

FIRST REGULAR SESSION

HOUSE BILL NO. 679

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES TORPEY (Sponsor) AND HAEFNER (Co-sponsor).

1780L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 160.518, RSMo, and to enact in lieu thereof one new section relating to school statewide assessment scores.

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

Section A. Section 160.518, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.518, to read as follows: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 criteria for a school to demonstrate that its students learn the knowledge, skills and competencies at exemplary levels worthy of imitation

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 by students in other schools in the state and nation. Exemplary levels shall be measured by the
19 assessment system developed pursuant to subsection 1 of this section, or until said assessment
20 is available, by indicators approved for such use by the state board of education. The provisions
21 of other law to the contrary notwithstanding, the commissioner of education may, upon request
22 of the school district, present a plan for the waiver of rules and regulations to any such school,
23 to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4
24 of this section.

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

43 5. The score on any assessment test developed pursuant to this section or this chapter of
44 any student for whom English is a second language shall not be counted until such time as such
45 student has been educated for ~~[three]~~ **five** full school years in a school in this state, or in any
46 other state, in which English is the primary language.

47 6. The state board of education shall identify or, if necessary, establish one or more
48 developmentally appropriate alternate assessments for students who receive special educational
49 services, as that term is defined pursuant to section 162.675. In the development of such
50 alternate assessments, the state board shall establish an advisory panel consisting of a majority
51 of active special education teachers and other education professionals as appropriate to research
52 available assessment options. The advisory panel shall attempt to identify preexisting
53 developmentally appropriate alternate assessments but shall, if necessary, develop alternate

54 assessments and recommend one or more alternate assessments for adoption by the state board.
55 The state board shall consider the recommendations of the advisory council in establishing such
56 alternate assessment or assessments. Any student who receives special educational services, as
57 that term is defined pursuant to section 162.675, shall be assessed by an alternate assessment
58 established pursuant to this subsection upon a determination by the student's individualized
59 education program team that such alternate assessment is more appropriate to assess the student's
60 knowledge, skills and competencies than the assessment developed pursuant to subsection 1 of
61 this section. The alternate assessment shall evaluate the student's independent living skills,
62 which include how effectively the student addresses common life demands and how well the
63 student meets standards for personal independence expected for someone in the student's age
64 group, sociocultural background, and community setting.

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

69 8. Notwithstanding the provisions of subsections 1 to 7 of this section, no later than June
70 30, 2006, the state board of education shall administer the following adjustments to the statewide
71 assessment system:

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

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

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

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

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