

HCS SS SCS SB 125 -- EDUCATIONAL ACCOUNTABILITY

SPONSOR: Nasheed (Barnes)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Elementary and Secondary Education by a vote of 13 to 10.

This substitute changes the laws regarding educational accountability.

TEACHERS

In its main provisions, the substitute:

(1) Requires a charter school to include its personnel evaluation methods in its charter and to develop and implement an evaluation system consistent with the requirements of the substitute that uses multiple valid measures based on growth in student achievement with at least 33% of the evaluation's weight on student achievement for those teachers who teach courses and grades aligned with state standards and allows the school to set the percentage for those teachers who do not teach courses or grades subject to state assessments. The system must measure student growth through value-added methods or models that reflect at least one year's worth of growth or that students otherwise achieved appropriate growth based on expectations. Each teacher and administrator must be given one of the following four rating levels: "highly effective," "effective," "minimally effective" or "ineffective." The rating levels must be directly correlated to the specified summative evaluation results (Sections 160.405 & 160.420, RSMo);

(2) Revises the "last-in, first-out" rule for placing teachers on leave of absence so that decisions will be made primarily on the results of performance evaluations instead of length of service (Section 168.124);

(3) Changes the requirements for the evaluation of teachers and administrators by:

(a) Requiring each school district to develop and implement at least annually an evaluation system consistent with the requirements of the substitute that uses multiple measures based on growth in student achievement, either of its own development or the model developed by the Department of Elementary and Secondary Education;

(b) Assigning at least 33% of the evaluation's weight to student achievement for those who teach courses and grades aligned with state standards and allowing the district to set the percentage for

those who do not teach courses or grades subject to state assessments;

(c) Measuring student growth through value-added methods that reflect at least one year's worth of growth or that students otherwise achieved appropriate growth based on expectations derived from at least two years of individual student achievement data and specifying available measurement methods;

(d) Requiring each teacher and administrator to be given one of the following four rating levels: "highly effective," "effective," "minimally effective" or "ineffective." The rating levels must be directly correlated to the specified summative evaluation results;

(e) Requiring school districts to consider evaluation results as a significant factor in personnel matters and requiring contracts and collective bargaining agreements entered into after August 28, 2013, to authorize the use of evaluations to inform decisions. The form and content of evaluation is not subject to collective bargaining, and contradictory provisions are void;

(f) Clarifying that a school board has the authority to take disciplinary action concerning a teacher for issues that do not arise from evaluations;

(g) Placing a permanent teacher who receives a rating of "ineffective" or "minimally effective" on an individualized development plan;

(h) Requiring the department to establish rules and regulations that may include processes to determine the teacher of record for purposes of assigning student achievement scores to a teacher in evaluating the teacher's performance, standards for rating levels, and value-added model processes and requirements. The department must develop, implement, and publicly disseminate a statewide student growth model and a value-added model for determining student growth on assessment; provide technical assistance in developing and implementing a local evaluation system; develop a model evaluation system; and monitor local evaluation systems to ensure that evaluation outcomes are consistent with student achievement results at the district and school levels, that the systems meet specified requirements and implement department-issued rules and regulations, and direct any appropriate corrective actions;

(i) Prohibiting the renewal of the contract of a probationary teacher who has been rated "ineffective" for two consecutive school years and a permanent teacher after three consecutive ratings of "ineffective"; and

(j) Allowing a district to terminate a probationary teacher whose evaluation was completed before the teacher had six months of teaching experience in the district (Section 168.128);

(4) Changes the St. Louis Public School District's tenure laws to make them consistent with the changes made to the tenure law for teachers and administrators in other school districts by:

(a) Adding incompetence to the causes for dismissal;

(b) Revising the length of notice required before presentment of charges; and

(c) Deleting the requirement for rehiring any teacher less than 70 years of age who is on leave of absence when reemployment occurs after layoffs (Section 168.221); and

(5) Repeals the process for remediating the work of a probationary teacher who is deemed to be doing unsatisfactory work (Section 168.126); the provision governing how a reduction in force based on insufficient funds or a decrease in student enrollment would be conducted for noncertified employees in the St. Louis City School District (Section 168.291); and the evaluation standards for school administrators (Section 168.410).

STATE BOARD OF EDUCATION

The State Board of Education must establish rules classifying the public schools of the state and must hold public meetings no less than 90 days before a change to accreditation scoring guides, instruments, or procedures used in determining accreditation status of a district becomes effective (161.092).

UNACCREDITED SCHOOL DISTRICTS

Currently, a two-year period is required between classifying a school district as unaccredited and the lapse of the district's corporate organization. Under the substitute, when the State Board of Education within the Department of Elementary and Secondary Education classifies a district as unaccredited, the department must hold at least two hearings to convene resources for the district, review the district's plans to return to accredited status, review the governance of the district, and plan for continuity of resources. Two hearings a year must be held in each unaccredited and provisionally accredited district.

When the state board classifies a district as unaccredited, it may allow continued governance by the existing local board under

specific terms and conditions. It may lapse the corporate organization of the district and appoint a special administrative board to oversee the district. The special board must consist of at least five members, the majority of whom must be district residents. The board members must reflect the population characteristics of the district and collectively possess strong experience in school governance, management and finance, and leadership. The special administrative board will be responsible for the operation of the district until it is classified as provisionally accredited for at least two successive school years. At that time the state board may provide for a transition back to local governance.

The state board may instead determine an alternative governing structure and must provide a rationale for its decision. The state board, in the absence of full accreditation of the district, must review and recertify the alternative form of governance every three years. In addition, it must create a public comment method for district residents, establish expectations for academic progress that include an anticipated time line to reach full accreditation, and provide annual reports to the General Assembly and Governor on the district's progress toward accreditation, including a review of the effectiveness of the alternative governance.

If the state board chooses to allow a district to remain under the continued governance of the existing school board, it must annually review the decision for as long as the district remains unaccredited or provisionally accredited, considering that if the district earns an improved score or a score sufficient for accredited status, the existing board may continue, but if the district does not earn an improved score or scores insufficient for accredited status, the state board must lapse the district, as well as lapsing the district if it suffers three consecutive years of unaccredited status under the its existing school board.

A special administrative board will retain the authority granted to a school board under the laws of the state in effect at the time of the district's lapse and may enter into contracts with accredited districts or other education service providers to deliver high quality educational programs. If a student graduates from a school operated under a contract with an accredited district, the student's diploma will be from the accredited district. Neither the special administrative board nor its members or employees will be deemed to be the state or a state agency for any purpose. The state, its agencies and employees, will have absolute immunity from liability. Currently, the state board may assign the assets of a lapsed district to another district along with the authority of the district; the substitute repeals this provision (Section 162.081).

The substitute also repeals a provision that allows the serving members of special administrative board to appoint a superintendent if the state board appoints a successor member to replace the chair of the administrative board (Section 162.083).

STUDENT TEST SCORES

If changes in school boundary lines result in additional students being assigned to a district, the statewide assessment scores and performance data for the new students must not be used for three school years for the purpose of calculating school improvement program performance (Section 162.1300).

PROPOSERS: Supporters say that St. Louis Public Schools has a separate tenure statute that is outdated and is not in the best interest of student achievement.

Testifying for the bill were Senator Nasheed; Special Administrative Board, St. Louis Public Schools; Jeffrey Spiegel, St. Louis Public Schools; Mike Lodewegen, School Administrators Coalition; Missouri School Boards Association; Cooperating School Districts of Greater St. Louis; Children's Education Council of Missouri; Students First; and Cooperating School Districts of Greater Kansas City.

OPPOSERS: Those who oppose the bill say that the St. Louis Public Schools need its own standards. The provision requiring the State Board of Education to submit all elements of accreditation to the rule-making process even if the element is not actually a rule sets a bad precedent for other agencies and will make administration of accreditation extremely cumbersome.

Testifying against the bill were Byron Clemens, American Federation of Teachers, St. Louis Local 420; Service Employees International Union MO/KS State Council; Department of Elementary and Secondary Education; and Missouri AFL-CIO.