

FIRST REGULAR SESSION

# HOUSE BILL NO. 1186

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TRENT.

2329H.011

D. ADAM CRUMBLISS, Chief Clerk

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## 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 penalty provisions.

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*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Section A. Sections 160.518, 160.545, 161.092, and 163.023, RSMo, are repealed and  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[~~5~~] 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 subsection 1** of section 161.092 and such other rules and regulations as determined by the  
42 commissioner of education, excepting such waivers shall be confined to the school and not other  
43 schools in the district unless such other schools meet the criteria established by the state board  
44 of education consistent with subsection 3 of this section and the waivers shall not include the  
45 requirements contained in this section and section 160.514. Any waiver provided to any school  
46 as outlined in this subsection shall be void on June thirtieth of any school year in which the  
47 school fails to meet the criteria established by the state board of education consistent with  
48 subsection 3 of this 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. Any nonpublic school in this state may apply to the state board of education for  
35 certification that it meets the requirements of this section subject to the same criteria as public  
36 high schools. Every nonpublic school that applies and has met the requirements of this section  
37 shall have its students eligible for reimbursement of postsecondary education under subsection  
38 8 of this section on an equal basis to students who graduate from public schools that meet the  
39 requirements of this section. Any nonpublic school that applies shall not be eligible for any  
40 grants under this section. Students of certified nonpublic schools shall be eligible for  
41 reimbursement of postsecondary education under subsection 8 of this section so long as they  
42 meet the other requirements of such subsection. For purposes of subdivision (5) of subsection  
43 2 of this section, the nonpublic school shall be included in the partnership plan developed by the  
44 public school district in which the nonpublic school is located. For purposes of subdivision (1)  
45 of subsection 2 of this section, the nonpublic school shall establish measurable performance  
46 standards for the goals of the program for every school and grade level over which the nonpublic  
47 school maintains control.

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

50           5. By rule and regulation, the state board of education may determine a local school  
51 district variable fund match requirement in order for a school or schools in the district to receive  
52 a grant under the program. However, no school in any district shall receive a grant under the  
53 program unless the district designates a salaried employee to serve as the program coordinator,  
54 with the district assuming a minimum of one-half the cost of the salary and other benefits  
55 provided to the coordinator. Further, no school in any district shall receive a grant under the  
56 program unless the district makes available facilities and services for adult literacy training as  
57 specified by rule of the state board of education.

58           6. For any school that meets the requirements for the approval of the grants authorized  
59 by this section and specified in subsection 2 of this section for three successive school years, by  
60 August first following the third such school year, the commissioner of education shall present  
61 a plan to the superintendent of the school district in which such school is located for the waiver  
62 of rules and regulations to promote flexibility in the operations of the school and to enhance and  
63 encourage efficiency in the delivery of instructional services in the school. The provisions of  
64 other law to the contrary notwithstanding, the plan presented to the superintendent shall provide  
65 a summary waiver, with no conditions, for the pupil testing requirements pursuant to section  
66 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the  
67 plan shall detail a means for the waiver of requirements otherwise imposed on the school related  
68 to the authority of the state board of education to classify school districts pursuant to subdivision  
69 ~~[(9)]~~ **(8) of subsection 1** of section 161.092 and such other rules and regulations as determined  
70 by the commissioner of education, except such waivers shall be confined to the school and not  
71 other schools in the school district unless such other schools meet the requirements of this  
72 subsection. However, any waiver provided to any school as outlined in this subsection shall be  
73 void on June thirtieth of any school year in which the school fails to meet the requirements for  
74 the approval of the grants authorized by this section as specified in subsection 2 of this section.

75           7. For any school year, grants authorized by subsections 1, 2, and 5 of this section shall  
76 be funded with the amount appropriated for this program, less those funds necessary to reimburse  
77 eligible students pursuant to subsection 8 of this section.

78           8. The department of higher education shall, by rule, establish a procedure for the  
79 reimbursement of the cost of tuition, books and fees to any public community college or  
80 vocational or technical school or within the limits established in subsection 10 of this section for  
81 any two-year private vocational or technical school for any student:

82           (1) Who has attended a high school in the state for at least three years immediately prior  
83 to graduation that meets the requirements of subsection 2 of this section; except that, students

84 who are active duty military dependents, and students who are dependants of retired military who  
85 relocate to Missouri within one year of the date of the parent's retirement from active duty, who,  
86 in the school year immediately preceding graduation, meet all other requirements of this  
87 subsection and are attending a school that meets the requirements of subsection 2 of this section  
88 shall be exempt from the three-year attendance requirement of this subdivision; and

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

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

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

95 9. The commissioner of education shall develop a procedure for evaluating the  
96 effectiveness of the program described in this section. Such evaluation shall be conducted  
97 annually with the results of the evaluation provided to the governor, speaker of the house, and  
98 president pro tempore of the senate.

99 10. For a two-year private vocational or technical school to obtain reimbursements under  
100 subsection 8 of this section, the following requirements shall be satisfied:

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

104 (2) Such two-year private vocational or technical school shall be designated as a  
105 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

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

110 (4) The reimbursements provided to any two-year private vocational or technical school  
111 shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the Missouri  
112 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 subsection 1** of section 161.092. Further, the state board of education  
19 shall consider the condition and adequacy of facilities of a school district when determining such  
20 classification.

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

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