

# HOUSE BILL NO. 49

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BROWN (87).

0585H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 160.518 and 161.092, RSMo, and to enact in lieu thereof two new sections relating to the statewide assessment system.

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

Section A. Sections 160.518 and 161.092, RSMo, are repealed and two new sections  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

160.518. 1. **(1)** Consistent with the provisions contained in section 160.526, the state  
2 board of education shall develop, modify, and revise, as necessary, a **student-centered**  
3 statewide assessment system that ~~[provides maximum flexibility for local school districts to~~  
4 ~~determine the degree to which students in the public schools of the state are proficient]~~ **uses**  
5 **assessments across the school year; supports teaching, learning, and program**  
6 **improvement; and builds a summative profile of student learning and proficiency in**  
7 the knowledge, skills, and competencies adopted by such board pursuant to section 160.514.

8 **(2)** The statewide assessment system shall ~~[assess problem-solving, analytical ability,~~  
9 ~~evaluation, creativity, and application ability in the different content areas and shall be~~  
10 ~~performance-based to identify what students know, as well as what they are able to do, and~~  
11 ~~shall enable teachers to evaluate actual academic performance]:~~

- 12 **(a) Be criterion-referenced and aligned to state standards;**  
13 **(b) Adapt within, above, and below grade level to reveal student learning level;**  
14 **(c) Show student skill evolution;**  
15 **(d) Provide an opportunity for all students to be challenged;**  
16 **(e) Provide access to national norms;**  
17 **(f) Measure growth during and across years;**

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           **(g) Assess student performance relative to grade level;**  
19           **(h) Provide multiple opportunities for students to show proficiency; and**  
20           **(i) Provide accommodations for students receiving special education services.**

21           **(3)** The statewide assessment system shall neither promote nor prohibit rote  
22 memorization and shall not include existing versions of tests approved for use pursuant to the  
23 provisions of section 160.257, nor enhanced versions of such tests. ~~[After the state board of~~  
24 ~~education adopts and implements academic performance standards as required under section~~  
25 ~~161.855, the state board of education shall develop and adopt a standardized assessment~~  
26 ~~instrument under this section based on the academic performance standards adopted under~~  
27 ~~section 161.855.]~~ The statewide assessment system shall measure, where appropriate by  
28 grade level, a student's knowledge of academic subjects including, but not limited to, reading  
29 skills, writing skills, mathematics skills, world and American history, forms of government,  
30 geography and science.

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

34           ~~[3. The state board of education shall suggest, but not mandate, criteria for a school to~~  
35 ~~demonstrate that its students learn the knowledge, skills and competencies at exemplary~~  
36 ~~levels worthy of imitation by students in other schools in the state and nation. Exemplary~~  
37 ~~levels shall be measured by the statewide assessment system developed pursuant to~~  
38 ~~subsection 1 of this section, or until said statewide assessment system is available, by~~  
39 ~~indicators approved for such use by the state board of education. The provisions of other law~~  
40 ~~to the contrary notwithstanding, the commissioner of education may, upon request of the~~  
41 ~~school district, present a plan for the waiver of rules and regulations to any such school, to be~~  
42 ~~known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4 of~~  
43 ~~this section.~~

44           4. ~~For any school that meets the criteria established by the state board of education for~~  
45 ~~three successive school years pursuant to the provisions of subsection 3 of this section, by~~  
46 ~~August first following the third such school year, the commissioner of education shall present~~  
47 ~~a plan to the superintendent of the school district in which such school is located for the~~  
48 ~~waiver of rules and regulations to promote flexibility in the operations of the school and to~~  
49 ~~enhance and encourage efficiency in the delivery of instructional services. The provisions of~~  
50 ~~other law to the contrary notwithstanding, the plan presented to the superintendent shall~~  
51 ~~provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to~~  
52 ~~section 160.257, in the school. Further, the provisions of other law to the contrary~~  
53 ~~notwithstanding, the plan shall detail a means for the waiver of requirements otherwise~~  
54 ~~imposed on the school related to the authority of the state board of education to classify~~

55 ~~school districts pursuant to subdivision (9) of section 161.092 and such other rules and~~  
56 ~~regulations as determined by the commissioner of education, excepting such waivers shall be~~  
57 ~~confined to the school and not other schools in the district unless such other schools meet the~~  
58 ~~criteria established by the state board of education consistent with subsection 3 of this section~~  
59 ~~and the waivers shall not include the requirements contained in this section and section~~  
60 ~~160.514. Any waiver provided to any school as outlined in this subsection shall be void on~~  
61 ~~June thirtieth of any school year in which the school fails to meet the criteria established by~~  
62 ~~the state board of education consistent with subsection 3 of this section.~~

63       ~~5-]~~ **3.** The score on any assessment test developed pursuant to this section or this  
64 chapter of any student for whom English is a second language shall not be counted until such  
65 time as such student has been educated for ~~[three]~~ **five** full school years in a school in this  
66 state, or in any other state, in which English is the primary language.

67       ~~[6-]~~ **4.** The state board of education shall identify or, if necessary, establish one or  
68 more developmentally appropriate alternate assessments for students who receive special  
69 educational services, as that term is defined pursuant to section 162.675. In the development  
70 of such alternate assessments, the state board shall establish an advisory panel consisting of a  
71 majority of active special education teachers residing in Missouri and other education  
72 professionals as appropriate to research available assessment options. The advisory panel  
73 shall attempt to identify preexisting developmentally appropriate alternate assessments but  
74 shall, if necessary, develop alternate assessments and recommend one or more alternate  
75 assessments for adoption by the state board. The state board shall consider the  
76 recommendations of the advisory council in establishing such alternate assessment or  
77 assessments. Any student who receives special educational services, as that term is defined  
78 pursuant to section 162.675, shall be assessed by an alternate assessment established pursuant  
79 to this subsection upon a determination by the student's individualized education program  
80 team that such alternate assessment is more appropriate to assess the student's knowledge,  
81 skills and competencies than the assessment developed pursuant to subsection 1 of this  
82 section. The alternate assessment shall evaluate the student's independent living skills, which  
83 include how effectively the student addresses common life demands and how well the student  
84 meets standards for personal independence expected for someone in the student's age group,  
85 sociocultural background, and community setting.

86       ~~[7-]~~ **5.** The state board of education shall also develop recommendations regarding  
87 alternate assessments for any military dependent who relocates to Missouri after the  
88 commencement of a school term, in order to accommodate such student while ensuring that  
89 ~~[he or she]~~ **such student** is proficient in the knowledge, skills, and competencies adopted  
90 under section 160.514.

161.092. The state board of education shall:

2 (1) Adopt rules governing its own proceedings and formulate policies for the  
3 guidance of the commissioner of education and the department of elementary and secondary  
4 education;

5 (2) Carry out the educational policies of the state relating to public schools that are  
6 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 to the  
8 capital of any permanent fund established for the support of public education within the  
9 jurisdiction of the department of elementary and secondary education and see that the funds  
10 are applied to the branches of educational interest of the state that by grant, gift, devise or law  
11 they were originally intended, and if necessary institute suit for and collect the funds and  
12 return them to their legitimate channels;

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

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

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

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

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

28 (9) Classify the public schools of the state, subject to limitations provided by law and  
29 subdivision (14) of this section, establish requirements for the schools of each class, and  
30 formulate rules governing the inspection and accreditation of schools preparatory to  
31 classification, with such requirements taking effect not less than two years from the date of  
32 adoption of the proposed rule by the state board of education, provided that this condition  
33 shall not apply to any requirement for which a time line for adoption is mandated in either  
34 federal or state law. Such rules shall ~~[include a process to allow any district that is accredited  
35 without provision that does not meet the state board's promulgated criteria for a classification  
36 designation of accredited with distinction to propose alternative criteria to the state board to  
37 be classified as accredited with distinction]~~ **also identify and recognize a minimum of two  
38 national school accreditation agencies from which any district may seek to obtain**

39 **accreditation and specify that any district with current accreditation from at least one of**  
40 **the identified national school accreditation agencies shall be considered to have full**  
41 **accreditation status without provision for all purposes of law and rule;**

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

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

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

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

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

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

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

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

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

64 (14) Promulgate rules under which the board shall classify the public schools of the  
65 state; provided that the appropriate scoring guides, instruments, and procedures used in  
66 determining the accreditation status of a district shall be subject to a public meeting upon  
67 notice in a newspaper of general circulation in each of the three most populous cities in the  
68 state and also a newspaper that is a certified minority business enterprise or woman-owned  
69 business enterprise in each of the two most populous cities in the state, and notice to each  
70 district board of education, each superintendent of a school district, and to the speaker of the  
71 house of representatives, the president pro tem of the senate, and the members of the joint  
72 committee on education, at least fourteen days in advance of the meeting, which shall be  
73 conducted by the department of elementary and secondary education not less than ninety days  
74 prior to their application in accreditation, with all comments received to be reported to the  
75 state board of education; **and further provided, that any district with current**

76 **accreditation from at least one of the national school accreditation agencies identified by**  
77 **the state board of education under subdivision (9) of this subsection shall be considered**  
78 **to have full accreditation status without provision for all purposes of law and rule; and**  
79 (15) Have other powers and duties prescribed by law.

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