

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 2152

101ST GENERAL ASSEMBLY

4669H.02P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 161.210, RSMo, and to enact in lieu thereof one new section relating to school innovation waivers.

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

Section A. Section 161.210, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 161.214, to read as follows:

**161.214. 1. As used in this section, the following terms mean:**

- (1) "Board", the state board of education;**
- (2) "Department", the department of elementary and secondary education;**
- (3) "School innovation team", a group of natural persons representing:
  - (a) A single elementary or secondary school;**
  - (b) A group of two or more elementary or secondary schools within the same school district that share common interests, such as geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary and secondary education;**
  - (c) A group of two or more elementary or secondary schools not within the same school district that share common interests, such as geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary and secondary education;**
  - (d) A single school district; or**
  - (e) A group of two or more school districts that share common interests, such as geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary and secondary education;****

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.

18           **(4) "School innovation waiver", a waiver granted by the board to a single school,**  
19 **group of schools, single school district, or group of school districts under this section, in**  
20 **which the school, group of schools, school district, or group of school districts is exempt**  
21 **from a specific requirement imposed by chapter 160, 161, 162, 167, 170, or 171, or any**  
22 **regulations promulgated under such chapters by the board or the department. Any**  
23 **school innovation waiver granted to a school district or group of school districts shall**  
24 **apply to every elementary and secondary school within the school district or group of**  
25 **school districts unless the plan specifically provides otherwise.**

26           **2. Any school innovation team seeking a school innovation waiver may submit a**  
27 **plan to the board for one or more of the following purposes:**

28           **(1) Improving student readiness for employment, higher education, vocational**  
29 **training, technical training, or any other form of career and job training;**

30           **(2) Increasing the compensation of teachers; or**

31           **(3) Improving the recruitment, retention, training, preparation, or professional**  
32 **development of teachers.**

33           **3. Any plan for a school innovation waiver shall:**

34           **(1) Identify the specific provision of law for which a waiver is being requested**  
35 **and provide an explanation for why the specific provision of law inhibits the ability of**  
36 **the school or school district to accomplish the goal stated in the plan;**

37           **(2) Demonstrate that the intent of the specific provision of law can be addressed**  
38 **in a more effective, efficient, or economical manner and that the waiver or modification**  
39 **is necessary to implement the plan;**

40           **(3) Include measurable annual performance targets and goals for the**  
41 **implementation of the plan;**

42           **(4) Specify the innovations to be pursued in meeting one or more of the goals**  
43 **listed in subsection 2 of this section;**

44           **(5) Demonstrate parental, school employee, and community and business**  
45 **support for, and engagement with, the plan; and**

46           **(6) Be approved by at least the minimum number of people required to be on the**  
47 **school innovation team prior to submitting the plan for approval.**

48           **4. (1) In evaluating a plan submitted by a school innovation team under**  
49 **subsection 2 of this section, the board shall consider whether the plan will:**

50           **(a) Improve the preparation, counseling, and overall readiness of students for**  
51 **postsecondary life;**

52           **(b) Increase teacher salaries in a financially sustainable and prudent manner; or**

53           **(c) Increase the attractiveness of the teaching profession for prospective teachers**  
54 **and active teachers alike.**

55           **(2) The board may approve any plan submitted under subsection 2 of this**  
56 **section if the board determines that:**

57           **(a) The plan successfully demonstrates the ability to address the intent of the**  
58 **provision of law to be waived in a more effective, efficient, or economical manner;**

59           **(b) The waivers or modifications are demonstrated to be necessary to stimulate**  
60 **or improve student readiness for postsecondary life, increase teacher salaries, or**  
61 **increase the attractiveness of the teaching profession for prospective teachers and active**  
62 **teachers;**

63           **(c) The plan has demonstrated sufficient participation from among the teachers,**  
64 **principal, superintendent, faculty, school board, parents, and the community at large;**  
65 **and**

66           **(d) The plan is based upon sound educational practices, does not endanger the**  
67 **health and safety of students or staff, and does not compromise equal opportunity for**  
68 **learning.**

69           **(3) The board may propose modifications to the plan in cooperation with the**  
70 **school innovation team.**

71           **5. Any waiver granted under this section shall be effective for a period of no**  
72 **longer than three school years beginning the school year following the school year in**  
73 **which the waiver is approved. Any waiver may be renewed. No more than one school**  
74 **innovation waiver shall be in effect with respect to any one elementary or secondary**  
75 **school at one time.**

76           **6. This section shall not be construed to allow the board to authorize the waiver**  
77 **of any statutory requirements relating to school start date, teacher certification, teacher**  
78 **tenure, or any requirement imposed by federal law.**

79           **7. The department shall publish an annual report based on the school innovation**  
80 **waivers considered by the state board. The report shall document the waivers**  
81 **submitted and waivers approved, at the statewide, district, and school building levels,**  
82 **and provide data at the statewide, district, and school building levels of sufficient detail**  
83 **to allow analysis of trends regarding the purposes for waiver requests, the statutes**  
84 **waived or requested to be waived, any modifications approved by the state board and**  
85 **the state board's actions to approve or deny waiver requests.**

86           **8. The board may promulgate rules implementing the provisions of this section.**  
87 **Any rule or portion of a rule, as that term is defined in section 536.010, that is created**  
88 **under the authority delegated in this section shall become effective only if it complies**  
89 **with and is subject to all of the provisions of chapter 536 and, if applicable, section**  
90 **536.028. This section and chapter 536 are nonseverable, and if any of the powers vested**  
91 **with the general assembly pursuant to chapter 536 to review, to delay the effective date,**

92 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**  
93 **of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall**  
94 **be invalid and void.**

2 ~~[161.210. 1. Notwithstanding any provision of law to the contrary, the~~  
3 ~~state board of education is hereby granted authority to waive or modify any~~  
4 ~~administrative rule adopted by the state board or policy implemented by the~~  
5 ~~department of elementary and secondary education. School districts may~~  
6 ~~submit applications for a waiver or modification authorized pursuant to this~~  
7 ~~section. Each application shall include a written request by the school district~~  
8 ~~or school districts and shall demonstrate that the intent of the rule or policy can~~  
9 ~~be addressed in a more effective, efficient or economical manner or that the~~  
10 ~~waiver or modification is necessary to implement a specific plan for improved~~  
11 ~~student performance and school improvement. Prior to an application for~~  
12 ~~waiver, the school district shall hold a public hearing regarding such waiver.~~

13 ~~2. The state board of education may grant waivers or modifications for~~  
14 ~~a school district or school districts that successfully demonstrate the ability to~~  
15 ~~address the intent of the rule or policy in a more effective, efficient or~~  
16 ~~economical manner or when the waivers or modifications are demonstrated to~~  
17 ~~be necessary to stimulate innovation or improve student performance,~~  
18 ~~provided that the waiver or modification is based upon sound educational~~  
19 ~~practices, does not endanger the health and safety of students or staff, and does~~  
20 ~~not compromise equal opportunity for learning. Approved waivers or~~  
21 ~~modifications shall remain in effect for a period not to exceed three school~~  
22 ~~years and may be renewed by the state board of education upon application by~~  
23 ~~the school district or school districts.~~

24 ~~3. This section shall not be construed to allow the state board of~~  
25 ~~education to authorize the waiver of any statutory requirements relating to~~  
~~teacher certification or teacher tenure.]~~

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