

FIRST REGULAR SESSION

HOUSE BILL NO. 214

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CUNNINGHAM (86).

Pre-filed January 2, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0713L.01I

AN ACT

To repeal sections 168.106 and 313.820, RSMo, and to enact in lieu thereof six new sections relating to the teacher choice compensation package.

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

Section A. Sections 168.106 and 313.820, RSMo, are repealed and six new sections
2 enacted in lieu thereof, to be known as sections 168.106, 168.745, 168.747, 168.749, 168.750,
3 and 313.820, to read as follows:

168.106. The contract between a school district and a permanent teacher shall be known
2 as an indefinite contract and shall continue in effect for an indefinite period, subject only to:

3 (1) Compulsory or optional retirement when the teacher reaches the age of retirement
4 provided by law, or regulation established by the local board of education;

5 (2) Modification by a succeeding indefinite contract or contracts in the manner
6 hereinafter provided;

7 (3) The death of the teacher;

8 (4) Resignation of the teacher with the written consent of the school board;

9 (5) Termination by the board of education after a hearing as hereinafter provided; [and]

10 (6) The revocation of the teacher's certificate; **and**

11 (7) **A decision by the teacher to follow the teacher choice compensation package**
12 **under sections 168.745 to 168.750 in a district and give up the right to an indefinite**
13 **contract.**

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.

168.745. 1. There is hereby created the "Teacher Choice Compensation Package" to permit performance-based salary stipends upon the decision of the teacher as described in section 168.747, to reward teachers for objectively demonstrated superior performance.

2. There is hereby created the "Teacher Choice Compensation Fund" in the state treasury, to which the proceeds from the additional one-dollar boarding fee for excursion gambling boats described in section 313.820, RSMo, shall be transferred. The fund shall be administered by the department of elementary and secondary education.

3. The teacher choice compensation fund shall consist of all moneys transferred to it under this section, and all moneys otherwise appropriated to or donated to it. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

168.747. 1. To be eligible for the teacher choice compensation package, all classroom personnel reported as a code forty, fifty, or sixty through the core data system of the Missouri department of elementary and secondary education shall opt out of his or her indefinite contract under section 168.106 for the duration of employment with the district. A teacher may decide to end his or her eligibility for the teacher choice stipend but may not resume permanent teacher status with that district. A probationary teacher may opt out of consideration for a permanent contract in the second or subsequent years of employment by the district to participate in the teacher choice compensation package but may not return to permanent status in that district or resume the process for qualification for an indefinite contract in that district. A teacher who has chosen the teacher choice compensation package and changes employment to another district may choose to resume the process for qualification for an indefinite contract in that district or may choose to remain in the teacher choice compensation package of the new district.

2. Teachers shall qualify annually in October for the stipends described in section 168.749. Stipends shall be offered in five thousand dollar increments, up to fifteen thousand dollars, but shall not exceed fifty percent of a teacher's base salary, before deductions for retirement but including designated pay for additional duties such as coaching, sponsoring, or mentoring. Any stipend received under section 168.749 shall be in addition to the base salary to which the teacher would otherwise be entitled. Teachers receiving the stipend shall receive any pay and benefits received by teachers of similar training, experience, and duties. Such stipends shall not be considered compensation for retirement purposes.

23 **3. Subject to appropriation, the department of elementary and secondary education**
24 **shall make a payment to the district in the amount of the stipend, to be delivered as a lump**
25 **sum in January following the October of qualification. If the amount appropriated is not**
26 **enough to fund the total of five thousand dollar increment payments, the department may**
27 **prorate the payments.**

28 **4. Every person employed by the district in a teaching position, regardless of the**
29 **certification status of the person, who qualifies under any of the indicators listed in section**
30 **168.749 is eligible for the teacher choice compensation package. Teachers who are**
31 **employed less than full-time are eligible for teacher choice stipends on a pro-rated basis.**
32 **Any teacher who is dismissed for cause who has otherwise qualified for a teacher choice**
33 **stipend shall forfeit the stipend for that year.**

168.749. 1. Beginning with school year 2008-2009, teachers who elect to participate
2 **in the teacher choice compensation package shall be eligible for stipends based on the**
3 **following criteria:**

4 **(1) Score on a value-added test instrument or instruments. Such instruments shall**
5 **be defined as those which give a reliable measurement of the skills and knowledge**
6 **transferred to students during the time they are in a teacher's classroom and shall be**
7 **selected by the school district from one or more of the following assessments:**

8 **(a) A list of recognized value-added instruments developed by the department of**
9 **elementary and secondary education;**

10 **(b) Scores on the statewide assessments established under section 160.518, RSMo,**
11 **may be used for this purpose, and the department of elementary and secondary education**
12 **shall develop a procedure for identifying the value added by teachers that addresses the**
13 **fact that not all subjects are tested at all grade levels each year under the state assessment**
14 **program;**

15 **(c) Scores on annual tests required by the federal Elementary and Secondary**
16 **Education Act reauthorization of 2002 for third through eighth grade may be used as**
17 **value-added instruments if found appropriate after consideration and approval by the**
18 **state board of education;**

19 **(d) A district may choose an instrument after a public hearing of the district board**
20 **of education on the matter, with the reasons for the selection entered upon the minutes of**
21 **the meeting; provided, however, that this option shall not be available to districts after**
22 **scores are established for paragraphs (a), (b), and (c) of this subdivision;**

23 **(2) Evaluations by principals or other administrators with expertise to evaluate**
24 **classroom performance;**

25 **(3) Evaluations by parents and by students at their appropriate developmental**
26 **level.**

27

28 **Model instruments for these evaluations shall be developed or identified by the department**
29 **of elementary and secondary education. Districts may use such models, may use other**
30 **existing models, or may develop their own instruments. A district that develops its own**
31 **instrument shall not use that instrument as its sole method of evaluation.**

32 **2. The department of elementary and secondary education shall develop criteria**
33 **for determining eligibility for stipend increments, including a range of target scores on**
34 **assessments for use by the districts. The test-score options listed in subdivision (1) of**
35 **subsection 1 of this section shall be given higher weight than the evaluation options listed**
36 **in subdivisions (2) and (3) of subsection 1 of this section. The decision of individual**
37 **districts about the qualifications for each increment based on the evaluations listed in**
38 **subdivisions (2) and (3) of subsection 1 of this section and for value-added instruments for**
39 **which target scores have not been developed by the department of elementary and**
40 **secondary education may address the district's unique characteristics but shall require**
41 **demonstrably superior performance on the part of the teacher, based primarily on**
42 **improved student achievement while taking into account classroom demographics**
43 **including but not limited to students' abilities, special needs, and class size.**

168.750. Any rule or portion of a rule, as that term is defined in section 536.010,
2 **RSMo, that is created under the authority delegated in sections 168.745 to 168.749 shall**
3 **become effective only if it complies with and is subject to all of the provisions of chapter**
4 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**
5 **RSMo, are nonseverable and if any of the powers vested with the general assembly**
6 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
7 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
8 **authority and any rule proposed or adopted after August 28, 2007, shall be invalid and**
9 **void.**

 313.820. 1. An excursion boat licensee shall pay to the commission an admission fee
2 of [two] **three** dollars for each person embarking on an excursion gambling boat with a ticket
3 of admission. One dollar of such fee shall be deposited to the credit of the gaming commission
4 fund as authorized pursuant to section 313.835, **one dollar of such fee shall be deposited in the**
5 **teacher choice compensation fund created by section 168.747, RSMo,** and one dollar of such
6 fee shall not be considered state funds and shall be paid to the home dock city or county. Subject
7 to appropriation, one cent of such fee deposited to the credit of the gaming commission fund may
8 be deposited to the credit of the compulsive gamblers fund created pursuant to the provisions of

9 section 313.842. Nothing in this section shall preclude any licensee from charging any amount
10 deemed necessary for a ticket of admission to any person embarking on an excursion gambling
11 boat. If tickets are issued which are good for more than one excursion, the admission fee shall
12 be paid to the commission for each person using the ticket on each excursion that the ticket is
13 used. If free passes or complimentary admission tickets are issued, the excursion boat licensee
14 shall pay to the commission the same fee upon these passes or complimentary tickets as if they
15 were sold at the regular and usual admission rate; however, the excursion boat licensee may issue
16 fee-free passes to actual and necessary officials and employees of the licensee or other persons
17 actually working on the excursion gambling boat. The issuance of fee-free passes is subject to
18 the rules of the commission, and a list of all persons to whom the fee-free passes are issued shall
19 be filed with the commission.

20 2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes,
21 property taxes or any other tax or fee now or hereafter lawfully levied by any political
22 subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes
23 or fees shall be imposed, levied or assessed exclusively upon licensees by a political subdivision.
24 All state taxes not connected directly to gambling games shall be collected by the department of
25 revenue. Notwithstanding the provisions of section 32.057, RSMo, to the contrary, the
26 department of revenue may furnish and the commission may receive tax information to
27 determine if applicants or licensees are complying with the tax laws of this state; however, any
28 tax information acquired by the commission shall not become public record and shall be used
29 exclusively for commission business.

30 3. Effective fiscal year 2008 and each fiscal year thereafter, the amount of expenditures
31 from funds derived from admission fees paid to a home dock city or county, located in a home
32 rule city with more than sixty thousand three hundred but fewer than sixty thousand four hundred
33 inhabitants or in a county with a charter form of government and with more than two hundred
34 fifty thousand but fewer than three hundred fifty thousand inhabitants, shall not exceed the
35 revenue received by the home dock city or county from admission fees for fiscal year 2007. In
36 the case of a new excursion gambling boat located in a home rule city with more than sixty
37 thousand three hundred but fewer than sixty thousand four hundred inhabitants or in a county
38 with a charter form of government and with more than two hundred fifty thousand but fewer than
39 three hundred fifty thousand inhabitants, the provisions of this section shall become effective two
40 years from the opening of such excursion gambling boat and the amount of expenditures from
41 funds derived from admission fees paid to a home dock city or county shall not exceed the
42 average revenue received by the home dock city or county from admission fees for the first two
43 fiscal years in which such excursion gambling boat opened for business. Effective fiscal year
44 2010 and each subsequent fiscal year until fiscal year 2015, the percentage of revenue derived

45 by a home dock city or county, located in a home rule city with more than sixty thousand three
46 hundred but fewer than sixty thousand four hundred inhabitants or in a county with a charter
47 form of government and with more than two hundred fifty thousand but fewer than three hundred
48 fifty thousand inhabitants, from such admission fees used for expenditures other than capital,
49 cultural, and special law enforcement purpose expenditures shall be limited to not more than
50 thirty percent. Effective fiscal year 2015 and each subsequent fiscal, the percentage of revenue
51 derived by a home dock city or county, located in a home rule city with more than sixty thousand
52 three hundred but fewer than sixty thousand four hundred inhabitants or in a county with a
53 charter form of government and with more than two hundred fifty thousand but fewer than three
54 hundred fifty thousand inhabitants, from such admission fees used for expenditures other than
55 capital, cultural, and special law enforcement purpose expenditures shall be limited to not more
56 than twenty percent.

57 4. After fiscal year 2007, in any fiscal year in which a home dock city or county, located
58 in a home rule city with more than sixty thousand three hundred but fewer than sixty thousand
59 four hundred inhabitants or in a county with a charter form of government and with more than
60 two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, collects an
61 amount over the limitation on expenditures of revenue derived from admission fees provided in
62 subsection 3 of this section, such revenue shall be treated as if it were sales tax revenue within
63 the meaning of section 67.505, RSMo, provided that the home dock city or county shall reduce
64 its total general revenue property tax levy, in accordance with the method provided in
65 subdivision (6) of subsection 3 of section 67.505, RSMo.

66 5. The provisions of subsections 3 and 4 of this section shall not affect the imposition
67 or collection of a tax under section 313.822.

✓