

FIRST REGULAR SESSION

HOUSE BILL NO. 506

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CARTER.

1176H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 167.131, RSMo, and to enact in lieu thereof six new sections relating to school operations, with an emergency clause.

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

Section A. Section 167.131, RSMo, is repealed and six new sections enacted in lieu thereof, to be known as sections 160.085, 161.088, 167.131, 167.730, 168.310, and 171.417, to read as follows:

160.085. 1. Sections 160.085, 161.088, 167.730, 168.310, and 171.417 shall be known and may be cited as the "Every Child Can Learn Act".

2. For any school that has been classified as unaccredited by the state board of education under the system of classification established under section 161.088, the school board of the district in which it is located shall adopt and implement a school turnaround option for the unaccredited school no later than the first day of school of the school year beginning in the next calendar year.

3. For purposes of this section, the following terms shall mean:

(1) "Department", the department of elementary and secondary education;

(2) "Education management organization", a for-profit or nonprofit organization that provides whole-school operation services to a district;

(3) "Restart model", a model in which a district converts a school or closes and reopens a school using an education management organization that has been selected through a rigorous review process. Any school in which a restart model is used shall enroll, within the grades it serves, any former student who wishes to attend the school;

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.

16 (4) "School turnaround option", a restart model, a transformation model, or a
17 turnaround model;

18 (5) "Student academic growth", the change in achievement for an individual
19 student between two or more points in time based on standards-based measures that are
20 valid, rigorous, and comparable across classrooms of similar content and levels;

21 (6) "Transformation model", a model in which a district shall implement each of
22 the following actions:

23 (a) The district develops and increases teacher and school leader effectiveness
24 through required activities. To accomplish this action, the district shall:

25 a. Replace the principal who led the school prior to commencement of the
26 transformation model;

27 b. Use rigorous, transparent, and equitable evaluation systems for teachers and
28 principals that take into account data on student academic growth, as defined in this
29 section, as a significant factor as well as other factors, such as multiple observation-based
30 assessments of performance and ongoing collections of professional practice that are
31 reflective of student achievement and increased high school graduation rates and that are
32 designed and developed with teacher and principal involvement;

33 c. Identify and reward school leaders, teachers, and other staff who, in
34 implementing this model, have increased student achievement and high school graduation
35 rates and identify and remove those who, after ample opportunities have been provided for
36 them to improve their professional practice, have not done so; and

37 d. Provide staff with ongoing, high-quality, job-embedded professional
38 development including, but not limited to, specific subject pedagogy, instruction that
39 reflects a deeper understanding of the community served by the school, or differentiated
40 instruction that is aligned with the school's comprehensive instructional program and
41 designed with school staff to ensure they are equipped to facilitate effective teaching and
42 learning and have the capacity to successfully implement school reform strategies;

43 (b) The district implements strategies, which may include, but not be limited to,
44 financial incentives, increased opportunities for promotion and career growth, and flexible
45 work conditions that are designed to recruit, place, and retain staff with the skills
46 necessary to meet the needs of the students in a transformation school;

47 (c) The district implements comprehensive instructional reform strategies, which
48 shall include:

49 a. The use of data to identify and implement an instructional program that is
50 research-based and vertically aligned from one grade to the next as well as aligned with
51 state academic standards; and

- 52 **b. The promotion of the continuous use of student data to inform and differentiate**
53 **instruction in order to meet the academic needs of individual students. Student data may**
54 **be obtained from the use of formative, interim, and summative assessments;**
- 55 **(d) The district increases learning time and creates community-oriented schools by:**
56 **a. Establishing schedules and implementing strategies that provide increased and**
57 **extended learning time and opportunities; and**
58 **b. Providing ongoing mechanisms for family and community engagement; and**
59 **(e) The district provides operational flexibility and sustained support by:**
60 **a. Giving the school sufficient operational flexibility to fully implement a**
61 **comprehensive approach to substantially improve student achievement outcomes and**
62 **increase high school graduation rates. Operational flexibility shall include, but not be**
63 **limited to, staffing decisions at the school, changes in school calendars and attendance time,**
64 **and budgeting; and**
65 **b. Ensuring that the school receives ongoing, intensive technical assistance and**
66 **related support from the district, the department, or a designated external lead partner**
67 **organization, such as a school turnaround organization or an education management**
68 **organization;**
- 69 **(7) "Turnaround model", a model in which a district performs the following**
70 **actions:**
- 71 **(a) Replaces the principal and grants a new principal sufficient operational**
72 **flexibility to implement a comprehensive approach in order to substantially improve**
73 **student achievement outcomes and increase high school graduation rates. Operational**
74 **flexibility shall include, but not be limited to, staffing decisions at the school, changes in**
75 **school calendars and attendance time, and budgeting;**
- 76 **(b) Notwithstanding any provision of law to the contrary, uses locally adopted**
77 **competencies to measure the effectiveness of staff who can work within the turnaround**
78 **environment to meet the needs of students, screen all existing staff and rehire no more than**
79 **fifty percent of existing staff, and select new staff;**
- 80 **(c) Implements such strategies as financial incentives, increased opportunities for**
81 **promotion and career growth, and more flexible work conditions that are designed to**
82 **recruit, place, and retain staff with the skills necessary to meet the needs of the students**
83 **in the turnaround school;**
- 84 **(d) Provides staff with ongoing, high-quality, job-embedded professional**
85 **development that is aligned with the school's comprehensive instructional program and**
86 **designed with school staff to ensure that they are equipped to facilitate effective teaching**
87 **and learning and have the capacity to successfully implement school reform strategies;**

88 (e) Adopts a new governance structure, which may include, but not be limited to,
89 requiring the school to report to a new turnaround office that may be established in the
90 district or in the department, hire a turnaround leader who reports directly to the district
91 superintendent, or enter into a multiyear contract with the district or the department to
92 obtain added flexibility in exchange for greater accountability;

93 (f) Uses data to identify and implement an instructional program that is research-
94 based and vertically aligned from one grade to the next as well as aligned with state
95 academic standards;

96 (g) Promotes the continuous use of student data, such as formative assessments,
97 interim assessments, and summative assessments to inform and differentiate instruction
98 in order to meet the academic needs of individual students;

99 (h) Establishes schedules and implements strategies that provide increased learning
100 time; and

101 (i) Provides appropriate social-emotional and community-oriented services and
102 supports for students.

 161.088. 1. As authorized under its duty to classify the schools of the state under
2 section 161.092, the state board of education shall adopt a system of classification as part
3 of the Missouri school improvement program that classifies and accredits individual
4 schools within a district separately from the district for:

5 (1) Any metropolitan school district; and

6 (2) Any urban school district containing most or all of a home rule city with more
7 than four hundred thousand inhabitants and located in more than one county.

8 2. For any district identified in subsection 1 of this section, the state board of
9 education shall classify the district as a whole in addition to classifying each individual
10 school within the district.

11 3. The system of classification shall classify the schools in the following manner:

12 (1) Accredited with distinction;

13 (2) Accredited;

14 (3) Provisionally accredited; or

15 (4) Unaccredited.

16 4. The state board of education's system of classification shall be promulgated
17 through administrative rule. Any rule or portion of a rule, as that term is defined in
18 section 536.010, that is created under the authority delegated in this section shall become
19 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
20 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any
21 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay

22 **the effective date, or to disapprove and annul a rule are subsequently held**
23 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
24 **after August 28, 2019, shall be invalid and void.**

167.131. 1. **Except as provided in subsection 3 of this section,** the board of education
2 of each district in this state that does not maintain an accredited school pursuant to the authority
3 of the state board of education to classify schools as established in section 161.092 shall pay the
4 tuition of and provide transportation consistent with the provisions of section 167.241 for each
5 pupil resident therein who attends an accredited school in another district of the same or an
6 adjoining county or who attends an approved charter school in the same or an adjoining county.

7 2. The rate of tuition to be charged by the district attended and paid by the sending
8 district is the per pupil cost of maintaining the district's grade level grouping which includes the
9 school attended. The rate of tuition to be charged by the approved charter school attended and
10 paid by the sending district is the per pupil cost of maintaining the approved charter school's
11 grade level grouping. For a district, the cost of maintaining a grade level grouping shall be
12 determined by the board of education of the district but in no case shall it exceed all amounts
13 spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. For
14 an approved charter school, the cost of maintaining a grade level grouping shall be determined
15 by the approved charter school but in no case shall it exceed all amounts spent by the district in
16 which the approved charter school is located for teachers' wages, incidental purposes, debt
17 service, maintenance, and replacements. The term "debt service", as used in this section, means
18 expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded
19 indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost
20 of maintaining the grade level grouping by the average daily pupil attendance. If there is
21 disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board
22 of education, and its decision in the matter shall be final. Subject to the limitations of this
23 section, each pupil shall be free to attend the public school of his or her choice.

24 3. **Before a student enrolled in and attending a public school that is classified as**
25 **unaccredited by the state board of education under the system of classification established**
26 **under section 161.088 may transfer to a public school in an accredited district in the same**
27 **or an adjoining county under subsection 1 of this section, the district in which an**
28 **unaccredited school is located shall determine if there is sufficient capacity in another**
29 **public school in the student's district of residence that offers the student's grade level of**
30 **enrollment and is accredited by the state board of education. If such capacity exists, the**
31 **district shall permit the student to enroll in the accredited school. If such capacity does not**
32 **exist or the student is unable to transfer to another accredited public school within his or**
33 **her district of residence, the student may transfer to a public school in an accredited**

34 district in the same or an adjoining county. To be eligible to transfer to an accredited
35 district in the same or an adjoining county, the student shall have been enrolled in and
36 attending a public school in the unaccredited district for the three previous school years.

37 4. Each district in which an unaccredited school is located, as determined under the
38 system of classification created under section 161.088, shall publicly post a student transfer
39 application on its internet website and otherwise make it available to parents and
40 guardians. Any parent or guardian who seeks to transfer his or her child who resides in
41 such district under this section shall complete a transfer application by April first for
42 enrollment in the following school year. If an unaccredited school regains accreditation
43 from the state board of education during the school year, any student who has enrolled in
44 another accredited public school within the district or in an accredited district in the same
45 or an adjoining county may complete the school year at the school of enrollment.

46 5. For purposes of this section, "approved charter school" means a charter school that
47 has existed for less than three years or a charter school with a three-year average score of seventy
48 percent or higher on its annual performance report.

167.730. 1. Beginning July 1, 2020, every public school in any metropolitan school
2 district, including charter schools, shall incorporate a response-to-intervention tiered
3 approach to reading instruction to focus resources on students who are determined by their
4 school to need additional or changed instruction to make progress as readers. At a
5 minimum, the reading levels of students in kindergarten through tenth grade shall be
6 assessed at the beginning and middle of the school year, and students who score below
7 district benchmarks shall be provided with intensive, systematic reading instruction.

8 2. Beginning January 1, 2020, and every January first thereafter, every public
9 school in any metropolitan school district, including charter schools, shall prepare a
10 personalized learning plan for any kindergarten or first grade student whose most recent
11 school-wide reading assessment result shows the student is working below grade level
12 unless the student has been determined by other means in the current school year to be
13 working at grade level or above. The provisions of this section shall not apply to students
14 otherwise served under an individualized education program, to students receiving services
15 through a plan prepared under Section 504 of the Rehabilitation Act of 1973 that includes
16 an element addressing reading below grade level, or to students determined to have limited
17 English proficiency.

18 3. For any student who is required by this section to have a personalized learning
19 plan, the student's main teacher shall consult with the student's parent or guardian during
20 the preparation of the plan and shall consult, as appropriate, any district personnel or
21 department of elementary and secondary education personnel with necessary expertise to

22 develop such a plan. The school shall require the written consent of the parent or guardian
23 to implement the plan; except that, if the school is unsuccessful in contacting the parent or
24 guardian by January fifteenth, the school may send a letter by certified mail to the
25 student's last known address stating its intention to implement the plan by February first.

26 4. After implementing the personalized learning plan through the end of the
27 student's first grade year, the school shall refer any student who still performs below grade
28 level for assessment to determine if an individualized education program is necessary for
29 the student. A student who is assessed as not needing an individualized education program
30 but who is reading below grade level at the end of the first grade shall continue to be
31 required to have a personalized learning plan until the student is reading at grade level.

32 5. A student who is not reading at second-grade level by the end of second grade
33 may be promoted to the third grade only under one of the following circumstances:

34 (1) The school provides additional reading instruction during the summer and
35 demonstrates the student is ready for third grade at the end of the summer school;

36 (2) The school provides a combined classroom in which the student continues with
37 the same teacher, sometimes referred to as "looping". If the student in such a classroom
38 is not reading at third-grade level by the end of third grade, the student shall be retained
39 in third grade; or

40 (3) The student's parents or guardians have signed a notice that they prefer to have
41 their student promoted although the student is reading below grade level. The school shall
42 have the final determination on the issue of retention.

43 6. Any metropolitan school district and each charter school located in it shall
44 provide in its annual report card under section 160.522 the numbers and percentages by
45 grade from first grade to tenth grade in each school of any students at any grade level who
46 have been promoted who have been determined as reading below grade level, except that
47 no reporting shall permit the identification of an individual student.

2 168.310. Notwithstanding any provision of sections 168.102 to 168.130 or section
3 168.221 to the contrary, upon classification of a school as unaccredited under the system
4 of classification established in section 161.088, the school board of the district in which the
5 school is located may, without a hearing or the procedures required by sections 168.102 to
6 168.130 or section 168.221:

6 (1) Terminate the employment of any school personnel employed in an
7 unaccredited school; or

8 (2) Not renew the contract of any school personnel employed in an unaccredited
9 school.

171.417. 1. By July 1, 2021, the department of elementary and secondary education shall develop and implement a system of assigning letter grades to each public school based on the public school's performance and student growth.

2. Except as otherwise provided in this section, the department shall determine the grade for each public school that provides instruction in kindergarten or any grade not higher than the eighth grade in the following manner:

(1) Assign points for the public school for each of the following performance and student growth factors, as determined by the department:

(a) One point for each one percent of included pupils of the public school who score at or above the proficient level on state standardized assessments in English language arts;

(b) One point for each one percent of included pupils of the public school who score at or above the proficient level on state standardized assessments in mathematics;

(c) One point for each one percent of included pupils of the public school who score at or above the proficient level on state standardized assessments in science, as applicable;

(d) One point for each one percent of included pupils of the public school who make annual learning gains in English language arts;

(e) One point for each one percent of included pupils of the public school who make annual learning gains in mathematics;

(f) One point for each one percent of included pupils who are in the lowest thirty percent of included pupils in English language arts in the public school and make annual learning gains in English language arts; and

(g) One point for each one percent of included pupils who are in the lowest thirty percent of included pupils in mathematics in the public school and make annual learning gains in mathematics;

(2) Add together all of the points assigned for the public school under subdivision (1) of this subsection; and

(3) Assign a grade to the public school according to the scale described in subsection 4 of this section.

3. Except as otherwise provided in this section, the department shall determine the grade for each public school that provides instruction in a grade or grades not lower than the ninth nor higher than the twelfth grade as follows:

(1) Assign points for the public school using a point system determined by the department to be appropriate for assigning a letter grade to a high school. The point system shall satisfy all of the following requirements:

35 (a) Assign at least fifty percent of the points based on pupil proficiency of included
36 pupils, as determined by state standardized assessments and other measures considered
37 appropriate by the department; and

38 (b) Assign the balance of the points based on graduation rate, measures of college
39 and career readiness, and measures of learning gains for included pupils;

40 (2) Add together all of the points assigned for the public school under subdivision
41 (1) of this subsection; and

42 (3) Assign a grade to the public school according to the scale described in
43 subsection 4 of this section.

44 4. After the department assigns points to each public school in this state under
45 subsections 2 and 3 of this section, the department shall establish a grading scale for the
46 letter grades to be assigned for that year according to the number of points assigned to
47 each public school under subsection 2 or 3 of this section and shall assign grades according
48 to that scale. The department shall develop a separate grading scale for public schools that
49 provide instruction in kindergarten or any grade not higher than the eighth grade and a
50 separate grading scale for public schools that provide instruction in a grade or grades not
51 lower than the ninth nor higher than the twelfth grade. All of the following criteria apply
52 to these grading scales:

53 (1) For the first school year for which grades are assigned, for each of the two
54 separate grading scales, the department shall ensure that:

55 (a) No more than ten percent of public schools are assigned a grade of A;

56 (b) Approximately twenty-eight percent of public schools are assigned a grade of
57 B;

58 (c) Approximately thirty-one percent of public schools are assigned a grade of C;

59 (d) Approximately twenty-eight percent of public schools are assigned a grade of
60 D;

61 (e) At least five percent of public schools are assigned a grade of F; and

62 (f) The department's deviations from the specified percentages shall be based on
63 any observed natural cut points in the distribution of school scores;

64 (2) Except as provided in this subdivision, for subsequent school years for which
65 grades are assigned, for each of the two separate grading scales, the number of points
66 required for each grade on a grading scale established under subdivision (1) of this
67 subsection shall remain the same as when it was established under subdivision (1) of this
68 subsection. The department shall adjust the number of points required to achieve a grade
69 on the grading scale if either of the following conditions exists by increasing the number
70 of points required to achieve each grade on the scale by five percent or by a greater amount

71 if the department projects that a greater adjustment is likely to be needed to ensure that
72 the conditions requiring the adjustment do not occur again in the next year:

73 (a) The use of that point scale resulted in more than seventy-four percent of the
74 public schools graded on that scale being assigned a grade of A or B for the immediately
75 preceding school year;

76 (b) At the time of the projection a federal law requires the department to identify
77 the lowest achieving five percent of all public schools in this state, and the department
78 projects that it is probable that the use of that point scale will result in less than five
79 percent of the public schools graded on that scale being assigned a grade of F for the next
80 school year; and

81 (3) For a public school that does not operate all of grades kindergarten through
82 eight or all of grades nine through twelve and is unable to achieve the full allotment of
83 points under subsection 2 or 3 of this section, the department shall modify the grading scale
84 to reflect the total possible points that may be achieved with the grade configuration at the
85 public school. The modification shall be designed to grade all public schools on an
86 equitable basis without regard to grade configuration at the public school.

87 5. After the implementation of the letter grade system under this section, all of the
88 following requirements shall apply:

89 (1) Before August first annually, the department shall notify each public school and
90 school district of all the following information and provide an appeal process that is
91 concluded by that September first:

92 (a) For each public school, the public school's letter grade for that year and, if
93 available, the public school's letter grade from the immediately preceding two years;

94 (b) The detailed formula and metrics for the letter grade system; and

95 (c) The building-level data used to generate the letter grade;

96 (2) By August first annually, the department shall post on its internet website and
97 shall report to the president pro tempore of the senate, the speaker of the house of
98 representatives, and the joint committee on education all of the information under
99 subdivision (1) of this subsection;

100 (3) Each district shall publish the information under subdivision (1) of this
101 subsection on the district's internet website and, if the district maintains an internet
102 website for a particular public school, a link on the internet website to the information for
103 that public school; and

104 (4) If the department changes any aspect of the letter grade system, it shall provide
105 written notice of the change to the president pro tempore of the senate, the speaker of the
106 house of representatives, and the joint committee on education and shall make department

107 personnel available to the general assembly to discuss the change, if requested, prior to
108 implementing the change.

109 6. If a public school offers any combination of grades kindergarten through eight
110 and grades nine through twelve, the department shall calculate and assign a separate grade
111 for the school for the separate grade configurations. The department shall treat each of
112 the separate grade configurations as a separate public school for purposes of this section.

113 7. A school district may apply to the commissioner of education in a form and
114 manner prescribed by him or her for designation of one or more of the public schools that
115 it operates as an alternative education campus. The commissioner of education shall
116 designate a public school as an alternative education campus if he or she determines that
117 the public school meets one or more of the following criteria:

118 (1) The public school serves a pupil population in which more than ninety-five
119 percent of the pupils have an individualized education program;

120 (2) The public school serves a pupil population in which a majority of the pupils
121 meet one or more of the following criteria:

122 (a) Are homeless;

123 (b) Have a documented history of one or more serious psychological behavioral
124 disorders including, but not limited to, suicidal behaviors; or

125 (c) For a high school, are over the traditional age for the pupil's grade level and
126 lack adequate credit hours to be on track to graduate in four years.

127 8. If a public school is designated as an alternative education campus under
128 subsection 7 of this section, the department shall not assign a letter grade to that public
129 school and shall instead issue a summary status of "maintaining" or "failing" for that
130 public school. The information reported under subsection 5 of this section shall be based
131 on this summary status. The department shall issue a summary status of "maintaining"
132 if the department determines that included pupils enrolled at a public school designated
133 as an alternative education campus are making meaningful, measurable academic progress
134 toward educational goals that have been established by the district's school board and
135 approved by the commissioner of education.

136 9. Neither the state board of education nor the department shall establish any
137 evaluation or ranking system for public schools or school districts other than the letter
138 grade system under this section.

139 10. By July 1, 2021, the department shall establish and implement a waiver system
140 for waiving regulatory or statutory reports and requirements for a public school that
141 consistently maintains a grade of A or B under this section. If the department determines
142 that a public school qualifies for a waiver under this section, the commissioner of education

143 shall grant the waiver, effective for as long as the public school maintains a grade of A or
144 B, and the regulatory or statutory requirement that is waived shall not apply to that public
145 school for the duration of the waiver. Before implementing this waiver system, the
146 department shall submit to the joint committee on education a list of the regulatory and
147 statutory reports and requirements that are proposed to be subject to the waiver.

148 11. For purposes of this section, the following terms shall mean:

149 (1) "Department", the department of elementary and secondary education;

150 (2) "Included pupil", a pupil who has been enrolled in the public school for at least
151 one full school year.

152 12. Any rule or portion of a rule, as that term is defined in section 536.010, that is
153 created under the authority delegated in this section shall become effective only if it
154 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
155 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
156 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
157 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
158 grant of rulemaking authority and any rule proposed or adopted after August 28, 2019,
159 shall be invalid and void.

Section B. Because of the importance of providing guidance to school districts on
2 student transfers and improving underperforming schools, the enactment of sections 160.085,
3 161.088, 167.730, 168.310, and 171.417 and the repeal and reenactment of section 167.131 of
4 this act are deemed necessary for the immediate preservation of the public health, welfare, peace,
5 and safety, and are hereby declared to be an emergency act within the meaning of the
6 constitution, and the enactment of sections 160.085, 161.088, 167.730, 168.310, and 171.417 and
7 the repeal and reenactment of section 167.131 of this act shall be in full force and effect upon
8 their passage and approval.

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