

FIRST REGULAR SESSION

HOUSE BILL NO. 1123

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLEY.

2498H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 135.714, 160.410, 160.518, 160.526, 160.570, 160.720, 161.855, 161.1085, 161.1090, 161.1100, 162.1300, 163.023, 167.905, 168.749, and 170.017, RSMo, and to enact in lieu thereof fifteen new sections relating to the statewide assessment system, with a contingent effective date for certain sections.

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

Section A. Sections 135.714, 160.410, 160.518, 160.526, 160.570, 160.720, 161.855, 2 161.1085, 161.1090, 161.1100, 162.1300, 163.023, 167.905, 168.749, and 170.017, RSMo, 3 are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 135.714, 4 160.410, 160.518, 160.526, 160.570, 160.720, 161.855, 161.1085, 161.1090, 161.1100, 5 162.1300, 163.023, 167.905, 168.749, and 170.017, to read as follows:

135.714. 1. Each educational assistance organization shall:

- 2 (1) Notify the state treasurer of such organization's intent to provide scholarship 3 accounts to qualified students;
- 4 (2) Demonstrate to the state treasurer that such organization is exempt from federal 5 income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended;
- 6 (3) Provide a state treasurer-approved receipt to taxpayers for contributions made to 7 the organization;
- 8 (4) Ensure that grants are distributed to scholarship accounts of qualified students in 9 the following order:
 - 10 (a) Qualified students who received a scholarship grant in the previous school year;
 - 11 (b) Qualified students who are siblings of qualified students who will receive a 12 scholarship grant in the current school year;

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.

13 (c) Qualified students that have an approved "individualized education [~~plan~~]
14 **program**" (IEP) developed under the federal Individuals with Disabilities Education Act
15 (IDEA), 20 U.S.C. Section 1400, et seq., as amended, or who have been diagnosed with
16 dyslexia, as the term "dyslexia" is defined in section 633.420;

17 (d) Qualified students who are eligible for free lunch as approved by the department
18 of elementary and secondary education in accordance with federal regulations and who reside
19 in an unaccredited or provisionally accredited school district;

20 (e) Qualified students who are eligible for reduced price lunch as approved by the
21 department of elementary and secondary education in accordance with federal regulations and
22 who reside in an unaccredited or provisionally accredited school district;

23 (f) Qualified students who are eligible for free lunch as approved by the department
24 of elementary and secondary education in accordance with federal regulations;

25 (g) Qualified students who are eligible for reduced price lunch as approved by the
26 department of elementary and secondary education in accordance with federal regulations;

27 (h) Qualified students who are active duty military dependents who have relocated to
28 Missouri and are enrolling in a school in the state for the first time; and

29 (i) All other qualified students;

30 (5) Ensure that:

31 (a) One hundred percent of such organization's revenues from interest or investments
32 is spent on scholarship accounts;

33 (b) At least ninety percent of such organization's revenues from qualifying
34 contributions is spent on scholarship accounts; and

35 (c) Marketing and administrative expenses do not exceed the following limits of such
36 organization's remaining revenue from contributions:

37 a. Ten percent for the first two hundred fifty thousand dollars;

38 b. Eight percent for the next five hundred thousand dollars; and

39 c. Three percent thereafter;

40 (6) (a) Distribute scholarship account payments either four times per year or in a
41 single lump sum at the beginning of the year as requested by the parent of a qualified student,
42 based on the state adequacy target as defined in section 163.011 and calculated by the
43 department of elementary and secondary education, subject to the following total grant
44 amount limits:

45 a. For a qualified student who meets the criteria to be included in a school district's
46 limited English proficiency pupil count as set forth in subdivision (8) of section 163.011, not
47 more than one hundred sixty percent of the state adequacy target;

48 b. For a qualified student who is eligible for free or reduced price lunch as approved
49 by the department of elementary and secondary education in accordance with federal
50 regulations, not more than one hundred twenty-five percent of the state adequacy target;

51 c. For a qualified student who has an approved individualized education ~~[plan]~~
52 **program** developed under the federal Individuals with Disabilities Education Act (IDEA), 20
53 U.S.C. Section 1400, et seq., as amended, not more than one hundred seventy-five percent of
54 the state adequacy target; and

55 d. For all other qualified students, not more than the state adequacy target;

56 (b) Scholarship account payments distributed under this subdivision shall be in the
57 form of a deposit into the scholarship account of the qualified student;

58 (7) Provide the state treasurer, upon request, with criminal background checks on all
59 such organization's employees and board members and exclude from employment or
60 governance any individual who might reasonably pose a risk to the appropriate use of
61 contributed funds;

62 (8) Demonstrate such organization's financial accountability by:

63 (a) Submitting to the state treasurer annual audit financial statements by a certified
64 public accountant within six months of the end of the educational assistance organization's
65 fiscal year; and

66 (b) Having an auditor certify that the report is free of material misstatements; and

67 (9) Ensure that participating students take ~~[the state achievement tests or]~~ nationally
68 norm-referenced tests that measure learning gains in math and English language arts~~], and~~
69 ~~provide for value-added assessment, in grades that require testing under the statewide~~
70 ~~assessment system set forth in section 160.518];~~

71 (10) Allow costs of the testing requirements to be covered by the scholarships
72 distributed by the educational assistance organization;

73 (11) Provide the parents of each student who was tested with a copy of the results of
74 the tests on an annual basis, beginning with the first year of testing;

75 (12) Provide the test results to the state treasurer, the department of elementary and
76 secondary education, and the board established in section 135.715 on an annual basis,
77 beginning with the first year of testing;

78 (13) Report student information that would allow the state treasurer, the department
79 of elementary and secondary education, and the board established in section 135.715 to
80 aggregate data by grade level, gender, family income level, and race;

81 (14) Provide rates of high school graduation, college attendance, and college
82 graduation for participating students to the state treasurer, the department of elementary and
83 secondary education, and the board established in section 135.715 in a manner consistent with
84 nationally recognized standards;

85 (15) Provide to the state treasurer, the department of elementary and secondary
86 education, and the board established in section 135.715 the results from an annual parental
87 satisfaction survey, including information about the number of years that the parent's child
88 has participated in the scholarship program. The annual satisfaction survey shall ask parents
89 of scholarship students to express:

90 (a) Their level of satisfaction with the child's academic achievement, including
91 academic achievement at the schools the child attends through the scholarship program versus
92 academic achievement at the school previously attended;

93 (b) Their level of satisfaction with school safety at the schools the child attends
94 through the scholarship program versus safety at the schools previously attended;

95 (16) Demonstrate such organization's financial viability, if such organization is to
96 receive donations of fifty thousand dollars or more during the school year, by filing with the
97 state treasurer before the start of the school year a surety bond payable to the state in an
98 amount equal to the aggregate amount of contributions expected to be received during the
99 school year or other financial information that demonstrates the financial viability of the
100 educational assistance organization.

101 2. The annual audit required under this section shall include:

102 (1) The name and address of the educational assistance organization;

103 (2) The name and address of each qualified student for whom a parent opened a
104 scholarship account with the organization;

105 (3) The total number and total dollar amount of contributions received during the
106 previous calendar year; and

107 (4) The total number and total dollar amount of scholarship accounts opened during
108 the previous calendar year.

109 3. The state treasurer shall:

110 (1) Ensure compliance with all student privacy laws for data in the state treasurer's
111 possession;

112 (2) Collect all test results;

113 (3) Provide the test results and associated learning gains to the public via a state
114 website after the third year of test and test-related data collection. The findings shall be
115 aggregated by the students' grade level, gender, family income level, number of years of
116 participation in the scholarship program, and race; and

117 (4) Provide graduation rates to the public via a state website after the third year of test
118 and test-related data collection.

119 4. The state treasurer shall cause the following information to be posted on the state
120 treasurer's website annually, provided that no personally identifiable information of any
121 student is released:

- 122 (1) The number of students who have been awarded a scholarship to date and the
123 number of students who have been awarded a scholarship in the current school year;
- 124 (2) The number of scholarship recipients enrolled in each qualified school, along with
125 the number of recipients who qualify for free and reduced price lunch and the number of
126 recipients who receive special education services and the type of special education services
127 received. Such information shall be broken down by school year and the total to date;
- 128 (3) The total number of scholarship recipients who are eligible for free and reduced
129 price lunch as approved by the department of elementary and secondary education in
130 accordance with federal guidelines, broken down by school year and the total to date;
- 131 (4) The total number of scholarship recipients who have an individualized education
132 ~~plan~~ **program** (IEP) developed under the federal Individuals with Disabilities Education
133 Act, 20 U.S.C. Section 1400, et seq., as amended, broken down by school year and the total to
134 date;
- 135 (5) The number of scholarship recipients who have received a grant from each
136 educational assistance organization, broken down by school year and the total to date;
- 137 (6) The student test scores required to be posted online pursuant to subdivision (3) of
138 subsection 3 of this section;
- 139 (7) The results of the parent satisfaction survey required annually pursuant to
140 subdivision (15) of subsection 1 of this section;
- 141 (8) The average dollar amount of a scholarship grant for all students who participate
142 in the program;
- 143 (9) The average dollar amount of a scholarship grant for all students who participate
144 in the program and who have an IEP;
- 145 (10) The average duration of a student's participation in the program;
- 146 (11) The number of students who are in their first year of participation in the
147 program;
- 148 (12) A list of the educational assistance organizations that make contributions to the
149 empowerment scholarship accounts of students enrolled in each qualified school; and
- 150 (13) The total amount of money that has been remitted from qualified students'
151 empowerment scholarship accounts to each qualified school, broken down by school year and
152 the total aggregate amount.
- 153 5. An educational assistance organization may contract with private financial
154 management firms to manage scholarship accounts with the supervision of the state treasurer,
155 provided that all laws and regulations that apply to employees of such educational assistance
156 organization shall also apply to the actions of any employees of the management firm while
157 they are conducting work relating to the direct decision-making of the operation of such
158 educational assistance organization.

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

3 (2) Nonresident pupils eligible to attend a district's school under an urban voluntary
4 transfer program;

5 (3) Nonresident pupils who transfer from an unaccredited district under section
6 167.895, provided that the charter school is an approved charter school, as defined in section
7 167.895, and subject to all other provisions of section 167.895;

8 (4) In the case of a charter school whose mission includes student drop-out prevention
9 or recovery, any nonresident pupil from the same or an adjacent county who resides in a
10 residential care facility, a transitional living group home, or an independent living program
11 whose last school of enrollment is in the school district where the charter school is
12 established, who submits a timely application; and

13 (5) In the case of a workplace charter school, any student eligible to attend under
14 subdivision (1) or (2) of this subsection whose parent is employed in the business district,
15 who submits a timely application, unless the number of applications exceeds the capacity of a
16 program, class, grade level or building. The configuration of a business district shall be set
17 forth in the charter and shall not be construed to create an undue advantage for a single
18 employer or small number of employers.

19 2. If capacity is insufficient to enroll all pupils who submit a timely application, the
20 charter school shall have an admissions process that assures all applicants of an equal chance
21 of gaining admission and does not discriminate based on parents' ability to pay fees or tuition
22 except that:

23 (1) A charter school may establish a geographical area around the school whose
24 residents will receive a preference for enrolling in the school, provided that such preferences
25 do not result in the establishment of racially or socioeconomically isolated schools and
26 provided such preferences conform to policies and guidelines established by the state board of
27 education;

28 (2) A charter school may also give a preference for admission of children whose
29 siblings attend the school or whose parents are employed at the school or in the case of a
30 workplace charter school, a child whose parent is employed in the business district or at the
31 business site of such school;

32 (3) Charter schools may also give a preference for admission to high-risk students, as
33 defined in subdivision (5) of subsection 2 of section 160.405, when the school targets these
34 students through its proposed mission, curriculum, teaching methods, and services;

35 (4) A charter school may also give a preference for admission to students who will be
36 eligible for the free and reduced price lunch program in the upcoming school year.

37 3. A charter school shall not limit admission based on race, ethnicity, national origin,
38 disability, income level, except as allowed under subdivision (4) of subsection 2 of this
39 section, proficiency in the English language or athletic ability, but may limit admission to
40 pupils within a given age group or grade level. Charter schools may limit admission based on
41 gender only when the school is a single-gender school. Students of a charter school who have
42 been enrolled for a full academic year shall be counted in the performance of the charter
43 school on ~~[the statewide assessments]~~ **nationally norm-referenced assessments** in that
44 calendar year, unless otherwise exempted as English language learners. ~~[For purposes of this~~
45 ~~subsection, "full academic year" means the last Wednesday in September through the~~
46 ~~administration of the Missouri assessment program test without transferring out of the school~~
47 ~~and re-enrolling.]~~

48 4. A charter school shall make available for public inspection, and provide upon
49 request, to the parent, guardian, or other custodian of any school-age pupil resident in the
50 district in which the school is located the following information:

51 (1) The school's charter;

52 (2) The school's most recent annual report card published according to section
53 160.522;

54 (3) The results of background checks on the charter school's board members; and

55 (4) If a charter school is operated by a management company, a copy of the written
56 contract between the governing board of the charter school and the educational management
57 organization or the charter management organization for services. The charter school may
58 charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing
59 copies of documents under this subsection.

60 5. When a student attending a charter school who is a resident of the school district in
61 which the charter school is located moves out of the boundaries of such school district, the
62 student may complete the current semester and shall be considered a resident student. The
63 student's parent or legal guardian shall be responsible for the student's transportation to and
64 from the charter school.

65 6. If a change in school district boundary lines occurs under section 162.223,
66 162.431, 162.441, or 162.451, or by action of the state board of education under section
67 162.081, including attachment of a school district's territory to another district or dissolution,
68 such that a student attending a charter school prior to such change no longer resides in a
69 school district in which the charter school is located, then the student may complete the
70 current academic year at the charter school. The student shall be considered a resident
71 student. The student's parent or legal guardian shall be responsible for the student's
72 transportation to and from the charter school.

73 7. The provisions of sections 167.018 and 167.019 concerning foster children's
74 educational rights are applicable to charter schools.

 160.518. 1. **(1) For all school years ending before July 1, 2026**, consistent with the
2 provisions contained in section 160.526, the state board of education shall develop, modify,
3 and revise, as necessary, a statewide assessment system that provides maximum flexibility for
4 local school 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 board
6 pursuant to section 160.514. The statewide assessment system shall assess problem solving,
7 analytical ability, evaluation, creativity, and application ability in the different content areas
8 and shall be performance-based to identify what students know, as well as what they are able
9 to do, and shall enable teachers to evaluate actual academic performance. The statewide
10 assessment system shall neither promote nor prohibit rote memorization and shall not include
11 existing versions of tests approved for use pursuant to the provisions of section 160.257, nor
12 enhanced versions of such tests. After the state board of education adopts and implements
13 academic performance standards as required under section 161.855, the state board of
14 education shall develop and adopt a standardized assessment instrument under this section
15 based on the academic performance standards adopted under section 161.855. The statewide
16 assessment system shall measure, where appropriate by grade level, a student's knowledge of
17 academic subjects including, but not limited to, reading skills, writing skills, mathematics
18 skills, world and American history, forms of government, geography and science.

19 **(2) For the 2026-27 school year and all subsequent school years:**

20 **(a) The state board of education shall select an available existing nationally**
21 **norm-referenced assessment that satisfies the federal pupil testing mandates in effect**
22 **under Pub. L. 114-95, as amended, and any applicable modifications or waivers**
23 **approved under such federal law, for each school year;**

24 **(b) The assessments shall:**

25 **a. Be aligned to state standards;**

26 **b. Provide access to national norms;**

27 **c. Measure student growth; and**

28 **d. Assess student performance relative to grade level;**

29 **(c) Except as otherwise provided in this section or section 160.522, results from**
30 **assessments created under this subsection shall be used only for the purpose of**
31 **compliance with the requirements of such federal law and for no other purpose;**

32 **(d) As permitted by federal law and applicable waivers, the state board of**
33 **education shall ensure that standardized assessments are administered to the minimum**
34 **extent practicable and reduce instructional time to the minimum extent practicable**

35 while still appropriately and effectively assessing the academic achievement of students;
36 and

37 (e) Upon notification to the revisor of statutes by an opinion by the attorney
38 general of Missouri, a proclamation by the governor of Missouri, or the adoption of a
39 concurrent resolution by the Missouri general assembly that the United States
40 Department of Education has been abolished or dismantled by an act of the United
41 States Congress, paragraph (a) of this subdivision shall not apply and the state board of
42 education shall select an available existing nationally norm-referenced assessment that
43 satisfies paragraphs (b) to (d) of this subdivision for each school year.

44 2. ~~[The statewide assessment system shall only permit the academic performance of~~
45 ~~students in each school in the state to be tracked against prior academic performance in the~~
46 ~~same school.~~

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

57 4. ~~For any school that meets the criteria established by the state board of education for~~
58 ~~three successive school years pursuant to the provisions of subsection 3 of this section, by~~
59 ~~August first following the third such school year, the commissioner of education shall present~~
60 ~~a plan to the superintendent of the school district in which such school is located for the~~
61 ~~waiver of rules and regulations to promote flexibility in the operations of the school and to~~
62 ~~enhance and encourage efficiency in the delivery of instructional services. The provisions of~~
63 ~~other law to the contrary notwithstanding, the plan presented to the superintendent shall~~
64 ~~provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to~~
65 ~~section 160.257, in the school. Further, the provisions of other law to the contrary~~
66 ~~notwithstanding, the plan shall detail a means for the waiver of requirements otherwise~~
67 ~~imposed on the school related to the authority of the state board of education to classify~~
68 ~~school districts pursuant to subdivision (9) of section 161.092 and such other rules and~~
69 ~~regulations as determined by the commissioner of education, excepting such waivers shall be~~
70 ~~confined to the school and not other schools in the district unless such other schools meet the~~
71 ~~criteria established by the state board of education consistent with subsection 3 of this section~~

72 ~~and the waivers shall not include the requirements contained in this section and section~~
73 ~~160.514. Any waiver provided to any school as outlined in this subsection shall be void on~~
74 ~~June thirtieth of any school year in which the school fails to meet the criteria established by~~
75 ~~the state board of education consistent with subsection 3 of this section.~~

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

80 ~~[6.]~~ **3.** The state board of education shall identify or, if necessary, establish one or
81 more developmentally appropriate alternate assessments for students who receive special
82 educational services, as that term is defined pursuant to section 162.675. In the development
83 of such alternate assessments, the state board shall establish an advisory panel consisting of a
84 majority of active special education teachers residing in Missouri and other education
85 professionals as appropriate to research available assessment options. The advisory panel
86 shall attempt to identify preexisting developmentally appropriate alternate assessments but
87 shall, if necessary, develop alternate assessments and recommend one or more alternate
88 assessments for adoption by the state board. The state board shall consider the
89 recommendations of the advisory council in **identifying or, if necessary**, establishing such
90 alternate assessment or assessments. Any student who receives special educational services,
91 as that term is defined pursuant to section 162.675, shall be assessed by an alternate
92 assessment established pursuant to this subsection upon a determination by the student's
93 individualized education program team that such alternate assessment is more appropriate to
94 assess the student's knowledge, skills and competencies than the assessment developed
95 pursuant to subsection 1 of this section. The alternate assessment shall evaluate the student's
96 independent living skills, which include how effectively the student addresses common life
97 demands and how well the student meets standards for personal independence expected for
98 someone in the student's age group, sociocultural background, and community setting.

99 ~~[7.]~~ **4.** The state board of education shall also develop recommendations regarding
100 alternate assessments for any military dependent who relocates to Missouri after the
101 commencement of a school term, in order to accommodate such student while ensuring that
102 he or she is proficient in the knowledge, skills, and competencies adopted under section
103 160.514.

160.526. 1. In establishing, evaluating, modifying, and revising the academic
2 performance standards and learning standards authorized by section 160.514 ~~[and the~~
3 ~~statewide assessment system authorized by subsection 1 of section 160.518]~~, the state board
4 of education shall consider the work that has been done by other states, recognized regional
5 and national experts, professional education discipline-based associations, other professional

6 education associations, the work product from the department of higher education and
7 workforce development's curriculum alignment initiative, or any other work in the public
8 domain.

9 2. ~~[The state board of education shall by contract enlist the assistance of such national
10 experts to receive reports, advice and counsel on a regular basis pertaining to the validity and
11 reliability of the statewide assessment system. The reports from such experts shall be
12 received by the state board of education. Within six months prior to implementation of or
13 modification or revision to the statewide assessment system, the commissioner of education
14 shall inform the president pro tempore of the senate and the speaker of the house of
15 representatives about the procedures to implement, modify, or revise the statewide assessment
16 system, including a report related to the reliability and validity of the assessment instruments,
17 and the general assembly may, within the next sixty legislative days, veto such
18 implementation, modification, or revision by concurrent resolution adopted by majority
19 vote of both the senate and the house of representatives.]~~

20 3.] The commissioner of education shall establish a procedure for the state board of
21 education to regularly receive advice and counsel from professional educators at all levels in
22 the state, district boards of education, parents, representatives from business and industry, the
23 general assembly, and labor and community leaders pertaining to the implementation of
24 sections 160.514 and 160.518. By December 31, 2014, the commissioner of education shall
25 revise this procedure to allow the state board of education to regularly receive advice and
26 counsel from professional educators at all levels in the state, district boards of education,
27 parents, representatives from business and industry, the general assembly, and labor and
28 community leaders whenever the state board develops, evaluates, modifies, or revises
29 academic performance standards[, or learning standards[, or the statewide assessment
30 system] under [sections] **section** 160.514 [and 160.518]. The procedure shall include, at a
31 minimum, the appointment of ad hoc committees.

160.570. 1. Nothing in this section or section 105.1209 shall be construed to affect or
2 limit any state agency's authority regarding professional registration, licensing or issuance of
3 professional certificates, nor shall this section be construed to limit or affect the authority of
4 the state board of education to examine applicants and issue high school equivalency
5 certificates.

6 2. The school board of each school district shall establish a written policy on student
7 participation in ~~[statewide]~~ **nationally norm-referenced** assessments. The policy shall be
8 provided to each student and the parent, guardian or other person responsible for every
9 student under eighteen years of age at the beginning of each school year and a copy of the
10 policy shall be maintained in the district office and shall be available for viewing by the
11 public during business hours of the district office. A school board may establish a policy

12 designed to encourage students to give their best efforts on each portion of any [statewide]
13 **nationally norm-referenced** assessment established pursuant to section 160.518 which may
14 include but is not limited to incentives or supplementary work as a consequence of
15 performance.

16 3. In no case shall the state board of education or any other state agency establish any
17 single test or group of tests as a condition or requirement for high school graduation or as a
18 requirement for a state-approved diploma.

160.720. 1. The department of elementary and secondary education shall identify as
2 a priority school any school building or attendance center that fails to meet acceptable
3 standards of student achievement established by the state board of education and based upon
4 factors which shall include, but not be limited to, student assessments, graduation rate, drop-
5 out rate, school attendance rate, graduate placement in college, vocational or technical school,
6 or high-wage employment and incidence of school violence.

7 2. The board of education of any district that contains a priority school shall submit a
8 comprehensive school improvement plan that provides for the following:

9 (1) Identification of the areas of academic deficiency in student performance on the
10 [statewide] **nationally norm-referenced** assessment established pursuant to section 160.518
11 by disaggregating scores based upon school, grade, academic content area and student
12 demographic subgroups, which shall include, but shall not be limited to, race, ethnicity,
13 disability status, migrant status, limited English proficiency, and economic disadvantage;

14 (2) Implementation of research-based strategies to assist the priority school in
15 addressing the areas of deficiency;

16 (3) Alignment of the priority school's curriculum to address deficiencies in student
17 achievement;

18 (4) Reallocation of district resources to address the areas of academic deficiency,
19 which shall include focusing available funding on professional development in the areas of
20 deficiency; and

21 (5) Listing of all school buildings and attendance centers declared to be priority
22 schools in the district's annual school accountability report distributed pursuant to section
23 160.522.

24 3. The state board of education may appoint a team to conduct an educational audit of
25 any priority school to determine the factors that have contributed to the lack of student
26 achievement and shall give audit priority to schools based upon failure to meet standards of
27 student achievement as established pursuant to this section.

28 (1) An audit team shall include an experienced teacher and an experienced
29 administrator from successful school districts of comparable size and per-pupil funding. The
30 size of the audit team shall be based upon the size of the school to be audited;

31 (2) The audit team shall report its findings to the state board of education and the
32 local board of education;

33 (3) The state board may require all or part of those findings to be addressed in the
34 comprehensive school improvement plan required pursuant to this section.

35 4. Comprehensive school improvement plans shall be evaluated based upon standards
36 established pursuant to subsection 2 of this section and upon the following time lines:

37 (1) The comprehensive school improvement plan shall be submitted to the
38 department of elementary and secondary education on or before August fifteenth following
39 any school year in which a school district building meets the criteria established under
40 subsection 1 of this section;

41 (2) The department of elementary and secondary education shall review and identify
42 areas of concern in the plan within sixty days of receipt; and

43 (3) Changes to the plan shall be forwarded to the department of elementary and
44 secondary education within sixty days of notice to the district of the areas of concern.

45 5. The department of elementary and secondary education shall withhold funds
46 authorized in section 163.031 from any school district that fails to submit a comprehensive
47 school improvement plan based upon the standards and time lines established in this section.
48 Withheld funds shall be released upon submission of a comprehensive school improvement
49 plan that meets the established requirements.

50 6. Designation as a priority school and the effectiveness of the school district in
51 implementing the comprehensive school improvement plan required under this section shall
52 be considered by the state board of education in the school district's accreditation granted
53 pursuant to section 161.092.

54 7. No rule or portion of a rule promulgated under this section shall become effective
55 unless it has been promulgated pursuant to chapter 536.

161.855. 1. By October 1, 2014, the state board of education shall convene work
2 groups composed of education professionals to develop and recommend academic
3 performance standards. The work groups shall be composed of individuals as provided in
4 section 160.514. The state board of education and the work groups shall follow the
5 procedures and conduct the public hearings required by section 160.514. The state board of
6 education shall convene separate work groups for the following subject areas: English
7 language arts; mathematics; science; and history and governments. For each of these four
8 subject areas, the state board of education shall convene two separate work groups, one work
9 group for grades kindergarten through five and another work group for grades six through
10 twelve.

11 2. The work groups shall develop and recommend academic performance standards to
12 the state board of education by October 1, 2015. The work groups shall report on their

13 progress in developing the academic performance standards to the president pro tempore of
14 the senate and the speaker of the house of representatives on a monthly basis.

15 3. The state board of education shall adopt and implement academic performance
16 standards beginning in the 2016-17 school year. ~~[The state board of education shall align the~~
17 ~~statewide assessment system to the academic performance standards as needed.~~

18 ~~4. The department of elementary and secondary education shall pilot assessments~~
19 ~~from the Smarter Balanced Assessment Consortium during the 2014-15 school year.~~
20 ~~Notwithstanding any rules adopted by the state board of education or the department of~~
21 ~~elementary and secondary education in place on August 28, 2014, for the 2014-15 school~~
22 ~~year, and at any time the state board of education or the department of elementary and~~
23 ~~secondary education implements a new statewide assessment system, develops new academic~~
24 ~~performance standards, or makes changes to the Missouri school improvement program, the~~
25 ~~first year of such statewide assessment system and performance indicators shall be utilized as~~
26 ~~a pilot year for the purposes of calculating a district's annual performance report under the~~
27 ~~Missouri school improvement program. The results of a statewide pilot shall not be used to~~
28 ~~lower a public school district's accreditation or for a teacher's evaluation.~~

29 ~~5.]~~ 4. Any person performing work for a school district or charter school for which
30 teacher certification or administrator certification is regularly required under the laws relating
31 to the certification of teachers or administrators shall be an employee of the school district or
32 charter school. All evaluations of any such person shall be maintained in the teacher's or
33 administrator's personnel file and shall not be shared with any state or federal agency.

161.1085. For purposes of sections 161.1080 to 161.1130, the following terms mean:

- 2 (1) "Department", the department of elementary and secondary education;
- 3 (2) "Governing board", the board of education of a district or the governing board of a
4 charter school that has declared itself a local educational agency;
- 5 (3) "Initial remedial year", the year in which a district school or charter school is
6 designated as a school in need of intervention under section 161.1090;
- 7 (4) "Local educational agency", any school district and any charter school that has
8 declared itself a local educational agency;
- 9 (5) **"Nationally norm-referenced assessment", any test of student achievement in**
10 **English language arts, mathematics, or science, including any such test administered in**
11 **a computer-adaptive format, that is administered under section 160.518;**
- 12 (6) "School", a public school under the control of a local educational agency;
- 13 ~~[(6)]~~ (7) "School in need of intervention", a school that has been designated as in need
14 of intervention by the department according to an outcome-based measure as determined by
15 the department under section 161.1090, which may include, but shall not be required to
16 include, schools identified for intervention under the state's every student succeeds act plan;

17 ~~(7) "Statewide assessment", any test of student achievement in English language arts,~~
18 ~~mathematics, or science, including any such test administered in a computer-adaptive format,~~
19 ~~that is administered statewide under section 160.518].~~

161.1090. 1. Subject to appropriation, the department shall establish a school
2 turnaround program to assist schools designated by the department as in need of intervention
3 in accordance with the provisions of sections 161.1080 to 161.1130.

4 2. The department shall use an outcome-based measure to set criteria for the
5 designation of schools in need of intervention.

6 3. No more than one month after **[statewide] nationally norm-referenced**
7 assessment results are made public, the department shall designate specific schools as in
8 need of intervention. The department shall designate a school as in need of intervention only
9 if sufficient funds are available in the school turnaround fund established in section 161.1105
10 to pay an independent school turnaround expert.

11 4. The department shall determine the specific criteria that a school shall be required
12 to meet in order to exit the school turnaround program based on the same outcome-based
13 measure that was used to designate the school as in need of intervention.

14 5. The department shall not designate any school as in need of intervention before
15 September 1, 2020.

16 6. Nothing in this section shall prohibit the criteria established under this section from
17 satisfying a school's requirement for intervention under the every student succeeds act.

161.1100. 1. Before August 30, 2020, the department shall identify two or more
2 approved independent school turnaround experts, through a request for proposals process,
3 that a school in need of intervention may select from to partner with, to:

4 (1) Collect and analyze data on the school's student achievement, personnel, culture,
5 curriculum, assessments, instructional practices, digital tools and other methods for teaching
6 and learning, governance, leadership, finances, and policies;

7 (2) Recommend changes to the school's culture, curriculum, assessments,
8 instructional practices, governance, finances, policies, or other areas based on data
9 collected under subdivision (1) of this subsection;

10 (3) Develop and implement, in partnership with the school turnaround committee, a
11 school turnaround plan that meets the criteria described in section 161.1095;

12 (4) Monitor the effectiveness of a school turnaround plan through reliable means of
13 evaluation including, but not limited to, onsite visits, observations, surveys, analysis of
14 student achievement data, and interviews;

15 (5) Provide ongoing implementation support and project management for a school
16 turnaround plan;

- 17 (6) Provide high-quality professional development and coaching personalized for
18 school staff that is designed to build:
- 19 (a) The leadership capacity of the school principal;
 - 20 (b) The instructional capacity of school staff; and
 - 21 (c) The collaborative practices of teacher and leadership teams;
- 22 (7) Provide job-embedded professional learning and coaching for all instructional
23 staff on a weekly basis, at a minimum;
- 24 (8) Provide job-embedded professional learning and coaching for the school principal
25 at least twice monthly, focused on proven strategies to turn around schools in need of
26 intervention that are aligned with administrator standards developed under section 168.410;
27 and
- 28 (9) Leverage support from community partners to coordinate an efficient delivery of
29 supports to students both inside and outside the classroom.
- 30 2. In identifying independent school turnaround experts under subsection 1 of this
31 section, the department shall identify experts who:
- 32 (1) Have a credible track record of improving student academic achievement in
33 public schools with various demographic characteristics, as measured by **[statewide]**
34 **nationally norm-referenced** assessments;
 - 35 (2) Have experience designing, implementing, and evaluating data-driven
36 instructional systems in public schools;
 - 37 (3) Have experience coaching public school administrators and teachers on designing
38 and implementing data-driven school improvement plans;
 - 39 (4) Have experience collaborating with the various education entities that govern
40 public schools;
 - 41 (5) Have experience delivering high-quality professional development and coaching
42 in instructional effectiveness to public school administrators and teachers;
 - 43 (6) Are willing to be compensated for professional services based on performance as
44 described in section 161.1105; and
 - 45 (7) Are willing to partner with any school in need of intervention in the state,
46 regardless of location.

162.1300. If a change in school district boundary lines occurs under section 162.223,
2 162.431, 162.441, or 162.451, or by action of the state board of education under section
3 162.081, including attachment of a school district's territory to another district or dissolution,
4 such that a school district receives additional students as a result of such change, the
5 **[statewide]** **nationally norm-referenced** assessment scores and all other performance data
6 for those students whom the district received shall not be used for three years when

7 calculating the performance of the receiving district for three school years for purposes of the
8 Missouri school improvement program.

163.023. 1. Commencing September 1, 1997, a school district that has an operating
2 levy for school purposes as defined in section 163.011, of less than the minimum value
3 required by section 163.021, shall be classified as unaccredited by the state board of
4 education and shall be deemed to be an unclassified school district for all purposes under
5 force of law, pursuant to the authority of the state board of education to classify school
6 districts pursuant to section 161.092, except that no school district shall be classified as
7 unaccredited or deemed to be an unclassified school district pursuant to this section if such
8 district is ineligible to receive state aid under section 163.031, exclusive of categorical add-
9 ons, because the district's local effort is greater than its weighted average daily attendance
10 multiplied by the state adequacy target multiplied by the dollar value modifier. No school
11 district, except a district which is ineligible to receive state aid under section 163.031,
12 exclusive of categorical add-ons, because the district's local effort is greater than its weighted
13 average daily attendance multiplied by the state adequacy target multiplied by the dollar value
14 modifier, may be classified or reclassified as accredited until such district has an operating
15 levy for school purposes which is equal to or greater than the minimum value required by
16 section 163.021. Beginning July 1, 1998, the state board of education shall consider the
17 results for a school district from the ~~[statewide assessment system developed]~~ **nationally**
18 **norm-referenced assessments conducted** pursuant to the provisions of section 160.518
19 when classifying a school district as authorized by subdivision (9) of section 161.092.
20 Further, the state board of education shall consider the condition and adequacy of facilities of
21 a school district when determining such classification.

22 2. For any school district classified unaccredited for any school year, the state board
23 of education shall conduct procedures to classify said school district for the first school year
24 following.

167.905. 1. By July 1, 2018, each school district shall develop a policy and
2 implement a measurable system for identifying students in their ninth grade year, or students
3 who transfer into the school subsequent to their ninth grade year, who are at risk of not being
4 ready for college-level work or for entry-level career positions. Districts shall include, but are
5 not limited to, the following sources of information:

- 6 (1) A student's performance on ~~[the Missouri assessment program test]~~ **a nationally**
7 **norm-referenced assessment** in eighth grade in English language arts and mathematics;
- 8 (2) A student's comparable statewide assessment performance if such student
9 transferred from another state;
- 10 (3) The district's overall reported remediation rate under section 173.750; and
- 11 (4) A student's attendance rate.

12 2. The district policy shall require academic and career counseling to take place prior
13 to graduation so that the school may attempt to provide sufficient opportunities to the student
14 to graduate college-ready or career-ready and on time.

15 3. Each school district shall adopt a policy to permit the waiver of the requirements of
16 this section for any student with a disability if recommended by the student's IEP committee.
17 For purposes of this subsection, "IEP" means individualized education program.

168.749. 1. Beginning with school year 2010-11, teachers who elect to participate in
2 the teacher choice compensation package shall be eligible for stipends based on the following
3 criteria:

4 (1) Score on a value-added test instrument or instruments. Such instruments shall be
5 defined as those which give a reliable measurement of the skills and knowledge transferred to
6 students during the time they are in a teacher's classroom and shall be selected by the school
7 district from one or more of the following assessments:

8 (a) A list of recognized value-added instruments developed by the department of
9 elementary and secondary education;

10 (b) Scores on the ~~[statewide]~~ assessments established under section 160.518 may be
11 used for this purpose, and the department of elementary and secondary education shall
12 develop a procedure for identifying the value added by teachers that addresses the fact that
13 not all subjects are **necessarily** tested at all grade levels each year ~~[under the state assessment~~
14 ~~program]~~;

15 (c) Scores on annual tests required by the federal Elementary and Secondary
16 Education Act reauthorization of 2002 for third through eighth grade may be used as value-
17 added instruments if found appropriate after consideration and approval by the state board of
18 education;

19 (d) A district may choose an instrument after a public hearing of the district board of
20 education on the matter, with the reasons for the selection entered upon the minutes of the
21 meeting; provided, however, that this option shall not be available to districts after scores are
22 established for paragraphs (a), (b), and (c) of this subdivision;

23 (2) Evaluations by principals or other administrators with expertise to evaluate
24 classroom performance;

25 (3) Evaluations by parents and by students at their appropriate developmental level.

26

27 Model instruments for these evaluations shall be developed or identified by the department of
28 elementary and secondary education. Districts may use such models, may use other existing
29 models, or may develop their own instruments. A district that develops its own instrument
30 shall not use that instrument as its sole method of evaluation.

31 2. The department of elementary and secondary education shall develop criteria for
32 determining eligibility for stipend increments, including a range of target scores on
33 assessments for use by the districts. The test-score options listed in subdivision (1) of
34 subsection 1 of this section shall be given higher weight than the evaluation options listed in
35 subdivisions (2) and (3) of subsection 1 of this section. The decision of individual districts
36 about the qualifications for each increment based on the evaluations listed in subdivisions (2)
37 and (3) of subsection 1 of this section and for value-added instruments for which target scores
38 have not been developed by the department of elementary and secondary education may
39 address the district's unique characteristics but shall require demonstrably superior
40 performance on the part of the teacher, based primarily on improved student achievement
41 while taking into account classroom demographics including but not limited to students'
42 abilities, special needs, and class size.

 170.017. The department of elementary and secondary education shall, by July 1,
2 2015, develop a high school graduation policy that allows a student to fulfill one unit of
3 academic credit with a district-approved agriculture or career and technical education course
4 for any communication arts, mathematics, science, or social studies unit required for high
5 school graduation in any combination up to fulfilling one requirement in each of the four
6 subject areas. ~~[The substitution may not be made where the course for which the agriculture
7 or career and technical education course is being substituted requires an end-of-course
8 statewide assessment. The credit cannot be substituted for any course which requires a
9 statewide end-of-course assessment.]~~ The policy required under this section shall be in
10 addition to the optional waiver of one unit of academic credit for a three-unit career and
11 technical program of studies.

 Section B. The repeal and reenactment of sections 135.714, 160.410, 160.526,
2 160.570, 160.720, 161.855, 161.1085, 161.1090, 161.1100, 162.1300, 163.023, 167.905,
3 168.749, and 170.017 of this act shall become effective only upon notification to the revisor
4 of statutes by an opinion by the attorney general of Missouri, a proclamation by the governor
5 of Missouri, or the adoption of a concurrent resolution by the Missouri general assembly that
6 the United States Department of Education has been abolished or dismantled by an act of the
7 United States Congress.

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