

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 798 & 514

97TH GENERAL ASSEMBLY

Reported from the Committee on Education, April 17, 2014, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

5475S.07C

AN ACT

To repeal sections 160.514, 160.518, 160.526, 160.820, and 161.092, RSMo, and to enact in lieu thereof six new sections relating to elementary and secondary education standards, with an emergency clause.

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

Section A. Sections 160.514, 160.518, 160.526, 160.820, and 161.092, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 160.514, 160.518, 160.526, 160.820, 161.092, and 161.855, to read as follows: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. [The state board of education shall convene work groups composed of education professionals to develop and recommend academic performance standards.] **Whenever the state board of education develops, evaluates, modifies, or revises academic performance standards or learning standards, it shall convene work groups composed of education professionals to develop and recommend such academic performance standards or learning standards.** Separate work groups composed of education professionals with appropriate expertise shall be convened for [each

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

17 subject area listed in section 160.518. Active classroom teachers shall constitute
18 the majority of each work group. Teachers] **the following subject areas:**
19 **English language arts; mathematics; science; and history and**
20 **governments. The subject area of history and governments shall**
21 **incorporate geography and the history and governments of the United**
22 **States and the world. For each subject area in which the state board**
23 **of education develops, evaluates, modifies, or revises academic**
24 **performance standards or learning standards, the state board shall**
25 **convene two separate work groups, one work group for standards for**
26 **grades kindergarten through five and a second work group for**
27 **standards for grades six through twelve. Each work group shall consist**
28 **of ten members. An education professional serving on a work group**
29 **shall be a Missouri resident for at least three years and have taught in**
30 **the work group's subject area for at least ten years or have ten years**
31 **of experience in that subject area. Education professionals serving on**
32 **[such] work groups shall be selected by the following entities and persons:**
33 **professional teachers' organizations of the state, a statewide association of**
34 **Missouri school boards, a statewide association of charter schools, a**
35 **statewide association of school administrators, the speaker of the house**
36 **of representatives, the president pro tempore of the senate, the**
37 **governor, the lieutenant governor, the commissioner of higher**
38 **education, and the heads of state-approved baccalaureate-level teacher**
39 **preparation programs located in Missouri. Each entity or person shall**
40 **select one member for each work group. The professional teachers'**
41 **organizations shall collectively select one person for each work**
42 **group. The heads of the state-approved baccalaureate-level teacher**
43 **preparation programs shall collectively select one person for each work**
44 **group. A person may be selected to serve on more than one work group**
45 **if he or she is qualified. [Additional teachers who are not members of such**
46 **organizations may serve by appointment of the state board of education.] No**
47 **work group member shall be required to be a member of a professional**
48 **teacher association. The state board of education shall hold at least**
49 **three public hearings whenever it develops, evaluates, modifies, or**
50 **revises academic performance standards or learning standards. The**
51 **hearings shall provide an opportunity to receive public testimony,**
52 **including but not limited to testimony from educators at all levels in**
53 **the state, local school boards, parents, representatives from business**

54 **and industry, labor and community leaders, members of the general**
55 **assembly, and the general public. The state board of education shall**
56 **hold the first hearing within thirty days of the work groups being**
57 **convened. The state board of education shall hold the second hearing**
58 **approximately six months after it holds the first hearing. The state**
59 **board of education shall hold the third hearing when the work groups**
60 **submit the academic performance standards they have developed to the**
61 **state board. The state board of education shall also solicit comments**
62 **and feedback on the academic performance standards or learning**
63 **standards from the joint committee on education and from academic**
64 **researchers. All comments shall be made publicly available.**

65 3. The state board of education shall develop written curriculum
66 frameworks that may be used by school districts. Such curriculum frameworks
67 shall incorporate the academic performance standards adopted by the state board
68 of education pursuant to subsection 1 of this section. The curriculum frameworks
69 shall provide guidance to school districts but shall not be mandates for local
70 school boards in the adoption or development of written curricula as required by
71 subsection 4 of this section.

72 4. Not later than one year after the development of written curriculum
73 frameworks pursuant to subsection 3 of this section, the board of education of
74 each school district in the state shall adopt or develop a written curriculum
75 designed to ensure that students attain the knowledge, skills and competencies
76 established pursuant to subsection 1 of this section. Local school boards are
77 encouraged to adopt or develop curricula that are rigorous and ambitious and
78 may, but are not required to, use the curriculum frameworks developed pursuant
79 to subsection 3 of this section. Nothing in this section or this act shall prohibit
80 school districts, as determined by local boards of education, to develop or adopt
81 curricula that provide for academic standards in addition to those identified by
82 the state board of education pursuant to subsection 1 of this section.

83 **5. Local school districts and charter schools may adopt their own**
84 **education standards, in addition to those already adopted by the state,**
85 **provided the additional standards are in the public domain.**

160.518. 1. Consistent with the provisions contained in section 160.526,
2 the state board of education shall develop, **modify, and revise, as necessary,**
3 a statewide assessment system that provides maximum flexibility for local school
4 districts to determine the degree to which students in the public schools of the

5 state are proficient in the knowledge, skills, and competencies adopted by such
6 board pursuant to [subsection 1 of] section 160.514. The statewide assessment
7 system shall assess problem solving, analytical ability, evaluation, creativity, and
8 application ability in the different content areas and shall be performance-based
9 to identify what students know, as well as what they are able to do, and shall
10 enable teachers to evaluate actual academic performance. The **statewide**
11 assessment system shall neither promote nor prohibit rote memorization and
12 shall not include existing versions of tests approved for use pursuant to the
13 provisions of section 160.257, nor enhanced versions of such tests. **After the**
14 **state board of education adopts and implements new academic**
15 **performance standards in place of the common core state standards**
16 **under section 161.855, the state board of education shall not adopt or**
17 **develop a criterion-referenced assessment instrument under this**
18 **section based on the common core state standards.** The statewide
19 assessment **system** shall measure, where appropriate by grade level, a student's
20 knowledge of academic subjects including, but not limited to, reading skills,
21 writing skills, mathematics skills, world and American history, forms of
22 government, geography and science.

23 2. The **statewide** assessment system shall only permit the academic
24 performance of students in each school in the state to be tracked against prior
25 academic performance in the same school **and shall not be transferred out of**
26 **the state in any form for reporting to non-state education entities.**

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

38 4. For any school that meets the criteria established by the state board
39 of education for three successive school years pursuant to the provisions of
40 subsection 3 of this section, by August first following the third such school year,

41 the commissioner of education shall present a plan to the superintendent of the
42 school district in which such school is located for the waiver of rules and
43 regulations to promote flexibility in the operations of the school and to enhance
44 and encourage efficiency in the delivery of instructional services. The provisions
45 of other law to the contrary notwithstanding, the plan presented to the
46 superintendent shall provide a summary waiver, with no conditions, for the pupil
47 testing requirements pursuant to section 160.257, in the school. Further, the
48 provisions of other law to the contrary notwithstanding, the plan shall detail a
49 means for the waiver of requirements otherwise imposed on the school related to
50 the authority of the state board of education to classify school districts pursuant
51 to subdivision (9) of section 161.092 and such other rules and regulations as
52 determined by the commissioner of education, excepting such waivers shall be
53 confined to the school and not other schools in the district unless such other
54 schools meet the criteria established by the state board of education consistent
55 with subsection 3 of this section and the waivers shall not include the
56 requirements contained in this section and section 160.514. Any waiver provided
57 to any school as outlined in this subsection shall be void on June thirtieth of any
58 school year in which the school fails to meet the criteria established by the state
59 board of education consistent with subsection 3 of this section.

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

65 6. The state board of education shall identify or, if necessary, establish
66 one or more developmentally appropriate alternate assessments for students who
67 receive special educational services, as that term is defined pursuant to section
68 162.675. In the development of such alternate assessments, the state board shall
69 establish an advisory panel consisting of a majority of active special education
70 teachers **residing in Missouri** and other education professionals as appropriate
71 to research available assessment options. The advisory panel shall attempt to
72 identify preexisting developmentally appropriate alternate assessments but shall,
73 if necessary, develop alternate assessments and recommend one or more alternate
74 assessments for adoption by the state board. The state board shall consider the
75 recommendations of the advisory council in establishing such alternate
76 assessment or assessments. Any student who receives special educational

77 services, as that term is defined pursuant to section 162.675, shall be assessed
78 by an alternate assessment established pursuant to this subsection upon a
79 determination by the student's individualized education program team that such
80 alternate assessment is more appropriate to assess the student's knowledge, skills
81 and competencies than the assessment developed pursuant to subsection 1 of this
82 section. The alternate assessment shall evaluate the student's independent living
83 skills, which include how effectively the student addresses common life demands
84 and how well the student meets standards for personal independence expected for
85 someone in the student's age group, sociocultural background, and community
86 setting.

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

92 [8. Notwithstanding the provisions of subsections 1 to 7 of this section, no
93 later than June 30, 2006, the state board of education shall administer the
94 following adjustments to the statewide assessment system:

95 (1) Align the performance standards of the statewide assessment system
96 so that such indicators meet, but do not exceed, the performance standards of the
97 National Assessment of Education Progress (NAEP) exam;

98 (2) Institute yearly examination of students in the required subject areas
99 where compelled by existing federal standards, as of August 28, 2004; and

100 (3) Administer any other adjustments that the state board of education
101 deems necessary in order to aid the state in satisfying existing federal
102 requirements, as of August 28, 2004, including, but not limited to, the
103 requirements contained in the federal No Child Left Behind Act. Grade-level
104 expectations shall be considered when the state board of education establishes
105 performance standards.

106 9. By July 1, 2006, the state board of education shall examine its rules
107 and regulations and revise them to permit waivers of resource and process
108 standards based upon achievement of performance profiles consistent with
109 accreditation status.]

160.526. 1. In establishing, **evaluating, modifying, and revising** the
2 academic **performance standards and learning standards** authorized by
3 [subsection 1 of] section 160.514 and the statewide assessment system authorized

4 by subsection 1 of section 160.518, the state board of education shall consider the
5 work that has been done by other states, recognized regional and national
6 experts, professional education discipline-based associations [and], other
7 professional education associations, **and the work product from the**
8 **department of higher education's curriculum alignment**
9 **initiative.** [Further, in] **After the effective date of this section, when**
10 establishing the academic **performance standards, learning standards,** and
11 statewide assessment system, the state board of education shall **not** adopt the
12 work that has been done by consortia of other states [and, subject to
13 appropriations, may contract with such consortia to implement the provisions of
14 sections 160.514 and 160.518].

15 2. The state board of education shall, by contract enlist the assistance of
16 such national experts[, as approved by the commission established pursuant to
17 section 160.510,] to receive reports, advice and counsel on a regular basis
18 pertaining to the validity and reliability of the statewide assessment system. The
19 reports from such experts shall be received by the [commission, which shall make
20 a final determination concerning the reliability and validity of the statewide
21 assessment system] **state board of education.** Within six months prior to
22 implementation [of] **or modification or revision to** the statewide assessment
23 system, the commissioner of education shall inform the president pro tempore of
24 the senate and the speaker of the house **of representatives** about the
25 procedures to implement, **modify, or revise** the **statewide** assessment system,
26 including a report related to the reliability and validity of the assessment
27 instruments, and the general assembly may, within the next sixty legislative
28 days, veto such implementation, **modification, or revision** by concurrent
29 resolution adopted by majority vote of both the senate and the house of
30 representatives.

31 3. The commissioner of education shall establish a procedure for the state
32 board of education to regularly receive advice and counsel from professional
33 educators at all levels in the state, district boards of education, parents,
34 representatives from business and industry, **the general assembly,** and labor
35 and community leaders pertaining to the implementation of sections 160.514 and
36 160.518. **By December 31, 2014, the commissioner of education shall**
37 **revise this procedure to allow the state board of education to regularly**
38 **receive advice and counsel from professional educators at all levels in**
39 **the state, district boards of education, parents, representatives from**

40 **business and industry, the general assembly, and labor and community**
41 **leaders whenever the state board develops, evaluates, modifies, or**
42 **revises academic performance standards, learning standards, or the**
43 **statewide assessment system under sections 160.514 and 160.518.** The
44 procedure shall include, at a minimum, the appointment of ad hoc committees
45 [and shall be in addition to the advice and counsel obtained from the commission
46 pursuant to section 160.510].

160.820. In order to assist the corporation in achieving the objectives
2 identified in section 160.810, the department of economic development,
3 department of elementary and secondary education, and department of higher
4 education may contract with the corporation for activities consistent with the
5 corporation's purpose, as specified in section 160.805, including but not limited
6 to the employment of any personnel of the corporation, administrative services,
7 and provision of office space. When contracting with the corporation under the
8 provisions of this section, the departments [may directly enter into agreements
9 with the corporation and] shall [not] be bound by the provisions of chapter 34.

161.092. The state board of education shall:

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

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

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

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

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

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

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

26 (8) Grant, without fee except as provided in section 168.021, certificates
27 of qualification and licenses to teach in any of the public schools of the state,
28 establish requirements therefor, formulate regulations governing the issuance
29 thereof, and cause the certificates to be revoked for the reasons and in the
30 manner provided in section 168.071;

31 (9) Classify the public schools of the state, subject to limitations provided
32 by law and subdivision (14) of this section, establish requirements for the schools
33 of each class, and formulate rules governing the inspection and accreditation of
34 schools preparatory to classification **which shall allow individual school**
35 **districts that are accredited without provision to determine targeted**
36 **priorities for the district, plan of action, resource needs for**
37 **implementing the plan, and evaluation criteria**, with such requirements
38 taking effect not less than two years from the date of adoption of the proposed
39 rule by the state board of education, provided that this condition shall not apply
40 to any requirement for which a time line for adoption is mandated in either
41 federal or state law;

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

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

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

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

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

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

56 (11) Make an annual report to the general assembly and the governor

57 concerning coordination with other agencies and departments of government that
58 support family literacy programs and other services which influence educational
59 attainment of children of all ages;

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

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

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

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

2 **161.855. 1. By October 1, 2014, the state board of education shall**
3 **convene work groups composed of education professionals to develop**
4 **and recommend new academic performance standards in place of the**
5 **common core state standards. The work groups shall be composed of**
6 **individuals as provided in section 160.514. The state board of**
7 **education and the work groups shall follow the procedures and conduct**
8 **the public hearings required by section 160.514. The state board of**
9 **education shall convene separate work groups for the following subject**
10 **areas: English language arts; mathematics; science; and history and**
11 **governments. For each of these four subject areas, the state board of**
education shall convene two separate work groups, one work group for

12 **grades kindergarten through five and another work group for grades**
13 **six through twelve.**

14 **2. The work groups shall develop and recommend new academic**
15 **performance standards in place of the common core state standards to**
16 **the state board of education by October 1, 2015. The work groups shall**
17 **report on their progress in developing the academic performance**
18 **standards to the president pro tempore of the senate and the speaker**
19 **of the house of representatives on a monthly basis.**

20 **3. The state board of education shall adopt and implement new**
21 **academic performance standards in place of the common core state**
22 **standards beginning in the 2016-2017 school year. The state board of**
23 **education shall align the statewide assessment system to the new**
24 **academic performance standards as needed within three years of**
25 **adopting new academic performance standards.**

26 **4. The department of elementary and secondary education shall**
27 **pilot assessments from the Smarter Balanced Assessment Consortium**
28 **during the 2014-2015 school year for every school district and charter**
29 **school in the state. For the 2014-2015 school year, the results of the**
30 **statewide pilot assessments shall not be used for high stakes**
31 **accountability or teacher evaluations, or to lower any public school**
32 **district's accreditation.**

Section B. Because of the need to convene work groups in a timely manner
2 to begin the process of developing new academic performance standards in place
3 of the common core state standards, section A of this act is deemed necessary for
4 the immediate preservation of the public health, welfare, peace and safety, and
5 is hereby declared to be an emergency act within the meaning of the constitution,
6 and section A of this act shall be in full force and effect upon its passage and
7 approval.

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