

SECOND REGULAR SESSION

HOUSE BILL NO. 1041

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CUNNINGHAM (86) (Sponsor), BAKER, LEMBKE, SANDER, MORRIS, DEMPSEY, NIEVES, REINHART, ERVIN, GUEST, LIPKE, BIVINS, RUPP, MOORE, DETHROW, THRELKELD, DIXON, LUETKEMEYER, STEVENSON, SCHAAF, COOPER (155), BEARDEN, MUNZLINGER, BEAN, QUINN, PHILLIPS, BRUNS, VILLA, HANAWAY, JETTON, WALLACE, WALTON, HAYWOOD, PORTWOOD, KINGERY, SHOEMAKER, DEEKEN, ICET AND HUNTER (Co-sponsors).

Read 1st time January 12, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3702L.011

AN ACT

To repeal sections 168.021, 168.110, 168.124, and 168.291, RSMo, and to enact in lieu thereof five new sections relating to school personnel, with an emergency clause for certain sections.

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

Section A. Sections 168.021, 168.110, 168.124, and 168.291, RSMo, are repealed and
2 five new sections enacted in lieu thereof, to be known as sections 162.032, 168.021, 168.110,
3 168.124, and 168.291, to read as follows:

**162.032. If a school district is annexed to an existing district or divided into two or
2 more districts by a vote of the citizens, or is dissolved under the lapse procedures in section
3 162.081, court action, or any other authority of Missouri or federal laws, the successor
4 school district shall become responsible for ensuring access to continuation of health
5 insurance coverage for retired teachers and employees of the district if the original district
6 offers health insurance coverage to its retirees at the time of its loss of corporate structure.
7 If an original district is divided into multiple successor districts, such responsibility shall
8 be assigned to the successor district with the largest eligible pupil count in the most
9 recently completed school year.**

168.021. 1. Certificates of license to teach in the public schools of the state shall be

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

2 granted as follows:

3 (1) By the state board, under rules and regulations prescribed by it,

4 (a) Upon the basis of college credit;

5 (b) Upon the basis of examination;

6 (2) By the state board, under rules and regulations prescribed by the state board with
7 advice from the advisory council established by section 168.015 to any individual who presents
8 to the state board a valid doctoral degree from an accredited institution of higher education
9 accredited by a regional accrediting association such as North Central Association. Such
10 certificate shall be limited to the major area of postgraduate study of the holder, shall be issued
11 only after successful completion of the examination required for graduation pursuant to rules
12 adopted by the state board of education, and shall be restricted to those certificates established
13 pursuant to subdivision (1) of subsection 3 of this section; [or]

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

18 (a) Recommendation of a state-approved baccalaureate-level teacher preparation
19 program;

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

24 (c) Upon completion of a background check and possession of a valid teaching certificate
25 in the state from which the applicant's teacher preparation program was completed; **or**

26 **(4) By the state board, under rules and regulations prescribed by it, on the basis**
27 **of certification by the American Board for Certification of Teacher Excellence and, at the**
28 **discretion of the state board, certification by any other teacher certification organization**
29 **recognized by the federal government.**

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

38 pursuant to subsection 3 of this section.

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

43 (1) The initial professional certificate shall be issued upon completion of requirements
44 established by the state board of education and shall be valid based upon verification of actual
45 teaching within a specified time period established by the state board of education. The state
46 board shall require holders of the four-year initial professional certificate to:

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

49 (b) Complete thirty contact hours of professional development, which may include hours
50 spent in class in an appropriate college curriculum; and

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

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

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

71 (c) A holder of a career continuous professional certificate shall be exempt from the
72 professional development contact hour requirements of paragraph (b) of this subdivision if such
73 teacher has a local professional development plan in place within such teacher's school district

74 and meets two of the three following criteria:

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

76 b. Possesses a master's degree; or

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

78 4. Policies and procedures shall be established by which a teacher who was not retained

79 due to a reduction in force may retain the current level of certification. There shall also be

80 established policies and procedures allowing a teacher who has not been employed in an

81 educational position for three years or more to reactivate his or her last level of certification by

82 completing twenty-four contact hours of professional development which may include hours

83 spent in the classroom in an appropriate college curriculum within the six months prior to or after

84 reactivating his or her certificate.

85 5. The state board shall, upon an appropriate background check, issue a professional

86 certificate classification in the areas most closely aligned with an applicant's current areas of

87 certification, commensurate with the years of teaching experience of the applicant, to any person

88 who is hired to teach in a public school in this state and who possesses a valid teaching

89 certificate from another state[,] **or certification as contemplated under subdivision (4) of**

90 **subsection 1 of this section;** provided that the certificate holder shall annually complete the state

91 board's requirements for such level of certification, and shall establish policies by which

92 residents of states other than the state of Missouri may be assessed a fee for a certificate license

93 to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover

94 any or all costs associated with the issuing of a certificate of license to teach.

95 6. The state board may assess to holders of an initial professional certificate a fee, to be

96 deposited into the excellence in education revolving fund established pursuant to section

97 160.268, RSMo, for the issuance of the career continuous professional certificate. However,

98 such fee shall not exceed the combined costs of issuance and any criminal background check

99 required as a condition of issuance.

100 7. Any member of the public school retirement system of Missouri who entered covered

101 employment with ten or more years of educational experience in another state or states and held

102 a certificate issued by another state and subsequently worked in a school district covered by the

103 public school retirement system of Missouri for ten or more years who later became certificated

104 in Missouri shall have that certificate dated back to his or her original date of employment in a

105 Missouri public school.

168.110. The board of education of a school district may modify an indefinite contract

2 annually on or before the fifteenth day of May in the following particulars:

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

4 (2) Fixing the amount of annual compensation for the following school year as provided

5 by the salary schedule adopted by the board of education applicable to all teachers. **Districts**
6 **may provide a salary that includes hiring incentives or salary schedule modifications to**
7 **attract and retain teachers based upon demonstrated need for teachers certified in shortage**
8 **areas. Districts may also provide such incentives or schedule modifications to attract and**
9 **retain teachers with qualities, experience, or credentials that are exceptionally well suited**
10 **to a district's needs for academic improvement or to compensate teachers who undertake**
11 **difficult assignments, including but not limited to teaching in a classroom that exceeds the**
12 **recommended class size for that grade level according to Missouri school improvement**
13 **program standards. In exchange for such incentives, teachers may be required to teach**
14 **in the district offering the incentive for a period of up to three school years. Districts shall**
15 **have the decision-making authority on whether to provide such incentives and**
16 **modifications within the limits of this section.** The modifications shall be effective at the
17 beginning of the next school year. All teachers affected by the modification shall be furnished
18 written copies of the modifications within thirty days after their adoption by the board of
19 education.

168.124. **1.** The board of education of a school district may place on leave of absence
2 as many teachers as may be necessary because of a decrease in pupil enrollment, school district
3 reorganization or the financial condition of the school district. **Except as provided under the**
4 **conditions prescribed in subsection 3 of this section,** in placing teachers on leave, the board
5 of education shall be governed by the following provisions:

6 (1) No permanent teacher shall be placed on leave of absence while probationary
7 teachers are retained in positions for which a permanent teacher is qualified;

8 (2) Permanent teachers shall be retained on the basis of performance-based evaluations
9 and seniority (however, seniority shall not be controlling) within the field of specialization;

10 (3) Permanent teachers shall be reinstated to the positions from which they have been
11 given leaves of absence, or if not available, to positions requiring like training and experience,
12 or to other positions in the school system for which they are qualified by training and experience;

13 (4) No appointment of new teachers shall be made while there are available teachers on
14 unrequested leave of absence who are properly qualified to fill such vacancies;

15 (5) A teacher placed on leave of absence may engage in teaching or another occupation
16 during the period of such leave;

17 (6) The leave of absence shall not impair the tenure of a teacher;

18 (7) The leave of absence shall continue for a period of not more than three years unless
19 extended by the board.

20 **2. Except as provided in subsection 3 of this section, if a school district places a**
21 **contracted teacher on leave of absence more than thirty days but less than sixty days after**

22 the governor signs the elementary and secondary education appropriation bill, the district
23 shall pay the affected teacher a sum equal to one-quarter of the value of that teacher's
24 contract. If a school district places a contracted teacher on leave of absence more than
25 sixty days after the governor signs the elementary and secondary education appropriation
26 bill but before half of that school year is completed, the district shall pay the affected
27 teacher a sum equal to one-half of the value of that teacher's contract.

28 **3. The provisions of subsection 1 of this section may be suspended for one school**
29 **year by a vote of the district board of education during a fiscal year in which the**
30 **commissioner of education determines that funds appropriated for basic state aid to**
31 **education pursuant to section 163.031, RSMo, do not increase by at least the level of**
32 **inflation as calculated by the consumer price index for all urban consumers or successor**
33 **index, when the school district meets one of the following conditions:**

34 **(1) A district is determined to be financially stressed as defined in section 161.520,**
35 **RSMo;**

36 **(2) A district is declared unaccredited or provisionally accredited or a district has**
37 **a school that is declared academically deficient or that enters school improvement status**
38 **under federal law;**

39 **(3) A district has a school building that has been declared persistently dangerous;**

40 **(4) A district has:**

41 **(a) A decrease in enrollment of five percent or more annually over a period of two**
42 **or more years;**

43 **(b) A cumulative increase in enrollment of five percent or more over a period of two**
44 **years;**

45 **(c) An average class size for kindergarten through grade two in excess of the**
46 **acceptable levels prescribed for the Missouri school improvement program or successor**
47 **accreditation program; or**

48 **(5) A district has proposed two consecutive operational or capital funding tax**
49 **increases within the last five years that are not approved by the voters.**

50 **4. The vote of the district board shall occur only from July first to August fifteenth**
51 **of such fiscal year, or within forty-five calendar days after any executive withholding of**
52 **such appropriated funds within the fiscal year if the commissioner of education determines**
53 **that such withholding causes the level of released funds to meet the condition prescribed**
54 **in subsection 3 of this section. A school district that votes to suspend the provisions of**
55 **subsection 1 of this section shall base its decision for any individual involved in a reduction**
56 **in force, pursuant to the criteria prescribed in subdivision (2) of subsection 1 of this**
57 **section, by giving significant weight to performance over seniority.**

168.291. **1. Except under the conditions prescribed in subsection 2 of this section,**
2 whenever it is necessary to decrease the number of employees because of insufficient funds or
3 decrease in pupil enrollment or lack of work the board of education may cause the necessary
4 number of employees, beginning with those serving probationary periods, to be placed on leave
5 of absence without pay, but only in the inverse order of their appointment. Each employee
6 placed on leave of absence shall be reinstated in inverse order of his **or her** placement on leave
7 of absence. Such reemployment shall not result in a loss of status or credit for previous periods
8 of service. No new appointments shall be made while there are available employees on leave
9 of absence who have not attained the age of seventy years and who are adequately qualified to
10 fill the vacancy in the particular department unless the employees fail to advise the board within
11 thirty days from date of notification by the board that positions are available to them, that they
12 will return to employment, and will assume the duties of the position to which they are appointed
13 not later than the beginning of the month following the date of the notice by the board.

14 **2. The provisions of subsection 1 of this section may be suspended for one school**
15 **year by a vote of the district board of education during any fiscal year in which the**
16 **commissioner of education determines that funds appropriated for basic state aid to**
17 **education under section 163.031 do not increase by at least the level of inflation as**
18 **calculated by the consumer price index for all urban consumers, or its successor index,**
19 **when the school district meets one of the following conditions:**

20 **(1) A district is determined to be financially stressed as defined in section 161.520,**
21 **RSMo;**

22 **(2) A district is declared unaccredited or provisionally accredited or a district has**
23 **a school that is declared academically deficient or that enters school improvement status**
24 **under federal law;**

25 **(3) A district has a school building that has been declared persistently dangerous;**

26 **(4) A district has:**

27 **(a) A decrease in enrollment of five percent or more annually over a period of two**
28 **or more years;**

29 **(b) A cumulative increase in enrollment of five percent or more over a period of two**
30 **years;**

31 **(c) An average class size for kindergarten through grade two in excess of the**
32 **acceptable levels prescribed for the Missouri school improvement program, or its successor**
33 **accreditation program; or**

34 **(5) A district has proposed two consecutive operational or capital funding tax**
35 **increases within the last five years that are not approved by the voters.**

36 **3. The vote of the district board shall occur only from July first to August fifteenth**

37 **of such fiscal year, or within forty-five calendar days after any executive withholding of**
38 **such appropriated funds within the fiscal year if the commissioner of education determines**
39 **that such withholding causes the level of released funds to meet the condition prescribed**
40 **in subsection 2 of this section. A school district that votes to suspend the provisions of**
41 **subsection 1 of this section shall base its decision for any individual involved in a reduction**
42 **in force giving significant weight to performance over seniority.**

Section B. Because immediate action is necessary to ensure the issuance of teacher
2 contracts occurs under conditions that permit all parties enough time for fair consideration the
3 repeal and reenactment of sections 168.110, 168.124, and 168.291 of section A of this act is
4 deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,
5 and is hereby declared to be an emergency act within the meaning of the constitution, and the
6 repeal and reenactment of sections 168.110, 168.124, and 168.291 of section A of this act shall
7 be in full force and effect July 1, 2004, or upon its passage or approval whichever later occurs.