

SECOND REGULAR SESSION

# HOUSE BILL NO. 1708

97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BAHR.

5820H.011

D. ADAM CRUMBLISS, Chief Clerk

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## 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 the common core state standards.

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*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  
2 repealed and six new sections enacted in lieu thereof, to be known as sections 160.514, 160.518,  
3 160.526, 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  
2 section 160.526, the state board of education shall adopt no more than seventy-five academic  
3 performance standards which establish the knowledge, skills and competencies necessary for  
4 students to successfully advance through the public elementary and secondary education system  
5 of this state; lead to or qualify a student for high school graduation; prepare students for  
6 postsecondary education or the workplace or both; and are necessary in this era to preserve the  
7 rights and liberties of the people.

8 2. The state board of education shall convene work groups composed of education  
9 professionals to develop and recommend academic performance standards. Separate work  
10 groups composed of professionals with appropriate expertise shall be convened for each subject  
11 area listed in section 160.518. Active classroom teachers shall constitute the majority of each  
12 work group. Teachers serving on such work groups shall be selected by professional teachers'  
13 organizations of the state. Additional teachers who are not members of such organizations may  
14 serve by appointment of the state board of education.

15 3. The state board of education shall develop written curriculum frameworks that may  
16 be used by school districts. Such curriculum frameworks shall incorporate the academic

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.

17 performance standards adopted by the state board of education pursuant to subsection 1 of this  
18 section. The curriculum frameworks shall provide guidance to school districts but shall not be  
19 mandates for local school boards in the adoption or development of written curricula as required  
20 by subsection 4 of this section.

21 4. Not later than one year after the development of written curriculum frameworks  
22 pursuant to subsection 3 of this section, the board of education of each school district in the state  
23 shall adopt or develop a written curriculum designed to ensure that students attain the  
24 knowledge, skills and competencies established pursuant to subsection 1 of this section. Local  
25 school boards are encouraged to adopt or develop curricula that are rigorous and ambitious and  
26 may, but are not required to, use the curriculum frameworks developed pursuant to subsection  
27 3 of this section. Nothing in this section or this act shall prohibit school districts, as determined  
28 by local boards of education, to develop or adopt curricula that provide for academic standards  
29 in addition to those identified by the state board of education pursuant to subsection 1 of this  
30 section.

31 **5. (1) Notwithstanding any other provision of law to the contrary, the state board**  
32 **of education shall not implement or take any action relating to the common core state**  
33 **standards developed by the Common Core State Standards Initiative.**

34 **(2) School districts and charter schools shall not use the common core state**  
35 **standards to comply with the requirement to provide instruction in the essential**  
36 **knowledge, skills, and competencies at appropriate grade levels under this section.**

37 **(3) Notwithstanding any other provision of law to the contrary, no school district**  
38 **or charter school shall adopt a curricular framework or materials derived from the**  
39 **common core state standards. School districts and charter schools are prohibited from**  
40 **accepting public or private money for their implementation or purchase of supporting**  
41 **materials.**

42 **(4) Any actions taken by the state board of education to change Missouri education**  
43 **standards prior to August 28, 2014, which are not in compliance with Missouri's state**  
44 **statutes, shall henceforth be considered void ab initio. The state board of education shall**  
45 **not adopt any new standards that are not developed in accordance with subsection 2 of this**  
46 **section.**

47 **(5) Local school districts and charter schools shall not adopt their own education**  
48 **standards, in addition to those already adopted by the state, unless the additional**  
49 **standards are in the public domain.**

50 **6. Notwithstanding any provision of law to the contrary, any regulation in whole**  
51 **or in part relating to the common core state standards that is inconsistent with the**

52 **provisions of this section, sections 160.518, 160.526, and subdivision (9) of section 161.092**  
53 **is hereby abrogated.**

160.518. 1. Consistent with the provisions contained in section 160.526, the state board  
2 of education shall develop a statewide assessment system that provides maximum flexibility for  
3 local school districts to determine the degree to which students in the public schools of the state  
4 are proficient in the knowledge, skills, and competencies adopted by such board pursuant to  
5 subsection 1 of section 160.514. The statewide assessment system shall assess problem solving,  
6 analytical ability, evaluation, creativity, and application ability in the different content areas and  
7 shall be performance-based to identify what students know, as well as what they are able to do,  
8 and shall enable teachers to evaluate actual academic performance. The assessment system shall  
9 neither promote nor prohibit rote memorization and shall not include existing versions of tests  
10 approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such  
11 tests. **The state board of education shall not adopt or develop a criterion-referenced**  
12 **assessment instrument under this section based on the common core state standards as**  
13 **referenced by subdivision (3) of subsection 5 of section 160.514.** The statewide assessment  
14 shall measure, where appropriate by grade level, a student's knowledge of academic subjects  
15 including, but not limited to, reading skills, writing skills, mathematics skills, world and  
16 American history, forms of government, geography and science.

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

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

29 4. For any school that meets the criteria established by the state board of education for  
30 three successive school years pursuant to the provisions of subsection 3 of this section, by  
31 August first following the third such school year, the commissioner of education shall present  
32 a plan to the superintendent of the school district in which such school is located for the waiver  
33 of rules and regulations to promote flexibility in the operations of the school and to enhance and  
34 encourage efficiency in the delivery of instructional services. The provisions of other law to the

35 contrary notwithstanding, the plan presented to the superintendent shall provide a summary  
36 waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the  
37 school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail  
38 a means for the waiver of requirements otherwise imposed on the school related to the authority  
39 of the state board of education to classify school districts pursuant to subdivision (9) of section  
40 161.092 and such other rules and regulations as determined by the commissioner of education,  
41 excepting such waivers shall be confined to the school and not other schools in the district unless  
42 such other schools meet the criteria established by the state board of education consistent with  
43 subsection 3 of this section and the waivers shall not include the requirements contained in this  
44 section and section 160.514. Any waiver provided to any school as outlined in this subsection  
45 shall be void on June thirtieth of any school year in which the school fails to meet the criteria  
46 established by the state board of education consistent with subsection 3 of this section.

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

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

69 7. The state board of education shall also develop recommendations regarding alternate  
70 assessments for any military dependent who relocates to Missouri after the commencement of

71 a school term, in order to accommodate such student while ensuring that he or she is proficient  
72 in the knowledge, skills, and competencies adopted under section 160.514.

73 8. Notwithstanding the provisions of subsections 1 to 7 of this section, no later than June  
74 30, 2006, the state board of education shall administer the following adjustments to the statewide  
75 assessment system:

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

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

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

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

160.526. 1. In establishing the academic standards authorized by subsection 1 of section  
2 160.514 and the statewide assessment system authorized by subsection 1 of section 160.518, the  
3 state board of education shall consider the work that has been done by other states, recognized  
4 regional and national experts, professional education discipline-based associations and other  
5 professional education associations. [Further, in establishing the academic standards and  
6 statewide assessment system, the state board of education shall adopt the work that has been  
7 done by consortia of other states and, subject to appropriations, may contract with such consortia  
8 to implement the provisions of sections 160.514 and 160.518.]

9 2. The state board of education shall **consider null and void by legislative action any**  
10 **memorandum of agreement with any assessment consortium funded by the United States**  
11 **Department of Education, and shall** by contract enlist the assistance of such national experts,  
12 as approved by the commission established pursuant to section 160.510, to receive reports,  
13 advice and counsel on a regular basis pertaining to the validity and reliability of the statewide  
14 assessment system. The reports from such experts shall be received by the commission, which  
15 shall make a final determination concerning the reliability and validity of the statewide  
16 assessment system. Within six months prior to implementation of the statewide assessment  
17 system, the commissioner of education shall inform the president pro tempore of the senate and  
18 the speaker of the house about the procedures to implement the assessment system, including a

19 report related to the reliability and validity of the assessment instruments, and the general  
20 assembly may, within the next sixty legislative days, veto such implementation by concurrent  
21 resolution adopted by majority vote of both the senate and the house of representatives.

22         3. The commissioner of education shall establish a procedure for the state board of  
23 education to regularly receive advice and counsel from professional educators at all levels in the  
24 state, district boards of education, parents, representatives from business and industry, and labor  
25 and community leaders pertaining to the implementation of sections 160.514 and 160.518. The  
26 procedure shall include, at a minimum, the appointment of ad hoc committees and shall be in  
27 addition to the advice and counsel obtained from the commission pursuant to section 160.510.

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

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

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

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

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

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

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

27 (9) Classify the public schools of the state, subject to limitations provided by law and  
28 subdivision (14) of this section, establish requirements for the schools of each class, and  
29 formulate rules governing the inspection and accreditation of schools preparatory to classification  
30 **which shall allow individual school districts to determine targeted priorities for the district,**  
31 **plan of action, resource needs for implementing the plan, and evaluation criteria,** with such  
32 requirements taking effect not less than two years from the date of adoption of the proposed rule  
33 by the state board of education, provided that this condition shall not apply to any requirement  
34 for which a time line for adoption is mandated in either federal or state law;

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

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

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

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

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

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

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

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

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

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

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

**161.855. Notwithstanding any provision of law to the contrary, the state board of  
2 education, the department of elementary and secondary education and school districts shall  
3 not implement the common core state standards developed by the Common Core State  
4 Standards Initiative or any substantially similar learning standards. Any actions taken to  
5 adopt or implement the common core state standards as of the effective date of this section  
6 are void.**

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