

SENATE BILL NO. 1006

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

4262S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 160.400, 160.425, 160.518, 160.522, 161.092, and 163.042, RSMo, and to enact in lieu thereof seven 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 160.400, 160.425, 160.518, 160.522,
2 161.092, and 163.042, RSMo, are repealed and seven new sections
3 enacted in lieu thereof, to be known as sections 160.400,
4 160.422, 160.425, 160.518, 160.522, 161.092, and 163.201, to
5 read as follows:

160.400. 1. A charter school is an independent public
2 school.

3 2. [Except as further provided in subsection 4 of this
4 section,] Charter schools may be operated only:

5 (1) In a metropolitan school district;

6 (2) In an urban school district containing most or all
7 of a city with a population greater than three hundred fifty
8 thousand inhabitants;

9 (3) In a school district that has been classified as
10 unaccredited by the state board of education;

11 (4) In a school district that has been classified as
12 provisionally accredited by the state board of education and
13 has received scores on its annual performance report
14 consistent with a classification of provisionally accredited
15 or unaccredited for three consecutive school years beginning

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 with the 2012-13 accreditation year under the following
17 conditions:

18 (a) The eligibility for charter schools of any school
19 district whose provisional accreditation is based in whole
20 or in part on financial stress as defined in sections
21 161.520 to 161.529, or on financial hardship as defined by
22 rule of the state board of education, shall be decided by a
23 vote of the state board of education during the third
24 consecutive school year after the designation of provisional
25 accreditation; and

26 (b) The sponsor is limited to the local school board
27 or a sponsor who has met the standards of accountability and
28 performance as determined by the department based on
29 sections 160.400 to 160.425 and section 167.349 and properly
30 promulgated rules of the department; [or]

31 (5) **In a school district located in any county with
32 more than one hundred fifty thousand but fewer than two
33 hundred thousand inhabitants;**

34 (6) **In a school district located in any county with
35 more than four hundred thousand but fewer than five hundred
36 thousand inhabitants; or**

37 (7) In a school district that has been accredited
38 without provisions, sponsored only by the local school
39 board; provided that no board with a current year enrollment
40 of one thousand five hundred fifty students or greater shall
41 permit more than thirty-five percent of its student
42 enrollment to enroll in charter schools sponsored by the
43 local board under the authority of this subdivision, except
44 that this restriction shall not apply to any school district
45 that subsequently becomes eligible under subdivision (3) or
46 (4) of this subsection or to any district accredited without
47 provisions that sponsors charter schools prior to having a

48 current year student enrollment of one thousand five hundred
49 fifty students or greater.

50 3. [Except as further provided in subsection 4 of this
51 section,] The following entities are eligible to sponsor
52 charter schools:

53 (1) The school board of the district in any district
54 which is sponsoring a charter school as of August 27, 2012,
55 as permitted under subdivision (1) or (2) of subsection 2 of
56 this section, the special administrative board of a
57 metropolitan school district during any time in which powers
58 granted to the district's board of education are vested in a
59 special administrative board, or if the state board of
60 education appoints a special administrative board to retain
61 the authority granted to the board of education of an urban
62 school district containing most or all of a city with a
63 population greater than three hundred fifty thousand
64 inhabitants, the special administrative board of such school
65 district;

66 (2) A public four-year college or university with an
67 approved teacher education program that meets regional or
68 national standards of accreditation;

69 (3) A community college, the service area of which
70 encompasses some portion of the district;

71 (4) Any private four-year college or university with
72 an enrollment of at least one thousand students, with its
73 primary campus in Missouri, and with an approved teacher
74 preparation program;

75 (5) Any two-year private vocational or technical
76 school designated as a 501(c)(3) nonprofit organization
77 under the Internal Revenue Code of 1986, as amended, and
78 accredited by the Higher Learning Commission, with its
79 primary campus in Missouri;

80 (6) The Missouri charter public school commission
81 created in section 160.425.

82 4. [Changes in a school district's accreditation
83 status that affect charter schools shall be addressed as
84 follows, except for the districts described in subdivisions
85 (1) and (2) of subsection 2 of this section:

86 (1) As a district transitions from unaccredited to
87 provisionally accredited, the district shall continue to
88 fall under the requirements for an unaccredited district
89 until it achieves three consecutive full school years of
90 provisional accreditation;

91 (2) As a district transitions from provisionally
92 accredited to full accreditation, the district shall
93 continue to fall under the requirements for a provisionally
94 accredited district until it achieves three consecutive full
95 school years of full accreditation;

96 (3) In any school district classified as unaccredited
97 or provisionally accredited where a charter school is
98 operating and is sponsored by an entity other than the local
99 school board, when the school district becomes classified as
100 accredited without provisions, a charter school may continue
101 to be sponsored by the entity sponsoring it prior to the
102 classification of accredited without provisions and shall
103 not be limited to the local school board as a sponsor.

104 A charter school operating in a school district identified
105 in subdivision (1) or (2) of subsection 2 of this section
106 may be sponsored by any of the entities identified in
107 subsection 3 of this section, irrespective of the
108 accreditation classification of the district in which it is
109 located. A charter school in a district described in this
110 subsection whose charter provides for the addition of grade

111 levels in subsequent years may continue to add levels until
112 the planned expansion is complete to the extent of grade
113 levels in comparable schools of the district in which the
114 charter school is operated.

115 5. The mayor of a city not within a county may request
116 a sponsor under subdivision (2), (3), (4), (5), or (6) of
117 subsection 3 of this section to consider sponsoring a
118 "workplace charter school", which is defined for purposes of
119 sections 160.400 to 160.425 as a charter school with the
120 ability to target prospective students whose parent or
121 parents are employed in a business district, as defined in
122 the charter, which is located in the city.

123 6.] No sponsor shall receive from an applicant for a
124 charter school any fee of any type for the consideration of
125 a charter, nor may a sponsor condition its consideration of
126 a charter on the promise of future payment of any kind.

127 [7.] 5. The charter school shall be organized as a
128 Missouri nonprofit corporation incorporated pursuant to
129 chapter 355. The charter provided for herein shall
130 constitute a contract between the sponsor and the charter
131 school.

132 [8.] 6. As a nonprofit corporation incorporated
133 pursuant to chapter 355, the charter school shall select the
134 method for election of officers pursuant to section 355.326
135 based on the class of corporation selected. Meetings of the
136 governing board of the charter school shall be subject to
137 the provisions of sections 610.010 to 610.030.

138 [9.] 7. A sponsor of a charter school, its agents and
139 employees are not liable for any acts or omissions of a
140 charter school that it sponsors, including acts or omissions
141 relating to the charter submitted by the charter school, the

142 operation of the charter school and the performance of the
143 charter school.

144 [10.] 8. A charter school may affiliate with a four-
145 year college or university, including a private college or
146 university, or a community college as otherwise specified in
147 subsection 3 of this section when its charter is granted by
148 a sponsor other than such college, university or community
149 college. Affiliation status recognizes a relationship
150 between the charter school and the college or university for
151 purposes of teacher training and staff development,
152 curriculum and assessment development, use of physical
153 facilities owned by or rented on behalf of the college or
154 university, and other similar purposes. A university,
155 college or community college may not charge or accept a fee
156 for affiliation status.

157 [11.] 9. The expenses associated with sponsorship of
158 charter schools shall be defrayed by the department of
159 elementary and secondary education retaining one and five-
160 tenths percent of the amount of state and local funding
161 allocated to the charter school under section 160.415, not
162 to exceed one hundred twenty-five thousand dollars, adjusted
163 for inflation. The department of elementary and secondary
164 education shall remit the retained funds for each charter
165 school to the school's sponsor, provided the sponsor remains
166 in good standing by fulfilling its sponsorship obligations
167 under sections 160.400 to 160.425 and 167.349 with regard to
168 each charter school it sponsors, including appropriate
169 demonstration of the following:

170 (1) Expends no less than ninety percent of its charter
171 school sponsorship funds in support of its charter school
172 sponsorship program, or as a direct investment in the
173 sponsored schools;

174 (2) Maintains a comprehensive application process that
175 follows fair procedures and rigorous criteria and grants
176 charters only to those developers who demonstrate strong
177 capacity for establishing and operating a quality charter
178 school;

179 (3) Negotiates contracts with charter schools that
180 clearly articulate the rights and responsibilities of each
181 party regarding school autonomy, expected outcomes, measures
182 for evaluating success or failure, performance consequences
183 based on the annual performance report, and other material
184 terms;

185 (4) Conducts contract oversight that evaluates
186 performance, monitors compliance, informs intervention and
187 renewal decisions, and ensures autonomy provided under
188 applicable law; and

189 (5) Designs and implements a transparent and rigorous
190 process that uses comprehensive data to make merit-based
191 renewal decisions.

192 [12.] 10. Sponsors receiving funds under subsection
193 [11] 9 of this section shall be required to submit annual
194 reports to the joint committee on education demonstrating
195 they are in compliance with subsection [17] 15 of this
196 section.

197 [13.] 11. No university, college or community college
198 shall grant a charter to a nonprofit corporation if an
199 employee of the university, college or community college is
200 a member of the corporation's board of directors.

201 [14.] 12. No sponsor shall grant a charter under
202 sections 160.400 to 160.425 and 167.349 without ensuring
203 that a criminal background check and family care safety
204 registry check are conducted for all members of the
205 governing board of the charter schools or the incorporators

206 of the charter school if initial directors are not named in
207 the articles of incorporation, nor shall a sponsor renew a
208 charter without ensuring a criminal background check and
209 family care safety registry check are conducted for each
210 member of the governing board of the charter school.

211 [15.] 13. No member of the governing board of a
212 charter school shall hold any office or employment from the
213 board or the charter school while serving as a member, nor
214 shall the member have any substantial interest, as defined
215 in section 105.450, in any entity employed by or contracting
216 with the board. No board member shall be an employee of a
217 company that provides substantial services to the charter
218 school. All members of the governing board of the charter
219 school shall be considered decision-making public servants
220 as defined in section 105.450 for the purposes of the
221 financial disclosure requirements contained in sections
222 105.483, 105.485, 105.487, and 105.489.

223 [16.] 14. A sponsor shall develop the policies and
224 procedures for:

225 (1) The review of a charter school proposal including
226 an application that provides sufficient information for
227 rigorous evaluation of the proposed charter and provides
228 clear documentation that the education program and academic
229 program are aligned with the state standards and grade-level
230 expectations, and provides clear documentation of effective
231 governance and management structures, and a sustainable
232 operational plan;

233 (2) The granting of a charter;

234 (3) The performance contract that the sponsor will use
235 to evaluate the performance of charter schools. Charter
236 schools shall meet current state academic performance

237 standards as well as other standards agreed upon by the
238 sponsor and the charter school in the performance contract;

239 (4) The sponsor's intervention, renewal, and
240 revocation policies, including the conditions under which
241 the charter sponsor may intervene in the operation of the
242 charter school, along with actions and consequences that may
243 ensue, and the conditions for renewal of the charter at the
244 end of the term, consistent with subsections 8 and 9 of
245 section 160.405;

246 (5) Additional criteria that the sponsor will use for
247 ongoing oversight of the charter; and

248 (6) Procedures to be implemented if a charter school
249 should close, consistent with the provisions of subdivision
250 (15) of subsection 1 of section 160.405.

251 The department shall provide guidance to sponsors in
252 developing such policies and procedures.

253 [17.] 15. (1) A sponsor shall provide timely
254 submission to the state board of education of all data
255 necessary to demonstrate that the sponsor is in material
256 compliance with all requirements of sections 160.400 to
257 160.425 and section 167.349. The state board of education
258 shall ensure each sponsor is in compliance with all
259 requirements under sections 160.400 to 160.425 and 167.349
260 for each charter school sponsored by any sponsor. The state
261 board shall notify each sponsor of the standards for
262 sponsorship of charter schools, delineating both what is
263 mandated by statute and what best practices dictate. The
264 state board shall evaluate sponsors to determine compliance
265 with these standards every three years. The evaluation
266 shall include a sponsor's policies and procedures in the
267 areas of charter application approval; required charter

268 agreement terms and content; sponsor performance evaluation
269 and compliance monitoring; and charter renewal,
270 intervention, and revocation decisions. Nothing shall
271 preclude the department from undertaking an evaluation at
272 any time for cause.

273 (2) If the department determines that a sponsor is in
274 material noncompliance with its sponsorship duties, the
275 sponsor shall be notified and given reasonable time for
276 remediation. If remediation does not address the compliance
277 issues identified by the department, the commissioner of
278 education shall conduct a public hearing and thereafter
279 provide notice to the charter sponsor of corrective action
280 that will be recommended to the state board of education.
281 Corrective action by the department may include withholding
282 the sponsor's funding and suspending the sponsor's authority
283 to sponsor a school that it currently sponsors or to sponsor
284 any additional school until the sponsor is reauthorized by
285 the state board of education under section 160.403.

286 (3) The charter sponsor may, within thirty days of
287 receipt of the notice of the commissioner's recommendation,
288 provide a written statement and other documentation to show
289 cause as to why that action should not be taken. Final
290 determination of corrective action shall be determined by
291 the state board of education based upon a review of the
292 documentation submitted to the department and the charter
293 sponsor.

294 (4) If the state board removes the authority to
295 sponsor a currently operating charter school under any
296 provision of law, the Missouri charter public school
297 commission shall become the sponsor of the school.

298 **[18.] 16.** If a sponsor notifies a charter school of
299 closure under subsection 8 of section 160.405, the

300 department of elementary and secondary education shall
301 exercise its financial withholding authority under
302 subsection 12 of section 160.415 to assure all obligations
303 of the charter school shall be met. The state, charter
304 sponsor, or resident district shall not be liable for any
305 outstanding liability or obligations of the charter school.

160.422. 1. Any city not within a county shall not
2 adopt, enforce, impose, or administer an ordinance, local
3 policy, or local resolution that prohibits property sold,
4 leased, or transferred by the city not within a county from
5 being used for any lawful educational purpose by a charter
6 school.

7 2. Any city not within a county shall not impose,
8 enforce, or apply any deed restriction that expressly, or by
9 its operation, prohibits property sold, leased, or
10 transferred by the city not within a county from being used
11 for any lawful educational purpose by a charter school. Any
12 deed restriction or affirmative use deed restriction that
13 affirmatively allows for only one or more specified uses or
14 purposes that do not include any educational use or purpose
15 is prohibited under this section. Any deed restriction or
16 affirmative use deed restriction in effect on the effective
17 date of this section that prohibits or does not permit
18 property previously used for any educational purpose from
19 being used for any future educational purpose is void.

20 3. If any city not within a county offers property of
21 the city not within a county for sale, lease, or rent, the
22 city not within a county shall not refuse to sell, lease, or
23 rent the property to a charter school solely because the
24 charter school intends to use the property for an
25 educational purpose, if the intent of the charter school is
26 to use the property for a lawful educational purpose. If

27 **the city not within a county offers property of the city not**
28 **within a county for sale, lease, or rent, the city not**
29 **within a county is not required to sell, lease, or rent the**
30 **property to a charter school solely because the charter**
31 **school intends to use the property for an educational**
32 **purpose.**

33 **4. Any ordinance, policy, regulation, deed, or**
34 **contract made in violation of this section shall be void**
35 **from its inception.**

160.425. 1. The "Missouri Charter Public School
2 Commission" is hereby created with the authority to sponsor
3 high quality charter schools throughout the state of
4 Missouri.

5 2. The commission shall consist of nine members
6 appointed by the governor, by and with the advice and
7 consent of the senate. No more than five of the members
8 shall be of the same political party. No more than two
9 members shall be from the same congressional district. The
10 term of office of each member shall be four years, except
11 those of the members first appointed, of which three shall
12 be appointed for a term of one year, two for a term of two
13 years, two for a term of three years, and two for a term of
14 four years. At the expiration of the term of each member,
15 the governor, by and with the advice and consent of the
16 senate, shall appoint a successor.

17 3. The appointees to the commission shall be selected
18 as follows:

19 (1) One member selected by the governor from a slate
20 of three recommended by the commissioner of education;

21 (2) One member selected by the governor from a slate
22 of three recommended by the commissioner of higher education;

23 (3) One member selected by the governor from a slate
24 of three recommended by the president pro tempore of the
25 senate;

26 (4) One member selected by the governor from a slate
27 of three recommended by the speaker of the house of
28 representatives; and

29 (5) Five additional members appointed by the governor,
30 one of whom shall be selected from a slate of three nominees
31 recommended by the Missouri School Boards Association.

32 4. Members appointed to the commission shall
33 collectively possess strong experience and expertise in
34 governance, management and finance, school leadership,
35 assessment, curriculum and instruction, and education law.
36 All members of the commission shall have demonstrated
37 understanding of and commitment to charter schooling as a
38 strategy for strengthening public education.

39 5. The commission shall annually elect a chairperson
40 and vice chairperson, who shall act as chairperson in his or
41 her absence. The commission shall meet at the call of the
42 chairperson. The chairperson may call meetings at such
43 times as he or she deems advisable and shall call a meeting
44 when requested to do so by three or more members of the
45 commission. Members of the commission are not eligible to
46 receive compensation.

47 6. The commission may approve proposed charters for
48 its sponsorship under sections 160.400 to 160.425 and shall:

49 (1) Comply with all of the requirements applicable to
50 sponsors under sections 160.400 to 160.425;

51 (2) Exercise sponsorship over charters approved by the
52 commission under sections 160.400 to 160.425, including
53 receipt of sponsorship funding under subsection [11] 9 of
54 section 160.400. Sponsorship funding due to the commission

55 shall be deposited to the credit of the charter public
56 school commission revolving fund created pursuant to this
57 section.

58 7. Charter schools sponsored by the commission shall
59 comply with all of the requirements applicable to charter
60 schools under sections 160.400 to 160.425.

61 8. The commission shall conduct its business in
62 accordance with chapter 610.

63 9. The department of elementary and secondary
64 education shall provide start-up funding for the commission
65 to operate. The commission shall reimburse the department's
66 costs from any funds it receives as sponsor under section
67 160.400.

68 10. The commission is authorized to receive and expend
69 gifts, grants, and donations of any kind from any public or
70 private entity to carry out the purposes of sections 160.400
71 to 160.425, subject to the terms and conditions under which
72 they are given, provided that all such terms and conditions
73 are permissible under law.

74 11. There is hereby created in the state treasury the
75 "Charter Public School Commission Revolving Fund", which
76 shall consist of moneys collected under this section. The
77 state treasurer shall be custodian of the fund. In
78 accordance with sections 30.170 and 30.180, the state
79 treasurer may approve disbursements. Notwithstanding the
80 provisions of section 33.080 to the contrary, any moneys
81 remaining in the fund at the end of the biennium shall not
82 revert to the credit of the general revenue fund. The state
83 treasurer shall invest moneys in the fund in the same manner
84 as other funds are invested. Subject to appropriation,
85 moneys in the fund shall be used solely for the
86 administration of this section.

160.518. 1. Consistent with the provisions contained
2 in section 160.526, the state board of education shall
3 develop, modify, and revise, as necessary, a statewide
4 assessment system that [provides maximum flexibility for
5 local school districts to determine the degree to which
6 students in the public schools of the state are proficient
7 in the knowledge, skills, and competencies adopted by such
8 board pursuant to section 160.514. The statewide assessment
9 system shall assess problem solving, analytical ability,
10 evaluation, creativity, and application ability in the
11 different content areas and shall be performance-based to
12 identify what students know, as well as what they are able
13 to do, and shall enable teachers to evaluate actual academic
14 performance. The statewide assessment system shall neither
15 promote nor prohibit rote memorization and shall not include
16 existing versions of tests approved for use pursuant to the
17 provisions of section 160.257, nor enhanced versions of such
18 tests. After the state board of education adopts and
19 implements academic performance standards as required under
20 section 161.855, the state board of education shall develop
21 and adopt a standardized assessment instrument under this
22 section based on the academic performance standards adopted
23 under section 161.855. The statewide assessment system
24 shall measure, where appropriate by grade level, a student's
25 knowledge of academic subjects including, but not limited
26 to, reading skills, writing skills, mathematics skills,
27 world and American history, forms of government, geography
28 and science] **satisfies the pupil testing mandates in effect**
29 **under the federal Every Student Succeeds Act (P.L. 114-95),**
30 **as amended, for each school year. Results from assessments**
31 **created under this subsection shall be used only for the**
32 **purpose of compliance with the requirements of such federal**

33 law and for no other purpose except for determining
34 performance districts under sections 163.011 and 163.031.
35 Results from such assessments shall not be used to classify
36 school districts and charter schools. As permitted by
37 federal law, the state board of education shall ensure that
38 standardized summative assessments are administered to the
39 minimum extent practicable while still appropriately and
40 effectively assessing the academic achievement of students.

41 2. [The statewide assessment system shall only permit
42 the academic performance of students in each school in the
43 state to be tracked against prior academic performance in
44 the same school] School districts and charter schools shall
45 create local assessment systems in conjunction with
46 teachers, administrators, students, parents, and the
47 community to reflect a complete picture of student
48 learning. The local assessments shall be reflective of
49 statewide academic standards and connected to a rich
50 curriculum and shall evaluate student learning accordingly.

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

65 subsection 4 of this section] **School districts and charter**
66 **schools shall create local assessments and assessment**
67 **systems that are:**

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

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

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

75 (4) **Developed by teachers in consultation with school**
76 **administrators, students, parents, and the community; and**

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

79 4. [For any school that meets the criteria established
80 by the state board of education for three successive school
81 years pursuant to the provisions of subsection 3 of this
82 section, by August first following the third such school
83 year, the commissioner of education shall present a plan to
84 the superintendent of the school district in which such
85 school is located for the waiver of rules and regulations to
86 promote flexibility in the operations of the school and to
87 enhance and encourage efficiency in the delivery of
88 instructional services. The provisions of other law to the
89 contrary notwithstanding, the plan presented to the
90 superintendent shall provide a summary waiver, with no
91 conditions, for the pupil testing requirements pursuant to
92 section 160.257, in the school. Further, the provisions of
93 other law to the contrary notwithstanding, the plan shall
94 detail a means for the waiver of requirements otherwise
95 imposed on the school related to the authority of the state
96 board of education to classify school districts pursuant to

97 subdivision (9) of section 161.092 and such other rules and
98 regulations as determined by the commissioner of education,
99 excepting such waivers shall be confined to the school and
100 not other schools in the district unless such other schools
101 meet the criteria established by the state board of
102 education consistent with subsection 3 of this section and
103 the waivers shall not include the requirements contained in
104 this section and section 160.514. Any waiver provided to
105 any school as outlined in this subsection shall be void on
106 June thirtieth of any school year in which the school fails
107 to meet the criteria established by the state board of
108 education consistent with subsection 3 of this section]

109 **Local assessments and assessment systems shall be developed**
110 **by teachers and school administrators working individually,**
111 **in grade teams, in discipline teams, and including the**
112 **community, including parents and students. School districts**
113 **and charter schools are encouraged to support communities of**
114 **practice and provide the time and resources necessary to**
115 **create these assessments.**

116 5. [The score on any assessment test developed
117 pursuant to this section or this chapter of any student for
118 whom English is a second language shall not be counted until
119 such time as such student has been educated for three full
120 school years in a school in this state, or in any other
121 state, in which English is the primary language.]

122 6.] The state board of education shall identify or, if
123 necessary, establish one or more developmentally appropriate
124 alternate assessments for students who receive special
125 educational services, as that term is defined pursuant to
126 section 162.675. In the development of such alternate
127 assessments, the state board shall establish an advisory
128 panel consisting of a majority of active special education

129 teachers residing in Missouri and other education
130 professionals as appropriate to research available
131 assessment options. The advisory panel shall attempt to
132 identify preexisting developmentally appropriate alternate
133 assessments but shall, if necessary, develop alternate
134 assessments and recommend one or more alternate assessments
135 for adoption by the state board. The state board shall
136 consider the recommendations of the advisory council in
137 establishing such alternate assessment or assessments. Any
138 student who receives special educational services, as that
139 term is defined pursuant to section 162.675, shall be
140 assessed by an alternate assessment established pursuant to
141 this subsection upon a determination by the student's
142 individualized education program team that such alternate
143 assessment is more appropriate to assess the student's
144 knowledge, skills and competencies than the assessment
145 developed pursuant to subsection 1 of this section. The
146 alternate assessment shall evaluate the student's
147 independent living skills, which include how effectively the
148 student addresses common life demands and how well the
149 student meets standards for personal independence expected
150 for someone in the student's age group, sociocultural
151 background, and community setting.

152 [7.] 6. The state board of education shall also
153 develop recommendations regarding alternate assessments for
154 any military dependent who relocates to Missouri after the
155 commencement of a school term, in order to accommodate such
156 student while ensuring that he or she is proficient in the
157 knowledge, skills, and competencies adopted under section
158 160.514.

160.522. 1. [The department of elementary and
2 secondary education shall produce or cause to be produced,

3 at least annually, a school accountability report card for
4 each public school district, each public school building in
5 a school district, and each charter school in the state.

6 The report card shall be designed to satisfy state and
7 federal requirements for the disclosure of statistics about
8 students, staff, finances, academic achievement, and other
9 indicators. The purpose of the report card shall be to
10 provide educational statistics and accountability
11 information for parents, taxpayers, school personnel,
12 legislators, and the print and broadcast news media in a
13 standardized, easily accessible form] **School districts and**

14 **charter schools shall provide public reporting of**
15 **information on an annual basis as provided in this section.**
16 **The school district and charter school reports shall be**
17 **distributed to all media outlets serving the district or**
18 **charter school, and shall be made available to all district**
19 **and charter school patrons, and to the department.**

20 2. [The department of elementary and secondary
21 education shall develop a standard form for the school
22 accountability report card.] The information reported shall
23 include, but not be limited to, the district's [most recent]
24 accreditation [rating] **status**, enrollment, rates of pupil
25 attendance, high school dropout rate and graduation rate,
26 the number and rate of suspensions of ten days or longer and
27 expulsions of pupils, the district **or charter school** ratio
28 of students to administrators and students to classroom
29 teachers, the average years of experience of professional
30 staff and advanced degrees earned, student achievement **and**
31 **growth** as measured through the **statewide and local**
32 assessment [system] **systems** developed pursuant to section
33 160.518, student scores on the ACT, along with the
34 percentage of graduates taking the test, average teachers'

35 and administrators' salaries compared to the state averages,
36 average per-pupil current expenditures for the district **or**
37 **charter school** as a whole and by attendance center as
38 reported to the department of elementary and secondary
39 education, the adjusted tax rate of the district, assessed
40 valuation of the district, percent of the district **or**
41 **charter school** operating budget received from state,
42 federal, and local sources, the percent of students eligible
43 for free or reduced-price lunch, data on the percent of
44 students continuing their education in postsecondary
45 programs, information about the job placement rate for
46 students who complete district **or charter school** vocational
47 education programs, whether the school district **or charter**
48 **school** currently has a state-approved gifted education
49 program, and the percentage and number of students who are
50 currently being served in the district's **or charter school's**
51 state-approved gifted education program.

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

56 4. [The report card shall identify each school or
57 attendance center that has been identified as a priority
58 school under sections 160.720 and 161.092. The report also
59 shall identify attendance centers that have been categorized
60 under federal law as needing improvement or requiring
61 specific school improvement strategies.]

62 5.] The report card shall not limit or discourage
63 other methods of public reporting and accountability by
64 local school districts **and charter schools**. Districts **and**
65 **charter schools** shall provide information included in the
66 report card to parents, community members, **and** the print and

67 broadcast news media[, and legislators] by December first
68 annually or as soon thereafter as the information is
69 available to the district **or charter school**, giving
70 preference to methods that incorporate the reporting into
71 substantive official communications such as student report
72 cards. The school district **or charter school** shall provide
73 a printed copy of the district-level or school-level report
74 card to any patron upon request and shall make reasonable
75 efforts to supply businesses such as, but not limited to,
76 real estate and employment firms with copies or other
77 information about the reports so that parents and businesses
78 from outside the district who may be contemplating
79 relocation have access.

80 [6.] 5. For purposes of completing and distributing
81 the annual report card as prescribed in this section, a
82 school district may include the data from a charter school
83 located within such school district, provided the local
84 board of education or special administrative board for such
85 district and the charter school reach mutual agreement for
86 the inclusion of the data from the charter schools [and the
87 terms of such agreement are approved by the state board of
88 education]. The charter school shall not be required to be a
89 part of the local educational agency of such school district
90 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
3 formulate policies for the guidance of the commissioner of
4 education and the department of elementary and secondary
5 education;

6 (2) Carry out the educational policies of the state
7 relating to public schools that are provided by law and
8 supervise instruction in the public schools;

9 (3) Direct the investment of all moneys received by
10 the state to be applied to the capital of any permanent fund
11 established for the support of public education within the
12 jurisdiction of the department of elementary and secondary
13 education and see that the funds are applied to the branches
14 of educational interest of the state that by grant, gift,
15 devise or law they were originally intended, and if
16 necessary institute suit for and collect the funds and
17 return them to their legitimate channels;

18 (4) Cause to be assembled information which will
19 reflect continuously the condition and management of the
20 public schools of the state;

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

27 (6) Provide blanks suitable for use by officials in
28 reporting the information required by the board;

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

33 (8) Grant, without fee except as provided in section
34 168.021, certificates of qualification and licenses to teach
35 in any of the public schools of the state, establish
36 requirements therefor, formulate regulations governing the
37 issuance thereof, and cause the certificates to be revoked
38 for the reasons and in the manner provided in section
39 168.071;

40 (9) Classify the public schools of the state, subject
41 to limitations provided by law and subdivision (14) of this
42 section, establish requirements for the schools of each
43 class, and formulate rules governing the inspection and
44 accreditation of schools preparatory to classification, with
45 such requirements taking effect not less than two years from
46 the date of adoption of the proposed rule by the state board
47 of education, provided that this condition shall not apply
48 to any requirement for which a time line for adoption is
49 mandated in either federal or state law **nor shall this**
50 **condition apply to accreditation by an approved accrediting**
51 **agency identified under this subdivision.** Such rules shall
52 [include a process to allow any district that is accredited
53 without provision that does not meet the state board's
54 promulgated criteria for a classification designation of
55 accredited with distinction to propose alternative criteria
56 to the state board to be classified as accredited with
57 distinction] **identify and recognize a minimum of two**
58 **national school accreditation agencies from which any**
59 **district may seek to obtain accreditation and specify that**
60 **any district with current accreditation from at least one of**
61 **the identified national school accreditation agencies shall**
62 **be considered to have full accreditation status without**
63 **provision for all purposes of law and rule;**

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

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

73 (b) A statement of the number of teachers employed,
74 their sex, their professional training, and their average
75 salary;

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

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

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

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

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

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

98 (14) Promulgate rules under which the board shall
99 classify the public schools of the state; provided that the
100 appropriate scoring guides, instruments, and procedures used
101 in determining the accreditation status of a district shall

102 be subject to a public meeting upon notice in a newspaper of
103 general circulation in each of the three most populous
104 cities in the state and also a newspaper that is a certified
105 minority business enterprise or woman-owned business
106 enterprise in each of the two most populous cities in the
107 state, and notice to each district board of education, each
108 superintendent of a school district, and to the speaker of
109 the house of representatives, the president pro tem of the
110 senate, and the members of the joint committee on education,
111 at least fourteen days in advance of the meeting, which
112 shall be conducted by the department of elementary and
113 secondary education not less than ninety days prior to their
114 application in accreditation, with all comments received to
115 be reported to the state board of education; **and further**
116 **provided that any district with current accreditation from**
117 **at least one of the national school accreditation agencies**
118 **identified under subdivision (9) of this subsection shall be**
119 **considered to have full accreditation status without**
120 **provision for all purposes of law and rule; and further**
121 **provided that no school assessment data shall be used in**
122 **determining state board classification; and**

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

163.201. 1. **Notwithstanding any provision of law to**
2 **the contrary, any public school district or public charter**
3 **school shall be designated as a local control school**
4 **district by the department of elementary and secondary**
5 **education if the district or charter school certifies to the**
6 **department in writing that it intends to be designated as a**
7 **local control school district pursuant to the provisions of**
8 **this section.**

9 2. A local control school district shall not be
10 required by the department of elementary and secondary
11 education to participate in:

12 (1) The Missouri school improvement program;

13 (2) Annual performance reviews by the department of
14 elementary and secondary education;

15 (3) Developing standards of teaching to be provided to
16 the department as set forth in section 160.045; or

17 (4) The maintaining of a school improvement plan in
18 any format provided by or approved by the department of
19 elementary and secondary education.

20 The local board of education or governing body of a charter
21 school for a local control school district may decide by a
22 majority vote to require the district to develop and
23 publicly display a continuous improvement plan for the
24 district.

25 3. A local control school district shall not be
26 assigned the classification of unaccredited, provisionally
27 accredited, accredited, or accredited with distinction based
28 on the standards of the Missouri school improvement program
29 and shall be considered as accredited for all purposes of
30 law.

31 4. A local control school district shall develop and
32 implement a local assessment system under section 160.518.
33 The district shall not in any way be advised or incentivized
34 by the department of elementary and secondary education to
35 purchase, adopt, or implement curriculum resources, software
36 programs, or assessments purchased from commercial vendors.
37 No assessment items shall be developed from materials
38 provided to the district or teachers by entities that have
39 not been formally reviewed and adopted by the district's

40 board of education or governing body. Local control school
41 districts may form a consortium without state board of
42 education approval for the purpose of developing, reporting,
43 or purchasing assessments in their local assessment plans.

44 5. All data shall remain at a local control school
45 district on servers secured according to industry
46 standards. Only aggregate data shall be shared outside of
47 the district. No personally identifiable information shall
48 be forwarded to publicly funded or private agencies,
49 including vendors.

50 6. A local control school district may continue to
51 receive state aid through this chapter or section 160.415.

52 7. A local control school district may apply for
53 grants and shall be considered for such grants without
54 prejudice or penalty.

55 8. As used in this section, the following terms shall
56 mean:

57 (1) "Personally identifiable information" or "PII",
58 any information that permits the identity of an individual
59 to be directly or indirectly inferred, including any
60 information that is linked or linkable to that individual,
61 regardless of whether the individual is a United States
62 citizen, legal permanent resident, visitor to the United
63 States, or employee or contractor with the department of
64 elementary and secondary education. "Personally
65 identifiable information" or "PII" includes sensitive PII;

66 (2) "Sensitive PII", personally identifiable
67 information that if lost, compromised, or disclosed without
68 authorization could result in substantial harm.

2 [163.042. 1. Any board of any school
3 district may elect in any fiscal year to be
4 considered an option district. Such option
5 districts shall not be entitled to any state aid
under section 163.031 or 163.043. In exchange

6 for forgoing state aid, option districts shall
7 be granted waivers from all Missouri school
8 improvement plan provisions and any requirements
9 otherwise imposed on the school district related
10 to the authority of the state board of education
11 to classify school districts under section
12 161.092, all fund transfer restrictions under
13 chapter 165, and such other rules as determined
14 by the commissioner of education. Nothing in
15 this section exempts any school district from
16 its requirement to administer the state
17 assessment. Further, such districts may choose
18 not to comply with any requirements of federal
19 law and any funding attached to such
20 requirements, provided that such noncompliance
21 is not prohibited under federal law. In any
22 year in which a district elects to be an option
23 district, no locally generated revenue shall be
24 transferred to the state in any manner
25 whatsoever.

26 2. Between June first and June thirtieth
27 of each year, any board of any district electing
28 to be considered an option district for the
29 following fiscal year shall notify the
30 department of elementary and secondary education
31 of such intention. The department shall
32 promulgate rules concerning the specific
33 eligibility criteria for a district to become
34 and apply for option district status.]

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