

SENATE BILL NO. 999

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR GANNON.

4444S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 168.021 and 169.596, RSMo, and to enact in lieu thereof two new sections relating to employment of school personnel.

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

Section A. Sections 168.021 and 169.596, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 168.021 and 169.596, to read as follows:

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

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

5 (a) Upon the basis of college credit;

6 (b) Upon the basis of examination;

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

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

18 established pursuant to subdivision (2) of subsection 3 of
19 this section;

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

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

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

34 (c) Upon completion of a background check as
35 prescribed in section 168.133 and possession of a valid
36 teaching certificate in the state from which the applicant's
37 teacher preparation program was completed;

38 (4) By the state board, under rules prescribed by it,
39 on the basis of a relevant bachelor's degree, or higher
40 degree, and a passing score for the designated exit
41 examination, for individuals whose academic degree and
42 professional experience are suitable to provide a basis for
43 instruction solely in the subject matter of banking or
44 financial responsibility, at the discretion of the state
45 board. Such certificate shall be limited to the major area
46 of study of the holder and shall be restricted to those
47 certificates established under subdivision (2) of subsection
48 3 of this section. Holders of certificates granted under
49 this subdivision shall be exempt from the teacher tenure act

50 under sections 168.102 to 168.130 and each school district
51 shall have the decision-making authority on whether to hire
52 the holders of such certificates;

53 (5) By the state board, under rules and regulations
54 prescribed by it, on the basis of certification by the
55 American Board for Certification of Teacher Excellence
56 (ABCTE) and verification of ability to work with children as
57 demonstrated by sixty contact hours in any one of the
58 following areas as validated by the school principal: sixty
59 contact hours in the classroom, of which at least forty-five
60 must be teaching; sixty contact hours as a substitute
61 teacher, with at least thirty consecutive hours in the same
62 classroom; sixty contact hours of teaching in a private
63 school; or sixty contact hours of teaching as a
64 paraprofessional, for an initial four-year ABCTE certificate
65 of license to teach, except that such certificate shall not
66 be granted for the areas of early childhood education, or
67 special education. For certification in the area of
68 elementary education, ninety contact hours in the classroom
69 shall be required, of which at least thirty shall be in an
70 elementary classroom. Upon the completion of the
71 requirements listed in paragraphs (a), (b), (c), and (d) of
72 this subdivision, an applicant shall be eligible to apply
73 for a career continuous professional certificate under
74 subdivision (3) of subsection 3 of this section:

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

78 (b) Validated completion of two years of the mentoring
79 program of the American Board for Certification of Teacher
80 Excellence or a district mentoring program approved by the
81 state board of education;

- 82 (c) Attainment of a successful performance-based
83 teacher evaluation; and
- 84 (d) Participation in a beginning teacher assistance
85 program; or
- 86 (6) By the state board, under rules and regulations
87 prescribed by it, which shall issue an initial visiting
88 scholars certificate at the discretion of the board, based
89 on the following criteria:
- 90 (a) Verification from the hiring school district that
91 the applicant will be employed [as part of a business-
92 education partnership initiative designed] to build career
93 pathways systems for students in a grade or grades not lower
94 than the ninth grade for which the applicant's academic
95 degree or professional experience qualifies him or her;
- 96 (b) Appropriate and relevant bachelor's degree or
97 higher, occupational license, or industry-recognized
98 credential;
- 99 (c) Completion of the application for a one-year
100 visiting scholars certificate; and
- 101 (d) Completion of a background check as prescribed
102 under section 168.133.

103 The initial visiting scholars certificate shall certify the
104 holder of such certificate to teach for one year. An
105 applicant shall be eligible to renew an initial visiting
106 scholars certificate a maximum of two times, based upon the
107 completion of the requirements listed under paragraphs (a),
108 (b), and (d) of this subdivision; completion of professional
109 development required by the school district and school; and
110 attainment of a satisfactory performance-based teacher
111 evaluation.

112 2. All valid teaching certificates issued pursuant to
113 law or state board policies and regulations prior to
114 September 1, 1988, shall be exempt from the professional
115 development requirements of this section and shall continue
116 in effect until they expire, are revoked or suspended, as
117 provided by law. When such certificates are required to be
118 renewed, the state board or its designee shall grant to each
119 holder of such a certificate the certificate most nearly
120 equivalent to the one so held. Anyone who holds, as of
121 August 28, 2003, a valid PC-I, PC-II, or continuous
122 professional certificate shall, upon expiration of his or
123 her current certificate, be issued the appropriate level of
124 certificate based upon the classification system established
125 pursuant to subsection 3 of this section.

126 3. (1) Certificates of license to teach in the public
127 schools of the state shall be based upon minimum
128 requirements prescribed by the state board of education
129 which shall include completion of a background check as
130 prescribed in section 168.133. The state board shall
131 provide for the following levels of professional
132 certification: an initial professional certificate and a
133 career continuous professional certificate.

134 (2) The initial professional certificate shall be
135 issued upon completion of requirements established by the
136 state board of education and shall be valid based upon
137 verification of actual teaching within a specified time
138 period established by the state board of education. The
139 state board shall require holders of the four-year initial
140 professional certificate to:

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

143 (b) Complete thirty contact hours of professional
144 development, which may include hours spent in class in an
145 appropriate college curriculum, or for holders of a
146 certificate under subdivision (4) of subsection 1 of this
147 section, an amount of professional development in proportion
148 to the certificate holder's hours in the classroom, if the
149 certificate holder is employed less than full time; and

150 (c) Participate in a beginning teacher assistance
151 program.

152 (3) (a) The career continuous professional
153 certificate shall be issued upon verification of completion
154 of four years of teaching under the initial professional
155 certificate and upon verification of the completion of the
156 requirements articulated in paragraphs (a), (b), and (c) of
157 subdivision (2) of this subsection or paragraphs (a), (b),
158 (c), and (d) of subdivision (5) of subsection 1 of this
159 section.

160 (b) The career continuous professional certificate
161 shall be continuous based upon verification of actual
162 employment in an educational position as provided for in
163 state board guidelines and completion of fifteen contact
164 hours of professional development per year which may include
165 hours spent in class in an appropriate college curriculum.
166 Should the possessor of a valid career continuous
167 professional certificate fail, in any given year, to meet
168 the fifteen-hour professional development requirement, the
169 possessor may, within two years, make up the missing hours.
170 In order to make up for missing hours, the possessor shall
171 first complete the fifteen-hour requirement for the current
172 year and then may count hours in excess of the current year
173 requirement as make-up hours. Should the possessor fail to
174 make up the missing hours within two years, the certificate

175 shall become inactive. In order to reactivate the
176 certificate, the possessor shall complete twenty-four
177 contact hours of professional development which may include
178 hours spent in the classroom in an appropriate college
179 curriculum within the six months prior to or after
180 reactivating his or her certificate. The requirements of
181 this paragraph shall be monitored and verified by the local
182 school district which employs the holder of the career
183 continuous professional certificate.

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

- 190 a. Has ten years of teaching experience as defined by
191 the state board of education;
- 192 b. Possesses a master's degree; or
- 193 c. Obtains a rigorous national certification as
194 approved by the state board of education.

195 4. Policies and procedures shall be established by
196 which a teacher who was not retained due to a reduction in
197 force may retain the current level of certification. There
198 shall also be established policies and procedures allowing a
199 teacher who has not been employed in an educational position
200 for three years or more to reactivate his or her last level
201 of certification by completing twenty-four contact hours of
202 professional development which may include hours spent in
203 the classroom in an appropriate college curriculum within
204 the six months prior to or after reactivating his or her
205 certificate.

206 5. The state board shall, upon completion of a
207 background check as prescribed in section 168.133, issue a
208 professional certificate classification in the areas most
209 closely aligned with an applicant's current areas of
210 certification, commensurate with the years of teaching
211 experience of the applicant, to any person who is hired to
212 teach in a public school in this state and who possesses a
213 valid teaching certificate from another state or
214 certification under subdivision (4) of subsection 1 of this
215 section, provided that the certificate holder shall annually
216 complete the state board's requirements for such level of
217 certification, and shall establish policies by which
218 residents of states other than the state of Missouri may be
219 assessed a fee for a certificate of license to teach in the
220 public schools of Missouri. Such fee shall be in an amount
221 sufficient to recover any or all costs associated with the
222 issuing of a certificate of license to teach. The board
223 shall promulgate rules to authorize the issuance of a
224 provisional certificate of license, which shall be valid for
225 three years and shall allow the holder to assume classroom
226 duties pending the completion of a criminal background check
227 under section 168.133, for any applicant who:

228 (1) Is the spouse of a member of the Armed Forces
229 stationed in Missouri;

230 (2) Relocated from another state within one year of
231 the date of application;

232 (3) Underwent a criminal background check in order to
233 be issued a teaching certificate of license from another
234 state; and

235 (4) Otherwise qualifies under this section.

236 6. The state board may assess to holders of an initial
237 professional certificate a fee, to be deposited into the

238 excellence in education revolving fund established pursuant
239 to section 160.268, for the issuance of the career
240 continuous professional certificate. However, such fee
241 shall not exceed the combined costs of issuance and any
242 criminal background check required as a condition of
243 issuance. Applicants for the initial ABCTE certificate
244 shall be responsible for any fees associated with the
245 program leading to the issuance of the certificate, but
246 nothing in this section shall prohibit a district from
247 developing a policy that permits fee reimbursement.

248 7. Any member of the public school retirement system
249 of Missouri who entered covered employment with ten or more
250 years of educational experience in another state or states
251 and held a certificate issued by another state and
252 subsequently worked in a school district covered by the
253 public school retirement system of Missouri for ten or more
254 years who later became certificated in Missouri shall have
255 that certificate dated back to his or her original date of
256 employment in a Missouri public school.

257 8. Within thirty days of receiving an application from
258 a spouse of an active duty member of the Armed Forces of the
259 United States who has been transferred or is scheduled to be
260 transferred to the state of Missouri, or who has been
261 transferred or is scheduled to be transferred to an adjacent
262 state and is or will be domiciled in the state of Missouri,
263 or has moved to the state of Missouri on a permanent change-
264 of-station basis and has successfully completed the
265 background check described under subsection 5 of this
266 section and section 168.133, the state board shall issue to
267 such applicant a full certificate of license to teach,
268 provided that the applicant has paid all necessary fees and

269 has otherwise met all requirements to be issued such a
270 certificate.

169.596. 1. Notwithstanding any other provision of
2 this chapter to the contrary, a retired certificated teacher
3 receiving a retirement benefit from the retirement system
4 established pursuant to sections 169.010 to 169.141 may,
5 without losing his or her retirement benefit, **[teach] be**
6 **employed** full time for up to **[two] four** years for a school
7 district covered by such retirement system; provided that
8 the school district has a shortage of certified teachers, as
9 determined by the school district[, and provided that no
10 such retired certificated teacher shall be employed as a
11 superintendent. The total number of such retired
12 certificated teachers shall not exceed, at any one time, the
13 lesser of ten percent of the total teacher staff for that
14 school district, or five certificated teachers]. **A retired**
15 **certificated teacher receiving a retirement benefit from the**
16 **retirement system established pursuant to sections 169.010**
17 **to 169.141 may only be employed as a superintendent under**
18 **this subsection if he or she has been retired for at least**
19 **twelve months prior to such employment, unless such**
20 **employment is immediately necessary due to death,**
21 **disability, or termination for cause of the superintendent**
22 **who held the position being filled.**

23 2. Notwithstanding any other provision of this chapter
24 to the contrary, a person receiving a retirement benefit
25 from the retirement system established pursuant to sections
26 169.600 to 169.715 may, without losing his or her retirement
27 benefit, be employed full time for up to **[two] four** years
28 for a school district covered by such retirement system;
29 provided that the school district has a shortage of
30 noncertificated employees, as determined by the school

31 district. [The total number of such retired noncertificated
32 employees shall not exceed, at any one time, the lesser of
33 ten percent of the total noncertificated staff for that
34 school district, or five employees.]

35 **3. The total number of retired members working for a**
36 **school district under subsections 1 and 2 of this section**
37 **shall not exceed, at any one time, the lesser of ten percent**
38 **of the total number of employees for that district or ten**
39 **employees.**

40 [3.] 4. The employer's contribution rate shall be paid
41 by the hiring school district.

42 [4.] 5. In order to hire [teachers and noncertificated
43 employees] **retired members** pursuant to the provisions of
44 this section, the school district shall:

45 (1) Show a good faith effort to fill positions with
46 nonretired certificated teachers or nonretired
47 noncertificated employees;

48 (2) Post the vacancy for at least one month;

49 (3) Have not offered early retirement incentives for
50 either of the previous two years;

51 (4) Solicit applications through the local newspaper,
52 other media, or teacher education programs;

53 (5) Determine there is an insufficient number of
54 eligible applicants for the advertised position; and

55 (6) Declare a critical shortage of certificated
56 teachers or noncertificated employees that is active for one
57 year.

58 [5.] 6. Any person hired pursuant to this section
59 shall be included in the State Directory of New Hires for
60 purposes of income and eligibility verification pursuant to
61 42 U.S.C. Section 1320b-7.

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