

SECOND REGULAR SESSION

HOUSE BILL NO. 1102

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WALLACE (Sponsor), DAVIS (122), KING, WILSON (119), BIVINS, MOORE, HAMPTON, ENGLER, TAYLOR, SCHNEIDER, TOWNLEY, LEMBKE, RECTOR, BOUGH, BLACK, BAKER, ANGST, SCHLOTTACH, CRAWFORD, HUNTER, WILSON (42), CURLS, DETHROW, VIEBROCK, KUESSNER, REINHART, RICHARD, SMITH (118), BEHNEN, STEFANICK, CUNNINGHAM (145), WOOD, SANDER (22), PHILLIPS, COOPER (155), PURGASON, GOODMAN, DEMPSEY, ICET, PARKER, SKAGGS, WHORTON, YOUNG, RUESTMAN, MORRIS, KELLY (144), MAYER, WASSON, BEAN, STEVENSON, MAY, MYERS, KINGERY, LIPKE, HOLAND, GUEST, PEARCE, MILLER, LUETKEMEYER, WALTON, VILLA, BISHOP, SWINGER, HAYWOOD, RANSDALL, WILSON (130), WITTE, DIXON, QUINN AND MUNZLINGER (Co-sponsors).

Read 1st time January 15, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4006L.011

AN ACT

To repeal section 160.518, RSMo, and to enact in lieu thereof one new section relating to education accountability standards.

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

Section A. Section 160.518, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.518, to read as follows:

160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop a statewide assessment system that provides maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills and competencies adopted by such board pursuant to subsection 1 of section 160.514. The statewide assessment system shall assess problem solving, analytical ability, evaluation, creativity and application ability in the different content areas and shall be performance-based to identify what students know, as well as what they are able to do, and shall enable teachers to evaluate actual academic performance. The assessment system shall neither promote nor prohibit rote memorization and shall not include existing versions of tests approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such tests. The statewide assessment shall measure, where appropriate by grade level, a student's knowledge of academic subjects including, but not limited to, reading skills, writing skills, mathematics skills, world and American history, forms of government, geography and science.

14 2. The assessment system shall only permit the academic performance of students in each
15 school in the state to be tracked against prior academic performance in the same school.

16 3. The state board of education shall suggest criteria for a school to demonstrate that its
17 students learn the knowledge, skills and competencies at exemplary levels worthy of imitation
18 by students in other schools in the state and nation. "Exemplary levels" shall be measured by the
19 assessment system developed pursuant to subsection 1 of this section, or until said assessment
20 is available, by indicators approved for such use by the state board of education. The provisions
21 of other law to the contrary notwithstanding, the commissioner of education may, upon request
22 of the school district, present a plan for the waiver of rules and regulations to any such school,
23 to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4
24 of this section.

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

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

48 6. The state board of education shall identify or, if necessary, establish one or more
49 developmentally appropriate alternate assessments for students who receive special educational

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

66 **7. Notwithstanding the provisions of subsections 1 through 6 of this section, no later**
67 **than June 30, 2006, the state board of education shall administer the following adjustments**
68 **to the statewide assessment system:**

69 **(1) Align the performance standards of the statewide assessment system so that**
70 **such indicators meet, but do not exceed, the performance standards of National Assessment**
71 **of Educational Progress (NAEP) exam;**

72 **(2) Institute yearly examination of students in the required subject areas where**
73 **compelled by federal standards; and**

74 **(3) Administer any other adjustments that the state board of education deems**
75 **necessary in order to aid the state in conforming to federal standards, including, but not**
76 **limited to, the requirements contained in the federal "No Child Left Behind Act".**