

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

# HOUSE BILL NO. 2428

## 98TH GENERAL ASSEMBLY

6217H.01T

2016

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### AN ACT

To repeal sections 167.265, 168.303, 168.500, 168.520, and 192.915, RSMo, and to enact in lieu thereof five new sections relating to school counselors.

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

Section A. Sections 167.265, 168.303, 168.500, 168.520, and 192.915, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be known as sections 167.265, 168.303,  
3 168.500, 168.520, and 192.915, to read as follows:

167.265. 1. A program to provide [guidance] **school** counselors in grades kindergarten  
2 through nine is established. Any public elementary school, middle school, junior high school,  
3 or combination of such schools, containing such grades which meet the criteria pursuant to this  
4 section shall be eligible for a state financial supplement to employ a [guidance] **school** counselor.  
5 Eligibility criteria are: the school shall have a minimum enrollment of one hundred twenty-five  
6 pupils per school site, shall have a breakfast program, and shall serve at least forty percent of its  
7 lunches to pupils who are eligible for free or reduced price meals according to federal guidelines.  
8 2. A school district which contains such eligible schools may apply to the department  
9 of elementary and secondary education for a state financial supplement to employ a [guidance]  
10 **school** counselor in those schools named in the application and in no other schools of the district.  
11 The state financial supplement shall not exceed ten thousand dollars per [guidance] **school**  
12 counselor. No more than one [guidance] **school** counselor per school shall be supplemented by  
13 the state pursuant to this section, except that a district may apply for an additional [guidance]  
14 **school** counselor if the enrollment at the school equals four hundred or more pupils. [Guidance]  
15 **School** counselors thus employed pursuant to this section shall at a minimum engage in direct

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.

16 counseling activities with the pupils of the school during a portion of the school day which  
17 represents that portion of the [guidance] **school** counselor's salary which is supplemented by the  
18 state pursuant to this section.

19 3. The state board of education shall promulgate rules and regulations for the  
20 implementation of this section. Such rules shall include identifying any qualifications for  
21 [guidance] **school** counselors which may be in addition to those promulgated pursuant to section  
22 168.021, establishing application procedures for school districts, determining a method of  
23 awarding state financial supplements in the event that the number of applications exceeds the  
24 amounts appropriated therefor, and establishing an amount of state financial supplement per  
25 [guidance] **school** counselor based upon the salary schedule of the district.

168.303. The state board of education shall adopt rules to facilitate job-sharing positions  
2 for classroom teachers, as the term "job-sharing" is defined in this section. These rules shall  
3 provide that a classroom teacher in a job-sharing position shall receive paid legal holidays,  
4 annual vacation leave, sick leave, and personal leave on a pro rata basis. "Job-sharing position"  
5 shall mean any position:

6 (1) Shared with one other employee;

7 (2) Requiring employment of at least seventeen hours per week but not more than twenty  
8 hours per week on a regular basis; and

9 (3) Requiring at least seventy percent of all time spent in classroom instruction as  
10 determined by the employer;

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12 provided that, job-sharing position shall not include instructional support or school services  
13 positions including, but not limited to, [guidance] **school** counselor, media coordinator,  
14 psychologist, social worker, audiologist, speech and language pathologist, and nursing positions.

168.500. 1. For the purpose of providing career pay, which shall be a salary supplement,  
2 for public school teachers, which for the purpose of sections 168.500 to 168.515 shall include  
3 classroom teachers, librarians, [guidance] **school** counselors and certificated teachers who hold  
4 positions as school psychological examiners, parents as teachers educators, school psychologists,  
5 special education diagnosticians and speech pathologists, and are on the district salary schedule,  
6 there is hereby created and established a career advancement program which shall be known as  
7 the "Missouri Career Development and Teacher Excellence Plan", hereinafter known as the  
8 "career plan or program". Participation by local school districts in the career advancement  
9 program established under this section shall be voluntary. The career advancement program is  
10 a matching fund program. The general assembly may make an annual appropriation to the  
11 excellence in education fund established under section 160.268 for the purpose of providing the

12 state's portion for the career advancement program. The "Career Ladder Forward Funding Fund"  
13 is hereby established in the state treasury. Beginning with fiscal year 1998 and until the career  
14 ladder forward funding fund is terminated pursuant to this subsection, the general assembly may  
15 appropriate funds to the career ladder forward funding fund. Notwithstanding the provisions of  
16 section 33.080 to the contrary, moneys in the fund shall not be transferred to the credit of the  
17 general revenue fund at the end of the biennium. All interest or other gain received from  
18 investment of moneys in the fund shall be credited to the fund. All funds deposited in the fund  
19 shall be maintained in the fund until such time as the balance in the fund at the end of the fiscal  
20 year is equal to or greater than the appropriation for the career ladder program for the following  
21 year, at which time all such revenues shall be used to fund, in advance, the career ladder program  
22 for such following year and the career ladder [forwarding] **forward** funding fund shall thereafter  
23 be terminated.

24 2. The department of elementary and secondary education, at the direction of the  
25 commissioner of education, shall study and develop model career plans which shall be made  
26 available to the local school districts. These state model career plans shall:

27 (1) Contain three steps or stages of career advancement;

28 (2) Contain a detailed procedure for the admission of teachers to the career program;

29 (3) Contain specific criteria for career step qualifications and attainment. These criteria  
30 shall clearly describe the minimum number of professional responsibilities required of the  
31 teacher at each stage of the plan and shall include reference to classroom performance  
32 evaluations performed pursuant to section 168.128;

33 (4) Be consistent with the teacher certification process recommended by the Missouri  
34 advisory council of certification for educators and adopted by the department of elementary and  
35 secondary education;

36 (5) Provide that public school teachers in Missouri shall become eligible to apply for  
37 admission to the career plans adopted under sections 168.500 to 168.515 after five years of  
38 public school teaching in Missouri. All teachers seeking admission to any career plan shall, as  
39 a minimum, meet the requirements necessary to obtain the first renewable professional certificate  
40 as provided in section 168.021;

41 (6) Provide procedures for appealing decisions made under career plans established  
42 under sections 168.500 to 168.515.

43 3. The commissioner of education shall cause the department of elementary and  
44 secondary education to establish guidelines for all career plans established under this section, and  
45 criteria that must be met by any school district which seeks funding for its career plan.

46           4. A participating local school district may have the option of implementing a career plan  
47 developed by the department of elementary and secondary education or a local plan which has  
48 been developed with advice from teachers employed by the district and which has met with the  
49 approval of the department of elementary and secondary education. In approving local career  
50 plans, the department of elementary and secondary education may consider provisions in the plan  
51 of the local district for recognition of teacher mobility from one district to another within this  
52 state.

53           5. The career plans of local school districts shall not discriminate on the basis of race,  
54 sex, religion, national origin, color, creed, or age. Participation in the career plan of a local  
55 school district is optional, and any teacher who declines to participate shall not be penalized in  
56 any way.

57           6. In order to receive funds under this section, a school district which is not subject to  
58 section 162.920 must have a total levy for operating purposes which is in excess of the amount  
59 allowed in Section 11(b) of Article X of the Missouri Constitution; and a school district which  
60 is subject to section 162.920 must have a total levy for operating purposes which is equal to or  
61 in excess of twenty-five cents on each hundred dollars of assessed valuation.

62           7. The commissioner of education shall cause the department of elementary and  
63 secondary education to regard a speech pathologist who holds both a valid certificate of license  
64 to teach and a certificate of clinical competence to have fulfilled the standards required to be  
65 placed on stage III of the career program, provided that such speech pathologist has been  
66 employed by a public school in Missouri for at least five years and is approved for placement at  
67 such stage III by the local school district.

68           8. Beginning in fiscal year 2012, the state portion of career ladder payments shall only  
69 be made available to local school districts if the general assembly makes an appropriation for  
70 such program. Payments authorized under sections 168.500 to 168.515 shall only be made  
71 available in a year for which a state appropriation is made. Any state appropriation shall be  
72 made prospectively in relation to the year in which work under the program is performed.

73           9. Nothing in this section shall be construed to prohibit a local school district from  
74 funding the program for its teachers for work performed in years for which no state appropriation  
75 is made available.

168.520. 1. For the purpose of providing career pay, which shall be a salary supplement  
2 for teachers, librarians, [guidance] **school** counselors and certificated teachers who hold positions  
3 as school psychological examiners, parents-as-teachers educators, school psychologists, special  
4 education diagnosticians or speech pathologists in Missouri schools for the severely disabled,  
5 the Missouri School for the Blind and the Missouri School for the Deaf, there is hereby

6 established a career advancement program which shall become effective no later than September  
7 1, 1986. Participation in the career advancement program by teachers shall be voluntary.

8           2. The department of elementary and secondary education with the recommendation of  
9 teachers from the state schools, shall develop a career plan. This state career plan shall include,  
10 but need not be limited to, the provisions of state model career plans as contained in subsection  
11 2 of section 168.500.

12           3. After a teacher who is duly employed by a state school qualifies and is selected for  
13 participation in the state career plan established under this section, such a teacher shall not be  
14 denied the career pay authorized by such plan except as provided in subdivisions (1), (2), and (3)  
15 of section 168.510.

16           4. Each teacher selected to participate in the career plan established under this section  
17 who meets the requirements of such plan shall receive a salary supplement as provided in  
18 subdivisions (1), (2), and (3) of subsection 1 of section 168.515.

19           5. The department of elementary and secondary education shall annually include within  
20 its budget request to the general assembly sufficient funds for the purpose of providing career  
21 pay as established under this section to those eligible teachers employed in Missouri schools for  
22 the severely disabled, the Missouri School for the Deaf, and the Missouri School for the Blind.

192.915. 1. To increase awareness of the risks associated with use of over-the-counter  
2 weight loss pills by persons under the age of eighteen, the department of health and senior  
3 services shall implement an education and awareness program. Such program shall provide  
4 accurate information regarding weight loss and the dangers of using over-the-counter weight loss  
5 pills by the teenage population without the consultation of a licensed physician. Such program  
6 shall focus on education and awareness programs for teenagers, parents, siblings and other family  
7 members of teenagers, teachers, [guidance] **school** counselors, superintendents and principals.

8           2. The department of health and senior services may use the following strategies for  
9 raising public awareness of the risks associated with use of over-the-counter weight loss pills by  
10 persons under the age of eighteen:

11           (1) An outreach campaign utilizing print, radio, and television public service  
12 announcements, advertisements, posters, and other materials;

13           (2) Community forums; and

14           (3) Health information and risk-factor assessment at public events.

15           3. The department of elementary and secondary education, in conjunction with the  
16 department of health and senior services, shall distribute information pursuant to this program.

17           4. The department may promulgate rules and regulations to implement the provisions

18 of this section. No rule or portion of a rule promulgated pursuant to the authority of this section  
19 shall become effective unless it has been promulgated pursuant to chapter 536.

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