

SECOND REGULAR SESSION

SENATE BILL NO. 798

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Read 1st time January 29, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5475S.03I

AN ACT

To repeal sections 160.514, 160.518, 160.526, 160.820, and 161.092, RSMo, and to enact in lieu thereof five new sections relating to elementary and secondary education standards.

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

Section A. Sections 160.514, 160.518, 160.526, 160.820, and 161.092, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 160.514, 160.518, 160.526, 160.820, and 161.092, to read as follows:

160.514. 1. By rule and regulation, and consistent with the provisions contained in section 160.526, 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; and are necessary in this era to preserve the rights and liberties of the people.

2. [The state board of education shall convene work groups composed of education professionals to develop and recommend academic performance standards.] **Whenever the state board of education develops, evaluates, modifies, or revises academic performance standards or learning standards, it shall convene work groups composed of education professionals to develop and recommend such academic performance standards or learning 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

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

18 of each work group. **Work groups shall include individuals of diverse**
19 **viewpoints.** Teachers serving on such work groups shall be selected by
20 professional teachers' organizations of the state. Additional teachers who are not
21 members of such organizations may serve by appointment of the state board of
22 education. **The state board of education shall hold at least two public**
23 **hearings whenever it develops, evaluates, modifies, or revises academic**
24 **performance standards or learning standards. The hearings shall**
25 **provide an opportunity to receive public testimony, including but not**
26 **limited to testimony from educators at all levels in the state, local**
27 **school boards, parents, representatives from business and industry,**
28 **labor and community leaders, members of the general assembly, and**
29 **the general public. The state board of education shall also solicit**
30 **comments and feedback on the academic performance standards or**
31 **learning standards from the joint committee on education and from**
32 **academic researchers of diverse viewpoints.**

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

40 4. Not later than one year after the development of written curriculum
41 frameworks pursuant to subsection 3 of this section, the board of education of
42 each school district in the state shall adopt or develop a written curriculum
43 designed to ensure that students attain the knowledge, skills and competencies
44 established pursuant to subsection 1 of this section. Local school boards are
45 encouraged to adopt or develop curricula that are rigorous and ambitious and
46 may, but are not required to, use the curriculum frameworks developed pursuant
47 to subsection 3 of this section. Nothing in this section or this act shall prohibit
48 school districts, as determined by local boards of education, to develop or adopt
49 curricula that provide for academic standards in addition to those identified by
50 the state board of education pursuant to subsection 1 of this section.

51 **5. (1) Notwithstanding any other provision of law to the**
52 **contrary, the state board of education shall not implement or take any**
53 **action relating to the common core state standards.**

54 **(2) School districts and charter schools shall not use the common**
55 **core state standards to comply with the requirement to provide**
56 **instruction in the essential knowledge, skills, and competencies at**
57 **appropriate grade levels under this section.**

58 **(3) Any actions taken by the state board of education to change**
59 **Missouri education standards prior to August 28, 2014, which are not**
60 **in compliance with Missouri's state statutes, shall henceforth be**
61 **considered void ab initio. The state board of education shall not adopt**
62 **any new standards that are not developed in accordance with**
63 **subsection 2 of this section.**

64 **(4) Local school districts and charter schools may adopt their**
65 **own education standards, in addition to those already adopted by the**
66 **state, provided the additional standards are in the public domain.**

67 **6. Notwithstanding any provision of law to the contrary, any**
68 **regulation in whole or in part relating to the common core state**
69 **standards that is inconsistent with the provisions of this section,**
70 **sections 160.518, 160.526, and subdivision (9) of section 161.092 is**
71 **hereby abrogated.**

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

19 American history, forms of government, geography and science.

20 2. The **statewide** assessment system shall only permit the academic
21 performance of students in each school in the state to be tracked against prior
22 academic performance in the same school **and shall not be transferred out of**
23 **the state in any form for reporting to non-state education entities.**

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

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

55 school year in which the school fails to meet the criteria established by the state
56 board of education consistent with subsection 3 of this section.

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

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

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

89 [8. Notwithstanding the provisions of subsections 1 to 7 of this section, no
90 later than June 30, 2006, the state board of education shall administer the

91 following adjustments to the statewide assessment system:

92 (1) Align the performance standards of the statewide assessment system
93 so that such indicators meet, but do not exceed, the performance standards of the
94 National Assessment of Education Progress (NAEP) exam;

95 (2) Institute yearly examination of students in the required subject areas
96 where compelled by existing federal standards, as of August 28, 2004; and

97 (3) Administer any other adjustments that the state board of education
98 deems necessary in order to aid the state in satisfying existing federal
99 requirements, as of August 28, 2004, including, but not limited to, the
100 requirements contained in the federal No Child Left Behind Act. Grade-level
101 expectations shall be considered when the state board of education establishes
102 performance standards.

103 9. By July 1, 2006, the state board of education shall examine its rules
104 and regulations and revise them to permit waivers of resource and process
105 standards based upon achievement of performance profiles consistent with
106 accreditation status.]

160.526. 1. In establishing, **evaluating, modifying, and revising** the
2 academic **performance standards and learning standards** authorized by
3 [subsection 1 of] section 160.514 and the statewide assessment system authorized
4 by subsection 1 of section 160.518, the state board of education shall consider the
5 work that has been done by other states, recognized regional and national
6 experts, professional education discipline-based associations and other
7 professional education associations. [Further, in establishing the academic
8 standards and statewide assessment system, the state board of education shall
9 adopt the work that has been done by consortia of other states and, subject to
10 appropriations, may contract with such consortia to implement the provisions of
11 sections 160.514 and 160.518.]

12 2. The state board of education shall **consider null and void by**
13 **legislative action any memorandum of agreement with any assessment**
14 **consortium funded by the United States Department of Education, and**
15 **shall** by contract enlist the assistance of such national experts[, as approved by
16 the commission established pursuant to section 160.510,] to receive reports,
17 advice and counsel on a regular basis pertaining to the validity and reliability of
18 the statewide assessment system. The reports from such experts shall be
19 received by the [commission, which shall make a final determination concerning
20 the reliability and validity of the statewide assessment system] **state board of**

21 **education.** Within six months prior to implementation [of] **or modification**
22 **or revision to** the statewide assessment system, the commissioner of education
23 shall inform the president pro tempore of the senate and the speaker of the house
24 about the procedures to implement, **modify, or revise** the assessment system,
25 including a report related to the reliability and validity of the assessment
26 instruments, and the general assembly may, within the next sixty legislative
27 days, veto such implementation, **modification, or revision** by concurrent
28 resolution adopted by majority vote of both the senate and the house of
29 representatives.

30 3. The commissioner of education shall establish a procedure for the state
31 board of education to regularly receive advice and counsel from professional
32 educators at all levels in the state, district boards of education, parents,
33 representatives from business and industry, **the general assembly,** and labor
34 and community leaders pertaining to the implementation of sections 160.514 and
35 160.518. **By December 31, 2014, the commissioner of education shall**
36 **update this procedure to allow the state board of education to regularly**
37 **receive advice and counsel from professional educators at all levels in**
38 **the state, district boards of education, parents, representatives from**
39 **business and industry, the general assembly, and labor and community**
40 **leaders whenever the state board develops, evaluates, modifies, or**
41 **revises academic performance standards, learning standards, or**
42 **statewide assessment system under sections 160.514 and 160.518.** The
43 procedure shall include, at a minimum, the appointment of ad hoc committees
44 [and shall be in addition to the advice and counsel obtained from the commission
45 pursuant to section 160.510].

160.820. In order to assist the corporation in achieving the objectives
2 identified in section 160.810, the department of economic development,
3 department of elementary and secondary education, and department of higher
4 education may contract with the corporation for activities consistent with the
5 corporation's purpose, as specified in section 160.805, including but not limited
6 to the employment of any personnel of the corporation, administrative services,
7 and provision of office space. When contracting with the corporation under the
8 provisions of this section, the departments [may directly enter into agreements
9 with the corporation and] shall [not] be bound by the provisions of chapter 34.

161.092. The state board of education shall:

2 (1) Adopt rules governing its own proceedings and formulate policies for

3 the guidance of the commissioner of education and the department of elementary
4 and secondary education;

5 (2) Carry out the educational policies of the state relating to public
6 schools that are provided by law and supervise instruction in the public schools;

7 (3) Direct the investment of all moneys received by the state to be applied
8 to the capital of any permanent fund established for the support of public
9 education within the jurisdiction of the department of elementary and secondary
10 education and see that the funds are applied to the branches of educational
11 interest of the state that by grant, gift, devise or law they were originally
12 intended, and if necessary institute suit for and collect the funds and return them
13 to their legitimate channels;

14 (4) Cause to be assembled information which will reflect continuously the
15 condition and management of the public schools of the state;

16 (5) Require of county clerks or treasurers, boards of education or other
17 school officers, recorders and treasurers of cities, towns and villages, copies of all
18 records required to be made by them and all other information in relation to the
19 funds and condition of schools and the management thereof that is deemed
20 necessary;

21 (6) Provide blanks suitable for use by officials in reporting the information
22 required by the board;

23 (7) When conditions demand, cause the laws relating to schools to be
24 published in a separate volume, with pertinent notes and comments, for the
25 guidance of those charged with the execution of the laws;

26 (8) Grant, without fee except as provided in section 168.021, certificates
27 of qualification and licenses to teach in any of the public schools of the state,
28 establish requirements therefor, formulate regulations governing the issuance
29 thereof, and cause the certificates to be revoked for the reasons and in the
30 manner provided in section 168.071;

31 (9) Classify the public schools of the state, subject to limitations provided
32 by law and subdivision (14) of this section, establish requirements for the schools
33 of each class, and formulate rules governing the inspection and accreditation of
34 schools preparatory to classification **which shall allow individual school**
35 **districts to determine targeted priorities for the district, plan of action,**
36 **resource needs for implementing the plan, and evaluation criteria,** with
37 such requirements taking effect not less than two years from the date of adoption
38 of the proposed rule by the state board of education, provided that this condition

39 shall not apply to any requirement for which a time line for adoption is mandated
40 in either federal or state law;

41 (10) Make an annual report on or before the first Wednesday after the
42 first day of January to the general assembly or, when it is not in session, to the
43 governor for publication and transmission to the general assembly. The report
44 shall be for the last preceding school year, and shall include:

45 (a) A statement of the number of public schools in the state, the number
46 of pupils attending the schools, their sex, and the branches taught;

47 (b) A statement of the number of teachers employed, their sex, their
48 professional training, and their average salary;

49 (c) A statement of the receipts and disbursements of public school funds
50 of every description, their sources, and the purposes for which they were
51 disbursed;

52 (d) Suggestions for the improvement of public schools; and

53 (e) Any other information relative to the educational interests of the state
54 that the law requires or the board deems important;

55 (11) Make an annual report to the general assembly and the governor
56 concerning coordination with other agencies and departments of government that
57 support family literacy programs and other services which influence educational
58 attainment of children of all ages;

59 (12) Require from the chief officer of each division of the department of
60 elementary and secondary education, on or before the thirty-first day of August
61 of each year, reports containing information the board deems important and
62 desires for publication;

63 (13) Cause fifty copies of its annual report to be reserved for the use of
64 each division of the state department of elementary and secondary education, and
65 ten copies for preservation in the state library;

66 (14) Promulgate rules under which the board shall classify the public
67 schools of the state; provided that the appropriate scoring guides, instruments,
68 and procedures used in determining the accreditation status of a district shall be
69 subject to a public meeting upon notice in a newspaper of general circulation in
70 each of the three most populous cities in the state and also a newspaper that is
71 a certified minority business enterprise or woman-owned business enterprise in
72 each of the two most populous cities in the state, and notice to each district board
73 of education, each superintendent of a school district, and to the speaker of the
74 house of representatives, the president pro tem of the senate, and the members

75 of the joint committee on education, at least fourteen days in advance of the
76 meeting, which shall be conducted by the department of elementary and
77 secondary education not less than ninety days prior to their application in
78 accreditation, with all comments received to be reported to the state board of
79 education;

80 (15) Have other powers and duties prescribed by law.

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