

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 64
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Student Achievement April 5, 2007 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill No. 64 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

0543L.06C

AN ACT

To repeal sections 160.041, 168.021, 171.031, and 171.033, RSMo, and to enact in lieu thereof six new sections relating to education, with an emergency clause for a certain section.

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

Section A. Sections 160.041, 168.021, 171.031, and 171.033, RSMo, are repealed and
2 six new sections enacted in lieu thereof, to be known as sections 160.041, 161.375, 167.128,
3 168.021, 171.031, and 171.033, to read as follows:

160.041. 1. The "minimum school day" consists of three hours in which the pupils are
2 under the guidance and direction of teachers in the teaching process. A "school month" consists
3 of four weeks of five days each. The "school year" commences on the first day of July and ends
4 on the thirtieth day of June following.

5 2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of
6 education is authorized to reduce the required number of hours and days in which the pupils are
7 under the guidance and direction of teachers in the teaching process if:

8 (1) There is damage to or destruction of a public school facility which requires the dual
9 utilization of another school facility; or

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.

10 (2) Flooding or other inclement weather as defined in subsection 1 of section
11 **171.033, RSMo**, prevents students from attending the public school facility.

12

13 Such reduction shall not [to] extend beyond two calendar years in duration.

161.375. 1. The department of elementary and secondary education shall develop
2 **standards for high-quality mentoring for beginning teachers and beginning principals no**
3 **later than June 30, 2008. The standards shall be applicable to all public schools and shall**
4 **be developed to ensure that the required district mentoring programs under subsection 3**
5 **of section 168.021, RSMo, meet common objectives.**

6 **2. Such standards shall be established for both of the required years of mentoring**
7 **under subsection 3 of section 168.021, RSMo, and shall be based upon, but not be limited**
8 **to, the following principles:**

9 (1) Every district shall have a teacher-driven mentor program in collaboration with
10 and support of the administration;

11 (2) Guidance and support are required for all beginning teachers, regardless of
12 when they enter the profession;

13 (3) Communication between mentors and beginning teachers is open and
14 confidential;

15 (4) Quality mentors are necessary to establish beginning teachers' trust and respect
16 for their colleagues and profession; and

17 (5) All staff members provide informal support for beginning teachers.

18 **3. Quality mentor programs shall include, but not be limited to, the following:**

19 (1) An introduction to the cultural environment of the community and the school
20 district;

21 (2) A systemic and ongoing evaluation by all stakeholders;

22 (3) An individualized plan for beginning teachers that aligns with the district's
23 goals and needs;

24 (4) Appropriate criteria for selecting mentors;

25 (5) Comprehensive mentor training;

26 (6) A complete list of responsibilities for the mentor, beginning teacher, and
27 administrators; and

28 (7) Sufficient time for mentors to observe beginning teachers and for the beginning
29 teachers to observe master teachers, structured to provide multiple opportunities over time
30 and to minimize the need to require substitute teachers to facilitate observation.

31 **4. In developing such standards, the department shall involve representatives from**
32 **the state teacher organizations, administration and principal organizations, Missouri**
33 **advisory council for the certification of educators as created by section 168.015, RSMo,**
34 **Missouri staff development council, and from colleges and universities.**

167.128. 1. The educational needs of each child under the jurisdiction of the
2 **juvenile court or family court under subdivision (1), (2), or (5) of subsection 1 of section**
3 **211.031, RSMo, shall be considered as part of the function of the child's family support**
4 **team pursuant to policy of the department of social services. Such needs shall include, but**
5 **not be limited to, the assumption that regular full school days of education are warranted.**
6 **For the purposes of this section, "full school day" shall mean six hours in which the child**
7 **is under the guidance and direction of teachers in the education process. The local school**
8 **district shall be invited to have representation on the child's family support team.**

9 **2. Nothing in this section shall be construed to infringe upon the rights or due**
10 **process provisions of the federal Individuals with Disabilities Education Act. Nothing in**
11 **this section shall be construed to impede the ability of the family support team or the**
12 **facility staff from making a referral for special education services, if appropriate, when a**
13 **child is placed in a facility described in this section without an individualized education**
14 **program or without a pending referral for such services. If a child is referred for such**
15 **services, the provisions of the Individuals with Disabilities Education Act shall apply and**
16 **control while the referral is pending and through the evaluation process, including**
17 **provisions for educational decision-makers and educational surrogates. Nothing in this**
18 **section shall be construed to deny any child domiciled in Missouri appropriate and**
19 **necessary free public education services.**

20 **3. When the department of social services by contract places a child for treatment**
21 **in a licensed residential care facility setting for children as defined in section 210.481,**
22 **RSMo, such facility shall be responsible for the educational needs of the child if the child**
23 **at the time of placement does not have an individualized education program or a pending**
24 **referral for special education services under sections 162.670 to 162.999, RSMo.**

25 **(1) Such facilities operating an on-site school for which they hire their own**
26 **education staff shall:**

27 **(a) Provide, on site at such facility, a full school day of education for each child**
28 **placed in such facility by the department of social services unless the child's plan of**
29 **treatment and care supports his or her ability to attend public school; and**

30 **(b) Be reimbursed by the local school district for the full cost of education services**
31 **provided to children placed in their care by the department of social services when the**

32 facility provides education services. The local school district shall be compensated under
33 section 167.126, RSMo, for such education services.

34

35 No child placed in the facilities for treatment described in this subdivision shall be
36 considered by the local school district as homebound for purposes of education unless the
37 family support team under subsection 1 of this section has approved homebound
38 instruction. A full school day of education shall be provided unless fewer hours of
39 instruction per day are approved by the family support team under subsection 1 of this
40 section. Nothing in this subdivision shall create an obligation for a licensed residential care
41 facility to have on-site classrooms, to operate an on-site school, or to hire its own education
42 staff.

43 (2) When such facilities have on-site classrooms but do not hire their own education
44 staff, the local school district:

45 (a) Shall provide, on site at such facility, a full school day of education for each
46 child placed in such facility for care by the department of social services unless the child's
47 plan of treatment and care supports his or her ability to attend public school;

48 (b) Shall be compensated under section 167.126 for such education services; and

49 (c) May consider such education services as homebound instruction but shall
50 provide each homebound child with a full school day of education unless fewer hours of
51 instruction per day are approved by the family support team under subsection 1 of this
52 section.

53

54 Nothing in this subdivision shall create an obligation for a licensed residential care facility
55 to have on-site classrooms, to operate an on-site school, or to hire its own education staff.

56 (3) When such facilities do not operate an on-site school or have on-site classrooms,
57 the local school district shall:

58 (a) Provide a full school day of education for each child placed in such facility for
59 care by the department of social services; and

60 (b) Be compensated for such education services under section 167.126.

61

62 If the child's behavior or plan of treatment and care does not support the child's being
63 educated in a regular education class, education services shall be provided in an alternative
64 setting approved by the family support team under subsection 1 of this section. A full
65 school day of education shall be provided unless fewer hours of instruction per day are
66 approved by the family support team under subsection 1 of this section. Nothing in this

67 subdivision shall create an obligation for a licensed residential care facility to have on-site
68 classrooms, to operate an on-site school, or to hire its own education staff.

69 **4. Notwithstanding any other provision of law, a child placed for treatment by the**
70 **department of social services in a licensed residential care facility setting for children as**
71 **defined in section 210.481, RSMo, who does not have an individualized education program**
72 **for special education services or a pending referral for such services under sections 162.670**
73 **to 162.999, RSMo, whose plan of treatment and care supports his or her ability to attend**
74 **public school but who is then suspended or otherwise demonstrates school failure based**
75 **on behavior or academic performance shall then be provided a full school day of education**
76 **according to subsection 3 of this section.**

77 **5. Nothing in this section shall prevent a licensed residential care facility setting for**
78 **children as defined in section 210.481, RSMo, from contracting with school districts for**
79 **education services. Nothing in this section shall prevent a school district from contracting**
80 **with a licensed residential care facility setting for children as defined in section 210.481,**
81 **RSMo, for education services.**

82 **6. (1) Any residential treatment facility that expects the local public school district**
83 **to provide educational services for students of the treatment facility shall work with the**
84 **district and develop an educational plan that describes in general how full-day educational**
85 **services will be provided to school-aged residents of the treatment facility under a variety**
86 **of possible circumstances. The educational plan shall be developed jointly by the**
87 **appropriate staff of both the treatment facility and the public school district, and the plan**
88 **shall be signed annually by the administration of both parties verifying their support for**
89 **the plan.**

90 **(2) It is the intent that the educational plan follow the provisions of this section, but**
91 **treatment facilities and school districts may develop provisions for educational services not**
92 **included in this section if both parties agree on the provisions and if the provisions offer**
93 **a full-day educational program for the students involved.**

94 **(3) It is understood as a condition of the plan that both the treatment facility and**
95 **school district shall be fully reimbursed, as allowed by law in accordance with the**
96 **availability of funds, for their portions of the cost of providing educational services**
97 **through such sources as basic state aid, local district bill-back, and excess cost**
98 **reimbursement, as well as other possible sources.**

99 **(4) Each treatment facility and school district shall furnish a signed copy of their**
100 **educational plan to the department of elementary and secondary education and to the**
101 **department of social services no later than September fifteenth of each year.**

168.021. 1. Certificates of license to teach in the public schools of the state shall be
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 (ABCTE)**
28 **and verification of ability to work with children as demonstrated by sixty contact hours in**
29 **any one of the following areas as validated by the school principal: sixty contact hours in**
30 **the classroom, of which at least forty-five must be teaching; sixty contact hours as a**
31 **substitute teacher, with at least thirty consecutive hours in the same classroom; sixty**
32 **contact hours of teaching in a private school; or sixty contact hours of teaching as a**
33 **paraprofessional, for an initial four-year ABCTE certificate of license to teach. Upon the**
34 **completion of the requirements listed in paragraphs (a), (b), and (c) of this subdivision, an**

35 **applicant shall be eligible to apply for a career continuous professional certificate under**
36 **subdivision (2) of subsection 3 of this section:**

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

39 (b) **Validated completion of two years of the mentoring program of the American**
40 **Board for Certification of Teacher Excellence or a district mentoring program approved**
41 **by the state board of education; and**

42 (c) **Attainment of a successful performance-based teacher evaluation.**

43 2. All valid teaching certificates issued pursuant to law or state board policies and
44 regulations prior to September 1, 1988, shall be exempt from the professional development
45 requirements of this section and shall continue in effect until they expire, are revoked or
46 suspended, as provided by law. When such certificates are required to be renewed, the state
47 board or its designee shall grant to each holder of such a certificate the certificate most nearly
48 equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II,
49 or continuous professional certificate shall, upon expiration of his or her current certificate, be
50 issued the appropriate level of certificate based upon the classification system established
51 pursuant to subsection 3 of this section.

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

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

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

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

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

65 (2) (a) The career continuous professional certificate shall be issued upon verification
66 of completion of four years of teaching under the initial professional certificate and upon
67 verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of
68 subdivision (1) of this subsection **or paragraphs (a), (b), and (c) of subdivision (4) of**
69 **subsection 1 of this section.**

70 (b) The career continuous professional certificate shall be continuous based upon
71 verification of actual employment in an educational position as provided for in state board
72 guidelines and completion of fifteen contact hours of professional development per year which
73 may include hours spent in class in an appropriate college curriculum. Should the possessor of
74 a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour
75 professional development requirement, the possessor may, within two years, make up the
76 missing hours. In order to make up for missing hours, the possessor shall first complete the
77 fifteen-hour requirement for the current year and then may count hours in excess of the current
78 year requirement as make-up hours. Should the possessor fail to make up the missing hours
79 within two years, the certificate shall become inactive. In order to reactivate the certificate, the
80 possessor shall complete twenty-four contact hours of professional development which may
81 include hours spent in the classroom in an appropriate college curriculum within the six months
82 prior to or after reactivating his or her certificate. The requirements of this paragraph shall be
83 monitored and verified by the local school district which employs the holder of the career
84 continuous professional certificate.

85 (c) A holder of a career continuous professional certificate shall be exempt from the
86 professional development contact hour requirements of paragraph (b) of this subdivision if such
87 teacher has a local professional development plan in place within such teacher's school district
88 and meets two of the three following criteria:

- 89 a. Has ten years of teaching experience as defined by the state board of education;
90 b. Possesses a master's degree; or
91 c. Obtains a rigorous national certification as approved by the state board of education.
92 4. Policies and procedures shall be established by which a teacher who was not retained
93 due to a reduction in force may retain the current level of certification. There shall also be
94 established policies and procedures allowing a teacher who has not been employed in an
95 educational position for three years or more to reactivate his or her last level of certification by
96 completing twenty-four contact hours of professional development which may include hours
97 spent in the classroom in an appropriate college curriculum within the six months prior to or after
98 reactivating his or her certificate.

99 5. The state board shall, upon an appropriate background check, issue a professional
100 certificate classification in the areas most closely aligned with an applicant's current areas of
101 certification, commensurate with the years of teaching experience of the applicant, to any person
102 who is hired to teach in a public school in this state and who possesses a valid teaching
103 certificate from another state, provided that the certificate holder shall annually complete the
104 state board's requirements for such level of certification, and shall establish policies by which

105 residents of states other than the state of Missouri may be assessed a fee for a certificate license
106 to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover
107 any or all costs associated with the issuing of a certificate of license to teach.

108 6. The state board may assess to holders of an initial professional certificate a fee, to be
109 deposited into the excellence in education revolving fund established pursuant to section
110 160.268, RSMo, for the issuance of the career continuous professional certificate. However,
111 such fee shall not exceed the combined costs of issuance and any criminal background check
112 required as a condition of issuance. **Applicants for the initial ABCTE certificate shall be**
113 **responsible for any fees associated with the program leading to the issuance of the**
114 **certificate, but nothing in this section shall prohibit a district from developing a policy that**
115 **permits fee reimbursement.**

116 7. Any member of the public school retirement system of Missouri who entered covered
117 employment with ten or more years of educational experience in another state or states and held
118 a certificate issued by another state and subsequently worked in a school district covered by the
119 public school retirement system of Missouri for ten or more years who later became certificated
120 in Missouri shall have that certificate dated back to his or her original date of employment in a
121 Missouri public school.

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. **In addition, such calendar**
4 **shall include six makeup days for possible loss of attendance due to inclement weather as**
5 **defined in subsection 1 of section 171.033.**

6 2. Each local school district may set its opening date each year, which date shall be
7 no earlier than ten calendar days prior to the first Monday in September. No public school
8 district shall select an earlier start date unless the district follows the procedure set forth
9 in subsection 3 of this section.

10 3. A district may set an opening date that is more than ten calendar days prior to
11 the first Monday in September only if the local school board first gives public notice of a
12 public meeting to discuss the proposal of opening school on a date more than ten days prior
13 to the first Monday in September, and the local school board holds said meeting and, at the
14 same public meeting, a majority of the board votes to allow an earlier opening date. If all
15 of the previous conditions are met, the district may set its opening date more than ten
16 calendar days prior to the first Monday in September. The condition provided in this
17 subsection must be satisfied by the local school board each year that the board proposes
18 an opening date more than ten days before the first Monday in September.

19 **4. If any local district violates the provisions of this section, the department of**
20 **elementary and secondary education shall withhold an amount equal to one quarter of the**
21 **state funding the district generated under section 163.031, RSMo, for each date the district**
22 **was in violation of this section.**

23 **5. The provisions of subsections 2 to 4 of this section shall not apply to school**
24 **districts in which school is in session for twelve months of each calendar year.**

25 **6. The state board of education may grant an exemption from this section to a**
26 **school district that demonstrates highly unusual and extenuating circumstances justifying**
27 **exemption from the provisions of subsections 2 to 4 of this section. Any exemption granted**
28 **by the state board of education shall be valid for one academic year only.**

29 **7. No school day shall be longer than seven hours except for vocational schools which**
30 **may adopt an eight-hour day in a metropolitan school district and a school district in a first class**
31 **county adjacent to a city not within a county.**

171.033. 1. [Except as provided in subsections 3 and 4 of this section, no school district
2 shall be exempt from any requirement to make up any days of school lost or canceled due to
3 inclement weather, unless that school district schedules at least two-thirds as many make-up days
4 for a school year as were lost in the previous school year, which days shall be in addition to the
5 school calendar days required for a school term by section 171.031] **"Inclement weather", for**
6 **purposes of this section, shall be defined as ice, snow, extreme cold, flooding, or a tornado,**
7 **but such term shall not include excessive heat.**

8 2. [If, after using the make-up days referred to in subsection 1, a district does not meet
9 the requirement for a term of one hundred seventy-four days of actual pupil attendance, it] **A**
10 **district shall be required to make up [no more than eight additional] the first six days of school**
11 **lost or canceled due to inclement weather and half the number of days lost or canceled in excess**
12 **of [eight] six days.**

13 3. In the [2005-06] **2006-07** school year, a school district may be exempt from the
14 requirement to make up days of school lost or canceled due to inclement weather occurring [after
15 April 1, 2006] **on or after January 12, 2007**, in the school district, but such reduction of the
16 minimum number of school days shall not exceed five days when a district has missed more than
17 seven days overall, such reduction to be taken as follows: one day for eight days missed, two
18 days for nine days missed, three days for ten days missed, four days for eleven days missed, and
19 five days for twelve or more days missed. The requirement for scheduling two-thirds of the
20 missed days into the next year's calendar pursuant to subsection 1 of this section shall be waived
21 for the [2006-07] **2007-08** school year. **For the 2006-07 school year, each school board may**
22 **provide a minimum term of at least one hundred seventy-four days and one thousand**

23 **forty-four hours of actual pupil attendance by lengthening the school day notwithstanding**
24 **the maximum number of hours permitted under subsection 7 of section 171.031.**

25 4. The commissioner of education may provide, for any school district in which schools
26 are in session for twelve months of each calendar year that cannot meet the minimum school
27 calendar requirement of at least one hundred seventy-four days and one thousand forty-four hours
28 of actual pupil attendance, upon request, a waiver to be excused from such requirement. This
29 waiver shall be requested from the commissioner of education and may be granted if the school
30 was closed due to circumstances beyond school district control, including inclement weather,
31 flooding or fire.

Section B. Because immediate action is necessary to clarify potential school scheduling
2 and funding problems, the repeal and reenactment of section 171.033 of section A of this act is
3 deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,
4 and is hereby declared to be an emergency act within the meaning of the constitution, and section
5 171.033 of section A of this act shall be in full force and effect upon its passage and approval.

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