

FIRST REGULAR SESSION

HOUSE BILL NO. 1272

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES EL-AMIN (Sponsor), ZWEIFEL,
STREAM AND PORTWOOD (Co-sponsors).

Read 1st time March 29, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2671L.02I

AN ACT

To repeal sections 162.581, 162.601, 162.611, 162.626, 167.029, 167.296, and 171.031, RSMo, and to enact in lieu thereof sixteen new sections relating to the metropolitan school district.

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

Section A. Sections 162.581, 162.601, 162.611, 162.626, 167.029, 167.296, and
2 171.031, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as
3 sections 135.099, 161.660, 162.581, 162.601, 162.611, 162.627, 162.1150, 162.1153, 162.1156,
4 162.1159, 162.1162, 162.1165, 162.1168, 167.029, 167.296, and 171.031, to read as follows:

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

- 2 (1) "Contribution", a donation of cash, stock, bonds, or other marketable
3 securities, or real property solely for the benefit of extended day child care programs in a
4 metropolitan school district;
5 (2) "Department", the department of elementary and secondary education;
6 (3) "Director", the director of the department of revenue;
7 (4) "State tax liability", in the case of a business taxpayer, any liability incurred by
8 such taxpayer under the provisions of chapters 143, 147, 148, and 153, RSMo, excluding
9 sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual
10 taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143,
11 RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

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

12 (5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder
13 in an S corporation doing business in the state of Missouri and subject to the state income
14 tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual
15 corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance
16 company paying an annual tax on its gross premium receipts in this state, or other
17 financial institution paying taxes to the state of Missouri or any political subdivision of this
18 state under the provisions of chapter 148, RSMo, or an express company which pays an
19 annual tax on its gross receipts in this state under chapter 153, RSMo, or an individual
20 subject to the state income tax imposed by the provisions of chapter 143, RSMo.

21 2. For all tax years beginning on or after January 1, 2008, a taxpayer shall be
22 allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal
23 to fifty percent of such taxpayer's contribution to the department for deposit in the
24 extended day child care fund provided under section 167.296, RSMo, to be used for the
25 benefit of extended day child care programs in a metropolitan school district.

26 3. The amount of the tax credit claimed shall not exceed the amount of the
27 taxpayer's state tax liability for the taxable year for which the credit is claimed, and such
28 taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per
29 taxable year. However, any tax credit that cannot be claimed in the taxable year the
30 contribution was made may be carried over to the next four succeeding taxable years until
31 the full credit has been claimed.

32 4. Upon receipt of a contribution, the department shall issue the taxpayer making
33 such contribution a tax credit certificate detailing the amount of the contribution or its fair
34 market value, and the date of such contribution. The department shall provide
35 information to the director concerning the identity of each taxpayer making a contribution
36 who is claiming a tax credit under this section and the amount of such contribution.

37 5. The cumulative amount of tax credits which may be claimed by all the taxpayers
38 contributing in any one fiscal year shall not exceed two million dollars. Tax credits shall
39 be issued in the order contributions are received.

40 6. The department and the department of revenue may promulgate rules necessary
41 to implement the provisions of this section. Any rule or portion of a rule, as that term is
42 defined in section 536.010, RSMo, that is created under the authority delegated in this
43 section shall become effective only if it complies with and is subject to all of the provisions
44 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
45 536, RSMo, are nonseverable and if any of the powers vested with the general assembly
46 under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul

47 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
48 any rule proposed or adopted after August 28, 2007, shall be invalid and void.

49 7. Under section 23.253, RSMo, of the Missouri sunset act:

50 (1) Any new program authorized under this section shall automatically sunset six
51 years after August 28, 2007, unless reauthorized by an act of the general assembly; and

52 (2) If such program is reauthorized, the program authorized under this section
53 shall automatically sunset twelve years after the effective date of the reauthorization of this
54 section; and

55 (3) This section shall terminate on September first of the calendar year immediately
56 following the calendar year in which a program authorized under this section is sunset.

161.660. The department of elementary and secondary education shall develop, by
2 July 1, 2008, a teacher assessment program for use by all school districts within this state.
3 Such assessment shall be a comprehensive, performance-based evaluation of the teacher.
4 The assessment may include the use of the Praxis Examination, the National Teacher
5 Examination, or other existing assessment tools. Multiple assessments shall be developed
6 in order to assess each teacher according to the specific subject area taught by the teacher.
7 The department may promulgate rules in order to effectuate the provisions of this section,
8 including objective measures to determine whether a teacher demonstrates a minimum
9 level of competency in the teacher's subject area, as well as whether a teacher demonstrates
10 a high level of competency in the teacher's subject area based on a score of ninety percent
11 or better on the assessment. Any rule or portion of a rule, as that term is defined in section
12 536.010, RSMo, that is created under the authority delegated in this section shall become
13 effective only if it complies with and is subject to all of the provisions of chapter 536,
14 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
15 nonseverable and if any of the powers vested with the general assembly pursuant to
16 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
17 are subsequently held unconstitutional, then the grant of rulemaking authority and any
18 rule proposed or adopted after August 28, 2007, shall be invalid and void.

162.581. 1. The members of the board of education shall be elected from the city, as
2 provided in section 162.601, on a general ticket, and shall be at least twenty-four years of age,
3 citizens and residents of the city[, and shall have been residents and citizens] for at least three
4 years immediately preceding their election, **and residents of the subdistrict from which they**
5 **are elected for at least one year immediately preceding their election.** They shall not hold
6 any office, except that of notary public, in the city or state, nor be interested in any contract with
7 or claim against the board, either directly or indirectly. If, at any time after [the] **a board**
8 **member's** election [of] , any member of the board [he] becomes interested in any contract with

9 or claim against the board, either directly or indirectly, or as agent or employee of any individual,
10 firm or corporation, which is so interested, [he] **the member** shall thereupon be disqualified to
11 continue as a member of the board, and shall continue to be so disqualified during the remainder
12 of the term for which [he] **the member** was elected.

13 2. Every member of the board, before assuming the duties of [his] **the** office, shall take
14 oath before a circuit or associate circuit judge of the city, which oath shall be kept of record in
15 the office of the board, that [he] **the member** possesses all the qualifications required by this
16 section, and that [he] **the member** will not, while serving as a member of the board, become
17 interested in any contract with or claim against the board, directly or indirectly, or as agent or
18 employee of any individual, firm or corporation which is so interested, and that [he] **the member**
19 will not be influenced, during [his] **the** term of office, by any consideration except that of merit
20 and fitness in the appointment of officers and the engagement of employees.

21 3. No compensation shall be paid to the members of the board, but they are exempt from
22 service as election officers during the term of office.

162.601. 1. Elected members of the board in office on August 28, [1998] **2007**, shall
2 hold office for the length of term for which they were elected, and any members appointed
3 pursuant to section 162.611 to fill vacancies left by elected members in office on August 28,
4 [1998] **2007**, shall serve for the remainder of the term to which the replaced member was elected.

5 2. [No board members shall be elected at the first municipal election in an odd-numbered
6 year next following August 28, 1998.

7 3.] Three board members, **one from each even-numbered subdistrict**, shall be elected
8 at the [second] municipal election in [an odd-numbered year next following August 28, 1998,]
9 **the year 2005 and every four years thereafter** to serve four-year terms.

10 [4.] **3.** Four board members, **one from each odd-numbered subdistrict**, shall be elected
11 at the [third] municipal election in [an odd-numbered year next following August 28, 1998, and
12 two of such members shall be elected to] **the year 2007 and every four years thereafter to**
13 **serve** four-year terms and two of such members, **one each from subdistricts numbered 1 and**
14 **3**, shall be elected to [three-year] **one-year** terms, **on the first Tuesday following the first**
15 **Monday in April 2009, to replace those members who were elected to three-year terms in**
16 **2006**]. For the two members elected at the municipal election in 2006, the terms of such
17 members shall expire after their successors are elected and qualified pursuant to subsection 6 of
18 this section].

19 [5.] **4.** Beginning with the [fourth] municipal election in [an odd-numbered year next
20 following August 28, 1998,] **2008**, and at each succeeding municipal election in a year during
21 which board member terms expire, there shall be elected members of the board of education,
22 who shall assume the duties of their office at the first regular meeting of the board of education

23 after their election, and, **except as provided in subsection 3 of this section**, who shall hold
24 office for four years, and until their successors are elected and qualified.

25 [6. For the two board members who are elected at the municipal election in 2006, their
26 successors thereafter shall be elected at the general election in the year in which their terms
27 expire.

28 7.] **5.** Members of the board of directors shall be elected to represent seven subdistricts.
29 [The subdistricts shall be established by the state board of education to be compact, contiguous
30 and as nearly equal in population as practicable. The subdistricts shall be revised by the state
31 board of education after each decennial census and at any other time the state board determines
32 that the district's demographics have changed sufficiently to warrant redistricting.

33 8.] A member shall reside in and be elected [in] **by the voters of** the subdistrict which
34 the member is elected to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27.
35 Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of
36 wards **17**, 18, 19, [20] and 26. Subdistrict 4 shall be comprised of wards 6, 7, [17] **9**, and [28]
37 **20**. Subdistrict 5 shall be comprised of wards [9, 10, 11 and 12] **11, 12, 13, and 25**. Subdistrict
38 6 shall be comprised of wards [13, 14, 16 and 25] **16, 23, 24, and 28**. Subdistrict 7 shall be
39 comprised of wards 8, [15, 23 and 24] **10, 14, and 15**. **In the event the aggregate number of**
40 **wards in the district shall be either increased or decreased in total number, or if the wards**
41 **in one or more subdistricts are no longer contiguous upon reapportionment or redistricting**
42 **of the wards by the city after each decennial census, the subdistricts shall, after notice and**
43 **a public hearing, be redistricted by the state board of education, within six months after**
44 **the wards are no longer contiguous or are increased or decreased in total number. The**
45 **subdistricts established by the state board of education shall be compact, contiguous, as**
46 **nearly equal in population as possible, and shall not cross ward lines unless the total**
47 **number of wards may not be evenly divided by seven.**

162.611. Any member failing to attend the meetings of the board for three consecutive
2 regular meetings, unless excused by the board for reasons satisfactory to the board, shall be
3 deemed to have vacated [his] **the** seat; and the secretary of the board shall certify that fact to the
4 mayor. The secretary shall likewise certify to the mayor any other vacancy occurring in the
5 board. Any vacancy shall be filled by the mayor by appointment **of a qualified resident of the**
6 **subdistrict** for the remainder of the term.

162.627. 1. There is hereby established in the metropolitan school district a
2 **program of multiyear teacher-student groupings. The program shall seek to improve**
3 **student learning by providing a long-term relationship between the student and a**
4 **particular teacher. The board shall provide for grade-level groups of first through third**
5 **grade, fourth through sixth grade, seventh through ninth grade, and tenth through twelfth**

6 grade throughout which classes shall maintain the same group of students with the same
7 teacher for multi-year periods. The board shall establish a policy and a procedure to
8 review and act upon requests by a student or the parent of a student that the student be
9 transferred to a different class with a different teacher. All policies established by the
10 board under this section shall be subject to review and approval of the state board of
11 education.

12 2. The provisions of section 23.253, RSMo, shall not apply to this section.

162.1150. Sections 162.1150 to 162.1168 shall be known and may be cited as the
2 "Metropolitan School District Improvement Act".

162.1153. 1. In order to attract and retain teachers with demonstrable or
2 measurable qualities, experience, or credentials that are exceptionally well suited to the
3 metropolitan school district's needs for academic improvement in the areas of math,
4 science, special education, and English as a second language, the metropolitan school
5 district shall provide an increased starting salary for teachers that work in the areas of
6 math, science, special education, and English as a second language. Such increase shall be
7 between three thousand dollars and five thousand dollars more than the starting salary for
8 a teacher in the district, as determined by the district.

9 2. In order to attract and retain teachers who are willing to submit to assessment
10 in exchange for agreed upon salary increases and modifications, any applicant for a
11 teaching position at a school within the district or a teacher currently employed as such
12 within the district may enter into an agreement with the district that sets forth the
13 following:

14 (1) The starting or current salary of the teacher;

15 (2) The potential salary incentives and increases that the teacher shall receive,
16 provided that the teacher meets certain performance evaluation standards as provided in
17 subsection 3 of this section;

18 (3) The ability of the school district to take disciplinary action, including dismissal,
19 against the teacher if such teacher does not meet the performance evaluation standards as
20 provided in subsection 3 of this section; and

21 (4) The consent of the teacher to opt out of the tenure provisions of section 168.221,
22 RSMo.

23 3. The school district shall create performance evaluation standards to be applied
24 when evaluating teachers subject to the provisions of subsection 2 of this section. Such
25 standards shall include an annual evaluation of the teacher by a peer review group. For
26 purposes of this subdivision, the term "peer review group" shall include the principal of
27 the school where the teacher is employed, one or more teachers employed in the school

28 where the teacher is employed, one or more students attending the school where the teacher
29 is employed, and one or more parents of students attending the school where the teacher
30 is employed. The principal shall appoint such teacher, student, and parent members of the
31 peer review group. The standards shall also include a determination that the scores of
32 students taught by the teacher on the statewide assessment as provided in section 160.518,
33 RSMo, over the course of two years are improving to an acceptable degree, as determined
34 by the school district.

35 4. Salary increases provided by this section shall be paid from the "Metropolitan
36 School District Improvement Fund" which is hereby created as a special trust fund in the
37 state treasury. Moneys in the fund shall consist of any grant, gift, or contribution from any
38 and all public and private sources whatsoever that is designated for such purpose,
39 including funds appropriated from the general revenue fund. The state treasurer shall be
40 custodian of the fund and may approve disbursements from the fund in accordance with
41 sections 30.170 and 30.180, RSMo. The department of elementary and secondary
42 education shall administer the fund and shall ensure that money in the fund is used only
43 for the salaries of teachers subject to the provisions of this section, and for the purposes set
44 forth in sections 162.1156 and 162.1165. Notwithstanding the provisions of section 33.080,
45 RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall
46 not revert to the credit of the general revenue fund. The state treasurer shall invest
47 moneys in the fund in the same manner as other funds are invested. Any interest and
48 moneys earned on such investments shall be credited to the fund.

162.1156. 1. The department of elementary and secondary education shall annually
2 assess the percentage increase or decrease in the scores of each school within a
3 metropolitan school district on the statewide assessment as provided in section 160.518,
4 RSMo. The department shall then annually compile a list of the top ten percent of schools
5 in terms of an increase in the scores on the statewide assessment as compared to the
6 previous year. The following personnel in each of the schools determined by the
7 department to be in the top ten percent shall receive the following one-time bonuses:

- 8 (1) The principal of the school shall receive two thousand dollars;
9 (2) The assistant principal of the school shall receive one thousand five hundred
10 dollars; and
11 (3) Each employee of the school, except for the principal, the assistant principal and
12 every teacher, shall receive five hundred dollars.
13 In addition, the school shall receive a one-time stipend of two thousand dollars to be used
14 for the purchase of textbooks or other educational materials, as determined by the
15 principal.

16 **2. Moneys from the metropolitan school district improvement fund created in**
17 **section 162.1153 shall be used to pay for the bonuses and stipends required by subsection**
18 **1 of this section.**

162.1159. Every student enrolled at a school within the metropolitan school district
2 **shall be assessed every six weeks to determine the student's proficiency in the knowledge,**
3 **skills, and competencies adopted by the state board of education under subsection 1 of**
4 **section 160.514, RSMo. The state board of education shall develop assessment tools to be**
5 **administered by the metropolitan school district. Any student that fails to demonstrate the**
6 **proficiency required by this section shall receive remedial tutoring from the school district**
7 **until such time as the student has demonstrated the proficiency required by this section.**
8 **Moneys from the metropolitan school district investment fund created in section 162.1153**
9 **shall be used to pay for the cost of such remedial tutoring.**

162.1162. 1. Beginning August 28, 2008, the metropolitan school district shall
2 **require each teacher to be assessed every five years to determine the competency of the**
3 **teacher in the teacher's subject area or areas.**

4 **2. The school district shall utilize one or more of the assessments developed by the**
5 **department of elementary and secondary education in section 161.660, RSMo. The school**
6 **district shall notify each teacher of the results of the assessment by certified mail sent to**
7 **the teacher.**

8 **3. Any teacher who fails to demonstrate a minimum level of competency, based on**
9 **the results of the assessment required by subsection 1 of this section, shall be allowed to re-**
10 **take the assessment no more than one time within three months after receiving notification**
11 **of the failure.**

12 **4. Notwithstanding the provisions of sections 168.221, RSMo and 168.281, RSMo,**
13 **a teacher that fails to demonstrate a minimum level of competency shall not be considered**
14 **a permanent employee of the school district.**

15 **5. A teacher that demonstrates a high level of competency, as determined by rules**
16 **promulgated by the department of elementary and secondary education under authority**
17 **granted in section 161.660, RSMo, shall be exempt from the assessment required by this**
18 **section for the next five-year period.**

162.1165. 1. The metropolitan school district shall establish one or more alternative
2 **education schools for students within the district who cannot be adequately served in a**
3 **traditional classroom because of chronic truancy, behavioral problems, or developmental**
4 **delays. Students of the district who would otherwise be provided alternative education**
5 **services based on their demonstrated disruptive behavior under section 167.164, RSMo,**
6 **shall be sent to an alternative education school established by this section.**

7 **2. The alternative education schools shall be staffed by personnel and teachers who**
8 **have received training on how to address the needs of students attending the alternative**
9 **education schools. The curriculum of the schools shall stress the core academic disciplines,**
10 **as well as activities designed to enable the student to better perform in the traditional**
11 **classroom and to transition students back to the traditional classroom when merited by**
12 **their performance.**

13 **3. The school district shall work with the departments of mental health and social**
14 **services to evaluate students attending an alternative education school in order to**
15 **determine the specific needs of each student.**

16 **4. The alternative education schools required by this section shall receive funding**
17 **from the metropolitan school district improvement fund created in section 162.1153 and**
18 **the school district may apply for an alternative education grant under section 167.335,**
19 **RSMo.**

162.1168. The state shall, subject to appropriations, provide fully subsidized child
2 **care at a child facility licensed under the provisions of sections 210.201 to 210.259, RSMo,**
3 **for each child residing with the metropolitan school district who is at least three years of**
4 **age until such time as the child enters kindergarten and who is eligible for a reduced lunch**
5 **price under the National School Act, 42 U.S.C. Section 1751, et seq., as amended. The**
6 **department of elementary and secondary education shall promulgate rules to effectuate the**
7 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
8 **536.010, RSMo, that is created under the authority delegated in this section shall become**
9 **effective only if it complies with and is subject to all of the provisions of chapter 536,**
10 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
11 **nonseverable and if any of the powers vested with the general assembly pursuant to**
12 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**
13 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
14 **rule proposed or adopted after August 28, 2007, shall be invalid and void.**

167.029. A public school district in any city not within a county shall [determine
2 **whether] adopt a dress code policy requiring pupils to wear a school uniform [is appropriate]**
3 **at [any] every school [or schools] within such district[, and if it is so determined, shall adopt**
4 **such a policy]. The school district may determine the style and color of the school uniform. In**
5 **addition to any other enterprise created as part of the vocational enterprise program under**
6 **sections 217.550 to 217.595, RSMo, the department of corrections shall provide school**
7 **uniforms to the public school district under the provisions of this section.**

167.296. 1. The "Extended Day Child Care Fund" is established in the state treasury and
2 **shall be administered by the department of elementary and secondary education at the direction**

3 of the state board of education. The fund shall consist of moneys appropriated annually by the
4 general assembly from general revenue to the fund [and], any moneys paid into the state treasury
5 and required by law to be credited to the fund, **and charitable donations made to the**
6 **department of elementary and secondary education for deposit in the extended day child**
7 **care fund.**

8 2. Moneys in the fund shall be used for grants to districts to provide extended day child
9 care programs according to the provisions of sections 167.290 to 167.310.

10 3. **Any charitable donations received and deposited in this fund under this section,**
11 **for which a tax credit was issued under the provisions of section 135.099, shall only be**
12 **allocated for extended day child care programs in a metropolitan school district.**

13 4. Expenses of the department of elementary and secondary education in administering
14 the program shall be paid from the fund.

15 [4.] 5. Any unexpended balance in the fund at the end of each fiscal year shall be exempt
16 from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances
17 to the general revenue fund.

171.031. 1. Each school board shall prepare annually a calendar for the school term,
2 specifying the opening date and providing a minimum term of at least one hundred seventy-four
3 days and one thousand forty-four hours of actual pupil attendance.

4 2. No school day shall be longer than seven hours except for vocational schools which
5 may adopt an eight-hour day in a metropolitan school district and a school district in a first class
6 county adjacent to a city not within a county.

7 3. **Notwithstanding the provisions of subsections 1 and 2 of this section to the**
8 **contrary, the school board for a metropolitan school district shall prepare a school**
9 **calendar each year that provides for a minimum term of two hundred and four days and**
10 **one thousand three hundred forty-four hours of actual pupil attendance, as well as a**
11 **minimum school day of eight and one-half hours.**

[162.626. There is hereby established in the metropolitan school district
2 a pilot program of multiyear teacher-student groupings. The program shall be
3 implemented in no fewer than ten schools in the district and shall be implemented
4 for no less than five consecutive years in each of such schools and in at least six
5 classrooms in each of such schools. Pupil-teacher ratios in such classrooms shall
6 not exceed twenty-five to one. The program shall seek to improve student
7 learning by providing a long-term relationship between the student and a
8 particular teacher. The board shall develop a plan for grade-level groups
9 throughout which participating classes shall maintain the same group of students
10 with the same teacher for multiyear periods. The grade-level groups shall include
11 at least two grade levels and shall not exceed four grade levels in the same group.
12 The plan shall provide for voluntary participation by students. The board shall

13 establish a policy and a procedure to review and act upon requests by a student
14 or the parent of a student that the student be transferred to a different class with
15 a different teacher. All policies and plans established by the board pursuant to
16 this section shall be subject to review and approval of the state board of
17 education.]

✓