

FIRST REGULAR SESSION

HOUSE BILL NO. 417

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CUNNINGHAM (86) (Sponsor) AND MUSCHANY (Co-sponsor).

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D. ADAM CRUMBLISS, Chief Clerk

0230L.02I

AN ACT

To repeal sections 161.184, 168.021, 168.110, 168.126, and 171.171, RSMo, and to enact in lieu thereof four new sections relating to the education Competitive Advantage Act.

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

Section A. Sections 161.184, 168.021, 168.110, 168.126, and 171.171, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections 168.021,
3 168.110, 168.126, and 171.171, to read as follows:

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]

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.

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 prescribed by it, on the basis of a relevant**
27 **bachelor's degree, or higher degree, and a passing score for the designated exit**
28 **examination, for individuals whose academic degree and professional experience are**
29 **suitable to provide a basis for instruction in any discipline covered under the state and**
30 **federal mathematics, engineering, technology, and science initiatives or other related**
31 **discipline, at the discretion of the state board. Such certificate shall be limited to the major**
32 **area of study of the holder and shall be restricted to those certificates established under**
33 **subdivision (1) of subsection 3 of this section. Holders of certificates granted under this**
34 **subdivision shall be exempt from the teacher tenure act.**

35 2. All valid teaching certificates issued pursuant to law or state board policies and
36 regulations prior to September 1, 1988, shall be exempt from the professional development
37 requirements of this section and shall continue in effect until they expire, are revoked or
38 suspended, as provided by law. When such certificates are required to be renewed, the state
39 board or its designee shall grant to each holder of such a certificate the certificate most nearly
40 equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II,
41 or continuous professional certificate shall, upon expiration of his or her current certificate, be
42 issued the appropriate level of certificate based upon the classification system established
43 pursuant to subsection 3 of this section.

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

48 (1) The initial professional certificate shall be issued upon completion of requirements
49 established by the state board of education and shall be valid based upon verification of actual

50 teaching within a specified time period established by the state board of education. The state
51 board shall require holders of the four-year initial professional certificate to:

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

54 (b) Complete thirty contact hours of professional development, which may include hours
55 spent in class in an appropriate college curriculum; **or for holders of a certificate under**
56 **subdivision (4) of subsection 1 of this section, and amount of professional development in**
57 **proportion to the certificate holder's hours in the classroom, if the certificate holder is**
58 **employed less than full-time; and**

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

60 (2) (a) The career continuous professional certificate shall be issued upon verification
61 of completion of four years of teaching under the initial professional certificate and upon
62 verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of
63 subdivision (1) of this subsection.

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

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

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

84 b. Possesses a master's degree; or

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

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

93 5. The state board shall, upon an appropriate background check, issue a professional
94 certificate classification in the areas most closely aligned with an applicant's current areas of
95 certification, commensurate with the years of teaching experience of the applicant, to any person
96 who is hired to teach in a public school in this state and who possesses a valid teaching
97 certificate from another state[,] **or certification under subdivision (4) of subsection 1 of this**
98 **section;** provided that the certificate holder shall annually complete the state board's
99 requirements for such level of certification, and shall establish policies by which residents of
100 states other than the state of Missouri may be assessed a fee for a certificate license to teach in
101 the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all
102 costs associated with the issuing of a certificate of license to teach.

103 6. The state board may assess to holders of an initial professional certificate a fee, to be
104 deposited into the excellence in education revolving fund established pursuant to section
105 160.268, RSMo, for the issuance of the career continuous professional certificate. However,
106 such fee shall not exceed the combined costs of issuance and any criminal background check
107 required as a condition of issuance.

108 7. Any member of the public school retirement system of Missouri who entered covered
109 employment with ten or more years of educational experience in another state or states and held
110 a certificate issued by another state and subsequently worked in a school district covered by the
111 public school retirement system of Missouri for ten or more years who later became certificated
112 in Missouri shall have that certificate dated back to his or her original date of employment in a
113 Missouri public school.

168.110. The board of education of a school district may modify an indefinite contract
2 annually on or before the fifteenth day of May in the following particulars:

3 (1) Determination of the date of beginning and length of the next school year;

4 (2) Fixing the amount of annual compensation for the following school year as provided
5 by the salary schedule adopted by the board of education applicable to all teachers. **Districts**
6 **may provide a salary that includes hiring incentives or salary schedule modifications,**
7 **which may include but are not limited to credit for all prior years of service in another**

8 **district, to attract and retain teachers based upon demonstrated need for teachers certified**
9 **in shortage areas. Districts may also provide such incentives or schedule modifications to**
10 **attract and retain teachers with qualities, experience, or credentials that are exceptionally**
11 **well suited to a district's needs for academic improvement. In exchange for such**
12 **incentives, teachers may be required to teach in the district offering the incentive for a**
13 **period of up to three school years. Districts shall have the decision-making authority on**
14 **whether to provide such incentives and modifications within the limits of this section.** The
15 modifications shall be effective at the beginning of the next school year. All teachers affected
16 by the modification shall be furnished written copies of the modifications within thirty days after
17 their adoption by the board of education.

168.126. 1. A board of education at a regular or special meeting may contract with and
2 employ by a majority vote legally qualified probationary teachers for the school district. The
3 contract shall be made by order of the board; shall specify the number of months school is to be
4 taught and the wages per month to be paid; shall be signed by the probationary teacher and the
5 president of the board, or a facsimile signature of the president may be affixed at his discretion;
6 and the contract shall be attested by the secretary of the board by signature or facsimile.
7 **Districts may provide a salary that includes hiring incentives or salary schedule**
8 **modifications, which may include but are not limited to credit for all prior years of service**
9 **in another district, to attract and retain teachers based upon demonstrated need for**
10 **teachers certified in shortage areas. Districts may also provide such incentives or schedule**
11 **modifications to attract and retain teachers with qualities, experience, or credentials that**
12 **are exceptionally well suited to a district's needs for academic improvement. In exchange**
13 **for such incentives, teachers may be required to teach in the district offering the incentive**
14 **for a period of up to three school years. Districts shall have the decision-making authority**
15 **on whether to provide such incentives and modifications within the limits of this section.**
16 The board shall not employ one of its members as a teacher; nor shall any person be employed
17 as a teacher who is related within the fourth degree to any board member, either by consanguinity
18 or affinity, where the vote of the board member is necessary to the selection of the person.

19 2. If in the opinion of the board of education any probationary teacher has been doing
20 unsatisfactory work, the board of education, through its authorized administrative representative,
21 shall provide the teacher with a written statement definitely setting forth his alleged
22 incompetency and specifying the nature thereof, in order to furnish the teacher an opportunity
23 to correct his fault and overcome his incompetency. If improvement satisfactory to the board of
24 education has not been made within ninety days of the receipt of the notification, the board of
25 education may terminate the employment of the probationary teacher immediately or at the end
26 of the school year. Any motion to terminate the employment of a probationary teacher shall

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

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

171.171. 1. Work completed in schools accredited by the state board of education shall
2 be given full credit in requirements for entrance to and classification in any **public higher or**
3 **post-secondary** educational institution supported in whole or in part by state appropriation.

4 2. **When a student transfers into a public school from any educational setting,**
5 **including but not limited to an unaccredited public or any nonpublic school, or from a**
6 **home school, the district shall provide the student and parent or guardian with a written**
7 **explanation of the enrollment, credit issuance, grade level placement, and appeal process**
8 **along with the board policy on these topics if the parent disagrees with the school's**
9 **evaluation of the student's credits or placement. The district shall review the student's**
10 **course work, achievement test scores, transcript, and any other performance data from his**
11 **or her previous school, including any records kept under section 167.031, RSMo, to**
12 **determine grade level placement and the issuing of course credit towards a diploma. If the**
13 **district is unable to determine the credits earned or grade level placement based on the**
14 **documentation provided, the district may administer some other proficiency assessment**
15 **as set by school board policy. If the assessment selected by the district is not a recognized**

16 national or state assessment, course curricular objectives and competencies shall be
17 provided to the student and parent or guardian no later than at the time of scheduling the
18 test. Course credit shall be awarded based on a passing grade determined by what is
19 considered passing to regularly enrolled students in the district. The district shall provide
20 a determination of the course credits and grade level placement to the student and his or
21 her parent or guardian within thirty calendar days of the request for enrollment and
22 provision of course documentation and school records by the student and parent or
23 guardian or within thirty calendar days of the student's completion of the proficiency
24 assessment.

25 **3. Board of education policies for determining the issuance of credits and grade**
26 **level placement of transfer students shall be reasonable and nondiscriminatory. Elective**
27 **credit shall be awarded for course work not recognized as fulfilling the district curricular**
28 **objectives but which meet the documentation requirements of this section or section**
29 **167.031, RSMo, as applicable. The district shall work with the student and the student's**
30 **parents or guardian to determine the best grade level placement based on the credits**
31 **earned and the student's age, and devise a program of studies that, if completed, will earn**
32 **a high school diploma.**

2 [161.184. The department of elementary and secondary education shall
3 be prohibited from establishing policies, creating projects, or in any way
4 supplying resources to assist in the placement on high school diplomas any
5 student's attendance records, grades, class rank or other information which was
6 not previously placed on such diplomas made, printed or issued for students
graduating in the 1988-89 school year.]

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