

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 297

93RD GENERAL ASSEMBLY

0895L.05T

2005

AN ACT

To repeal sections 160.522, 168.104, 168.211, 168.221, 168.261, and 168.515, RSMo, and to enact in lieu thereof six new sections relating to elementary and secondary education.

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

Section A. Sections 160.522, 168.104, 168.211, 168.221, 168.261, and 168.515, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 160.522, 168.104, 168.211, 168.221, 168.261, and 168.515, to read as follows:

160.522. 1. [School districts shall provide, at least annually, a school accountability report card for each school building to any household with a student enrolled in the district. Methods of distribution of the school accountability report card may include, but are not restricted to:

- (1) Distribution at the time and place of student enrollment;
- (2) Inclusion with student grade reports;
- (3) Newspaper publication;
- (4) Posting by the school district by Internet or other electronic means generally accessible to the public; or
- (5) Making copies available upon request at all school or administrative buildings in any school district.

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.

12 The school district reports shall be distributed to all media outlets serving the district, and shall
13 be made available, upon request, to all district patrons and to each member of the general
14 assembly representing a legislative district which contains a portion of the school district] **The**
15 **department of elementary and secondary education shall produce or cause to be produced,**
16 **at least annually, a school accountability report card for each public school district, each**
17 **public school building in a school district, and each charter school in the state. The report**
18 **card shall be designed to satisfy state and federal requirements for the disclosure of**
19 **statistics about students, staff, finances, academic achievement, and other indicators. The**
20 **purpose of the report card shall be to provide educational statistics and accountability**
21 **information for parents, taxpayers, school personnel, legislators, and the print and**
22 **broadcast news media in a standardized, easily accessible form.**

23 2. The department of elementary and secondary education shall develop a standard form
24 for the school accountability report card [which may be used by school districts]. The
25 information reported shall include, but not be limited to, **the district's most recent**
26 **accreditation rating**, enrollment, rates of pupil attendance, high school dropout rate[, the rates
27 and durations of, and reasons for,] **and graduation rate, the number and rate of** suspensions
28 of ten days or longer and expulsions of pupils, [staffing ratios, including] the district ratio of
29 students to [all teachers, to] administrators[,] and **students** to classroom teachers, the average
30 years of experience of professional staff and advanced degrees earned, student achievement as
31 [determined] **measured** through the assessment system developed pursuant to section 160.518,
32 student scores on the [SAT or] ACT, [as appropriate,] along with the percentage of [students]
33 **graduates** taking [each] **the** test, average teachers' and administrators' salaries compared to the
34 state averages, [average salaries of noncertificated personnel compared to state averages,]
35 average per pupil **current** expenditures for the district as a whole and by attendance center as
36 reported to the department of elementary and secondary education, [voted and] **the** adjusted tax
37 [rates levied] **rate of the district**, assessed valuation **of the district**, percent of the district
38 operating budget received from state, federal, and local sources, the [number] **percent** of
39 students eligible for free or [reduced] **reduced-price** lunch, [school calendar information,
40 including days of student attendance, parent-teacher conferences, and staff development or
41 in-service training, data on course offerings and rates of participation in parent-teacher
42 conferences, special education programs, early childhood special education programs, parents
43 as teachers programs, vocational education programs, gifted or enrichment programs, and
44 advanced placement programs,] data on the [number] **percent** of students continuing their
45 education in postsecondary programs, and information about **the** job placement **rate** for students
46 who complete district vocational education programs[, and the district's most recent accreditation
47 by the state board of education, including measures for school improvement].

48 3. The [public reporting] **report card** shall permit the disclosure of data on a
49 school-by-school basis, but the reporting shall not be personally identifiable to any student or
50 education professional in the state.

51 4. [The annual report made by the state board of education pursuant to section 161.092,
52 RSMo, shall include a summary of school districts accredited, provisionally accredited, and
53 unaccredited under the Missouri school improvement program, including an analysis of standards
54 met and not met, and an analysis of state program assessment data collected pursuant to section
55 160.526, describing the kinds of tasks students can perform] **The report card shall identify**
56 **each school or attendance center that has been identified as a priority school under sections**
57 **160.720 and 161.092, RSMo. The report also shall identify attendance centers that have**
58 **been categorized under federal law as needing improvement or requiring specific school**
59 **improvement strategies.**

60 5. **The report card shall not limit or discourage other methods of public reporting**
61 **and accountability by local school districts. Districts shall provide information included**
62 **in the report card to parents, community members, the print and broadcast news media,**
63 **and legislators by December first annually or as soon thereafter as the information is**
64 **available to the district, giving preference to methods that incorporate the reporting into**
65 **substantive official communications such as student report cards. The school district shall**
66 **provide a printed copy of the district level or school level report card to any patron upon**
67 **request and shall make reasonable efforts to supply businesses such as, but not limited to,**
68 **real estate and employment firms with copies or other information about the reports so**
69 **that parents and businesses from outside the district who may be contemplating relocation**
70 **have access.**

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

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

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

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

10 (4) "Permanent teacher", any teacher who has been employed or who is hereafter
11 employed as a teacher in the same school district for five successive years and who has continued
12 or who thereafter continues to be employed as a teacher by the school district or any supervisor
13 of teachers who was employed as a teacher in the same school district for at least five successive

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

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

30 (6) "School district", every school district in this state, except metropolitan school
31 district as defined in section 162.571, RSMo;

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

168.211. 1. In metropolitan districts the superintendent of schools shall be appointed
2 by the board of education for a term of one to [four] **five** years, during which term his
3 compensation shall not be reduced. The superintendent of schools [shall] **may** appoint, with the
4 approval of the board, a treasurer, a commissioner of school buildings and he shall serve at the
5 pleasure of the superintendent of schools and as many associate and assistant superintendents as
6 he deems necessary, whose compensation shall be fixed by the board. The superintendent of
7 schools shall give bond in the sum that the board requires but not less than fifty thousand dollars.
8 No employee or agent of the board shall be a member of the board.

9 2. The superintendent of schools shall have general supervision, subject to [the control
10 of] **policies established by** the board, of the school system, including its various departments
11 and physical properties, courses of instruction, discipline and conduct of the schools, textbooks
12 and studies. All appointments, promotions and transfers of teachers **and all other employees,**
13 and introduction and changes of textbooks and apparatus, shall be made by the superintendent

14 with the approval of the board. All appointments and promotions of teachers **and all other**
15 **employees** shall be made upon the basis of merit, to be ascertained, as far as practicable, in cases
16 of appointment, by examination, and in cases of promotion, by length and character of service.
17 Examinations for appointment shall be conducted by the superintendent under regulations to be
18 made by the board. He shall make such reports to the board that it directs or the rules provide.

19 3. The superintendent of schools shall have general supervision, subject to [the approval
20 of] **policies established by** the board, of all school buildings, apparatus, equipment and school
21 grounds and of their construction, installation, operation, repair, care and maintenance; the
22 purchasing of all supplies and equipment; the operation of the school lunchrooms; the
23 administration of examinations for the appointment and promotion of all employees of the school
24 system; and the preparation and administration of the annual budget for the school system.
25 Subject to the approval of the board of education as to number and salaries, the superintendent
26 may appoint as many employees as are necessary for the proper performance of his duties.

27 4. The board may grant a leave of absence to the superintendent of schools, and may
28 remove him from office by vote of a majority of its members.

29 5. [The] **Should the superintendent hire a** commissioner of school buildings, **said**
30 **person** shall be a person qualified by reason of education, experience and general familiarity
31 with buildings and personnel to assume the following responsibilities and duties. Subject to the
32 control of the superintendent of schools, he shall exercise supervision over all school buildings,
33 machinery, heating systems, equipment, school grounds and other buildings and premises of the
34 board of education and the construction, installation, operation, repair, care and maintenance
35 related thereto and the personnel connected therewith; the purchasing of building supplies and
36 equipment and such other duties as may be assigned to him by board rules or regulations[,
37 provided that this provision shall not apply to any commissioner of school buildings serving on
38 October 13, 1967].

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

45 4. No teacher whose appointment has become permanent shall be demoted nor shall his
46 salary be reduced unless the same procedure is followed as herein stated for the removal of the
47 teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who

48 is demoted may waive the presentment of charges against him by the superintendent and a
49 hearing thereon by the board. The foregoing provision shall apply only to permanent teachers
50 prior to the compulsory retirement age under the retirement system. Nothing herein contained
51 shall in any way restrict or limit the power of the board of education to make reductions in the
52 number of teachers or principals, or both, because of insufficient funds, decrease in pupil
53 enrollment, or abolition of particular subjects or courses of instruction, except that the abolition
54 of particular subjects or courses of instruction shall not cause those teachers who have been
55 teaching the subjects or giving the courses of instruction to be placed on leave of absence as
56 herein provided who are qualified to teach other subjects or courses of instruction, if positions
57 are available for the teachers in the other subjects or courses of instruction.

58 5. Whenever it is necessary to decrease the number of teachers [or principals, or both,]
59 because of insufficient funds or a substantial decrease of pupil population within the school
60 district, the board of education upon recommendation of the superintendent of schools may cause
61 the necessary number of teachers [or principals, or both,] beginning with those serving
62 probationary periods, to be placed on leave of absence without pay, but only in the inverse order
63 of their appointment. Nothing herein stated shall prevent a readjustment by the board of
64 education of existing salary schedules. No teacher [or principal] placed on a leave of absence
65 shall be precluded from securing other employment during the period of the leave of absence.
66 Each teacher [or principal] placed on leave of absence shall be reinstated in inverse order of his
67 placement on leave of absence. Such reemployment shall not result in a loss of status or credit
68 for previous years of service. No new appointments shall be made while there are available
69 teachers [or principals] 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 [or principals] fail to advise the
71 superintendent of schools within thirty days from the date of notification by the superintendent
72 of schools that positions are available to them that they will return to employment and will
73 assume the duties of the position to which appointed not later than the beginning of the school
74 year next following the date of the notice by the superintendent of schools.

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

168.261. A director of personnel [shall] **may** be appointed by the superintendent of
2 schools subject to the approval of the board of education of the metropolitan school district. The
3 director of personnel shall be a member of a personnel committee representing certificated and

4 noncertificated employees, the committee to be appointed in the manner that the rules of the
5 board of education provide.

168.515. 1. Each teacher selected to participate in a career plan established under
2 sections 168.500 to 168.515, who meets the requirements of such plan, shall receive a salary
3 supplement, the state's share of which shall be distributed under section 163.031, RSMo, equal
4 to the following amounts applied to the career ladder entitlement of line 15 of subsection 6 of
5 section 163.031, RSMo:

6 (1) Career stage I teachers may receive up to an additional one thousand five hundred
7 dollars per school year;

8 (2) Career stage II teachers may receive up to an additional three thousand dollars per
9 school year;

10 (3) Career stage III teachers may receive up to an additional five thousand dollars per
11 school year.

12 All teachers within each stage within the same school district shall receive equal salary
13 supplements.

14 2. The state shall make payments pursuant to section 163.031, RSMo, to the local school
15 district for the purpose of reimbursing the local school district for the payment of any salary
16 supplements provided for in this section, subject to the availability of funds as appropriated each
17 year and distributed on a variable match formula which shall be based on equalized assessed
18 valuation of the district for the second preceding school year. A district's equalized assessed
19 valuation shall be multiplied by the district income factor defined in section 163.011, RSMo, and
20 shall be known as the adjusted equalized assessed valuation.

21 3. In distributing these matching funds, school districts shall be ranked by the adjusted
22 equalized assessed valuation for the second preceding school year per eligible pupil from the
23 highest to the lowest and divided into three groups. Group one shall contain the highest
24 twenty-five percent of all public school districts, groups two and three combined shall contain
25 the remaining seventy-five percent of all public school districts. The districts in groups two and
26 three shall be rank-ordered from largest to smallest based on enrollment as of the last Wednesday
27 in September during the second preceding school year, group two shall contain twenty-five
28 percent of all public school districts that are larger on the enrollment-based rank-ordered list and
29 group three shall contain the remaining fifty percent of all public school districts. Pursuant to
30 subsection 4 of this section, districts in group one shall receive forty percent state funding and
31 shall contribute sixty percent local funding, group two shall receive fifty percent state funding
32 and shall contribute fifty percent local funding and group three shall receive sixty percent state
33 funding and shall contribute forty percent local funding.

34 4. The incremental groups are as follows:

	Percentage of Districts	Percentage of State Funding	Percentage of Local Funding
35			
36 Group			
37 1	25%	40%	60%
38 2	25%	50%	50%
39 3	50%	60%	40%

40 5. Beginning in the 1996-97 school year, any school district in any group which
 41 participated in the career ladder program in 1995-96 and paid less than the local funding
 42 percentage required by subsection 4 of this section shall increase its local share of career ladder
 43 costs by five percentage points from the preceding year until the district pays the percentage
 44 share of cost required by subsection 4 of this section, and in no case shall the local funding
 45 percentage be increased by a greater amount for any year. For any district, the state payment
 46 shall not exceed the local payment times the state percentage share divided by the local
 47 percentage share. **Except as provided in subsection 10 of this section,** any district not
 48 participating in the 1995-96 school year or any district which interrupts its career ladder program
 49 for any subsequent year shall enter the program on the cost-sharing basis required by subsection
 50 4 of this section.

51 6. Not less than every fourth year, beginning with calendar year 1988, the general
 52 assembly, through the joint committee established under section 160.254, RSMo, shall review
 53 the amount of the career pay provided for in this section to determine if any increases are
 54 necessary to reflect the increases in the cost of living which have occurred since the salary
 55 supplements were last reviewed or set.

56 7. To participate in the salary supplement program established under this section, a
 57 school district may submit to the voters of the district a proposition to increase taxes for this
 58 purpose. If a school district's current tax rate ceiling is at or above the rate from which an
 59 increase would require a two-thirds majority, the school board may submit to the voters of the
 60 district a proposition to reduce or eliminate the amount of the levy reduction resulting from
 61 section 164.013, RSMo. If a majority of the voters voting thereon vote in favor of the
 62 proposition, the board may certify that seventy-five percent of the revenue generated from this
 63 source shall be used to implement the salary supplement program established under this section.

64 8. In no case shall a school district use state funds received under this section nor local
 65 revenue generated from a tax established under subsection 7 of this section to comply with the
 66 minimum salary requirements for teachers established pursuant to section 163.172, RSMo.

67 9. Beginning in the 1996-97 school year, for any teacher who participated in the career
 68 program in the 1995-96 school year, continues to participate in the program thereafter, and
 69 remains qualified to receive career pay pursuant to section 168.510, the state's share of the
 70 teacher's salary supplement shall continue to be the percentage paid by the state in the 1995-96

71 school year, notwithstanding any provisions of subsection 4 of this section to the contrary, and
72 the state shall continue to pay such percentage of the teacher's salary supplement until any of the
73 following occurs:

74 (1) The teacher ceases his or her participation in the program; or

75 (2) The teacher suspends his or her participation in the program for any school year after
76 the 1995-96 school year. If the teacher later resumes participation in the program, the state
77 funding shall be subject to the provisions of subsection 4 of this section.

78 **10. Any school district that participated in the career ladder program prior to the**
79 **2001-2002 school year but ceased its participation at any time from July 1, 2001, to July**
80 **1, 2005, may resume participation in the program no later than July 1, 2006, at the same**
81 **matching level, pursuant to subsections 4 and 5 of this section, for which the district**
82 **qualified during its last year of participation.**