

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 297
93RD GENERAL ASSEMBLY

Reported from the Committee on Education, April 13, 2005, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0895S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 105.458, 160.522, 168.104, 168.211, 168.221, 168.261, and 168.515, RSMo, and to enact in lieu thereof seven new sections relating to elementary and secondary education.

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

Section A. Sections 105.458, 160.522, 168.104, 168.211, 168.221, 168.261, and
2 168.515, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known
3 as sections 105.458, 160.522, 168.104, 168.211, 168.221, 168.261, and 168.515, to read
4 as follows:

105.458. 1. No member of any legislative or governing body of any political
2 subdivision of the state shall:

3 (1) Perform any service for such political subdivision or any agency of the
4 political subdivision for any consideration other than the compensation provided for the
5 performance of his or her official duties, **except as otherwise provided in this**
6 **section**; or

7 (2) Sell, rent or lease any property to the political subdivision or any agency of
8 the political subdivision for consideration in excess of five hundred dollars per
9 transaction or one thousand five hundred dollars per annum, **or in the case of a**
10 **school board five thousand dollars per annum**, unless the transaction is made
11 pursuant to an award on a contract let or a sale made after public notice and in the case
12 of property other than real property, competitive bidding, provided that the bid or offer
13 accepted is the lowest received; or

14 (3) Attempt, for any compensation other than the compensation provided for the

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

15 performance of his or her official duties, to influence the decision of any agency of the
16 political subdivision on any matter; except that, this provision shall not be construed to
17 prohibit such person from participating for compensation in any adversary proceeding
18 or in the preparation or filing of any public document or conference thereon.

19 2. No sole proprietorship, partnership, joint venture, or corporation in which any
20 member of any legislative body of any political subdivision is the sole proprietor, a
21 partner having more than a ten percent partnership interest, or a coparticipant or owner
22 of in excess of ten percent of the outstanding shares of any class of stock, shall:

23 (1) Perform any service for the political subdivision or any agency of the political
24 subdivision for any consideration in excess of five hundred dollars per transaction or one
25 thousand five hundred dollars per annum, **or in the case of a school board five**
26 **thousand dollars per annum**, unless the transaction is made pursuant to an award
27 on a contract let after public notice and competitive bidding, provided that the bid or
28 offer accepted is the lowest received;

29 (2) Sell, rent or lease any property to the political subdivision or any agency of
30 the political subdivision where the consideration is in excess of five hundred dollars per
31 transaction or one thousand five hundred dollars per annum, **or in the case of a**
32 **school board five thousand dollars per annum**, unless the transaction is made
33 pursuant to an award on a contract let or a sale made after public notice and in the case
34 of property other than real property, competitive bidding, provided that the bid or offer
35 accepted is the lowest received.

160.522. 1. [School districts shall provide, at least annually, a school
2 accountability report card for each school building to any household with a student
3 enrolled in the district. Methods of distribution of the school accountability report card
4 may include, but are not restricted to:

5 (1) Distribution at the time and place of student enrollment;

6 (2) Inclusion with student grade reports;

7 (3) Newspaper publication;

8 (4) Posting by the school district by Internet or other electronic means generally
9 accessible to the public; or

10 (5) Making copies available upon request at all school or administrative buildings
11 in any school district.

12 The school district reports shall be distributed to all media outlets serving the district,
13 and shall be made available, upon request, to all district patrons and to each member
14 of the general assembly representing a legislative district which contains a portion of the
15 school district] **The department of elementary and secondary education shall**

16 **produce or cause to be produced, at least annually, a school accountability**
17 **report card for each public school district, each public school building in a**
18 **school district, and each charter school in the state. The report card shall be**
19 **designed to satisfy state and federal requirements for the disclosure of**
20 **statistics about students, staff, finances, academic achievement, and other**
21 **indicators. The purpose of the report card shall be to provide educational**
22 **statistics and accountability information for parents, taxpayers, school**
23 **personnel, legislators, and the print and broadcast news media in a**
24 **standardized, easily accessible form.**

25 2. The department of elementary and secondary education shall develop a
26 standard form for the school accountability report card [which may be used by school
27 districts]. The information reported shall include, but not be limited to, **the district's**
28 **most recent accreditation rating**, enrollment, rates of pupil attendance, high school
29 dropout rate[, the rates and durations of, and reasons for,] **and graduation rate, the**
30 **number and rate of** suspensions of ten days or longer and expulsions of pupils,
31 [staffing ratios, including] the district ratio of students to [all teachers, to]
32 administrators[,] and **students** to classroom teachers, the average years of experience
33 of professional staff and advanced degrees earned, student achievement as [determined]
34 **measured** through the assessment system developed pursuant to section 160.518,
35 student scores on the [SAT or] ACT, [as appropriate,] along with the percentage of
36 [students] **graduates** taking [each] **the** test, average teachers' and administrators'
37 salaries compared to the state averages, [average salaries of noncertificated personnel
38 compared to state averages,] average per pupil **current** expenditures for the district as
39 a whole and by attendance center as reported to the department of elementary and
40 secondary education, [voted and] **the** adjusted tax [rates levied] **rate of the district,**
41 assessed valuation **of the district**, percent of the district operating budget received
42 from state, federal, and local sources, the [number] **percent** of students eligible for free
43 or [reduced] **reduced-price** lunch, [school calendar information, including days of
44 student attendance, parent-teacher conferences, and staff development or in-service
45 training, data on course offerings and rates of participation in parent-teacher
46 conferences, special education programs, early childhood special education programs,
47 parents as teachers programs, vocational education programs, gifted or enrichment
48 programs, and advanced placement programs,] data on the [number] **percent** of
49 students continuing their education in postsecondary programs, and information about
50 **the** job placement **rate** for students who complete district vocational education
51 programs[, and the district's most recent accreditation by the state board of education,

52 including measures for school improvement].

53 3. The [public reporting] **report card** shall permit the disclosure of data on a
54 school-by-school basis, but the reporting shall not be personally identifiable to any
55 student or education professional in the state.

56 4. [The annual report made by the state board of education pursuant to section
57 161.092, RSMo, shall include a summary of school districts accredited, provisionally
58 accredited, and unaccredited under the Missouri school improvement program, including
59 an analysis of standards met and not met, and an analysis of state program assessment
60 data collected pursuant to section 160.526, describing the kinds of tasks students can
61 perform] **The report card shall identify each school or attendance center that
62 has been identified as a priority school under sections 160.720 and 161.092,
63 RSMo. The report also shall identify attendance centers that have been
64 categorized under federal law as needing improvement or requiring specific
65 school improvement strategies.**

66 5. **The report card shall not limit or discourage other methods of public
67 reporting and accountability by local school districts. Districts shall provide
68 information included in the report card to parents, community members, the
69 print and broadcast news media, and legislators by December first annually
70 or as soon thereafter as the information is available to the district, giving
71 preference to methods that incorporate the reporting into substantive official
72 communications such as student report cards. The school district shall
73 provide a printed copy of the district level or school level report card to any
74 patron upon request and shall make reasonable efforts to supply businesses
75 such as, but not limited to, real estate and employment firms with copies or
76 other information about the reports so that parents and businesses from
77 outside the district who may be contemplating relocation have access.**

168.104. The following words and phrases when used in sections 168.102 to
2 168.130, except in those instances where the context indicates otherwise, mean:

3 (1) "Board of education", the school board or board of directors of a school district,
4 except a metropolitan school district, having general control of the affairs of the district;

5 (2) "Demotion", any reduction in salary or transfer to a position carrying a lower
6 salary, except on request of a teacher, other than any change in salary applicable to all
7 teachers or all teachers in a classification;

8 (3) "Indefinite contract", every contract heretofore or hereafter entered into
9 between a school district and a permanent teacher;

10 (4) "Permanent teacher", any teacher who has been employed or who is hereafter

11 employed as a teacher in the same school district for five successive years and who has
12 continued or who thereafter continues to be employed as a teacher by the school district
13 or any supervisor of teachers who was employed as a teacher in the same school district
14 for at least five successive years prior to becoming a supervisor of teachers and who
15 continues thereafter to be employed as a certificated employee by the school district;
16 except that, when a permanent teacher resigns or is permanently separated from
17 employment by a school district, and is afterwards reemployed by the same school
18 district, reemployment for the first school year does not constitute an indefinite contract
19 but if he is employed for the succeeding year, the employment constitutes an indefinite
20 contract; and except that any teacher employed under a part-time contract by a school
21 district shall accrue credit toward permanent status on a prorated basis. Any permanent
22 teacher who is promoted with his consent to a supervisory position including principal
23 or assistant principal, or is first employed by a district in a supervisory position
24 including principal or assistant principal, shall not have permanent status in such
25 position but shall retain tenure in the position previously held within the district, or,
26 after serving two years as principal or assistant principal, shall have tenure as a
27 permanent teacher of that system;

28 (5) "Probationary teacher", any teacher as herein defined who has been employed
29 in the same school district for five successive years or less. In the case of any
30 probationary teacher who has been employed in any other school system as a teacher for
31 two or more years, the board of education shall waive one year of his probationary
32 period;

33 (6) "School district", every school district in this state, except metropolitan school
34 district as defined in section 162.571, RSMo;

35 (7) "Teacher", any employee of a school district, except a metropolitan school
36 district, regularly required to be certified under laws relating to the certification of
37 teachers, except superintendents and assistant superintendents but including certified
38 teachers who teach at the prekindergarten level in a nonmetropolitan public school
39 **within a prekindergarten program in which no fees are charged to parents or**
40 **guardians.**

168.211. 1. In metropolitan districts the superintendent of schools shall be
2 appointed by the board of education for a term of one to ~~four~~ **five** years, during which
3 term his compensation shall not be reduced. The superintendent of schools ~~shall~~ **may**
4 appoint, with the approval of the board, a treasurer, a commissioner of school buildings
5 and he shall serve at the pleasure of the superintendent of schools and as many
6 associate and assistant superintendents as he deems necessary, whose compensation

7 shall be fixed by the board. The superintendent of schools shall give bond in the sum
8 that the board requires but not less than fifty thousand dollars. No employee or agent
9 of the board shall be a member of the board.

10 2. The superintendent of schools shall have general supervision, subject to [the
11 control of] **policies established by** the board, of the school system, including its
12 various departments and physical properties, courses of instruction, discipline and
13 conduct of the schools, textbooks and studies. All appointments, promotions and
14 transfers of teachers **and all other employees**, and introduction and changes of
15 textbooks and apparatus, shall be made by the superintendent with the approval of the
16 board. All appointments and promotions of teachers **and all other employees** shall
17 be made upon the basis of merit, to be ascertained, as far as practicable, in cases of
18 appointment, by examination, and in cases of promotion, by length and character of
19 service. Examinations for appointment shall be conducted by the superintendent under
20 regulations to be made by the board. He shall make such reports to the board that it
21 directs or the rules provide.

22 3. The superintendent of schools shall have general supervision, subject to [the
23 approval of] **policies established by** the board, of all school buildings, apparatus,
24 equipment and school grounds and of their construction, installation, operation, repair,
25 care and maintenance; the purchasing of all supplies and equipment; the operation of the
26 school lunchrooms; the administration of examinations for the appointment and
27 promotion of all employees of the school system; and the preparation and administration
28 of the annual budget for the school system. Subject to the approval of the board of
29 education as to number and salaries, the superintendent may appoint as many
30 employees as are necessary for the proper performance of his duties.

31 4. The board may grant a leave of absence to the superintendent of schools, and
32 may remove him from office by vote of a majority of its members.

33 5. [The] **Should the superintendent hire a** commissioner of school buildings,
34 **said person** shall be a person qualified by reason of education, experience and general
35 familiarity with buildings and personnel to assume the following responsibilities and
36 duties. Subject to the control of the superintendent of schools, he shall exercise
37 supervision over all school buildings, machinery, heating systems, equipment, school
38 grounds and other buildings and premises of the board of education and the construction,
39 installation, operation, repair, care and maintenance related thereto and the personnel
40 connected therewith; the purchasing of building supplies and equipment and such other
41 duties as may be assigned to him by board rules or regulations[, provided that this
42 provision shall not apply to any commissioner of school buildings serving on October 13,

43 1967].

168.221. 1. The first five years of employment of all teachers entering the
2 employment of the metropolitan school district shall be deemed a period of probation
3 during which period all appointments of teachers shall expire at the end of each school
4 year. During the probationary period any probationary teacher whose work is
5 unsatisfactory shall be furnished by the superintendent of schools with a written
6 statement setting forth the nature of his incompetency. If improvement satisfactory to
7 the superintendent is not made within one semester after the receipt of the statement,
8 the probationary teacher shall be dismissed. The semester granted the probationary
9 teacher in which to improve shall not in any case be a means of prolonging the
10 probationary period beyond five years and six months from the date on which the teacher
11 entered the employ of the board of education. The superintendent of schools on or before
12 the fifteenth day of April in each year shall notify probationary teachers who will not be
13 retained by the school district of the termination of their services. Any probationary
14 teacher who is not so notified shall be deemed to have been appointed for the next school
15 year. Any principal who prior to becoming a principal had attained permanent employee
16 status as a teacher shall upon ceasing to be a principal have a right to resume his or her
17 permanent teacher position with the time served as a principal being treated as if such
18 time had been served as a teacher for the purpose of calculating seniority and pay scale.
19 The rights and duties and remuneration of a teacher who was formerly a principal shall
20 be the same as any other teacher with the same level of qualifications and time of
21 service.

22 2. After completion of satisfactory probationary services, appointments of
23 teachers shall become permanent, subject to removal for any one or more causes herein
24 described and to the right of the board to terminate the services of all who attain the age
25 of compulsory retirement fixed by the retirement system. In determining the duration
26 of the probationary period of employment in this section specified, the time of service
27 rendered as a substitute teacher shall not be included.

28 3. No teacher whose appointment has become permanent may be removed except
29 for one or more of the following causes: immorality, inefficiency in line of duty, violation
30 of the published regulations of the school district, violation of the laws of Missouri
31 governing the public schools of the state, or physical or mental condition which
32 incapacitates him for instructing or associating with children, and then only by a vote
33 of not less than a majority of all the members of the board, upon written charges
34 presented by the superintendent of schools, to be heard by the board after thirty days'
35 notice, with copy of the charges served upon the person against whom they are preferred,

36 who shall have the privilege of being present, together with counsel, offering evidence
37 and making defense thereto. Notifications received by an employee during a vacation
38 period shall be considered as received on the first day of the school term following. At
39 the request of any person so charged the hearing shall be public. The action and
40 decision of the board upon the charges shall be final. Pending the hearing of the
41 charges, the person charged may be suspended if the rules of the board so prescribe, but
42 in the event the board does not by a majority vote of all the members remove the teacher
43 upon charges presented by the superintendent, the person shall not suffer any loss of
44 salary by reason of the suspension. Inefficiency in line of duty is cause for dismissal
45 only after the teacher has been notified in writing at least one semester prior to the
46 presentment of charges against him by the superintendent. The notification shall specify
47 the nature of the inefficiency with such particularity as to enable the teacher to be
48 informed of the nature of his inefficiency.

49 4. No teacher whose appointment has become permanent shall be demoted nor
50 shall his salary be reduced unless the same procedure is followed as herein stated for the
51 removal of the teacher because of inefficiency in line of duty, and any teacher whose
52 salary is reduced or who is demoted may waive the presentment of charges against him
53 by the superintendent and a hearing thereon by the board. The foregoing provision shall
54 apply only to permanent teachers prior to the compulsory retirement age under the
55 retirement system. Nothing herein contained shall in any way restrict or limit the power
56 of the board of education to make reductions in the number of teachers or principals, or
57 both, because of insufficient funds, decrease in pupil enrollment, or abolition of
58 particular subjects or courses of instruction, except that the abolition of particular
59 subjects or courses of instruction shall not cause those teachers who have been teaching
60 the subjects or giving the courses of instruction to be placed on leave of absence as
61 herein provided who are qualified to teach other subjects or courses of instruction, if
62 positions are available for the teachers in the other subjects or courses of instruction.

63 5. Whenever it is necessary to decrease the number of teachers [or principals, or
64 both,] because of insufficient funds or a substantial decrease of pupil population within
65 the school district, the board of education upon recommendation of the superintendent
66 of schools may cause the necessary number of teachers [or principals, or both,] beginning
67 with those serving probationary periods, to be placed on leave of absence without pay,
68 but only in the inverse order of their appointment. Nothing herein stated shall prevent
69 a readjustment by the board of education of existing salary schedules. No teacher [or
70 principal] placed on a leave of absence shall be precluded from securing other
71 employment during the period of the leave of absence. Each teacher [or principal] placed

72 on leave of absence shall be reinstated in inverse order of his placement on leave of
73 absence. Such reemployment shall not result in a loss of status or credit for previous
74 years of service. No new appointments shall be made while there are available teachers
75 [or principals] on leave of absence who are seventy years of age or less and who are
76 adequately qualified to fill the vacancy unless the teachers [or principals] fail to advise
77 the superintendent of schools within thirty days from the date of notification by the
78 superintendent of schools that positions are available to them that they will return to
79 employment and will assume the duties of the position to which appointed not later than
80 the beginning of the school year next following the date of the notice by the
81 superintendent of schools.

82 6. If any regulation which deals with the promotion of either teachers [or
83 principals, or both,] is amended by increasing the qualifications necessary to be met
84 before a teacher [or principal] is eligible for promotion, the amendment shall fix an
85 effective date which shall allow a reasonable length of time within which teachers [or
86 principals] may become qualified for promotion under the regulations.

168.261. A director of personnel [shall] **may** be appointed by the superintendent
2 of schools subject to the approval of the board of education of the metropolitan school
3 district. The director of personnel shall be a member of a personnel committee
4 representing certificated and noncertificated employees, the committee to be appointed
5 in the manner that the rules of the board of education provide.

168.515. 1. Each teacher selected to participate in a career plan established
2 under sections 168.500 to 168.515, who meets the requirements of such plan, shall
3 receive a salary supplement, the state's share of which shall be distributed under section
4 163.031, RSMo, equal to the following amounts applied to the career ladder entitlement
5 of line 15 of subsection 6 of section 163.031, RSMo:

6 (1) Career stage I teachers may receive up to an additional one thousand five
7 hundred dollars per school year;

8 (2) Career stage II teachers may receive up to an additional three thousand
9 dollars per school year;

10 (3) Career stage III teachers may receive up to an additional five thousand
11 dollars per school year.

12 All teachers within each stage within the same school district shall receive equal salary
13 supplements.

14 2. The state shall make payments pursuant to section 163.031, RSMo, to the local
15 school district for the purpose of reimbursing the local school district for the payment
16 of any salary supplements provided for in this section, subject to the availability of funds

17 as appropriated each year and distributed on a variable match formula which shall be
 18 based on equalized assessed valuation of the district for the second preceding school
 19 year. A district's equalized assessed valuation shall be multiplied by the district income
 20 factor defined in section 163.011, RSMo, and shall be known as the adjusted equalized
 21 assessed valuation.

22 3. In distributing these matching funds, school districts shall be ranked by the
 23 adjusted equalized assessed valuation for the second preceding school year per eligible
 24 pupil from the highest to the lowest and divided into three groups. Group one shall
 25 contain the highest twenty-five percent of all public school districts, groups two and
 26 three combined shall contain the remaining seventy-five percent of all public school
 27 districts. The districts in groups two and three shall be rank-ordered from largest to
 28 smallest based on enrollment as of the last Wednesday in September during the second
 29 preceding school year, group two shall contain twenty-five percent of all public school
 30 districts that are larger on the enrollment-based rank-ordered list and group three shall
 31 contain the remaining fifty percent of all public school districts. Pursuant to subsection
 32 4 of this section, districts in group one shall receive forty percent state funding and shall
 33 contribute sixty percent local funding, group two shall receive fifty percent state funding
 34 and shall contribute fifty percent local funding and group three shall receive sixty
 35 percent state funding and shall contribute forty percent local funding.

36 4. The incremental groups are as follows:

37	Percentage	Percentage	Percentage
38 Group	of Districts	of State Funding	of Local Funding
39 1	25%	40%	60%
40 2	25%	50%	50%
41 3	50%	60%	40%

42 5. Beginning in the 1996-97 school year, any school district in any group which
 43 participated in the career ladder program in 1995-96 and paid less than the local funding
 44 percentage required by subsection 4 of this section shall increase its local share of career
 45 ladder costs by five percentage points from the preceding year until the district pays the
 46 percentage share of cost required by subsection 4 of this section, and in no case shall the
 47 local funding percentage be increased by a greater amount for any year. For any district,
 48 the state payment shall not exceed the local payment times the state percentage share
 49 divided by the local percentage share. **Except as provided in subsection 10 of this**
 50 **section**, any district not participating in the 1995-96 school year or any district which
 51 interrupts its career ladder program for any subsequent year shall enter the program on
 52 the cost-sharing basis required by subsection 4 of this section.

53 6. Not less than every fourth year, beginning with calendar year 1988, the
54 general assembly, through the joint committee established under section 160.254, RSMo,
55 shall review the amount of the career pay provided for in this section to determine if any
56 increases are necessary to reflect the increases in the cost of living which have occurred
57 since the salary supplements were last reviewed or set.

58 7. To participate in the salary supplement program established under this
59 section, a school district may submit to the voters of the district a proposition to increase
60 taxes for this purpose. If a school district's current tax rate ceiling is at or above the
61 rate from which an increase would require a two-thirds majority, the school board may
62 submit to the voters of the district a proposition to reduce or eliminate the amount of the
63 levy reduction resulting from section 164.013, RSMo. If a majority of the voters voting
64 thereon vote in favor of the proposition, the board may certify that seventy-five percent
65 of the revenue generated from this source shall be used to implement the salary
66 supplement program established under this section.

67 8. In no case shall a school district use state funds received under this section
68 nor local revenue generated from a tax established under subsection 7 of this section to
69 comply with the minimum salary requirements for teachers established pursuant to
70 section 163.172, RSMo.

71 9. Beginning in the 1996-97 school year, for any teacher who participated in the
72 career program in the 1995-96 school year, continues to participate in the program
73 thereafter, and remains qualified to receive career pay pursuant to section 168.510, the
74 state's share of the teacher's salary supplement shall continue to be the percentage paid
75 by the state in the 1995-96 school year, notwithstanding any provisions of subsection 4
76 of this section to the contrary, and the state shall continue to pay such percentage of the
77 teacher's salary supplement until any of the following occurs:

78 (1) The teacher ceases his or her participation in the program; or

79 (2) The teacher suspends his or her participation in the program for any school
80 year after the 1995-96 school year. If the teacher later resumes participation in the
81 program, the state funding shall be subject to the provisions of subsection 4 of this
82 section.

83 **10. Any school district that participated in the career ladder program**
84 **prior to the 2001-2002 school year but ceased its participation at any time**
85 **from July 1, 2001, to July 1, 2005, may resume participation in the program**
86 **no later than July 1, 2006, at the same matching level, pursuant to subsections**
87 **4 and 5 of this section, for which the district qualified during its last year of**
88 **participation.**

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