

SECOND REGULAR SESSION

SENATE BILL NO. 605

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EHLMANN.

Pre-filed December 16, 1997, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S2380.02I

AN ACT

To repeal sections 160.514, 160.518 and 160.538, RSMo 1994, and section 160.522, RSMo Supp. 1997, relating to education and to enact in lieu thereof four new sections relating to the same subject.

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

Section A. Sections 160.514, 160.518 and 160.538, RSMo 1994, and section 160.522, RSMo Supp. 1997, are repealed and four new sections enacted in lieu thereof, to be known as sections 160.514, 160.518, 160.522 and 160.538, to read as follows:

160.514. 1. By rule and regulation, and consistent with the provisions contained in section 160.526, RSMo, the state board of education shall adopt no more than seventy-five academic performance standards which establish the knowledge, skills and competencies necessary for students to successfully advance through the public elementary and secondary education system of this state; lead to or qualify a student for high school graduation; prepare students for postsecondary education or the workplace or both; **prepare students for success within American culture after graduation** and are necessary in this era to preserve the rights and liberties of the people. **The academic performance standards shall not be construed or treated as replacing any previously established standards for acceptable mastery of basic knowledge, and the standards and assessments shall set out the levels of expertise required to be mastered before the student advances to mastery of the higher-level skills set out elsewhere in the standards. The standards shall neither require nor advocate a particular curriculum, teaching method or educational philosophy, and these curricula, methods and philosophies shall remain local decisions. At least one of**

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

the performance standards shall require that no student shall be promoted to a higher grade level unless that student has a reading ability at or above one grade level below the student's grade level.

2. The state board of education shall convene work groups composed of education professionals to develop and recommend academic performance standards. Separate work groups composed of professionals with appropriate expertise shall be convened for each subject area listed in section 160.518. Active classroom teachers shall constitute the majority of each work group. Teachers serving on such work groups shall be selected by professional teachers' organizations of the state. Additional teachers who are not members of such organizations may serve by appointment of the state board of education.

3. The state board of education shall develop written curriculum frameworks that may be used by school districts. Such curriculum frameworks shall incorporate the academic performance standards adopted by the state board of education pursuant to subsection 1 of this section. The curriculum frameworks shall provide guidance to school districts but shall not be mandates for local school boards in the adoption or development of written curricula as required by subsection 4 of this section.

4. Not later than one year after the development of written curriculum frameworks pursuant to subsection 3 of this section, the board of education of each school district in the state shall adopt or develop a written curriculum designed to ensure that students attain the knowledge, skills and competencies established pursuant to subsection 1 of this section. **Such knowledge, skills and competencies shall be considered the minimum level, and school districts are encouraged, where appropriate, to require additional knowledge, skills and competencies. Nothing in this chapter shall be construed to require or encourage a school district to reduce or eliminate programs, courses and curricula for gifted students.** Local school boards are encouraged to adopt or develop curricula that are rigorous and ambitious and may, but are not required to, use the curriculum frameworks developed pursuant to subsection 3 of this section. Nothing in this section or this act shall prohibit school districts, as determined by local boards of education, to develop or adopt curricula that provide for academic standards in addition to those identified by the state board of education pursuant to subsection 1 of this section.

160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop a **uniform** statewide assessment system that provides **uniform minimum levels of performance while allowing** maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills and competencies adopted by such board pursuant to subsection 1 of section 160.514. The statewide assessment system shall assess **basic knowledge**, problem solving, analytical ability, evaluation, creativity and application ability in the different content areas, [and]

shall be [performance-based] **objective and verifiable** to identify what students know, [as well as what they] **shall be performance-based to identify what students** are able to do, and shall enable teachers to evaluate actual academic performance **in terms of individual academic grading rather than any form of group grading**. The assessment system shall neither promote nor prohibit rote memorization and [shall not] **may** include existing versions of tests approved for use pursuant to the provisions of section 160.257, [nor] **or** enhanced versions of such tests. The statewide assessment shall measure, where appropriate by grade level **and subject matter**, a student's knowledge of academic subjects including, but not limited to, reading skills, writing skills, **memorization skills, grammatical skills, spelling skills**, mathematics skills, world and American history, forms of government, geography and science **and shall require and measure diligent attempts to answer objective questions**.

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

3.] The state board of education shall suggest criteria for a school to demonstrate that its students learn the knowledge, skills and competencies at exemplary levels worthy of imitation by students in other schools in the state and nation. "Exemplary levels" shall be measured by the assessment system developed pursuant to subsection 1 of this section, or until said assessment is available, by indicators approved for such use by the state board of education. The provisions of other law to the contrary notwithstanding, the commissioner of education may, upon request of the school district, present a plan for the waiver of rules and regulations to any such school, to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4 of this section.

[4.] **3.** For any school that meets the criteria established by the state board of education for three successive school years pursuant to the provisions of subsection 3 of this section, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, excepting such waivers shall be confined to the school and not other schools in the district unless such other schools meet the criteria established by the state board of education consistent with subsection 3 of this section and the waivers shall not include the requirements

contained in this section and section 160.514. Any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the criteria established by the state board of education consistent with subsection 3 of this section.

160.522. 1. By July 1, 1996, the state board of education shall adopt a policy for the public reporting of information by school districts on an annual basis. The school district reports shall be distributed to all media outlets serving the district, and shall be made available to all district patrons, and to each member of the general assembly representing a legislative district which contains a portion of the school district.

2. The department of elementary and secondary education shall develop multiple reporting models which may be used by school districts for their public reports. The information reported shall include, but not be limited to, enrollment, rates of pupil attendance, high school dropout rate, staffing ratios, including the district ratio of students to all teachers, to administrators, and to classroom teachers, the average years of experience of professional staff and advanced degrees earned, student achievement as determined through the **currently used** assessment system [developed pursuant to section 160.518], student scores on the SAT or ACT, along with the percentage of students taking each test, average teachers' and administrators' salaries compared to the state averages, average salaries of noncertificated personnel compared to state averages, average per pupil expenditures for the district as a whole and for each building in the district which has pupils at the same grade level as another building in the district, voted and adjusted tax rates levied, assessed valuation, percent of the district operating budget received from state, federal, and local sources, extracurricular activities offered and the costs associated with each activity, the number of students eligible for free or reduced lunch, school calendar information, including the number of days and hours for student attendance, parent-teacher conferences, and staff development or in-service training, data on course offerings and rates of participation in parent-teacher conferences, special education programs, early childhood special education programs, parents as teachers programs, vocational education programs, gifted or enrichment programs, and advanced placement programs, data on the number of students continuing their education in postsecondary programs and information about job placement for students who complete district vocational education programs, and the district's most recent accreditation by the state board of education, including measures for school improvement; **provided that no school district shall be required to report test scores disaggregated by race or ethnic group.**

3. The public reporting 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. Beginning July 1, 1996, the annual report made by the state board of education pursuant to section 161.092, RSMo, shall include a summary of school districts accredited,

provisionally accredited, and unaccredited under the Missouri school improvement program, including an analysis of standards met and not met, and an analysis of state program assessment data collected pursuant to section 160.526, describing the kinds of tasks students can perform.

160.538. 1. By July 1, 1996, the state board of education shall develop a procedure and criteria for determining that a school in a school district is "academically deficient", **except that location shall not be a criterion used in determining which schools are academically deficient.** In making such a determination for any school, the state board of education shall consider the results for the school from the assessment system developed pursuant to the provisions of section 160.518, **or any existing assessment system currently in use**, together with the results from the education audit performed under subsection 2 of this section.

2. (1) Prior to a decision that a school is academically deficient, the state board of education shall appoint an audit team of at least ten persons to conduct an education audit of the school to determine the factors that have contributed to the lack of student achievement at the school as measured by the district assessment system and make a finding as to whether the school is academically deficient. The specific standards and implementation of the education audit shall be pursuant to rules adopted by the state board of education, **except that no standard may be used to find a school academically deficient until that school has been informed that the standard will be applied prior to the giving of the assessment to the students. Further, no standard shall be applied to any school in this state until and unless it is applied to every school in this state.**

(2) The audit team shall report its findings to the state board. If the audit team finds that the school is academically deficient, then the state board shall declare the school to be academically deficient.

(3) Following a decision that a school is academically deficient, the state board of education shall, within sixty days, appoint a management team of at least ten persons to conduct any necessary investigations and make any recommendations the team believes are appropriate for the administration and management of the school necessary to promote student achievement and any additional resources which are required. Funds shall be provided, upon appropriation, under subsection 2 of section 160.530 for the operation of the audit and management teams and resources needed in the district.

(4) In the appointment of the audit and management teams, the state board of education shall appoint such persons so that at least fifty percent of the team is composed of active classroom teachers at the elementary, middle or secondary level grades. Further, no more than two persons of said team may be employees of the department of elementary and secondary education. At least one member of the team shall be a public school superintendent from another district.

(5) The management team shall report its findings and recommendations to the state board within sixty school days. The commissioner of education shall, subject to availability of

resources, provide resources to the district as recommended by the management team. The management team report may also include recommendations for one or more of the following: conducting a recall election for each member of the district school board, suspension of indefinite contracts for certificated staff in the school and a one-year maximum length for new or renewal of contracts for the superintendent or the principal of the school. The education audit team shall reevaluate the school two years after the filing of the management team report. No recall election, suspension of indefinite contract or maximum contract length limit may be imposed unless the audit team determines that the school is still academically deficient.

(6) The commissioner of education shall, upon such recommendation by the management team and upon approval by the state board of education, but only in the case where the education audit team finds the school academically deficient in its reevaluation audit under subdivision (5) of this subsection, order an election in the district to be held for the purpose of conducting a recall election of all members of the district school board. The recall election shall be held on the next available election day thereafter as provided under section 115.123, RSMo, and shall be conducted pursuant to chapter 115, RSMo, except as otherwise provided herein.

3. (1) A district school board member of a district which contains a school declared academically deficient may be removed by the voters in a recall election. Such election shall be held upon the submission of a petition signed by voters of the district equal in number to at least twenty-five percent of the number of persons voting at the last preceding election to elect a district board member. The petition shall be filed with the election authority and the secretary of the district board of education, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

(2) Within ten days from the date of filing such petition the election authority shall examine and ascertain whether said petition is signed by the requisite number of voters; and he shall attach to the petition his certificate, showing the result of the examination. If the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The election authority shall, within ten days after such amendment, make like examination of the amended petition and, if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the election authority shall submit the same to the district board without delay. If the petition shall be found to be sufficient, the district board shall order the question to be submitted to the voters of the district.

(3) If a majority of the voters vote in favor of retaining the member, he shall remain in

office and shall not be subject to another recall election during his term of office except as provided in subsection 2 of this section. If a majority of voters vote to remove the member, his successor shall be chosen as provided in section 162.261, RSMo.

4. Under subdivision (5) of subsection 2 of this section, a district board of education may suspend indefinite contracts and issue probationary contracts to all certificated staff in a school declared academically deficient. However, no such indefinite contract for any person may be suspended without providing the person an opportunity for a due process hearing, conducted according to the provisions of chapter 536, RSMo, and only after the school board demonstrates that the performance of the person's duties contributed to the school meeting the criteria for being declared academically deficient. The district board of any school which is declared academically deficient shall not issue new contracts or renew contracts to either the superintendent or the principal of the academically deficient school for a period of longer than one year. The provisions of other law to the contrary notwithstanding, a probationary teacher in a school declared academically deficient shall not be granted an indefinite contract until one year after such school is no longer determined to be academically deficient, and the probationary teacher meets all other requirements for permanent status required by law.

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