

FIRST REGULAR SESSION

# HOUSE BILL NO. 135

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PEARCE.

Pre-filed December 14, 2006 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0633L.01I

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### AN ACT

To repeal section 41.655, 160.053, and 168.021, RSMo, and to enact in lieu thereof three new sections relating to the members of the military and their families.

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

Section A. Sections 41.655, 160.053, and 168.021, RSMo, are repealed and three new  
2 sections enacted in lieu thereof, to be known as sections 41.655, 160.053, and 168.021, to read  
3 as follows:

41.655. **1.** The governing body or county planning commission, if any, of any county  
2 of the second classification with more than forty-eight thousand two hundred but fewer than  
3 forty-eight thousand three hundred inhabitants shall provide for the planning, zoning, subdivision  
4 and building within all or any portion of the unincorporated area extending three thousand feet  
5 outward from the boundaries of any military base located in such county and the area within the  
6 perimeter of accident potential zones one and two [if the county has a zoning commission and  
7 a board of adjustment established under sections 64.510 to 64.727, RSMo]. As used in this  
8 section, the term "accident potential zones one and two" means any land area [that was]  
9 identified in the [April, 1976] **current** Air Installation Compatible Use Zone Report at the north  
10 and south ends of the clear zone of a military installation located in any county of the second  
11 classification with more than forty-eight thousand two hundred but fewer than forty-eight  
12 thousand three hundred inhabitants and which is in significant danger of aircraft accidents by  
13 being beneath that airspace where the potential for aircraft accidents is most likely to occur.

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.

14           **2. The governing body of any county of the second classification with more than**  
15 **forty-eight thousand two hundred but fewer than forty-eight thousand three hundred**  
16 **inhabitants may adopt, administer, and enforce airport hazard area zoning regulations**  
17 **that are substantially similar to the airport hazard area zoning regulations in sections**  
18 **67.1200 to 67.1222, RSMo, subject to any exceptions listed in this section. Such exceptions**  
19 **are as follows:**

20           **(1) All definitions in section 67.1200, RSMo, shall apply, except that any reference**  
21 **to a political subdivision in sections 67.1200 to 67.1222, RSMo, shall be construed to**  
22 **include any county of the second classification with more than forty-eight thousand two**  
23 **hundred but fewer than forty-eight thousand three hundred inhabitants;**

24           **(2) Sections 67.1207 and 67.1212, RSMo, shall not apply;**

25           **(3) The county shall employ any existing airport planning commission or airport**  
26 **zoning commission as created in section 67.1210, RSMo, or shall form such commission,**  
27 **with the following exceptions:**

28           **(a) The commission shall consist of five members as follows:**

29           **a. Three residents of the county, with at least two of such county residents residing**  
30 **in the township containing the military base;**

31           **b. The presiding county commissioner or such commissioner's designee; and**

32           **c. The county road commissioner;**

33           **(b) The commission may appoint an ex officio military liaison from the armed**  
34 **forces of the United States who is stationed at the military base;**

35           **(c) The terms of office of each member under this section shall be identical to the**  
36 **terms of office in section 67.1210, RSMo, with the member chosen to serve as chair serving**  
37 **for an initial term of two years. The commission shall elect its chairman;**

38           **(4) Sections 67.1214 to 67.1218, and section 67.1222, RSMo, shall apply in their**  
39 **entirety, except that any reference to a municipality in such sections shall be construed to**  
40 **include any county of the second classification with more than forty-eight thousand two**  
41 **hundred but fewer than forty-eight thousand three hundred inhabitants;**

42           **(5) Section 67.1220 shall apply in its entirety, except that the board of variance shall**  
43 **consist of three members as follows:**

44           **(a) Three residents of the county, with at least two of such county residents residing**  
45 **in the township containing the military base;**

46           **(b) The board shall elect its chairman.**

160.053. 1. If a school district maintains a kindergarten program, a child is eligible for  
2 admission to kindergarten and to the summer school session immediately preceding kindergarten,  
3 if offered, if the child reaches the age of five before the first day of August of the school year

beginning in that calendar year **or if the child is a military dependent who has successfully completed an accredited prekindergarten or kindergarten program in another state.** A child is eligible for admission to first grade if the child reaches the age of six before the first day of August of the school year beginning in that calendar year.

2. Any kindergarten or grade one pupil beginning the school term and any pupil beginning summer school prior to a kindergarten school term in a metropolitan school district or an urban school district containing the greater part of the population of a city which has more than three hundred thousand inhabitants pursuant to section 160.054 or 160.055 and subsequently transferring to another school district in this state in which the child's birth date would preclude such child's eligibility for entrance shall be deemed eligible for attendance and shall not be required to meet the minimum age requirements. The receiving school district shall receive state aid for the child, notwithstanding the provisions of section 160.051.

3. Any child who completes the kindergarten year shall not be required to meet the age requirements of a district for entrance into grade one.

4. The provisions of this section relating to kindergarten instruction and state aid therefor, shall not apply during any particular school year to those districts which do not provide kindergarten classes that year.

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

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

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

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

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

(a) Recommendation of a state-approved baccalaureate-level teacher preparation 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.

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

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

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

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

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

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

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

52 (b) The career continuous professional certificate shall be continuous based upon  
53 verification of actual employment in an educational position as provided for in state board  
54 guidelines and completion of fifteen contact hours of professional development per year which  
55 may include hours spent in class in an appropriate college curriculum. Should the possessor of

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

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

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

81 5. The state board shall, upon an appropriate background check, issue a professional  
82 certificate classification in the areas most closely aligned with an applicant's current areas of  
83 certification, commensurate with the years of teaching experience of the applicant, to any person  
84 who is hired to teach in a public school in this state and who possesses a valid teaching  
85 certificate from another state, provided that the certificate holder shall annually complete the  
86 state board's requirements for such level of certification, and shall establish policies by which  
87 residents of states other than the state of Missouri may be assessed a fee for a certificate license  
88 to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover  
89 any or all costs associated with the issuing of a certificate of license to teach. **The board shall**  
90 **additionally promulgate a rule to permit the issuance of a provisional certificate of license**  
91 **permitting the holder to assume classroom duties pending the completion of a background**

92 **check conducted pursuant to section 168.133 when the applicant is the spouse of a member**  
93 **of the United States armed forces stationed in Missouri who has relocated from another**  
94 **state within one year from the date of application for Missouri certificate of license, who**  
95 **otherwise qualifies under the provisions of this subsection, if a background check was**  
96 **required for the issuance of the teaching certificate from another state.**

97         6. The state board may assess to holders of an initial professional certificate a fee, to be  
98 deposited into the excellence in education revolving fund established pursuant to section  
99 160.268, RSMo, for the issuance of the career continuous professional certificate. However,  
100 such fee shall not exceed the combined costs of issuance and any criminal background check  
101 required as a condition of issuance.

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

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