

SECOND REGULAR SESSION

# HOUSE BILL NO. 1740

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE RICHEY.

3013H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 160.518 and 170.011, RSMo, and to enact in lieu thereof two new sections relating to school history courses.

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

Section A. Sections 160.518 and 170.011, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 160.518 and 170.011, to read as follows:

160.518. 1. Consistent with the provisions contained in section 160.526, the state  
2 board of education shall develop, modify, and revise, as necessary, a statewide assessment  
3 system that provides maximum flexibility for local school districts to determine the degree to  
4 which students in the public schools of the state are proficient in the knowledge, skills, and  
5 competencies adopted by such board pursuant to section 160.514. The statewide assessment  
6 system shall assess problem solving, analytical ability, evaluation, creativity, and application  
7 ability in the different content areas and shall be performance-based to identify what students  
8 know, as well as what they are able to do, and shall enable teachers to evaluate actual  
9 academic performance. The statewide assessment system shall neither promote nor prohibit  
10 rote memorization and shall not include existing versions of tests approved for use pursuant to  
11 the provisions of section 160.257, nor enhanced versions of such tests. After the state board  
12 of education adopts and implements academic performance standards as required under  
13 section 161.855, the state board of education shall develop and adopt a standardized  
14 assessment instrument under this section based on the academic performance standards  
15 adopted under section 161.855. The statewide assessment system shall measure, where  
16 appropriate by grade level, a student's knowledge of academic subjects including, but not

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 limited to, reading skills, writing skills, mathematics skills, world and American history,  
18 forms of government, geography and science.

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

22         3. The state board of education shall suggest, but not mandate, criteria for a school to  
23 demonstrate that its students learn the knowledge, skills and competencies at exemplary  
24 levels worthy of imitation by students in other schools in the state and nation. Exemplary  
25 levels shall be measured by the statewide assessment system developed pursuant to  
26 subsection 1 of this section, or until said statewide assessment system is available, by  
27 indicators approved for such use by the state board of education. The provisions of other law  
28 to the contrary notwithstanding, the commissioner of education may, upon request of the  
29 school district, present a plan for the waiver of rules and regulations to any such school, to be  
30 known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4 of  
31 this section.

32         4. For any school that meets the criteria established by the state board of education for  
33 three successive school years pursuant to the provisions of subsection 3 of this section, by  
34 August first following the third such school year, the commissioner of education shall present  
35 a plan to the superintendent of the school district in which such school is located for the  
36 waiver of rules and regulations to promote flexibility in the operations of the school and to  
37 enhance and encourage efficiency in the delivery of instructional services. The provisions of  
38 other law to the contrary notwithstanding, the plan presented to the superintendent shall  
39 provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to  
40 section 160.257, in the school. Further, the provisions of other law to the contrary  
41 notwithstanding, the plan shall detail a means for the waiver of requirements otherwise  
42 imposed on the school related to the authority of the state board of education to classify  
43 school districts pursuant to subdivision (9) of section 161.092 and such other rules and  
44 regulations as determined by the commissioner of education, excepting such waivers shall be  
45 confined to the school and not other schools in the district unless such other schools meet the  
46 criteria established by the state board of education consistent with subsection 3 of this section  
47 and the waivers shall not include the requirements contained in this section and section  
48 160.514. Any waiver provided to any school as outlined in this subsection shall be void on  
49 June thirtieth of any school year in which the school fails to meet the criteria established by  
50 the state board of education consistent with subsection 3 of this section.

51         5. The score on any assessment test developed pursuant to this section or this chapter  
52 of any student for whom English is a second language shall not be counted until such time as

53 such student has been educated for three full school years in a school in this state, or in any  
54 other state, in which English is the primary language.

55 6. The state board of education shall identify or, if necessary, establish one or more  
56 developmentally appropriate alternate assessments for students who receive special  
57 educational services, as that term is defined pursuant to section 162.675. In the  
58 development of such alternate assessments, the state board shall establish an advisory  
59 panel consisting of a majority of active special education teachers residing in Missouri and  
60 other education professionals as appropriate to research available assessment options. The  
61 advisory panel shall attempt to identify preexisting developmentally appropriate alternate  
62 assessments but shall, if necessary, develop alternate assessments and recommend one or  
63 more alternate assessments for adoption by the state board. The state board shall consider the  
64 recommendations of the advisory council in establishing such alternate assessment or  
65 assessments. Any student who receives special educational services, as that term is defined  
66 pursuant to section 162.675, shall be assessed by an alternate assessment established pursuant  
67 to this subsection upon a determination by the student's individualized education program  
68 team that such alternate assessment is more appropriate to assess the student's knowledge,  
69 skills and competencies than the assessment developed pursuant to subsection 1 of this  
70 section. The alternate assessment shall evaluate the student's independent living skills, which  
71 include how effectively the student addresses common life demands and how well the student  
72 meets standards for personal independence expected for someone in the student's age group,  
73 sociocultural background, and community setting.

74 7. The state board of education shall also develop recommendations regarding  
75 alternate assessments for any military dependent who relocates to Missouri after the  
76 commencement of a school term, in order to accommodate such student while ensuring that  
77 ~~he or she~~ **such student** is proficient in the knowledge, skills, and competencies adopted  
78 under section 160.514.

79 **8. (1) As used in this subsection, the term "document-based questions" means**  
80 **questions that present excerpts of and are focused upon broadly consequential historical**  
81 **documents pertaining to the focus of a particular course of study including, but not**  
82 **limited to, foundational documents, the precursors of such foundational documents, and**  
83 **any subsequent documents of societal consequence.**

84 **(2) Assessments developed under this section for testing a student's knowledge,**  
85 **comprehension, and competencies in American history shall consist of document-based**  
86 **questions that provide the student with the opportunity to prove the student's**  
87 **knowledge, comprehension, and competencies related to the document's author,**  
88 **audience, text, contextual matters, and subsequent effects. The primary source**  
89 **documents providing the basis of such document-based questions shall be the same or**

90 **similar works described in subsection 4 of section 170.011 relating to courses of**  
91 **instruction in the development of Western civilization, the development of American**  
92 **history and institutions from the Age of Discovery through the nineteenth century,**  
93 **American history in the twentieth century and beyond, and American civics and**  
94 **government. Such primary source documents may include translations of such**  
95 **documents into English.**

96 **(3) Assessments developed under this subsection shall be administered annually.**

97 **(4) This subsection shall apply to assessments developed for the 2025-26 school**  
98 **year and all subsequent school years.**

170.011. 1. Regular courses of instruction in the Constitution of the United States  
2 and of the state of Missouri and in American history and institutions shall be given in all  
3 public and private schools in the state of Missouri, except proprietary schools, and shall begin  
4 not later than the seventh grade and continue in high school to an extent determined by the  
5 state commissioner of education, and shall continue in college and university courses to an  
6 extent determined by the state commissioner of higher education. In the 1990-91 school year  
7 and each year thereafter **until June 30, 2025**, local school districts maintaining high schools  
8 shall comply with the provisions of this section by offering in grade nine, ten, eleven, or  
9 twelve a course of instruction in the institutions, branches and functions of the government of  
10 the state of Missouri, including local governments, and of the government of the United  
11 States, and in the electoral process. A local school district maintaining such a high school  
12 shall require that prior to the completion of the twelfth grade each pupil who receives a high  
13 school diploma or certificate of graduation on or after January 1, 1994, shall satisfactorily  
14 complete such a course of study. Such course shall be of at least one semester in length and  
15 may be two semesters in length. The department of elementary and secondary education may  
16 provide assistance in developing such a course if the district requests assistance. A school  
17 district may elect to waive the requirements of this subsection for any student who transfers  
18 from outside the state to a Missouri high school if the student can furnish documentation  
19 deemed acceptable by the school district of the student's successful completion in any year  
20 from the ninth through the twelfth grade of a course of instruction in the institutions,  
21 branches, and functions of state government, including local governments, and of the  
22 government of the United States, and in the electoral process.

23 2. American history courses at the elementary and secondary levels shall include in  
24 their proper time-line sequence specific referrals to the details and events of the racial  
25 equality movement that have caused major changes in United States and Missouri laws and  
26 attitudes.

27 3. No pupil shall receive a certificate of graduation from any public or private school  
28 other than private trade schools unless ~~he or she~~ **such pupil** has satisfactorily passed an

29 examination on the provisions and principles of the Constitution of the United States and of  
30 the state of Missouri, and in American history, American institutions, and American civics. A  
31 school district may elect to waive the requirements of this subsection for any student who  
32 transfers from outside the state to a Missouri high school if the student can furnish  
33 documentation deemed acceptable by the school district of the student's successful  
34 completion in any year from the ninth through the twelfth grade of a course of instruction  
35 in the institutions, branches, and functions of state government, including local governments,  
36 and of the government of the United States, and in the electoral process. A student of a  
37 college or university, who, after having completed a course of instruction prescribed in this  
38 section and successfully passed an examination on the United States Constitution, and in  
39 American history and American institutions required hereby, transfers to another college or  
40 university, is not required to complete another such course or pass another such examination  
41 as a condition precedent to ~~his~~ **the student's** graduation from the college or university.

42 **4. (1) In the 2025-26 school year and all subsequent school years, local school**  
43 **districts and private schools maintaining high schools shall comply with the provisions**  
44 **of this section by offering in grades nine, ten, eleven, and twelve courses of instruction in**  
45 **the development of Western civilization, the development of American history and**  
46 **institutions from the Age of Discovery through the nineteenth century, American history**  
47 **in the twentieth century and beyond, and American civics and government. A local**  
48 **school district or private school maintaining such a high school shall require that prior**  
49 **to the completion of grade twelve each student who begins grade nine in the 2025-26**  
50 **school year or any subsequent school year satisfactorily completes each course of**  
51 **instruction before receiving a high school diploma or certificate of graduation. Each**  
52 **course shall be two semesters in length and shall be offered as follows:**

53 **(a) The course of instruction in the development of Western civilization**  
54 **described in subdivision (1) of this subsection shall be offered in grade nine and shall**  
55 **include an overview of at least the following subjects using primary sources:**

56 **a. Greek history, philosophy, and literature, with the study of Greek works such**  
57 **as Homer's two epic poems the Iliad and the Odyssey, the works of Greek tragedians**  
58 **and selections from the Greek poets, the histories of the Greek wars by Herodotus and**  
59 **Thucydides, and Plato's and Aristotle's foundational works of Western philosophy;**

60 **b. Literature written by Roman authors, with the study of Vergil's epic poem the**  
61 **Aeneid and the works of Roman historians such as Livy, Tacitus, Sallust, Julius Caesar,**  
62 **Plutarch, and Cicero; and**

63 **c. Works of Christian post-apostolic authors and literature written from the**  
64 **Early Medieval period through the Early Modern period that the framers of the**

65 **Constitution of the United States referred to specifically as having influenced the**  
66 **philosophical and political thought of such framers;**

67 **(b) The courses of instruction in the development of American history and**  
68 **institutions from the Age of Discovery through the nineteenth century, American history**  
69 **in the twentieth century and beyond, and American civics and government described in**  
70 **subdivision (1) of this subsection shall include an overview of the history of and works**  
71 **written during the Age of Discovery through the twentieth century that have been**  
72 **pivotal to the development of modern Western civilization within the United States. The**  
73 **study of such subjects shall use primary sources, and such primary sources may include**  
74 **translations of such sources into English;**

75 **(c) The course of instruction in the development of American history and**  
76 **institutions from the Age of Discovery through the nineteenth century shall be offered in**  
77 **grade ten, the course of instruction in American history in the twentieth century and**  
78 **beyond shall be offered in grade eleven, and the course of instruction in American civics**  
79 **and government shall be offered in grade twelve; and**

80 **(d) The course of instruction in American history in the twentieth century and**  
81 **beyond offered in grade eleven shall not include instruction on any historical event or**  
82 **subject matter occurring within the twenty-five years immediately preceding the school**  
83 **year in which such course is offered.**

84 **(2) Presenting, teaching, or discussing any religious ideal, concept, or tenet**  
85 **contained in subjects or works that are part of the instruction required under this**  
86 **subsection shall not be construed to be a violation of the First Amendment to the**  
87 **Constitution of the United States. No such religious ideal, concept, or tenet shall be**  
88 **presented, taught, or discussed in a manner so as to violate the First Amendment to the**  
89 **Constitution of the United States. No school district, public school, or employee of such**  
90 **school district or public school shall redact or censor any such religious ideal, concept,**  
91 **or tenet in violation of the First Amendment to the Constitution of the United States.**

92 **(3) This subsection shall not apply to any parochial school, parish school, or**  
93 **home school.**

94 **5. In the 1990-91 school year and each year thereafter, each school district**  
95 **maintaining a high school may annually nominate to the state board of education a student**  
96 **who has demonstrated knowledge of the principles of government and citizenship through**  
97 **academic achievement, participation in extracurricular activities, and service to the**  
98 **community. Annually, the state board of education shall select fifteen students from those**  
99 **nominated by the local school districts and shall recognize and award them for their academic**  
100 **achievement, participation and service.**

101           ~~[5-]~~ **6.** The provisions of this section shall not apply to students from foreign countries  
102 who are enrolled in public or private high schools in Missouri, if such students are foreign  
103 exchange students sponsored by a national organization recognized by the department of  
104 elementary and secondary education.

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