

FIRST REGULAR SESSION

# HOUSE BILL NO. 94

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TAYLOR.

0778H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 160.518, RSMo, and to enact in lieu thereof one new section relating to statewide assessments.

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*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Section A. Section 160.518, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.518, to read as follows: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. **(1)** Consistent with the provisions contained in section 160.526, the state board of education shall develop, modify, and revise, as necessary, 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 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 statewide 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. After the state board of education adopts and implements academic performance standards as required under section 161.855, the state board of education shall develop and adopt a standardized assessment instrument under this section based on the academic performance standards adopted under section 161.855. The statewide assessment system shall measure, where appropriate by grade level, a student's knowledge of academic subjects including, but not limited to, reading skills,

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 writing skills, mathematics skills, world and American history, forms of government, geography  
18 and science.

19 **(2) Notwithstanding subdivision (1) of this subsection, the state board of education**  
20 **shall not make any substantive change to any assessment test developed in accordance with**  
21 **this section or eliminate its administration until schools have administered the test to**  
22 **students for five consecutive school years, unless revision or elimination of the test is**  
23 **required in order to comply with federal law.**

24 2. The statewide assessment system shall only permit the academic performance of  
25 students in each school in the state to be tracked against prior academic performance in the same  
26 school.

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

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

53 meet the criteria established by the state board of education consistent with subsection 3 of this  
54 section.

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

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

77           7. The state board of education shall also develop recommendations regarding alternate  
78 assessments for any military dependent who relocates to Missouri after the commencement of  
79 a school term, in order to accommodate such student while ensuring that ~~[he or she]~~ **the student**  
80 is proficient in the knowledge, skills, and competencies adopted under section 160.514.

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