

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 161
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Student Achievement April 11, 2007 with recommendation that House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 161 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

0508L.06C

AN ACT

To repeal sections 160.041, 160.400, 160.480, 163.051, 167.031, 167.231, 168.021, 168.104, 168.114, and 168.221, RSMo, and to enact in lieu thereof nineteen new sections relating to education, with penalty provisions.

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

Section A. Sections 160.041, 160.400, 160.480, 163.051, 167.031, 167.231, 168.021, 2 168.104, 168.114, and 168.221, RSMo, are repealed and nineteen new sections enacted in lieu 3 thereof, to be known as sections 160.041, 160.400, 160.480, 161.375, 161.720, 162.1031, 4 162.1110, 163.051, 167.031, 167.128, 167.231, 168.021, 168.104, 168.114, 168.135, 168.138, 5 168.215, 168.221, and 210.205, to read as follows:

160.041. 1. The "minimum school day" consists of three hours in which the pupils are 2 under the guidance and direction of teachers in the teaching process. A "school month" consists 3 of four weeks of five days each. The "school year" commences on the first day of July and ends 4 on the thirtieth day of June following.

5 2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of 6 education is authorized to reduce the required number of hours and days in which the pupils are 7 under the guidance and direction of teachers in the teaching process if:

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.

8 (1) There is damage to or destruction of a public school facility which requires the dual
9 utilization of another school facility; or

10 (2) [Flooding] **A natural disaster, including but not limited to pandemic disease, or**
11 **man-made emergency** prevents students from attending the public school facility.

12
13 Such reduction not to extend beyond two calendar years in duration.

160.400. 1. A charter school is an independent public school.

2 2. Charter schools may be operated only in a metropolitan school district or in an urban
3 school district containing most or all of a city with a population greater than three hundred fifty
4 thousand inhabitants and may be sponsored by any of the following:

5 (1) The school board of the district;

6 (2) A public four-year college or university with its primary campus in the school district
7 or in a county adjacent to the county in which the district is located, with an approved teacher
8 education program that meets regional or national standards of accreditation;

9 (3) A community college located in the district; [or]

10 (4) Any private four-year college or university located in a city not within a county with
11 an enrollment of at least one thousand students, and with an approved teacher preparation
12 program;

13 **(5) In a metropolitan district, the mayor of a city not within a county.**

14 3. The mayor of a city not within a county may request a sponsor under subdivision (2),
15 (3), or (4) of subsection 2 of this section to consider sponsoring a workplace charter school,
16 which is defined for purposes of sections 160.400 to 160.420 as a charter school with the ability
17 to target prospective students whose parent or parents are employed in a business district, as
18 defined in the charter, which is located in the city.

19 4. No sponsor shall receive from an applicant for a charter school any fee of any type for
20 the consideration of a charter, nor may a sponsor condition its consideration of a charter on the
21 promise of future payment of any kind.

22 5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant
23 to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the
24 sponsor and the charter school.

25 6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter
26 school shall select the method for election of officers pursuant to section 355.326, RSMo, based
27 on the class of corporation selected. Meetings of the governing board of the charter school shall
28 be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

29 7. A sponsor of a charter school, its agents and employees are not liable for any acts or
30 omissions of a charter school that it sponsors, including acts or omissions relating to the charter

31 submitted by the charter school, the operation of the charter school and the performance of the
32 charter school.

33 8. A charter school may affiliate with a four-year college or university, including a
34 private college or university, or a community college as otherwise specified in subsection 2 of
35 this section when its charter is granted by a sponsor other than such college, university or
36 community college. Affiliation status recognizes a relationship between the charter school and
37 the college or university for purposes of teacher training and staff development, curriculum and
38 assessment development, use of physical facilities owned by or rented on behalf of the college
39 or university, and other similar purposes. The primary campus of the college or university must
40 be located within the county in which the school district lies wherein the charter school is located
41 or in a county adjacent to the county in which the district is located. A university, college or
42 community college may not charge or accept a fee for affiliation status.

43 9. The expenses associated with sponsorship of charter schools shall be defrayed by the
44 department of elementary and secondary education retaining one and five-tenths percent of the
45 amount of state and local funding allocated to the charter school under section 160.415, not to
46 exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not
47 be withheld when the sponsor is a school district or the state board of education. The department
48 of elementary and secondary education shall remit the retained funds for each charter school to
49 the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship
50 obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter
51 school it sponsors.

52 10. No university, college or community college shall grant a charter to a nonprofit
53 corporation if an employee of the university, college or community college is a member of the
54 corporation's board of directors.

55 11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349,
56 RSMo, without ensuring that a criminal background check and child abuse registry check are
57 conducted for all members of the governing board of the charter schools or the incorporators of
58 the charter school if initial directors are not named in the articles of incorporation, nor shall a
59 sponsor renew a charter without ensuring a criminal background check and child abuse registry
60 check are conducted for each member of the governing board of the charter school.

61 12. No member of the governing board of a charter school shall hold any office or
62 employment from the board or the charter school while serving as a member, nor shall the
63 member have any substantial interest, as defined in section 105.450, RSMo, in any entity
64 employed by or contracting with the board. No board member shall be an employee of a
65 company that provides substantial services to the charter school. All members of the governing
66 board of the charter school shall be considered decision-making public servants as defined in

67 section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in
68 sections 105.483, 105.485, 105.487, and 105.489, RSMo.

69 13. A sponsor shall provide timely submission to the state board of education of all data
70 necessary to demonstrate that the sponsor is in material compliance with all requirements of
71 sections 160.400 to 160.420 and 167.349, RSMo.

72 14. The state board of education shall ensure each sponsor is in compliance with all
73 requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school
74 sponsored by any sponsor. The state board shall notify each sponsor of the standards for
75 sponsorship of charter schools, delineating both what is mandated by statute and what best
76 practices dictate. The state board, after a public hearing, may require remedial action for a
77 sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions
78 including withholding the sponsor's funding and suspending for a period of up to one year the
79 sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional
80 school. If the state board removes the authority to sponsor a currently operating charter school,
81 the state board shall become the interim sponsor of the school for a period of up to three years
82 until the school finds a new sponsor or until the charter contract period lapses.

160.480. 1. The board of education of each school district in this state [is authorized to]
2 **shall** adopt an emergency preparedness plan **by December 1, 2007**, to address the **continuation**
3 **of school services and the** use of school resources, including school facilities, commodity foods,
4 school buses, and equipment if a natural disaster or other community emergency occurs.

5 2. **Such plan shall include, at a minimum, the following elements:**

6 (1) **Alternatives for the delivery of school services when, as a result of a declaration**
7 **of emergency, person-to-person contact must be curtailed or a school is temporarily**
8 **converted to an access point for public services or information;**

9 (2) **Practice for the implementation plan, which may include a scenario rehearsal.**

10 3. The emergency preparedness plan may authorize the superintendent or other
11 designated school officials to approve use of school resources to provide relief to the community
12 if an emergency occurs.

13 [3.] 4. Food assistance may be provided using commodities distributed by the United
14 States Department of Agriculture consistent with the standards for emergency congregate feeding
15 under such program.

16 [4.] 5. The use of school resources under **subsections 3 and 4** of this section shall be
17 subject to review by the board of education within thirty days of authorization or as soon as
18 reasonably possible.

161.375. 1. The department of elementary and secondary education shall develop
2 **standards for high-quality mentoring for beginning teachers and beginning principals no**

3 later than June 30, 2008. The standards shall be applicable to all public schools and shall
4 be developed to ensure that the required district mentoring programs under subsection 3
5 of section 168.021, RSMo, meet common objectives.

6 2. Such standards shall be established for both of the required years of mentoring
7 under subsection 3 of section 168.021, RSMo, and shall be based upon, but not be limited
8 to, the following principles:

9 (1) Every district shall have a teacher-driven mentor program in collaboration with
10 and support of the administration;

11 (2) Guidance and support are required for all beginning teachers, regardless of
12 when they enter the profession;

13 (3) Communication between mentors and beginning teachers is open and
14 confidential;

15 (4) Quality mentors are necessary to establish beginning teachers' trust and respect
16 for their colleagues and profession; and

17 (5) All staff members provide informal support for beginning teachers.

18 3. Quality mentor programs shall include, but not be limited to, the following:

19 (1) An introduction to the cultural environment of the community and the school
20 district;

21 (2) A systemic and ongoing evaluation by all stakeholders;

22 (3) An individualized plan for beginning teachers that aligns with the district's
23 goals and needs;

24 (4) Appropriate criteria for selecting mentors;

25 (5) Comprehensive mentor training;

26 (6) A complete list of responsibilities for the mentor, beginning teacher, and
27 administrators; and

28 (7) Sufficient time for mentors to observe beginning teachers and for the beginning
29 teachers to observe master teachers, structured to provide multiple opportunities over time
30 and to minimize the need to require substitute teachers to facilitate observation.

31 4. In developing such standards, the department shall involve representatives from
32 the state teacher organizations, administration and principal organizations, Missouri
33 advisory council for the certification of educators as created by section 168.015, RSMo,
34 Missouri staff development council, and from colleges and universities.

161.720. 1. Beginning with academic year 2008-2009, any student who graduates
2 from a Missouri public high school and enrolls in a two-year or four-year degree program
3 in Missouri within two years after high school graduation may apply to receive

4 reimbursement for tuition for remedial courses to which such student is assigned by the
5 college or university under the conditions described in this section.

6 2. A college course shall qualify as remedial if it is:

7 (a) In an academic subject required for high school graduation; and

8 (b) Is designated by number, title, course description, or other means, as necessary
9 to prepare a student for the first college-level course in an academic subject.

10 3. The department of elementary and secondary education shall, by rule, establish
11 a method by which a student may apply for, provide documentation for, and receive a
12 reimbursement for such tuition no more frequently than twice a year. The district from
13 which the student holds a high school diploma shall be responsible for such
14 reimbursement.

15 4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
16 that is created under the authority delegated in this section shall become effective only if
17 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
18 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
19 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
20 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
21 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
22 adopted after August 28, 2007, shall be invalid and void.

162.1031. 1. The provisions of this section shall be known as the "Students First
2 Act".

3 2. For the school year beginning July 1, 2008, and each succeeding school year, a
4 parent or guardian residing in a lapsed public school district or a district that has scored
5 unaccredited on two consecutive annual performance reports or provisionally accredited
6 on two consecutive annual performance reports may enroll the parent's or guardian's child
7 in a public school for kindergarten or grades above kindergarten in another school district
8 in the manner provided in this section. If a student declares intent under subdivision (1)
9 of subsection 4 of this section for a year that is subsequently determined to be fully
10 accredited, the open enrollment request shall be honored, and the student may finish the
11 highest grade available in the host district. For purposes of this section "public school"
12 includes charter schools, magnet schools, and the Missouri virtual school created in section
13 161.670, RSMo.

14 3. (1) A student residing in a lapsed, unaccredited, or provisionally accredited
15 district under subsection 2 of this section is eligible to attend a school in a school district
16 whose boundary is within a thirty-mile radius of the student's home district boundary if

17 the host district is neither lapsed, provisionally accredited, or unaccredited and has open
18 seats under its definition of "class size" in subsection 4 of this section.

19 (2) At the point when the student's home district regains accreditation with no
20 provisions, no more pupils from that district shall be accepted under this section; however,
21 pupils who are currently attending shall be permitted to finish the highest grade available
22 in the host district and the siblings of such pupils may apply and be accepted under this
23 section.

24 (3) The department of elementary and secondary education shall have the authority
25 to determine if a district qualifies to receive students under this subsection.

26 4. (1) Every school district shall adopt a policy which defines the term "class size"
27 for the purposes of open enrollment, which limits the number of students per class, and
28 may be expressed by grade level and by school building. The policy may allow for a
29 number of spaces to remain open to accommodate potential additional pupils who will
30 reside in the district. The host district shall make available to the public the number of
31 open seats in each grade each year on a timely basis. The parent or guardian of any
32 student who wishes to participate in open enrollment shall declare the student's intent by
33 March first preceding the school year in which the student wishes to participate. Open
34 enrollment requests shall be for an entire school year.

35 (2) If capacity is insufficient to enroll all pupils who submit an application, the host
36 school district shall have an admissions process that assures all applicants of an equal
37 chance of gaining admission except that preferences for admission of children whose
38 siblings attend the school may be permitted. Whenever there is a federal court-ordered
39 desegregation directive for a school district, enrollment options under this section are
40 subject to the approval of the court of continuing jurisdiction, and the court order shall
41 govern.

42 (3) If a parent believes that a host district is unreasonable in disapproving
43 applications submitted in accordance with this subsection, the parent may request that the
44 department of elementary and secondary education review and take appropriate action.
45 School districts shall keep records of numbers of transfers requested into and out of the
46 district and numbers accepted and denied. These records shall be publicly available.

47 (4) If a request filed under this section is for a child requiring special education
48 under sections 162.670 to 162.999, the request to transfer to the other district shall be
49 granted only if the individualized education program (IEP) team in the host district verifies
50 that the host district maintains a special education instructional program which is
51 appropriate to meet the child's educational needs and the enrollment of the child in the
52 host district's program would not cause the size of the class in that special education

53 instructional program in the host district to exceed the maximum class size established in
54 rules adopted by the state board of education or federal guidelines for that program. For
55 children requiring special education, a member of the child's IEP team in the home district
56 shall be part of the IEP team in the host district for the initial IEP planning sessions, and
57 the home district shall pay to the host district the actual costs incurred in providing the
58 appropriate special education.

59 **5. (1) A pupil's residence, for purposes of this section, means residency established**
60 **under section 167.020, RSMo. Except for students residing in a K-8 district attending high**
61 **school in a district under section 167.131, RSMo, the board of the home district shall pay**
62 **to the host district the lower of the two districts' per-pupil expenditure.**

63 **(2) Payments shall be made to the host district at least twice a year. If timely**
64 **payment is not made, the host district shall be entitled to a late charge of up to three**
65 **percent a month on the amount overdue, not to exceed three months. When a payment is**
66 **more than three months past due, the department of elementary and secondary education,**
67 **upon notice from the host district, shall withhold the amount, including interest, from the**
68 **home district's state school aid and send payment in full to the host district.**

69 **6. Notwithstanding section 167.241, RSMo, relating to transportation of**
70 **nonresident pupils, the parent or guardian is responsible for transporting the pupil**
71 **without reimbursement if transportation costs are not fully covered under subsection 5 of**
72 **this section. At the discretion of the host district based on availability of bus seats, the**
73 **pupil may be transported by the parent to and from a point on a regular school bus route**
74 **of the host district. Nothing in this subsection shall be construed to prohibit a home or host**
75 **district from voluntarily providing such transportation, nor shall this subsection be**
76 **construed to prohibit a district from charging a fee for use of school buses for any purpose**
77 **the school district deems necessary and appropriate to accomplish the ends of this section.**

78 **7. For accountability purposes on adequate yearly progress and the annual**
79 **performance report, the statewide assessment scores of pupils using open enrollment to**
80 **attend a district other than their home district shall be treated in the same manner as the**
81 **scores of English language learners.**

82 **8. To the extent practicable based on available capacity, each public school district**
83 **with multiple attendance centers serving the same grade level may provide intradistrict**
84 **open enrollment. A district's intradistrict transfers shall receive priority over interdistrict**
85 **transfers.**

86 **9. Students who participate in open enrollment shall be treated like resident**
87 **students of the host district for school activities participation in any team, and no**
88 **organization shall prevent such students from participating in school activities. Districts**

89 and organizations involved in school activities in open enrollment districts shall make a
90 good faith effort to facilitate participation.

91 **10. In a public school district that qualified for a small school grant under section**
92 **163.044, RSMo, for the previous school year, the addition of up to five percent average**
93 **daily attendance attributable to open enrollment shall not disqualify the district for the**
94 **grant, nor shall a decrease of less than five percent from the average daily attendance used**
95 **to determine qualification for the grant for the subsequent school year that is attributable**
96 **to open enrollment qualify a district for the grant.**

97 **11. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
98 **that is created under the authority delegated in this section shall become effective only if**
99 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
100 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
101 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
102 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
103 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
104 **adopted after August 28, 2007, shall be invalid and void.**

162.1110. 1. Each school district shall adopt policies and procedures for notifying
2 **parents or legal guardians of students regarding school-sponsored clubs and**
3 **extracurricular activities, and providing an opportunity for parents or legal guardians to**
4 **give permission for a child to join designated clubs or participate in designated activities.**
5 **An annual notification utilizing an official school communication or other appropriate**
6 **method to ensure parents receive notice shall include, without limitation, the following:**

7 **(1) For school-sponsored clubs, the name of the club, mission, or purpose of the**
8 **club, the name of the club's faculty advisor, and a description of past or planned activities;**

9 **(2) For extracurricular activities, the mission or purpose of the extracurricular**
10 **activity, name of the faculty advisor, and a description of planned programs or actions.**

11

12 **Each school district shall comply with the written notification from a parent or legal**
13 **guardian and shall not allow a child to join a club or participate in an activity in the**
14 **absence of written notification from the child's parent or legal guardian unless the school**
15 **has documented three good-faith efforts to contact the parent or guardian, in which case**
16 **the teacher, advisor, or counselor who has responsibility for the student's schedule of**
17 **course work may sign on behalf of the parent or guardian and provide written notice**
18 **thereof to the parent or guardian.**

19 **2. All clubs, programs, or extracurricular activities occurring on school property**
20 **or sponsored by schools, school staff, or students shall require written parental or legal**
21 **guardian permission for membership in each specific club or activity.**

22 **3. Beginning with the 2007-2008 school year, each school district shall obtain**
23 **written parental or legal guardian permission for a student to participate in or be a**
24 **member of a school-sponsored club or extracurricular activity. Each school district shall**
25 **obtain such permission at the beginning of each school year.**

163.051. The state board of education, in the apportionment of the state school moneys
2 fund, may use the average daily attendance of the next full year preceding or project the average
3 daily attendance for the current year based on the average daily attendance for the last fifty days
4 the schools of the district were in session before the schools were forced to close before the
5 expiration of the term or before average daily attendance dropped substantially because of a
6 disaster caused by flood, fire, windstorm or any natural disaster, **including but not limited to**
7 **pandemic disease**, when all or part of the district is designated a disaster area by the governor
8 of the state, or when districts have been forced to close because of nonpayment of taxes as a
9 result of flooding or drought conditions or because of loss of surplus funds occasioned by bank
10 failures in any county of the state.

167.031. 1. Every parent, guardian or other person in this state having charge, control
2 or custody of a child not enrolled in a public, private, parochial, parish school or full-time
3 equivalent attendance in a combination of such schools and between the ages of seven years and
4 the compulsory attendance age for the district is responsible for enrolling the child in a program
5 of academic instruction which complies with subsection 2 of this section. Any parent, guardian
6 or other person who enrolls a child between the ages of five and seven years in a public school
7 program of academic instruction shall cause such child to attend the academic program on a
8 regular basis, according to this section. Nonattendance by such child shall cause such parent,
9 guardian or other responsible person to be in violation of the provisions of section 167.061,
10 except as provided by this section **or by subsection 2 of section 160.041, RSMo.** A parent,
11 guardian or other person in this state having charge, control, or custody of a child between the
12 ages of seven years of age and the compulsory attendance age for the district shall cause the child
13 to attend regularly some public, private, parochial, parish, home school or a combination of such
14 schools not less than the entire school term of the school which the child attends; except that:

15 (1) A child who, to the satisfaction of the superintendent of public schools of the district
16 in which he resides, or if there is no superintendent then the chief school officer, is determined
17 to be mentally or physically incapacitated may be excused from attendance at school for the full
18 time required, or any part thereof;

19 (2) A child between fourteen years of age and the compulsory attendance age for the
20 district may be excused from attendance at school for the full time required, or any part thereof,
21 by the superintendent of public schools of the district, or if there is none then by a court of
22 competent jurisdiction, when legal employment has been obtained by the child and found to be
23 desirable, and after the parents or guardian of the child have been advised of the pending action;
24 or

25 (3) A child between five and seven years of age shall be excused from attendance at
26 school if a parent, guardian or other person having charge, control or custody of the child makes
27 a written request that the child be dropped from the school's rolls.

28 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether
29 incorporated or unincorporated, that:

30 (a) Has as its primary purpose the provision of private or religious-based instruction;

31 (b) Enrolls pupils between the ages of seven years and the compulsory attendance age
32 for the district, of which no more than four are unrelated by affinity or consanguinity in the third
33 degree; and

34 (c) Does not charge or receive consideration in the form of tuition, fees, or other
35 remuneration in a genuine and fair exchange for provision of instruction.

36 (2) As evidence that a child is receiving regular instruction, the parent shall, except as
37 otherwise provided in this subsection:

38 (a) Maintain the following records:

39 a. A plan book, diary, or other written record indicating subjects taught and activities
40 engaged in; and

41 b. A portfolio of samples of the child's academic work; and

42 c. A record of evaluations of the child's academic progress; or

43 d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

44 (b) Offer at least one thousand hours of instruction, at least six hundred hours of which
45 will be in reading, language arts, mathematics, social studies and science or academic courses
46 that are related to the aforementioned subject areas and consonant with the pupil's age and
47 ability. At least four hundred of the six hundred hours shall occur at the regular home school
48 location.

49 (3) The requirements of subdivision (2) of this subsection shall not apply to any pupil
50 above the age of sixteen years.

51 3. Nothing in this section shall require a private, parochial, parish or home school to
52 include in its curriculum any concept, topic, or practice in conflict with the school's religious
53 doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the
54 school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all

55 departments or agencies of the state of Missouri shall be prohibited from dictating through rule,
56 regulation or other device any statewide curriculum for private, parochial, parish or home
57 schools.

58 4. A school year begins on the first day of July and ends on the thirtieth day of June
59 following.

60 5. The production by a parent of a daily log showing that a home school has a course of
61 instruction which satisfies the requirements of this section or, in the case of a pupil over the age
62 of sixteen years who attended a metropolitan school district the previous year, a written
63 statement that the pupil is attending home school in compliance with this section shall be a
64 defense to any prosecution under this section and to any charge or action for educational neglect
65 brought pursuant to chapter 210, RSMo.

66 6. As used in sections 167.031 to 167.051, the term "compulsory attendance age for the
67 district" shall mean:

68 (1) Seventeen years of age for any metropolitan school district for which the school
69 board adopts a resolution to establish such compulsory attendance age; provided that such
70 resolution shall take effect no earlier than the school year next following the school year during
71 which the resolution is adopted; and

72 (2) Sixteen years of age in all other cases.

73

74 The school board of a metropolitan school district for which the compulsory attendance age is
75 seventeen years may adopt a resolution to lower the compulsory attendance age to sixteen years;
76 provided that such resolution shall take effect no earlier than the school year next following the
77 school year during which the resolution is adopted.

78 7. The provisions of this section shall apply to any parent, guardian, or other person in
79 this state having charge, control, or custody of a child between the ages of fifteen and eighteen
80 if such child has not received a high school diploma or its equivalent and a court order has been
81 issued as to such child under section 211.034, RSMo.

**167.128. 1. The educational needs of each child under the jurisdiction of the
2 juvenile court or family court under subdivision (1), (2), or (5) of subsection 1 of section
3 211.031, RSMo, shall be considered as part of the function of the child's family support
4 team pursuant to policy of the department of social services. Such needs shall include, but
5 not be limited to, the assumption that regular full school days of education are warranted.
6 For the purposes of this section, "full school day" shall mean six hours in which the child
7 is under the guidance and direction of teachers in the education process. The local school
8 district shall be invited to have representation on the child's family support team.**

9 **2. Nothing in this section shall be construed to infringe upon the rights or due**
10 **process provisions of the federal Individuals with Disabilities Education Act. Nothing in**
11 **this section shall be construed to impede the ability of the family support team or the**
12 **facility staff from making a referral for special education services, if appropriate, when a**
13 **child is placed in a facility described in this section without an individualized education**
14 **program or without a pending referral for such services. If a child is referred for such**
15 **services, the provisions of the Individuals with Disabilities Education Act shall apply and**
16 **control while the referral is pending and through the evaluation process, including**
17 **provisions for educational decision-makers and educational surrogates. Nothing in this**
18 **section shall be construed to deny any child domiciled in Missouri appropriate and**
19 **necessary free public education services.**

20 **3. When the department of social services by contract places a child for treatment**
21 **in a licensed residential care facility setting for children as defined in section 210.481,**
22 **RSMo, such facility shall be responsible for the educational needs of the child if the child**
23 **at the time of placement does not have an individualized education program or a pending**
24 **referral for special education services under sections 162.670 to 162.999, RSMo.**

25 **(1) Such facilities operating an on-site school for which they hire their own**
26 **education staff shall:**

27 **(a) Provide, on site at such facility, a full school day of education for each child**
28 **placed in such facility by the department of social services unless the child's plan of**
29 **treatment and care supports his or her ability to attend public school; and**

30 **(b) Be reimbursed by the local school district for the full cost of education services**
31 **provided to children placed in their care by the department of social services when the**
32 **facility provides education services. The local school district shall be compensated under**
33 **section 167.126, RSMo, for such education services.**

34

35 **No child placed in the facilities for treatment described in this subdivision shall be**
36 **considered by the local school district as homebound for purposes of education unless the**
37 **family support team under subsection 1 of this section has approved homebound**
38 **instruction. A full school day of education shall be provided unless fewer hours of**
39 **instruction per day are approved by the family support team under subsection 1 of this**
40 **section. Nothing in this subdivision shall create an obligation for a licensed residential care**
41 **facility to have on-site classrooms, to operate an on-site school, or to hire its own education**
42 **staff.**

43 **(2) When such facilities have on-site classrooms but do not hire their own education**
44 **staff, the local school district:**

45 (a) Shall provide, on site at such facility, a full school day of education for each
46 child placed in such facility for care by the department of social services unless the child's
47 plan of treatment and care supports his or her ability to attend public school;

48 (b) Shall be compensated under section 167.126 for such education services; and

49 (c) May consider such education services as homebound instruction but shall
50 provide each homebound child with a full school day of education unless fewer hours of
51 instruction per day are approved by the family support team under subsection 1 of this
52 section.

53

54 Nothing in this subdivision shall create an obligation for a licensed residential care facility
55 to have on-site classrooms, to operate an on-site school, or to hire its own education staff.

56 (3) When such facilities do not operate an on-site school or have on-site classrooms,
57 the local school district shall:

58 (a) Provide a full school day of education for each child placed in such facility for
59 care by the department of social services; and

60 (b) Be compensated for such education services under section 167.126.

61

62 If the child's behavior or plan of treatment and care does not support the child's being
63 educated in a regular education class, education services shall be provided in an alternative
64 setting approved by the family support team under subsection 1 of this section. A full
65 school day of education shall be provided unless fewer hours of instruction per day are
66 approved by the family support team under subsection 1 of this section. Nothing in this
67 subdivision shall create an obligation for a licensed residential care facility to have on-site
68 classrooms, to operate an on-site school, or to hire its own education staff.

69 4. Notwithstanding any other provision of law, a child placed for treatment by the
70 department of social services in a licensed residential care facility setting for children as
71 defined in section 210.481, RSMo, who does not have an individualized education program
72 for special education services or a pending referral for such services under sections 162.670
73 to 162.999, RSMo, whose plan of treatment and care supports his or her ability to attend
74 public school but who is then suspended or otherwise demonstrates school failure based
75 on behavior or academic performance shall then be provided a full school day of education
76 according to subsection 3 of this section.

77 5. Nothing in this section shall prevent a licensed residential care facility setting for
78 children as defined in section 210.481, RSMo, from contracting with school districts for
79 education services. Nothing in this section shall prevent a school district from contracting

80 with a licensed residential care facility setting for children as defined in section 210.481,
81 RSMo, for education services.

82 **6. (1) Any residential treatment facility that expects the local public school district**
83 **to provide educational services for students of the treatment facility shall work with the**
84 **district and develop an educational plan that describes in general how full-day educational**
85 **services will be provided to school-aged residents of the treatment facility under a variety**
86 **of possible circumstances. The educational plan shall be developed jointly by the**
87 **appropriate staff of both the treatment facility and the public school district, and the plan**
88 **shall be signed annually by the administration of both parties verifying their support for**
89 **the plan.**

90 **(2) It is the intent that the educational plan follow the provisions of this section, but**
91 **treatment facilities and school districts may develop provisions for educational services not**
92 **included in this section if both parties agree on the provisions and if the provisions offer**
93 **a full-day educational program for the students involved.**

94 **(3) It is understood as a condition of the plan that both the treatment facility and**
95 **school district shall be fully reimbursed, as allowed by law in accordance with the**
96 **availability of funds, for their portions of the cost of providing educational services**
97 **through such sources as basic state aid, local district bill-back, and excess cost**
98 **reimbursement, as well as other possible sources.**

99 **(4) Each treatment facility and school district shall furnish a signed copy of their**
100 **educational plan to the department of elementary and secondary education and to the**
101 **department of social services no later than September fifteenth of each year.**

167.231. 1. Within all school districts except metropolitan districts the board of
2 education shall provide transportation to and from school for all pupils living more than three
3 and one-half miles from school and may provide transportation for all pupils. State aid for
4 transportation shall be paid as provided in section 163.161, RSMo, only on the basis of the cost
5 of pupil transportation for those pupils living one mile or more from school, including
6 transportation provided to and from publicly operated university laboratory schools. The board
7 of education may provide transportation for pupils living less than one mile from school at the
8 expense of the district and may prescribe reasonable rules and regulations as to eligibility of
9 pupils for transportation, and, notwithstanding any other provision of law, no such district shall
10 be subject to an administrative penalty when the district demonstrates pursuant to rule
11 established by the state board of education that such students are required to cross a state
12 highway or county arterial in the absence of sidewalks, traffic signals, or a crossing guard and
13 that no existing bus stop location has been changed to permit a district to evade such penalty.
14 If no increase in the tax levy of the school district is required to provide transportation for pupils

15 living less than one mile from the school, the board may transport said pupils. If an increase in
 16 the tax levy of the school district is required to provide transportation for pupils living less than
 17 one mile from school, the board shall submit the question at a public election. If a two-thirds
 18 majority of the voters voting on the question at the election are in favor of providing the
 19 transportation, the board shall arrange and provide therefor. **The board of education may also**
 20 **provide transportation for any pupil resident in the district who attends a private or**
 21 **parochial school located in the district under the conditions prescribed in subsection 4 of**
 22 **this section.**

23 2. The proposal and the ballots may be in substantially the following form:

24 Shall the board of education of the school district provide transportation at the
 25 expense of the district for pupils living less than one mile from school and be authorized to levy
 26 an additional tax of cents on the one hundred dollars assessed valuation to provide funds
 27 to pay for such transportation service?

28 YES NO

29

30 (If you are in favor of the proposition (or question), place an X in the box opposite "YES". If
 31 you are opposed to the proposition (or question), place an X in the box opposite "NO".)

32 3. The board of education of any school district may provide transportation to and from
 33 school for any public school pupil not otherwise eligible for transportation under the provisions
 34 of state law, and may prescribe reasonable rules and regulations as to eligibility for
 35 transportation, if the parents or guardian of the pupil agree in writing to pay the actual cost of
 36 transporting the pupil. The minimum charge would be the actual cost of transporting the pupil
 37 for ninety school days, which actual cost is to be determined by the average per-pupil cost of
 38 transporting children in the school district during the preceding school year. The full actual cost
 39 shall be paid by the parent or guardian of the pupil and shall not be paid out of any state school
 40 aid funds or out of any other revenues of the school district. The cost of transportation may be
 41 paid in installments, and the board of education shall establish the cost of the transportation and
 42 the time or times and method of payment.

43 **4. The board of education of any school district may provide transportation to and**
 44 **from school for any resident pupil attending a private or parochial school in the district:**

45 **(1) If transportation to and from school is offered to all resident students who**
 46 **attend the public school. Public school students who do not qualify for free transportation**
 47 **according to state law may be required to pay for transportation services;**

48 **(2) When providing such transportation can be achieved without use of state funds**
 49 **or additional local funds and without incurring additional capital expense; and**

50 **(3) If the parents or guardian of the private or parochial school pupil agree in**
51 **writing to pay the actual cost of transporting the pupil.**

52

53 **The board of education may prescribe rules as to eligibility for transportation. The**
54 **minimum charge shall be the actual cost of transporting the pupil for ninety school days,**
55 **which actual cost is to be determined by the average per pupil cost of transporting children**
56 **in the school district during the preceding school year compared to the average per pupil**
57 **cost had the seats available and unfilled been used. The full actual cost shall be paid by the**
58 **parent or guardian of the pupil and shall not be paid out of any state school aid funds or**
59 **out of any other revenues of the school district. The cost of transportation may be paid in**
60 **installments, and the board of education shall establish the cost of the transportation and**
61 **the time or times and method of payment. Any school district that provides transportation**
62 **pursuant to this subsection shall develop rules to address the priority of seating nonpublic**
63 **school pupils and bus route development.**

64 **5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
65 **that is created under the authority delegated in this section shall become effective only if**
66 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
67 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
68 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
69 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
70 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
71 **adopted after August 28, 2007, shall be invalid and void.**

72 **6. Nothing in this section shall be construed as restricting the ability of a school**
73 **district to be compensated for use of school buses for any purpose the school district deems**
74 **appropriate.**

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

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

4 (a) Upon the basis of college credit;

5 (b) Upon the basis of examination;

6 (2) By the state board, under rules and regulations prescribed by the state board with
7 advice from the advisory council established by section 168.015 to any individual who presents
8 to the state board a valid doctoral degree from an accredited institution of higher education
9 accredited by a regional accrediting association such as North Central Association. Such
10 certificate shall be limited to the major area of postgraduate study of the holder, shall be issued
11 only after successful completion of the examination required for graduation pursuant to rules

12 adopted by the state board of education, and shall be restricted to those certificates established
13 pursuant to subdivision (1) of subsection 3 of this section; or

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

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

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

24 (c) Upon completion of a background check and possession of a valid teaching certificate
25 in the state from which the applicant's teacher preparation program was completed; or

26 **(4) By the state board, under rules and regulations prescribed by it, on the basis**
27 **of certification by the American Board for Certification of Teacher Excellence (ABCTE)**
28 **and verification of ability to work with children as demonstrated by sixty contact hours in**
29 **any one of the following areas as validated by the school principal: sixty contact hours in**
30 **the classroom, of which at least forty-five must be teaching; sixty contact hours as a**
31 **substitute teacher, with at least thirty consecutive hours in the same classroom; sixty**
32 **contact hours of teaching in a private school; or sixty contact hours of teaching as a**
33 **paraprofessional, for an initial four-year ABCTE certificate of license to teach. Upon the**
34 **completion of the requirements listed in paragraphs (a), (b), and (c) of this subdivision, an**
35 **applicant shall be eligible to apply for a career continuous professional certificate under**
36 **subdivision (2) of subsection 3 of this section:**

37 **(a) Completion of thirty contact hours of professional development within four**
38 **years, which may include hours spent in class in an appropriate college curriculum;**

39 **(b) Validated completion of two years of the mentoring program of the American**
40 **Board for Certification of Teacher Excellence or a district mentoring program approved**
41 **by the state board of education; and**

42 **(c) Attainment of a successful performance-based teacher evaluation.**

43 2. All valid teaching certificates issued pursuant to law or state board policies and
44 regulations prior to September 1, 1988, shall be exempt from the professional development
45 requirements of this section and shall continue in effect until they expire, are revoked or
46 suspended, as provided by law. When such certificates are required to be renewed, the state
47 board or its designee shall grant to each holder of such a certificate the certificate most nearly

48 equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II,
49 or continuous professional certificate shall, upon expiration of his or her current certificate, be
50 issued the appropriate level of certificate based upon the classification system established
51 pursuant to subsection 3 of this section.

52 3. Certificates of license to teach in the public schools of the state shall be based upon
53 minimum requirements prescribed by the state board of education. The state board shall provide
54 for the following levels of professional certification: an initial professional certificate and a
55 career continuous professional certificate.

56 (1) The initial professional certificate shall be issued upon completion of requirements
57 established by the state board of education and shall be valid based upon verification of actual
58 teaching within a specified time period established by the state board of education. The state
59 board shall require holders of the four-year initial professional certificate to:

60 (a) Participate in a mentoring program approved and provided by the district for a
61 minimum of two years;

62 (b) Complete thirty contact hours of professional development, which may include hours
63 spent in class in an appropriate college curriculum; and

64 (c) Participate in a beginning teacher assistance program;

65 (2) (a) The career continuous professional certificate shall be issued upon verification
66 of completion of four years of teaching under the initial professional certificate and upon
67 verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of
68 subdivision (1) of this subsection **or paragraphs (a), (b), and (c) of subdivision (4) of**
69 **subsection 1 of this section.**

70 (b) The career continuous professional certificate shall be continuous based upon
71 verification of actual employment in an educational position as provided for in state board
72 guidelines and completion of fifteen contact hours of professional development per year which
73 may include hours spent in class in an appropriate college curriculum. Should the possessor of
74 a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour
75 professional development requirement, the possessor may, within two years, make up the
76 missing hours. In order to make up for missing hours, the possessor shall first complete the
77 fifteen-hour requirement for the current year and then may count hours in excess of the current
78 year requirement as make-up hours. Should the possessor fail to make up the missing hours
79 within two years, the certificate shall become inactive. In order to reactivate the certificate, the
80 possessor shall complete twenty-four contact hours of professional development which may
81 include hours spent in the classroom in an appropriate college curriculum within the six months
82 prior to or after reactivating his or her certificate. The requirements of this paragraph shall be

83 monitored and verified by the local school district which employs the holder of the career
84 continuous professional certificate.

85 (c) A holder of a career continuous professional certificate shall be exempt from the
86 professional development contact hour requirements of paragraph (b) of this subdivision if such
87 teacher has a local professional development plan in place within such teacher's school district
88 and meets two of the three following criteria:

89 a. Has ten years of teaching experience as defined by the state board of education;

90 b. Possesses a master's degree; or

91 c. Obtains a rigorous national certification as approved by the state board of education.

92 4. Policies and procedures shall be established by which a teacher who was not retained
93 due to a reduction in force may retain the current level of certification. There shall also be
94 established policies and procedures allowing a teacher who has not been employed in an
95 educational position for three years or more to reactivate his or her last level of certification by
96 completing twenty-four contact hours of professional development which may include hours
97 spent in the classroom in an appropriate college curriculum within the six months prior to or after
98 reactivating his or her certificate.

99 5. The state board shall, upon an appropriate background check, issue a professional
100 certificate classification in the areas most closely aligned with an applicant's current areas of
101 certification, commensurate with the years of teaching experience of the applicant, to any person
102 who is hired to teach in a public school in this state and who possesses a valid teaching
103 certificate from another state, provided that the certificate holder shall annually complete the
104 state board's requirements for such level of certification, and shall establish policies by which
105 residents of states other than the state of Missouri may be assessed a fee for a certificate license
106 to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover
107 any or all costs associated with the issuing of a certificate of license to teach.

108 6. The state board may assess to holders of an initial professional certificate a fee, to be
109 deposited into the excellence in education revolving fund established pursuant to section
110 160.268, RSMo, for the issuance of the career continuous professional certificate. However,
111 such fee shall not exceed the combined costs of issuance and any criminal background check
112 required as a condition of issuance. **Applicants for the initial ABCTE certificate shall be
113 responsible for any fees associated with the program leading to the issuance of the
114 certificate, but nothing in this section shall prohibit a district from developing a policy that
115 permits fee reimbursement.**

116 7. Any member of the public school retirement system of Missouri who entered covered
117 employment with ten or more years of educational experience in another state or states and held
118 a certificate issued by another state and subsequently worked in a school district covered by the

119 public school retirement system of Missouri for ten or more years who later became certificated
120 in Missouri shall have that certificate dated back to his or her original date of employment in a
121 Missouri public school.

168.104. The following words and phrases when used in sections 168.102 to 168.130
2 **and sections 168.135 to 168.138**, except in those instances where the context indicates
3 otherwise, mean:

4 (1) "Board of education", the school board or board of directors of a school district,
5 except a metropolitan school district, having general control of the affairs of the district;

6 (2) "Demotion", any reduction in salary or transfer to a position carrying a lower salary,
7 except on request of a teacher, other than any change in salary applicable to all teachers or all
8 teachers in a classification;

9 (3) "Indefinite contract", every contract heretofore or hereafter entered into between a
10 school district and a permanent teacher;

11 (4) "Permanent teacher", any teacher who has been employed or who is hereafter
12 employed as a teacher in the same school district for five successive years and who has continued
13 or who thereafter continues to be employed as a teacher by the school district or any supervisor
14 of teachers who was employed as a teacher in the same school district for at least five successive
15 years prior to becoming a supervisor of teachers and who continues thereafter to be employed
16 as a certificated employee by the school district; except that, when a permanent teacher resigns
17 or is permanently separated from employment by a school district, and is afterwards reemployed
18 by the same school district, reemployment for the first school year does not constitute an
19 indefinite contract but if he is employed for the succeeding year, the employment constitutes an
20 indefinite contract; and except that any teacher employed under a part-time contract by a school
21 district shall accrue credit toward permanent status on a prorated basis. Any permanent teacher
22 who is promoted with his consent to a supervisory position including principal or assistant
23 principal, or is first employed by a district in a supervisory position including principal or
24 assistant principal, shall not have permanent status in such position but shall retain tenure in the
25 position previously held within the district, or, after serving two years as principal or assistant
26 principal, shall have tenure as a permanent teacher of that system;

27 (5) "Probationary teacher", any teacher as herein defined who has been employed in the
28 same school district for five successive years or less. In the case of any probationary teacher who
29 has been employed in any other school system as a teacher for two or more years, the board of
30 education shall waive one year of his probationary period;

31 (6) "School district", every school district in this state, except a metropolitan school
32 district as [defined] **designated** in section 162.571, RSMo;

33 (7) "Teacher", any employee of a school district, except a metropolitan school district,
34 regularly required to be certified under laws relating to the certification of teachers, except
35 superintendents and assistant superintendents but including certified teachers who teach at the
36 prekindergarten level in a nonmetropolitan public school within a prekindergarten program in
37 which no fees are charged to parents or guardians.

168.114. 1. An indefinite contract with a permanent teacher shall not be terminated by
2 the board of education of a school district except for one or more of the following causes:

- 3 (1) Physical or mental condition unfitting him to instruct or associate with children;
- 4 (2) Immoral conduct;
- 5 (3) Incompetency, inefficiency or insubordination in line of duty;
- 6 (4) Willful or persistent violation of, or failure to obey, the school laws of the state or
- 7 the published regulations of the board of education of the school district employing him;
- 8 (5) Excessive or unreasonable absence from performance of duties; [or]
- 9 (6) Conviction of a felony or a crime involving moral turpitude; **or**
- 10 (7) **Participation in a strike including picketing on school district property or**
- 11 **facilities.**

12 2. In determining the professional competency of or efficiency of a permanent teacher,
13 consideration should be given to regular and special evaluation reports prepared in accordance
14 with the policy of the employing school district and to any written standards of performance
15 which may have been adopted by the school board.

**168.135. 1. In the event that a school district remains operational during a strike,
2 any teacher that participates in the strike shall forfeit a day's pay for each day he or she
3 participates in the strike and shall not be eligible to count as sick leave, vacation, or any
4 other paid leave, those days which the teacher participated in the strike.**

5 **2. In the event that a school district does not remain operational during a strike,
6 any teacher that participates in the strike shall, once the school district becomes
7 operational, work without additional pay for any additional days the school district
8 determines are needed to make up for days the school district was not operational during
9 the strike and shall not be eligible to count as sick leave, vacation, or any other paid leave,
10 those days which the teacher participated in the strike.**

**168.138. Any labor organization having as a member any teacher shall notify the
2 teacher of any vote by the labor organization that will determine whether the organization
3 will strike. Such notification, which may be electronic, shall contain a proof of receipt such
4 as a return receipt letter or e-mail address that the teacher may use to acknowledge receipt
5 of the notification. In addition, the notification shall contain a conspicuous statement of
6 the purpose of the vote, the time of the vote, and the location where the vote will be held**

7 including a street address. Such notification shall be made no later than three days prior
8 to the date of the vote.

168.215. 1. The provisions of this section shall be known as the "Superintendent
2 Targeted Achievement Record" or STAR program.

3 2. As used in this section "total compensation package" includes but is not limited
4 to base salary, retirement benefits, dues and club memberships, housing and auto
5 allowances, entertainment allowances, cell phone or personal digital assistant and service
6 contract, deferred compensation, buy-out clause, pay-for-performance goals, donations
7 from school foundations, and any other valuable consideration provided as cash, credit,
8 or services as a result of employment, expressed in dollars.

9 3. Each school district shall annually report to the department of elementary and
10 secondary education, no later than September first of the current school year, the total
11 compensation package, as defined in subsection 2 of this section, for each school
12 administrator, including the superintendent, all assistant superintendents, principals, and
13 assistant principals. If consultants are hired to do such administrative duties, the district
14 shall report the total compensation package of each such consultant. The disclosure shall
15 be made separately for each individual administrator.

16 4. Each school district shall annually report to the department of elementary and
17 secondary education the total compensation package, as defined in subsection 2 of this
18 section, for the position of the highest paid classroom teacher, the average for all classroom
19 teachers, and for the position of superintendent.

20 5. In addition to the information required under subsection 4 of this section, the
21 district shall also provide the following performance measures from the three latest
22 available years:

23 (1) Number of district schools that achieved adequate yearly progress under the
24 provisions of the No Child Left Behind Act of 2002 in all student groups and the total
25 number of schools;

26 (2) Number of standards met out of the fourteen reported on the district's annual
27 performance report pursuant to the Missouri school improvement program; and

28 (3) Percentage of certificated classroom teachers who are in their first year of
29 employment with the district.

30 6. The information reported under this section shall be included on the
31 department's web site under a distinctive "STAR program" heading on the page on which
32 school data by district are available with a link from the department home page. If the
33 district maintains a web site, a link to the district's STAR program data on the
34 department's home page shall be placed on the district's home page. Nothing in this

35 **section shall be construed to prevent the department or any school district from compiling**
36 **as much of the data as possible from existing sources.**

37 **7. Each school district shall provide the information required under this section to**
38 **parents, community members, the print and broadcast media, and legislators by the**
39 **deadlines contained in this section or as soon as such information becomes available.**

40 **8. An initial failure to file the information required by this section shall be subject**
41 **to the penalty in section 162.091, RSMo, concerning neglect or refusal to comply with**
42 **school laws. A subsequent offense shall be subject to the penalty in section 162.091, RSMo,**
43 **and to a fine of five hundred thousand dollars.**

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 shall be furnished by the
5 superintendent of schools with a written statement setting forth the nature of his incompetency.
6 If improvement satisfactory to the superintendent is not made within one semester after the
7 receipt of the statement, the probationary teacher shall be dismissed. The semester granted the
8 probationary teacher in which to improve shall not in any case be a means of prolonging the
9 probationary period beyond five years and six months from the date on which the teacher entered
10 the employ of the board of education. The superintendent of schools on or before the fifteenth
11 day of April in each year shall notify probationary teachers who will not be retained by the
12 school district of the termination of their services. Any probationary teacher who is not so
13 notified shall be deemed to have been appointed for the next school year. Any principal who
14 prior to becoming a principal had attained permanent employee status as a teacher shall upon
15 ceasing to be a principal have a right to resume his or her permanent teacher position with the
16 time served as a principal being treated as if such time had been served as a teacher for the
17 purpose of calculating seniority and pay scale. The rights and duties and remuneration of a
18 teacher who was formerly a principal shall be the same as any other teacher with the same level
19 of qualifications and time of service.

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

26 3. No teacher whose appointment has become permanent may be removed except for one
27 or more of the following causes: immorality, inefficiency in line of duty, violation of the

28 published regulations of the school district, violation of the laws of Missouri governing the
29 public schools of the state, **participation in a strike including picketing on school district**
30 **property or facilities**, or physical or mental condition which incapacitates him for instructing
31 or associating with children, and then only by a vote of not less than a majority of all the
32 members of the board, upon written charges presented by the superintendent of schools, to be
33 heard by the board after thirty days' notice, with copy of the charges served upon the person
34 against whom they are preferred, who shall have the privilege of being present, together with
35 counsel, offering evidence and making defense thereto. Notifications received by an employee
36 during a vacation period shall be considered as received on the first day of the school term
37 following. At the request of any person so charged the hearing shall be public. The action and
38 decision of the board upon the charges shall be final. Pending the hearing of the charges, the
39 person charged may be suspended if the rules of the board so prescribe, but in the event the board
40 does not by a majority vote of all the members remove the teacher upon charges presented by the
41 superintendent, the person shall not suffer any loss of salary by reason of the suspension.
42 Inefficiency in line of duty is cause for dismissal only after the teacher has been notified in
43 writing at least one semester prior to the presentment of charges against him by the
44 superintendent. The notification shall specify the nature of the inefficiency with such
45 particularity as to enable the teacher to be informed of the nature of his inefficiency.

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

59 5. Whenever it is necessary to decrease the number of teachers because of insufficient
60 funds or a substantial decrease of pupil population within the school district, the board of
61 education upon recommendation of the superintendent of schools may cause the necessary
62 number of teachers beginning with those serving probationary periods to be placed on leave of
63 absence without pay, but only in the inverse order of their appointment. Nothing herein stated

64 shall prevent a readjustment by the board of education of existing salary schedules. No teacher
65 placed on a leave of absence shall be precluded from securing other employment during the
66 period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in
67 inverse order of his placement on leave of absence. Such reemployment shall not result in a loss
68 of status or credit for previous years of service. No new appointments shall be made while there
69 are available teachers on leave of absence who are seventy years of age or less and who are
70 adequately qualified to fill the vacancy unless the teachers fail to advise the superintendent of
71 schools within thirty days from the date of notification by the superintendent of schools that
72 positions are available to them that they will return to employment and will assume the duties
73 of the position to which appointed not later than the beginning of the school year next following
74 the date of the notice by the superintendent of schools.

75 6. If any regulation which deals with the promotion of [either] teachers is amended by
76 increasing the qualifications necessary to be met before a teacher is eligible for promotion, the
77 amendment shall fix an effective date which shall allow a reasonable length of time within which
78 teachers may become qualified for promotion under the regulations.

**210.205. 1. By September 1, 2007, the department of social services in collaboration
2 with the departments of health and senior services, elementary and secondary education,
3 and mental health shall develop a quality rating system for early childhood and before-
4 and after-school programs licensed by the department of health and senior services that
5 operate in this state. Such ratings shall be built upon Missouri's current system of
6 licensing and regulation. The base level of the rating system shall be licensing, and the
7 highest level of the rating system shall include accreditation by a state or nationally
8 recognized accrediting agency. The department of social services shall utilize the model
9 from the existing Missouri quality rating system pilots developed by the University of
10 Missouri Center for Family Policy and Research, or any successor organization, to
11 establish this system.**

12 **2. The quality rating system shall:**

13 **(1) Provide information for consumers and parents to evaluate and select high
14 quality programs;**

15 **(2) Create an accountability system for policymakers and those who fund early
16 childhood and before- and after-school programs;**

17 **(3) Guide providers through a system of ever increasing levels of quality with
18 specific outcomes.**

19 **3. There is hereby created in the state treasury the "Quality Rating System
20 Program Improvement Grant Fund". Within this fund there is created a first sub-account
21 which shall consist of all gifts, donations, transfers, and bequests to the fund.**

22 Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys
23 remaining in this first sub-account shall not revert to the credit of the general revenue
24 fund. There is also created a second sub-account consisting of moneys appropriated by the
25 general assembly. Any moneys remaining in this second sub-account shall at the end of the
26 biennium revert to the credit of the general revenue fund. The state treasurer shall be
27 custodian of the fund and may approve disbursements from the fund in accordance with
28 sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used
29 solely for the administration of this section to provide grants directly to licensed providers
30 seeking assistance for quality improvements to undergo evaluation under the quality rating
31 system established under this section or to community-based organizations assisting
32 providers with such improvements. The fund shall be administered by the department of
33 social services. The state treasurer shall invest moneys in the fund in the same manner as
34 other funds are invested. Any interest and moneys earned on such investments shall be
35 credited to the fund.

36 4. The department of social services in collaboration with the departments of health
37 and senior services and elementary and secondary education shall be responsible for:

38 (1) Collecting and distributing resource materials to educate the public and early
39 childhood and before- and after-school programs in Missouri about the quality rating
40 system established under this section;

41 (2) Developing and distributing educational materials, including but not limited to
42 brochures and other media as part of a comprehensive public relations campaign about
43 the useful and informational system of assessing the quality of child care and early
44 childhood programs in Missouri; and

45 (3) Posting the ratings of the quality rating system on the Internet in a format easily
46 understood and accessible by the public by January 1, 2009.

47 5. The department of social services shall promulgate rules to implement the
48 provisions of this section. Any rule or portion of a rule, as that term is defined in section
49 536.010, RSMo, that is created under the authority delegated in this section shall become
50 effective only if it complies with and is subject to all of the provisions of chapter 536,
51 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
52 nonseverable and if any of the powers vested with the general assembly pursuant to
53 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
54 are subsequently held unconstitutional, then the grant of rulemaking authority and any
55 rule proposed or adopted after August 28, 2007, shall be invalid and void.

56 6. For purposes of this section, "early childhood program" and before and after
57 school programs shall mean programs that are sponsored by public school districts.

58 **7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

59 **(1) The provisions of the new program authorized under this section shall**
60 **automatically sunset six years after the effective date of this section unless reauthorized by**
61 **an act of the general assembly; and**

62 **(2) If such program is reauthorized, the program authorized under this section**
63 **shall automatically sunset six years after the effective date of the reauthorization of this**
64 **section; and**

65 **(3) This section shall terminate on September first of the calendar year immediately**
66 **following the calendar year in which the program authorized under this section is sunset.**

✓

Bill

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