

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
HOUSE BILL NO. 1678
94TH GENERAL ASSEMBLY

4102S.02T

2008

AN ACT

To repeal sections 41.1010, 42.007, 160.053, 160.518, 168.021, 170.011, and 620.515, RSMo, and to enact in lieu thereof eleven new sections relating to members of the military and their families.

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

Section A. Sections 41.1010, 42.007, 160.053, 160.518, 168.021, 170.011, and 620.515, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 41.1010, 42.007, 160.053, 160.518, 160.2000, 168.021, 170.011, 173.234, 173.900, 452.412 and 620.515, to read as follows:

41.1010. 1. There is hereby established the "Missouri Military Preparedness and Enhancement Commission". The commission shall have as its purpose the design and implementation of measures intended to protect, retain, and enhance the present and future mission capabilities at the military posts or bases within the state. The commission shall consist of nine members:

(1) Five members to be appointed by the governor;

(2) Two members of the house of representatives, one appointed by the speaker of the house of representatives, and one appointed by the minority floor leader;

(3) Two members of the senate, one appointed by the president pro tempore, and one appointed by the minority floor leader;

(4) The director of the department of economic development or the director's designee, ex officio;

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.

13 **(5) The chairman of the Missouri veterans' commission or the chairman's designee,**
14 **ex officio.**

15

16 No more than three of the five members appointed by the governor shall be of the same political
17 party. To be eligible for appointment by the governor, a person shall have demonstrated
18 experience in economic development, the defense industry, military installation operation,
19 environmental issues, finance, local government, or the use of air space for future military
20 missions. Appointed members of the commission shall serve three-year terms, except that of the
21 initial appointments made by the governor, two shall be for one-year terms, two shall be for
22 two-year terms, and one shall be for a three-year term. No appointed member of the commission
23 shall serve more than six years total. A vacancy occurs if a legislative member leaves office for
24 any reason. Any vacancy on the commission shall be filled in the same manner as the original
25 appointment.

26 2. Members of the commission shall be reimbursed for the actual and necessary expenses
27 incurred in the discharge of the member's official duties.

28 3. A chair of the commission shall be selected by the members of the commission.

29 4. The commission shall meet at least quarterly and at such other times as the chair
30 deems necessary.

31 5. The commission shall be funded by an appropriation limited to that purpose. Any
32 expenditure constituting more than ten percent of the commission's annual appropriation shall
33 be based on a competitive bid process.

34 6. The commission shall:

35 (1) Advise the governor and the general assembly on military issues and economic and
36 industrial development related to military issues;

37 (2) Make recommendations regarding:

38 (a) Developing policies and plans to support the long-term viability and prosperity of the
39 military, active and **retiree, and** civilian **military employees**, in this state, including promoting
40 strategic regional alliances that may extend over state lines;

41 (b) Developing methods to improve private and public employment opportunities for
42 former members of the military **and their families** residing in this state; and

43 (c) Developing methods to assist defense-dependent communities in the design and
44 execution of programs that enhance a community's relationship with military installations and
45 defense-related businesses;

46 (3) Provide information to communities, the general assembly, the state's congressional
47 delegation, and state agencies regarding federal actions affecting military installations and
48 missions;

- 49 (4) Serve as a clearinghouse for:
50 (a) Defense economic adjustment and transition information and activities; and
51 (b) Information concerning the following:
52 a. Issues related to the operating costs, missions, and strategic value of federal military
53 installations located in the state;
54 b. Employment issues for communities that depend on defense bases and in
55 defense-related businesses; and
56 c. Defense strategies and incentive programs that other states are using to maintain,
57 expand, and attract new defense contractors;
58 (5) Provide assistance to communities that have experienced a defense-related closure
59 or realignment;
60 (6) Assist communities in the design and execution of programs that enhance a
61 community's relationship with military installations and defense-related businesses, including
62 regional alliances that may extend over state lines;
63 (7) Assist communities in the retention and recruiting of defense-related businesses,
64 including fostering strategic regional alliances that may extend over state lines;
65 (8) Prepare a biennial strategic plan that:
66 (a) Fosters the enhancement of military value of the contributions of Missouri military
67 installations to national defense strategies;
68 (b) Considers all current and anticipated base realignment and closure criteria; and
69 (c) Develops strategies to protect the state's existing military missions and positions the
70 state to be competitive for new and expanded military missions;
71 (9) Encourage economic development in this state by fostering the development of
72 industries related to defense affairs.
73 7. The commission shall prepare and present an annual report to the governor and the
74 general assembly by December thirty-first of each year.
75 8. The department of economic development shall furnish administrative support and
76 staff for the effective operation of the commission.

42.007. 1. There is hereby established within the department of public safety the
2 "Missouri Veterans' Commission", such commission to be a type III agency within the
3 department of public safety under the Omnibus State Reorganization Act of 1974. All duties and
4 activities carried on by the division of veterans' affairs on August 28, 1989, shall be vested in
5 such commission as provided by the Omnibus Reorganization Act of 1974.

6 2. The commission shall be composed of five members, who shall be veterans appointed
7 by the governor, with the advice and consent of the senate, for a four-year term; except that
8 initial appointments to the commission shall consist of two veterans to serve four-year terms, two

9 veterans to serve three-year terms, and one veteran to serve a two-year term. **In addition, the**
10 **chair of the Missouri military preparedness and enhancement commission or the chair's**
11 **designee shall be an ex officio member of the commission.**

12 3. The governor shall make all appointments to the commission from lists of nominees
13 recommended by each of the statewide veterans' organizations incorporated in this state,
14 chartered by Congress, or authorized under Title 38, United States Code. Vacancies shall be
15 filled by appointment made in the same manner as the original appointments. A member of the
16 commission shall be a resident of the state of Missouri but shall not be an employee of the state.
17 Members of the commission shall not be compensated for their services, but shall be reimbursed
18 from funds appropriated therefor for actual and necessary expenses incurred in the performance
19 of their duties.

20 4. The commission shall organize by electing one member as chairman and another as
21 vice chairman. Such officers shall serve for a term of two years. The commission shall meet no
22 fewer than four times per calendar year, at the call of the chairman, and at times and places
23 established by the chairman by written notice. The commission's executive director shall serve
24 as secretary to the commission.

25 5. The commission shall aid and assist all veterans and their dependents and legal
26 representatives, **who are legal Missouri residents or** who live in the state of Missouri, in all
27 matters relating to the rights of veterans under the laws of the United States and under the rules
28 and regulations of federal agencies, boards, commissions and other authorities which are in any
29 manner concerned with the interest and welfare of veterans and their dependents. In addition to
30 any other duties imposed by sections 42.002 to 42.135 and section 143.1001, RSMo, the
31 commission shall:

32 (1) Disseminate by all means available information concerning the rights of veterans and
33 their dependents;

34 (2) Provide aid and assistance to all veterans, their dependents and legal representatives,
35 in preparing, presenting and prosecuting claims for compensation, education, pensions, insurance
36 benefits, hospitalization, rehabilitation and all other matters in which a veteran may have a claim
37 against the United States or any state arising out of or connected with service in the military
38 forces of the United States;

39 (3) Prosecute all claims listed in subdivision (2) of this subsection to conclusion, when
40 so authorized and empowered by a veteran, his survivors or legal representatives;

41 (4) Cooperate with the United States Employment Service, the United States Department
42 of Veterans' Affairs and all federal and state offices legally concerned with and interested in the
43 welfare of veterans and their dependents;

44 (5) Arrange for and accept through such mutual arrangements as may be made, the
45 volunteer services, equipment, facilities, properties, supplies, funds and personnel of all federal,
46 welfare, civic and service organizations, and other organized groups and individuals which are
47 in furtherance of the purposes of sections 42.002 to 42.135 and section 143.1001, RSMo;

48 (6) Volunteers shall be deemed unpaid employees and shall be accorded the protection
49 of the legal expense fund and liability provisions. Reimbursement for transportation and other
50 necessary expenses may be furnished to those volunteers whose presence on special assignment
51 is determined to be necessary by the commission. Such expenses shall be reimbursed from the
52 regular appropriations of the commission. Volunteers may utilize state vehicles in the
53 performance of commission-related duties, subject to those rules and regulations governing use
54 of state vehicles by paid staff;

55 (7) Establish, maintain and operate offices throughout this state as necessary to carry out
56 the purposes of sections 42.002 to 42.135 and section 143.1001, RSMo;

57 (8) Provide to the executive director of the commission all appropriate authority for the
58 execution of the duties of the commission under this chapter;

59 (9) Employ such staff as necessary for performance of the duties and purposes of this
60 chapter.

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

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

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

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

 160.518. 1. Consistent with the provisions contained in section 160.526, the state board
2 of education shall develop a statewide assessment system that provides maximum flexibility for
3 local school districts to determine the degree to which students in the public schools of the state
4 are proficient in the knowledge, skills, and competencies adopted by such board pursuant to
5 subsection 1 of section 160.514. The statewide assessment system shall assess problem solving,
6 analytical ability, evaluation, creativity, and application ability in the different content areas and
7 shall be performance-based to identify what students know, as well as what they are able to do,
8 and shall enable teachers to evaluate actual academic performance.

9 The assessment system shall neither promote nor prohibit rote memorization and shall not
10 include existing versions of tests approved for use pursuant to the provisions of section 160.257,
11 nor enhanced versions of such tests. The statewide assessment shall measure, where appropriate
12 by grade level, a student's knowledge of academic subjects including, but not limited to, reading
13 skills, writing skills, mathematics skills, world and American history, forms of government,
14 geography and science.

15 2. The assessment system shall only permit the academic performance of students in each
16 school in the state to be tracked against prior academic performance in the same school.

17 3. The state board of education shall suggest criteria for a school to demonstrate that its
18 students learn the knowledge, skills and competencies at exemplary levels worthy of imitation
19 by students in other schools in the state and nation. "Exemplary levels" shall be measured by the
20 assessment system developed pursuant to subsection 1 of this section, or until said assessment
21 is available, by indicators approved for such use by the state board of education. The provisions
22 of other law to the contrary notwithstanding, the commissioner of education may, upon request
23 of the school district, present a plan for the waiver of rules and regulations to any such school,
24 to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4
25 of this section.

26 4. For any school that meets the criteria established by the state board of education for
27 three successive school years pursuant to the provisions of subsection 3 of this section, by
28 August first following the third such school year, the commissioner of education shall present
29 a plan to the superintendent of the school district in which such school is located for the waiver
30 of rules and regulations to promote flexibility in the operations of the school and to enhance and
31 encourage efficiency in the delivery of instructional services. The provisions of other law to the
32 contrary notwithstanding, the plan presented to the superintendent shall provide a summary
33 waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the

34 school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail
35 a means for the waiver of requirements otherwise imposed on the school related to the authority
36 of the state board of education to classify school districts pursuant to subdivision (9) of section
37 161.092, RSMo, and such other rules and regulations as determined by the commissioner of
38 education, excepting such waivers shall be confined to the school and not other schools in the
39 district unless such other schools meet the criteria established by the state board of education
40 consistent with subsection 3 of this section and the waivers shall not include the requirements
41 contained in this section and section 160.514. Any waiver provided to any school as outlined
42 in this subsection shall be void on June thirtieth of any school year in which the school fails to
43 meet the criteria established by the state board of education consistent with subsection 3 of this
44 section.

45 5. The score on any assessment test developed pursuant to this section or this chapter of
46 any student for whom English is a second language shall not be counted until such time as such
47 student has been educated for three full school years in a school in this state, or in any other state,
48 in which English is the primary language.

49 6. The state board of education shall identify or, if necessary, establish one or more
50 developmentally appropriate alternate assessments for students who receive special educational
51 services, as that term is defined pursuant to section 162.675, RSMo. In the development of such
52 alternate assessments, the state board shall establish an advisory panel consisting of a majority
53 of active special education teachers and other education professionals as appropriate to research
54 available assessment options. The advisory panel shall attempt to identify preexisting
55 developmentally appropriate alternate assessments but shall, if necessary, develop alternate
56 assessments and recommend one or more alternate assessments for adoption by the state board.
57 The state board shall consider the recommendations of the advisory council in establishing such
58 alternate assessment or assessments. Any student who receives special educational services, as
59 that term is defined pursuant to section 162.675, RSMo, shall be assessed by an alternate
60 assessment established pursuant to this subsection upon a determination by the student's
61 individualized education program team that such alternate assessment is more appropriate to
62 assess the student's knowledge, skills and competencies than the assessment developed pursuant
63 to subsection 1 of this section. The alternate assessment shall evaluate the student's independent
64 living skills, which include how effectively the student addresses common life demands and how
65 well the student meets standards for personal independence expected for someone in the student's
66 age group, sociocultural background, and community setting.

67 7. **The state board of education shall also develop recommendations regarding**
68 **alternate assessments for any military dependent who relocates to Missouri after the**
69 **commencement of a school term, in order to accommodate such student while ensuring that**

70 he or she is proficient in the knowledge, skills, and competencies adopted under section
71 **160.514.**

72 **8.** Notwithstanding the provisions of subsections 1 to [6] **7** of this section, no later than
73 June 30, 2006, the state board of education shall administer the following adjustments to the
74 statewide assessment system:

75 (1) Align the performance standards of the statewide assessment system so that such
76 indicators meet, but do not exceed, the performance standards of the National Assessment of
77 Education Progress (NAEP) exam;

78 (2) Institute yearly examination of students in the required subject areas where compelled
79 by existing federal standards, as of August 28, 2004; and

80 (3) Administer any other adjustments that the state board of education deems necessary
81 in order to aid the state in satisfying existing federal requirements, as of August 28, 2004,
82 including, but not limited to, the requirements contained in the federal No Child Left Behind Act.
83 Grade-level expectations shall be considered when the state board of education establishes
84 performance standards.

85 [8.] **9.** By July 1, 2006, the state board of education shall examine its rules and
86 regulations and revise them to permit waivers of resource and process standards based upon
87 achievement of performance profiles consistent with accreditation status.

160.2000. Interstate Compact on Educational Opportunity for Military Children

2 **ARTICLE I**

3 **PURPOSE**

4 **It is the purpose of this compact to remove barriers to educational success imposed on**
5 **children of military families because of frequent moves and deployment of their parents**
6 **by:**

7 **A. Facilitating the timely enrollment of children of military families and ensuring**
8 **that they are not placed at a disadvantage due to difficulty in the transfer of education**
9 **records from the previous school district(s) or variations in entrance/age requirements.**

10 **B. Facilitating the student placement process through which children of military**
11 **families are not disadvantaged by variations in attendance requirements, scheduling,**
12 **sequencing, grading, course content or assessment.**

13 **C. Facilitating the qualification and eligibility for enrollment, educational**
14 **programs, and participation in extracurricular academic, athletic, and social activities.**

15 **D. Facilitating the on-time graduation of children of military families.**

16 **E. Providing for the promulgation and enforcement of administrative rules**
17 **implementing the provisions of this compact.**

F. Providing for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

G. Promoting coordination between this compact and other compacts affecting military children.

H. Promoting flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Active duty" means: full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.

B. "Children of military families" means: a school-aged child(ren), enrolled in Kindergarten through Twelfth (12th) grade, in the household of an active duty member.

C. "Compact commissioner" means: the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

D. "Deployment" means: the period one (1) month prior to the service members' departure from their home station on military orders though six (6) months after return to their home station.

E. "Education(al) records" means: those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

F. "Extracurricular activities" means: a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

G. "Interstate Commission on Educational Opportunity for Military Children" means: the commission that is created under Article IX of this compact, which is generally referred to as Interstate Commission.

H. "Local education agency" means: a public authority legally constituted by the state as an administrative agency to provide control of and direction for Kindergarten through Twelfth (12th) grade public educational institutions.

J. "Military installation" means: means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

63 **L. "Receiving state" means: the state to which a child of a military family is sent,**
64 **brought, or caused to be sent or brought.**

71 **N. "Sending state" means: the state from which a child of a military family is sent,**
72 **brought, or caused to be sent or brought.**

76 **P. "Student" means: the child of a military family for whom the local education**
77 **agency receives public funding and who is formally enrolled in Kindergarten through**
78 **Twelfth (12th) grade.**

82 **R. "Uniformed service(s)" means: the Army, Navy, Air Force, Marine Corps,**
83 **Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric**
84 **Administration, and Public Health Services.**

ARTICLE III APPLICABILITY

89 **A. Except as otherwise provided in Section B, this compact shall apply to the**
90 **children of:**

91 **1. active duty members of the uniformed services as defined in this compact,**
92 **including members of the National Guard and Reserve on active duty orders pursuant to**
93 **10 U.S.C. Section 1209 and 1211;**

94 **2. members or veterans of the uniformed services who are severely injured and**
95 **medically discharged or retired for a period of one (1) year after medical discharge or**
96 **retirement; and**

97 **3. members of the uniformed services who die on active duty or as a result of**
98 **injuries sustained on active duty for a period of one (1) year after death.**

99 **B. The provisions of this interstate compact shall only apply to local education**
100 **agencies as defined in this compact.**

101 **C. The provisions of this compact shall not apply to the children of:**

102 **1. inactive members of the national guard and military reserves;**

103 **2. members of the uniformed services now retired, except as provided in Section**
104 **A;**

105 **3. veterans of the uniformed services, except as provided in Section A; and**

106 **4. other U.S. Dept. of Defense personnel and other federal agency civilian and**
107 **contract employees not defined as active duty members of the uniformed services.**

ARTICLE IV

EDUCATIONAL RECORDS & ENROLLMENT

A. Unofficial or "hand-carried" education records - In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

118 **B. Official education records/transcripts - Simultaneous with the enrollment and**
119 **conditional placement of the student, the school in the receiving state shall request the**
120 **student's official education record from the school in the sending state. Upon receipt of this**
121 **request, the school in the sending state will process and furnish the official education**
122 **records to the school in the receiving state within ten (10) days or within such time as is**
123 **reasonably determined under the rules promulgated by the Interstate Commission.**

C. Immunizations - Compacting states shall give thirty (30) days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunization(s) required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty (30) days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

D. Kindergarten and First grade entrance age - Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including Kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

ARTICLE V

PLACEMENT & ATTENDANCE

A. Course placement - When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

B. Educational program placement - The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state. Such programs include, but are not limited to: 1) gifted and talented programs; and 2) English as a second language (ESL). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services - 1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq,

the receiving state shall initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and 2) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility - Local education agency administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities - A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI

ELIGIBILITY

A. Eligibility for enrollment

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation - State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

ARTICLE VII

GRADUATION

In order to facilitate the on-time graduation of children of military families states and local education agencies shall incorporate the following procedures:

A. Waiver requirements - Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams - States shall accept: 1) exit or end-of-course exams required for graduation from the sending state; or 2) national norm-referenced achievement tests or 3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her Senior year, then the provisions of Article VII, Section C shall apply.

C. Transfers during Senior year - Should a military student transferring at the beginning or during his or her Senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with Sections A and B of this Article.

ARTICLE VIII**STATE COORDINATION**

A. Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities. While each member state may determine the membership of its own State Council, its membership must include at least: the state superintendent of education, superintendent of a school district with a high concentration of military children, representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the State Council deems appropriate. A member state that does not have a school district deemed to contain a high

concentration of military children may appoint a superintendent from another school district to represent local education agencies on the State Council.

B. The State Council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the Governor or as otherwise determined by each member state.

D. The compact commissioner and the military family education liaison designated herein shall be ex-officio members of the State Council, unless either is already a full voting member of the State Council.

ARTICLE IX

INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children". The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact.

B. Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner.

1. Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

3. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the Interstate Commission, the Governor or State Council may delegate voting authority to another person from their state for a specified meeting.

4. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

C. Consist of ex-officio, nonvoting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include but not be

limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel and other interstate compacts affecting the education of children of military members.

D. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.

E. Establish an executive committee, whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as determined by the bylaws. Members of the executive committee shall serve a one year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The U.S. Dept. of Defense, shall serve as an ex-officio, nonvoting member of the executive committee.

F. Establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

G. Public notice shall be given by the Interstate Commission of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

1. Relate solely to the Interstate Commission's internal personnel practices and procedures;

2. Disclose matters specifically exempted from disclosure by federal and state statute;

3. Disclose trade secrets or commercial or financial information which is privileged or confidential;

4. Involve accusing a person of a crime, or formally censuring a person;

7. Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.

J. The Interstate Commission shall create a process that permits military officials, education officials and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the Interstate Commission or any member state.

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

B. To promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact.

337 C. To issue, upon request of a member state, advisory opinions concerning the
338 meaning or interpretation of the interstate compact, its bylaws, rules and actions.

339 D. To enforce compliance with the compact provisions, the rules promulgated by
340 the Interstate Commission, and the bylaws, using all necessary and proper means,
341 including but not limited to the use of judicial process.

342 E. To establish and maintain offices which shall be located within one or more of
343 the member states.

344 F. To purchase and maintain insurance and bonds.

345 G. To borrow, accept, hire or contract for services of personnel.

346 H. To establish and appoint committees including, but not limited to, an executive
347 committee as required by Article IX, Section E, which shall have the power to act on behalf
348 of the Interstate Commission in carrying out its powers and duties hereunder.

349 I. To elect or appoint such officers, attorneys, employees, agents, or consultants,
350 and to fix their compensation, define their duties and determine their qualifications; and
351 to establish the Interstate Commission's personnel policies and programs relating to
352 conflicts of interest, rates of compensation, and qualifications of personnel.

353 J. To accept any and all donations and grants of money, equipment, supplies,
354 materials, and services, and to receive, utilize, and dispose of it.

355 K. To lease, purchase, accept contributions or donations of, or otherwise to own,
356 hold, improve or use any property, real, personal, or mixed.

357 L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
358 of any property, real, personal or mixed.

359 M. To establish a budget and make expenditures.

360 N. To adopt a seal and bylaws governing the management and operation of the
361 Interstate Commission.

362 O. To report annually to the legislatures, governors, judiciary, and state councils
363 of the member states concerning the activities of the Interstate Commission during the
364 preceding year. Such reports shall also include any recommendations that may have been
365 adopted by the Interstate Commission.

366 P. To coordinate education, training and public awareness regarding the compact,
367 its implementation and operation for officials and parents involved in such activity.

368 Q. To establish uniform standards for the reporting, collecting and exchanging of
369 data.

370 R. To maintain corporate books and records in accordance with the bylaws.

371 S. To perform such functions as may be necessary or appropriate to achieve the
372 purposes of this compact.

T. To provide for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

ARTICLE XI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

- 1. Establishing the fiscal year of the Interstate Commission;**
- 2. Establishing an executive committee, and such other committees as may be necessary;**
- 3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;**
- 4. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;**
- 5. Establishing the titles and responsibilities of the officers and staff of the Interstate Commission;**
- 6. Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations.**
- 7. Providing "start up" rules for initial administration of the compact.**

B. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

C. Executive Committee, Officers and Personnel

1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:

- a. Managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;**

408 **b. Overseeing an organizational structure within, and appropriate procedures for**
409 **the Interstate Commission to provide for the creation of rules, operating procedures, and**
410 **administrative and technical support functions; and**

411 **c. Planning, implementing, and coordinating communications and activities with**
412 **other state, federal and local government organizations in order to advance the goals of the**
413 **Interstate Commission.**

414 **2. The executive committee may, subject to the approval of the Interstate**
415 **Commission, appoint or retain an executive director for such period, upon such terms and**
416 **conditions and for such compensation, as the Interstate Commission may deem**
417 **appropriate. The executive director shall serve as secretary to the Interstate Commission,**
418 **but shall not be a Member of the Interstate Commission. The executive director shall hire**
419 **and supervise such other persons as may be authorized by the Interstate Commission.**

420 **D. The Interstate Commission's executive director and its employees shall be**
421 **immune from suit and liability, either personally or in their official capacity, for a claim**
422 **for damage to or loss of property or personal injury or other civil liability caused or arising**
423 **out of or relating to an actual or alleged act, error, or omission that occurred, or that such**
424 **person had a reasonable basis for believing occurred, within the scope of Interstate**
425 **Commission employment, duties, or responsibilities; provided, that such person shall not**
426 **be protected from suit or liability for damage, loss, injury, or liability caused by the**
427 **intentional or willful and wanton misconduct of such person.**

428 **1. The liability of the Interstate Commission's executive director and employees or**
429 **Interstate Commission representatives, acting within the scope of such person's**
430 **employment or duties for acts, errors, or omissions occurring within such person's state**
431 **may not exceed the limits of liability set forth under the Constitution and laws of that state**
432 **for state officials, employees, and agents. The Interstate Commission is considered to be**
433 **an instrumentality of the states for the purposes of any such action. Nothing in this**
434 **subsection shall be construed to protect such person from suit or liability for damage, loss,**
435 **injury, or liability caused by the intentional or willful and wanton misconduct of such**
436 **person.**

437 **2. The Interstate Commission shall defend the executive director and its employees**
438 **and, subject to the approval of the Attorney General or other appropriate legal counsel of**
439 **the member state represented by an Interstate Commission representative, shall defend**
440 **such Interstate Commission representative in any civil action seeking to impose liability**
441 **arising out of an actual or alleged act, error or omission that occurred within the scope of**
442 **Interstate Commission employment, duties or responsibilities, or that the defendant had**
443 **a reasonable basis for believing occurred within the scope of Interstate Commission**

employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

3. To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rulemaking Authority - The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this Compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Act, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

B. Rulemaking Procedure - Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act", of 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the Interstate Commission.

C. Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission's authority.

D. If a majority of the legislatures of the compacting states rejects a Rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

480 **A. Oversight**

481 **1. The executive, legislative and judicial branches of state government in each**
482 **member state shall enforce this compact and shall take all actions necessary and**
483 **appropriate to effectuate the compact's purposes and intent. The provisions of this**
484 **compact and the rules promulgated hereunder shall have standing as statutory law.**

485 **2. All courts shall take judicial notice of the compact and the rules in any judicial**
486 **or administrative proceeding in a member state pertaining to the subject matter of this**
487 **compact which may affect the powers, responsibilities or actions of the Interstate**
488 **Commission.**

489 **3. The Interstate Commission shall be entitled to receive all service of process in**
490 **any such proceeding, and shall have standing to intervene in the proceeding for all**
491 **purposes. Failure to provide service of process to the Interstate Commission shall render**
492 **a judgment or order void as to the Interstate Commission, this compact or promulgated**
493 **rules.**

494 **B. Default, Technical Assistance, Suspension and Termination - If the Interstate**
495 **Commission determines that a member state has defaulted in the performance of its**
496 **obligations or responsibilities under this compact, or the bylaws or promulgated rules, the**
497 **Interstate Commission shall:**

498 **1. Provide written notice to the defaulting state and other member states, of the**
499 **nature of the default, the means of curing the default and any action taken by the**
500 **Interstate Commission. The Interstate Commission shall specify the conditions by which**
501 **the defaulting state must cure its default.**

502 **2. Provide remedial training and specific technical assistance regarding the default.**

503 **3. If the defaulting state fails to cure the default, the defaulting state shall be**
504 **terminated from the compact upon an affirmative vote of a majority of the member states**
505 **and all rights, privileges and benefits conferred by this compact shall be terminated from**
506 **the effective date of termination. A cure of the default does not relieve the offending state**
507 **of obligations or liabilities incurred during the period of the default.**

508 **4. Suspension or termination of membership in the compact shall be imposed only**
509 **after all other means of securing compliance have been exhausted. Notice of intent to**
510 **suspend or terminate shall be given by the Interstate Commission to the Governor, the**
511 **majority and minority leaders of the defaulting state's legislature, and each of the member**
512 **states.**

513 **5. The state which has been suspended or terminated is responsible for all**
514 **assessments, obligations and liabilities incurred through the effective date of suspension**

or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.

6. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

7. The defaulting state may appeal the action of the Interstate Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

C. Dispute Resolution

1. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and non-member states.

2. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. The Interstate Commission, may by majority vote of the members, initiate legal action in the United State District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the compact, its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

ARTICLE XIV

FINANCING OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

B. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate

Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

C. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XV

MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten (10) of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states.

C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI

WITHDRAWAL AND DISSOLUTION

A. Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact specifically repealing the statute, which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one (1) year after the effective date of such statute

and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other member jurisdiction.

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

B. Dissolution of Compact

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one (1) member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVII

SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other Laws

1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

B. Binding Effect of the Compact

622 **1. All lawful actions of the Interstate Commission, including all rules and bylaws**
623 **promulgated by the Interstate Commission, are binding upon the member states.**

624 **2. All agreements between the Interstate Commission and the member states are**
625 **binding in accordance with their terms.**

626 **3. In the event any provision of this compact exceeds the constitutional limits**
627 **imposed on the legislature of any member state, such provision shall be ineffective to the**
628 **extent of the conflict with the constitutional provision in question in that member state.**

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.

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 **promulgate rules to authorize the issuance of a provisional certificate of license, which shall**
91 **allow the holder to assume classroom duties pending the completion of a criminal**
92 **background check under section 168.133, for any applicant who:**

- 93 (1) **Is the spouse of a member of the armed forces stationed in Missouri;**
- 94 (2) **Relocated from another state within one year of the date of application;**
- 95 (3) **Underwent a criminal background check in order to be issued a teaching**
96 **certificate of license from another state; and**
- 97 (4) **Otherwise qualifies under this section.**

98 6. The state board may assess to holders of an initial professional certificate a fee, to be
99 deposited into the excellence in education revolving fund established pursuant to section
100 160.268, RSMo, for the issuance of the career continuous professional certificate. However,

101 such fee shall not exceed the combined costs of issuance and any criminal background check
102 required as a condition of issuance.

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

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

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

26 3. No pupil shall receive a certificate of graduation from any public or private school
27 other than private trade schools unless he has satisfactorily passed an examination on the
28 provisions and principles of the Constitution of the United States and of the state of Missouri,

29 and in American history and American institutions. **A school district may elect to waive the**
30 **requirements of this subsection for any student who transfers from outside the state to a**
31 **Missouri high school if the student can furnish documentation deemed acceptable by the**
32 **school district of the student's successful completion in any year from the ninth through**
33 **the twelfth grade of a course of instruction in the institutions, branches, and functions of**
34 **state government, including local governments, and of the government of the United States,**
35 **and in the electoral process.** A student of a college or university, who, after having completed
36 a course of instruction prescribed in this section and successfully passed an examination on the
37 United States Constitution, and in American history and American institutions required hereby,
38 transfers to another college or university, is not required to complete another such course or pass
39 another such examination as a condition precedent to his graduation from the college or
40 university.

41 4. In the 1990-91 school year and each year thereafter, each school district maintaining
42 a high school may annually nominate to the state board of education a student who has
43 demonstrated knowledge of the principles of government and citizenship through academic
44 achievement, participation in extracurricular activities, and service to the community. Annually,
45 the state board of education shall select fifteen students from those nominated by the local school
46 districts and shall recognize and award them for their academic achievement, participation and
47 service.

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

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

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

173.234. 1. As used in this section, unless the context clearly requires otherwise, the
2 **following terms mean:**

3 (1) "Board", the coordinating board for higher education;

4 (2) "Books", any books required for any course for which tuition was paid by a
5 grant awarded under this section;

6 (3) "Grant", the war veteran's survivors grant as established in this section;

7 (4) "Institution of postsecondary education", any approved Missouri public
8 institution of postsecondary education, as defined in section 173.205;

9 (5) "Survivor", a child or spouse of a war veteran;

10 (6) "Tuition", any tuition or incidental fee, or both, charged by an institution of
11 postsecondary education for attendance at the institution by a student as a resident of this
12 state. The tuition grant shall not exceed the amount of tuition charged a Missouri resident
13 at the University of Missouri-Columbia for attendance;

14 (7) "War veteran", a person who served in armed combat in the military and to
15 whom the following criteria shall apply:

16 (a) The veteran was a Missouri resident when first entering the military service and
17 at the time of death or injury; and

18 (b) The veteran dies as a result of combat action or the veteran's death was certified
19 by a Veterans' Administration medical authority to be attributable to an illness that was
20 contracted while serving in combat, or who became eighty percent disabled as a result of
21 injuries or accidents sustained in combat action.

22 2. Within the limits of the amounts appropriated therefor, the coordinating board
23 for higher education shall award annually up to twenty-five grants to survivors of war
24 veterans to attend institutions of postsecondary education in this state, which shall continue
25 to be awarded annually to eligible recipients as long as the recipient achieves and maintains
26 a cumulative grade point average of at least two and one-half on a four point scale, or its
27 equivalent. If the waiting list of eligible survivors exceeds fifty, the coordinating board
28 may petition the general assembly to expand the quota. If the quota is not expanded, then
29 the eligibility of survivors on the waiting list shall be extended.

30 3. A survivor may receive a grant under this section only so long as the survivor is
31 enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In
32 no event shall a survivor receive a grant beyond the completion of the first baccalaureate
33 degree, regardless of age.

34 4. The coordinating board for higher education shall:

35 (1) Promulgate all necessary rules and regulations for the implementation of this
36 section; and

37 (2) Provide the forms and determine the procedures necessary for a survivor to
38 apply for and receive a grant under this section.

39 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
40 that is created under the authority delegated in this section shall become effective only if
41 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
42 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
43 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
44 to review, to delay the effective date, or to disapprove and annul a rule are subsequently

45 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
46 adopted after August 28, 2008, shall be invalid and void.

47 6. In order to be eligible to receive a grant under this section, a survivor shall be
48 certified as eligible by the Missouri veterans' commission. In the case of an illness-related
49 death, such certification shall be made upon qualified medical certification by a Veterans'
50 Administration medical authority that the illness was both a direct result of the veteran's
51 combat service and a substantial factor in the cause of the resulting death of the veteran.

52 7. A survivor who is enrolled or has been accepted for enrollment as an
53 undergraduate postsecondary student at an approved institution of postsecondary
54 education, and who is selected to receive a grant under this section, shall receive the
55 following:

56 (1) An amount not to exceed the actual tuition charged at the approved institution
57 of postsecondary education where the survivor is enrolled or accepted for enrollment;

58 (2) An allowance of up to two thousand dollars per semester for room and board;
59 and

60 (3) The actual cost of books, up to a maximum of five hundred dollars per semester.

61 8. A survivor who is a recipient of a grant may transfer from one approved public
62 institution of postsecondary education to another without losing his or her entitlement
63 under this section. The board shall make necessary adjustments in the amount of the
64 grant. If a grant recipient at any time withdraws from the institution of postsecondary
65 education so that under the rules and regulations of that institution he or she is entitled to
66 a refund of any tuition, fees, room and board, books, or other charges, the institution shall
67 pay the portion of the refund to which he or she is entitled attributable to the grant for that
68 semester or similar grading period to the board.

69 9. If a survivor is granted financial assistance under any other student aid program,
70 public or private, the full amount of such aid shall be reported to the board by the
71 institution and the eligible survivor.

72 10. Nothing in this section shall be construed as a promise or guarantee that a
73 person will be admitted to an institution of postsecondary education or to a particular
74 institution of postsecondary education, will be allowed to continue to attend an institution
75 of postsecondary education after having been admitted, or will be graduated from an
76 institution of postsecondary education.

77 11. The benefits conferred by this section shall be available to any academically
78 qualified surviving spouse or children of war veterans. Surviving children who are eligible
79 shall be permitted to apply for full benefits conferred by this section until they reach
80 twenty-five years of age.

81 **12. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

82 **(1) The provisions of the new program authorized under this section shall sunset**
83 **automatically six years after the effective date of this section unless reauthorized by an act**
84 **of the general assembly; and**

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

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

173.900. 1. This act shall be known and may be cited as the "Missouri Returning
2 **Heroes' Education Act".**

3 **2. For the purpose of this section, the term "combat veteran" shall mean a person**
4 **who served in armed combat in the military after September 11, 2001, and to whom the**
5 **following criteria shall apply:**

6 **(1) The veteran was a Missouri resident when first entering the military; and**

7 **(2) The veteran was discharged from military service under honorable conditions.**

8 **3. All public institutions of higher education that receive any state funds**
9 **appropriated by the general assembly shall limit the amount of tuition such institutions**
10 **charge to combat veterans to fifty dollars per credit hour, as long as the veteran achieves**
11 **and maintains a cumulative grade point average of at least two and one-half on a four**
12 **point scale, or its equivalent. The tuition limitation shall only be applicable if the combat**
13 **veteran is enrolled in a program leading to a certificate, or an associate or baccalaureate**
14 **degree. The period during which a combat veteran is eligible for a tuition limitation under**
15 **this section shall expire at the end of the ten-year period beginning on the date of such**
16 **veteran's last discharge from service.**

17 **4. The coordinating board for higher education shall ensure that all applicable**
18 **institutions of higher education in this state comply with the provisions of this section and**
19 **may promulgate rules for the efficient implementation of this section.**

20 **5. If a combat veteran is eligible to receive financial assistance under any other**
21 **federal or state student aid program, public or private, the full amount of such aid shall**
22 **be reported to the board by the institution and the veteran. The tuition limitation under**
23 **this section shall be provided after all other federal and state aid for which the veteran is**
24 **eligible has been applied, and no combat veteran shall receive more than the actual cost of**
25 **attendance when the limitation is combined with other aid made available to such veteran.**

26 **6. Each institution may report to the board the amount of tuition waived in the**
27 **previous fiscal year under the provisions of this act. This information may be included in**

28 each institution's request for appropriations to the board for the following year. The
29 board may include this information in its appropriations recommendations to the governor
30 and the general assembly. The general assembly may reimburse institutions for the cost
31 of the waiver for the previous year as part of the operating budget. Nothing in this
32 subsection shall be construed to deny a combat veteran a tuition limitation if the general
33 assembly does not appropriate money for reimbursement to an institution.

34 7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
35 that is created under the authority delegated in this section shall become effective only if
36 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
37 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
38 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
39 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
40 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
41 adopted after August 28, 2008, shall be invalid and void.

452.412. A party's absence, relocation, or failure to comply with custody and
2 visitation orders shall not, by itself, be sufficient to justify a modification of a custody or
3 visitation order if the reason for the absence, relocation, or failure to comply is the party's
4 activation to military service and deployment out-of-state.

620.515. 1. This section shall be known and may be cited as the "[Guard] Hero at
2 Home" program [whose] , the purpose of which is to:

3 (1) Assist the spouse of an active duty national guard or reserve component service
4 member reservist to address immediate needs and employment in an attempt to keep the family
5 from falling into poverty while the primary income earner is on active duty, and during the one-
6 year period following discharge from deployment; and

7 (2) Assist returning national guard troops or reserve component service member
8 reservists with finding work in situations where an individual needs to rebuild business clientele
9 or where an individual's job has been eliminated while such individual was deployed, or where
10 the individual otherwise cannot return to his or her previous employment.

11 2. Subject to appropriation, the department of economic development shall [enter]
12 operate the hero at home program through existing programs or by entering into a contract
13 with qualified providers through local workforce investment boards [to provide the guard at
14 home program. The department shall develop the criteria of the contract] . Eligibility for the
15 program shall be based on the following criteria:

16 (1) Eligible participants in the program shall be those families where:

17 (a) The primary income earner was called to active duty in defense of the United States
18 for a period of more than four months;

- 19 (b) The family's primary income is no longer available;
20 (c) The family is experiencing significant hardship due to financial burdens; and
21 (d) The family has no outside resources available to assist with such hardships;
- 22 (2) Services that may be provided to the family will be aimed at ameliorating the
23 immediate crisis and providing a path for economic stability while the primary income is not
24 available due to the active military commitment. **Services shall be made available up to one**
25 **year following discharge from deployment.** Services may include, but not be limited to the
26 following:
- 27 (a) Financial assistance to families facing financial crisis from overdue bills due to
28 reduced income after the deployment of a spouse;
- 29 (b) Help paying day care costs to pursue training and or employment;
- 30 (c) Help covering the costs of transportation to training and or employment;
- 31 (d) Vocational evaluation and vocational counseling to help the individual choose a
32 visible employment goal;
- 33 (e) Vocational training to acquire or upgrade skills needed to be marketable in the
34 workforce;
- 35 (f) Paid internships and subsidized employment to train on the job; and
- 36 (g) Job placement assistance for those who don't require skills training;
- 37 (3) The department shall ensure the eligible providers are:
- 38 (a) Community-based not-for-profit agencies which have significant experience in job
39 training, placement, and social services;
- 40 (b) Providers with extensive experience providing such services to veterans and
41 implementing contracts with veteran organizations such as the department of veteran affairs;
- 42 (c) Providers which have attained the distinction of being accredited through a national
43 accreditation body for training and or human services;
- 44 (d) Providers which are able to provide a twenty percent match to the program either
45 through indirect or direct expenditures; and
- 46 (e) Providers with experience in the regions targeted for the program.
- 47 3. The department shall structure [the] **any** contract such that payment will be based on
48 delivering the services described in this section as well as performance to guarantee the greatest
49 possible effectiveness of the program.
- 50 4. Because of the important nature of this program to the health and welfare of
51 Missourians, this section shall become effective on July 1, 2006. The department shall make
52 every reasonable effort to ensure that the [guard] **hero** at home program is serving families by
53 August 1, 2006.

54 5. The department shall prepare a report on the operations and progress of the program
55 to be delivered to the speaker of the house of representatives and the president pro tem of the
56 senate no later than January 1, 2007.

✓