

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

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FOR

SENATE BILL NO. 528

AN ACT

To repeal sections 160.263, 161.670, 162.720, 162.974, 163.011, 163.024, 168.021, 168.133, 168.205, 170.047, 170.048, and 173.1200, RSMo, and to enact in lieu thereof fifteen new sections relating to public institutions of education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 160.263, 161.670, 162.720, 162.974, 163.011, 163.024, 168.021, 168.133, 168.205, 170.047, 170.048, and 173.1200, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 160.263, 161.670, 162.686, 162.720, 162.974, 163.011, 163.024, 163.164, 167.628, 168.021, 168.133, 168.205, 170.047, 170.048, and 173.1200, to read as follows:

160.263. 1. As used in this section, the following terms mean:

(1) "Mechanical restraint", the use of any device or equipment to restrict a student's freedom of movement.

"Mechanical restraint" shall not include devices implemented by

1 trained personnel or used by a student with a prescription for
2 such devices from an appropriate medical or related services
3 professional and that are used for specific and approved purposes
4 for which such devices were designed, such as the following:

5 (a) Adaptive devices or mechanical supports used to achieve
6 proper body position, balance, or alignment to allow greater
7 freedom of mobility than would be possible without the use of
8 such devices or mechanical supports;

9 (b) Vehicle safety restraints when used as intended during
10 the transport of a student in a moving vehicle;

11 (c) Restraints for medical immobilization; or

12 (d) Orthopedically prescribed devices that permit a student
13 to participate in activities without risk;

14 (2) "Physical restraint", a personal restriction such as
15 person-to-person physical contact that immobilizes, reduces, or
16 restricts the ability of a student to move the student's torso,
17 arms, legs, or head freely. "Physical restraint" shall not
18 include:

19 (a) A physical escort, which is a temporary touching or
20 holding of the hand, wrist, arm, shoulder, or back for the
21 purpose of inducing a student to walk to a safe location;

22 (b) Comforting or calming a student;

23 (c) Holding a student's hand to transport the student for
24 safety purposes;

25 (d) Intervening in a fight; or

26 (e) Using an assistive or protective device prescribed by
27 an appropriately trained professional or professional team;

1 (3) "Restraint" includes, but is not limited to, mechanical
2 restraint or physical restraint;

3 (4) "Seclusion", the involuntary confinement of a student
4 alone in a room or area that the student is physically prevented
5 from leaving and that complies with the building code in effect
6 in the school district. "Seclusion" shall not include the
7 following:

8 (a) A timeout, which is a behavior management technique
9 that is part of an approved program, involves the monitored
10 separation of the student in a nonlocked setting, and is
11 implemented for the purpose of calming;

12 (b) In-school suspension;

13 (c) Detention; or

14 (d) Other appropriate disciplinary measures.

15 2. The school discipline policy under section 160.261 shall
16 ~~[prohibit] reserve~~ confining a student in ~~[an unattended, locked~~
17 ~~space except] seclusion~~ for ~~[an emergency situation while~~
18 ~~awaiting the arrival of law enforcement personnel] situations or~~
19 ~~conditions in which there is imminent danger of physical harm to~~
20 ~~self or others.~~

21 ~~[2.]~~ 3. (1) By July 1, 2011, the local board of education
22 of each school district shall adopt a written policy that
23 comprehensively addresses the use of restrictive behavioral
24 interventions as a form of discipline or behavior management
25 technique. The policy shall be consistent with professionally
26 accepted practices and standards of student discipline, behavior
27 management, health and safety, including the safe schools act.

1 The policy shall include but not be limited to:

2 ~~[(1)]~~ (a) Definitions of restraint, seclusion, and time-out
3 and any other terminology necessary to describe the continuum of
4 restrictive behavioral interventions available for use or
5 prohibited in the district, consistent with the provisions of
6 this section;

7 ~~[(2)]~~ (b) Description of circumstances under which a
8 restrictive behavioral intervention is allowed and prohibited,
9 consistent with the provisions of this section, and any unique
10 application requirements for specific groups of students such as
11 differences based on age, disability, or environment in which the
12 educational services are provided;

13 ~~[(3)]~~ (c) Specific implementation requirements associated
14 with a restrictive behavioral intervention such as time limits,
15 facility specifications, training requirements or supervision
16 requirements; and

17 ~~[(4)]~~ (d) Documentation, notice and permission requirements
18 associated with use of a restrictive behavioral intervention.

19 (2) Before July 1, 2021, each written policy adopted under
20 this subsection shall be updated to state that the school
21 district, charter school, or publicly contracted private provider
22 will reserve restraint or seclusion for situations or conditions
23 in which there is imminent danger of physical harm to self or
24 others.

25 ~~[(3)]~~ 4. Before July 1, 2021, each school district, charter
26 school, and publicly contracted private provider shall ensure
27 that the policy adopted under subsection 3 of this section

1 requires the following:

2 (1) Any student placed in seclusion or restraint shall be
3 removed from such seclusion or restraint as soon as the school
4 district, charter school, or publicly contracted private provider
5 determines that the student is no longer an imminent danger of
6 physical harm to self or others;

7 (2) All school district, charter school, and publicly
8 contracted private provider personnel shall annually review the
9 policy and procedures involving the use of seclusion and
10 restraint. Personnel who use seclusion or restraint shall
11 annually complete mandatory training in the specific seclusion
12 and restraint techniques the school district, charter school, or
13 publicly contracted private provider uses under this section;

14 (3) (a) Each time seclusion or restraint is used for a
15 student, the incident shall be monitored by a member of the
16 school district, charter school, or publicly contracted private
17 provider personnel, and a report shall be completed by the school
18 district, charter school, or publicly contracted private provider
19 that contains, at a minimum, the following:

20 a. The date, time of day, location, duration, and
21 description of the incident and interventions;

22 b. Any event leading to the incident and the reason for
23 using seclusion or restraint;

24 c. A description of the methods of seclusion or restraint
25 used;

26 d. The nature and extent of any injury to the student;

27 e. The names, roles, and certifications of each employee

1 involved in the use of seclusion or restraint;

2 f. The name, role, and signature of the person who prepared
3 the report;

4 g. The name of an employee whom the parent or guardian can
5 contact regarding the incident and use of seclusion and
6 restraint;

7 h. The name of an employee to contact if the parent or
8 guardian wishes to file a complaint; and

9 i. A statement directing parents and legal guardians to a
10 sociological, emotional, or behavioral support organization and a
11 hotline number to report child abuse and neglect.

12 (b) The school district, charter school, or publicly
13 contracted private provider shall maintain the report as an
14 education record of the student, provide a copy to the parent or
15 legal guardian within five school days, and a copy of each
16 incident report shall be given to the department of elementary
17 and secondary education within thirty days of the incident;

18 (4) The school district, charter school, or publicly
19 contracted private provider shall attempt to notify the parents
20 or legal guardians as soon as possible but no later than one hour
21 after the end of the school day on which the use of seclusion or
22 restraint occurred. Notification shall be oral or electronic and
23 shall include a statement indicating that the school district,
24 charter school, or publicly contracted private provider will
25 provide the parents or legal guardians a copy of the report
26 described in subdivision (3) of this subsection within five
27 school days;

1 (5) An officer, administrator, or employee of a public
2 school district or charter school shall not retaliate against any
3 person for having:

4 (a) Reported a violation of any policy established under
5 this section, or failure of a district or charter school to
6 follow any provisions of this section in relation to incidents of
7 seclusion and restraint; or

8 (b) Provided information regarding a violation of this
9 section by a public school district or charter school or a member
10 of the staff of the public school district or charter school.

11 5. The department of elementary and secondary education
12 shall compile and maintain all incidents reported under this
13 section in the department's core data system and make such data
14 available on the Missouri comprehensive data system. No
15 personally identifiable data shall be accessible on the database.

16 6. The department of elementary and secondary education
17 shall, in cooperation with appropriate associations,
18 organizations, agencies, and individuals with specialized
19 expertise in behavior management, develop a model policy that
20 satisfies the requirements of subsection 2 of this section as it
21 existed on August 28, 2009, by July 1, 2010, and shall update
22 such model policy to include the requirements of subdivision (2)
23 of subsection 3 and subsection 4 of this section by July 1, 2021.

24 161.670. 1. Notwithstanding any other law, prior to July
25 1, 2007, the state board of education shall establish the
26 "Missouri Course Access and Virtual School Program" to serve
27 school-age students residing in the state. The Missouri course

1 access and virtual school program shall offer instruction in a
2 virtual setting using technology, intranet, [~~and/or~~] or internet
3 methods of communication. Any student under the age of
4 twenty-one in grades kindergarten through twelve who resides in
5 this state shall be eligible to enroll in the Missouri course
6 access and virtual school program pursuant to subsection 3 of
7 this section.

8 2. For purposes of calculation and distribution of state
9 school aid, students enrolled in the Missouri course access and
10 virtual school program who are not full-time equivalent students
11 shall be included in the student enrollment of the school
12 district in which the student physically is enrolled under
13 subsection 3 of this section. The Missouri course access and
14 virtual school program shall report to the district of residence
15 the following information about each student served by the
16 Missouri course access and virtual school program: name,
17 address, eligibility for free or reduced-price lunch, limited
18 English proficiency status, special education needs, and the
19 number of courses in which the student is enrolled. The Missouri
20 course access and virtual school program shall promptly notify
21 the resident district when a student discontinues enrollment. A
22 "full-time equivalent student" is a student who successfully has
23 completed the instructional equivalent of six credits per regular
24 term. Each Missouri course access and virtual school program
25 course shall count as one class and shall generate that portion
26 of a full-time equivalent that a comparable course offered by the
27 school district would generate. Full-time equivalent students

1 shall not be included in the student enrollment of the school
2 district in which such student resides. Any score achieved by a
3 full-time equivalent student on a statewide assessment as
4 established in section 160.518 shall not be included in the
5 scores for the school district in which such student resides, but
6 shall instead be attributed to the Missouri course access and
7 virtual school program that is functioning as a local education
8 agency for the purposes of this section. In no case shall more
9 than the full-time equivalency of a regular term of attendance
10 for a single student be used to claim state aid. Full-time
11 equivalent student credit completed shall be reported to the
12 department of elementary and secondary education in the manner
13 prescribed by the department. The department shall pay any
14 Missouri course access and virtual school program one hundred
15 percent of its average per-pupil expenditure for each full-time
16 equivalent student. Nothing in this section shall prohibit
17 students from enrolling in additional courses under a separate
18 agreement that includes terms for paying tuition or course fees.
19 A virtual school program provider serving full-time equivalent
20 students shall be granted local educational agency status.

21 3. (1) A school district or charter school shall allow any
22 eligible student who resides in such district to enroll in
23 Missouri course access and virtual school program courses of ~~his~~
24 ~~or her~~ the student's choice as a part of the student's annual
25 course load each school year or a full-time virtual school
26 option, with any costs associated with such course or courses to
27 be paid by the school district or charter school if:

1 (a) The student is enrolled full-time in and has attended,
2 for at least one semester immediately prior to enrolling in the
3 Missouri course access and virtual school program, a public
4 school, including any charter school; except that, no student
5 seeking to enroll in Missouri course access and virtual school
6 program courses under this subdivision shall be required to have
7 attended a public school during the previous semester if the
8 student has a documented medical or psychological diagnosis or
9 condition that prevented the student from attending a school in
10 the community during the previous semester; and

11 (b) Prior to enrolling in any Missouri course access and
12 virtual school program course, a student has received approval
13 from his or her school district or charter school through the
14 procedure described under subdivision (2) of this subsection.

15 (2) Each school district or charter school shall adopt a
16 policy that delineates the process by which a student may enroll
17 in courses provided by the Missouri course access and virtual
18 school program that is substantially similar to the typical
19 process by which a district student would enroll in courses
20 offered by the school district and a charter school student would
21 enroll in courses offered by the charter school. The policy may
22 include consultation with the school's counselor and may include
23 parental notification or authorization. School counselors shall
24 not be required to approve or disapprove a student's enrollment
25 in the Missouri course access and virtual school program. If the
26 school district or charter school disapproves a student's request
27 to enroll in a course or courses provided by the Missouri course

1 access and virtual school program, including full-time enrollment
2 in courses provided by the Missouri course access and virtual
3 school program, the reason shall be provided in writing and it
4 shall be for good cause. Good cause justification to disapprove
5 a student's request for enrollment in a course shall be a
6 determination that doing so is not in the best educational
7 interest of the student. In cases of denial by the school
8 district or charter school, local education agencies shall inform
9 the student and the student's family of their right to appeal any
10 enrollment denial in the Missouri course access and virtual
11 school program to the local school district board or charter
12 school governing body where the family shall be given an
13 opportunity to present their reasons for their child or children
14 to enroll in the Missouri course access and virtual school
15 program in an official school board meeting. In addition, the
16 school district or charter school administration shall provide
17 its good cause justification for denial at a school board meeting
18 or governing body meeting. Both the family and school
19 administration shall also provide their reasons in writing to the
20 members of the school board or governing body and the documents
21 shall be entered into the official board minutes. The members of
22 the board or governing body shall issue their decision in writing
23 within thirty calendar days, and then an appeal may be made to
24 the department of elementary and secondary education, which shall
25 provide a final enrollment decision within seven calendar days.

26 (3) For students enrolled in any Missouri course access and
27 virtual school program course in which costs associated with such

1 course are to be paid ~~[by the school district or charter school]~~
2 as described under subdivision (1) of this subsection, the school
3 district ~~[or]~~, charter school, or the department shall pay the
4 content provider directly on a pro rata ~~[monthly]~~ basis once per
5 semester based on a student's completion of assignments and
6 assessments. If a student discontinues enrollment, the district
7 ~~[or]~~, charter school, or the department may stop making ~~[monthly]~~
8 payments to the content provider. No school district or charter
9 school shall pay, for any one course for a student, more than the
10 market necessary costs but in no case shall pay more than
11 fourteen percent of the state adequacy target, as defined under
12 section 163.011, as calculated at the end of the most recent
13 school year for any single, year-long course and no more than
14 seven percent of the state adequacy target as described above for
15 any single semester equivalent course. Payment for a full-time
16 virtual school student shall not exceed the state adequacy
17 target, unless the student receives additional federal or state
18 aid. Nothing in this subdivision shall prohibit a school
19 district ~~[or]~~, charter school, or the department from negotiating
20 lower costs directly with course or full-time virtual school
21 providers, particularly in cases where several students enroll in
22 a single course or full-time virtual school.

23 (4) In the case of a student who is a candidate for A+
24 tuition reimbursement and taking a virtual course under this
25 section, the school shall attribute no less than ninety-five
26 percent attendance to any such student who has completed such
27 virtual course.

1 (5) The Missouri course access and virtual school program
2 shall ensure that individual learning plans designed by certified
3 teachers and professional staff are developed for all students
4 enrolled in more than two full-time course access program courses
5 or a full-time virtual school.

6 (6) The department shall monitor student success and
7 engagement of students enrolled in their program and report the
8 information to the ~~[school district or charter school]~~ parent or
9 guardian of the student. Providers and the department may make
10 recommendations to the ~~[school district or charter school]~~ parent
11 or guardian regarding the student's continued enrollment in the
12 program. The ~~[school district or charter school shall]~~ parent or
13 guardian may consider the recommendations and evaluate the
14 progress and success of enrolled students that are enrolled in
15 any course ~~[or full-time virtual school]~~ offered under this
16 section and may ~~[terminate or alter the course offering]~~ withdraw
17 the student if it is found the course ~~[or full-time virtual~~
18 ~~school]~~ is not meeting the educational needs of the ~~[students]~~
19 student enrolled in the course. The department may terminate or
20 alter the course offering if it is found the full-time virtual
21 school is not meeting the needs of the students enrolled.

22 (7) ~~[School districts and charter schools]~~ Virtual school
23 providers shall monitor student progress and success, and ~~[course~~
24 ~~or full-time virtual school quality, and annually provide~~
25 ~~feedback to the department of elementary and secondary education~~
26 ~~regarding course quality]~~ may remove a student if the provider
27 believes it to be in the best educational interest of the

1 student.

2 (8) Pursuant to rules to be promulgated by the department
3 of elementary and secondary education, when a student transfers
4 into a school district or charter school, credits previously
5 gained through successful passage of approved courses under the
6 Missouri course access and virtual school program shall be
7 accepted by the school district or charter school.

8 (9) Pursuant to rules to be promulgated by the department
9 of elementary and secondary education, if a student transfers
10 into a school district or charter school while enrolled in a
11 Missouri course access and virtual school program course [~~or~~
12 ~~full-time virtual school~~], the student shall continue to be
13 enrolled in such course or school.

14 (10) Nothing in this section shall prohibit home school
15 students, private school students, or students wishing to take
16 additional courses beyond their regular course load from
17 enrolling in Missouri course access and virtual school program
18 courses under an agreement that includes terms for paying tuition
19 or course fees.

20 (11) Nothing in this subsection shall require any school
21 district, charter school, or the state to provide computers,
22 equipment, or internet access to any student unless required by
23 an eligible student with a disability to comply with federal law.

24 (12) The authorization process shall provide for continuous
25 monitoring of approved providers and courses. The department
26 shall revoke or suspend or take other corrective action regarding
27 the authorization of any course or provider no longer meeting the

1 requirements of the program. Unless immediate action is
2 necessary, prior to revocation or suspension, the department
3 shall notify the provider and give the provider a reasonable time
4 period to take corrective action to avoid revocation or
5 suspension. The process shall provide for periodic renewal of
6 authorization no less frequently than once every three years.

7 (13) Courses approved as of August 28, 2018, by the
8 department to participate in the Missouri virtual instruction
9 program shall be automatically approved to participate in the
10 Missouri course access and virtual school program, but shall be
11 subject to periodic renewal.

12 (14) Any online course or virtual program offered by a
13 school district or charter school, including those offered prior
14 to August 28, 2018, ~~[which]~~ that meets the requirements of
15 section 162.1250 shall be automatically approved to participate
16 in the Missouri course access and virtual school program. Such
17 course or program shall be subject to periodic renewal. A school
18 district or charter school offering such a course or virtual
19 school program shall be deemed an approved provider.

20 4. School districts or charter schools shall inform parents
21 of their child's right to participate in the program.
22 Availability of the program shall be made clear in the parent
23 handbook, registration documents, and featured on the home page
24 of the school district or charter school's website. Any school
25 district or charter school that fails to notify parents of their
26 child's right to participate in the program shall be subject to
27 civil penalties in an amount equal to one hundred dollars for

1 each day the school district or charter school is not in
2 compliance with this subsection, including reasonable attorney's
3 fees.

4 5. The department shall:

5 (1) Establish an authorization process for course or
6 full-time virtual school providers that includes multiple
7 opportunities for submission each year;

8 (2) Pursuant to the time line established by the
9 department, authorize course or full-time virtual school
10 providers that:

11 (a) Submit all necessary information pursuant to the
12 requirements of the process; and

13 (b) Meet the criteria described in subdivision (3) of this
14 subsection;

15 (3) Review, pursuant to the authorization process,
16 proposals from providers to provide a comprehensive, full-time
17 equivalent course of study for students through the Missouri
18 course access and virtual school program. The department shall
19 ensure that these comprehensive courses of study align to state
20 academic standards and that there is consistency and
21 compatibility in the curriculum used by all providers from one
22 grade level to the next grade level;

23 (4) Within thirty days of any denial, provide a written
24 explanation to any course or full-time virtual school providers
25 that are denied authorization.

26 6. If a course or full-time virtual school provider is
27 denied authorization, the course provider may reapply at any

1 point in the future.

2 7. The department shall publish the process established
3 under this section, including any deadlines and any guidelines
4 applicable to the submission and authorization process for course
5 or full-time virtual school providers on its website.

6 8. If the department determines that there are insufficient
7 funds available for evaluating and authorizing course or
8 full-time virtual school providers, the department may charge
9 applicant course or full-time virtual school providers a fee up
10 to, but no greater than, the amount of the costs in order to
11 ensure that evaluation occurs. The department shall establish
12 and publish a fee schedule for purposes of this subsection.

13 9. Except as specified in this section and as may be
14 specified by rule of the state board of education, the Missouri
15 course access and virtual school program shall comply with all
16 state laws and regulations applicable to school districts,
17 including but not limited to the Missouri school improvement
18 program (MSIP), annual performance report (APR), teacher
19 certification, and curriculum standards.

20 10. The department shall submit and publicly publish an
21 annual report on the Missouri course access and virtual school
22 program and the participation of entities to the governor, the
23 chair and ranking member of the senate education committee, and
24 the chair and ranking member of the house of representatives
25 elementary and secondary education committee. The report shall
26 at a minimum include the following information:

27 (1) The annual number of unique students participating in

1 courses authorized under this section and the total number of
2 courses in which students are enrolled in;

3 (2) The number of authorized providers;

4 (3) The number of authorized courses and the number of
5 students enrolled in each course;

6 (4) The number of courses available by subject and grade
7 level;

8 (5) The number of students enrolled in courses broken down
9 by subject and grade level;

10 (6) Student outcome data, including completion rates,
11 student learning gains, student performance on state or
12 nationally accepted assessments, by subject and grade level per
13 provider. This outcome data shall be published in a manner that
14 protects student privacy;

15 (7) The costs per course;

16 (8) Evaluation of in-school course availability compared to
17 course access availability to ensure gaps in course access are
18 being addressed statewide.

19 11. The department shall be responsible for creating the
20 Missouri course access and virtual school program catalog
21 providing a listing of all courses authorized and available to
22 students in the state, detailed information, including costs per
23 course, about the courses to inform student enrollment decisions,
24 and the ability for students to submit their course enrollments.

25 12. The state board of education through the rulemaking
26 process and the department of elementary and secondary education
27 in its policies and procedures shall ensure that multiple content

1 providers and learning management systems are allowed, ensure
2 digital content conforms to accessibility requirements, provide
3 an easily accessible link for providers to submit courses or
4 full-time virtual schools on the Missouri course access and
5 virtual school program website, and allow any person,
6 organization, or entity to submit courses or full-time virtual
7 schools for approval. No content provider shall be allowed that
8 is unwilling to accept payments in the amount and manner as
9 described under subdivision (3) of subsection 3 of this section
10 or does not meet performance or quality standards adopted by the
11 state board of education.

12 13. Any rule or portion of a rule, as that term is defined
13 in section 536.010, that is created under the authority delegated
14 in this section shall become effective only if it complies with
15 and is subject to all of the provisions of chapter 536 and, if
16 applicable, section 536.028. This section and chapter 536 are
17 nonseverable, and if any of the powers vested with the general
18 assembly pursuant to chapter 536 to review, to delay the
19 effective date, or to disapprove and annul a rule are
20 subsequently held unconstitutional, then the grant of rulemaking
21 authority and any rule proposed or adopted after August 28, 2006,
22 shall be invalid and void.

23 162.686. 1. No school district or charter school shall
24 prohibit a parent or legal guardian of a student from recording
25 by audio any meeting held under the federal Individuals with
26 Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et
27 seq., as amended, or Section 504 of the federal Rehabilitation

1 Act of 1973, 29 U.S.C. Section 794, as amended.

2 2. Any recording made by a parent or legal guardian under
3 this section shall be the property of the parent or legal
4 guardian creating the recording. No recording made under this
5 section shall be construed to be a public record made by or
6 prepared for any public governmental body under chapter 610.

7 3. No school district or charter school shall impose pre-
8 meeting notification requirements of recording by a parent or
9 legal guardian of more than twenty-four hours.

10 4. No school district or charter school employee who
11 reports directly to his or her employer any violations under this
12 section shall be subject to discharge, retaliation, or any
13 other adverse employment action for making such report.

14 162.720. 1. (1) This subdivision shall apply to all school
15 years ending on or before June 30, 2022. Where a sufficient
16 number of children are determined to be gifted and their
17 development requires programs or services beyond the level of
18 those ordinarily provided in regular public school programs,
19 districts may establish special programs for such gifted
20 children.

21 (2) Beginning July 1, 2022, if three percent or more of
22 students enrolled in a school district or charter school are
23 determined to be gifted and their development requires programs
24 or services beyond the level of those ordinarily provided in
25 regular public school programs, the district or charter school
26 shall establish a state-approved gifted program for gifted
27 children.

1 2. Beginning July 1, 2022, the teacher or teachers
2 providing gifted services to students in districts or charter
3 schools with an average daily attendance of more than three
4 hundred fifty students shall be certificated in gifted education.
5 In districts or charter schools with an average daily attendance
6 of three hundred fifty students or less, the teacher or teachers
7 providing gifted services shall not be required to be
8 certificated to teach gifted education, however such teachers
9 shall annually participate in at least six clock hours of
10 professional development focused on gifted services.

11 3. The state board of education shall determine standards
12 for such gifted programs and gifted services. Approval of [~~such~~]
13 gifted programs shall be made by the state department of
14 elementary and secondary education based upon project
15 applications submitted [~~by July fifteenth of each year~~] at a time
16 and in a form determined by the department of elementary and
17 secondary education.

18 ~~[3.]~~ 4. No district or charter school shall make a
19 determination as to whether a child is gifted based on the
20 child's participation in an advanced placement course or
21 international baccalaureate course. Districts or charter schools
22 shall determine a child is gifted only if the child meets the
23 definition of gifted children as provided in section 162.675.

24 ~~[4.]~~ 5. Any district or charter school with a gifted
25 education program approved under subsection [~~2~~] 3 of this section
26 shall have a policy, approved by the board of education of the
27 district, or governing body of each charter school, that

1 establishes a process that outlines the procedures and conditions
2 under which parents or guardians may request a review of the
3 decision that determined that their child did not qualify to
4 receive services through the district's or charter school's
5 gifted education program.

6 ~~[5.]~~ 6. School districts and school district employees or
7 charter schools and charter school employees shall be immune from
8 liability for any and all acts or omissions relating to the
9 decision that a child did not qualify to receive services through
10 the district's or charter school's gifted education program.

11 7. The department of elementary and secondary education may
12 promulgate rules to implement the provisions of this section.
13 Any rule or portion of a rule, as that term is defined in section
14 536.010, that is created under the authority delegated in this
15 section shall become effective only if it complies with and is
16 subject to all of the provisions of chapter 536 and, if
17 applicable, section 536.028. This section and chapter 536 are
18 nonseverable, and if any of the powers vested with the general
19 assembly pursuant to chapter 536 to review, to delay the
20 effective date, or to disapprove and annul a rule are
21 subsequently held unconstitutional, then the grant of rulemaking
22 authority and any rule proposed or adopted after August 28, 2020,
23 shall be invalid and void.

24 162.974. 1. The state department of elementary and
25 secondary education shall reimburse
26 school districts, including special school districts, for the
27 special educational costs of high-need children with an

1 individualized education program exceeding three times the
2 current expenditure per average daily attendance as calculated on
3 the district annual secretary of the board report for the year in
4 which expenditures are claimed. For any school district with an
5 average daily attendance of five hundred students or fewer, the
6 calculation of three times the current expenditure per average
7 daily attendance shall not include any money reimbursed to a
8 school district under this section.

9 2. A school district shall submit, through timely
10 application, as determined by the state department of elementary
11 and secondary education, the cost of serving any high-needs
12 student with an individualized education program, as provided in
13 subsection 1 of this section.

14 163.011. As used in this chapter unless the context
15 requires otherwise:

16 (1) "Adjusted operating levy", the sum of tax rates for the
17 current year for teachers' and incidental funds for a school
18 district as reported to the proper officer of each county
19 pursuant to section 164.011;

20 (2) "Average daily attendance", the quotient or the sum of
21 the quotients obtained by dividing the total number of hours
22 attended in a term by resident pupils between the ages of five
23 and twenty-one by the actual number of hours school was in
24 session in that term. To the average daily attendance of the
25 following school term shall be added the full-time equivalent
26 average daily attendance of summer school students. "Full-time
27 equivalent average daily attendance of summer school students"

1 shall be computed by dividing the total number of hours, except
2 for physical education hours that do not count as credit toward
3 graduation for students in grades nine, ten, eleven, and twelve,
4 attended by all summer school pupils by the number of hours
5 required in section 160.011 in the school term. For purposes of
6 determining average daily attendance under this subdivision, the
7 term "resident pupil" shall include all children between the ages
8 of five and twenty-one who are residents of the school district
9 and who are attending kindergarten through grade twelve in such
10 district. If a child is attending school in a district other
11 than the district of residence and the child's parent is teaching
12 in the school district or is a regular employee of the school
13 district which the child is attending, then such child shall be
14 considered a resident pupil of the school district which the
15 child is attending for such period of time when the district of
16 residence is not otherwise liable for tuition. Average daily
17 attendance for students below the age of five years for which a
18 school district may receive state aid based on such attendance
19 shall be computed as regular school term attendance unless
20 otherwise provided by law;

21 (3) "Current operating expenditures":

22 (a) For the fiscal year 2007 calculation, "current
23 operating expenditures" shall be calculated using data from
24 fiscal year 2004 and shall be calculated as all expenditures for
25 instruction and support services except capital outlay and debt
26 service expenditures minus the revenue from federal categorical
27 sources; food service; student activities; categorical payments

1 for transportation costs pursuant to section 163.161; state
2 reimbursements for early childhood special education; the career
3 ladder entitlement for the district, as provided for in sections
4 168.500 to 168.515; the vocational education entitlement for the
5 district, as provided for in section 167.332; and payments from
6 other districts;

7 (b) In every fiscal year subsequent to fiscal year 2007,
8 current operating expenditures shall be the amount in paragraph
9 (a) of this subdivision plus any increases in state funding
10 pursuant to sections 163.031 and 163.043 subsequent to fiscal
11 year 2005, not to exceed five percent, per recalculation, of the
12 state revenue received by a district in the 2004-05 school year
13 from the foundation formula, line 14, gifted, remedial reading,
14 exceptional pupil aid, fair share, and free textbook payments for
15 any district from the first preceding calculation of the state
16 adequacy target;

17 (4) "District's tax rate ceiling", the highest tax rate
18 ceiling in effect subsequent to the 1980 tax year or any
19 subsequent year. Such tax rate ceiling shall not contain any tax
20 levy for debt service;

21 (5) "Dollar-value modifier", an index of the relative
22 purchasing power of a dollar, calculated as one plus fifteen
23 percent of the difference of the regional wage ratio minus one,
24 provided that the dollar value modifier shall not be applied at a
25 rate less than 1.0. As used in this subdivision, the following
26 terms mean:

27 (a) "County wage per job", the total county wage and salary

1 disbursements divided by the total county wage and salary
2 employment for each county and the City of St. Louis as reported
3 by the Bureau of Economic Analysis of the United States
4 Department of Commerce for the fourth year preceding the payment
5 year;

6 (b) "Regional wage per job":

7 a. The total Missouri wage and salary disbursements of the
8 metropolitan area as defined by the Office of Management and
9 Budget divided by the total Missouri metropolitan wage and salary
10 employment for the metropolitan area for the county signified in
11 the school district number or the City of St. Louis, as reported
12 by the Bureau of Economic Analysis of the United States
13 Department of Commerce for the fourth year preceding the payment
14 year and recalculated upon every decennial census to incorporate
15 counties that are newly added to the description of metropolitan
16 areas; or if no such metropolitan area is established, then:

17 b. The total Missouri wage and salary disbursements of the
18 micropolitan area as defined by the Office of Management and
19 Budget divided by the total Missouri micropolitan wage and salary
20 employment for the micropolitan area for the county signified in
21 the school district number, as reported by the Bureau of Economic
22 Analysis of the United States Department of Commerce for the
23 fourth year preceding the payment year, if a micropolitan area
24 for such county has been established and recalculated upon every
25 decennial census to incorporate counties that are newly added to
26 the description of micropolitan areas; or

27 c. If a county is not part of a metropolitan or

1 micropolitan area as established by the Office of Management and
2 Budget, then the county wage per job, as defined in paragraph (a)
3 of this subdivision, shall be used for the school district, as
4 signified by the school district number;

5 (c) "Regional wage ratio", the ratio of the regional wage
6 per job divided by the state median wage per job;

7 (d) "State median wage per job", the fifty-eighth highest
8 county wage per job;

9 (6) "Free and reduced price lunch pupil count", for school
10 districts not eligible for and those that do not choose the USDA
11 Community Eligibility Option, the number of pupils eligible for
12 free and reduced price lunch on the last Wednesday in January for
13 the preceding school year who were enrolled as students of the
14 district, as approved by the department in accordance with
15 applicable federal regulations. For eligible school districts
16 that choose the USDA Community Eligibility Option, the free and
17 reduced price lunch pupil count shall be the percentage of free
18 and reduced price lunch students calculated as eligible on the
19 last Wednesday in January of the most recent school year that
20 included household applications to determine free and reduced
21 price lunch count multiplied by the district's average daily
22 attendance figure;

23 (7) "Free and reduced price lunch threshold" shall be
24 calculated by dividing the total free and reduced price lunch
25 pupil count of every performance district that falls entirely
26 above the bottom five percent and entirely below the top five
27 percent of average daily attendance, when such districts are

1 rank-ordered based on their current operating expenditures per
2 average daily attendance, by the total average daily attendance
3 of all included performance districts;

4 (8) "Limited English proficiency pupil count", the number
5 in the preceding school year of pupils aged three through
6 twenty-one enrolled or preparing to enroll in an elementary
7 school or secondary school who were not born in the United States
8 or whose native language is a language other than English or are
9 Native American or Alaskan native, or a native resident of the
10 outlying areas, and come from an environment where a language
11 other than English has had a significant impact on such
12 individuals' level of English language proficiency, or are
13 migratory, whose native language is a language other than
14 English, and who come from an environment where a language other
15 than English is dominant; and have difficulties in speaking,
16 reading, writing, or understanding the English language
17 sufficient to deny such individuals the ability to meet the
18 state's proficient level of achievement on state assessments
19 described in Public Law 107-10, the ability to achieve
20 successfully in classrooms where the language of instruction is
21 English, or the opportunity to participate fully in society;

22 (9) "Limited English proficiency threshold" shall be
23 calculated by dividing the total limited English proficiency
24 pupil count of every performance district that falls entirely
25 above the bottom five percent and entirely below the top five
26 percent of average daily attendance, when such districts are
27 rank-ordered based on their current operating expenditures per

1 average daily attendance, by the total average daily attendance
2 of all included performance districts;

3 (10) "Local effort":

4 (a) For the fiscal year 2007 calculation, "local effort"
5 shall be computed as the equalized assessed valuation of the
6 property of a school district in calendar year 2004 divided by
7 one hundred and multiplied by the performance levy less the
8 percentage retained by the county assessor and collector plus one
9 hundred percent of the amount received in fiscal year 2005 for
10 school purposes from intangible taxes, fines, escheats, payments
11 in lieu of taxes and receipts from state-assessed railroad and
12 utility tax, one hundred percent of the amount received for
13 school purposes pursuant to the merchants' and manufacturers'
14 taxes under sections 150.010 to 150.370, one hundred percent of
15 the amounts received for school purposes from federal properties
16 under sections 12.070 and 12.080 except when such amounts are
17 used in the calculation of federal impact aid pursuant to P.L.
18 81-874, fifty percent of Proposition C revenues received for
19 school purposes from the school district trust fund under section
20 163.087, and one hundred percent of any local earnings or income
21 taxes received by the district for school purposes. Under this
22 paragraph, for a special district established under sections
23 162.815 to 162.940 in a county with a charter form of government
24 and with more than one million inhabitants, a tax levy of zero
25 shall be utilized in lieu of the performance levy for the special
26 school district;

27 (b) In every fiscal year subsequent to fiscal year 2007

1 through June 30, 2021, "local effort" shall be the amount
2 calculated under paragraph (a) of this subdivision plus any
3 increase in the amount received for school purposes from fines.
4 In every fiscal year beginning on or after July 1, 2021, "local
5 effort" shall be the amount calculated under paragraph (a) of
6 this subdivision, and any increase in the amount received for
7 school purposes from fines shall not be included. If a
8 district's assessed valuation has decreased subsequent to the
9 calculation outlined in paragraph (a) of this subdivision, the
10 district's local effort shall be calculated using the district's
11 current assessed valuation in lieu of the assessed valuation
12 utilized in the calculation outlined in paragraph (a) of this
13 subdivision. When a change in a school district's boundary lines
14 occurs because of a boundary line change, annexation, attachment,
15 consolidation, reorganization, or dissolution under section
16 162.071, 162.081, sections 162.171 to 162.201, section 162.221,
17 162.223, 162.431, 162.441, or 162.451, or in the event that a
18 school district assumes any territory from a district that ceases
19 to exist for any reason, the department of elementary and
20 secondary education shall make a proper adjustment to each
21 affected district's local effort, so that each district's local
22 effort figure conforms to the new boundary lines of the district.
23 The department shall compute the local effort figure by applying
24 the calendar year 2004 assessed valuation data to the new land
25 areas resulting from the boundary line change, annexation,
26 attachment, consolidation, reorganization, or dissolution and
27 otherwise follow the procedures described in this subdivision;

1 (11) "Membership" shall be the average of:

2 (a) The number of resident full-time students and the
3 full-time equivalent number of part-time students who were
4 enrolled in the public schools of the district on the last
5 Wednesday in September of the previous year and who were in
6 attendance one day or more during the preceding ten school days;
7 and

8 (b) The number of resident full-time students and the
9 full-time equivalent number of part-time students who were
10 enrolled in the public schools of the district on the last
11 Wednesday in January of the previous year and who were in
12 attendance one day or more during the preceding ten school days,
13 plus the full-time equivalent number of summer school pupils.

14 "Full-time equivalent number of part-time students" is determined
15 by dividing the total number of hours for which all part-time
16 students are enrolled by the number of hours in the school term.

17 "Full-time equivalent number of summer school pupils" is
18 determined by dividing the total number of hours for which all
19 summer school pupils were enrolled by the number of hours
20 required pursuant to section 160.011 in the school term. Only
21 students eligible to be counted for average daily attendance
22 shall be counted for membership;

23 (12) "Operating levy for school purposes", the sum of tax
24 rates levied for teachers' and incidental funds plus the
25 operating levy or sales tax equivalent pursuant to section
26 162.1100 of any transitional school district containing the
27 school district, in the payment year, not including any equalized

1 operating levy for school purposes levied by a special school
2 district in which the district is located;

3 (13) "Performance district", any district that has met
4 performance standards and indicators as established by the
5 department of elementary and secondary education for purposes of
6 accreditation under section 161.092 and as reported on the final
7 annual performance report for that district each year; for
8 calculations to be utilized for payments in fiscal years
9 subsequent to fiscal year 2018, the number of performance
10 districts shall not exceed twenty-five percent of all public
11 school districts;

12 (14) "Performance levy", three dollars and forty-three
13 cents;

14 (15) "School purposes" pertains to teachers' and incidental
15 funds;

16 (16) "Special education pupil count", the number of public
17 school students with a current individualized education program
18 or services plan and receiving services from the resident
19 district as of December first of the preceding school year,
20 except for special education services provided through a school
21 district established under sections 162.815 to 162.940 in a
22 county with a charter form of government and with more than one
23 million inhabitants, in which case the sum of the students in
24 each district within the county exceeding the special education
25 threshold of each respective district within the county shall be
26 counted within the special district and not in the district of
27 residence for purposes of distributing the state aid derived from

1 the special education pupil count;

2 (17) "Special education threshold" shall be calculated by
3 dividing the total special education pupil count of every
4 performance district that falls entirely above the bottom five
5 percent and entirely below the top five percent of average daily
6 attendance, when such districts are rank-ordered based on their
7 current operating expenditures per average daily attendance, by
8 the total average daily attendance of all included performance
9 districts;

10 (18) "State adequacy target", the sum of the current
11 operating expenditures of every performance district that falls
12 entirely above the bottom five percent and entirely below the top
13 five percent of average daily attendance, when such districts are
14 rank-ordered based on their current operating expenditures per
15 average daily attendance, divided by the total average daily
16 attendance of all included performance districts. The department
17 of elementary and secondary education shall first calculate the
18 state adequacy target for fiscal year 2007 and recalculate the
19 state adequacy target every two years using the most current
20 available data. The recalculation shall never result in a
21 decrease from the state adequacy target as calculated for fiscal
22 years 2017 and 2018 and any state adequacy target figure
23 calculated subsequent to fiscal year 2018. Should a
24 recalculation result in an increase in the state adequacy target
25 amount, fifty percent of that increase shall be included in the
26 state adequacy target amount in the year of recalculation, and
27 fifty percent of that increase shall be included in the state

1 adequacy target amount in the subsequent year. The state
2 adequacy target may be adjusted to accommodate available
3 appropriations as provided in subsection 7 of section 163.031;

4 (19) "Teacher", any teacher, teacher-secretary, substitute
5 teacher, supervisor, principal, supervising principal,
6 superintendent or assistant superintendent, school nurse, social
7 worker, counselor or librarian who shall, regularly, teach or be
8 employed for no higher than grade twelve more than one-half time
9 in the public schools and who is certified under the laws
10 governing the certification of teachers in Missouri;

11 (20) "Weighted average daily attendance", the average daily
12 attendance plus the product of twenty-five hundredths multiplied
13 by the free and reduced price lunch pupil count that exceeds the
14 free and reduced price lunch threshold, plus the product of
15 seventy-five hundredths multiplied by the number of special
16 education pupil count that exceeds the special education
17 threshold, plus the product of six-tenths multiplied by the
18 number of limited English proficiency pupil count that exceeds
19 the limited English proficiency threshold. For special districts
20 established under sections 162.815 to 162.940 in a county with a
21 charter form of government and with more than one million
22 inhabitants, weighted average daily attendance shall be the
23 average daily attendance plus the product of twenty-five
24 hundredths multiplied by the free and reduced price lunch pupil
25 count that exceeds the free and reduced price lunch threshold,
26 plus the product of seventy-five hundredths multiplied by the sum
27 of the special education pupil count that exceeds the threshold

1 for each county district, plus the product of six-tenths
2 multiplied by the limited English proficiency pupil count that
3 exceeds the limited English proficiency threshold. None of the
4 districts comprising a special district established under
5 sections 162.815 to 162.940 in a county with a charter form of
6 government and with more than one million inhabitants~~[7]~~ shall
7 use any special education pupil count in calculating their
8 weighted average daily attendance.

9 163.024. 1. All moneys received in the Iron County school
10 fund, Reynolds County school fund, Jefferson County school fund,
11 and Washington County school fund from the payment of a civil
12 penalty pursuant to a consent decree filed in the United States
13 district court for the eastern district of Missouri in December,
14 2011, in the case of *United States of America and State of*
15 *Missouri v. the Doe Run Resources Corporation d/b/a "The Doe Run*
16 *Company," and the Buick Resource Recycling Facility, LLC,* because
17 of environmental violations shall not be included in any
18 district's local effort figure, as such term is defined in
19 section 163.011. The provisions of this ~~[section]~~ subsection
20 shall terminate on July 1, 2016.

21 2. (1) No moneys received in the Iron County school fund
22 from the payment of any penalty, whether to resolve violations or
23 as payment of any stipulated penalty, under Administrative Order
24 on Consent No. APCP-2019-001 ("Order") issued by the department
25 of natural resources, shall be included in such school district's
26 local effort calculation, as such term is defined in section
27 163.011.

1 (2) The department of natural resources shall notify the
2 revisor of statutes when the Order is terminated as provided in
3 the Order, and this subsection shall expire on the last day of
4 the fiscal year in which the revisor receives such notification
5 from the department.

6 163.164. 1. Notwithstanding any provision of law to the
7 contrary, in any fiscal year in which the total appropriation for
8 the formula pursuant to section 163.031 is in excess of the
9 amount reimbursed to public schools, the department of elementary
10 and secondary education shall transfer such excess cash balances
11 by the fifteenth day of the succeeding fiscal year to the school
12 transportation fund established in this section.

13 2. (1) There is hereby created in the state treasury the
14 "School Transportation Fund", which shall consist of money
15 collected under this section. The state treasurer shall be
16 custodian of the fund. In accordance with sections 30.170 and
17 30.180, the state treasurer may approve disbursements. The fund
18 shall be administered by the commissioner of the department of
19 elementary and secondary education. The school transportation
20 fund shall consist of moneys transferred by the department
21 pursuant to subsection 1 of this section, to be used by public
22 school districts to provide transportation to students. Such
23 funds shall be paid to public school districts in addition to the
24 state aid provided for transportation pursuant to section
25 163.161, based on the cost of pupil transportation in accordance
26 with section 163.161.

27 (2) Notwithstanding the provisions of section 33.080 to the

1 contrary, any moneys remaining in the fund at the end of the
2 biennium shall not revert to the credit of the general revenue
3 fund.

4 (3) The state treasurer shall invest moneys in the fund in
5 the same manner as other funds are invested. Any interest and
6 moneys earned on such investments shall be credited to the fund.

7 3. The provisions of this section shall not apply in any
8 year in which state transportation aid reaches seventy-five
9 percent of the total allowable cost of transporting all pupils
10 eligible to be transported.

11 167.628. 1. A public school shall allow students to
12 possess and apply topical sunscreen products to help prevent
13 sunburn while on school property or at any school-related event
14 or activity.

15 2. A public school shall not require a student to provide a
16 prescription or note of a health care professional, as defined in
17 section 376.1350, in order to possess or apply a topical
18 sunscreen product if the product is approved by the federal Food
19 and Drug Administration for over-the-counter use.

20 3. A public school shall require a student's parent or
21 guardian to supply any topical sunscreen product to be used by
22 the student under this section.

23 4. Public schools are encouraged to educate students about
24 sun safety guidelines.

25 5. Nothing in this section shall require public school
26 personnel to assist students in applying any topical sunscreen
27 products.

1 6. Nothing in this section shall require a public school to
2 adopt a written policy allowing students to possess and apply any
3 type of topical sunscreen product. A public school may adopt a
4 policy that prohibits students from possessing or applying
5 certain types of topical sunscreen products, such as products
6 with allergy-inducing ingredients or products that use aerosol or
7 other delivery methods deemed inappropriate for the learning
8 environment by the school.

9 7. This section shall not create any civil liability on the
10 part of the state or any state agency, officer, employee, agent,
11 political subdivision, or school district.

12 168.021. 1. Certificates of license to teach in the public
13 schools of the state shall be granted as follows:

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

16 (a) Upon the basis of college credit;

17 (b) Upon the basis of examination;

18 (2) By the state board, under rules and regulations
19 prescribed by the state board with advice from the advisory
20 council established by section 168.015 to any individual who
21 presents to the state board a valid doctoral degree from an
22 accredited institution of higher education accredited by a
23 regional accrediting association such as North Central
24 Association. Such certificate shall be limited to the major area
25 of postgraduate study of the holder, shall be issued only after
26 successful completion of the examination required for graduation
27 pursuant to rules adopted by the state board of education, and

1 shall be restricted to those certificates established pursuant to
2 subdivision (2) of subsection 3 of this section;

3 (3) By the state board, which shall issue the professional
4 certificate classification in both the general and specialized
5 areas most closely aligned with the current areas of
6 certification approved by the state board, commensurate with the
7 years of teaching experience of the applicant, and based upon the
8 following criteria:

9 (a) Recommendation of a state-approved baccalaureate-level
10 teacher preparation program;

11 (b) Successful attainment of the Missouri qualifying score
12 on the exit assessment for teachers or administrators designated
13 by the state board of education. Applicants who have not
14 successfully achieved a qualifying score on the designated
15 examinations will be issued a two-year nonrenewable provisional
16 certificate; and

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

21 (4) By the state board, under rules prescribed by it, on
22 the basis of a relevant bachelor's degree, or higher degree, and
23 a passing score for the designated exit examination, for
24 individuals whose academic degree and professional experience are
25 suitable to provide a basis for instruction solely in the subject
26 matter of banking or financial responsibility, at the discretion
27 of the state board. Such certificate shall be limited to the

1 major area of study of the holder and shall be restricted to
2 those certificates established under subdivision (2) of
3 subsection 3 of this section. Holders of certificates granted
4 under this subdivision shall be exempt from the teacher tenure
5 act under sections 168.102 to 168.130 and each school district
6 shall have the decision-making authority on whether to hire the
7 holders of such certificates;

8 (5) By the state board, under rules and regulations
9 prescribed by it, on the basis of certification by the American
10 Board for Certification of Teacher Excellence (ABCTE) and
11 verification of ability to work with children as demonstrated by
12 sixty contact hours in any one of the following areas as
13 validated by the school principal: sixty contact hours in the
14 classroom, of which at least forty-five must be teaching; sixty
15 contact hours as a substitute teacher, with at least thirty
16 consecutive hours in the same classroom; sixty contact hours of
17 teaching in a private school; or sixty contact hours of teaching
18 as a paraprofessional, for an initial four-year ABCTE certificate
19 of license to teach, except that such certificate shall not be
20 granted for the areas of early childhood education, or special
21 education. For certification in the area of elementary
22 education, ninety contact hours in the classroom shall be
23 required, of which at least thirty shall be in an elementary
24 classroom. Upon the completion of the following requirements
25 ~~[listed in paragraphs (a), (b), (c), and (d) of this~~
26 ~~subdivision]~~, an applicant shall be eligible to apply for a
27 career continuous professional certificate under subdivision (3)

1 of subsection 3 of this section:

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

5 (b) Validated completion of two years of the mentoring
6 program of the American Board for Certification of Teacher
7 Excellence or a district mentoring program approved by the state
8 board of education;

9 (c) Attainment of a successful performance-based teacher
10 evaluation; and

11 (d) Participation in a beginning teacher assistance
12 program; or

13 (6) (a) By the state board, under rules and regulations
14 prescribed by ~~it~~ the board, which shall issue an initial
15 visiting scholars certificate at the discretion of the board,
16 based on the following criteria:

17 ~~(a)~~ a. Verification from the hiring school district that
18 the applicant will be employed ~~as part of a business-education~~
19 ~~partnership initiative designed~~ to build career pathways systems
20 for students in a grade or grades not lower than the ninth grade
21 for which the applicant's academic degree or professional
22 experience qualifies ~~him or her~~ the applicant;

23 ~~(b)~~ b. Appropriate and relevant bachelor's degree or
24 higher, occupational license, or industry-recognized credential;

25 ~~(c)~~ c. Completion of the application for a one-year
26 visiting scholars certificate; and

27 ~~(d)~~ d. Completion of a background check as prescribed

1 under section 168.133.

2 (b) The initial visiting scholars certificate shall certify
3 the holder of such certificate to teach for one year. An
4 applicant shall be eligible to renew an initial visiting scholars
5 certificate a maximum of ~~two~~ four times, based upon the
6 completion of the requirements listed under ~~[paragraphs (a), (b),~~
7 ~~and (d)]~~ subparagraphs a., b., and d. of paragraph (a) of this
8 subdivision; completion of professional development required by
9 the school district and school; and attainment of a satisfactory
10 performance-based teacher evaluation.

11 2. All valid teaching certificates issued pursuant to law
12 or state board policies and regulations prior to September 1,
13 1988, shall be exempt from the professional development
14 requirements of this section and shall continue in effect until
15 they expire, are revoked or suspended, as provided by law. When
16 such certificates are required to be renewed, the state board or
17 its designee shall grant to each holder of such a certificate the
18 certificate most nearly equivalent to the one so held. Anyone
19 who holds, as of August 28, 2003, a valid PC-I, PC-II, or
20 continuous professional certificate shall, upon expiration of
21 ~~[his or her]~~ such person's current certificate, be issued the
22 appropriate level of certificate based upon the classification
23 system established pursuant to subsection 3 of this section.

24 3. (1) Certificates of license to teach in the public
25 schools of the state shall be based upon minimum requirements
26 prescribed by the state board of education which shall include
27 completion of a background check as prescribed in section

1 168.133. The state board shall provide for the following levels
2 of professional certification: an initial professional
3 certificate and a career continuous professional certificate.

4 (2) The initial professional certificate shall be issued
5 upon completion of requirements established by the state board of
6 education and shall be valid based upon verification of actual
7 teaching within a specified time period established by the state
8 board of education. The state board shall require holders of the
9 four-year initial professional certificate to:

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

12 (b) Complete thirty contact hours of professional
13 development, which may include hours spent in class in an
14 appropriate college curriculum, or for holders of a certificate
15 under subdivision (4) of subsection 1 of this section, an amount
16 of professional development in proportion to the certificate
17 holder's hours in the classroom, if the certificate holder is
18 employed less than full time; and

19 (c) Participate in a beginning teacher assistance program.

20 (3) (a) The career continuous professional certificate
21 shall be issued upon verification of completion of four years of
22 teaching under the initial professional certificate and upon
23 verification of the completion of the requirements articulated in
24 paragraphs (a) [~~, (b), and~~] to (c) of subdivision (2) of this
25 subsection or paragraphs (a) [~~, (b), (c), and~~] to (d) of
26 subdivision (5) of subsection 1 of this section.

27 (b) The career continuous professional certificate shall be

1 continuous based upon verification of actual employment in an
2 educational position as provided for in state board guidelines
3 and completion of fifteen contact hours of professional
4 development per year which may include hours spent in class in an
5 appropriate college curriculum. Should the possessor of a valid
6 career continuous professional certificate fail, in any given
7 year, to meet the fifteen-hour professional development
8 requirement, the possessor may, within two years, make up the
9 missing hours. In order to make up for missing hours, the
10 possessor shall first complete the fifteen-hour requirement for
11 the current year and then may count hours in excess of the
12 current year requirement as make-up hours. Should the possessor
13 fail to make up the missing hours within two years, the
14 certificate shall become inactive. In order to reactivate the
15 certificate, the possessor shall complete twenty-four contact
16 hours of professional development which may include hours spent
17 in the classroom in an appropriate college curriculum within the
18 six months prior to or after reactivating ~~[his or her]~~ the
19 possessor's certificate. The requirements of this paragraph
20 shall be monitored and verified by the local school district
21 which employs the holder of the career continuous professional
22 certificate.

23 (c) A holder of a career continuous professional
24 certificate shall be exempt from the professional development
25 contact hour requirements of paragraph (b) of this subdivision if
26 such teacher has a local professional development plan in place
27 within such teacher's school district and meets two of the three

1 following criteria:

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

4 b. Possesses a master's degree; or

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

7 4. Policies and procedures shall be established by which a
8 teacher who was not retained due to a reduction in force may
9 retain the current level of certification. There shall also be
10 established policies and procedures allowing a teacher who has
11 not been employed in an educational position for three years or
12 more to reactivate ~~[his or her]~~ the teacher's last level of
13 certification by completing twenty-four contact hours of
14 professional development which may include hours spent in the
15 classroom in an appropriate college curriculum within the six
16 months prior to or after reactivating ~~[his or her]~~ the teacher's
17 certificate.

18 5. The state board shall, upon completion of a background
19 check as prescribed in section 168.133, issue a professional
20 certificate classification in the areas most closely aligned with
21 an applicant's current areas of certification, commensurate with
22 the years of teaching experience of the applicant, to any person
23 who is hired to teach in a public school in this state and who
24 possesses a valid teaching certificate from another state or
25 certification under subdivision (4) of subsection 1 of this
26 section, provided that the certificate holder shall annually
27 complete the state board's requirements for such level of

1 certification, and shall establish policies by which residents of
2 states other than the state of Missouri may be assessed a fee for
3 a certificate of license to teach in the public schools of
4 Missouri. Such fee shall be in an amount sufficient to recover
5 any or all costs associated with the issuing of a certificate of
6 license to teach. The board shall promulgate rules to authorize
7 the issuance of a provisional certificate of license, which shall
8 allow the holder to assume classroom duties pending the
9 completion of a criminal background check under section 168.133,
10 for any applicant who:

11 (1) Is the spouse of a member of the Armed Forces stationed
12 in Missouri;

13 (2) Relocated from another state within one year of the
14 date of application;

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

17 (4) Otherwise qualifies under this section.

18 6. The state board may assess to holders of an initial
19 professional certificate a fee, to be deposited into the
20 excellence in education ~~[revolving]~~ fund established pursuant to
21 section 160.268, for the issuance of the career continuous
22 professional certificate. However, such fee shall not exceed the
23 combined costs of issuance and any criminal background check
24 required as a condition of issuance. Applicants for the initial
25 ABCTE certificate shall be responsible for any fees associated
26 with the program leading to the issuance of the certificate, but
27 nothing in this section shall prohibit a district from developing

1 a policy that permits fee reimbursement.

2 7. Any member of the public school retirement system of
3 Missouri who entered covered employment with ten or more years of
4 educational experience in another state or states and held a
5 certificate issued by another state and subsequently worked in a
6 school district covered by the public school retirement system of
7 Missouri for ten or more years who later became certificated in
8 Missouri shall have that certificate dated back to ~~[his or her]~~
9 the member's original date of employment in a Missouri public
10 school.

11 168.133. 1. As used in this section, "screened volunteer"
12 shall mean any person who assists a school by providing
13 uncompensated service and who may periodically be left alone with
14 students. The school district shall ensure that a criminal
15 background check is conducted for all screened volunteers, who
16 shall complete the criminal background check prior to being left
17 alone with a student. Screened volunteers include, but are not
18 limited to, persons who regularly assist in the office or
19 library, mentor or tutor students, coach or supervise a
20 school-sponsored activity before or after school, or chaperone
21 students on an overnight trip. Screened volunteers may only
22 access student education records when necessary to assist the
23 district and while supervised by staff members. Volunteers that
24 are not screened shall not be left alone with a student or have
25 access to student records.

26 2. (1) The school district shall ensure that a criminal
27 background check is conducted on any person employed after

1 January 1, 2005, authorized to have contact with pupils and prior
2 to the individual having contact with any pupil. Such persons
3 include, but are not limited to, administrators, teachers,
4 substitute teachers, aides, paraprofessionals, assistants,
5 secretaries, custodians, cooks, screened volunteers, and nurses.

6 (2) The school district shall also ensure that a criminal
7 background check is conducted for school bus drivers. The
8 district may allow such drivers to operate buses pending the
9 result of the criminal background check. For bus drivers, the
10 school district shall be responsible for conducting the criminal
11 background check on drivers employed by the school district. For
12 drivers employed by a pupil transportation company under contract
13 with the school district, the criminal background check shall be
14 conducted pursuant to section 43.540 and conform to the
15 requirements established in the National Child Protection Act of
16 1993, as amended by the Volunteers for Children Act.

17 (3) The school district shall also ensure that a criminal
18 background check is conducted on any person who is eighteen years
19 of age or older, who is not counted by the district for purposes
20 of average daily attendance, as defined in section 163.011, and
21 who requests enrollment in a course that takes place on school
22 district property during regular school hours and that includes
23 students counted by the district for purposes of average daily
24 attendance, as defined in section 163.011. The background check
25 shall be conducted before the person enrolls in any such course.

26 (4) Personnel who have successfully undergone a criminal
27 background check and a check of the family care safety registry

1 as part of the professional license application process under
2 section 168.021 and who have received clearance on the checks
3 within one prior year of employment shall be considered to have
4 completed the background check requirement.

5 (5) A criminal background check under this section shall
6 include a search of any information publicly available in an
7 electronic format through a public index or single case display.

8 3. In order to facilitate the criminal history background
9 check, the applicant or person requesting enrollment in a course
10 as described in this section shall submit a set of fingerprints
11 collected [~~pursuant to standards determined by the Missouri~~
12 ~~highway patrol~~] under section 43.540. The fingerprints shall be
13 used by the highway patrol to search the criminal history
14 repository and shall be forwarded to the Federal Bureau of
15 Investigation for searching the federal criminal history files.

16 4. The applicant or person requesting enrollment in a
17 course as described in this section shall pay the fee for the
18 state criminal history record information pursuant to section
19 43.530 and sections 210.900 to 210.936 and pay the appropriate
20 fee determined by the Federal Bureau of Investigation for the
21 federal criminal history record when he or she applies for a
22 position authorized to have contact with pupils pursuant to this
23 section or requests enrollment in a course as described in this
24 section. The department shall distribute the fees collected for
25 the state and federal criminal histories to the Missouri highway
26 patrol.

27 5. For each school district that is not enrolled in the

1 Missouri Rap Back program under chapter 43, the department of
2 elementary and secondary education shall facilitate an annual
3 check of employed persons holding current active certificates
4 under section 168.021 against criminal history records in the
5 central repository under section 43.530, the sexual offender
6 registry under sections 589.400 to 589.426, and child abuse
7 central registry under sections 210.109 to 210.183. The
8 department of elementary and secondary education shall facilitate
9 procedures for school districts to submit personnel information
10 annually for persons employed by the school districts who do not
11 hold a current valid certificate who are required by subsection 1
12 of this section to undergo a criminal background check, sexual
13 offender registry check, and child abuse central registry check.
14 ~~[The Missouri state highway patrol shall provide ongoing~~
15 ~~electronic updates to criminal history background checks of those~~
16 ~~persons previously submitted, both those who have an active~~
17 ~~certificate and those who do not have an active certificate, by~~
18 ~~the department of elementary and secondary education. This shall~~
19 ~~fulfill the annual check against the criminal history records in~~
20 ~~the central repository under section 43.530.]~~ State and federal
21 fingerprint-based criminal record checks submitted under section
22 43.540 shall satisfy the annual criminal background check and
23 sexual offender registry check required by this section.

24 6. The school district may adopt a policy to provide for
25 reimbursement of expenses incurred by an employee for state and
26 federal criminal history information pursuant to section 43.530.

27 7. If, as a result of the criminal history background check

1 mandated by this section, it is determined that the holder of a
2 certificate issued pursuant to section 168.021 has pled guilty or
3 nolo contendere to, or been found guilty of a crime or offense
4 listed in section 168.071, or a similar crime or offense
5 committed in another state, the United States, or any other
6 country, regardless of imposition of sentence, such information
7 shall be reported to the department of elementary and secondary
8 education.

9 8. Any school official making a report to the department of
10 elementary and secondary education in conformity with this
11 section shall not be subject to civil liability for such action.

12 9. For any teacher who is employed by a school district on
13 a substitute or part-time basis within one year of such teacher's
14 retirement from a Missouri school, the state of Missouri shall
15 not require such teacher to be subject to any additional
16 background checks prior to having contact with pupils. Nothing
17 in this subsection shall be construed as prohibiting or otherwise
18 restricting a school district from requiring additional
19 background checks for such teachers employed by the school
20 district.

21 10. A criminal background check and fingerprint collection
22 conducted under subsections 1 to 3 of this section shall be valid
23 for at least a period of one year and transferrable from one
24 school district to another district. A school district may, in
25 its discretion, conduct a new criminal background check and
26 fingerprint collection under subsections 1 to 3 of this section
27 for a newly hired employee at the district's expense. A

1 teacher's change in type of certification shall have no effect on
2 the transferability or validity of such records.

3 11. Nothing in this section shall be construed to alter the
4 standards for suspension, denial, or revocation of a certificate
5 issued pursuant to this chapter.

6 12. If, as a result of the criminal history background
7 check mandated by this section, it is determined that a person
8 who requested enrollment in a course as described in this section
9 has pled guilty or nolo contendere to or been found guilty of a
10 crime or offense listed in subsection 6 of section 168.071, or a
11 similar crime or offense committed in another state, the United
12 States, or any other country, regardless of imposition of
13 sentence, the school district shall prohibit the person from
14 enrolling in any course that takes place on school property
15 during regular school hours and that includes students counted by
16 the district for purposes of average daily attendance, as defined
17 in section 163.011.

18 13. For all years beginning on or after January 1, 2021,
19 any substitute teacher may, at the time such substitute teacher
20 submits the fingerprints and information required for the
21 Missouri criminal record review under subsections 2 and 3 of this
22 section, designate up to five school districts to which the
23 results of the substitute teacher's criminal history background
24 check and fingerprint collection shall be disseminated. The
25 substitute teacher shall pay an additional five-dollar fee for
26 such records to be disseminated for any additional school
27 district up to five additional school districts.

1 14. The state board of education may promulgate rules for
2 criminal history background checks made pursuant to this section.
3 Any rule or portion of a rule, as that term is defined in section
4 536.010, that is created under the authority delegated in this
5 section shall become effective only if it complies with and is
6 subject to all of the provisions of chapter 536 and, if
7 applicable, section 536.028. This section and chapter 536 are
8 nonseverable, and if any of the powers vested with the general
9 assembly pursuant to chapter 536 to review, to delay the
10 effective date, or to disapprove and annul a rule are
11 subsequently held unconstitutional, then the grant of rulemaking
12 authority and any rule proposed or adopted after January 1, 2005,
13 shall be invalid and void.

14 168.205. 1. Notwithstanding any provision of law to the
15 contrary, two or more school districts may share a superintendent
16 who possesses a valid Missouri superintendent's license. If any
17 school districts choose to share a superintendent, they shall not
18 be required to receive approval from the department of elementary
19 and secondary education but may notify the department.

20 2. (1) Beginning on July 1, 2021, subject to
21 appropriation, a school district that enters into an agreement
22 with another school district to share a superintendent shall
23 receive additional state aid as provided in this subsection.

24 (2) The department of elementary and secondary education
25 shall annually distribute thirty thousand dollars to any school
26 district that shares a superintendent under this subsection. Any
27 such amount distributed to a school district shall be in addition

1 to and shall not be included in any calculation of state aid
2 under chapter 163.

3 (3) To receive the additional thirty thousand dollars under
4 this subsection, the school district shall provide proof to the
5 department of elementary and secondary education that the school
6 district will use all of the additional thirty thousand dollars
7 received under this subsection and at least half of the amount
8 saved as a result in participating in sharing a superintendent
9 under this subsection to compensate teachers or to provide
10 counseling services.

11 (4) No school district that receives additional funding
12 under this subsection shall receive such funding for more than
13 five years.

14 170.047. 1. This section shall be known and may be cited
15 as the "Jason Flatt/Avery Reine Cantor Act".

16 2. (1) Beginning in the 2017-18 school year and continuing
17 until the end of the 2020-21 school year, any licensed educator
18 may annually complete up to two hours of training or professional
19 development in youth suicide awareness and prevention as part of
20 the professional development hours required for state board of
21 education certification.

22 (2) Beginning in the 2021-22 school year and continuing in
23 subsequent school years, the practicing teacher assistance
24 programs established under section 168.400 may offer and include
25 at least two hours of in-service training provided by each local
26 school district for all practicing teachers in such district
27 regarding suicide prevention. Each school year, all teachers,

1 principals, and licensed educators in each district may attend
2 such training or complete training on suicide prevention through
3 self-review of suicide prevention materials. Attendance at the
4 training shall count as two contact hours of professional
5 development under section 168.021 and shall count as two hours of
6 any other such training required under this section.

7 ~~[2.]~~ 3. The department of elementary and secondary
8 education shall develop guidelines suitable for training or
9 professional development in youth suicide awareness and
10 prevention. The department ~~[shall]~~ may develop materials that
11 may be used for ~~[such]~~ the training ~~[or professional development]~~
12 described under subsection 2 of this section or may offer
13 districts materials developed by a third party that districts may
14 use for the training.

15 ~~[3.]~~ 4. For purposes of this section, the term "licensed
16 educator" shall refer to any teacher with a certificate of
17 license to teach issued by the state board of education or any
18 other educator or administrator required to maintain a
19 professional license issued by the state board of education.

20 ~~[4.]~~ 5. The department of elementary and secondary
21 education may promulgate rules and regulations to implement this
22 section.

23 ~~[5.]~~ 6. Any rule or portion of a rule, as that term is
24 defined in section 536.010, that is created under the authority
25 delegated in this section shall become effective only if it
26 complies with and is subject to all of the provisions of chapter
27 536 and, if applicable, section 536.028. This section and

1 chapter 536 are nonseverable, and if any of the powers vested
2 with the general assembly pursuant to chapter 536 to review, to
3 delay the effective date, or to disapprove and annul a rule are
4 subsequently held unconstitutional, then the grant of rulemaking
5 authority and any rule proposed or adopted after August 28, 2016,
6 shall be invalid and void.

7 170.048. 1. By July 1, 2018, each district shall adopt a
8 policy for youth suicide awareness and prevention, including
9 plans for how the district will provide for the training and
10 education of its district employees.

11 2. Each district's policy shall address and include, but
12 not be limited to, the following:

13 (1) Strategies that can help identify students who are at
14 possible risk of suicide;

15 (2) Strategies and protocols for helping students at
16 possible risk of suicide; and

17 (3) Protocols for responding to a suicide death.

18 3. By July 1, 2017, the department of elementary and
19 secondary education shall develop a model policy that districts
20 may adopt. When developing the model policy, the department
21 shall cooperate, consult with, and seek input from organizations
22 that have expertise in youth suicide awareness and prevention.
23 By July 1, 2021, and at least every three years thereafter, the
24 department shall request information and seek feedback from
25 districts on their experience with the policy for youth suicide
26 awareness and prevention. The department shall review this
27 information and may use it to adapt the department's model

1 policy. The department shall post any information on its website
2 that it has received from districts that it deems relevant. The
3 department shall not post any confidential information or any
4 information that personally identifies any student or school
5 employee.

6 4. (1) Beginning July 1, 2021, a public school or charter
7 school that serves any pupils in seventh grade to twelfth grade
8 and that issues pupil identification cards shall have printed on
9 either side of the cards the telephone number described in
10 paragraph (a) of this subdivision and may have printed on either
11 side of the cards the telephone numbers described in paragraphs
12 (b) and (c) of this subdivision:

13 (a) The telephone number for the National Suicide
14 Prevention Lifeline, 1-800-273-8255;

15 (b) The Crisis Text Line, which can be accessed by texting
16 HOME to 741741; and

17 (c) A local suicide prevention hotline telephone number if
18 available.

19 (2) If, on July 1, 2021, a public school or charter school
20 subject to the requirements of this subsection has a supply of
21 unissued pupil identification cards that do not comply with the
22 requirements of subdivision (1) of this subsection, the school
23 shall issue those cards until that supply is depleted.

24 (3) Subdivision (1) of this subsection shall apply to a
25 pupil identification card issued for the first time to a pupil
26 and to a card issued to replace a damaged or lost card.

27 173.1200. 1. Each public institution of higher education

1 shall develop and implement a policy to advise students and staff
2 on suicide prevention programs available on and off campus that
3 includes, but is not limited to:

4 (1) Crisis intervention access, which includes information
5 for national, state, and local suicide prevention hotlines;

6 (2) Mental health program access, which provides
7 information on the availability of local mental health clinics,
8 student health services, and counseling services;

9 (3) Multimedia application access, which includes crisis
10 hotline contact information, suicide warning signs, resources
11 offered, and free-of-cost applications;

12 (4) Student communication plans, which consist of creating
13 outreach plans regarding educational and outreach activities on
14 suicide prevention; and

15 (5) Post intervention plans, which include creating a
16 strategic plan to communicate effectively with students, staff,
17 and parents after the loss of a student to suicide.

18 2. Such policy shall also advise students, faculty, and
19 staff, including residence hall staff, of the proper procedures
20 for identifying and addressing the needs of students exhibiting
21 suicidal tendencies or behavior, and shall provide for training,
22 where appropriate.

23 3. Each public institution of higher education shall
24 provide all incoming students with information about depression
25 and suicide prevention resources available to students. The
26 information provided to students shall include available mental
27 health services and other support services, including student-run

1 organizations for individuals at risk of or affected by suicide.

2 4. The information prescribed by subdivisions (1) through
3 (4) of subsection 1 of this section shall be posted on the
4 website of each institution of higher education in this state.

5 5. Any applicable free-of-cost prevention materials or
6 programs shall be posted on the websites of the public
7 institutions of higher education and the department of higher
8 education and workforce development.

9 6. (1) Each public institution of higher education shall
10 establish and maintain methods of anonymous reporting concerning
11 unsafe, potentially harmful, dangerous, violent, or criminal
12 activities, or the threat of such activities.

13 (2) Such methods shall ensure that the identity of the
14 reporting party remains unknown to all persons and entities,
15 including law enforcement officers and employees or other
16 persons, except when criminal, civil, or administrative action is
17 initiated regarding unsafe, potentially harmful, dangerous,
18 violent, or criminal activities, or the threat of such
19 activities.

20 7. (1) Beginning July 1, 2021, a public institution of
21 higher education that issues student identification cards shall
22 have printed on either side of the cards the telephone number
23 described in paragraph (a) of this subdivision and may have
24 printed on either side of the cards the telephone numbers
25 described in paragraphs (b) to (d) of this subdivision:

26 (a) The telephone number for the National Suicide
27 Prevention Lifeline, 1-800-273-8255;

1 (b) The Crisis Text Line, which can be accessed by texting
2 HOME to 741741;

3 (c) The campus police or security telephone number or, if
4 the campus does not have a campus police or security telephone
5 number, the local law enforcement authority's telephone number;
6 and

7 (d) A local suicide prevention hotline telephone number if
8 available.

9 (2) If, on July 1, 2021, a public institution of higher
10 education subject to the requirements of this subsection has a
11 supply of unissued student identification cards that do not
12 comply with the requirements of subdivision (1) of this
13 subsection, the institution shall issue those cards until that
14 supply is depleted.

15 (3) Subdivision (1) of this subsection shall apply to a
16 student identification card issued for the first time to a
17 student and to a card issued to replace a damaged or lost card.