

FIRST REGULAR SESSION

HOUSE BILL NO. 1161

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAHR.

2294H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.514, 160.526, and 161.855, RSMo, and to enact in lieu thereof three new sections relating to elementary and secondary education.

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

Section A. Sections 160.514, 160.526, and 161.855, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 160.514, 160.526, and 161.855, to read as follows:

160.514. 1. By rule and regulation, and consistent with the provisions contained in section 160.526, the state board of education shall adopt no more than seventy-five academic performance standards which establish the knowledge, skills and competencies necessary for students to successfully advance through the public elementary and secondary education system of this state; lead to or qualify a student for high school graduation; prepare students for postsecondary education or the workplace or both; and are necessary in this era to preserve the rights and liberties of the people.

2. Whenever the state board of education develops, evaluates, modifies, or revises academic performance standards or ~~[learning standards]~~ **grade-level expectations**, it shall convene work groups composed **only** of ~~[education professionals]~~ **those members described in subsection 3 of this section** to develop and recommend such academic performance standards or ~~[learning standards]~~ **grade-level expectations, which shall be in the public domain.** Separate work groups ~~[composed of education professionals]~~ shall be convened for the following subject areas: English language arts; mathematics; science; and history and governments. The subject area of history and governments shall incorporate geography and the history and governments of the United States and the world. For each subject area in which the state board

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.

17 of education develops, evaluates, modifies, or revises academic performance standards or
18 ~~[learning standards]~~ **grade-level expectations**, the state board shall convene two separate work
19 groups, one work group for standards for grades kindergarten through five consisting of sixteen
20 members and a second work group for standards for grades six through twelve consisting of
21 seventeen members. A person may be selected to serve on more than one work group if he or
22 she is qualified. No work group member shall be required to be a member of a professional
23 teacher association. An education professional serving on a work group shall be a Missouri
24 resident for at least three years and have taught in the work group's subject area for at least ten
25 years or have ten years of experience in that subject area, except for the parents appointed by the
26 president pro tempore of the senate and the speaker of the house of representatives. Work group
27 members shall be chosen in such a manner as to represent the geographic diversity of the state.

28 3. Work group members shall be selected in the following manner:

29 (1) Two parents of children currently enrolled in grades kindergarten through twelve
30 shall be selected by the president pro tempore of the senate;

31 (2) Two parents of children currently enrolled in grades kindergarten through twelve
32 shall be selected by the speaker of the house of representatives;

33 (3) One education professional selected by the state board of education from names
34 submitted to it by the professional teachers' organizations of the state;

35 (4) One education professional selected by a statewide association of Missouri school
36 boards;

37 (5) One education professional selected by the state board of education from names
38 submitted to it by a statewide coalition of school administrators;

39 (6) Two education professionals selected by the president pro tempore of the senate in
40 addition to the members selected under subdivision (1) of this subsection;

41 (7) Two education professionals selected by the speaker of the house of representatives
42 in addition to the members selected under subdivision (2) of this subsection;

43 (8) One education professional selected by the governor;

44 (9) One education professional selected by the lieutenant governor;

45 (10) One education professional selected by the commissioner of higher education;

46 (11) One education professional selected by the state board of education from names
47 submitted to it by nationally recognized career and technical education student organizations
48 operating in Missouri; and

49 (12) One education professional selected by the state board of education from names
50 submitted to it by the heads of state-approved baccalaureate-level teacher preparation programs
51 located in Missouri.

52

53 The state board of education shall also appoint to each work group for grades six through twelve
54 from names submitted to it by a statewide organization for career and technical education one
55 current or retired career and technical education professional who also serves or served as an
56 advisor to any of the nationally recognized career and technical education student organizations
57 identified in subdivision (4) of subsection 2 of section 178.550. **Work group members shall**
58 **be convened at a plenary session of all authorized work group participants. Once**
59 **convened, each work group shall elect from within the group one member as a chair and**
60 **one member as a secretary. Once persons are elected for these positions, their names,**
61 **telephone numbers, email addresses, and mailing addresses shall be submitted to the**
62 **governor, lieutenant governor, president pro tempore of the senate, and speaker of the**
63 **house of representatives. The chair and secretary shall be responsible for responding to**
64 **any inquiry from the governor, lieutenant governor, office of the president pro tempore of**
65 **the senate, or office of the speaker of the house of representatives.**

66 4. **Each work group member shall serve at the pleasure of his or her appointee. If**
67 **a work group member's qualifications are challenged by a member of the work group or**
68 **an appointing agency and not removed by the member's appointee, a panel consisting of**
69 **an appointee from the department of elementary and secondary education, the lieutenant**
70 **governor or his or her designee, and the speaker of the house of representatives or his or**
71 **her designee shall review the member's qualifications. The member shall, within thirty**
72 **days, provide proof to the panel that the member is qualified to serve under the provisions**
73 **of this section. In the event the panel determines that a member does not meet the**
74 **qualifications of this section, the member shall be removed immediately from the work**
75 **group and the original appointing entity shall appoint a qualified person to fill the position**
76 **within thirty days of the disqualified member's dismissal.**

77 5. The state board of education shall hold at least three public hearings whenever it
78 develops, evaluates, modifies, or revises academic performance standards or ~~[learning standards]~~
79 **grade-level expectations.** The hearings shall provide an opportunity to receive public
80 testimony, including but not limited to testimony from educators at all levels in the state, local
81 school boards, parents, representatives from business and industry, labor and community leaders,
82 members of the general assembly, and the general public. The state board of education shall hold
83 the first hearing within thirty days of the ~~[work groups being convened]~~ **plenary session.** The
84 state board of education shall hold the second hearing approximately six months after it holds
85 the first hearing. The state board of education shall hold the third hearing when the work groups
86 submit the academic performance standards they have developed to the state board. The state
87 board of education shall also solicit comments and feedback on the academic performance
88 standards or ~~[learning standards]~~ **grade-level expectations** from the joint committee on

89 education and from academic researchers. All comments shall be made publicly available. **The**
90 **state board of education shall provide all comments to the chairs of all work groups within**
91 **seven days of any hearing.**

92 [5-] 6. The state board of education shall develop written curriculum frameworks that
93 may be used by school districts. Such curriculum frameworks shall incorporate the academic
94 performance standards adopted by the state board of education pursuant to subsection 1 of this
95 section. The curriculum frameworks shall provide guidance to school districts but shall not be
96 mandates for local school boards in the adoption or development of written curricula as required
97 by subsection [6] 7 of this section.

98 [6-] 7. Not later than one year after the development of written curriculum frameworks
99 pursuant to subsection [5] 6 of this section, the board of education of each school district in the
100 state shall adopt or develop a written curriculum designed to ensure that students attain the
101 knowledge, skills and competencies established pursuant to subsection 1 of this section. Local
102 school boards are encouraged to adopt or develop curricula that are rigorous and ambitious and
103 may, but are not required to, use the curriculum frameworks developed pursuant to subsection
104 [5] 6 of this section. Nothing in this section or this act shall prohibit school districts, as
105 determined by local boards of education, to develop or adopt curricula that provide for academic
106 standards in addition to those identified by the state board of education pursuant to subsection
107 1 of this section.

108 [7-] 8. Local school districts and charter schools may adopt their own education
109 standards, in addition to those already adopted by the state, provided the additional standards are
110 in the public domain and do not conflict with the standards adopted by the state board of
111 education.

112 **9. For purposes of this section, the term "grade-level expectations" means the**
113 **grade-appropriate expectations as outlined in the Missouri comprehensive guidance**
114 **program.**

160.526. 1. In establishing, evaluating, modifying, and revising the academic
2 performance standards and [learning standards] **grade-level expectations** authorized by section
3 160.514 and the statewide assessment system authorized by subsection 1 of section 160.518, the
4 state board of education shall consider the work **in the public domain** that has been done by
5 other states, recognized regional and national experts, professional education discipline-based
6 associations, other professional education associations, the work product from the department
7 of higher education's curriculum alignment initiative, or any other work in the public domain.

8 2. The state board of education shall by contract enlist the assistance of such national
9 experts to receive reports, advice and counsel on a regular basis pertaining to the validity and
10 reliability of the statewide assessment system **and the fiscal impact of any changes to the**

11 **system.** The reports from such experts shall be received by the state board of education. Within
12 six months prior to implementation of or modification or revision to the statewide assessment
13 system, the commissioner of education shall inform the president pro tempore of the senate and
14 the speaker of the house of representatives about the **fiscal impact of and** procedures to
15 implement, modify, or revise the statewide assessment system, including a report ~~[related to]~~
16 **that includes** the reliability and validity of the assessment instruments, and the general assembly
17 may, within the next sixty legislative days, veto such implementation, modification, or revision
18 by concurrent resolution adopted by majority vote of both the senate and the house of
19 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 the
22 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 sections
24 160.514 and 160.518. By December 31, 2014, the commissioner of education shall revise this
25 procedure to allow the state board of education to regularly receive advice and counsel from
26 professional educators at all levels in the state, district boards of education **representative of**
27 **various geographic areas of the state**, parents, representatives from business and industry, the
28 general assembly, and labor and community leaders whenever the state board develops,
29 evaluates, modifies, or revises academic performance standards, ~~[learning standards]~~ **grade-level**
30 **expectations**, or the statewide assessment system under sections 160.514 and 160.518. The
31 procedure shall include, at a minimum, the appointment of ad hoc committees **responsible for**
32 **the review of test items used to address any set of state standards, released annually and**
33 **reported to the governor, state board of education, and the legislature. Certification of**
34 **college readiness standards and tests at the secondary level shall have signatures of**
35 **reviewers attached to the review and include statements from any dissenting committee**
36 **members.**

37 4. **An independent evaluator shall provide biennial reports regarding assessments**
38 **in grades three through eleven and end-of-year assessments by February first of even-**
39 **numbered years to the governor, commissioner of education, the state board of education,**
40 **and the chairs of the joint committee on education and the education committees in both**
41 **houses of the legislature. The department of elementary and secondary education shall**
42 **publish the reports on its website.**

161.855. 1. By October 1, 2014, the state board of education shall convene work groups
2 composed of education professionals to develop and recommend academic performance
3 standards. The work groups shall be composed of individuals as provided in section 160.514.
4 The state board of education and the work groups shall follow the procedures and conduct the

5 public hearings required by section 160.514. The state board of education shall convene separate
6 work groups for the following subject areas: English language arts; mathematics; science; and
7 history and governments. For each of these four subject areas, the state board of education shall
8 convene two separate work groups, one work group for grades kindergarten through five and
9 another work group for grades six through twelve. **The two groups shall coordinate to ensure**
10 **seamless transition of the grade-level expectations.**

11 **2. Work groups established under subsection 1 of this section shall meet at least**
12 **monthly. If a quorum is not reached for a meeting, a majority of the work group members**
13 **may work as a subcommittee; except that, a quorum shall be present for any vote to occur.**
14 **If a specific member misses more than four meetings within a six-month period, the**
15 **member may be removed from the work group by a simple majority vote of the work**
16 **group. If a member is so dismissed, he or she shall be replaced within thirty days of**
17 **dismissal with a new member appointed by the original appointing entity. Work group**
18 **members shall be reimbursed by the department of elementary and secondary education**
19 **for travel expenses, including overnight accommodations, meals, and mileage**
20 **reimbursement, using the state per-diem formula if the work group meets for a minimum**
21 **of six hours. The department of elementary and secondary education shall reimburse a**
22 **school district for the cost of a substitute teacher and a teacher's daily pay if a work group**
23 **member is required to miss a school day to attend a work group meeting.**

24 **3. Work groups may establish as many grade-level expectations as believed**
25 **necessary for each grade level. Work groups shall meet with and collaborate with other**
26 **work groups of the same grade level in order to ensure alignment of grade-level**
27 **expectations.**

28 **4. The work groups shall develop and recommend academic performance standards to**
29 **the state board of education [by October 1, 2015]. The work groups shall report on their progress**
30 **in developing the academic performance standards to the president pro tempore of the senate and**
31 **the speaker of the house of representatives on a monthly basis.**

32 **[3-] 5. Before making any recommendations as to grade-level expectations or**
33 **academic performance standards, the work groups shall ensure that any standards**
34 **developed or recommendations made are:**

35 **(1) In compliance with the show-me standards approved by the state board of**
36 **education;**

37 **(2) Age appropriate and developmentally appropriate;**

38 **(3) Clearly organized and worded for public consumption; and**

39 **(4) Aimed at promoting the general diffusion of knowledge and intelligence for the**
40 **preservation of the rights and liberties of the people.**

41 **6.** The state board of education shall adopt and **the department of elementary and**
42 **secondary education shall** implement, **as written and available in the public domain,**
43 academic performance standards **developed and recommended by the work groups under**
44 **subsection 4 of this section** beginning in the 2016-17 school year. **If the state board of**
45 **education declines to adopt such standards, the board shall provide suggestions for**
46 **improvement to the work groups.** The state board of education shall align the statewide
47 assessment system to the academic performance standards as needed.

48 ~~[4. The department of elementary and secondary education shall pilot assessments from~~
49 ~~the Smarter Balanced Assessment Consortium during the 2014-15 school year. Notwithstanding~~
50 ~~any rules adopted by the state board of education or the department of elementary and secondary~~
51 ~~education in place on August 28, 2014, for the 2014-15 school year, and]~~ 7. At any time the
52 state board of education or the department of elementary and secondary education ~~[implements]~~
53 **plans to implement** a new statewide assessment system, ~~[develops]~~ **develop** new academic
54 performance standards, or ~~[makes]~~ **make** changes to the Missouri school improvement program,
55 **before any decision of the board, a study shall be conducted to evaluate the**
56 **constitutionality of the change, perform a cost-benefit analysis, and assess the validity of**
57 **the system, the results of which shall be reported for action by the joint committee on**
58 **education and the house budget and senate appropriations committees.** The first year of
59 such statewide assessment system and performance indicators shall be utilized as a pilot year for
60 the purposes of calculating a district's annual performance report under the Missouri school
61 improvement program. The results of a statewide pilot shall not be used to lower a public school
62 district's accreditation or for a teacher's evaluation. **If the rating on a school performance**
63 **report is affected by the number of parents and adult students who excuse students from**
64 **taking a statewide summative assessment as provided by this section, the department of**
65 **elementary and secondary education shall include on the school performance report:**

66 **(1) An indication that the rating was affected by a federal law requirement;**
67 **(2) A brief explanation of the federal law requirement that affected the rating; and**
68 **(3) The rating that the school would have received if not for the federal law**
69 **requirement.**

70 ~~[5-]~~ **8.** Any person performing work for a school district or charter school for which
71 teacher certification or administrator certification is regularly required under the laws relating
72 to the certification of teachers or administrators shall be an employee of the school district or
73 charter school. All evaluations of any such person shall be maintained in the teacher's or
74 administrator's personnel file and shall not be shared with any state or federal agency.

75 **9. Notwithstanding any other provision of law, in the event either the department**
76 **of elementary and secondary education or the state board of education elects to change the**

77 way grade-level expectations are used by school districts, the department and board shall
78 be required to obtain approval of any such change by the senate and the house of
79 representatives during the next regular legislative session. No changes shall be made
80 during the legislative interim. Any violation of this subsection shall result in a funding
81 hold until a joint committee is appointed by the senate and the house of representatives to
82 conduct a public hearing on any proposed change.

✓