

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 125
97TH GENERAL ASSEMBLY

0665L.06C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.405, 160.420, 161.092, 162.081, 162.083, 168.124, 168.126, 168.128, 168.221, 168.291, and 168.410, RSMo, and to enact in lieu thereof nine new sections relating to educational accountability.

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

Section A. Sections 160.405, 160.420, 161.092, 162.081, 162.083, 168.124, 168.126,
2 168.128, 168.221, 168.291, and 168.410, RSMo, are repealed and nine new sections enacted in
3 lieu thereof, to be known as sections 160.405, 160.420, 161.092, 162.081, 162.083, 162.1300,
4 168.124, 168.128, and 168.221, to read as follows:

160.405. 1. A person, group or organization seeking to establish a charter school shall
2 submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a
3 school board, the applicant shall give a copy of its application to the school board of the district
4 in which the charter school is to be located and to the state board of education, within five
5 business days of the date the application is filed with the proposed sponsor. The school board
6 may file objections with the proposed sponsor, and, if a charter is granted, the school board may
7 file objections with the state board of education. The charter shall be a legally binding
8 performance contract that describes the obligations and responsibilities of the school and the
9 sponsor as outlined in sections 160.400 to 160.425 and section 167.349 and shall also include:

10 (1) A mission and vision statement for the charter school;

11 (2) A description of the charter school's organizational structure and bylaws of the
12 governing body, which will be responsible for the policy, financial management, and operational

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.

13 decisions of the charter school, including the nature and extent of parental, professional educator,
14 and community involvement in the governance and operation of the charter school;

15 (3) A financial plan for the first three years of operation of the charter school including
16 provisions for annual audits;

17 (4) A description of the charter school's policy for securing personnel services, its
18 personnel policies, personnel qualifications, and professional development plan;

19 (5) A description of the grades or ages of students being served;

20 (6) The school's calendar of operation, which shall include at least the equivalent of a
21 full school term as defined in section 160.011;

22 (7) A description of the charter school's pupil performance standards and academic
23 program performance standards, which shall meet the requirements of subdivision (6) of
24 subsection 4 of this section. The charter school program shall be designed to enable each pupil
25 to achieve such standards and shall contain a complete set of indicators, measures, metrics, and
26 targets for academic program performance, including specific goals on graduation rates and
27 standardized test performance and academic growth;

28 (8) A description of the charter school's educational program and curriculum;

29 (9) The term of the charter, which shall be five years and shall be renewable;

30 (10) Procedures, consistent with the Missouri financial accounting manual, for
31 monitoring the financial accountability of the charter, which shall meet the requirements of
32 subdivision (4) of subsection 4 of this section;

33 (11) Preopening requirements for applications that require that charter schools meet all
34 health, safety, and other legal requirements prior to opening;

35 (12) A description of the charter school's policies on student discipline and student
36 admission, which shall include a statement, where applicable, of the validity of attendance of
37 students who do not reside in the district but who may be eligible to attend under the terms of
38 judicial settlements and procedures that ensure admission of students with disabilities in a
39 nondiscriminatory manner;

40 (13) A description of the charter school's grievance procedure for parents or guardians;

41 (14) A description of the agreement between the charter school and the sponsor as to
42 when a sponsor shall intervene in a charter school, when a sponsor shall revoke a charter for
43 failure to comply with subsection 8 of this section, and when a sponsor will not renew a charter
44 under subsection 9 of this section;

45 (15) Procedures to be implemented if the charter school should close, as provided in
46 subdivision (6) of subsection 16 of section 160.400 including:

47 (a) Orderly transition of student records to new schools and archival of student records;

48 (b) Archival of business operation and transfer or repository of personnel records;

- 49 (c) Submission of final financial reports;
- 50 (d) Resolution of any remaining financial obligations; and
- 51 (e) Disposition of the charter school's assets upon closure;
- 52 (f) A notification plan to inform parents or guardians of students, the local school
- 53 district, the retirement system in which the charter school's employees participate, and the state
- 54 board of education within thirty days of the decision to close;
- 55 (16) A description of the special education and related services that shall be available
- 56 to meet the needs of students with disabilities; and
- 57 (17) For all new or revised charters, procedures to be used upon closure of the charter
- 58 school requiring that unobligated assets of the charter school be returned to the department of
- 59 elementary and secondary education for their disposition, which upon receipt of such assets shall
- 60 return them to the local school district in which the school was located, the state, or any other
- 61 entity to which they would belong.
- 62
- 63 Charter schools operating on August 27, 2012, shall have until August 28, 2015, to meet the
- 64 requirements of this subsection.
- 65 2. Proposed charters shall be subject to the following requirements:
- 66 (1) A charter shall be submitted to the sponsor, and follow the sponsor's policies and
- 67 procedures for review and granting of a charter approval, and be approved by the state board of
- 68 education by December first of the year prior to the proposed opening date of the charter school;
- 69 (2) A charter may be approved when the sponsor determines that the requirements of this
- 70 section are met, determines that the applicant is sufficiently qualified to operate a charter school,
- 71 and that the proposed charter is consistent with the sponsor's charter sponsorship goals and
- 72 capacity. The sponsor's decision of approval or denial shall be made within ninety days of the
- 73 filing of the proposed charter;
- 74 (3) If the charter is denied, the proposed sponsor shall notify the applicant in writing as
- 75 to the reasons for its denial and forward a copy to the state board of education within five
- 76 business days following the denial;
- 77 (4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted
- 78 to the state board of education, along with the sponsor's written reasons for its denial. If the state
- 79 board determines that the applicant meets the requirements of this section, that the applicant is
- 80 sufficiently qualified to operate the charter school, and that granting a charter to the applicant
- 81 would be likely to provide educational benefit to the children of the district, the state board may
- 82 grant a charter and act as sponsor of the charter school. The state board shall review the
- 83 proposed charter and make a determination of whether to deny or grant the proposed charter
- 84 within sixty days of receipt of the proposed charter, provided that any charter to be considered

85 by the state board of education under this subdivision shall be submitted no later than March first
86 prior to the school year in which the charter school intends to begin operations. The state board
87 of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

88 (5) The sponsor of a charter school shall give priority to charter school applicants that
89 propose a school oriented to high-risk students and to the reentry of dropouts into the school
90 system. If a sponsor grants three or more charters, at least one-third of the charters granted by
91 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student
92 body and address the needs of dropouts or high-risk students through their proposed mission,
93 curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk"
94 student is one who is at least one year behind in satisfactory completion of course work or
95 obtaining high school credits for graduation, has dropped out of school, is at risk of dropping out
96 of school, needs drug and alcohol treatment, has severe behavioral problems, has been suspended
97 from school three or more times, has a history of severe truancy, is a pregnant or parenting teen,
98 has been referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is
99 homeless or has been homeless sometime within the preceding six months, has been referred by
100 an area school district for enrollment in an alternative program, or qualifies as high risk under
101 department of elementary and secondary education guidelines. "Dropout" shall be defined
102 through the guidelines of the school core data report. The provisions of this subsection do not
103 apply to charters sponsored by the state board of education.

104 3. If a charter is approved by a sponsor, the charter application shall be submitted to the
105 state board of education, along with a statement of finding that the application meets the
106 requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring plan under
107 which the charter sponsor shall evaluate the academic performance of students enrolled in the
108 charter school. The state board of education may, within sixty days, disapprove the granting of
109 the charter. The state board of education may disapprove a charter on grounds that the
110 application fails to meet the requirements of sections 160.400 to 160.425 and section 167.349
111 or that a charter sponsor previously failed to meet the statutory responsibilities of a charter
112 sponsor.

113 4. A charter school shall, as provided in its charter:

114 (1) Be nonsectarian in its programs, admission policies, employment practices, and all
115 other operations;

116 (2) Comply with laws and regulations of the state, county, or city relating to health,
117 safety, and state minimum educational standards, as specified by the state board of education,
118 including the requirements relating to student discipline under sections 160.261, 167.161,
119 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under
120 sections 167.115 to 167.117, academic assessment under section 160.518, **charter school**

121 **personnel performance evaluations under subsection 4 of section 160.420**, transmittal of
122 school records under section 167.020, the minimum number of school days and hours required
123 under section 160.041, and the employee criminal history background check and the family care
124 safety registry check under section 168.133;

125 (3) Except as provided in sections 160.400 to 160.425, be exempt from all laws and rules
126 relating to schools, governing boards and school districts;

127 (4) Be financially accountable, use practices consistent with the Missouri financial
128 accounting manual, provide for an annual audit by a certified public accountant, publish audit
129 reports and annual financial reports as provided in chapter 165, provided that the annual financial
130 report may be published on the department of elementary and secondary education's internet
131 website in addition to other publishing requirements, and provide liability insurance to indemnify
132 the school, its board, staff and teachers against tort claims. A charter school that receives local
133 educational agency status under subsection 6 of this section shall meet the requirements imposed
134 by the Elementary and Secondary Education Act for audits of such agencies and comply with all
135 federal audit requirements for charters with local education agency status. For purposes of an
136 audit by petition under section 29.230, a charter school shall be treated as a political subdivision
137 on the same terms and conditions as the school district in which it is located. For the purposes
138 of securing such insurance, a charter school shall be eligible for the Missouri public entity risk
139 management fund pursuant to section 537.700. A charter school that incurs debt shall include
140 a repayment plan in its financial plan;

141 (5) Provide a comprehensive program of instruction for at least one grade or age group
142 from kindergarten through grade twelve, which may include early childhood education if funding
143 for such programs is established by statute, as specified in its charter;

144 (6) (a) Design a method to measure pupil progress toward the pupil academic standards
145 adopted by the state board of education pursuant to section 160.514, establish baseline student
146 performance in accordance with the performance contract during the first year of operation,
147 collect student performance data as defined by the annual performance report throughout the
148 duration of the charter to annually monitor student academic performance, and to the extent
149 applicable based upon grade levels offered by the charter school, participate in the statewide
150 system of assessments, comprised of the essential skills tests and the nationally standardized
151 norm-referenced achievement tests, as designated by the state board pursuant to section 160.518,
152 complete and distribute an annual report card as prescribed in section 160.522, which shall also
153 include a statement that background checks have been completed on the charter school's board
154 members, report to its sponsor, the local school district, and the state board of education as to
155 its teaching methods and any educational innovations and the results thereof, and provide data
156 required for the study of charter schools pursuant to subsection 4 of section 160.410. No charter

157 school shall be considered in the Missouri school improvement program review of the district
158 in which it is located for the resource or process standards of the program.

159 (b) For proposed high risk or alternative charter schools, sponsors shall approve
160 performance measures based on mission, curriculum, teaching methods, and services. Sponsors
161 shall also approve comprehensive academic and behavioral measures to determine whether
162 students are meeting performance standards on a different time frame as specified in that school's
163 charter. Student performance shall be assessed comprehensively to determine whether a high
164 risk or alternative charter school has documented adequate student progress. Student
165 performance shall be based on sponsor-approved comprehensive measures as well as
166 standardized public school measures. Annual presentation of charter school report card data to
167 the department of elementary and secondary education, the state board, and the public shall
168 include comprehensive measures of student progress.

169 (c) Nothing in this subdivision shall be construed as permitting a charter school to be
170 held to lower performance standards than other public schools within a district; however, the
171 charter of a charter school may permit students to meet performance standards on a different time
172 frame as specified in its charter. The performance standards for alternative and special purpose
173 charter schools that target high-risk students as defined in subdivision (5) of subsection 2 of this
174 section shall be based on measures defined in the school's performance contract with its
175 sponsors;

176 (7) Comply with all applicable federal and state laws and regulations regarding students
177 with disabilities, including sections 162.670 to 162.710, the Individuals with Disabilities
178 Education Act (20 U.S.C. Section 1400) and Section 504 of the Rehabilitation Act of 1973 (29
179 U.S.C. Section 794) or successor legislation;

180 (8) Provide along with any request for review by the state board of education the
181 following:

182 (a) Documentation that the applicant has provided a copy of the application to the school
183 board of the district in which the charter school is to be located, except in those circumstances
184 where the school district is the sponsor of the charter school; and

185 (b) A statement outlining the reasons for approval or disapproval by the sponsor,
186 specifically addressing the requirements of sections 160.400 to 160.425 and 167.349.

187 5. (1) Proposed or existing high-risk or alternative charter schools may include
188 alternative arrangements for students to obtain credit for satisfying graduation requirements in
189 the school's charter application and charter. Alternative arrangements may include, but not be
190 limited to, credit for off-campus instruction, embedded credit, work experience through an
191 internship arranged through the school, and independent studies. When the state board of
192 education approves the charter, any such alternative arrangements shall be approved at such time.

193 (2) The department of elementary and secondary education shall conduct a study of any
194 charter school granted alternative arrangements for students to obtain credit under this subsection
195 after three years of operation to assess student performance, graduation rates, educational
196 outcomes, and entry into the workforce or higher education.

197 6. The charter of a charter school may be amended at the request of the governing body
198 of the charter school and on the approval of the sponsor. The sponsor and the governing board
199 and staff of the charter school shall jointly review the school's performance, management and
200 operations during the first year of operation and then every other year after the most recent
201 review or at any point where the operation or management of the charter school is changed or
202 transferred to another entity, either public or private. The governing board of a charter school
203 may amend the charter, if the sponsor approves such amendment, or the sponsor and the
204 governing board may reach an agreement in writing to reflect the charter school's decision to
205 become a local educational agency. In such case the sponsor shall give the department of
206 elementary and secondary education written notice no later than March first of any year, with the
207 agreement to become effective July first. The department may waive the March first notice date
208 in its discretion. The department shall identify and furnish a list of its regulations that pertain
209 to local educational agencies to such schools within thirty days of receiving such notice.

210 7. Sponsors shall annually review the charter school's compliance with statutory
211 standards including:

212 (1) Participation in the statewide system of assessments, as designated by the state board
213 of education under section 160.518;

214 (2) Assurances for the completion and distribution of an annual report card as prescribed
215 in section 160.522;

216 (3) The collection of baseline data during the first three years of operation to determine
217 the longitudinal success of the charter school;

218 (4) A method to measure pupil progress toward the pupil academic standards adopted by
219 the state board of education under section 160.514; and

220 (5) Publication of each charter school's annual performance report.

221 8. (1) (a) A sponsor's intervention policies shall give schools clear, adequate, evidence-
222 based, and timely notice of contract violations or performance deficiencies and mandate
223 intervention based upon findings of the state board of education of the following:

224 a. The charter school provides a high school program which fails to maintain a
225 graduation rate of at least seventy percent in three of the last four school years unless the school
226 has dropout recovery as its mission;

227 b. The charter school's annual performance report results are below the district's annual
228 performance report results based on the performance standards that are applicable to the grade

229 level configuration of both the charter school and the district in which the charter school is
230 located in three of the last four school years; and

231 c. The charter school is identified as a persistently lowest achieving school by the
232 department of elementary and secondary education.

233 (b) A sponsor shall have a policy to revoke a charter during the charter term if there is:

234 a. Clear evidence of underperformance as demonstrated in the charter school's annual
235 performance report in three of the last four school years; or

236 b. A violation of the law or the public trust that imperils students or public funds.

237 (c) A sponsor shall revoke a charter or take other appropriate remedial action, which may
238 include placing the charter school on probationary status for no more than twelve months,
239 provided that no more than one designation of probationary status shall be allowed for the
240 duration of the charter contract, at any time if the charter school commits a serious breach of one
241 or more provisions of its charter or on any of the following grounds: failure to meet the
242 performance contract as set forth in its charter, failure to meet generally accepted standards of
243 fiscal management, failure to provide information necessary to confirm compliance with all
244 provisions of the charter and sections 160.400 to 160.425 and 167.349 within forty-five days
245 following receipt of written notice requesting such information, or violation of law.

246 (2) The sponsor may place the charter school on probationary status to allow the
247 implementation of a remedial plan, which may require a change of methodology, a change in
248 leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

249 (3) At least sixty days before acting to revoke a charter, the sponsor shall notify the
250 governing board of the charter school of the proposed action in writing. The notice shall state
251 the grounds for the proposed action. The school's governing board may request in writing a
252 hearing before the sponsor within two weeks of receiving the notice.

253 (4) The sponsor of a charter school shall establish procedures to conduct administrative
254 hearings upon determination by the sponsor that grounds exist to revoke a charter. Final
255 decisions of a sponsor from hearings conducted pursuant to this subsection are subject to an
256 appeal to the state board of education, which shall determine whether the charter shall be
257 revoked.

258 (5) A termination shall be effective only at the conclusion of the school year, unless the
259 sponsor determines that continued operation of the school presents a clear and immediate threat
260 to the health and safety of the children.

261 (6) A charter sponsor shall make available the school accountability report card
262 information as provided under section 160.522 and the results of the academic monitoring
263 required under subsection 3 of this section.

264 9. (1) A sponsor shall take all reasonable steps necessary to confirm that each charter
265 school sponsored by such sponsor is in material compliance and remains in material compliance
266 with all material provisions of the charter and sections 160.400 to 160.425 and 167.349. Every
267 charter school shall provide all information necessary to confirm ongoing compliance with all
268 provisions of its charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its
269 sponsor.

270 (2) The sponsor's renewal process of the charter school shall be based on the thorough
271 analysis of a comprehensive body of objective evidence and consider if:

272 (a) The charter school has maintained results on its annual performance report that meet
273 or exceed the district in which the charter school is located based on the performance standards
274 that are applicable to the grade-level configuration of both the charter school and the district in
275 which the charter school is located in three of the last four school years;

276 (b) The charter school is organizationally and fiscally viable determining at a minimum
277 that the school does not have:

278 a. A negative balance in its operating funds;

279 b. A combined balance of less than three percent of the amount expended for such funds
280 during the previous fiscal year; or

281 c. Expenditures that exceed receipts for the most recently completed fiscal year;

282 (c) The charter is in compliance with its legally binding performance contract and
283 sections 160.400 to 160.425 and section 167.349.

284 (3) (a) Beginning August first during the year in which a charter is considered for
285 renewal, a charter school sponsor shall demonstrate to the state board of education that the
286 charter school is in compliance with federal and state law as provided in sections 160.400 to
287 160.425 and section 167.349 and the school's performance contract including but not limited to
288 those requirements specific to academic performance.

289 (b) Along with data reflecting the academic performance standards indicated in
290 paragraph (a) of this subdivision, the sponsor shall submit a revised charter application to the
291 state board of education for review.

292 (c) Using the data requested and the revised charter application under paragraphs (a) and
293 (b) of this subdivision, the state board of education shall determine if compliance with all
294 standards enumerated in this subdivision has been achieved. The state board of education at its
295 next regularly scheduled meeting shall vote on the revised charter application.

296 (d) If a charter school sponsor demonstrates the objectives identified in this subdivision,
297 the state board of education shall renew the school's charter.

298 10. A school district may enter into a lease with a charter school for physical facilities.

299

300 11. A governing board or a school district employee who has control over personnel
301 actions shall not take unlawful reprisal against another employee at the school district because
302 the employee is directly or indirectly involved in an application to establish a charter school. A
303 governing board or a school district employee shall not take unlawful reprisal against an
304 educational program of the school or the school district because an application to establish a
305 charter school proposes the conversion of all or a portion of the educational program to a charter
306 school. As used in this subsection, "unlawful reprisal" means an action that is taken by a
307 governing board or a school district employee as a direct result of a lawful application to
308 establish a charter school and that is adverse to another employee or an educational program.

309 12. Charter school board members shall be subject to the same liability for acts while
310 in office as if they were regularly and duly elected members of school boards in any other public
311 school district in this state. The governing board of a charter school may participate, to the same
312 extent as a school board, in the Missouri public entity risk management fund in the manner
313 provided under sections 537.700 to 537.756.

314 13. Any entity, either public or private, operating, administering, or otherwise managing
315 a charter school shall be considered a quasi-public governmental body and subject to the
316 provisions of sections 610.010 to 610.035.

317 14. The chief financial officer of a charter school shall maintain:

318 (1) A surety bond in an amount determined by the sponsor to be adequate based on the
319 cash flow of the school; or

320 (2) An insurance policy issued by an insurance company licensed to do business in
321 Missouri on all employees in the amount of five hundred thousand dollars or more that provides
322 coverage in the event of employee theft.

160.420. 1. Any school district in which charter schools may be established under
2 sections 160.400 to 160.425 shall establish a uniform policy which provides that if a charter
3 school offers to retain the services of an employee of a school district, and the employee accepts
4 a position at the charter school, an employee at the employee's option may remain an employee
5 of the district and the charter school shall pay to the district the district's full costs of salary and
6 benefits provided to the employee. The district's policy shall provide that any teacher who
7 accepts a position at a charter school and opts to remain an employee of the district retains such
8 teacher's permanent teacher status and retains such teacher's seniority rights in the district for
9 three years. The school district shall not be liable for any such employee's acts while an
10 employee of the charter school.

11 2. A charter school may employ noncertificated instructional personnel; provided that
12 no more than twenty percent of the full-time equivalent instructional staff positions at the school
13 are filled by noncertificated personnel. All noncertificated instructional personnel shall be

14 supervised by certificated instructional personnel. A charter school that has a foreign language
15 immersion experience as its chief educational mission, as stated in its charter, shall not be subject
16 to the twenty-percent requirement of this subsection but shall ensure that any teachers whose
17 duties include instruction given in a foreign language have current valid credentials in the
18 country in which such teacher received his or her training and shall remain subject to the
19 remaining requirements of this subsection. The charter school shall ensure that all instructional
20 employees of the charter school have experience, training and skills appropriate to the
21 instructional duties of the employee, and the charter school shall ensure that a criminal
22 background check and family care safety registry check are conducted for each employee of the
23 charter school prior to the hiring of the employee under the requirements of section 168.133.
24 The charter school may not employ instructional personnel whose certificate of license to teach
25 has been revoked or is currently suspended by the state board of education. Appropriate
26 experience, training and skills of noncertificated instructional personnel shall be determined
27 considering:

- 28 (1) Teaching certificates issued by another state or states;
- 29 (2) Certification by the National Board for Professional Teaching Standards;
- 30 (3) College degrees in the appropriate field;
- 31 (4) Evidence of technical training and competence when such is appropriate; and
- 32 (5) The level of supervision and coordination with certificated instructional staff.

33 3. Personnel employed by the charter school shall participate in the retirement system
34 of the school district in which the charter school is located, subject to the same terms, conditions,
35 requirements and other provisions applicable to personnel employed by the school district. For
36 purposes of participating in the retirement system, the charter school shall be considered to be
37 a public school within the school district, and personnel employed by the charter school shall be
38 public school employees. In the event of a lapse of the school district's corporate organization
39 as described in subsections 1 and 4 of section 162.081, personnel employed by the charter school
40 shall continue to participate in the retirement system and shall do so on the same terms,
41 conditions, requirements and other provisions as they participated prior to the lapse.

42 **4. (1) Nothing in this subsection shall be construed as an infringement upon the**
43 **doctrine of at-will employment as exercised by a charter school.**

44 **(2) As used in this subsection, the following terms shall mean:**

45 **(a) "Student growth", the change in achievement for an individual student between**
46 **two or more points in time based on standards-based measures that are rigorous, valid,**
47 **and comparable across classrooms of similar content and levels;**

48 **(b) "Value-added model", a growth model used to isolate the effect of a teacher's**
49 **impact on student learning, controlling for preexisting characteristics of a student,**

50 including but not limited to, where available, prior achievement data, and, where available
51 and at the discretion of the charter school, a student's gifted status, section 504 status,
52 attendance, disability status, eligibility for free or reduced lunch, limited English
53 proficiency, or prior discipline history.

54 (3) Each charter school shall develop an evaluation system centered on student
55 achievement, performance, and progress that conforms to the provisions of the charter
56 school's performance contract, its mission, and this subsection, and implement it no later
57 than the 2014-2015 school year. The evaluation system shall include formative
58 performance reviews to provide feedback to teachers and summative evaluations, and the
59 charter school shall use the evaluation results to improve student achievement,
60 performance, and progress.

61 (4) Teachers and administrators shall be evaluated no less than annually, using
62 multiple valid measures. Evaluation measures shall include the following elements:

63 (a) For those teachers who teach grades and courses that are subject to annual
64 assessments, student achievement, and student growth on such assessments shall count for
65 at least thirty-three percent of the evaluation, using value-added measures;

66 (b) For teachers who do not directly instruct students in subjects and grades
67 subject to assessments but who are expected to contribute to student performance on such
68 assessments, growth in student achievement on such assessments shall be used as an
69 evaluation measure and shall count for a percentage of the evaluation to be determined by
70 the charter school;

71 (c) Student growth shall be measured through such assessments in accordance with
72 value-added methods or models and shall reflect at least one year's worth of growth for a
73 school year of instruction, or that students otherwise achieved appropriate growth based
74 on expectations derived from at least two years of individual student achievement data;

75 (d) Multiple additional measures for teachers shall be correlated with impacts on
76 student achievement results. These measures may include student surveys and multiple
77 classroom observations each year by trained master teachers, administrators, or other
78 professionals, using clear, consistent observation rubrics provided to the teacher in
79 advance of the school year, and may include other measures aligned with student
80 achievement as determined by the charter school;

81 (e) Multiple additional measures for administrators shall be correlated with
82 impacts on student achievement results for students in all subgroups and shall include the
83 administrator's ability to create an academic environment which fosters student growth.
84 However, where applicable, evaluations of administrators shall include the ability to
85 attract, develop, and retain highly effective teachers; management of schools, including

86 **finances, space and legal compliance; and parental engagement in the school; and may**
87 **include other measures aligned with student achievement.**

88 **(5) Each teacher and administrator shall be given one of four rating levels that are**
89 **designated as "highly effective", "effective", "minimally effective", or "ineffective" . Such**
90 **rating levels shall be directly correlated to the summative evaluation results provided for**
91 **in subdivision (3) of this subsection.**

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
30 classification, with such requirements taking effect not less than two years from the date of

31 adoption of the proposed rule by the state board of education, provided that this condition shall
32 not apply to any requirement for which a time line for adoption is mandated in either federal or
33 state law;

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

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

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

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

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

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

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

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

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

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

66 **ninety days prior to their application in accreditation, with all comments received to be**
 67 **reported to the state board of education;**

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

162.081. 1. Whenever any school district in this state fails or refuses in any school year
 2 to provide for the minimum school term required by section 163.021 or is classified unaccredited
 3 [for two successive school years by the state board of education, its corporate organization shall
 4 lapse. The corporate organization of any school district that is classified as unaccredited shall
 5 lapse on June thirtieth of the second full school year of such unaccredited classification after the
 6 school year during which the unaccredited classification is initially assigned. The territory
 7 theretofore embraced within any district that lapses pursuant to this section or any portion thereof
 8 may be attached to any district for school purposes by the state board of education; but no school
 9 district, except a district classified as unaccredited pursuant to section 163.023 and section
 10 160.538 shall lapse where provision is lawfully made for the attendance of the pupils of the
 11 district at another school district that is classified as provisionally accredited or accredited by the
 12 state board of education] , **the state board of education shall, upon a district's initial**
 13 **classification or reclassification as unaccredited:**

14 (1) **Review the governance of the district to establish the conditions under which**
 15 **the existing school board shall continue to govern; or**

16 (2) **Determine the date the district shall lapse and determine an alternative**
 17 **governing structure for the district.**

18 2. [Prior to or] **If at the time any school district in this state shall [lapse, but after the**
 19 **school district has been] be classified as unaccredited, the department of elementary and**
 20 **secondary education shall conduct [a] at least two public [hearing] hearings at a location in the**
 21 **unaccredited school district regarding the accreditation status of the school district. The**
 22 **hearings shall provide an opportunity to convene community resources that may be useful**
 23 **or necessary in supporting the school district as it attempts to return to accredited status,**
 24 **continues under revised governance, or plans for continuity of educational services and**
 25 **resources upon its attachment to a neighboring district. The department may request the**
 26 **attendance of stakeholders and district officials to review the district's plan to return to**
 27 **accredited status, if any; offer technical assistance; and facilitate and coordinate**
 28 **community resources. Such hearings shall be conducted at least twice annually for every**
 29 **year in which the district remains unaccredited or provisionally accredited. [The purpose**
 30 **of the hearing shall be to:**

31 (1) Review any plan by the district to return to accredited status; or

32 (2) Offer any technical assistance that can be provided to the district.

33 3. Except as otherwise provided in section 162.1100, in a metropolitan school district
34 or an urban school district containing most or all of a city with a population greater than three
35 hundred fifty thousand inhabitants and in any other school district if the local board of education
36 does not anticipate a return to accredited status, the state board of education may appoint a
37 special administrative board to supervise the financial operations, maintain and preserve the
38 financial assets or, if warranted, continue operation of the educational programs within the
39 district or what provisions might otherwise be made in the best interest of the education of the
40 children of the district. The special administrative board shall consist of two persons who are
41 residents of the school district, who shall serve without compensation, and a professional
42 administrator, who shall chair the board and shall be compensated, as determined by the state
43 board of education, in whole or in part with funds from the district.

44 4.] **3. Upon [lapse of the district] classification of a district as unaccredited, the state**
45 **board of education may:**

46 **(1) Allow continued governance by the existing school district board of education**
47 **under terms and conditions established by the state board of education; or**

48 **(2) Lapse the corporate organization of the unaccredited district and:**

49 **(a) Appoint a special administrative board, [if such a board has not already been**
50 **appointed, and authorize the special administrative board to retain the authority granted to a**
51 **board of education] for the operation of all or part of the district. The number of members of**
52 **the special administrative board shall not be less than five, the majority of whom shall be**
53 **residents of the district. The members of the special administrative board shall reflect the**
54 **population characteristics of the district and shall collectively possess strong experience in**
55 **school governance, management and finance, and leadership. Within fourteen days after**
56 **the appointment by the state board of education, the special administrative board shall**
57 **organize by the election of a president, vice president, secretary and a treasurer, with their**
58 **duties and organization as enumerated in section 162.301. The special administrative**
59 **board shall appoint a superintendent of schools to serve as the chief executive officer of the**
60 **school district and to have all powers and duties of any other general superintendent of**
61 **schools in a seven-director school district. Any special administrative board appointed**
62 **under this section shall be responsible for the operation of the district until such time that**
63 **the district is classified by the state board of education as provisionally accredited for at**
64 **least two successive academic years, after which time the state board of education may**
65 **provide for a transition pursuant to section 162.083; or**

66 **[(2)] (b) Determine an alternative governing structure for the district including, at**
67 **a minimum:**

68 **a. A rationale for the decision to use an alternative form of governance and in the**
69 **absence of the district's achievement of full accreditation, the state board of education shall**
70 **review and recertify the alternative form of governance every three years;**

71 **b. A method for the residents of the district to provide public comment after a**
72 **stated period of time or upon achievement of specified academic objectives;**

73 **c. Expectations for progress on academic achievement, which shall include an**
74 **anticipated time line for the district to reach full accreditation; and**

75 **d. Annual reports to the general assembly and the governor on the progress**
76 **towards accreditation of any district that has been declared unaccredited and is placed**
77 **under an alternative form of governance, including a review of the effectiveness of the**
78 **alternative governance; or**

79 **(c)** Attach the territory of the lapsed district to another district or districts for school
80 purposes; or

81 **[(3)] (d)** Establish one or more school districts within the territory of the lapsed district,
82 with a governance structure [consistent with the laws applicable to districts of a similar size]
83 **specified by the state board of education**, with the option of permitting a district to remain
84 intact for the purposes of assessing, collecting, and distributing property taxes, to be distributed
85 equitably on a weighted average daily attendance basis, but to be divided for operational
86 purposes, which shall take effect sixty days after the adjournment of the regular session of the
87 general assembly next following the state board's decision unless a statute or concurrent
88 resolution is enacted to nullify the state board's decision prior to such effective date. [The special
89 administrative board may retain the authority granted to a board of education for the operation
90 of the lapsed school district under the laws of the state in effect at the time of the lapse.

91 **5.] 4. If the state board of education chooses, upon a district's initial classification**
92 **as unaccredited, to allow the district to remain under the continued governance of the**
93 **existing school district board of education under terms and conditions established by the**
94 **state board of education in subsection 3 of this section, the state board of education shall**
95 **annually review such decision under the terms of this section for so long as the district**
96 **remains unaccredited or provisionally accredited, with consideration given to the**
97 **following:**

98 **(1) If the unaccredited district earns an improved score on the department's annual**
99 **performance report as compared to the score it earned in the prior year or if the score is**
100 **sufficient for accredited status, the state board of education may continue to allow the**
101 **district to remain under the continued governance of the existing school district board of**
102 **education under terms and conditions established by the state board of education;**

103 **(2) If the unaccredited district does not earn an improved score on the department's**
104 **annual performance report as compared to the score it earned in the prior year or has a**
105 **score that is insufficient for accredited status, then the state board of education shall**
106 **proceed under subdivision (2) of subsection 3 of this section;**

107 **(3) In no case shall a district remain under the continued governance of the existing**
108 **school district board of education if it suffers three consecutive years of unaccredited**
109 **status. In such cases of continuous unaccredited status, the state board of education shall**
110 **immediately proceed under subdivision (2) of subsection 3 of this section.**

111 **5. A special administrative board appointed under this section shall retain the**
112 **authority granted to a board of education for the operation of the lapsed school district**
113 **under the laws of the state in effect at the time of the lapse and may enter into contracts**
114 **with accredited school districts or other education service providers in order to deliver**
115 **high quality educational programs to the residents of the district. If a student graduates**
116 **while attending a school building in the district that is operated under a contract with an**
117 **accredited school district as specified under this subsection, the student shall receive his**
118 **or her diploma from the accredited school district.** The authority of the special administrative
119 board shall expire at the end of the third full school year following its appointment, unless
120 extended by the state board of education. If the lapsed district is reassigned, the special
121 administrative board shall provide an accounting of all funds, assets and liabilities of the lapsed
122 district and transfer such funds, assets, and liabilities of the lapsed district as determined by the
123 state board of education. **Neither the special administrative board nor its members or**
124 **employees shall be deemed to be the state or a state agency for any purpose, including**
125 **section 105.711, et seq. The state of Missouri, its agencies and employees, shall be**
126 **absolutely immune from liability for any and all acts or omissions relating to or in any way**
127 **involving the lapsed district, the special administrative board, its members or employees.**
128 **Such immunities, and immunity doctrines as exist or may hereafter exist benefitting boards**
129 **of education, their members and their employees shall be available to the special**
130 **administrative board, its members and employees.**

131 **6. [Upon recommendation of the special administrative board, the state board of**
132 **education may assign the funds, assets and liabilities of the lapsed district to another district or**
133 **districts. Upon assignment, all authority of the special administrative board shall transfer to the**
134 **assigned districts.**

135 **7.] Neither the special administrative board nor any district or other entity assigned**
136 **territory, assets or funds from a lapsed district shall be considered a successor entity for the**
137 **purpose of employment contracts, unemployment compensation payment pursuant to section**
138 **288.110, or any other purpose.**

139 [8.] 7. If additional teachers are needed by a district as a result of increased enrollment
140 due to the annexation of territory of a lapsed or dissolved district, such district shall grant an
141 employment interview to any permanent teacher of the lapsed or dissolved district upon the
142 request of such permanent teacher.

143 [9.] 8. (1) The governing body of a school district, upon an initial declaration by the
144 state board of education that such district is provisionally accredited, may, and, upon an initial
145 declaration by the state board of education that such district is unaccredited, shall develop a plan
146 to be submitted to the voters of the school district to divide the school district if the district
147 cannot attain accreditation within three years of the initial declaration that such district is
148 unaccredited. In the case of such a district being declared unaccredited, such plan shall be
149 presented to the voters of the district before the district lapses. In the case of such a district being
150 declared provisionally accredited, such plan may be presented before the close of the current
151 accreditation cycle.

152 (2) The plan may provide that the school district shall remain intact for the purposes of
153 assessing, collecting and distributing taxes for support of the schools, and the governing body
154 of the district shall develop a plan for the distribution of such taxes equitably on a per-pupil basis
155 if the district selects this option.

156 (3) The makeup of the new districts shall be racially balanced as far as the proportions
157 of students allow.

158 (4) If a majority of the district's voters approve the plan, the state board of education
159 shall cooperate with the local board of education to implement the plan, which may include use
160 of the provisions of this section to provide an orderly transition to new school districts and
161 achievement of accredited status for such districts.

162 [10.] 9. In the event that a school district with an enrollment in excess of five thousand
163 pupils lapses, no school district shall have all or any part of such lapsed school district attached
164 without the approval of the board of the receiving school district.

162.083. 1. The state board of education may appoint additional members to any special
2 administrative board appointed under section 162.081.

3 2. The state board of education may set a final term of office for any member of a special
4 administrative board, after which a successor member shall be elected by the voters of the
5 district.

6 (1) All final terms of office for members of the special administrative board established
7 under this section shall expire on June thirtieth.

8 (2) The election of a successor member shall occur on the general municipal election day
9 immediately prior to the expiration of the final term of office.

10 (3) The election shall be conducted in a manner consistent with the election laws
11 applicable to the school district.

12 3. Nothing in this section shall be construed as barring an otherwise qualified member
13 of the special administrative board from standing for an elected term on the board.

14 4. [If the state board of education appoints a successor member to replace the chair of
15 the special administrative board, the serving members of the special administrative board shall
16 be authorized to appoint a superintendent of schools and contract for his or her services.

17 5.] On a date set by the state board of education, any district operating under the
18 governance of a special administrative board shall return to local governance, and continue
19 operation as a school district as otherwise authorized by law.

**162.1300. If a change in school district boundary lines occurs under section 162.223,
2 162.431, 162.441, or 162.451, or by action of the state board of education under section
3 162.081, including attachment of a school district's territory to another district or
4 dissolution, such that a school district receives additional students as a result of such
5 change, the statewide assessment scores and all other performance data for those students
6 whom the district received shall not be used for three years when calculating the
7 performance of the receiving district for three school years for purposes of the Missouri
8 school improvement program.**

168.124. 1. The board of education of a school district may place on leave of absence
2 as many teachers as may be necessary because of a decrease in pupil enrollment, school district
3 reorganization or the financial condition of the school district. [In placing teachers on leave, the
4 board of education shall be governed by the following provisions] **The board of education shall
5 use, as the basis for its primary determination of which teaching personnel will lose their
6 positions, educator evaluations under section 168.128. Nothing in this section shall prohibit
7 the board of education from identifying specific content or grade areas in which reductions
8 are necessary; however, reductions within specific areas shall be based primarily on
9 educator evaluations conducted under section 168.128:**

10 (1) [No permanent teacher shall be placed on leave of absence while probationary
11 teachers are retained in positions for which a permanent teacher is qualified;

12 (2) Permanent teachers shall be retained on the basis of performance-based evaluations
13 and seniority (however, seniority shall not be controlling) within the field of specialization;

14 (3) Permanent teachers shall be reinstated to the positions from which they have been
15 given leaves of absence, or if not available, to positions requiring like training and experience,
16 or to other positions in the school system for which they are qualified by training and experience;

17 (4) No appointment of new teachers shall be made while there are available teachers on
18 unrequested leave of absence who are properly qualified to fill such vacancies;

19 (5) A teacher placed on leave of absence may engage in teaching or another occupation
20 during the period of such leave;

21 [(6)] (2) The leave of absence shall not impair the tenure of a teacher;

22 [(7)] (3) The leave of absence shall continue for a period of not more than three years
23 unless extended by the board.

24 2. Should a board of education choose to utilize the mechanism for reducing teacher
25 forces as provided in subsection 1 of this section in an attempt to manage adverse financial
26 conditions caused at least partially by a withholding of, or a decrease or less than expected
27 increase in, education appropriations, then the district additionally shall follow the provisions
28 of subsection 3 of this section.

29 3. If a school district has an unrestricted combined ending fund balance of more than ten
30 percent of current expenditures in its teachers' and incidental funds, and in the subsequent fiscal
31 year such district, because of state appropriations, places a contracted teacher on leave of absence
32 after forty days subsequent to the governor signing the elementary and secondary education
33 appropriation bill, the district shall pay the affected teacher the greater of his or her salary for any
34 days worked under the contract, or a sum equal to three thousand dollars.

168.128. 1. The board of education of each school district shall maintain records
2 showing periods of service, dates of appointment, and other necessary information for the
3 enforcement of sections 168.102 to 168.130. In addition, the board of education of each school
4 district shall cause a comprehensive, performance-based evaluation for each teacher employed
5 by the district. Such evaluations shall be ongoing and [of sufficient specificity and frequency]
6 **performed no less than annually** to provide for demonstrated standards of competency and
7 academic ability.

8 **2. Consistent with department of elementary and secondary education regulations,**
9 **each district shall fully implement an evaluation system that conforms to the provisions of**
10 **this section, including using the evaluation results for personnel decisions in advance of the**
11 **next school year. Each district with such assistance as may be available from the**
12 **department shall develop an evaluation system that conforms to the provisions of this**
13 **section and implement it no later than the 2014-15 school year. The evaluation system shall**
14 **include formative performance reviews to provide feedback to teachers and shall include**
15 **summative evaluations.**

16 **3. Each local school district shall establish and implement a local evaluation system**
17 **for teachers and administrators centered on student achievement. Evaluations of all**
18 **personnel shall be conducted no less than annually based on the following parameters;**
19 **however, if any of the parameters shall be found by the department to be in conflict with**

20 the department's ability to comply with the conditions set forth in the waiver from the
21 federal Elementary and Secondary Education Act, those items shall not be included:

22 (1) Each local district shall develop and implement an evaluation system for
23 elementary and secondary school teachers and administrators that uses multiple measures,
24 centered on growth in student achievement, consistent with this section and with
25 implementing regulations issued by the department of elementary and secondary education
26 with input from the local districts;

27 (2) If a district fails to adopt an evaluation system consistent with the requirements
28 and time lines of this section, or at the election of the district, the district shall use the
29 model evaluation system developed by the department of elementary and secondary
30 education under subsection 6 of this section;

31 (3) If a district chooses to adopt an evaluation system which differs from the model
32 evaluation developed by the department under subsection 6 of this section, the local
33 evaluation system shall be developed and implemented in consultation with teachers and
34 administrators and with parents of students;

35 (4) Teachers and administrators shall be evaluated using multiple valid measures.
36 Evaluation measures shall include the following elements:

37 (a) For those teachers who teach grades and courses that are subject to annual
38 assessments aligned with state standards, student achievement, and student growth on such
39 assessments shall count for at least thirty-three percent of the evaluation, using value-
40 added measures developed by the department of elementary and secondary education. The
41 district shall be able to use a model developed by the school district and approved by the
42 department of elementary and secondary education to measure student growth in this
43 subsection;

44 (b) For teachers who do not directly instruct students in subjects and grades
45 subject to assessments aligned with state standards, but who are expected to contribute to
46 student performance on such assessments, growth in student achievement on such
47 assessments shall be used as an evaluation measure and shall count for a percentage of the
48 evaluation to be determined by the district. The district shall be able to use a model
49 developed by the school district and approved by the department of elementary and
50 secondary education to measure student growth in this subsection;

51 (c) Student growth shall be measured through such assessments in accordance with
52 value-added methods or models developed by the department of elementary and secondary
53 education, and shall reflect at least one year's worth of growth for a school year of
54 instruction, or that students otherwise achieved appropriate growth based on expectations
55 derived from at least two years of individual student achievement data;

56 **(d) Multiple additional measures for teachers shall be correlated with impacts on**
57 **student achievement results. These measures may include student surveys and multiple**
58 **classroom observations each year by trained master teachers, administrators, or other**
59 **professionals, using clear, consistent observation rubrics provided to the teacher in**
60 **advance of the school year, and may include other measures aligned with student**
61 **achievement as determined at the local level; however for teachers hired after the start of**
62 **the school year the board of education shall provide such rubrics as the earliest practical**
63 **time;**

64 **(e) Multiple additional measures for administrators shall be correlated with**
65 **impacts on student achievement results for students in all subgroups and shall include the**
66 **administrator's ability to create an academic environment which fosters student growth;**
67 **however, student growth on assessments for administrators, except superintendents, shall**
68 **count for at least thirty-three percent of the evaluation, using value-added measures.**
69 **Teacher surveys may be included as a portion of the evaluation for administrators.**
70 **However, where applicable, evaluations of administrators shall include the ability to**
71 **attract, develop, and retain highly effective teachers; management of schools, including**
72 **finances, space and legal compliance; and parental engagement in the school; and may**
73 **include other measures aligned with student achievement;**

74 **(5) Each teacher and administrator shall be given one of four rating levels that are**
75 **designated as "highly effective", "effective", "minimally effective", or "ineffective", as**
76 **further defined by the department of elementary and secondary education or the local**
77 **school district. Such rating levels shall be directly correlated to the summative evaluation**
78 **results provided for in subsection 2 of this section;**

79 **(6) For purposes of retention, promotion, dismissals and other staffing decisions**
80 **based on performance, including but not limited to incompetency, inefficiency or**
81 **insubordination, willful and persistent violation of board policy, such staffing decisions**
82 **shall consider evaluation results, should they exist, as a significant factor. However,**
83 **nothing in this section shall preclude the district from terminating a probationary teacher**
84 **where such teacher's evaluation was completed prior to the teacher having at least six**
85 **months of teaching experience in the district. Each teacher and administrator contract and**
86 **collective bargaining agreement entered into, including option years exercised, after the**
87 **effective date of this section shall authorize use of evaluation to inform decisions described**
88 **in this subsection. The form and content of the evaluation under section 168.128 shall not**
89 **be the subject of collective bargaining agreements. Unless otherwise prohibited by law,**
90 **any contrary provisions of collective bargaining agreements, regulations, or policies shall**
91 **be void.**

92 **4. Nothing in this section shall be construed to prohibit the board of education from**
93 **taking disciplinary action concerning a teacher for issues not referenced in this section.**

94 **5. If a permanent teacher has received a rating of ineffective or minimally effective**
95 **on an annual year-end performance evaluation, the school district shall provide the teacher**
96 **with an individualized development plan developed by appropriate administrative**
97 **personnel in consultation with the individual teacher.**

98 **6. The department of elementary and secondary education shall:**

99 **(1) Promulgate rules and regulations governing the development and**
100 **implementation of local evaluation systems under subsection 3 of this section. Such rules**
101 **and regulations shall be designed to preserve autonomy and flexibility for districts to adopt**
102 **their own policies and processes for the evaluation system and may include, but not be**
103 **limited to:**

104 **(a) Processes and requirements to determine the teacher of record for purposes of**
105 **assigning student achievement scores to a teacher in evaluating the teacher's performance;**

106 **(b) Standards for rating levels to be assigned to teachers and administrators,**
107 **consistent with subsection 3 of this section;**

108 **(c) Processes and requirements for value-added models to be used in measuring**
109 **student achievement growth for purposes of teacher and administrator evaluation;**

110 **(2) Develop, implement, and publicly disseminate a statewide student growth model**
111 **and a value-added model for determining student growth on assessments;**

112 **(3) Provide technical assistance to districts in developing and implementing a local**
113 **evaluation system;**

114 **(4) Develop a model evaluation system that shall be used by districts that are not**
115 **able to develop their own system or that elect to use the state model evaluation system; and**

116 **(5) Monitor local evaluation systems established under subsection 3 of this section**
117 **to ensure that evaluation outcomes are consistent in the aggregate with student**
118 **achievement results at the district and school levels; and that the evaluation systems meet**
119 **the requirements of this section and implement rules and regulations issued by the**
120 **department of elementary and secondary education; and direct any appropriate corrective**
121 **actions.**

122 **7. In no circumstance shall the board of education renew the contract of any**
123 **probationary teacher who has been rated "ineffective", as defined by the required**
124 **evaluations of this section, for two consecutive school years.**

125 **8. All evaluations shall be maintained in the teacher's personnel file at the office of the**
126 **board of education. A copy of each evaluation shall be provided to the teacher and appropriate**

127 administrator. [The state department of elementary and secondary education shall provide
128 suggested procedures for such an evaluation.]

129 **9. No permanent teacher shall be retained after three consecutive ratings of**
130 **"ineffective".**

131 **10. Nothing in this section shall preclude the district from terminating a**
132 **probationary teacher where such teacher's evaluation was completed prior to the teacher**
133 **having at least six months of teaching experience in the district.**

134 **11. As used in this section, the following terms shall mean:**

135 **(1) "Student growth", the change in achievement for an individual student between**
136 **two or more points in time based on standards-based measures that are rigorous, valid,**
137 **and comparable across classrooms of similar content and levels;**

138 **(2) "Value-added model", a growth model used to isolate the effect of a teacher's**
139 **impact on student learning, controlling for preexisting characteristics of a student,**
140 **including but not limited to, where available, prior achievement data, and, where available**
141 **and at the discretion of the charter school, a student's gifted status, section 504 status,**
142 **attendance, disability status, eligibility for free or reduced lunch, limited English**
143 **proficiency, or prior discipline history.**

168.221. 1. The first five years of employment of all teachers entering the employment
2 of the metropolitan school district shall be deemed a period of probation during which period all
3 appointments of teachers shall expire at the end of each school year. During the probationary
4 period any probationary teacher whose work is unsatisfactory **due to either an ineffective or**
5 **minimally effective evaluation under section 168.128 or some other performance issue** shall
6 be furnished by the superintendent of schools with a written statement setting forth the nature
7 of his **or her** incompetency. If improvement satisfactory to the superintendent is not made
8 within one semester after the receipt of the statement, the probationary teacher shall be
9 dismissed. The semester granted the probationary teacher in which to improve shall not in any
10 case be a means of prolonging the probationary period beyond five years and six months from
11 the date on which the teacher entered the employ of the board of education. **Nothing in this**
12 **section shall be construed to prohibit the superintendent from taking disciplinary action**
13 **relating to a probationary teacher for issues not referenced in section 168.128.** The
14 superintendent of schools on or before the fifteenth day of April in each year shall notify
15 probationary teachers who will not be retained by the school district of the termination of their
16 services. Any probationary teacher who is not so notified shall be deemed to have been
17 appointed for the next school year. Any principal who prior to becoming a principal had
18 attained permanent employee status as a teacher shall upon ceasing to be a principal have a right
19 to resume his or her permanent teacher position with the time served as a principal being treated

20 as if such time had been served as a teacher for the purpose of calculating seniority and pay scale.
21 The rights and duties and remuneration of a teacher who was formerly a principal shall be the
22 same as any other teacher with the same level of qualifications and time of service.

23 2. After completion of satisfactory probationary services, appointments of teachers shall
24 become permanent, subject to removal for any one or more causes herein described and to the
25 right of the board to terminate the services of all who attain the age of compulsory retirement
26 fixed by the retirement system. In determining the duration of the probationary period of
27 employment in this section specified, the time of service rendered as a substitute teacher shall
28 not be included.

29 3. No teacher whose appointment has become permanent may be removed except for one
30 or more of the following causes: immorality, **incompetency**, or inefficiency in line of duty,
31 violation of the published regulations of the school district, violation of the laws of Missouri
32 governing the public schools of the state, or physical or mental condition which incapacitates
33 him **or her** for instructing or associating with children, and then only by a vote of not less than
34 a majority of all the members of the board, upon written charges presented by the superintendent
35 of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon
36 the person against whom they are preferred, who shall have the privilege of being present at the
37 hearing, together with counsel, offering evidence and making defense thereto. [Notifications
38 received by an employee during a vacation period shall be considered as received on the first day
39 of the school term following.] At the request of any person so charged the hearing shall be
40 public. During any time in which powers granted to the district's board of education are vested
41 in a special administrative board, the special administrative board may appoint a hearing officer
42 to conduct the hearing. The hearing officer shall conduct the hearing as a contested case under
43 chapter 536 and shall issue a written recommendation to the board rendering the charges against
44 the teacher. The board shall render a decision on the charges upon the review of the hearing
45 officer's recommendations and the record from the hearing. The action and decision of the board
46 upon the charges shall be final. Pending the hearing of the charges, the person charged may be
47 suspended if the rules of the board so prescribe, but in the event the board does not by a majority
48 vote of all the members remove the teacher upon charges presented by the superintendent, the
49 person shall not suffer any loss of salary by reason of the suspension. **Incompetency or**
50 **inefficiency in line of duty** is cause for dismissal only after the teacher has been notified in
51 writing at least [one semester] **thirty days** prior to the presentment of charges against him **or her**
52 by the superintendent. The notification shall specify the nature of the **incompetency or**
53 **inefficiency** with such particularity as to enable the teacher to be informed of the nature of his
54 **or her incompetency or inefficiency**.

55 4. No teacher whose appointment has become permanent shall be demoted nor shall his
56 **or her** salary be reduced unless the same procedure is followed as herein stated for the removal
57 of the teacher because of inefficiency in line of duty **or incompetency**, and any teacher whose
58 salary is reduced or who is demoted may waive the presentment of charges against him **or her**
59 by the superintendent and a hearing thereon by the board. The foregoing provision shall apply
60 only to permanent teachers prior to the compulsory retirement age under the retirement system.
61 Nothing herein contained shall in any way restrict or limit the power of the board of education
62 to make reductions in the number of teachers or principals, or both, because of insufficient funds,
63 decrease in pupil enrollment, or abolition of particular subjects or courses of instruction, except
64 that the abolition of particular subjects or courses of instruction shall not cause those teachers
65 who have been teaching the subjects or giving the courses of instruction to be placed on leave
66 of absence as herein provided who are qualified to teach other subjects or courses of instruction,
67 if positions are available for the teachers in the other subjects or courses of instruction.

68 5. **The metropolitan school district shall establish and implement a local evaluation**
69 **system for teachers and administrators that conforms to the requirements of section**
70 **168.128. In collaboration with developing such a system, the special administrative board**
71 **of the metropolitan school district shall be allowed to continue utilizing a current**
72 **professional development plan for teachers which is known within the administration as**
73 **the "St. Louis Plan". Should the school district choose to retain a permanent teacher who**
74 **has received a rating of "ineffective" or "minimally effective" on an annual year-end**
75 **performance evaluation, the school district shall provide the teacher with an individualized**
76 **development plan developed by appropriate district personnel in consultation with the**
77 **individual teacher.**

78 6. **Nothing in this section shall be construed to prohibit the board of education from**
79 **taking disciplinary action concerning a teacher for issues not referenced in this section.**

80 7. Whenever it is necessary to decrease the number of teachers because of insufficient
81 funds or a substantial decrease of pupil population within the school district, the board of
82 education upon recommendation of the superintendent of schools may cause the necessary
83 number of teachers [beginning with those serving probationary periods] to be placed on leave
84 of absence without pay[, but only in the inverse order of their appointment]. **Nothing in this**
85 **section shall be construed to prohibit the board of education from identifying specific**
86 **content or grade areas in which reductions are necessary; however, reductions within**
87 **specific areas shall be based primarily on educator evaluations under section 168.128.**
88 Nothing herein stated shall prevent a readjustment by the board of education of existing salary
89 schedules. No teacher placed on a leave of absence shall be precluded from securing other
90 employment during the period of the leave of absence. [Each teacher placed on leave of absence

91 shall be reinstated in inverse order of his placement on leave of absence. Such] Reemployment
92 shall not result in a loss of status or credit for previous years of service. [No new appointments
93 shall be made while there are available teachers on leave of absence who are seventy years of age
94 or less and who are adequately qualified to fill the vacancy unless the teachers fail to advise the
95 superintendent of schools within thirty days from the date of notification by the superintendent
96 of schools that positions are available to them that they will return to employment and will
97 assume the duties of the position to which appointed not later than the beginning of the school
98 year next following the date of the notice by the superintendent of schools.

99 6.] **8.** If any regulation which deals with the promotion of teachers is amended by
100 increasing the qualifications necessary to be met before a teacher is eligible for promotion, the
101 amendment shall fix an effective date which shall allow a reasonable length of time within which
102 teachers may become qualified for promotion under the regulations.

103 [7.] **9.** A teacher whose appointment has become permanent may give up the right to a
104 permanent appointment to participate in the teacher choice compensation package under sections
105 168.745 to 168.750.

106 **10. In no circumstance shall the board of education renew the contract of any**
107 **probationary teacher who has been rated "ineffective", as defined by the required**
108 **evaluations of section 168.128, for two consecutive school years.**

109 **11. No permanent teacher shall be retained after three consecutive ratings of**
110 **"ineffective".**

111 **12. Nothing in this section shall preclude the district from terminating a**
112 **probationary teacher where such teacher's evaluation was completed prior to the teacher**
113 **having at least six months of teaching experience in the district.**

2 [168.126. 1. A board of education at a regular or special meeting may
3 contract with and employ by a majority vote legally qualified probationary
4 teachers for the school district. The contract shall be made by order of the board;
5 shall specify the number of months school is to be taught and the wages per
6 month to be paid; shall be signed by the probationary teacher and the president
7 of the board, or a facsimile signature of the president may be affixed at his
8 discretion; and the contract shall be attested by the secretary of the board by
9 signature or facsimile. The board shall not employ one of its members as a
10 teacher; nor shall any person be employed as a teacher who is related within the
11 fourth degree to any board member, either by consanguinity or affinity, where the
12 vote of the board member is necessary to the selection of the person.

13 2. If in the opinion of the board of education any probationary teacher has
14 been doing unsatisfactory work, the board of education, through its authorized
15 administrative representative, shall provide the teacher with a written statement
16 definitely setting forth his alleged incompetency and specifying the nature
thereof, in order to furnish the teacher an opportunity to correct his fault and

17 overcome his incompetency. If improvement satisfactory to the board of
18 education has not been made within ninety days of the receipt of the notification,
19 the board of education may terminate the employment of the probationary teacher
20 immediately or at the end of the school year. Any motion to terminate the
21 employment of a probationary teacher shall include only one person and must be
22 approved by a majority of the members of the board of education. A tie vote
23 thereon constitutes termination. On or before the fifteenth day of April in each
24 school year, the board of education shall notify in writing a probationary teacher
25 who will not be retained by the school district of the termination of his
26 employment. Upon request, the notice shall contain a concise statement of the
27 reason or reasons the employment of the probationary teacher is being
28 terminated. If the reason for the termination is due to a decrease in pupil
29 enrollment, school district reorganization, or the financial condition of the school
30 district, then the district shall in all cases issue notice to the teacher expressly
31 declaring such as the reason for such termination. Nothing contained in this
32 section shall give rise to a cause of action not currently cognizant at law by a
33 probationary teacher for any reason given in said writing so long as the board
34 issues the letter in good faith without malice, but an action for actual damages
35 may be maintained by any person for the deprivation of a right conferred by this
36 act.

37 3. Any probationary teacher who is not notified of the termination of his
38 employment shall be deemed to have been appointed for the next school year,
39 under the terms of the contract for the preceding year. A probationary teacher
40 who is informed of reemployment by written notice shall be tendered a contract
41 on or before the fifteenth day of May, and shall within fifteen days thereafter
42 present to the employing board of education a written acceptance or rejection of
43 the employment tendered, and failure of such teachers to present the acceptance
44 within such time constitutes a rejection of the board's offer. A contract between
45 a probationary teacher and a board of education may be terminated or modified
46 at any time by the mutual consent of the parties thereto.]
47

2 [168.291. Whenever it is necessary to decrease the number of employees
3 because of insufficient funds or decrease in pupil enrollment or lack of work the
4 board of education may cause the necessary number of employees, beginning
5 with those serving probationary periods, to be placed on leave of absence without
6 pay, but only in the inverse order of their appointment. Each employee placed
7 on leave of absence shall be reinstated in inverse order of his placement on leave
8 of absence. Such reemployment shall not result in a loss of status or credit for
9 previous periods of service. No new appointments shall be made while there are
10 available employees on leave of absence who have not attained the age of seventy
11 years and who are adequately qualified to fill the vacancy in the particular
12 department unless the employees fail to advise the board within thirty days from
date of notification by the board that positions are available to them, that they

13 will return to employment, and will assume the duties of the position to which
14 they are appointed not later than the beginning of the month following the date
15 of the notice by the board.]
16

[168.410. School administrators and school district superintendents shall
2 be evaluated in the following manner:

3 (1) The board of education of each school district shall cause a
4 comprehensive performance-based evaluation for each administrator employed
5 by the district. Such evaluation shall be ongoing and of sufficient specificity and
6 frequency to provide for demonstrated standards of competency and academic
7 ability;

8 (2) All evaluations shall be maintained in the respective administrator's
9 personnel file at the office of the board of education of the school district. A
10 copy of each evaluation shall be provided to the person being evaluated and to
11 the appropriate administrator;

12 (3) The state department of elementary and secondary education shall
13 provide suggested procedures for the evaluations performed under this section.]

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