

SECOND REGULAR SESSION

SENATE BILL NO. 812

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR FLOTRON.

Read 1st time January 22, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3518.011

AN ACT

To repeal section 160.518, RSMo 1994, relating to the waiver of regulation of certain school districts, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 160.518, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 160.518, to read as follows:

160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop a statewide assessment system that provides maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills and competencies adopted by such board pursuant to subsection 1 of section 160.514. The statewide assessment system shall assess problem solving, analytical ability, evaluation, creativity and application ability in the different content areas and shall be performance-based to identify what students know, as well as what they are able to do, and shall enable teachers to evaluate actual academic performance. The assessment system shall neither promote nor prohibit rote memorization and shall not include existing versions of tests approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such tests. The statewide assessment shall measure, where appropriate by grade level, a student's knowledge of academic subjects including, but not limited to, reading skills, writing skills, mathematics skills, world and American history, forms of government, geography and science.

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] **adopt** criteria for a school to demonstrate

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

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 **district not a special school district** that meets the criteria established by the state board of education for [three successive school years] **exemplary levels** pursuant to the provisions of subsection [3] **2** 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.] **and satisfies the criteria of subsection 4 of this section shall be waived, pursuant to subsection 5 of this section, from meeting certain state requirements established by statute, rule or regulation. Districts so waived shall be waived for a period of five years; except that the commissioner of education may remove such waiver for any district at his or her discretion. The commissioner of education shall report to the general assembly, during the fifth year of the exemptions and each year thereafter on or before December fifteenth of such year, any changes suggested for granting waivers including possible expansion of the list of waiver characteristics.**

4. School districts shall be eligible for waivers pursuant to this section if they satisfy the following criteria:

(1) Students of the district demonstrate mastery of knowledge, skills and competencies at an "exemplary level" based on the assessment system developed pursuant to section 160.518, RSMo, or sixty percent of the graduates during the three preceding years are enrolled in or have graduated from a two or four-year college or university and have a cumulative grade point average of 2.6 or greater based on a four point scale; and

(2) The district maintains a K-12 program of instruction; and

(3) (a) The district had an average daily attendance of six thousand or greater but less than twenty-four thousand for the second preceding year; or

(b) The district had a minimum of one thousand three hundred but less than six thousand students in average daily attendance the second preceding year and the district's current expenditures per eligible pupil for the second preceding year equaled or exceeded one and one-half times the state average; or

(c) The district had an average daily attendance of greater than six hundred fifty and less than one thousand three hundred and the district's current expenditures for the second preceding year equaled or exceeded one thousand three hundred times one and one-half times the state average current expenditure per eligible pupil for the second preceding year; and

a. At least seventy-five percent of the graduation class of the second preceding school year enrolled in a two or four-year college or university during the year of graduation and that graduation class had a graduation rate of eighty-five percent or more as determined by the department of elementary and secondary education; or

b. The district received during the second preceding school year an amount of state aid, on the basis of district entitlements established pursuant to line 1 of subsection 6 of section 163.031, RSMo, plus state aid pursuant to line 14 of subsection 6 of section 163.031, RSMo, which was equal to or less than twenty percent of its current expense for the second preceding year.

5. 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] or 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.]

6. School districts waived pursuant to subsection 3 of this section shall be waived from complying with sections 160.041, 160.522 and 160.538, sections 161.520 and 161.525, RSMo, subdivision (1) of subsection 1 of section 163.031, RSMo, and section 171.033, RSMo, and rules and regulations relating to school starting date, required staffing ratios and such other rules and regulations as determined by the commissioner of education.

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