

SECOND REGULAR SESSION

HOUSE BILL NO. 2828

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MORRIS.

6883H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.518, 160.545, 161.092, and 163.023, RSMo, and to enact in lieu thereof four new sections relating to the state board of education, with a penalty provision.

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

Section A. Sections 160.518, 160.545, 161.092, and 163.023, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 160.518, 160.545, 161.092,
3 and 163.023, to read as follows:

160.518. 1. Consistent with the provisions contained in section 160.526, the state board
2 of education shall develop, modify, and revise, as necessary, a statewide assessment system that
3 provides maximum flexibility for local school districts to determine the degree to which students
4 in the public schools of the state are proficient in the knowledge, skills, and competencies
5 adopted by such board pursuant to section 160.514. The statewide assessment system shall
6 assess problem solving, analytical ability, evaluation, creativity, and application ability in the
7 different content areas and shall be performance-based to identify what students know, as well
8 as what they are able to do, and shall enable teachers to evaluate actual academic performance.
9 The statewide assessment system shall neither promote nor prohibit rote memorization and shall
10 not include existing versions of tests approved for use pursuant to the provisions of section
11 160.257, nor enhanced versions of such tests. After the state board of education adopts and
12 implements academic performance standards as required under section 161.855, the state board
13 of education shall develop and adopt a standardized assessment instrument under this section
14 based on the academic performance standards adopted under section 161.855. The statewide
15 assessment system shall measure, where appropriate by grade level, a student's knowledge of

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 academic subjects including, but not limited to, reading skills, writing skills, mathematics skills,
17 world and American history, forms of government, geography and science.

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

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

30 4. For any school that meets the criteria established by the state board of education for
31 three successive school years pursuant to the provisions of subsection 3 of this section, by
32 August first following the third such school year, the commissioner of education shall present
33 a plan to the superintendent of the school district in which such school is located for the waiver
34 of rules and regulations to promote flexibility in the operations of the school and to enhance and
35 encourage efficiency in the delivery of instructional services. The provisions of other law to the
36 contrary notwithstanding, the plan presented to the superintendent shall provide a summary
37 waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257[,] in
38 the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall
39 detail a means for the waiver of requirements otherwise imposed on the school related to the
40 authority of the state board of education to classify school districts pursuant to subdivision [(9)]
41 **(8)** of section 161.092 and such other rules and regulations as determined by the commissioner
42 of education, excepting such waivers shall be confined to the school and not other schools in the
43 district unless such other schools meet the criteria established by the state board of education
44 consistent with subsection 3 of this section and the waivers shall not include the requirements
45 contained in this section and section 160.514. Any waiver provided to any school as outlined
46 in this subsection shall be void on June thirtieth of any school year in which the school fails to
47 meet the criteria established by the state board of education consistent with subsection 3 of this
48 section.

49 5. The score on any assessment test developed pursuant to this section or this chapter of
50 any student for whom English is a second language shall not be counted until such time as such

51 student has been educated for three full school years in a school in this state, or in any other state,
52 in which English is the primary language.

53 6. The state board of education shall identify or, if necessary, establish one or more
54 developmentally appropriate alternate assessments for students who receive special educational
55 services, as that term is defined pursuant to section 162.675. In the development of such
56 alternate assessments, the state board shall establish an advisory panel consisting of a majority
57 of active special education teachers residing in Missouri and other education professionals as
58 appropriate to research available assessment options. The advisory panel shall attempt to
59 identify preexisting developmentally appropriate alternate assessments but shall, if necessary,
60 develop alternate assessments and recommend one or more alternate assessments for adoption
61 by the state board. The state board shall consider the recommendations of the advisory council
62 in establishing such alternate assessment or assessments. Any student who receives special
63 educational services, as that term is defined pursuant to section 162.675, shall be assessed by an
64 alternate assessment established pursuant to this subsection upon a determination by the student's
65 individualized education program team that such alternate assessment is more appropriate to
66 assess the student's knowledge, skills and competencies than the assessment developed pursuant
67 to subsection 1 of this section. The alternate assessment shall evaluate the student's independent
68 living skills, which include how effectively the student addresses common life demands and how
69 well the student meets standards for personal independence expected for someone in the student's
70 age group, sociocultural background, and community setting.

71 7. The state board of education shall also develop recommendations regarding alternate
72 assessments for any military dependent who relocates to Missouri after the commencement of
73 a school term, in order to accommodate such student while ensuring that he or she is proficient
74 in the knowledge, skills, and competencies adopted under section 160.514.

160.545. 1. There is hereby established within the department of elementary and
2 secondary education the "A+ Schools Program" to be administered by the commissioner of
3 education. The program shall consist of grant awards made to public secondary schools that
4 demonstrate a commitment to ensure that:

5 (1) All students be graduated from school;

6 (2) All students complete a selection of high school studies that is challenging and for
7 which there are identified learning expectations; and

8 (3) All students proceed from high school graduation to a college or postsecondary
9 vocational or technical school or high-wage job with work place skill development opportunities.

10 2. The state board of education shall promulgate rules and regulations for the approval
11 of grants made under the program to schools that:

12 (1) Establish measurable districtwide performance standards for the goals of the program
13 outlined in subsection 1 of this section; and

14 (2) Specify the knowledge, skills and competencies, in measurable terms, that students
15 must demonstrate to successfully complete any individual course offered by the school, and any
16 course of studies which will qualify a student for graduation from the school; and

17 (3) Do not offer a general track of courses that, upon completion, can lead to a high
18 school diploma; and

19 (4) Require rigorous coursework with standards of competency in basic academic
20 subjects for students pursuing vocational and technical education as prescribed by rule and
21 regulation of the state board of education; and

22 (5) Have a partnership plan developed in cooperation and with the advice of local
23 business persons, labor leaders, parents, and representatives of college and postsecondary
24 vocational and technical school representatives, with the plan then approved by the local board
25 of education. The plan shall specify a mechanism to receive information on an annual basis from
26 those who developed the plan in addition to senior citizens, community leaders, and teachers to
27 update the plan in order to best meet the goals of the program as provided in subsection 1 of this
28 section. Further, the plan shall detail the procedures used in the school to identify students that
29 may drop out of school and the intervention services to be used to meet the needs of such
30 students. The plan shall outline counseling and mentoring services provided to students who will
31 enter the work force upon graduation from high school, address apprenticeship and intern
32 programs, and shall contain procedures for the recruitment of volunteers from the community
33 of the school to serve in schools receiving program grants.

34 3. A school district may participate in the program irrespective of its accreditation
35 classification by the state board of education, provided it meets all other requirements.

36 4. By rule and regulation, the state board of education may determine a local school
37 district variable fund match requirement in order for a school or schools in the district to receive
38 a grant under the program. However, no school in any district shall receive a grant under the
39 program unless the district designates a salaried employee to serve as the program coordinator,
40 with the district assuming a minimum of one-half the cost of the salary and other benefits
41 provided to the coordinator. Further, no school in any district shall receive a grant under the
42 program unless the district makes available facilities and services for adult literacy training as
43 specified by rule of the state board of education.

44 5. For any school that meets the requirements for the approval of the grants authorized
45 by this section and specified in subsection 2 of this section for three successive school years, by
46 August first following the third such school year, the commissioner of education shall present
47 a plan to the superintendent of the school district in which such school is located for the waiver

48 of rules and regulations to promote flexibility in the operations of the school and to enhance and
49 encourage efficiency in the delivery of instructional services in the school. The provisions of
50 other law to the contrary notwithstanding, the plan presented to the superintendent shall provide
51 a summary waiver, with no conditions, for the pupil testing requirements pursuant to section
52 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the
53 plan shall detail a means for the waiver of requirements otherwise imposed on the school related
54 to the authority of the state board of education to classify school districts pursuant to subdivision
55 [(9)] (8) of section 161.092 and such other rules and regulations as determined by the
56 commissioner of education, except such waivers shall be confined to the school and not other
57 schools in the school district unless such other schools meet the requirements of this subsection.
58 However, any waiver provided to any school as outlined in this subsection shall be void on June
59 thirtieth of any school year in which the school fails to meet the requirements for the approval
60 of the grants authorized by this section as specified in subsection 2 of this section.

61 6. For any school year, grants authorized by subsections 1, 2, and 4 of this section shall
62 be funded with the amount appropriated for this program, less those funds necessary to reimburse
63 eligible students pursuant to subsection 7 of this section.

64 7. The department of higher education shall, by rule, establish a procedure for the
65 reimbursement of the cost of tuition, books and fees to any public community college or
66 vocational or technical school or within the limits established in subsection 9 of this section for
67 any two-year private vocational or technical school for any student:

68 (1) Who has attended a public high school in the state for at least three years immediately
69 prior to graduation that meets the requirements of subsection 2 of this section; except that,
70 students who are active duty military dependents, and students who are dependants of retired
71 military who relocate to Missouri within one year of the date of the parent's retirement from
72 active duty, who, in the school year immediately preceding graduation, meet all other
73 requirements of this subsection and are attending a school that meets the requirements of
74 subsection 2 of this section shall be exempt from the three-year attendance requirement of this
75 subdivision; and

76 (2) Who has made a good faith effort to first secure all available federal sources of
77 funding that could be applied to the reimbursement described in this subsection; and

78 (3) Who has earned a minimal grade average while in high school as determined by rule
79 of the department of higher education, and other requirements for the reimbursement authorized
80 by this subsection as determined by rule and regulation of the department; and

81 (4) Who is a citizen or permanent resident of the United States.

82 8. The commissioner of education shall develop a procedure for evaluating the
83 effectiveness of the program described in this section. Such evaluation shall be conducted

84 annually with the results of the evaluation provided to the governor, speaker of the house, and
85 president pro tempore of the senate.

86 9. For a two-year private vocational or technical school to obtain reimbursements under
87 subsection 7 of this section, the following requirements shall be satisfied:

88 (1) Such two-year private vocational or technical school shall be a member of the North
89 Central Association and be accredited by the Higher Learning Commission as of July 1, 2008,
90 and maintain such accreditation;

91 (2) Such two-year private vocational or technical school shall be designated as a
92 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

93 (3) No two-year private vocational or technical school shall receive tuition
94 reimbursements in excess of the tuition rate charged by a public community college for course
95 work offered by the private vocational or technical school within the service area of such college;
96 and

97 (4) The reimbursements provided to any two-year private vocational or technical school
98 shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the Missouri
99 Constitution or the first amendment of the United States Constitution.

161.092. 1. The state board of education shall:

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

4 (2) Carry out the educational policies of the state relating to public schools that are
5 provided by law and supervise instruction in the public schools. **For purposes of this**
6 **subdivision, "supervise instruction" shall mean approving the plan of organization for the**
7 **department of elementary and secondary education; adopting policies, rules, and**
8 **regulations reviewed by the joint committee on education for feasibility and fiscal impact;**
9 **reviewing and reporting to the general assembly the educational needs of the state;**
10 **monitoring the condition, management, and performance of programs under the direction**
11 **of the state board of education; generating reports of findings as required under**
12 **subdivision (9) of this subsection; passing on appeals made from the decisions of the**
13 **commissioner; formally reviewing and voting on grant applications developed by the**
14 **department of elementary and secondary education and the department of higher**
15 **education that are reviewed by the joint committee on education; and evaluating programs**
16 **under the direction of the department of elementary and secondary education;**

17 (3) Direct the investment of, **and report to the house appropriations committee,** all
18 moneys received by the state to be applied to the capital of any permanent fund established for
19 the support of public education within the jurisdiction of the department of elementary and
20 secondary education and see that the funds are applied to the branches of educational interest of

21 the state that by grant, gift, devise or law they were originally intended, and if necessary institute
22 suit for and collect the funds and return them to their legitimate channels;

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

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

29 [(6)] (5) Provide blanks suitable for use by officials in reporting the information required
30 by the board;

31 [(7)] (6) When conditions demand, cause the laws relating to schools to be published in
32 a separate volume, with pertinent notes and comments, for the guidance of those charged with
33 the execution of the laws;

34 [(8)] (7) Grant, without fee except as provided in section 168.021, certificates of
35 qualification and licenses to teach in any of the public schools of the state, establish requirements
36 therefor, formulate regulations governing the issuance thereof, and cause the certificates to be
37 revoked for the reasons and in the manner provided in section 168.071;

38 [(9)] (8) Classify the public schools of the state, subject to limitations provided by law
39 and subdivision [(14)] (11) of this [section] **subsection**, establish requirements for the schools
40 of each class, and formulate rules governing the inspection and accreditation of schools
41 preparatory to classification, with such requirements taking effect not less than two years from
42 the date of adoption of the proposed rule by the state board of education[, provided that this
43 condition shall not apply to any requirement for which a time line for adoption is mandated in
44 either federal or state law]. Such rules shall include a process to allow any district that is
45 accredited without provision that does not meet the state board's promulgated criteria for a
46 classification designation of accredited with distinction to propose alternative criteria to the state
47 board to be classified as accredited with distinction;

48 [(10)] (9) Make an annual report on or before the first Wednesday after the first day of
49 January to the general assembly **and announce its availability and the highlights of the**
50 **report, including identification and purpose of substantive grants, into the minutes of the**
51 **house of representatives and the senate** or, when it is not in session, to the governor for
52 publication and transmission to **all members of** the general assembly. The report shall be for
53 the last preceding school year, and shall include:

54 (a) A statement of the number of public schools in the state, the number of pupils
55 attending the schools, [their sex, and the branches taught] **and a breakdown of categorical**
56 **groups required by public funding sources;**

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

59 (c) A **comprehensive budget that is published for public review on the website of**
60 **the department of elementary and secondary education and that includes a** statement of the
61 receipts and disbursements of public school funds of every description, their sources, and the
62 purposes for which they were disbursed;

63 (d) Suggestions for the improvement of public schools; [and]

64 (e) [Any other information relative to the educational interests of the state that the law
65 requires or the board deems important] **A table of changes in federal education laws and**
66 **regulations and state and federal judicial rulings that directly affect the management of**
67 **public schools;**

68 [(11) Make an annual report to the general assembly and the governor] **(f) Information**
69 concerning coordination with other agencies and departments of government that support family
70 literacy programs and other services which influence educational attainment of children of all
71 ages; **and**

72 [(12) Require] **(g) A report** from the chief officer of each division of the department
73 of elementary and secondary education[, on or before the thirty-first day of August of each year,
74 reports] containing **an organizational chart labeling all job positions within the department,**
75 **description of responsibilities associated with each type of position, funding source or**
76 **sources for those positions, and other** information the board deems important [and desires for
77 publication];

78 [(13)] **(10) Cause** [fifty copies of its] **the** annual report to be [reserved for the use of each
79 division of the state] **available in its entirety on the website of the** department of elementary
80 and secondary education, and ten copies for preservation in the state library;

81 [(14)] **(11) Promulgate** rules under which the board shall classify the public schools of
82 the state; provided that the appropriate scoring guides, instruments, and procedures used in
83 determining the accreditation status of a district shall be subject to a public meeting upon notice
84 **on the website of the department of elementary and secondary education for at least ninety**
85 **days and upon notice** in a newspaper of general circulation in each of the three most populous
86 cities in the state and also a newspaper that is a certified minority business enterprise or
87 woman-owned business enterprise in each of the two most populous cities in the state, and notice
88 to each district board of education, each superintendent of a school district, and to the speaker
89 of the house of representatives, the president pro tem of the senate, and the members of the joint
90 committee on education, at least fourteen days in advance of the meeting, which shall be
91 conducted by the department of elementary and secondary education not less than ninety days

92 prior to their application in accreditation, with all comments received to be reported to the state
93 board of education;

94 [(15)] (12) Have other powers and duties prescribed by state law;

95 (13) Provide accurate and documented testimony during all communications with
96 members of the legislature and legislative committees upon request; and

97 (14) Broadcast in real time, through a video recording, all state board of education
98 meetings; post on the website of the department of elementary and secondary education,
99 unedited, all video recordings of the state board of education meetings; and archive such
100 video recordings and provide printed transcripts to any individual within forty-eight hours
101 of receiving a written request. The department of elementary and secondary education
102 shall not require members of the public to create an account, register, or provide any
103 personally identifiable information in order to view such video recordings. The
104 department of elementary and secondary education shall not collect, retain, sell, or
105 otherwise use or make publicly accessible personally identifiable information of any
106 member of the public viewing any such video recording.

107 2. Any state board of education member, officer, or employee who willfully neglects
108 or refuses to perform any duty imposed by state law or who willfully violates any provision
109 of this chapter is guilty of a misdemeanor and on conviction shall be punished by a fine of
110 not more than five thousand dollars or by imprisonment in the county jail not to exceed
111 one year.

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

17 pursuant to the provisions of section 160.518 when classifying a school district as authorized by
18 subdivision [(9)] **(8)** of section 161.092. Further, the state board of education shall consider the
19 condition and adequacy of facilities of a school district when determining such classification.

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

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