

SECOND REGULAR SESSION

HOUSE BILL NO. 2446

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOKSON.

5140H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.518 and 171.031, RSMo, and to enact in lieu thereof two new sections relating to elementary and secondary education.

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

Section A. Sections 160.518 and 171.031, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 160.518 and 171.031, to read as follows:

160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop, modify, and revise, as necessary, 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 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 statewide 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. After the state board of education adopts and implements academic performance standards as required under section 161.855, the state board of education shall develop and adopt a standardized assessment instrument under this section based on the academic performance standards adopted under section 161.855. The statewide assessment system 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.

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

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

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

48 5. The score on any assessment test developed pursuant to this section or this chapter of
49 any student for whom English is a second language shall not be counted until such time as such
50 student has been educated for three full school years in a school in this state, or in any other state,
51 in which English is the primary language.

52 6. The state board of education shall identify or, if necessary, establish one or more
53 developmentally appropriate alternate assessments for students who receive special educational

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

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

74 **8. In school year 2019-20 and in each subsequent school year, no statewide**
75 **assessment shall be administered to any student before May first.**

171.031. 1. Each school board shall prepare annually a calendar for the school term,
2 specifying the opening date and providing a minimum term of at least one hundred seventy-four
3 days for schools with a five-day school week or one hundred forty-two days for schools with a
4 four-day school week, and one thousand forty-four hours of actual pupil attendance. In addition,
5 such calendar shall include six make-up days for possible loss of attendance due to inclement
6 weather as defined in subsection 1 of section 171.033.

7 2. Each local school district may set its opening date each year, which date shall be no
8 earlier than ten calendar days prior to the first Monday in September. No public school district
9 shall select an earlier start date unless, **for calendars for school years before school year 2019-**
10 **20**, the district follows the procedure set forth in subsection 3 of this section. **The procedure**
11 **set forth in subsection 3 of this section shall be unavailable to school districts in preparing**
12 **their calendars for school year 2019-20 and for subsequent years.**

13 3. **For calendars for school years before school year 2019-20**, a district may set an
14 opening date that is more than ten calendar days prior to the first Monday in September only if

15 the local school board first gives public notice of a public meeting to discuss the proposal of
16 opening school on a date more than ten days prior to the first Monday in September, and the local
17 school board holds said meeting and, at the same public meeting, a majority of the board votes
18 to allow an earlier opening date. If all of the previous conditions are met, the district may set its
19 opening date more than ten calendar days prior to the first Monday in September. The condition
20 provided in this subsection must be satisfied by the local school board each year that the board
21 proposes an opening date more than ten days before the first Monday in September.

22 4. If any local district violates the provisions of this section, the department of
23 elementary and secondary education shall withhold an amount equal to one quarter of the state
24 funding the district generated under section 163.031 for each date the district was in violation
25 of this section.

26 5. The provisions of subsections 2 to 4 of this section shall not apply to school districts
27 in which school is in session for twelve months of each calendar year.

28 6. The state board of education may grant an exemption from this section to a school
29 district that demonstrates highly unusual and extenuating circumstances justifying exemption
30 from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state
31 board of education shall be valid for one academic year only.

32 7. No school day for schools with a five-day school week shall be longer than seven
33 hours except for vocational schools which may adopt an eight-hour day in a metropolitan school
34 district and a school district in a first class county adjacent to a city not within a county, and any
35 school that adopts a four-day school week in accordance with section 171.029.

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