

SECOND REGULAR SESSION

SENATE BILL NO. 911

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOLL.

Read 1st time January 26, 2000, and 1,000 copies ordered printed.

3792S.011

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 161.092, 161.097, 168.011, 168.015, 168.081, 168.400 and 168.405, RSMo 1994, and sections 168.021, 168.071, 168.500 and 168.510, RSMo Supp. 1999, relating to the standards and practices of educational personnel of the public schools, and to enact in lieu thereof twenty-four new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 161.092, 161.097, 168.011, 168.015, 168.081, 168.400 and 168.405, RSMo 1994, and sections 168.021, 168.071, 168.500 and 168.510, RSMo Supp. 1999, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 161.092, 168.400, 168.405, 168.500, 168.510, 168.620, 168.623, 168.626, 168.629, 168.632, 168.635, 168.638, 168.641, 168.644, 168.647, 168.650, 168.653, 168.656, 168.659, 168.662, 168.665, 168.668, 168.671 and 168.674, to read as follows:

161.092. The state board of education shall:

(1) Adopt rules governing its own proceedings and formulate policies for the guidance of the commissioner of education and the department of elementary and secondary education;

(2) Carry out the educational policies of the state relating to public schools that are provided by law and supervise instruction in the public schools;

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

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

legitimate channels;

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

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

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

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

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

(9) Classify the public schools of the state, subject to limitations provided by law, establish requirements for the schools of each class, and formulate rules governing the inspection and accreditation of schools preparatory to classification;

[(10)] (9) Make an annual report on or before the first Wednesday after the first day of January to the general assembly or, when it is not in session, to the governor for publication and transmission to the general assembly. The report shall be for the last preceding school year, and shall include: (a) a statement of the number of public schools in the state, the number of pupils attending the schools, their sex, and the branches taught; (b) a statement of the number of teachers employed, their sex, their professional training, and their average salary; (c) a statement of the receipts and disbursements of public school funds of every description, their sources, and the purposes for which they were disbursed; (d) suggestions for the improvement of public schools; and (e) any other information relative to the educational interests of the state that the law requires or the board deems important;

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

[(12)] (11) Cause fifty copies of its annual report to be reserved for the use of each division of the state department of elementary and secondary education, and ten copies for preservation in the state library;

[(13)] (12) Have other powers and duties prescribed by law.

[161.097. 1. The state board of education shall establish standards and procedures

by which it will evaluate all teacher training institutions in this state for the approval of teacher education programs. The state board of education shall not require teacher training institutions to meet national or regional accreditation as a part of its standards and procedures in making those evaluations, but it may accept such accreditations in lieu of such approval if standards and procedures set thereby are at least as stringent as those set by the board. The state board of education's standards and procedures for evaluating teacher training institutions shall equal or exceed those of national or regional accrediting associations.

2. Upon approval by the state board of education of the teacher education program at a particular teacher training institution, any person who graduates from that program, and who meets other requirements which the state board of education shall prescribe by rule, regulation and statute shall be granted a certificate or license to teach in the public schools of this state. However, no such rule or regulation shall require that the program from which the person graduates be accredited by any national or regional accreditation association.

3. Notwithstanding any provision in the law to the contrary, the state board of education may accredit a graduate law school and any graduate of such an accredited law school shall be allowed to take the examination for admission to the bar of Missouri.]

[168.011. 1. No person shall be employed to teach in any position in a public school until he has received a valid certificate of license entitling him to teach in that position.

2. Teaching in the state of Missouri, performing other related education duties, school administration, and teacher education are hereby declared to be professions with all the appropriate rights, responsibilities and privileges accorded to other recognized professions.]

[168.015. 1. There is hereby established within the department of elementary and secondary education, the "Missouri Advisory Council of Certification for Educators", hereinafter known as the "advisory council", which shall be composed of twenty-five members to be appointed by the state board of education on the recommendation of the commissioner of education. Of the twenty-five members of the council, fifteen must be active public school classroom teachers.

2. The duties and responsibilities of the advisory council shall include, but not be limited to:

(1) Making recommendations for the criteria and procedures whereby the quality and effectiveness of teacher and school administrator education programs within the state shall be evaluated;

(2) Making recommendations for the requirements for the certification of public school teachers and administrators;

(3) Making recommendations for the standards for renewal of certificates for public school teachers and administrators using academic course work as well as other types of professional development;

(4) Making recommendations concerning rules and regulations with respect to suspension and revocation of certificates of license to teach;

(5) Requesting and receiving reports from committees consisting of representatives from various professional groups, qualified in respective curriculum areas and other specialized areas, to assist in the formulation of recommendations of the advisory committee to the commissioner of education with respect to certification of public school teachers and administrators;

(6) Making recommendations for limiting the issuance of temporary certificates that are granted to those who do not meet the full requirements for certification.]

[168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it,

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctor of philosophy degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to section 168.033 if appropriate, and shall be restricted to those certificates established pursuant to subdivisions (1) and (2) of subsection 4 of this section; or

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check and possession of a valid teaching

certificate in the state from which the applicant's teacher preparation program was completed.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee, shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held.

3. Any teacher holding a third class county certificate in the state during the 1972-73 school year shall upon his written request be given an examination by a person designated by the state commissioner of education to determine his eligibility to be granted a certificate of license to teach. The examination shall be comparable to those given by county superintendents to eligible applicants prior to July 1, 1974. Upon successful completion of the examination the applicant shall be issued a certificate by the state board of education entitling the holder to teach in the public schools of the state for a period of three years. A request for such examination must be presented to the commissioner of education on or before March first of the year in which the examination is to be administered. The commissioner of education shall cause the examination to be administered and the certificate issued to those successfully completing it prior to April first of the year in which the application for the examination was received.

4. After September 1, 1988, certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall provide for levels of certification including, but not limited to, an initial professional certificate and culminating with a continuous professional certificate:

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education;

(2) One or more levels of renewable professional certificates shall be issued upon verification of completion of criteria established by the state board of education;

(3) The continuous professional certificate shall be issued upon verification of completion of criteria, which shall not exceed a master's degree or its equivalent and ten years' employment in an educational position, established by the state board of education. The continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines.

5. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There

shall also be established policies and procedures for a teacher who has not been employed in an educational position for three years or more for reasons other than reduction in force.

6. The state board shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach.]

[168.071. 1. The Missouri state board of education may refuse to issue or renew, or may suspend or revoke a certificate of license to teach upon satisfactory proof of incompetency, cruelty, immorality, drunkenness, neglect of duty, or the annulling of a written contract for reasons other than election to the general assembly, with the local board of education without the consent of the majority of the members of the board which is a party to the contract. Charges may be filed by any school district or, at the request of the school district, by the office of the attorney general if the school district has been identified as financially stressed pursuant to section 161.520, RSMo. If the underlying conduct or actions which are the basis for charges filed under this subsection are also the subject of a pending criminal charge against the person holding such certificate, and that person requests in writing a delayed hearing on advice of counsel under the fifth amendment of the Constitution of the United States, no hearing shall be held until after final disposition of the criminal charge.

2. The state board of education may refuse to issue or renew, or may, upon hearing, suspend or revoke a certificate of license to teach if a certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state or any other state or of the United States, or any other country, whether or not the sentence is imposed.

3. The certificate of license to teach shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or applicant has pleaded guilty to or been found guilty of any of the following offenses established pursuant to Missouri law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not the sentence is imposed:

(1) Any dangerous felony as defined in section 556.061, RSMo, or murder in the first degree;

(2) Any of the following sexual offenses: rape; statutory rape in the first degree; statutory rape in the second degree; sexual assault; forcible sodomy; statutory sodomy in the first degree; statutory sodomy in the second degree; child molestation in the first degree; child molestation in the second degree; deviate sexual assault; sexual misconduct involving a child; sexual misconduct in the first degree; or sexual abuse;

(3) Any of the following offenses against the family and related offenses: incest;

abandonment of child in the first degree; abandonment of child in the second degree; endangering the welfare of a child in the first degree; abuse of a child; child used in a sexual performance; promoting sexual performance by a child; or trafficking in children; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree; promoting child pornography in the first degree; promoting obscenity in the second degree when the penalty is enhanced to a class D felony; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic materials to minors; coercing acceptance of obscene material; or sale or rental to persons under seventeen.

4. The certificate holder whose certificate was revoked pursuant to subsection 3 of this section may appeal such revocation to the state board of education. The certificate holder whose certificate has been revoked pursuant to subsection 3 of this section must notify the commissioner of education of the intent to appeal by advising the commissioner within thirty days of the certificate holder's plea of guilty or finding of guilt of the intent to appeal. Failure of the certificate holder to notify the commissioner of the intent to appeal waives all rights to appeal said revocation. Upon notice of the certificate holder's intent to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner of education, with the final decision made by the state board of education, based upon the record of that hearing. The certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity to be heard by the hearing officer, together with witnesses. In those cases where the plea of guilty to or finding of guilt of any of the offenses listed in subsection 3 of this section involve a minor child, testimony from the minor child involved in the complaint shall not be required. The hearing officer shall accept into the record the transcript of any testimony of a child involved in such offense if such testimony was admitted in any court hearing. Subsection 6 of this section shall apply to any final decision made by the state board of education pursuant to this subsection.

5. The charges filed with the state board of education under this section shall be in writing and plainly and fully specify the basis for the charges. The charges shall be signed by the chief administrative officer of the district or by the president of the board of education when so authorized by a majority of the board. The certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity to be heard, together with witnesses.

6. The certificate holder may appeal to the circuit court at any time within thirty days after receipt of the final decision of the state board of education. The appeal shall be heard with a jury at the option of either the certificate holder or the party filing the

charges, and shall be tried de novo, affirming or denying the action of the state board of education. Costs shall be taxed against the appellant if the judgment of the state board of education is affirmed. In those cases where the charges allege immorality by the certificate holder involving a minor child, such case shall be heard by the court without a jury and any testimony from the minor child involved in the complaint shall be taken directly from the hearing record taken on behalf of the state board of education.

7. The issuance of a certificate of license to teach to an individual who has been convicted of a felony or crime involving moral turpitude shall be issued only upon motion of the state board of education adopted by a unanimous affirmative vote of those members present and voting.]

[168.081. After September 1, 1988, no person without a valid Missouri certificate shall:

- (1) Engage in the practice of teaching or the performance of education duties in grades kindergarten through twelve in any public school in the state;
- (2) Act as a school administrator in any public school district.]

168.400. 1. Sections 168.400 to 168.415 shall be known and may be cited as the "Missouri Professional Teacher and Administrator Act". This section shall become effective September 1, 1988, and shall establish programs for the following public school personnel:

- (1) The preservice teacher or student in training;
- (2) The beginning teacher;
- (3) The practicing teacher; and
- (4) The administrator.

2. Preservice teacher programs established under this section shall include, but need not be limited to, the following provisions:

(1) A program of entry-level testing of all prospective teacher education students shall be established at all colleges and universities offering approved teacher education programs and[, with the advice of the advisory council as provided in section 168.015,] shall be administered by the commissioner of education[, who shall cause the department of elementary and secondary education to]. **The professional educators' standards and practices board shall** develop or select such tests to establish abilities necessary to receive a satisfactory rating, and [to] **shall** establish procedures for the administering of the test;

(2) The entry-level tests developed under this subsection shall include, but need not be limited to, an examination of basic oral and written communication skills and of basic mathematics skills, and may include both oral and written examinations;

(3) Each prospective teacher education student shall be required to obtain a satisfactory rating prior to admission into the approved teacher education program;

(4) The [department of elementary and secondary education, with the advice of the

advisory council as provided in section 168.015,] **professional educators' standards and practices board** shall establish and monitor exit requirements from approved teacher education programs which shall be met by all preservice teacher education students seeking certification in Missouri, and specific criteria for a preservice teacher assessment that all candidates for certification shall meet. The preservice teacher assessment established under this subdivision shall include, but need not be limited to, classroom achievement, practice teaching evaluation and observation, successful participation in assessment centers, interviews, tests and other evaluation measures. The preservice teacher assessment shall be reviewed by the [certifying authority] **board** prior to issuance of a certificate. An unsatisfactory assessment shall result in the nonissuance of a certificate. Persons who are aggrieved by the nonissuance of a certificate may appeal such nonissuance in the manner provided in section [168.071] **168.653**. Any costs associated with the entry-level tests or the exit requirements established under this subsection shall be borne by each institution and costs defrayal included in the incidental fees charged to the student.

3. Each approved teacher education program shall require the faculty teaching preservice teacher education courses to further their professional development through direct personal involvement in the public schools in grades kindergarten through twelve on a periodic basis. As used in this subsection, the term "faculty" shall include, but need not be limited to, full- and part-time classroom instructors, and supervisors of practice teaching at institutions offering an approved teacher education program.

4. Beginning teacher assistance programs established under this section shall include, but need not be limited to, the following provisions:

(1) Such programs shall require each school district to provide a plan of professional development for the first two years of teaching for any teacher who does not have prior teaching experience. The professional development plan shall include assistance from a professional development committee, which is hereby established in each school district, which committee shall work with beginning teachers and experienced teachers in identifying instructional concerns and remedies; serve as a confidential consultant upon a teacher's request; assess faculty needs and develop in-service opportunities for school staff; and present to the proper authority faculty suggestions, ideas and recommendations pertaining to classroom instruction within the school district. The members of each professional development committee shall be selected by the teachers employed by the school district in question. The professional development plan may include guidance from a district-designated faculty member employed at a grade level comparable to the instructional grade level of the beginning teacher, and such other forms of assistance which the school district may choose to offer. The professional development committee may apply to the state board of education for a grant, which shall be in addition to any state aid provided to the committee for activities identified in this subdivision. The grant thus awarded shall be used by

the committee to provide in-service training to the teachers of the district on teaching children identified as at risk of failing in school as defined in section 167.273. The department of elementary and secondary education shall provide resource materials and assist the committee if such assistance is requested;

(2) Such programs shall include assistance from the teacher education program which provided the teacher's training if such training was provided in a Missouri college or university. Such assistance from the college or university may include retraining, internships, counseling, and in-service training.

5. The practicing teacher assistance programs established under this section shall include, but need not be limited to, programs of professional development and improvement as provided for experienced teachers by the professional development committee established under subsection 4 of this section, and in-service opportunities as provided by the local school district for all practicing teachers.

6. (1) The administrator assistance programs established under this section shall include, but shall not be limited to, programs of professional development and improvement for superintendents, principals, assistant principals, and other school district personnel charged with administrative duties.

(2) Establishment of programs by local districts and organizations for the training of school board members are encouraged and recommended.

168.405. There is hereby established an "Administrator Assessment Center", which shall be organized and administered by the department of elementary and secondary education, either individually or through contract, for the purpose of assessing prospective school administrators[. Beginning September 1, 1988,] **under guidelines established by the professional educators' standards and practices board.** All prospective administrators seeking initial administration certification **from the board** shall make application to and be approved by the department of elementary and secondary education for admission to the administrator assessment center. The assessment established under this section shall include, but need not be limited to, simulations, observations, evaluations and recommendations. The assessment shall be reviewed by the [certifying authority] **board** prior to issuance of a certificate. An unsatisfactory assessment shall result in the nonissuance of a certificate. Persons who are aggrieved by the nonissuance of a certificate may appeal such nonissuance in the manner provided in section [168.071] **168.653.**

168.500. 1. For the purpose of providing career pay, which shall be a salary supplement, for public school teachers, which for the purpose of sections 168.500 to 168.515 shall include classroom teachers, librarians, guidance counselors and certificated teachers who hold positions as school psychological examiners, parents as teachers educators, school psychologists, special education diagnosticians and speech pathologists, and are on the district salary schedule, there

is hereby created and established a career advancement program which shall be known as the "Missouri Career Development and Teacher Excellence Plan", hereinafter known as the "career plan or program". Participation by local school districts in the career advancement program established under this section shall be voluntary. The career advancement program is a matching fund program of variable match rates. The general assembly shall make an annual appropriation to the excellence in education fund established under section 160.268, RSMo, for the purpose of providing the state's portion for the career advancement program. The "Career Ladder Forward Funding Fund" is hereby established in the state treasury. Beginning with fiscal year 1998 and until the career ladder forward funding fund is terminated pursuant to this subsection, the general assembly shall appropriate funds to the career ladder forward funding fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. All interest or other gain received from investment of moneys in the fund shall be credited to the fund. All funds deposited in the fund shall be maintained in the fund until such time as the balance in the fund at the end of the fiscal year is equal to or greater than the appropriation for the career ladder program for the following year, at which time all such revenues shall be used to fund, in advance, the career ladder program for such following year and the career ladder forwarding funding fund shall thereafter be terminated.

2. The department of elementary and secondary education, at the direction of the commissioner of education, shall study and develop model career plans which shall be made available to the local school districts. These state model career plans shall:

(1) Contain three steps or stages of career advancement;

(2) Contain a detailed procedure for the admission of teachers to the career program;

(3) Contain specific criteria for career step qualifications and attainment. These criteria shall clearly describe the minimum number of professional responsibilities required of the teacher at each stage of the plan and shall include reference to classroom performance evaluations performed pursuant to section 168.128;

(4) Be consistent with the teacher certification process [recommended by the Missouri advisory council of certification for educators and] adopted by the [department of elementary and secondary education] **professional educators' standards and practices board**;

(5) Provide that public school teachers in Missouri shall become eligible to apply for admission to the career plans adopted under sections 168.500 to 168.515 after five years of public school teaching in Missouri. All teachers seeking admission to any career plan shall, as a minimum, meet the requirements necessary to obtain the first renewable professional certificate as provided in section 168.021;

(6) Provide procedures for appealing decisions made under career plans established under sections 168.500 to 168.515.

3. The commissioner of education shall cause the department of elementary and secondary education to establish guidelines for all career plans established under this section, and criteria that must be met by any school district which seeks funding for its career plan.

4. A participating local school district may have the option of implementing a career plan developed by the department of elementary and secondary education or a local plan which has been developed with advice from teachers employed by the district and which has met with the approval of the department of elementary and secondary education. In approving local career plans, the department of elementary and secondary education may consider provisions in the plan of the local district for recognition of teacher mobility from one district to another within this state.

5. The career plans of local school districts shall not discriminate on the basis of race, sex, religion, national origin, color, creed, or age. Participation in the career plan of a local school district is optional, and any teacher who declines to participate shall not be penalized in any way.

6. In order to receive funds under this section, a school district which is not subject to section 162.920, RSMo, must have a total levy for operating purposes which is in excess of the amount allowed in section 11(b) of article X of the Missouri Constitution; and a school district which is subject to section 162.920, RSMo, must have a total levy for operating purposes which is equal to or in excess of twenty-five cents on each hundred dollars of assessed valuation.

168.510. After a teacher who is duly employed by a district qualifies and is selected for participation under a career plan established under sections 168.500 to 168.515, such teacher shall not be denied the career pay authorized by such plan unless he:

- (1) Is dismissed for cause as established under section 168.114; or
- (2) Fails to maintain or renew any certificate required by the [department of elementary and secondary education] **professional educator's standards and practices board**; or
- (3) Fails to maintain the performance level as required for the attainment of the career stage as set forth in the plan effective in the local district as provided in section 168.500; or
- (4) Fails to complete professional responsibilities required for the attainment of each stage; and
- (5) Has exhausted all due process procedures provided by subdivision (6) of subsection 2 of section 168.500.

168.620. Sections 168.620 to 168.674 shall be known and may be cited as the "Professional Educators' Standards and Practices Act".

168.623. As used in sections 168.620 to 168.674, the following terms mean:

(1) "Administrator", any person who has continuing responsibility for and is engaged in coordinating or supervising the activities of one or more professional educators in the schools of this state;

(2) "Administrator organization", an organization, agency, committee, council or

group, the primary purpose of which is to advance the interest of the administrators within the education profession. Such organization and any affiliated organizations shall be considered a single organization for the purposes of sections 168.620 to 168.674;

(3) "Approved teacher preparation program", a preparatory program, offered by an institution of higher education, that meets the standards of the board and that upon completion qualifies its graduates for licensure under sections 168.620 to 168.674;

(4) "Board", the professional educators' standards and practices board;

(5) "Department", the department of elementary and secondary education;

(6) "Professional educator", a person who is either a teacher or an administrator in the schools of this state;

(7) "Teacher", any person who has continuing responsibility for and is engaged in classroom instruction or the performance of other professional education functions that require regular direct contact with students in the schools of this state, but not including teacher aides or other classroom assistants working under the direction of a licensed teacher; and

(8) "Teachers' organization", any organization, agency, committee, council or group, the primary purpose of which is to advance the interests of the education profession, and which proves to the satisfaction of the governor that it has ten thousand members or more. Such organization and any affiliated organizations shall be considered a single organization for purposes of sections 168.620 to 168.674.

168.626. 1. There is hereby established within the coordinating board for higher education an independent board responsible for the regulation and licensure of professional educators, to be known as the "Professional Educators' Standards and Practices Board". The board shall consist of nineteen members appointed by the governor with the advice and consent of the senate. The board shall consist of the following members:

(1) Nine persons employed as teachers. At least two shall be engaged in classroom teaching assigned within grades prekindergarten through four; at least two shall be engaged in classroom teaching assigned within grades five through nine; at least two shall be engaged in classroom teaching assigned within grades ten through twelve; at least one shall be a teacher not assigned specifically to the classroom, such as a speech therapist, librarian, or guidance counselor; at least one shall be a teacher of special education or gifted education; and at least one shall be a teacher assigned to a vocational-technical school;

(2) Three persons employed as members of the faculty or administration in an approved teacher preparation program;

(3) Three persons employed as administrators. One shall be a superintendent, one shall be an elementary school administrator and the other shall be a secondary

school administrator;

(4) One member of a local board of education;

(5) One representative of the public. This representative shall not be a member of a local board of education, nor shall he be, or ever in the past have been, employed as a teacher or administrator, or in a professional position in any institution of postsecondary education;

(6) The commissioner of education within the department of elementary and secondary education and the commissioner of the department of higher education, both of which shall serve as ex officio members of the board.

2. Except for the member appointed as a representative of a local board of education or as a representative of the public, members shall have been employed as teachers or administrators, or as faculty in an approved teacher preparation program, for a period of three years immediately prior to appointment. At the time of member appointment or reappointment, all appointees shall meet all eligibility requirements set forth in sections 168.620 to 168.674.

3. All members of the board shall be residents of this state, and no more than two shall reside in any single congressional district. Of the teacher preparation faculty members not more than one member may be appointed from the same college or university campus.

4. Before filing any designated teacher, administrator, or local school board position on the board, the governor shall invite nominations from the teachers' organizations, the administrators' organization, the state school boards' association and certificated teachers in this state. Each teachers' organization, administrators' organization, or school board organization may nominate one or more candidates to fill vacancies for expiring terms of the board. In addition, names may be placed in nomination by submission of a petition containing four hundred fifty signatures from those with valid teaching certificates.

5. Nominations to fill a vacancy shall be submitted within thirty days after the vacancy occurs. Nominations to fill an expiring term shall be submitted at least thirty days before the expiration of such term. The governor shall appoint teachers, administrators and local school board members from lists submitted by the organizations or from names qualified through the petition process, unless no timely nominations are received or the nominations received include fewer than three qualified candidates, in which case the governor may appoint any qualified person. A person nominated shall remain eligible for appointment for one year from the date his nomination is submitted, unless the nomination is withdrawn by the persons or organizations that made the nomination.

6. The term of office for members of the board shall be four years; except that

the initial appointments shall be four members for one year, four members for two years, four members for three years, and five members for four years. The ex officio members of the board shall serve on the board during their terms of office. Except as otherwise provided by sections 168.620 to 168.674, no persons shall be appointed by the governor to serve more than two full terms. Initial appointments to fill an unexpired term of more than two years shall be counted as a full term.

7. The governor may remove any member from the board for ineligibility, misconduct or malfeasance in office, incapacity, or neglect of duty, but for no other reason. Vacancies shall be filled for an unexpired term in the same manner as the original appointments are made.

168.629. 1. All members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of board business.

2. A member of the board who is an employee of this state or any of its political subdivisions, including a school district, shall be permitted to attend board meetings and perform other board business without loss of income or other benefits. A member of the board who is not an employee of this state or any of its political subdivisions, and who loses income or benefits as a result of time spent on board business shall be reimbursed from the state treasury for the actual amount of any income or benefits so lost up to a maximum of fifty dollars a day.

3. A state agency or any political subdivision of this state, including a school district, required to employ a substitute for a member of the board who is absent from his employment while performing board business shall be reimbursed from the state treasury for the actual amount of any costs so incurred.

168.632. 1. The board shall elect a president and secretary at the first regular meeting held after January first of each year. Each board member shall have one vote. Members of the board shall not be personally liable either jointly or separately for any act or acts committed in the performance of their official duties as board members, except gross negligence.

2. The board by a majority vote shall employ an executive director, who shall perform and discharge under the direction and control of the board those duties and responsibilities vested in the board and delegated to the executive director by the board. The executive director may be dismissed by a majority vote of the members of the board.

3. The executive director, with the approval of the board, may employ such additional professional and clerical personnel as may be necessary to carry out his duties and responsibilities.

4. The board shall be an equal opportunity employer.

5. The board shall hold regular meetings, at least once each month, in no fewer than ten months each year, and shall hold such other special meetings as may be necessary. The board's headquarters shall be in Jefferson City. Meetings shall be held primarily in Jefferson City, but may be held at any place in this state designated by the board. The president may call a special meeting of the board at any time and shall call a special meeting upon the written request of seven or more members of the board.

6. The presence of a majority of the members of the board shall constitute a quorum for transaction of business. The board shall have an official seal, which shall be judicially noticed.

7. The board may promulgate such rules and regulations as are necessary to carry out the provisions of sections 168.620 to 168.674.

8. No member of the board shall participate in any matter before the board in which he has a pecuniary interest, personal bias, or other conflict of interest. The board shall adopt regulations defining what constitutes a conflict of interest.

168.635. 1. No person shall be employed to teach in any position in a public school until he has received a valid certificate of license entitling him to teach in that position.

2. Teaching in the state of Missouri, performing other related educational duties, school administration, and teacher education are hereby declared to be professions with all the appropriate rights, responsibilities and privileges accorded to other recognized professions.

168.638. 1. The board shall have the exclusive authority to issue certificates of license to teachers and administrators in this state. License to teach in the public schools of the state shall be granted provided as follows:

(1) Candidates for licensure shall be at least eighteen years of age;

(2) Candidates for licensure shall be in good mental and physical health, except that an individual who is handicapped as defined under applicable law may not be disqualified absent evidence that such handicap interferes with the applicant's fitness to perform the duties for which he seeks to be licensed;

(3) Candidates for licensure shall be of good moral character, provided that the board's inquiry respecting moral character may include only those acts or omissions directly related to the applicant's fitness to perform the duties for which he seeks to be licensed; and

(4) Candidates for licensure shall meet all other qualifications established by law or by rule and regulation of the board.

2. After the effective date of sections 168.620 to 168.674, licenses to teach in the public schools of this state shall be based upon requirements established by the board which shall provide for levels of licensure including, but not limited to, an initial

professional certificate and culminating with a continuous professional certificate, as follows:

(1) The initial professional license shall be issued upon completion of requirements established by the board and shall be valid based upon verification of actual teaching within a specified time period established by the board;

(2) One or more levels of renewable professional licenses shall be issued upon verification of completion of criteria established by the board;

(3) The continuous professional license shall be issued upon verification of completion of criteria, which shall not exceed a master's degree or its equivalent and ten years' employment in an educational position, established by the board or completion of requirements established by the board as provided in sections 168.620 to 168.674.

3. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of licensure. There shall also be established policies and procedures for a teacher who has not been employed in an educational position for three years or more for reasons other than reduction in force.

168.641. 1. The board shall adopt regulations to establish the requirements for each level of licensure. Such regulations shall be adopted pursuant to the rulemaking procedure prescribed in this section within one year of the effective date of sections 168.620 to 168.674, and shall be modified or supplemented as appropriate. It shall be the policy of the board, in accordance with changing educational concepts, to encourage a flexible approach to the licensure of teachers. Accordingly, the board's regulations shall be responsive to new developments in the field.

2. No rule or portion of a rule promulgated under the authority of sections 168.620 to 168.674 shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided in this section, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided in this section.

3. Upon filing any proposed rule with the secretary of state, the board shall concurrently submit such proposed rule to the committee which may hold hearings upon any proposed rule or portion thereof at any time.

4. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such

order of rulemaking within the thirty-day period, the board may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

5. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

(1) An absence of statutory authority for the proposed rule;

(2) An emergency relating to public health, safety or welfare;

(3) The proposed rule is in conflict with state law;

(4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

6. If the committee disapproves any rule or portion thereof, the board shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

7. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

8. Upon adoption of a rule as provided in this section, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.

168.644. 1. A certificate of license to teach which was issued pursuant to the laws of the state prior to the effective date of sections 168.620 to 168.674 shall remain in force as long as it continues to be valid under the laws and regulations pursuant to which it was issued. Any person who holds such a valid certificate shall, upon application and payment of a prescribed fee, be granted a license of the type most nearly equivalent to the type of certificate held at the time of application, notwithstanding any other provision of sections 168.620 to 168.674.

2. An applicant who holds a certificate to perform professional education duties such as teaching or administration under the laws of another state, the District of Columbia, or any territory or possession of the United States may be granted a

certificate of license of the type most nearly equivalent to the certificate held at the time of application. The board shall grant the applicant such an equivalent certificate based upon the following conditions:

- (1) Application and payment of the prescribed fee;**
- (2) Satisfaction of the basic qualifications set forth in sections 168.620 to 168.674;**

and

(3) A showing that the requirements for the currently held certificate in the particular jurisdiction involved were, as of the date of issuance of that certificate, substantially equivalent to the requirements in force in this state as of the date the application for certificate of license is being made; or

(4) A showing that the jurisdiction which awarded the applicant his current certificate accords similar certification to persons licensed in this state and meets other reciprocity requirements as set for the regulations of the board.

168.647. Each application for the issuance of a license shall be accompanied by a fee in an amount to be fixed by the board. The fee shall be nonrefundable for applicants who do not qualify for a license. If the applicant is found eligible for a license the board shall issue the license without additional charge.

168.650. Any person whose application for the issuance of a license is denied shall be entitled to a hearing before the board as a whole, in accordance with section 168.653.

168.653. 1. The board shall have the exclusive authority to deny, revoke or suspend a license granted pursuant to sections 168.620 to 168.674, or granted pursuant to state law prior to the effective date of sections 168.620 to 168.674. The board may refuse to issue a license required pursuant to sections 168.620 to 168.674 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may revoke, suspend or fail to renew any certificate or license issued pursuant to sections 168.620 to 168.674 for any one or any combination of the following causes:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, RSMo, or use of an alcoholic beverage to an extent that such use impairs a person's ability to perform the work of the profession licensed or regulated by sections 168.620 to 168.674.

(2) Final adjudication and finding of guilt, or a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for

any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to sections 168.620 to 168.674, or in obtaining permission to take any examination given or required pursuant to sections 168.620 to 168.674;

(4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed by sections 168.620 to 168.674;

(5) Violation of, or assisting or enabling any person to violate, any provision of sections 168.620 to 168.674, or of any lawful rule or regulation adopted pursuant to sections 168.620 to 168.674;

(6) Impersonation of any person holding a license or allowing any person to use his license or diploma from any school;

(7) Final adjudication as incapacitated by a court of competent jurisdiction;

(8) Commission of a crime which renders the person convicted unfit to perform the duties for which he has been licensed. The board by regulation shall maintain a published list of such crimes;

(9) Violation of ethical standards which renders the person unfit to perform the duties for which he has been licensed. The board by regulation shall maintain a published list of such ethical standards;

(10) Willful failure to report an instance of suspected child abuse or neglect as required by section 210.115, RSMo.

3. If the board decides to initiate a disciplinary action against a professional educator, the board shall file a complaint with the administrative hearing commission. The proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, as provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions the board finds appropriate for a period not to exceed five years or may suspend, for a period not to exceed three years, or revoke the license.

4. An individual whose license has been revoked may be relicensed at the discretion of the board after compliance with all the requirements of licensure.

5. The board may notify the proper licensing authority of any other state, in which any person whose license is suspended or revoked was also licensed, of the suspension or revocation.

168.656. 1. Any person who performs duties as a professional educator in the schools of this state without a valid license as required pursuant to the provisions of sections 168.620 to 168.674 shall be guilty of a class A misdemeanor.

2. Any person who uses fraud or deceit in applying for, securing, using, or aiding in the application for or use of a license issued under sections 168.620 to 168.674 shall be guilty of a class D felony.

168.659. 1. The board shall have the exclusive authority to approve and withdraw approval of teacher preparation programs operating within this state. The board shall adopt standards and procedures by which it shall evaluate all teacher training institutions in this state for the approval of teacher education programs. The board shall not require teacher training institutions to meet national or regional accreditation as a part of its standards and procedures in making those evaluations, but it may accept such accreditations in lieu of such approval if standards and procedures set thereby are at least stringent as those set by the board. The board's standards and procedures for evaluating teacher training institutions shall equal or exceed those of national or regional accrediting associations.

2. Whenever the board denies approval to or withdraws approval from a teacher preparation program, the institution of higher education offering such program shall be entitled to appeal such denial or withdrawal in the manner prescribed in section 168.653. Approval may not be denied or withdrawn from a teacher preparation program except by a majority vote of the full membership of the board.

3. Such approval shall expire after a period of seven years and shall be renewable based on the same standards that apply to initial programs seeking program approval at that time.

4. The board may enter into agreements with agencies of other states for reciprocal approval of teacher preparation programs in accordance with regulations adopted by the board.

5. Each application for the approval of a teacher preparation program shall be accompanied by a fee in an amount to be fixed by the board. The fee shall be nonrefundable for teacher preparation programs which are denied approval.

6. Any approval of a teacher preparation program which was granted pursuant to the laws of this state prior to the effective date of sections 168.620 to 168.674 shall remain in force for a period of five years from the effective date of sections 168.620 to 168.674 or until such approval would have expired without the passage of sections 168.620 to 168.674 and shall then be eligible for renewed approval under the provisions of sections 168.620 to 168.674.

7. Applications for certifications from persons who were enrolled and participating in a teacher preparation program when that program lost its approval, or who entered an unapproved teacher preparation program that subsequently received its approval while they were still enrolled and participating, shall be dealt with individually by the board in accordance with regulations adopted by the board.

168.662. The president of the board shall have the power to administer oaths and to subpoena witnesses, to require attendance and testimony and to require production of documents and records; and to that end, the board may invoke the aid of the circuit court of any county of the state having jurisdiction over the witness. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

168.665. The board shall submit to the governor and the general assembly and shall publish an annual report of its activities. The report shall include specific findings and conclusions with regard to licensure and teacher preparation program approval, an official audit of all board expenditures, and other information as the board deems appropriate. The board may appoint such committees as it finds appropriate to assist it in an advisory capacity.

168.668. Except as otherwise provided in sections 168.620 to 168.674, the board may delegate to one or more of its members, staff, or other agents the authority to perform any of the functions to be performed by the board itself under sections 168.620 to 168.674, and performance by a delegate shall for purposes of sections 168.620 to 168.674 be an action of the board.

168.671. 1. The board created by sections 168.620 to 168.674 shall be the successor to the state board of education in matters relating to the issuance of certificates of license to teach in the schools of this state. The state board of education shall continue to serve until the effective date of sections 168.620 to 168.674. All rules, regulations, procedures and practices in effect under the former provisions of law relating to the issuance of certificates of license to teach in the schools of this state, shall continue in effect until sixty days after the effective date of sections 168.620 to 168.674, at which time all such rules, regulations, procedures and practices are deemed to be repealed except for those which the board determines shall be applicable on an interim basis.

2. The coordinating board for higher education shall provide all personnel, assets, liabilities, contracts, property and records necessary to carry out the functions assigned to the board under sections 168.620 to 168.674.

168.674. 1. All fees collected under the provisions of sections 168.620 to 168.674 shall have been set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 168.620 to 168.674. All fees payable under the provisions of sections 168.620 to 168.674 shall be paid to and collected by the board and transmitted to the department of revenue for deposit in the state treasury to the credit of a fund to be known as the "Professional Educators' Standards and Practices Board Fund", which is hereby created.

2. All expenses incurred by the board, including the compensation of board members and all employees of the board, shall be paid from the professional educators'

board fund by appropriations of the general assembly, and no such expenses shall be charged against the general funds of the state. The legislature may, by appropriation, transfer money from the general revenue fund to the professional educators' standards and practices board fund.

3. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in the professional educators' standards and practices board fund shall not be transferred and placed to the credit of the general revenue fund at the end of the biennium.

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