

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1305
94TH GENERAL ASSEMBLY

Reported from the Committee on Education, April 10, 2008, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

TERRY L. SPIELER, Secretary.

3147S.04C

AN ACT

To repeal sections 160.545 and 170.011 , RSMo, and to enact in lieu thereof four 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Section A. Sections 160.545 and 170.011, RSMo, are repealed and four
2 new sections enacted in lieu thereof, to be known as sections 160.545, 170.011,
3 170.400, and 192.631, to read as follows:

160.545. 1. There is hereby established within the department of
2 elementary and secondary education the "A+ Schools Program" to be administered
3 by the commissioner of education. The program shall consist of grant awards
4 made to public secondary schools that demonstrate a commitment to ensure that:

5 (1) All students be graduated from school;

6 (2) All students complete a selection of high school studies that is
7 challenging and for which there are identified learning expectations; and

8 (3) All students proceed from high school graduation to a college or
9 postsecondary vocational or technical school or high-wage job with work place
10 skill development opportunities.

11 2. The state board of education shall promulgate rules and regulations for
12 the approval of grants made under the program to schools that:

13 (1) Establish measurable districtwide performance standards for the goals
14 of the program outlined in subsection 1 of this section; and

15 (2) Specify the knowledge, skills and competencies, in measurable terms,
16 that students must demonstrate to successfully complete any individual course

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

17 offered by the school, and any course of studies which will qualify a student for
18 graduation from the school; and

19 (3) Do not offer a general track of courses that, upon completion, can lead
20 to a high school diploma; and

21 (4) Require rigorous coursework with standards of competency in basic
22 academic subjects for students pursuing vocational and technical education as
23 prescribed by rule and regulation of the state board of education; and

24 (5) Have a partnership plan developed in cooperation and with the advice
25 of local business persons, labor leaders, parents, and representatives of college
26 and postsecondary vocational and technical school representatives, with the plan
27 then approved by the local board of education. The plan shall specify a
28 mechanism to receive information on an annual basis from those who developed
29 the plan in addition to senior citizens, community leaders, and teachers to update
30 the plan in order to best meet the goals of the program as provided in subsection
31 1 of this section. Further, the plan shall detail the procedures used in the school
32 to identify students that may drop out of school and the intervention services to
33 be used to meet the needs of such students. The plan shall outline counseling
34 and mentoring services provided to students who will enter the work force upon
35 graduation from high school, address apprenticeship and intern programs, and
36 shall contain procedures for the recruitment of volunteers from the community
37 of the school to serve in schools receiving program grants.

38 **3. A school district may participate in the program irrespective**
39 **of its accreditation classification by the state board of education,**
40 **provided it meets all other requirements.**

41 **4.** By rule and regulation, the state board of education may determine a
42 local school district variable fund match requirement in order for a school or
43 schools in the district to receive a grant under the program. However, no school
44 in any district shall receive a grant under the program unless the district
45 designates a salaried employee to serve as the program coordinator, with the
46 district assuming a minimum of one-half the cost of the salary and other benefits
47 provided to the coordinator. Further, no school in any district shall receive a
48 grant under the program unless the district makes available facilities and
49 services for adult literacy training as specified by rule of the state board of
50 education.

51 **[4.] 5.** For any school that meets the requirements for the approval of the
52 grants authorized by this section and specified in subsection 2 of this section for

53 three successive school years, by August first following the third such school year,
54 the commissioner of education shall present a plan to the superintendent of the
55 school district in which such school is located for the waiver of rules and
56 regulations to promote flexibility in the operations of the school and to enhance
57 and encourage efficiency in the delivery of instructional services in the
58 school. The provisions of other law to the contrary notwithstanding, the plan
59 presented to the superintendent shall provide a summary waiver, with no
60 conditions, for the pupil testing requirements pursuant to section 160.257 in the
61 school. Further, the provisions of other law to the contrary notwithstanding, the
62 plan shall detail a means for the waiver of requirements otherwise imposed on
63 the school related to the authority of the state board of education to classify
64 school districts pursuant to subdivision (9) of section 161.092, RSMo, and such
65 other rules and regulations as determined by the commissioner of education,
66 except such waivers shall be confined to the school and not other schools in the
67 school district unless such other schools meet the requirements of this
68 subsection. However, any waiver provided to any school as outlined in this
69 subsection shall be void on June thirtieth of any school year in which the school
70 fails to meet the requirements for the approval of the grants authorized by this
71 section as specified in subsection 2 of this section.

72 [5.] 6. For any school year, grants authorized by subsections 1 to 3 of this
73 section shall be funded with the amount appropriated for this program, less those
74 funds necessary to reimburse eligible students pursuant to subsection 6 of this
75 section.

76 [6.] 7. The commissioner of education shall, by rule and regulation of the
77 state board of education and with the advice of the coordinating board for higher
78 education, establish a procedure for the reimbursement of the cost of tuition,
79 books and fees to any public community college or vocational or technical school
80 for any student:

81 (1) Who has attended a public high school in the state for at least three
82 years immediately prior to graduation that meets the requirements of subsection
83 2 of this section, except that students who are active duty military dependents
84 who, in the school year immediately preceding graduation, meet all other
85 requirements of this subsection and are attending a school that meets the
86 requirements of subsection 2 of this section shall be exempt from the three-year
87 attendance requirement of this subdivision; and

88 (2) Who has made a good faith effort to first secure all available federal

89 sources of funding that could be applied to the reimbursement described in this
90 subsection; and

91 (3) Who has earned a minimal grade average while in high school as
92 determined by rule of the state board of education, and other requirements for the
93 reimbursement authorized by this subsection as determined by rule and
94 regulation of said board.

95 [7.] 8. The commissioner of education shall develop a procedure for
96 evaluating the effectiveness of the program described in this section. Such
97 evaluation shall be conducted annually with the results of the evaluation
98 provided to the governor, speaker of the house, and president pro tempore of the
99 senate.

170.011. 1. Regular courses of instruction in the Constitution of the
2 United States and of the state of Missouri and in American history and
3 institutions shall be given in all public and private schools in the state of
4 Missouri, except privately operated trade schools, and shall begin not later than
5 the seventh grade and continue in high school to an extent determined by the
6 state commissioner of education, and shall continue in college and university
7 courses to an extent determined by the state commissioner of higher education.
8 In the 1990-91 school year and each year thereafter, local school districts
9 maintaining high schools shall comply with the provisions of this section by
10 offering in grade nine, ten, eleven, or twelve a course of instruction in the
11 institutions, branches and functions of the government of the state of Missouri,
12 including local governments, and of the government of the United States, and in
13 the electoral process. A local school district maintaining such a high school shall
14 require that prior to the completion of the twelfth grade each pupil, who receives
15 a high school diploma or certificate of graduation on or after January 1, 1994,
16 shall satisfactorily complete such a course of study. Such course shall be of at
17 least one semester in length and may be two semesters in length. The
18 department of elementary and secondary education may provide assistance in
19 developing such a course if the district requests assistance. **A school district**
20 **may elect to waive the requirements of this subsection for any student**
21 **who transfers from outside the state to a Missouri high school if the**
22 **student can furnish documentation deemed acceptable by the school**
23 **district of the student's successful completion in any year from the**
24 **ninth through the twelfth grade of a course of instruction in the**
25 **institutions, branches, and functions of state government, including**

26 **local governments, and of the government of the United States, and in**
27 **the electoral process.**

28 2. American history courses at the elementary and secondary levels shall
29 include in their proper time-line sequence specific referrals to the details and
30 events of the racial equality movement that have caused major changes in United
31 States and Missouri laws and attitudes.

32 3. No pupil shall receive a certificate of graduation from any public or
33 private school other than private trade schools unless he has satisfactorily passed
34 an examination on the provisions and principles of the Constitution of the United
35 States and of the state of Missouri, and in American history and American
36 institutions. **A school district may elect to waive the requirements of**
37 **this subsection for any student who transfers from outside the state to**
38 **a Missouri high school if the student can furnish documentation**
39 **deemed acceptable by the school district of the student's successful**
40 **completion in any year from the ninth through the twelfth grade of a**
41 **course of instruction in the institutions, branches, and functions of**
42 **state government, including local governments, and of the government**
43 **of the United States, and in the electoral process.** A student of a college
44 or university, who, after having completed a course of instruction prescribed in
45 this section and successfully passed an examination on the United States
46 Constitution, and in American history and American institutions required hereby,
47 transfers to another college or university, is not required to complete another
48 such course or pass another such examination as a condition precedent to his
49 graduation from the college or university.

50 4. In the 1990-91 school year and each year thereafter, each school district
51 maintaining a high school may annually nominate to the state board of education
52 a student who has demonstrated knowledge of the principles of government and
53 citizenship through academic achievement, participation in extracurricular
54 activities, and service to the community. Annually, the state board of education
55 shall select fifteen students from those nominated by the local school districts and
56 shall recognize and award them for their academic achievement, participation and
57 service.

58 5. [The state commissioner of education and the state commissioner of
59 higher education shall make arrangements for carrying out the provisions of this
60 section and prescribe a list of suitable texts adapted to the needs of the school
61 grades and college courses, respectively.

62 6. The willful neglect of any superintendent, principal or teacher to
63 observe and carry out the requirements of this section is sufficient cause for
64 termination of his contract.

65 7.] The provisions of this section shall not apply to students from foreign
66 countries who are enrolled in public or private high schools in Missouri, if such
67 students are foreign exchange students sponsored by a national organization
68 recognized by the department of elementary and secondary education.

**170.400. Any and all equipment and educational materials
2 necessary for successful participation in supplemental educational
3 services programming shall not be deemed an incentive for the
4 purposes of compliance with department of elementary and secondary
5 education rules and regulations for supplemental educational services
6 provider certification. The department of elementary and secondary
7 education shall not prohibit providers of supplemental and educational
8 services from allowing students to retain equipment used by them upon
9 successful completion of supplemental and educational services.**

**192.631. 1. Subject to appropriations, by July 1, 2009, the
2 department of health and senior services shall establish a school-based
3 influenza vaccination pilot program. Participation in the program shall
4 be voluntary on the part of the school district and shall be
5 administered with the consent of the student's parents or legal
6 guardian. When creating the program, the department shall also take
7 into account:**

8 **(1) The costs and benefits of establishing a school-based
9 influenza vaccination pilot program;**

10 **(2) The barriers to implementing the proposed pilot program;
11 and**

12 **(3) The fiscal impact to the state of such program.**

13 **2. The department shall work to increase influenza vaccination
14 awareness and participation among parents of children aged six
15 months to five years in child care facilities. The official website of the
16 department shall have information on the benefits of annual
17 vaccination against influenza for children and its programs offered for
18 the children. The department shall cooperate with the department of
19 social services and department of elementary and secondary education
20 in order to distribute the information to the parents and child care
21 facilities effectively in August or September in every year.**

22 **3. The department shall promulgate rules for the implementation**
23 **of the pilot program created under this section. Any rule or portion of**
24 **a rule, as that term is defined in section 536.010, RSMo, that is created**
25 **under the authority delegated in this section shall become effective**
26 **only if it complies with and is subject to all of the provisions of chapter**
27 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and**
28 **chapter 536, RSMo, are nonseverable and if any of the powers vested**
29 **with the general assembly pursuant to chapter 536, RSMo, to review, to**
30 **delay the effective date, or to disapprove and annul a rule are**
31 **subsequently held unconstitutional, then the grant of rulemaking**
32 **authority and any rule proposed or adopted after August 28, 2008, shall**
33 **be invalid and void.**

34 **4. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:**

35 **(1) Any new program authorized under this section shall**
36 **automatically sunset six years after the effective date of this section**
37 **unless reauthorized by an act of the general assembly; and**

38 **(2) If such program is reauthorized, the program authorized**
39 **under this section shall automatically sunset twelve years after the**
40 **effective date of the reauthorization of this section; and**

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

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