

SECOND REGULAR SESSION

HOUSE BILL NO. 1704

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHRISTENSEN.

4620H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

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

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

Section A. Sections 160.518, 160.522, and 161.092, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 160.518, 160.522, and 161.092,
3 to read as follows:

160.518. 1. (1) **Sections 160.518, 160.522, and 161.092 shall be known and may
2 be cited as the "Education Freedom Act".**

3 (2) Consistent with the provisions contained in section 160.526, the state board of
4 education shall develop, modify, and revise, as necessary, a statewide **summative** assessment
5 system that ~~[provides maximum flexibility for local school districts to determine the degree to~~
6 ~~which students in the public schools of the state are proficient in the knowledge, skills, and~~
7 ~~competencies adopted by such board pursuant to section 160.514]~~ **satisfies the pupil testing**
8 **mandates in effect under the federal Every Student Succeeds Act (Pub. L. 114-95), as**
9 **amended, for each school year.**

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

14 (4) **Results from such assessments shall not be used to classify school districts**
15 **and charter schools.**

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 ~~[(2) (a) The statewide assessment system shall assess problem solving, analytical~~
17 ~~ability, evaluation, creativity, and application ability in the different content areas and shall be~~
18 ~~performance-based to identify what students know, as well as what they are able to do, and~~
19 ~~shall enable teachers to evaluate actual academic performance.~~

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

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

27 ~~(4) The statewide assessment system shall measure, where appropriate by grade level,~~
28 ~~a student's knowledge of academic subjects including, but not limited to, reading skills,~~
29 ~~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. (1) The state board of education shall suggest, but not mandate, criteria for a~~
35 ~~school to demonstrate that its students learn the knowledge, skills and competencies at~~
36 ~~exemplary levels worthy of imitation by students in other schools in the state and nation.~~

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

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

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

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

53 ~~(3) Further, the provisions of other law to the contrary notwithstanding, the plan shall~~
54 ~~detail a means for the waiver of requirements otherwise imposed on the school related to the~~
55 ~~authority of the state board of education to classify school districts pursuant to subdivision (9)~~
56 ~~of section 161.092 and such other rules and regulations as determined by the commissioner of~~
57 ~~education, excepting such waivers shall be confined to the school and not other schools in the~~
58 ~~district unless such other schools meet the criteria established by the state board of education~~
59 ~~consistent with subsection 3 of this section and the waivers shall not include the requirements~~
60 ~~contained in this section and section 160.514.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

91 (2) Any student who receives special educational services, as that term is defined
92 pursuant to section 162.675, shall be assessed by an alternate assessment established pursuant
93 to this subsection upon a determination by the student's individualized education program
94 team that such alternate assessment is more appropriate to assess the student's knowledge,
95 skills and competencies than the assessment developed pursuant to subsection 1 of this
96 section.

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

101 ~~[7-]~~ 5. The state board of education shall also develop recommendations regarding
102 alternate assessments for any military dependent who relocates to Missouri after the
103 commencement of a school term, in order to accommodate such student while ensuring that
104 he or she is proficient in the knowledge, skills, and competencies adopted under section
105 160.514.

106 ~~[8-]~~ 6. (1) As used in this subsection, the following terms mean:

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

108 (b) "Grade-level equivalence", a metric developed for grades three to eight and used
109 by the department to show a student's proximity to doing grade-level work;

110 (c) "Parent", a parent, guardian, custodian, or other person with authority to act on
111 behalf of a student.

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

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

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

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

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

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

121 a. Demonstrates mastery over all appropriate grade-level standards and has
122 introductory-level knowledge for the next grade or level of education;

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

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

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

- 126 a. Demonstrates mastery over appropriate grade-level subject matter;
127 b. Is at such student's current grade or level of education; and
128 c. May be ready, with appropriate reinforcement, for the next grade or level of
129 education;
130 (d) Basic, which shall indicate that such student:
131 a. Demonstrates partial mastery of the essential knowledge and skills appropriate to
132 such student's grade or level of education;
133 b. May not be at such student's current grade or level of education; and
134 c. May not be ready, without appropriate remediation, for the next grade or level of
135 education; and
136 (e) Below basic, which shall indicate that such student:
137 a. Has failed to perform, at a minimum, at the limited knowledge level necessary for
138 such student's grade or level of education;
139 b. Is not at such student's current grade or level of education; and
140 c. Has been determined to be at the specific lower grade or level of education
141 measured by and listed in such student's statewide assessment score.
142 (3) (a) Such grade-level equivalence shall be determined at the same time each
143 student's academic performance is measured by the statewide assessment system developed
144 under this section.
145 (b) Such grade-level equivalence shall be provided at the same time such student's
146 statewide assessment score is reported to such student or such student's parent.
147 (4) (a) Data related to grade-level equivalence shall be searchable on a building-by-
148 building, school-by-school, district-by-district, and statewide basis on the department's school
149 accountability report card developed under section 160.522.
150 (b) Data related to grade-level equivalence shall display the percentage of students
151 whose performance-level descriptor is grade level or above on a building-by-building, school-
152 by-school, district-by-district, and statewide basis.
153 (c) No data related to grade-level equivalence shall be disclosed in any form that
154 allows the personal identification of any student to any individual or entity except such
155 student or such student's parent.
156 (5) The provisions of subsection 2 of section 160.514 shall not apply to the
157 development of the grade-level equivalence metric.
158 (6) The department may choose a third-party nonprofit entity to develop the grade-
159 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]~~ **School districts and**
9 **charter schools shall provide public reporting of information on an annual basis as**
10 **provided in this section. The school district and charter school reports shall be made**
11 **publicly available on a data dashboard on the website of the school district or charter**
12 **school and separately shared with the department of elementary and secondary**
13 **education.**

14 2. ~~[(1) The department of elementary and secondary education shall develop a~~
15 ~~standard form for the school accountability report card.~~

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

18 ~~[(a)]~~ (1) The ~~[most recent]~~ accreditation ~~[rating]~~ status;

19 ~~[(b)]~~ (2) Enrollment;

20 ~~[(c)]~~ (3) Rates of pupil attendance;

21 ~~[(d)]~~ (4) High school dropout rate and graduation rate;

22 ~~[(e)]~~ (5) The number and rate of suspensions of ten days or longer and expulsions of
23 pupils;

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

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

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

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

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

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

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

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

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

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

42 ~~[(f)]~~ (16) Data on the percentage of students continuing their education in
43 postsecondary programs;

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

46 ~~[(h)]~~ (18) Whether the school district or charter school currently has a state-approved
47 gifted education program; and

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

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

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

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

68 ~~[6.]~~ 5. For purposes of completing and distributing the annual report card as
69 prescribed in this section, a school district may include the data from a charter school located
70 within such school district, provided the local board of education or special administrative
71 board for such district and the charter school reach mutual agreement for the inclusion of the
72 data from the charter school ~~[and the terms of such agreement are approved by the state board~~
73 ~~of education]~~. The charter school shall not be required to be a part of the local educational
74 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 and for the 2032-33**
29 **school year and all subsequent school years:**

30 **a.** Classify the public schools of the state, subject to limitations provided by law and
31 subdivision (14) of this section, establish requirements for the schools of each class, and
32 formulate rules governing the inspection and accreditation of schools preparatory to
33 classification, with such requirements taking effect not less than two years from the date of
34 adoption of the proposed rule by the state board of education, provided that this condition
35 shall not apply to any requirement for which a time line for adoption is mandated in either
36 federal or state law[-]; **and**

37 **b.** Such rules shall include a process to allow any district that is accredited without
38 provision that does not meet the state board's promulgated criteria for a classification

39 designation of accredited with distinction to propose alternative criteria to the state board to
40 be classified as accredited with distinction; **and**

41 **(b) For the 2027-28 school year through the 2031-32 school year:**

42 **a. Classify the public schools of the state and formulate rules governing the**
43 **inspection and accreditation of schools preparatory to classification, with such**
44 **requirements taking effect not less than two years from the date of adoption of the**
45 **proposed rule by the state board of education, provided that this condition shall not**
46 **apply to any requirement for which a schedule for adoption is mandated in either**
47 **federal or state law nor shall this condition apply to accreditation by an approved**
48 **accrediting agency identified under this paragraph;**

49 **b. Such rules shall identify and recognize a minimum of two national school**
50 **accreditation agencies from which any district may seek to obtain accreditation;**

51 **c. Nothing in this paragraph shall prohibit the state board of education from**
52 **adopting a system of accreditation that school districts may choose to use for the**
53 **purposes of accreditation; and**

54 **d. Notwithstanding any other provision of law to the contrary, regardless of**
55 **which approved accreditation agency or system a school district chooses to use, the state**
56 **board of education shall accept any accreditation obtained by the school district from an**
57 **approved national school accreditation agency, provided that the accreditation status**
58 **obtained from the recognized national school accreditation agency is in accordance with**
59 **the guidelines of such national school accreditation agency as documented by such**
60 **agency, and further provided that the state board of education shall determine whether**
61 **a school district accredited by a national school accreditation agency shall be considered**
62 **accredited, provisionally accredited, or unaccredited solely for the purposes of section**
63 **160.400;**

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

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

70 **(b) A statement of the number of teachers employed, their sex, their professional**
71 **training, and their average salary;**

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

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

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

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

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

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

86 (14) **For all school years before the 2027-28 school year and for the 2032-33**
87 **school year and all subsequent school years**, promulgate rules under which the board shall
88 classify the public schools of the state; provided that the appropriate scoring guides,
89 instruments, and procedures used in determining the accreditation status of a district shall be
90 subject to a public meeting upon notice in a newspaper of general circulation in each of the
91 three most populous cities in the state and also a newspaper that is a certified minority
92 business enterprise or woman-owned business enterprise in each of the two most populous
93 cities in the state, and notice to each district board of education, each superintendent of a
94 school district, and to the speaker of the house of representatives, the president pro tem of the
95 senate, and the members of the joint committee on education, at least fourteen days in
96 advance of the meeting, which shall be conducted by the department of elementary and
97 secondary education not less than ninety days prior to their application in accreditation, with
98 all comments received to be reported to the state board of education;

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

✓