

SECOND REGULAR SESSION

# HOUSE BILL NO. 2442

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LOY.

4313H.01I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 160.518, 160.522, 161.092, and 161.132, RSMo, and to enact in lieu thereof four new sections relating to responsibilities of the department of elementary and secondary education.

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

Section A. Sections 160.518, 160.522, 161.092, and 161.132, RSMo, are repealed  
2 and four new sections enacted in lieu thereof, to be known as sections 160.518, 160.522,  
3 161.092, and 161.132, 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 statewide **summative**  
3 assessment system that ~~[p]rovides maximum flexibility for local school districts to determine~~  
4 ~~the degree to which students in the public schools of the state are proficient in the knowledge,~~  
5 ~~skills, and competencies adopted by such board pursuant to section 160.514]~~ satisfies the  
6 **pupil testing mandates in effect under the federal Every Student Succeeds Act (Pub. L.**  
7 **114-95), as amended, for each school year.**

8       (2) **Results from the assessment created under this subsection shall be used only**  
9 **for the purposes of complying with the requirements of such federal law and**  
10 **determining performance districts under sections 163.011 and 163.031 and for no other**  
11 **purpose.**

12       (3) **Results from such assessments shall not be used to classify school districts**  
13 **and charter schools.**

14       ~~[(2) (a) The statewide assessment system shall assess problem solving, analytical~~  
15 ~~ability, evaluation, creativity, and application ability in the different content areas and shall be~~

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 ~~performance based to identify what students know, as well as what they are able to do, and~~  
17 ~~shall enable teachers to evaluate actual academic performance.~~

18 ~~(b) The statewide assessment system shall neither promote nor prohibit rote~~  
19 ~~memorization and shall not include existing versions of tests approved for use pursuant to the~~  
20 ~~provisions of section 160.257, nor enhanced versions of such tests.~~

21 ~~(3) After the state board of education adopts and implements academic performance~~  
22 ~~standards as required under section 161.855, the state board of education shall develop and~~  
23 ~~adopt a standardized assessment instrument under this section based on the academic~~  
24 ~~performance standards adopted under section 161.855.~~

25 ~~(4) The statewide assessment system shall measure, where appropriate by grade level,~~  
26 ~~a student's knowledge of academic subjects including, but not limited to, reading skills,~~  
27 ~~writing skills, mathematics skills, world and American history, forms of government,~~  
28 ~~geography and science.~~

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

32 ~~3. (1) The state board of education shall suggest, but not mandate, criteria for a~~  
33 ~~school to demonstrate that its students learn the knowledge, skills and competencies at~~  
34 ~~exemplary levels worthy of imitation by students in other schools in the state and nation.~~

35 ~~(2) Exemplary levels shall be measured by the statewide assessment system~~  
36 ~~developed pursuant to subsection 1 of this section, or until said statewide assessment system~~  
37 ~~is available, by indicators approved for such use by the state board of education.~~

38 ~~(3) The provisions of other law to the contrary notwithstanding, the commissioner of~~  
39 ~~education may, upon request of the school district, present a plan for the waiver of rules and~~  
40 ~~regulations to any such school, to be known as "Outstanding Schools Waivers", consistent~~  
41 ~~with the provisions of subsection 4 of this section.~~

42 ~~4. (1) For any school that meets the criteria established by the state board of~~  
43 ~~education for three successive school years pursuant to the provisions of subsection 3 of this~~  
44 ~~section, by August first following the third such school year, the commissioner of education~~  
45 ~~shall present a plan to the superintendent of the school district in which such school is located~~  
46 ~~for the waiver of rules and regulations to promote flexibility in the operations of the school~~  
47 ~~and to enhance and encourage efficiency in the delivery of instructional services.~~

48 ~~(2) The provisions of other law to the contrary notwithstanding, the plan presented to~~  
49 ~~the superintendent shall provide a summary waiver, with no conditions, for the pupil testing~~  
50 ~~requirements pursuant to section 160.257, in the school.~~

51 ~~(3) Further, the provisions of other law to the contrary notwithstanding, the plan shall~~  
52 ~~detail a means for the waiver of requirements otherwise imposed on the school related to the~~

53 ~~authority of the state board of education to classify school districts pursuant to subdivision (9)~~  
54 ~~of section 161.092 and such other rules and regulations as determined by the commissioner of~~  
55 ~~education, excepting such waivers shall be confined to the school and not other schools in the~~  
56 ~~district unless such other schools meet the criteria established by the state board of education~~  
57 ~~consistent with subsection 3 of this section and the waivers shall not include the requirements~~  
58 ~~contained in this section and section 160.514.~~

59 ~~(4) Any waiver provided to any school as outlined in this subsection shall be void on~~  
60 ~~June thirtieth of any school year in which the school fails to meet the criteria established by~~  
61 ~~the state board of education consistent with subsection 3 of this section.~~

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

66 **2. School districts and charter schools shall create, purchase, or adopt a local**  
67 **assessment system.**

68 **3. The local assessment system shall be:**

69 **(1) Authentic to student discipline-specific learning, experience, and the**  
70 **demonstration of performance-based learning;**

71 **(2) Related to curricula taught in the school;**

72 **(3) Evaluated and graded in a manner that provides students and teachers with**  
73 **meaningful feedback that can be used for academic improvement;**

74 **(4) Developed in consultation with building-level administrators, teachers,**  
75 **students, parents, and the community; and**

76 **(5) Available for demonstration and community inspection.**

77 **[6.] 4. (1) (a) The state board of education shall identify or, if necessary, establish**  
78 **one or more developmentally appropriate alternate assessments for students who receive**  
79 **special educational services, as that term is defined pursuant to section 162.675.**

80 **(b) In the development of such alternate assessments, the state board shall establish**  
81 **an advisory panel consisting of a majority of active special education teachers residing in**  
82 **Missouri and other education professionals as appropriate to research available assessment**  
83 **options.**

84 **(c) The advisory panel shall attempt to identify preexisting developmentally**  
85 **appropriate alternate assessments but shall, if necessary, develop alternate assessments and**  
86 **recommend one or more alternate assessments for adoption by the state board.**

87 **(d) The state board shall consider the recommendations of the advisory council in**  
88 **establishing such alternate assessment or assessments.**

95        (3) The alternate assessment shall evaluate the student's independent living skills,  
96 which include how effectively the student addresses common life demands and how well the  
97 student meets standards for personal independence expected for someone in the student's age  
98 group, sociocultural background, and community setting.

99 [7.] 5. 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.

104       **[8.] 6.** (1) As used in this subsection, the following terms mean:

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

106           (b) "Grade-level equivalence", a metric developed for grades three to eight and used

107          by the department to show a student's proximity to doing grade-level work;

108           (c) "Parent", a parent, guardian, custodian, or other person with authority to act on

109          behalf of a student.

110 (2) Grade-level equivalence, as developed and used under this subsection, shall  
111 consist of a student's knowledge of academic subjects by grade level and performance-level  
112 descriptors indicating whether such student is ready for the next grade or level of education.  
113 Such performance-level descriptors shall consist of the following:

114 (a) Advanced, which shall indicate that such student:

115 a. Demonstrates superior performance on challenging grade-level subject matter;

116 b. Is above such student's current grade or level of education; and

117 c. Is ready for, at a minimum, the next grade or level of education;

118 (b) Proficient, which shall indicate that such student:

119 a. Demonstrates mastery over all appropriate grade-level standards and has

120 introductory-level knowledge for the next grade or level of education;

121 b. May be above such student's current grade or level of education in some areas; and

122 c. Is ready for the next grade or level of education;

123 (c) Grade level, which shall indicate that such student:

124 a. Demonstrates mastery over appropriate grade-level subject matter;

125 b. Is at such student's current grade or level of education; and

126       c. May be ready, with appropriate reinforcement, for the next grade or level of  
127 education;

128       (d) Basic, which shall indicate that such student:

129           a. Demonstrates partial mastery of the essential knowledge and skills appropriate to  
130 such student's grade or level of education;

131           b. May not be at such student's current grade or level of education; and

132           c. May not be ready, without appropriate remediation, for the next grade or level of  
133 education; and

134       (e) Below basic, which shall indicate that such student:

135           a. Has failed to perform, at a minimum, at the limited knowledge level necessary for  
136 such student's grade or level of education;

137           b. Is not at such student's current grade or level of education; and

138           c. Has been determined to be at the specific lower grade or level of education  
139 measured by and listed in such student's statewide assessment score.

140       (3) (a) Such grade-level equivalence shall be determined at the same time each  
141 student's academic performance is measured by the statewide assessment system developed  
142 under this section.

143       (b) Such grade-level equivalence shall be provided at the same time such student's  
144 statewide assessment score is reported to such student or such student's parent.

145       (4) (a) Data related to grade-level equivalence shall be searchable on a building-by-  
146 building, school-by-school, district-by-district, and statewide basis on the department's school  
147 accountability report card developed under section 160.522.

148       (b) Data related to grade-level equivalence shall display the percentage of students  
149 whose performance-level descriptor is grade level or above on a building-by-building, school-  
150 by-school, district-by-district, and statewide basis.

151       (c) No data related to grade-level equivalence shall be disclosed in any form that  
152 allows the personal identification of any student to any individual or entity except such  
153 student or such student's parent.

154       (5) The provisions of subsection 2 of section 160.514 shall not apply to the  
155 development of the grade-level equivalence metric.

156       (6) The department may choose a third-party nonprofit entity to develop the grade-  
157 level equivalence metric.

160.522. 1. The department of elementary and secondary education shall produce or  
2 cause to be produced, at least annually, a school accountability report card for each public  
3 school district, each public school building in a school district, and each charter school in the  
4 state. The report card shall be designed to satisfy state and federal requirements for the  
5 disclosure of statistics about students, staff, finances, academic achievement, and other

6 indicators. The purpose of the report card shall be to provide educational statistics and  
7 accountability information for parents, taxpayers, school personnel, legislators, and the print  
8 and broadcast news media in a standardized, easily accessible form.

9 ~~2. [(1) The department of elementary and secondary education shall develop a~~  
10 ~~standard form for the school accountability report card.~~

11 ~~(2)]~~ The information reported shall include, but not be limited to, the following  
12 information reported by each school district or charter school:

13 ~~[(a)] (1) The [most recent] accreditation [rating] status;~~  
14 ~~[(b)] (2) Enrollment;~~  
15 ~~[(c)] (3) Rates of pupil attendance;~~  
16 ~~[(d)] (4) High school dropout rate and graduation rate;~~  
17 ~~[(e)] (5) The number and rate of suspensions of ten days or longer and expulsions of~~  
18 ~~pupils;~~

19 ~~[(f)] (6) The district or charter school ratio of students to administrators and students~~  
20 ~~to classroom teachers;~~

21 ~~[(g)] (7) The average years of experience of professional staff and advanced degrees~~  
22 ~~earned;~~

23 ~~[(h)] (8) Student achievement and grade-level equivalence data as measured through~~  
24 ~~the statewide and local assessment [system] systems~~ developed pursuant to section 160.518;

25 ~~[(i)] (9) Student scores on the ACT, along with the percentage of graduates taking the~~  
26 ~~test;~~

27 ~~[(j)] (10) Average teachers' and administrators' salaries compared to the state~~  
28 ~~averages;~~

29 ~~[(k)] (11) Average per-pupil current expenditures for the district or charter school as a~~  
30 ~~whole and by attendance center as reported to the department of elementary and secondary~~  
31 ~~education;~~

32 ~~[(l)] (12) The adjusted tax rate of the district or charter school;~~

33 ~~[(m)] (13) The assessed valuation of the district;~~

34 ~~[(n)] (14) The percentage of the district or charter school operating budget received~~  
35 ~~from state, federal, and local sources;~~

36 ~~[(o)] (15) The percentage of students eligible for free or reduced-price lunch;~~

37 ~~[(p)] (16) Data on the percentage of students continuing their education in~~  
38 ~~postsecondary programs;~~

39 ~~[(q)] (17) Information about the job placement rate for students who complete district~~  
40 ~~or charter school vocational education programs;~~

41 ~~[(r)] (18) Whether the school district or charter school currently has a state-approved~~  
42 ~~gifted education program; and~~

43        [§] (19) The percentage and number of students who are currently being served in  
44 the district's or charter school's state-approved gifted education program.

45        3. The report card shall permit the disclosure of data on a school-by-school basis, but  
46 the reporting shall not be personally identifiable to any student or education professional in  
47 the state.

48        4. ~~The report card shall identify each school or attendance center that has been  
49 identified as a priority school under sections 160.720 and 161.092. The report also shall  
50 identify attendance centers that have been categorized under federal law as needing  
51 improvement or requiring specific school improvement strategies.~~

52        5.] The report card shall not limit or discourage other methods of public reporting and  
53 accountability by local school districts **and charter schools**. Districts **and charter schools**  
54 shall provide information included in the report card to parents, community members, **and** the  
55 print and broadcast news media~~, and legislators~~ by December first annually or as soon  
56 thereafter as the information is available to the district **or charter school**, giving preference to  
57 methods that incorporate the reporting into substantive official communications such as  
58 student report cards. The school district **or charter school** shall provide a printed copy of the  
59 district-level or school-level report card to any patron upon request and shall make reasonable  
60 efforts to supply businesses such as, but not limited to, real estate and employment firms with  
61 copies or other information about the reports so that parents and businesses from outside the  
62 district who may be contemplating relocation have access.

63        [6.] 5. For purposes of completing and distributing the annual report card as  
64 prescribed in this section, a school district may include the data from a charter school located  
65 within such school district, provided the local board of education or special administrative  
66 board for such district and the charter school reach mutual agreement for the inclusion of the  
67 data from the charter school ~~[and the terms of such agreement are approved by the state board  
68 of education]~~. The charter school shall not be required to be a part of the local educational  
69 agency of such school district and may maintain a separate local educational agency status.

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) (a) **For all school years before the 2027-28 school year:**

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

39 b. Identify and recognize a minimum of two national school accreditation  
40 agencies from which any district may seek to obtain accreditation; and

41 (b) **For the 2027-28 school year and all subsequent school years, specify that any**  
42 **district with current accreditation from at least one of the identified national school**  
43 **accreditation agencies shall be considered to have full accreditation status, without**  
44 **provision, for all purposes of state law and rules;**

45 (10) Make an annual report on or before the first Wednesday after the first day of  
46 January to the general assembly or, when it is not in session, to the governor for publication

47 and transmission to the general assembly. The report shall be for the last preceding school  
48 year, and shall include:

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

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

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

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

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

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

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

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

67 (14) Promulgate rules under which the board shall classify the public schools of the  
68 state **subject to the limitations under subdivision (9) of this section**; provided that the  
69 appropriate scoring guides, instruments, and procedures used in determining the accreditation  
70 status of a district shall be subject to a public meeting upon notice in a newspaper of general  
71 circulation in each of the three most populous cities in the state and also a newspaper that is a  
72 certified minority business enterprise or woman-owned business enterprise in each of the two  
73 most populous cities in the state, and notice to each district board of education, each  
74 superintendent of a school district, and to the speaker of the house of representatives, the  
75 president pro tem of the senate, and the members of the joint committee on education, at least  
76 fourteen days in advance of the meeting, which shall be conducted by the department of  
77 elementary and secondary education not less than ninety days prior to their application in  
78 accreditation, with all comments received to be reported to the state board of education;

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

161.132. 1. **Except as otherwise provided in subsection 3 of this section**, the  
2 department of elementary and secondary education includes the commissioner of education,  
3 the members of the professional staff, and the other employees essential to the efficient  
4 operation of the department.

5        2. Upon the recommendation of the commissioner the board shall appoint the  
6 members of the professional staff and the other employees and fix their compensation.

7        3. (1) For the 2027-28 school year and all subsequent school years, the  
8 department shall employ no more than two hundred members of the professional staff  
9 and other employees. Such professional staff and employees shall be individuals who  
10 are essential for gathering data, reporting, and ensuring transparency.

11        (2) No staff member or employee of the Missouri School for the Deaf or the  
12 Missouri School for the Blind shall be counted within the two hundred professional staff  
13 and employee limit provided in subdivision (1) of this subsection.

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