

HCS#2 SS SB 291 -- EDUCATION

This bill changes the laws regarding education. In its main provisions, the bill:

(1) Adds a general election day for the year 2009 on the first Tuesday after the first Monday in November to permit school districts to utilize the bonding provisions of the American Recovery and Reinvestment Act of 2009, commonly known as the federal economic stimulus act (Section 115.121, RSMo);

(2) Establishes the School Flex Program to allow certain eleventh and twelfth grade students to attend school and work while fulfilling course and credit requirements under a flex school plan tailored to the individual student. School districts participating in the program must submit an annual report to the Department of Elementary and Secondary Education, and the department must report annually to the Joint Committee on Education regarding the program's effectiveness. The compulsory school attendance age requirement is revised from attaining 16 years of age to attaining 17 years of age or completing 16 credits toward high school graduation, with a definition of attaining credits that recognizes the way in which records are kept for home schools. The bill clarifies that a home school's records will only be reviewable by the local prosecuting attorney. The change in the compulsory attendance requirement will not apply to the St. Louis City School District. At the option of a school district, it may adopt a school week with less than five school days while maintaining the required 1,044 hours of attendance; however, if the school district meets at least two fewer performance standards on two successive annual performance reports than it met on its last annual performance report prior to implementing a school year of less than 174 days, the district must revert back to a five-day school week (Sections 160.011, 160.041, 160.539, 167.031, 171.029, and 171.031);

(3) Requires the joint committee to study the issue of open enrollment for students across school district boundary lines and to submit a report of its findings and any recommendations by December 31, 2009, to the General Assembly (Section 160.254);

(4) Prohibits any school discipline policy which confines an unattended student in a locked space, except while awaiting the arrival of law enforcement personnel. The department in cooperation with appropriate associations, organizations, agencies, and individuals with specialized expertise in behavior management must develop a model policy by July 1, 2010. By July 1, 2011, school districts must adopt a written policy to address the use of restrictive behavioral intervention as a form of discipline or behavior management technique and specifies what

the policy must include (Section 160.263);

(5) Establishes the Missouri Senior Cadets Program to provide opportunities for certain twelfth graders in public school to mentor kindergarten through eighth grade students. Eligible twelfth graders who donate an average of at least 10 hours per week during the academic year will receive one elective class credit that may be used to satisfy graduation requirements. If a student attends a college with the intention of becoming a teacher, the state will provide, subject to appropriations, a reimbursement for the cost of three credit hours per semester for up to eight semesters (Section 160.375);

(6) Requires the sponsor of a charter school receiving sponsorship funding to expend no less than 90% of its sponsorship funds in support of its charter school sponsorship program or as a direct investment in the sponsored school, have fair procedures and rigorous criteria for its application process, grant charters only to developers who show strong capacity for establishing and operating a quality charter school, negotiate charter school contracts that clearly articulate the rights and responsibilities of each party, conduct contract oversight, and implement a transparent and rigorous process to make merit-based renewal decisions. Currently, a charter school sponsor is allowed to revoke a charter if the charter school commits certain acts. The bill requires a charter school sponsor to revoke a charter or take other appropriate remedial action if the charter school commits certain acts. Charter schools may maintain an insurance policy in the amount of \$500,000 or more to provide coverage in the event of employee theft as an alternative to a surety bond based on the school's cash flow. The joint committee must conduct a study comparing certain specified performance assessments of charter school students with a group of district students representing an equivalent demographic and geographic population and examining the charter school's impact on the district's constituents. A review of best teaching practices in the charter schools will also be part of the study (Sections 160.400, 160.405, and 160.410);

(7) Removes from the definition of "state adequacy target" the inclusion of the gaming revenues from the repeal of the loss limits on the effective date of this section. Beginning July 1, 2010, revenue generated from the passage of Proposition A in 2008 will be deposited into the Classroom Trust Fund. The 5% limit on increases in state funding from the recalculation of current operating expenditures is removed effective July 1, 2010. The definition of "special education pupil count" is revised, effective July 1, 2009, to include students with service plans. The declining summer school average daily attendance penalty is repealed. Beginning in the 2010-2011 school year and thereafter,

all proceeds a school district receives from the Classroom Trust Fund in excess of the amount it received in the 2009-2010 school year must be placed in the school district's teachers' and incidental funds. The Schools First Elementary and Secondary Education Improvement Fund is repealed and references are removed regarding the annual audit of the fund by the State Auditor (Sections 160.534, 163.011, 163.031, 163.043, 313.775, 313.778, and 313.822);

(8) Allows the Governor to establish the P-20 Council as a private not-for-profit corporation to create a more efficient and effective education system to more adequately prepare students for the challenges of entering the workforce. The council's board of directors will consist of 13 members, including the Director of the Department of Economic Development, the commissioners of Education and Higher Education, the chairpersons of the Coordinating Board for Higher Education and the Coordinating Board of Early Childhood, the President of the State Board of Education, and seven members appointed by the Governor. The powers and duties of the council include receiving and borrowing money; studying the potential for a state-coordinated economic and educational policy that addresses all levels of education; identifying obstacles which make state support of certain programs difficult and suggesting remedies; exploring ways to better align academic content; and reporting annually to the Governor and General Assembly by November 1 on its structure, operation, and financial status. Provisions requiring certain officials to meet and discuss ways to create a more efficient and effective education system semiannually are repealed (Sections 160.730 and 160.800 - 160.820);

(9) Creates the Persistence to Graduation Fund to be used by the Department of Elementary and Secondary Education for grants to implement dropout prevention strategies. The department must establish a procedure for school districts to apply for a grant. Subject to appropriations, a grant for a term of one to five years will be available to a school district having at least 60% of its students eligible for a free or reduced-price lunch. The department must give preference to school districts proposing a holistic approach to dropout prevention. The department may stop payments upon 30 days' notice to a district if it determines that the district is misusing funds or if the district's program is deemed ineffectual. The department must annually report by January 15 to the Governor and the General Assembly on the recipients, amount of grants, and persistence to graduation data for the preceding five years (Section 160.950);

(10) Requires the state board to provide seven days' written notice, instead of the current five days' written notice, of board meetings to members. The number of members needed to

request a meeting of the board is reduced from four to three. Any business before the board must be made available by free electronic record at least seven business days before the meeting. Records from a meeting must be available by free electronic media within 48 hours after the meeting. Any materials prepared for board members must be delivered to the members at least five days before the meeting and be available electronically. The Commissioner of Education is required to study and evaluate the progress of public schools in achieving instructional goals and to make these findings available by free public electronic media. Currently, certain information about students 16 years of age and older who drop out of school must be reported to the State Literacy Hotline Office. The bill requires records and reports based upon these school reports to be made available by free electronic record on the department's web site on the first business day of each month without the identifying information on individual students (Sections 161.072, 161.122, and 167.275);

(11) Requires each public school to develop teaching standards by June 30, 2010. The standards must include student participation, use of various forms of assessment, communication skills, instructional knowledge, and professional behavior. Upon request, the department may assist public schools in developing these standards (Section 161.380);

(12) Establishes the Volunteer and Parents Incentive Program to reimburse parents or volunteers who donate time at certain schools. Eligible individuals must donate time at a school in an unaccredited or provisionally accredited district or at a district that has more than 50% of its student population classified as at-risk. For every 100 hours donated, the department will provide, subject to appropriations, a reimbursement toward the cost of three credit hours at a public institution of higher learning located in Missouri, not to exceed \$500 every two years. If a participating school district becomes accredited, it may continue to participate in the program for an additional two years (Section 161.800);

(13) Requires the department to publish, by January 1, 2010, the Parents' Bill of Rights for the parents of children with individualized education programs in a clear concise language that includes, but is not limited to, the parents' rights under federal and state law to participate in meetings, to obtain copies of records, to have an advocate present, and to receive a nonexclusive list of services to which a child may be entitled. The department must post a copy of the publication on its web site. Each school district must provide a copy of the publication to the parents or guardians of certain specified students (Section 161.850);

(14) Allows the state board to appoint additional members to any special administrative board appointed under Section 162.081 regarding lapsed school districts. The state board may set a final term with an end date of June 30 for any member whose successor will be elected by the district's voters on the general municipal election day immediately prior to the expiration of the final term of office. Otherwise qualified appointed special board members are allowed to run for an elected seat on the board. If the state board replaces the chair of the special board, the members of the special board are authorized to appoint and sign a contract for a superintendent of schools. The state board may also set a date for the school district to return to local governance and continue operation as a district as authorized by law (Section 162.083);

(15) Allows school districts to maintain permanent records in a digital or electronic format. School districts must follow the manufacturer's guidelines for the use of the media, including the manufacturer-suggested period of time for use and storage (Section 162.204);

(16) Allows the Blue Springs School District to commission a peace officer under specified conditions (Section 162.215);

(17) Specifies that a 45-minute or more difference per trip in travel time for students will be a consideration when a board of arbitration decides whether to modify the boundary lines between districts in a disputed school district boundary change election and removes the requirement that a board of arbitration approve a boundary change based upon a school's accreditation status (Section 162.431);

(18) Requires a vacancy on the school board of the Kansas City School District to be filled by a special election instead of by an appointment by the board members. A special election will be held if a vacancy occurs more than six months prior to the next general municipal election. The state board is responsible for ordering a special election when a vacancy occurs. If a vacancy occurs less than six months prior to the next general municipal election, the vacancy will be filled at the next general municipal election (Section 162.492);

(19) Establishes the Missouri Preschool Plus Grant Program as a pilot program within the Missouri Preschool Project, serving up to 1,250 students with high quality early childhood educational services to improve school readiness outcomes. It will be administered by the department in collaboration with the Coordinating Board of Early Childhood. Unaccredited school districts and nonsectarian community-based organizations in these school districts may receive three-year renewable grants, subject

to appropriations. At least 50% of the placements must be offered through nonsectarian community-based organizations. Families with incomes at or above 130% of the federal poverty level may be charged a fee on a sliding scale. Children of active duty military personnel must receive admission preference. Districts must collect student performance data. The department will accept applications in a competitive bid process to begin implementing the program in the 2010-2011 school year. The program will be funded through general appropriations and not through money from the Gaming Commission Fund (Section 162.1168);

(20) Specifies that school districts offering virtual courses to resident-enrolled students will receive state school funding for those students. School districts may offer virtual courses through technologies specified in the bill and develop a virtual program for any grade level. Charter schools may also offer virtual courses for students enrolled in the charter school and receive state funding. Private, parochial, or homeschooled students residing within a school district offering virtual school courses may enroll to participate in virtual school courses. For purposes of the calculation and distribution of school funding, attendance of a student enrolled in a virtual class will equal, upon course completion, 94% of the hours of attendance for the class delivered in the non-virtual program. Course completion will be calculated in two 50% increments, and state funding will be distributed in two increments at an amount equal to 47% of hours of attendance possible for the course delivered in the non-virtual program of the school. Special school districts must count any student's completion of a virtual course or program in the same manner as the completion of any other course or program. School districts and charter schools must ensure that courses purchased from outside vendors are aligned with the Show-Me curriculum standards and comply with state requirements for teacher certification. A school district or charter school offering virtual courses or developing virtual courses or a virtual program must ensure that they comply with various standards as specified in the bill. A school district or charter school may contract with multiple providers as long as the providers meet the criteria for virtual courses or virtual programs under these provisions (Section 162.1250);

(21) Requires the department to recalculate the state school aid for the Riverview Gardens School District due to the district setting its levy in the capital projects fund instead of the incidental fund in calendar year 2005. The department must calculate the amount the district would have received in state aid for fiscal years 2007 - 2010 which will be divided and distributed in equal amounts in fiscal years 2010 - 2013 (Section 163.095);

(22) Establishes the Foster Care Education Bill of Rights which requires each school district to designate a staff person to act as the educational liaison for children in foster care. The liaison will facilitate proper educational placement and expedite record requests and submissions. Foster care pupils will have the right to remain enrolled in their school of origin pending resolution of school placement disputes. Districts must accept credit for work satisfactorily completed; and if a pupil under the jurisdiction of the juvenile court completes graduation requirements, the school district of residence must issue a diploma. Students must not be penalized for absences resulting from required court appearances or court-related activities. Districts are authorized to permit access of a pupil's records to child-placement agencies within the limits of federal law. Children in foster care or children placed in a licensed residential care facility are entitled to a full six-hour school day unless the school district determines that fewer hours are needed. The Commissioner of Education will act as an ombudsman for children placed for treatment in a licensed residential facility by the Department of Social Services and will make the final determination over discrepancies regarding school day length (Sections 167.018, 167.019, and 210.1050);

(23) Adds certain children who reside in a children's hospital for more than three days to the list of children for whom a school district or special school district is responsible for making payments for services to the serving school district (Section 167.126);

(24) Establishes physical education standards for elementary schools as of the 2010-2011 school year that include moderate physical activity for an average of 150 minutes per week or 30 minutes per day. Middle school students may, at the school's discretion, participate for at least 225 minutes of physical activity per week. Elementary schools must provide at least one 20-minute recess period which may be incorporated into the lunch period. Students with disabilities must participate to the extent appropriate. Schools are allowed to meet the requirements by additional physical education instruction or other activities approved by the school district under the direction of a certificated teacher, administrator, or other school employee under the supervision of a certificated teacher or administrator. The Commissioner of Education must annually select for recognition students, schools, and school districts that are considered to have achieved improvement in fitness (Section 167.720);

(25) Establishes, at the discretion of the state board, teacher certification solely for instruction in the subject matters of banking or financial responsibility for individuals who have a

bachelor's or higher degree, suitable professional experience, and a passing score for the designated exit examination. The certificate holder is exempt from the Teacher Tenure Act. If employed less than full-time, he or she must complete professional development in proportion to his or her time spent teaching in the classroom rather than the required 30 hours of training standard (Section 168.021);

(26) Makes the background check for teachers and other school personnel who have contact with students valid for one year and transferrable from one school district to another, even if there is a change in the type of certification a teacher holds (Section 168.133);

(27) Establishes the Teacher Choice Compensation Package for the St. Louis City School District to allow for performance-based salary stipends upon the decision of a teacher. The Teacher Choice Compensation Fund is created to which the General Assembly must annually appropriate \$5 million. To be eligible for the package, a teacher must give up his or her right to a permanent appointment for the duration of his or her employment with the school district. If a teacher chooses to no longer participate in the package, he or she may not resume permanent teacher status with the district or resume the process for qualification for an indefinite contract in that district. Stipends will be offered in increments of \$5,000, up to \$15,000, but must not exceed 50% of the teacher's base salary. If funds are insufficient, the department may prorate the payments. The package will be open to every person employed as a teacher by the St. Louis City School District regardless of certification status if the other requirements are satisfied. Stipends will be prorated for part-time employees and will be forfeited for any teacher dismissed for cause. Beginning with the 2010-2011 school year, teachers may be eligible based on student scores on a value-added test instrument and evaluations by principals or other administrators, by parents, and by students. The department must develop or identify model instruments for use by school districts or a district may use or develop its own instruments under specified conditions. The department must develop the criteria for determining eligibility for stipend increments. Test scores will be given more weight than evaluations, and the level of scores required will take into account classroom demographics (Sections 168.221, 168.745, 168.747, 168.749, and 168.750);

(28) Specifies that any person hired for a noncertificated position in the St. Louis City School District after August 28, 2009, will not be eligible for tenure. Currently, noncertificated employees achieve tenure after one year of service (Section 168.251);

(29) Specifies that any equipment and educational materials necessary for supplemental educational services will not be deemed incentives for the purposes of complying with the department's rules for supplemental educational services provider certification. The department must not prohibit providers of supplemental and educational services from allowing a student to retain equipment, such as a computer, when the student successfully completes the supplemental and educational services (Section 170.400);

(30) Allows schools to make up half of the remaining school days lost or canceled due to inclement weather in excess of the first six up to a total of 10 full make-up days. School districts that adopt a school week with less than five days may schedule make-up days on Friday (Section 171.033);

(31) Authorizes a school board to enter into an agreement with the county or any municipality wholly or partially located in the school district to acquire, construct, improve, extend, repair, remodel, or finance sites, buildings, facilities, furnishings, and equipment for the district's educational purposes. Options for districts to obtain ownership of the facilities, including joint ventures, are specified (Section 177.088); and

(32) Requires the joint committee to study and prepare a report on governance issues in the Kansas City School District with its legislative recommendations to the General Assembly by December 31, 2009 (Section 1).

The provisions regarding the Missouri Senior Cadets Program, the Persistence to Graduation grants, the Volunteer and Parents Incentive Program, and the Missouri Preschool Plus Grant Program will expire six years from the effective date.

The provisions regarding the repeal of the Schools First Elementary and Secondary Education Improvement Fund become effective July 1, 2010.

The provisions regarding the additional election day in November 2009, the definition of "state adequacy target," changes to the Classroom Trust Fund, the elimination of the summer school penalty, and the repeal of the requirement for an audit of the Schools First Elementary and Secondary Education Improvement Fund contain an emergency clause and become effective July 1, 2009, or upon passage and approval, whichever occurs later.