this
12 section.

13 2. (1) For purposes of calculation and distribution
14 of state school aid, students enrolled in the Missouri
15 course access and virtual school program shall be included
16 in the student enrollment of the school district in which
17 the student is enrolled under the relevant provisions of
18 subsection 3 of this section for such enrollment. Student
19 attendance for full-time virtual program students shall only
20 be included in any district pupil attendance calculation

21 under chapter 163 using current-year pupil attendance for
22 such full-time virtual program pupils. For the purpose of
23 calculating average daily attendance in full-time virtual
24 programs under this section, average daily attendance shall
25 be defined as the quotient or the sum of the quotients
26 obtained by dividing the total number of hours attended in a
27 term by enrolled pupils between the ages of five and twenty-
28 one by the actual number of hours that the program was in
29 session in that term, and the provisions of section 162.1250
30 shall not apply to such funding calculation. Such
31 calculation shall be generated by the virtual provider and
32 provided to the host district for submission to the
33 department of elementary and secondary education. Such
34 students may complete their instructional activities, as
35 defined in subsection 4 of this section, during any hour of
36 the day and during any day of the week. The hours attended
37 for each enrolled pupil shall be documented by the pupil's
38 weekly progress in the educational program according to a
39 process determined by the virtual program and published
40 annually in the virtual program's enrollment handbook or
41 policy. To the average daily attendance of the following
42 school term shall be added the full-time equivalent average
43 daily attendance of summer school students. In the case of
44 a host school district enrolling one or more full-time
45 virtual school students, such enrolling district shall, as
46 part of its monthly state allocation, receive no less under
47 the state aid calculation for such students than an amount
48 equal to the state adequacy target multiplied by the
49 weighted average daily attendance of such full-time
50 students. Students residing in Missouri and enrolled in a
51 full-time virtual school program operated by a public
52 institution of higher education in this state shall be

53 counted for a state aid calculation by the department, and
54 the department shall pay, from funds dedicated to state
55 school aid payments made under section 163.031, to such
56 institution an amount equal to the state adequacy target
57 multiplied by the weighted average daily attendance of such
58 full-time students.

59 (2) The Missouri course access and virtual school
60 program shall report to the district of residence the
61 following information about each student served by the
62 Missouri course access and virtual school program: name,
63 address, eligibility for free or reduced-price lunch,
64 limited English proficiency status, special education needs,
65 and the number of courses in which the student is enrolled.
66 The Missouri course access and virtual school program shall
67 promptly notify the resident district when a student
68 discontinues enrollment. A "full-time equivalent student"
69 is a student who is enrolled in the instructional equivalent
70 of six credits per regular term. Each Missouri course
71 access and virtual school program course shall count as one
72 class and shall generate that portion of a full-time
73 equivalent that a comparable course offered by the school
74 district would generate.

75 (3) Pursuant to an education services plan and
76 collaborative agreement under subsection 3 of this section,
77 full-time equivalent students may be allowed to use a
78 physical location of the resident school district for all or
79 some portion of ongoing instructional activity, and the
80 enrollment plan shall provide for reimbursement of costs of
81 the resident district for providing such access pursuant to
82 rules promulgated under this section by the department.

83 (4) In no case shall more than the full-time
84 equivalency of a regular term of attendance for a single

85 student be used to claim state aid. Full-time equivalent
86 student credit completed shall be reported to the department
87 of elementary and secondary education in the manner
88 prescribed by the department. Nothing in this section shall
89 prohibit students from enrolling in additional courses under
90 a separate agreement that includes terms for paying tuition
91 or course fees.

92 (5) A full-time virtual school program serving full-
93 time equivalent students shall be considered an attendance
94 center in the host school district and shall participate in
95 the [statewide assessment system] **nationally norm-referenced**
96 **assessments** as defined in section 160.518. The academic
97 performance of students enrolled in a full-time virtual
98 school program shall be assigned to the designated
99 attendance center of the full-time virtual school program
100 and shall be considered in like manner to other attendance
101 centers. The academic performance of any student who
102 disenrolls from a full-time virtual school program and
103 enrolls in a public school or charter school shall not be
104 used in determining the annual performance report score of
105 the attendance center or school district in which the
106 student enrolls for twelve months from the date of
107 enrollment.

108 (6) For the purposes of this section, a public
109 institution of higher education operating a full-time
110 virtual school program shall be subject to all requirements
111 applicable to a host school district with respect to its
112 full-time equivalent students.

113 3. (1) A student who resides in this state may enroll
114 in Missouri course access and virtual school program courses
115 of his or her choice as a part of the student's annual
116 course load each school year, with any costs associated with

117 such course or courses to be paid by the school district or
118 charter school if:

119 (a) The student is enrolled full-time in a public
120 school, including any charter school; and

121 (b) Prior to enrolling in any Missouri course access
122 and virtual school program course, a student has received
123 approval from his or her school district or charter school
124 through the procedure described under subdivision (2) of
125 this subsection.

126 (2) Each school district or charter school shall adopt
127 a policy that delineates the process by which a student may
128 enroll in courses provided by the Missouri course access and
129 virtual school program that is substantially similar to the
130 typical process by which a district student would enroll in
131 courses offered by the school district and a charter school
132 student would enroll in courses offered by the charter
133 school. The policy may include consultation with the
134 school's counselor and may include parental notification or
135 authorization. The policy shall ensure that available
136 opportunities for in-person instruction are considered prior
137 to moving a student to virtual courses. The policy shall
138 allow for continuous enrollment throughout the school year.
139 If the school district or charter school disapproves a
140 student's request to enroll in a course or courses provided
141 by the Missouri course access and virtual school program,
142 the reason shall be provided in writing and it shall be for
143 good cause. Good cause justification to disapprove a
144 student's request for enrollment in a course shall be a
145 determination that doing so is not in the best educational
146 interest of the student, and shall be consistent with the
147 determination that would be made for such course request
148 under the process by which a district student would enroll

149 in a similar course offered by the school district and a
150 charter school student would enroll in a similar course
151 offered by the charter school, except that the determination
152 may consider the suitability of virtual courses for the
153 student based on prior participation in virtual courses by
154 the student. Appeals of any course denials under this
155 subsection shall be considered under a policy that is
156 substantially similar to the typical process by which
157 appeals would be considered for a student seeking to enroll
158 in courses offered by the school district and a charter
159 school student seeking to enroll in courses offered by the
160 charter school.

161 (3) For students enrolled in any Missouri course
162 access and virtual school program course in which costs
163 associated with such course are to be paid by the school
164 district or charter school as described under this
165 subdivision, the school district or charter school shall pay
166 the content provider directly on a pro rata monthly basis
167 based on a student's completion of assignments and
168 assessments. If a student discontinues enrollment, the
169 district or charter school may stop making monthly payments
170 to the content provider. No school district or charter
171 school shall pay, for any one course for a student, more
172 than the market necessary costs but in no case shall pay
173 more than fourteen percent of the state adequacy target, as
174 defined under section 163.011, as calculated at the end of
175 the most recent school year for any single, year-long course
176 and no more than seven percent of the state adequacy target
177 as described above for any single semester equivalent course.

178 (4) (a) A student who lives in this state may enroll
179 in a virtual program of their choice as provided in this
180 subdivision, and the provisions of subdivisions (1) to (3)

of this subsection shall not apply to such enrollment in a full-time virtual program. Each host school district operating a full-time virtual program under this section shall adopt, operate and implement an enrollment policy as specified by the provisions of this subdivision. The student, the student's parent or guardian if the student is not considered homeless, the virtual program, the host district, and the resident district shall collaborate in good faith to implement the enrollment policy regarding the student's enrollment, and the resident school district and the host school district may mutually agree that the resident district shall offer or continue to offer services for the student under an agreement that includes financial terms for reimbursement by the host school district for the necessary costs of the resident school district providing such services. An enrollment policy specified under this subsection shall:

a. Require a student's parent or guardian, if the student is not considered homeless, to apply for enrollment in a full-time virtual program directly with the virtual program;

b. Specify timelines for timely participation by the virtual program, the host district, and resident district; provided that the resident district shall provide any relevant information and input on the enrollment within ten business days of notice from the virtual program of the enrollment application;

c. Include a survey of the reasons for the student's and parent's interests in participating in the virtual program;

211 d. Include consideration of available opportunities
212 for in-person instruction prior to enrolling a student in a
213 virtual program;

214 e. Evaluate requests for enrollment based on meeting
215 the needs for a student to be successful considering all
216 relevant factors;

217 f. Ensure that, for any enrolling student with a
218 covered disability, an individualized education program and
219 a related services agreement, in cases where such agreement
220 is needed, are created to provide all services required to
221 ensure a free and appropriate public education, including
222 financial terms for reimbursement by the host district for
223 the necessary costs of any virtual program, school district,
224 or public or private entity providing all or a portion of
225 such services;

226 g. Require the virtual program to determine whether an
227 enrolling student will be admitted, based on the enrollment
228 policy, in consideration of all relevant factors and provide
229 the basis for its determination and any service plan for the
230 student, in writing, to the student, the student's parent or
231 guardian, the host district, and the resident district; and

232 h. Provide a process for reviewing appeals of
233 decisions made under this subdivision.

234 (b) The department shall publish an annual report
235 based on the enrollments and enrollment surveys conducted
236 under this subdivision that provides data at the statewide
237 and district levels of sufficient detail to allow analysis
238 of trends regarding the reasons for participation in the
239 virtual program at the statewide and district levels;
240 provided that no such survey results will be published in a
241 manner that reveals individual student information. The
242 department shall also include, in the annual report, data at

the statewide and district levels of sufficient detail to allow detection and analysis of the racial, ethnic, and socio-economic balance of virtual program participation among schools and districts at the statewide and district levels, provided that no such survey results will be published in a manner that reveals individual student information.

(5) In the case of a student who is a candidate for A+ tuition reimbursement and taking a virtual course under this section, the school shall attribute no less than ninety-five percent attendance to any such student who has completed such virtual course.

(6) The Missouri course access and virtual school program shall ensure that individual learning plans designed by certified teachers and professional staff are developed for all students enrolled in more than two full-time course access program courses or a full-time virtual school.

(7) Virtual school programs shall monitor individual student success and engagement of students enrolled in their program and, for students enrolled in virtual courses on a part-time basis, the virtual school program shall provide regular student progress reports for each student at least four times per school year to the school district or charter school, provide the host school district and the resident school district ongoing access to academic and other relevant information on student success and engagement, and shall terminate or alter the course offering if it is found the course is not meeting the educational needs of the students enrolled in the course.

(8) The department of elementary and secondary education shall monitor the aggregate performance of

274 providers and make such information available to the public
275 under subsection 11 of this section.

276 (9) Pursuant to rules to be promulgated by the
277 department of elementary and secondary education, when a
278 student transfers into a school district or charter school,
279 credits previously gained through successful passage of
280 approved courses under the Missouri course access and
281 virtual school program shall be accepted by the school
282 district or charter school.

283 (10) Pursuant to rules to be promulgated by the
284 department of elementary and secondary education, if a
285 student transfers into a school district or charter school
286 while enrolled in a Missouri course access and virtual
287 school program course or full-time virtual school, the
288 student shall continue to be enrolled in such course or
289 school.

290 (11) Nothing in this section shall prohibit home
291 school or FPE school students, private school students, or
292 students wishing to take additional courses beyond their
293 regular course load from enrolling in Missouri course access
294 and virtual school program courses under an agreement that
295 includes terms for paying tuition or course fees.

296 (12) Nothing in this subsection shall require any
297 school district, charter school, virtual program, or the
298 state to provide computers, equipment, or internet access to
299 any student unless required under the education services
300 plan created for an eligible student under subdivision (4)
301 of this subsection or for an eligible student with a
302 disability to comply with federal law. An education
303 services plan may require an eligible student to have access
304 to school facilities of the resident school district during
305 regular school hours for participation and instructional

activities of a virtual program under this section, and the education services plan shall provide for reimbursement of the resident school district for such access pursuant to rules adopted by the department under this section.

(13) The authorization process shall provide for continuous monitoring of approved providers and courses. The department shall revoke or suspend or take other corrective action regarding the authorization of any course or provider no longer meeting the requirements of the program. Unless immediate action is necessary, prior to revocation or suspension, the department shall notify the provider and give the provider a reasonable time period to take corrective action to avoid revocation or suspension. The process shall provide for periodic renewal of authorization no less frequently than once every three years.

(14) Courses approved as of August 28, 2018, by the department to participate in the Missouri virtual instruction program shall be automatically approved to participate in the Missouri course access and virtual school program, but shall be subject to periodic renewal.

(15) Any online course or virtual program offered by a school district or charter school, including those offered prior to August 28, 2018, which meets the requirements of section 162.1250 shall be automatically approved to participate in the Missouri course access and virtual school program. Such course or program shall be subject to periodic renewal. A school district or charter school offering such a course or virtual school program shall be deemed an approved provider.

(16) A host district may contract with a provider to perform any required services involved with delivering a full-time virtual education.

338 4. (1) As used in this subsection, the term
339 "instructional activities" means classroom-based or
340 nonclassroom-based activities that a student shall be
341 expected to complete, participate in, or attend during any
342 given school day, such as:

- 343 (a) Online logins to curricula or programs;
- 344 (b) Offline activities;
- 345 (c) Completed assignments within a particular program,
346 curriculum, or class;
- 347 (d) Testing;
- 348 (e) Face-to-face communications or meetings with
349 school staff;
- 350 (f) Telephone or video conferences with school staff;
- 351 (g) School-sanctioned field trips; or
- 352 (h) Orientation.

353 (2) A full-time virtual school shall submit a
354 notification to the parent or guardian of any student who is
355 not consistently engaged in instructional activities and
356 shall provide regular student progress reports for each
357 student at least four times per school year.

358 (3) Each full-time virtual school shall develop,
359 adopt, and post on the school's website a policy setting
360 forth the consequences for a student who fails to complete
361 the required instructional activities. Such policy shall
362 state, at a minimum, that if a student fails to complete the
363 instructional activities after receiving a notification
364 under subdivision (2) of this subsection, and after
365 reasonable intervention strategies have been implemented,
366 that the student shall be subject to certain consequences
367 which may include disenrollment from the school. Prior to
368 any disenrollment, the parent or guardian shall have the
369 opportunity to present any information that the parent deems

relevant, and such information shall be considered prior to any final decision.

(4) If a full-time virtual school disenrolls a student under subdivision (3) of this subsection, the school shall immediately provide written notification to such student's school district of residence. The student's school district of residence shall then provide to the parents or guardian of the student a written list of available educational options and promptly enroll the student in the selected option. Any student disenrolled from a full-time virtual school shall be prohibited from reenrolling in the same virtual school for the remainder of the school year.

5. School districts or charter schools shall inform parents of their child's right to participate in the program. Availability of the program shall be made clear in the parent handbook, registration documents, and featured on the home page of the school district or charter school's website.

6. The department shall:

(1) Establish an authorization process for course or full-time virtual school providers that includes multiple opportunities for submission each year;

(2) Pursuant to the time line established by the department, authorize course or full-time virtual school providers that:

(a) Submit all necessary information pursuant to the requirements of the process; and

(b) Meet the criteria described in subdivision (3) of this subsection;

(3) Review, pursuant to the authorization process, proposals from providers to provide a comprehensive, full-time equivalent course of study for students through the

Missouri course access and virtual school program. The department shall ensure that these comprehensive courses of study align to state academic standards and that there is consistency and compatibility in the curriculum used by all providers from one grade level to the next grade level;

(4) Within thirty days of any denial, provide a written explanation to any course or full-time virtual school providers that are denied authorization;

(5) Allow a course or full-time virtual school provider denied authorization to reapply at any point in the future.

7. The department shall publish the process established under this section, including any deadlines and any guidelines applicable to the submission and authorization process for course or full-time virtual school providers on its website.

8. If the department determines that there are insufficient funds available for evaluating and authorizing course or full-time virtual school providers, the department may charge applicant course or full-time virtual school providers a fee up to, but no greater than, the amount of the costs in order to ensure that evaluation occurs. The department shall establish and publish a fee schedule for purposes of this subsection.

9. Except as specified in this section and as may be specified by rule of the state board of education, the Missouri course access and virtual school program shall comply with all state laws and regulations applicable to school districts, including but not limited to the Missouri school improvement program (MSIP), annual performance report (APR), teacher certification, curriculum standards, audit requirements under chapter 165, access to public records

under chapter 610, and school accountability report cards under section 160.522. Teachers and administrators employed by a virtual provider shall be considered to be employed in a public school for all certification purposes under chapter 168.

10. The department shall submit and publicly publish an annual report on the Missouri course access and virtual school program and the participation of entities to the governor, the chair and ranking member of the senate education committee, and the chair and ranking member of the house of representatives elementary and secondary education committee. The report shall at a minimum include the following information:

(1) The annual number of unique students participating in courses authorized under this section and the total number of courses in which students are enrolled in;

(2) The number of authorized providers;

(3) The number of authorized courses and the number of students enrolled in each course;

(4) The number of courses available by subject and grade level;

(5) The number of students enrolled in courses broken down by subject and grade level;

(6) Student outcome data, including completion rates, student learning gains, student performance on state or nationally accepted assessments, by subject and grade level per provider. This outcome data shall be published in a manner that protects student privacy;

(7) The costs per course;

(8) Evaluation of in-school course availability compared to course access availability to ensure gaps in course access are being addressed statewide.

466 11. (1) The department shall be responsible for
467 creating the Missouri course access and virtual school
468 program catalog providing a listing of all courses
469 authorized and available to students in the state, detailed
470 information, including costs per course, about the courses
471 to inform student enrollment decisions, and the ability for
472 students to submit their course enrollments.

473 (2) On or before January 1, 2023, the department shall
474 publish on its website, and distribute to all school
475 districts and charter schools in this state, a guidance
476 document that details the options for virtual course access
477 and full-time virtual course access for all students in the
478 state. The guidance document shall include a complete and
479 readily understood description of the applicable enrollment
480 processes including the opportunity for students to enroll
481 and the roles and responsibilities of the student, parent,
482 virtual provider, school district or districts, and charter
483 schools, as appropriate. The guidance document shall be
484 distributed in written and electronic form to all school
485 districts, charter schools, and virtual providers. School
486 districts and charter schools shall provide a copy of the
487 guidance document to every pupil and parent or legal
488 guardian of every pupil enrolled in the district or charter
489 school at the beginning of each school year and upon
490 enrollment for every pupil enrolling at a different time of
491 the school year. School districts and charter schools shall
492 provide a readily viewable link to the electronic version of
493 the guidance document on the main page of the district's or
494 charter school's website.

495 12. Any virtual school or program may administer any
496 [statewide] **nationally norm-referenced** assessment required
497 pursuant to the provisions of section 160.518, except for

college readiness or workforce readiness assessments provided by a national college and career readiness assessment provider, in a virtual setting that aligns with the student's regular academic instruction. Any administration of a virtual [statewide] assessment shall meet the following conditions:

(1) The assessment shall be administered to the student at an assigned date and time;

(2) The assessment shall be administered during a synchronous assessment session initiated and managed by an employee of the virtual school;

(3) The student shall be monitored by an assessment proctor via a camera for the duration of the assessment. If the assessment platform does not allow for integrated camera proctoring, the student shall use two devices during the assessment. The first device shall be used to take the assessment and the second device shall have a functioning camera and be used to monitor the student during the assessment. However, if the assessment platform allows for the proctor to view the student and background, then a second device shall not be required;

(4) The virtual school or program shall make every reasonable effort to maintain a student assessment taker to assessment proctor ratio of ten to one or lower;

(5) The student shall not exit the assessment platform until instructed to do so by the assigned assessment proctor; and

(6) The student's submission of the completed assessment shall be verified by the assessment administrator.

13. The state board of education through the rulemaking process and the department of elementary and secondary education in its policies and procedures shall

530 ensure that multiple content providers and learning
531 management systems are allowed, ensure digital content
532 conforms to accessibility requirements, provide an easily
533 accessible link for providers to submit courses or full-time
534 virtual schools on the Missouri course access and virtual
535 school program website, and allow any person, organization,
536 or entity to submit courses or full-time virtual schools for
537 approval. No content provider shall be allowed that is
538 unwilling to accept payments in the amount and manner as
539 described under subdivision (3) of subsection 3 of this
540 section or does not meet performance or quality standards
541 adopted by the state board of education.

542 14. Any rule or portion of a rule, as that term is
543 defined in section 536.010, that is created under the
544 authority delegated in this section shall become effective
545 only if it complies with and is subject to all of the
546 provisions of chapter 536 and, if applicable, section
547 536.028. This section and chapter 536 are nonseverable and
548 if any of the powers vested with the general assembly
549 pursuant to chapter 536 to review, to delay the effective
550 date, or to disapprove and annul a rule are subsequently
551 held unconstitutional, then the grant of rulemaking
552 authority and any rule proposed or adopted after August 28,
553 2006, shall be invalid and void.

161.855. 1. By October 1, 2014, the state board of
2 education shall convene work groups composed of education
3 professionals to develop and recommend academic performance
4 standards. The work groups shall be composed of individuals
5 as provided in section 160.514. The state board of
6 education and the work groups shall follow the procedures
7 and conduct the public hearings required by section
8 160.514. The state board of education shall convene

9 separate work groups for the following subject areas:
10 English language arts; mathematics; science; and history and
11 governments. For each of these four subject areas, the
12 state board of education shall convene two separate work
13 groups, one work group for grades kindergarten through five
14 and another work group for grades six through twelve.

15 2. The work groups shall develop and recommend
16 academic performance standards to the state board of
17 education by October 1, 2015. The work groups shall report
18 on their progress in developing the academic performance
19 standards to the president pro tempore of the senate and the
20 speaker of the house of representatives on a monthly basis.

21 3. The state board of education shall adopt and
22 implement academic performance standards beginning in the
23 2016-17 school year. [The state board of education shall
24 align the statewide assessment system to the academic
25 performance standards as needed.

26 4. The department of elementary and secondary
27 education shall pilot assessments from the Smarter Balanced
28 Assessment Consortium during the 2014-15 school year.
29 Notwithstanding any rules adopted by the state board of
30 education or the department of elementary and secondary
31 education in place on August 28, 2014, for the 2014-15
32 school year, and at any time the state board of education or
33 the department of elementary and secondary education
34 implements a new statewide assessment system, develops new
35 academic performance standards, or makes changes to the
36 Missouri school improvement program, the first year of such
37 statewide assessment system and performance indicators shall
38 be utilized as a pilot year for the purposes of calculating
39 a district's annual performance report under the Missouri
40 school improvement program. The results of a statewide

pilot shall not be used to lower a public school district's accreditation or for a teacher's evaluation.

5.] 4. Any person performing work for a school district or charter school for which teacher certification or administrator certification is regularly required under the laws relating to the certification of teachers or administrators shall be an employee of the school district or charter school. All evaluations of any such person shall be maintained in the teacher's or administrator's personnel file and shall not be shared with any state or federal agency.

161.1085. For purposes of sections 161.1080 to 161.1130, the following terms mean:

(1) "Department", the department of elementary and secondary education;

(2) "Governing board", the board of education of a district or the governing board of a charter school that has declared itself a local educational agency;

(3) "Initial remedial year", the year in which a district school or charter school is designated as a school in need of intervention under section 161.1090;

(4) "Local educational agency", any school district and any charter school that has declared itself a local educational agency;

(5) **"Nationally norm-referenced assessment", any test of student achievement in English language arts, mathematics, or science, including any such test administered in a computer-adaptive format, that is administered under section 160.518;**

(6) "School", a public school under the control of a local educational agency;

21 [(6)] (7) "School in need of intervention", a school
22 that has been designated as in need of intervention by the
23 department according to an outcome-based measure as
24 determined by the department under section 161.1090, which
25 may include, but shall not be required to include, schools
26 identified for intervention under the state's every student
27 succeeds act plan[;

28 (7) "Statewide assessment", any test of student
29 achievement in English language arts, mathematics, or
30 science, including any such test administered in a computer-
31 adaptive format, that is administered statewide under
32 section 160.518].

161.1090. 1. Subject to appropriation, the department
2 shall establish a school turnaround program to assist
3 schools designated by the department as in need of
4 intervention in accordance with the provisions of sections
5 161.1080 to 161.1130.

6 2. The department shall use an outcome-based measure
7 to set criteria for the designation of schools in need of
8 intervention.

9 3. No more than one month after [statewide] **nationally**
10 **norm-referenced** assessment results are made public, the
11 department shall designate specific schools as in need of
12 intervention. The department shall designate a school as in
13 need of intervention only if sufficient funds are available
14 in the school turnaround fund established in section
15 161.1105 to pay an independent school turnaround expert.

16 4. The department shall determine the specific
17 criteria that a school shall be required to meet in order to
18 exit the school turnaround program based on the same outcome-
19 based measure that was used to designate the school as in
20 need of intervention.

21 5. The department shall not designate any school as in
22 need of intervention before September 1, 2020.

23 6. Nothing in this section shall prohibit the criteria
24 established under this section from satisfying a school's
25 requirement for intervention under the every student
26 succeeds act.

 161.1100. 1. Before August 30, 2020, the department
2 shall identify two or more approved independent school
3 turnaround experts, through a request for proposals process,
4 that a school in need of intervention may select from to
5 partner with, to:

6 (1) Collect and analyze data on the school's student
7 achievement, personnel, culture, curriculum, assessments,
8 instructional practices, digital tools and other methods for
9 teaching and learning, governance, leadership, finances, and
10 policies;

11 (2) Recommend changes to the school's culture,
12 curriculum, assessments, instructional practices,
13 governance, finances, policies, or other areas based on data
14 collected under subdivision (1) of this subsection;

15 (3) Develop and implement, in partnership with the
16 school turnaround committee, a school turnaround plan that
17 meets the criteria described in section 161.1095;

18 (4) Monitor the effectiveness of a school turnaround
19 plan through reliable means of evaluation including, but not
20 limited to, onsite visits, observations, surveys, analysis
21 of student achievement data, and interviews;

22 (5) Provide ongoing implementation support and project
23 management for a school turnaround plan;

24 (6) Provide high-quality professional development and
25 coaching personalized for school staff that is designed to
26 build:

(a) The leadership capacity of the school principal;
(b) The instructional capacity of school staff; and
(c) The collaborative practices of teacher and leadership teams;

(7) Provide job-embedded professional learning and coaching for all instructional staff on a weekly basis, at a minimum;

(8) Provide job-embedded professional learning and coaching for the school principal at least twice monthly, focused on proven strategies to turn around schools in need of intervention that are aligned with administrator standards developed under section 168.410; and

(9) Leverage support from community partners to coordinate an efficient delivery of supports to students both inside and outside the classroom.

2. In identifying independent school turnaround experts under subsection 1 of this section, the department shall identify experts who:

(1) Have a credible track record of improving student academic achievement in public schools with various demographic characteristics, as measured by [statewide] **nationally norm-referenced** assessments;

(2) Have experience designing, implementing, and evaluating data-driven instructional systems in public schools;

(3) Have experience coaching public school administrators and teachers on designing and implementing data-driven school improvement plans;

(4) Have experience collaborating with the various education entities that govern public schools;

57 (5) Have experience delivering high-quality
58 professional development and coaching in instructional
59 effectiveness to public school administrators and teachers;

60 (6) Are willing to be compensated for professional
61 services based on performance as described in section
62 161.1105; and

63 (7) Are willing to partner with any school in need of
64 intervention in the state, regardless of location.

162.1300. If a change in school district boundary
2 lines occurs under section 162.223, 162.431, 162.441, or
3 162.451, or by action of the state board of education under
4 section 162.081, including attachment of a school district's
5 territory to another district or dissolution, such that a
6 school district receives additional students as a result of
7 such change, the [statewide] **nationally norm-referenced**
8 assessment scores and all other performance data for those
9 students whom the district received shall not be used for
10 three years when calculating the performance of the
11 receiving district for three school years for purposes of
12 the Missouri school improvement program.

163.023. 1. Commencing September 1, 1997, a school
2 district that has an operating levy for school purposes as
3 defined in section 163.011, of less than the minimum value
4 required by section 163.021, shall be classified as
5 unaccredited by the state board of education and shall be
6 deemed to be an unclassified school district for all
7 purposes under force of law, pursuant to the authority of
8 the state board of education to classify school districts
9 pursuant to section 161.092, except that no school district
10 shall be classified as unaccredited or deemed to be an
11 unclassified school district pursuant to this section if
12 such district is ineligible to receive state aid under

13 section 163.031, exclusive of categorical add-ons, because
14 the district's local effort is greater than its weighted
15 average daily attendance multiplied by the state adequacy
16 target multiplied by the dollar value modifier. No school
17 district, except a district which is ineligible to receive
18 state aid under section 163.031, exclusive of categorical
19 add-ons, because the district's local effort is greater than
20 its weighted average daily attendance multiplied by the
21 state adequacy target multiplied by the dollar value
22 modifier, may be classified or reclassified as accredited
23 until such district has an operating levy for school
24 purposes which is equal to or greater than the minimum value
25 required by section 163.021. Beginning July 1, 1998, the
26 state board of education shall consider the results for a
27 school district from the [statewide assessment system
28 developed] **nationally norm-referenced assessments conducted**
29 pursuant to the provisions of section 160.518 when
30 classifying a school district as authorized by subdivision
31 (9) of section 161.092. Further, the state board of
32 education shall consider the condition and adequacy of
33 facilities of a school district when determining such
34 classification.

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

167.905. 1. By July 1, 2018, each school district
2 shall develop a policy and implement a measurable system for
3 identifying students in their ninth grade year, or students
4 who transfer into the school subsequent to their ninth grade
5 year, who are at risk of not being ready for college-level
6 work or for entry-level career positions. Districts shall

7 include, but are not limited to, the following sources of
8 information:

9 (1) A student's performance on [the Missouri
10 assessment program test] **a nationally norm-referenced**
11 **assessment** in eighth grade in English language arts and
12 mathematics;

13 (2) A student's comparable statewide assessment
14 performance if such student transferred from another state;

15 (3) The district's overall reported remediation rate
16 under section 173.750; and

17 (4) A student's attendance rate.

18 2. The district policy shall require academic and
19 career counseling to take place prior to graduation so that
20 the school may attempt to provide sufficient opportunities
21 to the student to graduate college-ready or career-ready and
22 on time.

23 3. Each school district shall adopt a policy to permit
24 the waiver of the requirements of this section for any
25 student with a disability if recommended by the student's
26 IEP committee. For purposes of this subsection, "IEP" means
27 individualized education program.

168.749. 1. Beginning with school year 2010-11,
2 teachers who elect to participate in the teacher choice
3 compensation package shall be eligible for stipends based on
4 the following criteria:

5 (1) Score on a value-added test instrument or
6 instruments. Such instruments shall be defined as those
7 which give a reliable measurement of the skills and
8 knowledge transferred to students during the time they are
9 in a teacher's classroom and shall be selected by the school
10 district from one or more of the following assessments:

11 (a) A list of recognized value-added instruments
12 developed by the department of elementary and secondary
13 education;

14 (b) Scores on the [statewide] assessments
15 [established] **conducted** under section 160.518 may be used
16 for this purpose, and the department of elementary and
17 secondary education shall develop a procedure for
18 identifying the value added by teachers that addresses the
19 fact that not all subjects are **necessarily** tested at all
20 grade levels each year [under the state assessment program];

21 (c) Scores on annual tests required by the federal
22 Elementary and Secondary Education Act reauthorization of
23 2002 for third through eighth grade may be used as value-
24 added instruments if found appropriate after consideration
25 and approval by the state board of education;

26 (d) A district may choose an instrument after a public
27 hearing of the district board of education on the matter,
28 with the reasons for the selection entered upon the minutes
29 of the meeting; provided, however, that this option shall
30 not be available to districts after scores are established
31 for paragraphs (a), (b), and (c) of this subdivision;

32 (2) Evaluations by principals or other administrators
33 with expertise to evaluate classroom performance;

34 (3) Evaluations by parents and by students at their
35 appropriate developmental level.

36 Model instruments for these evaluations shall be developed
37 or identified by the department of elementary and secondary
38 education. Districts may use such models, may use other
39 existing models, or may develop their own instruments. A
40 district that develops its own instrument shall not use that
41 instrument as its sole method of evaluation.

42 2. The department of elementary and secondary
43 education shall develop criteria for determining eligibility
44 for stipend increments, including a range of target scores
45 on assessments for use by the districts. The test-score
46 options listed in subdivision (1) of subsection 1 of this
47 section shall be given higher weight than the evaluation
48 options listed in subdivisions (2) and (3) of subsection 1
49 of this section. The decision of individual districts about
50 the qualifications for each increment based on the
51 evaluations listed in subdivisions (2) and (3) of subsection
52 1 of this section and for value-added instruments for which
53 target scores have not been developed by the department of
54 elementary and secondary education may address the
55 district's unique characteristics but shall require
56 demonstrably superior performance on the part of the
57 teacher, based primarily on improved student achievement
58 while taking into account classroom demographics including
59 but not limited to students' abilities, special needs, and
60 class size.

170.017. The department of elementary and secondary
2 education shall, by July 1, 2015, develop a high school
3 graduation policy that allows a student to fulfill one unit
4 of academic credit with a district-approved agriculture or
5 career and technical education course for any communication
6 arts, mathematics, science, or social studies unit required
7 for high school graduation in any combination up to
8 fulfilling one requirement in each of the four subject
9 areas. [The substitution may not be made where the course
10 for which the agriculture or career and technical education
11 course is being substituted requires an end-of-course
12 statewide assessment. The credit cannot be substituted for
13 any course which requires a statewide end-of-course

14 assessment.] The policy required under this section shall
15 be in addition to the optional waiver of one unit of
16 academic credit for a three-unit career and technical
17 program of studies.

Section B. Section A of this act shall become
2 effective only upon notification to the revisor of statutes
3 by an opinion by the attorney general of Missouri, a
4 proclamation by the governor of Missouri, or the adoption of
5 a concurrent resolution by the Missouri general assembly
6 that the United States Department of Education has been
7 abolished or dismantled by an act of the United States
8 Congress.

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