

SECOND REGULAR SESSION

# HOUSE BILL NO. 2317

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LAMPE.

Read 1st time February 28, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5265L.01I

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## AN ACT

To repeal sections 161.092, 161.097, 168.011, 168.015, 168.021, 168.071, 168.081, 168.400, 168.405, 168.500, and 168.510, RSMo, and to enact in lieu thereof twenty-four new sections relating to professional educators' standards and practices, with penalty provisions.

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

Section A. Sections 161.092, 161.097, 168.011, 168.015, 168.021, 168.071, 168.081, 168.400, 168.405, 168.500, and 168.510, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 161.092, 168.400, 168.405, 168.500, 168.510, 168.820, 168.823, 168.826, 168.829, 168.832, 168.835, 168.838, 168.841, 168.844, 168.847, 168.850, 168.853, 168.856, 168.859, 168.862, 168.865, 168.868, 168.871, and 168.874, to read as follows:

161.092. The state board of education shall:

- (1) Adopt rules governing its own proceedings and formulate policies for the guidance of the commissioner of education and the department of elementary and secondary education;
- (2) Carry out the educational policies of the state relating to public schools that are provided by law and supervise instruction in the public schools;
- (3) Direct the investment of all moneys received by the state to be applied to the capital of any permanent fund established for the support of public education within the jurisdiction of the department of elementary and secondary education and see that the funds are applied to the branches of educational interest of the state that by grant, gift, devise or law they were originally

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 intended, and if necessary institute suit for and collect the funds and return them to their  
11 legitimate channels;

12 (4) Cause to be assembled information which will reflect continuously the condition and  
13 management of the public schools of the state;

14 (5) Require of county clerks or treasurers, boards of education or other school officers,  
15 recorders and treasurers of cities, towns and villages, copies of all records required to be made  
16 by them and all other information in relation to the funds and condition of schools and the  
17 management thereof that is deemed necessary;

18 (6) Provide blanks suitable for use by officials in reporting the information required by  
19 the board;

20 (7) When conditions demand, cause the laws relating to schools to be published in a  
21 separate volume, with pertinent notes and comments, for the guidance of those charged with the  
22 execution of the laws;

23 (8) [Grant, without fee except as provided in section 168.021, RSMo, certificates of  
24 qualification and licenses to teach in any of the public schools of the state, establish requirements  
25 therefor, formulate regulations governing the issuance thereof, and cause the certificates to be  
26 revoked for the reasons and in the manner provided in section 168.071, RSMo;

27 (9)] Classify the public schools of the state, subject to limitations provided by law,  
28 establish requirements for the schools of each class, and formulate rules governing the inspection  
29 and accreditation of schools preparatory to classification, with such requirements taking effect  
30 not less than two years from the date of adoption of the proposed rule by the state board of  
31 education, provided that this condition shall not apply to any requirement for which a time line  
32 for adoption is mandated in either federal or state law;

33 [(10)] (9) Make an annual report on or before the first Wednesday after the first day of  
34 January to the general assembly or, when it is not in session, to the governor for publication and  
35 transmission to the general assembly. The report shall be for the last preceding school year, and  
36 shall include:

37 (a) A statement of the number of public schools in the state, the number of pupils  
38 attending the schools, their sex, and the branches taught;

39 (b) A statement of the number of teachers employed, their sex, their professional  
40 training, and their average salary;

41 (c) A statement of the receipts and disbursements of public school funds of every  
42 description, their sources, and the purposes for which they were disbursed;

43 (d) Suggestions for the improvement of public schools; and

44 (e) Any other information relative to the educational interests of the state that the law  
45 requires or the board deems important;

46        [(11)] (10) Make an annual report to the general assembly and the governor concerning  
47 coordination with other agencies and departments of government that support family literacy  
48 programs and other services which influence educational attainment of children of all ages;

49        [(12)] (11) Require from the chief officer of each division of the department of  
50 elementary and secondary education, on or before the thirty-first day of August of each year,  
51 reports containing information the board deems important and desires for publication;

52        [(13)] (12) Cause fifty copies of its annual report to be reserved for the use of each  
53 division of the state department of elementary and secondary education, and ten copies for  
54 preservation in the state library;

55        [(14)] (13) Have other powers and duties prescribed by law.

168.400. 1. Sections 168.400 to 168.415 shall be known and may be cited as the  
2 "Missouri Professional Teacher and Administrator Act". This section shall become effective  
3 September 1, 1988, and shall establish programs for the following public school personnel:

4        (1) The preservice teacher or student in training;

5        (2) The beginning teacher;

6        (3) The practicing teacher; and

7        (4) The administrator.

8        2. Preservice teacher programs established under this section shall include, but need not  
9 be limited to, the following provisions:

10        (1) A program of entry-level testing of all prospective teacher education students shall  
11 be established at all colleges and universities offering approved teacher education programs and[,  
12 with the advice of the advisory council as provided in section 168.015,] shall be administered  
13 by the commissioner of education[, who shall cause the department of elementary and secondary  
14 education to] . **The professional educators' standards and practices board** shall develop or  
15 select such tests to establish abilities necessary to receive a satisfactory rating, and [to] establish  
16 procedures for the administering of the test;

17        (2) The entry-level tests developed under this subsection shall include, but need not be  
18 limited to, an examination of basic oral and written communication skills and of basic  
19 mathematics skills, and may include both oral and written examinations;

20        (3) Each prospective teacher education student shall be required to obtain a satisfactory  
21 rating prior to admission into the approved teacher education program;

22        (4) The [department of elementary and secondary education, with the advice of the  
23 advisory council as provided in section 168.015,] **professional educators' standards and**  
24 **practices board** shall establish and monitor exit requirements from approved teacher education  
25 programs which shall be met by all preservice teacher education students seeking certification  
26 in Missouri, and specific criteria for a preservice teacher assessment that all candidates for

27 certification shall meet. The preservice teacher assessment established under this subdivision  
28 shall include, but need not be limited to, classroom achievement, practice teaching evaluation  
29 and observation, successful participation in assessment centers, interviews, tests and other  
30 evaluation measures. The [department of elementary and secondary education] **professional**  
31 **educators' standards and practices board** shall promulgate rules to allow all preservice  
32 teacher education students who have been employed for at least two years as teacher assistants  
33 to utilize their teacher assistant experience to bypass the practice teaching evaluation and  
34 observation process. These rules shall allow the certified teacher working with the teacher  
35 assistant to observe and evaluate the teacher assistant's practice teaching. No rule or portion of  
36 a rule promulgated pursuant to the authority of this section shall become effective unless it has  
37 been promulgated pursuant to chapter 536, RSMo. The preservice teacher assessment shall be  
38 reviewed by the [certifying authority] **professional educators' standards and practices board**  
39 prior to issuance of a certificate. An unsatisfactory assessment shall result in the nonissuance  
40 of a certificate. Persons who are aggrieved by the nonissuance of a certificate may appeal such  
41 nonissuance in the manner provided in section [168.071] **168.853**. Any costs associated with  
42 the entry-level tests or the exit requirements established under this subsection shall be borne by  
43 each institution and costs defrayal included in the incidental fees charged to the student.

44         3. Each approved teacher education program shall require the faculty teaching preservice  
45 teacher education courses to further their professional development through direct personal  
46 involvement in the public schools in grades kindergarten through twelve on a periodic basis. As  
47 used in this subsection, the term "faculty" shall include, but need not be limited to, full- and  
48 part-time classroom instructors, and supervisors of practice teaching at institutions offering an  
49 approved teacher education program.

50         4. Beginning teacher assistance programs established under this section shall include,  
51 but need not be limited to, the following provisions:

52         (1) Such programs shall require each school district to provide a plan of professional  
53 development for the first two years of teaching for any teacher who does not have prior teaching  
54 experience. The professional development plan shall include assistance from a professional  
55 development committee, which is hereby established in each school district, which committee  
56 shall work with beginning teachers and experienced teachers in identifying instructional concerns  
57 and remedies; serve as a confidential consultant upon a teacher's request; assess faculty needs  
58 and develop in-service opportunities for school staff; and present to the proper authority faculty  
59 suggestions, ideas and recommendations pertaining to classroom instruction within the school  
60 district. The members of each professional development committee shall be selected by the  
61 teachers employed by the school district in question. The professional development plan may  
62 include guidance from a district-designated faculty member employed at a grade level

63 comparable to the instructional grade level of the beginning teacher, and such other forms of  
64 assistance which the school district may choose to offer. The professional development  
65 committee may apply to the state board of education for a grant, which shall be in addition to any  
66 state aid provided to the committee for activities identified in this subdivision. The grant thus  
67 awarded shall be used by the committee to provide in-service training to the teachers of the  
68 district on teaching children identified as at risk of failing in school as defined in section  
69 167.273. The department of elementary and secondary education shall provide resource  
70 materials and assist the committee if such assistance is requested;

71 (2) Such programs shall include assistance from the teacher education program which  
72 provided the teacher's training if such training was provided in a Missouri college or university.  
73 Such assistance from the college or university may include retraining, internships, counseling,  
74 and in-service training.

75 5. The practicing teacher assistance programs established under this section shall  
76 include, but need not be limited to, programs of professional development and improvement as  
77 provided for experienced teachers by the professional development committee established under  
78 subsection 4 of this section, and in-service opportunities as provided by the local school district  
79 for all practicing teachers.

80 6. (1) The administrator assistance programs established under this section shall include,  
81 but shall not be limited to, programs of professional development and improvement for  
82 superintendents, principals, assistant principals, and other school district personnel charged with  
83 administrative duties.

84 (2) Establishment of programs by local districts and organizations for the training of  
85 school board members are encouraged and recommended.

168.405. There is hereby established an "Administrator Assessment Center", which shall  
2 be organized and administered by the department of elementary and secondary education, either  
3 individually or through contract, for the purpose of assessing prospective school administrators.  
4 [Beginning September 1, 1988,] **Under guidelines established by the professional educators'**  
5 **standards and practices board** all prospective administrators seeking initial administration  
6 certification **from the board** shall make application to and be approved by the department of  
7 elementary and secondary education for admission to the administrator assessment center. The  
8 assessment established under this section shall include, but need not be limited to, simulations,  
9 observations, evaluations and recommendations. The assessment shall be reviewed by the  
10 [certifying authority] **professional educators' standards and practices board** prior to issuance  
11 of a certificate. An unsatisfactory assessment shall result in the nonissuance of a certificate.  
12 Persons who are aggrieved by the nonissuance of a certificate may appeal such nonissuance in  
13 the manner provided in section [168.071] **168.853**.

168.500. 1. For the purpose of providing career pay, which shall be a salary supplement, for public school teachers, which for the purpose of sections 168.500 to 168.515 shall include classroom teachers, librarians, guidance counselors and certificated teachers who hold positions as school psychological examiners, parents as teachers educators, school psychologists, special education diagnosticians and speech pathologists, and are on the district salary schedule, there is hereby created and established a career advancement program which shall be known as the "Missouri Career Development and Teacher Excellence Plan", hereinafter known as the "career plan or program". Participation by local school districts in the career advancement program established under this section shall be voluntary. The career advancement program is a matching fund program of variable match rates. The general assembly shall make an annual appropriation to the excellence in education fund established under section 160.268, RSMo, for the purpose of providing the state's portion for the career advancement program. The "Career Ladder Forward Funding Fund" is hereby established in the state treasury. Beginning with fiscal year 1998 and until the career ladder forward funding fund is terminated pursuant to this subsection, the general assembly shall appropriate funds to the career ladder forward funding fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. All interest or other gain received from investment of moneys in the fund shall be credited to the fund. All funds deposited in the fund shall be maintained in the fund until such time as the balance in the fund at the end of the fiscal year is equal to or greater than the appropriation for the career ladder program for the following year, at which time all such revenues shall be used to fund, in advance, the career ladder program for such following year and the career ladder forwarding funding fund shall thereafter be terminated.

2. The department of elementary and secondary education, at the direction of the commissioner of education, shall study and develop model career plans which shall be made available to the local school districts. These state model career plans shall:

- (1) Contain three steps or stages of career advancement;
- (2) Contain a detailed procedure for the admission of teachers to the career program;
- (3) Contain specific criteria for career step qualifications and attainment. These criteria shall clearly describe the minimum number of professional responsibilities required of the teacher at each stage of the plan and shall include reference to classroom performance evaluations performed pursuant to section 168.128;
- (4) Be consistent with the teacher certification process [recommended by the Missouri advisory council of certification for educators and] adopted by the [department of elementary and secondary education] **professional educators' standards and practices board**;

36 (5) Provide that public school teachers in Missouri shall become eligible to apply for  
37 admission to the career plans adopted under sections 168.500 to 168.515 after five years of  
38 public school teaching in Missouri. All teachers seeking admission to any career plan shall, as  
39 a minimum, meet the requirements necessary to obtain the first renewable professional certificate  
40 as provided in section 168.021;

41 (6) Provide procedures for appealing decisions made under career plans established  
42 under sections 168.500 to 168.515.

43 3. The commissioner of education shall cause the department of elementary and  
44 secondary education to establish guidelines for all career plans established under this section, and  
45 criteria that must be met by any school district which seeks funding for its career plan.

46 4. A participating local school district may have the option of implementing a career plan  
47 developed by the department of elementary and secondary education or a local plan which has  
48 been developed with advice from teachers employed by the district and which has met with the  
49 approval of the department of elementary and secondary education. In approving local career  
50 plans, the department of elementary and secondary education may consider provisions in the plan  
51 of the local district for recognition of teacher mobility from one district to another within this  
52 state.

53 5. The career plans of local school districts shall not discriminate on the basis of race,  
54 sex, religion, national origin, color, creed, or age. Participation in the career plan of a local  
55 school district is optional, and any teacher who declines to participate shall not be penalized in  
56 any way.

57 6. In order to receive funds under this section, a school district which is not subject to  
58 section 162.920, RSMo, must have a total levy for operating purposes which is in excess of the  
59 amount allowed in section 11(b) of article X of the Missouri Constitution; and a school district  
60 which is subject to section 162.920, RSMo, must have a total levy for operating purposes which  
61 is equal to or in excess of twenty-five cents on each hundred dollars of assessed valuation.

62 7. The commissioner of education shall cause the department of elementary and  
63 secondary education to regard a speech pathologist who holds both a valid certificate of license  
64 to teach and a certificate of clinical competence to have fulfilled the standards required to be  
65 placed on stage III of the career program, provided that such speech pathologist has been  
66 employed by a public school in Missouri for at least five years and is approved for placement at  
67 such stage III by the local school district.

168.510. After a teacher who is duly employed by a district qualifies and is selected for  
2 participation under a career plan established under sections 168.500 to 168.515, such teacher  
3 shall not be denied the career pay authorized by such plan unless he:

4 (1) Is dismissed for cause as established under section 168.114; or

5 (2) Fails to maintain or renew any certificate required by the [department of elementary  
6 and secondary education] **professional educators' standards and practices board**; or

7 (3) Fails to maintain the performance level as required for the attainment of the career  
8 stage as set forth in the plan effective in the local district as provided in section 168.500; or

9 (4) Fails to complete professional responsibilities required for the attainment of each  
10 stage; and

11 (5) Has exhausted all due process procedures provided by subdivision (6) of subsection  
12 2 of section 168.500.

**168.820. Sections 168.820 to 168.874 shall be known and may be cited as the**  
2 **"Professional Educators' Standards and Practices Act".**

**168.823. As used in sections 168.820 to 168.874, the following terms mean:**

2 (1) **"Administrator"**, any person who has continuing responsibility for and is  
3 engaged in coordinating or supervising the activities of one or more professional educators  
4 in the schools of this state;

5 (2) **"Administrator organization"**, an organization, agency, committee, council or  
6 group, the primary purpose of which is to advance the interest of the administrators within  
7 the education profession. Such organization and any affiliated organizations shall be  
8 considered a single organization for the purposes of sections 168.820 to 168.874;

9 (3) **"Approved teacher preparation program"**, a preparatory program, offered by  
10 an institution of higher education, that meets the standards of the board and that upon  
11 completion qualifies its graduates for licensure under sections 168.820 to 168.874;

12 (4) **"Board"**, the professional educators' standards and practices board;

13 (5) **"Department"**, the department of elementary and secondary education;

14 (6) **"Professional educator"**, a person who is either a teacher or an administrator  
15 in the schools of this state;

16 (7) **"Teacher"**, any person who has continuing responsibility for and is engaged in  
17 classroom instruction or the performance of other professional education functions that  
18 require regular direct contact with students in the schools of this state, but not including  
19 teacher aides or other classroom assistants working under the direction of a licensed  
20 teacher;

21 (8) **"Teachers' organization"**, any organization, agency, committee, council or  
22 group, the primary purpose of which is to advance the interests of the education profession,  
23 and which proves to the satisfaction of the governor that it has ten thousand members or  
24 more. Such organization and any affiliated organizations shall be considered a single  
25 organization for purposes of sections 168.820 to 168.874.



**168.826. 1. There is hereby established within the coordinating board for higher education an independent board responsible for the regulation and licensure of professional educators, to be known as the "Professional Educators' Standards and Practices Board". The board shall consist of nineteen members appointed by the governor with the advice and consent of the senate. The board shall consist of the following members:**

**(1) Nine persons employed as teachers. At least two shall be engaged in classroom teaching assigned within grades prekindergarten through four; at least two shall be engaged in classroom teaching assigned within grades five through nine; at least two shall be engaged in classroom teaching assigned within grades ten through twelve; at least one shall be a teacher not assigned specifically to the classroom, such as a speech therapist, librarian, or guidance counselor; at least one shall be a teacher of special education or gifted education; and at least one shall be a teacher assigned to a vocational-technical school;**

**(2) Three persons employed as members of the faculty or administration in an approved teacher preparation program;**

**(3) Three persons employed as administrators. One shall be a superintendent, one shall be an elementary school administrator and the other shall be a secondary school administrator;**

**(4) One member of a local board of education;**

**(5) One representative of the public. This representative shall not be a member of a local board of education, nor shall he be, or ever in the past have been, employed as a teacher or administrator, or in a professional position in any institution of post-secondary education;**

**(6) The commissioner of education within the department of elementary and secondary education and the commissioner of the department of higher education, both of which shall serve as ex officio members of the board.**

**2. Except for the member appointed as a representative of a local board of education or as a representative of the public, members shall have been employed as teachers or administrators, or as faculty in an approved teacher preparation program, for a period of three years immediately prior to appointment. At the time of member appointment or reappointment, all appointees shall meet all eligibility requirements set forth in sections 168.820 to 168.874.**

**3. All members of the board shall be residents of this state, and no more than two shall reside in any single congressional district. Of the teacher preparation faculty**

36 members not more than one member may be appointed from the same college or university  
37 campus.

38       4. Before filling any designated teacher, administrator, or local school board  
39 position on the board, the governor shall invite nominations from the teachers'  
40 organizations, the administrators' organization, the state school boards' association and  
41 certificated teachers in this state. Each teachers' organization, administrators'  
42 organization, or school board organization may nominate one or more candidates to fill  
43 vacancies for expiring terms of the board. In addition, names may be placed in nomination  
44 by submission of a petition containing four hundred fifty signatures from those with valid  
45 teaching certificates.

46       5. Nominations to fill a vacancy shall be submitted within thirty days after the  
47 vacancy occurs. Nominations to fill an expiring term shall be submitted at least thirty days  
48 before the expiration of such term. The governor shall appoint teachers, administrators  
49 and local school board members from lists submitted by the organizations or from names  
50 qualified through the petition process, unless no timely nominations are received or the  
51 nominations received include fewer than three qualified candidates, in which case the  
52 governor may appoint any qualified person. A person nominated shall remain eligible for  
53 appointment for one year from the date his or her nomination is submitted, unless the  
54 nomination is withdrawn by the persons or organizations that made the nomination.

55       6. The term of office for members of the board shall be four years; except that the  
56 initial appointments shall be four members for one year, four members for two years, four  
57 members for three years, and five members for four years. The ex officio members of the  
58 board shall serve on the board during their terms of office. Except as otherwise provided  
59 by sections 168.820 to 168.874, no persons shall be appointed by the governor to serve more  
60 than two full terms. Initial appointments to fill an unexpired term of more than two years  
61 shall be counted as a full term.

62       7. The governor may remove any member from the board for ineligibility,  
63 misconduct or malfeasance in office, incapacity, or neglect of duty, but for no other reason.  
64 Vacancies shall be filled for an unexpired term in the same manner as the original  
65 appointments are made.

168.829. 1. All members of the board shall serve without compensation but shall  
2 be reimbursed for actual and necessary expenses incurred in the performance of board  
3 business.

4       2. A member of the board who is an employee of this state or any of its political  
5 subdivisions, including a school district, shall be permitted to attend board meetings and  
6 perform other board business without loss of income or other benefits. A member of the

7 board who is not an employee of this state or any of its political subdivisions, and who loses  
8 income or benefits as a result of time spent on board business shall be reimbursed from the  
9 state treasury for the actual amount of any income or benefits so lost up to a maximum of  
10 fifty dollars a day.

11 3. A state agency or any political subdivision of this state, including a school  
12 district, required to employ a substitute for a member of the board who is absent from his  
13 or her employment while performing board business shall be reimbursed from the state  
14 treasury for the actual amount of any costs so incurred.

168.832. 1. The board shall elect a president and secretary at the first regular  
2 meeting held after January first of each year. Each board member shall have one vote.  
3 Members of the board shall not be personally liable either jointly or separately for any act  
4 or acts committed in the performance of their official duties as board members, except  
5 gross negligence.

6 2. The board by a majority vote shall employ an executive director, who shall  
7 perform and discharge under the direction and control of the board those duties and  
8 responsibilities vested in the board and delegated to the executive director by the board.  
9 The executive director may be dismissed by a majority vote of the members of the board.

10 3. The executive director, with the approval of the board, may employ such  
11 additional professional and clerical personnel as may be necessary to carry out his or her  
12 duties and responsibilities.

13 4. The board shall be an equal opportunity employer.

14 5. The board shall hold regular meetings, at least once each month, in no fewer  
15 than ten months each year, and shall hold such other special meetings as may be necessary.  
16 The board's headquarters shall be in Jefferson City. Meetings shall be held primarily in  
17 Jefferson City, but may be held at any place in this state designated by the board. The  
18 president may call a special meeting of the board at any time and shall call a special  
19 meeting upon the written request of seven or more members of the board.

20 6. The presence of a majority of the members of the board shall constitute a  
21 quorum for transaction of business. The board shall have an official seal, which shall be  
22 judicially noticed.

23 7. The board may promulgate such rules and regulations as are necessary to carry  
24 out the provisions of sections 168.820 to 168.874.

25 8. No member of the board shall participate in any matter before the board in  
26 which he or she has a pecuniary interest, personal bias, or other conflict of interest. The  
27 board shall adopt regulations defining what constitutes a conflict of interest.

168.835. 1. No person shall be employed to teach in any position in a public school until he or she has received a valid certificate of license entitling him or her to teach in that position.

2. Teaching in the state of Missouri, performing other related educational duties, school administration, and teacher education are hereby declared to be professions with all the appropriate rights, responsibilities and privileges accorded to other recognized professions.

168.838. 1. The board shall have the exclusive authority to issue certificates of license to teachers and administrators in this state. License to teach in the public schools of the state shall be granted provided as follows:

(1) Candidates for licensure shall be at least eighteen years of age;

(2) Candidates for licensure shall be in good mental and physical health, except that an individual who is handicapped as defined under applicable law may not be disqualified absent evidence that such handicap interferes with the applicant's fitness to perform the duties for which he or she seeks to be licensed;

(3) Candidates for licensure shall be of good moral character, provided that the board's inquiry respecting moral character may include only those acts or omissions directly related to the applicant's fitness to perform the duties for which he or she seeks to be licensed; and

(4) Candidates for licensure shall meet all other qualifications established by law or by rule and regulation of the board.

2. After the effective date of sections 168.820 to 168.874, licenses to teach in the public schools of this state shall be based upon requirements established by the board which shall provide for levels of licensure including, but not limited to, an initial professional certificate and culminating with a continuous professional certificate, as follows:

(1) The initial professional license shall be issued upon completion of requirements established by the board and shall be valid based upon verification of actual teaching within a specified time period established by the board;

(2) One or more levels of renewable professional licenses shall be issued upon verification of completion of criteria established by the board;

(3) The continuous professional license shall be issued upon verification of completion of criteria, which shall not exceed a master's degree or its equivalent and ten years' employment in an educational position, established by the board or completion of requirements established by the board as provided in sections 168.820 to 168.874.

29           **3. Policies and procedures shall be established by which a teacher who was not**  
30 **retained due to a reduction in force may retain the current level of licensure. There shall**  
31 **also be established policies and procedures for a teacher who has not been employed in an**  
32 **educational position for three years or more for reasons other than reduction in force.**

**168.841. 1. The board shall adopt regulations to establish the requirements for**  
2 **each level of licensure. Such regulations shall be adopted pursuant to the rulemaking**  
3 **procedure prescribed in this section within one year of the effective date of sections 168.820**  
4 **to 168.874, and shall be modified or supplemented as appropriate. It shall be the policy of**  
5 **the board, in accordance with changing educational concepts, to encourage a flexible**  
6 **approach to the licensure of teachers. Accordingly, the board's regulations shall be**  
7 **responsive to new developments in the field.**

8           **2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
9 **that is created under the authority delegated in this section shall become effective only if**  
10 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
11 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
12 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
13 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
14 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
15 **adopted after August 28, 2008, shall be invalid and void.**

**168.844. 1. A certificate of license to teach which was issued pursuant to the laws**  
2 **of the state prior to the effective date of sections 168.820 to 168.874 shall remain in force**  
3 **as long as it continues to be valid under the laws and regulations under which it was issued.**  
4 **Any person who holds such a valid certificate shall, upon application and payment of a**  
5 **prescribed fee, be granted a license of the type most nearly equivalent to the type of**  
6 **certificate held at the time of application, notwithstanding any other provision of sections**  
7 **168.820 to 168.874.**

8           **2. An applicant who holds a certificate to perform professional education duties**  
9 **such as teaching or administration under the laws of another state, the District of**  
10 **Columbia, or any territory or possession of the United States may be granted a certificate**  
11 **of license of the type most nearly equivalent to the certificate held at the time of**  
12 **application. The board shall grant the applicant such an equivalent certificate based upon**  
13 **the following conditions:**

14           **(1) Application and payment of the prescribed fee;**

15           **(2) Satisfaction of the basic qualifications set forth in sections 168.820 to 168.874;**

16 **and**

17           (3) A showing that the requirements for the currently held certificate in the  
18 particular jurisdiction involved were, as of the date of issuance of that certificate,  
19 substantially equivalent to the requirements in force in this state as of the date the  
20 application for certificate of license is being made; or

21           (4) A showing that the jurisdiction which awarded the applicant his or her current  
22 certificate accords similar certification to persons licensed in this state and meets other  
23 reciprocity requirements as set for the regulations of the board.

          168.847. Each application for the issuance of a license shall be accompanied by a  
2 fee in an amount to be fixed by the board. The fee shall be nonrefundable for applicants  
3 who do not qualify for a license. If the applicant is found eligible for a license the board  
4 shall issue the license without additional charge.

          168.850. Any person whose application for the issuance of a license is denied shall  
2 be entitled to a hearing before the board as a whole, in accordance with section 168.853.

          168.853. 1. The board shall have the exclusive authority to deny, revoke or suspend  
2 a license granted under sections 168.820 to 168.874, or granted pursuant to state law prior  
3 to the effective date of sections 168.820 to 168.874. The board may refuse to issue a license  
4 required under sections 168.820 to 168.874 for one or any combination of causes stated in  
5 subsection 2 of this section. The board shall notify the applicant in writing of the reasons  
6 for the refusal and shall advise the applicant of his or her right to file a complaint with the  
7 administrative hearing commission as provided by chapter 621, RSMo.

          2. The board may revoke, suspend, or fail to renew any certificate or license issued  
9 under sections 168.820 to 168.874 for any one or any combination of the following causes:

10           (1) Use or unlawful possession of any controlled substance, as defined in chapter  
11 195, RSMo, or use of an alcoholic beverage to an extent that such use impairs a person's  
12 ability to perform the work of the profession licensed or regulated by sections 168.820 to  
13 168.874;

14           (2) Final adjudication and finding of guilt, or a plea of guilty or nolo contendere,  
15 in a criminal prosecution under the laws of any state or of the United States, for any  
16 offense an essential element of which is fraud, dishonesty or an act of violence, or for any  
17 offense involving moral turpitude, whether or not sentence is imposed;

18           (3) Use of fraud, deception, misrepresentation or bribery in securing any license  
19 issued under sections 168.820 to 168.874, or in obtaining permission to take any  
20 examination given or required under sections 168.820 to 168.874;

21           (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or  
22 dishonesty in the performance of the functions or duties of any profession licensed by  
23 sections 168.820 to 168.874;

24           (5) Violation of, or assisting or enabling any person to violate, any provision of  
25 sections 168.820 to 168.874, or of any lawful rule or regulation adopted under sections  
26 168.820 to 168.874;

27           (6) Impersonation of any person holding a license or allowing any person to use his  
28 or her license or diploma from any school;

29           (7) Final adjudication as incapacitated by a court of competent jurisdiction;

30           (8) Commission of a crime which renders the person convicted unfit to perform the  
31 duties for which he or she has been licensed. The board by regulation shall maintain a  
32 published list of such crimes;

33           (9) Violation of ethical standards which renders the person unfit to perform the  
34 duties for which he has been licensed. The board by regulation shall maintain a published  
35 list of such ethical standards; or

36           (10) Willful failure to report an instance of suspected child abuse or neglect as  
37 required by section 210.115, RSMo.

38           3. If the board decides to initiate a disciplinary action against a professional  
39 educator, the board shall file a complaint with the administrative hearing commission. The  
40 proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo.  
41 Upon a finding by the administrative hearing commission that the grounds, as provided  
42 in subsection 2 of this section, for disciplinary action are met, the board may, singly or in  
43 combination, censure or place the person named in the complaint on probation on such  
44 terms and conditions the board finds appropriate for a period not to exceed five years or  
45 may suspend, for a period not to exceed three years, or revoke the license.

46           4. An individual whose license has been revoked may be relicensed at the discretion  
47 of the board after compliance with all the requirements of licensure.

48           5. The board may notify the proper licensing authority of any other state, in which  
49 any person whose license is suspended or revoked was also licensed, of the suspension or  
50 revocation.

168.856. 1. Any person who performs duties as a professional educator in the  
2 public schools of this state without a valid license as required under the provisions of  
3 sections 168.820 to 168.874 shall be guilty of a class A misdemeanor.

4           2. Any person who uses fraud or deceit in applying for, securing, using, or aiding  
5 in the application for or use of a license issued under sections 168.820 to 168.874 shall be  
6 guilty of a class D felony.

168.859. 1. The board shall have the exclusive authority to approve and withdraw  
2 approval of teacher preparation programs operating within this state. The board shall  
3 adopt standards and procedures by which it shall evaluate all teacher training institutions

4 in this state for the approval of teacher education programs. The board shall not require  
5 teacher training institutions to meet national or regional accreditation as a part of its  
6 standards and procedures in making those evaluations, but it may accept such  
7 accreditations in lieu of such approval if standards and procedures set thereby are at least  
8 stringent as those set by the board. The board's standards and procedures for evaluating  
9 teacher training institutions shall equal or exceed those of national or regional accrediting  
10 associations.

11       2. Whenever the board denies approval to or withdraws approval from a teacher  
12 preparation program, the institution of higher education offering such program shall be  
13 entitled to appeal such denial or withdrawal in the manner prescribed in section 168.853.  
14 Approval may not be denied or withdrawn from a teacher preparation program except by  
15 a majority vote of the full membership of the board.

16       3. Such approval shall expire after a period of seven years and shall be renewable  
17 based on the same standards that apply to initial programs seeking program approval at  
18 that time.

19       4. The board may enter into agreements with agencies of other states for reciprocal  
20 approval of teacher preparation programs in accordance with regulations adopted by the  
21 board.

22       5. Each application for the approval of a teacher preparation program shall be  
23 accompanied by a fee in an amount to be fixed by the board. The fee shall be  
24 nonrefundable for teacher preparation programs which are denied approval.

25       6. Any approval of a teacher preparation program which was granted pursuant to  
26 the laws of this state prior to the effective date of sections 168.820 to 168.874 shall remain  
27 in force for a period of five years from the effective date of sections 168.820 to 168.874 or  
28 until such approval would have expired without the passage of sections 168.820 to 168.874  
29 and shall then be eligible for renewed approval under the provisions of sections 168.820  
30 to 168.874.

31       7. Applications for certifications from persons who were enrolled and participating  
32 in a teacher preparation program when that program lost its approval, or who entered an  
33 unapproved teacher preparation program that subsequently received its approval while  
34 they were still enrolled and participating, shall be dealt with individually by the board in  
35 accordance with regulations adopted by the board.

2       168.862. The president of the board shall have the power to administer oaths and  
3 to subpoena witnesses, to require attendance and testimony and to require production of  
documents and records; and to that end, the board may invoke the aid of the circuit court



4 of any county of the state having jurisdiction over the witness. Any failure to obey the  
5 order of the court may be punished by the court as a contempt thereof.

168.865. The board shall submit to the governor and the general assembly and shall  
2 publish an annual report of its activities. The report shall include specific findings and  
3 conclusions with regard to licensure and teacher preparation program approval, an official  
4 audit of all board expenditures, and other information as the board deems appropriate.  
5 The board may appoint such committees as it finds appropriate to assist it in an advisory  
6 capacity.

168.868. Except as otherwise provided in sections 168.820 to 168.874, the board  
2 may delegate to one or more of its members, staff, or other agents the authority to perform  
3 any of the functions to be performed by the board itself under sections 168.820 to 168.874,  
4 and performance by a delegate shall for purposes of sections 168.820 to 168.874 be an  
5 action of the board.

168.871. 1. The board created by sections 168.820 to 168.874 shall be the successor  
2 to the state board of education in matters relating to the issuance of certificates of license  
3 to teach in the schools of this state. The state board of education shall continue to serve  
4 until the effective date of sections 168.820 to 168.874. All rules, regulations, procedures  
5 and practices in effect under the former provisions of law relating to the issuance of  
6 certificates of license to teach in the schools of this state, shall continue in effect until sixty  
7 days after the effective date of sections 168.820 to 168.874, at which time all such rules,  
8 regulations, procedures and practices are deemed to be repealed except for those which the  
9 board determines shall be applicable on an interim basis.

10 2. The coordinating board for higher education shall provide all personnel, assets,  
11 liabilities, contracts, property and records necessary to carry out the functions assigned to  
12 the board under sections 168.820 to 168.874.

168.874. 1. All fees collected under the provisions of sections 168.820 to 168.874  
2 shall have been set at a level to produce revenue which shall not substantially exceed the  
3 cost and expense of administering sections 168.820 to 168.874. All fees payable under the  
4 provisions of sections 168.820 to 168.874 shall be paid to and collected by the board and  
5 transmitted to the department of revenue for deposit in the state treasury to the credit of  
6 a fund to be known as the "Professional Educators' Standards and Practices Board Fund",  
7 which is hereby created.

8 2. All expenses incurred by the board, including the compensation of board  
9 members and all employees of the board, shall be paid from the professional educators'  
10 board fund by appropriations of the general assembly, and no such expenses shall be  
11 charged against the general funds of the state. The legislature may, by appropriation,

12 **transfer money from the general revenue fund to the professional educators' standards and**  
13 **practices board fund.**

14 **3. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money**  
15 **in the professional educators' standards and practices board fund shall not be transferred**  
16 **and placed to the credit of the general revenue fund at the end of the biennium.**

2 [161.097. 1. The state board of education shall establish standards and  
3 procedures by which it will evaluate all teacher training institutions in this state  
4 for the approval of teacher education programs. The state board of education  
5 shall not require teacher training institutions to meet national or regional  
6 accreditation as a part of its standards and procedures in making those  
7 evaluations, but it may accept such accreditations in lieu of such approval if  
8 standards and procedures set thereby are at least as stringent as those set by the  
9 board. The state board of education's standards and procedures for evaluating  
10 teacher training institutions shall equal or exceed those of national or regional  
11 accrediting associations.

12 2. Upon approval by the state board of education of the teacher education  
13 program at a particular teacher training institution, any person who graduates  
14 from that program, and who meets other requirements which the state board of  
15 education shall prescribe by rule, regulation and statute shall be granted a  
16 certificate or license to teach in the public schools of this state. However, no  
17 such rule or regulation shall require that the program from which the person  
18 graduates be accredited by any national or regional accreditation association.

19 3. Notwithstanding any provision in the law to the contrary, the state  
20 board of education may accredit a graduate law school and any graduate of such  
21 an accredited law school shall be allowed to take the examination for admission  
22 to the bar of Missouri.]

2 [168.011. 1. No person shall be employed to teach in any position in a  
3 public school until he has received a valid certificate of license entitling him to  
4 teach in that position.

5 2. Teaching in the state of Missouri, performing other related education  
6 duties, school administration, and teacher education are hereby declared to be  
7 professions with all the appropriate rights, responsibilities and privileges  
8 accorded to other recognized professions.]

2 [168.015. 1. There is hereby established within the department of  
3 elementary and secondary education, the "Missouri Advisory Council of  
4 Certification for Educators", hereinafter known as the "advisory council", which  
5 shall be composed of twenty-five members to be appointed by the state board of  
6 education on the recommendation of the commissioner of education. Of the  
7 twenty-five members of the council, fifteen must be active public school  
8 classroom teachers.

8                   2. The duties and responsibilities of the advisory council shall include,  
9 but not be limited to:

10                   (1) Making recommendations for the criteria and procedures whereby the  
11 quality and effectiveness of teacher and school administrator education programs  
12 within the state shall be evaluated;

13                   (2) Making recommendations for the requirements for the certification  
14 of public school teachers and administrators;

15                   (3) Making recommendations for the standards for renewal of certificates  
16 for public school teachers and administrators using academic course work as well  
17 as other types of professional development;

18                   (4) Making recommendations concerning rules and regulations with  
19 respect to suspension and revocation of certificates of license to teach;

20                   (5) Requesting and receiving reports from committees consisting of  
21 representatives from various professional groups, qualified in respective  
22 curriculum areas and other specialized areas, to assist in the formulation of  
23 recommendations of the advisory committee to the commissioner of education  
24 with respect to certification of public school teachers and administrators;

25                   (6) Making recommendations for limiting the issuance of temporary  
26 certificates that are granted to those who do not meet the full requirements for  
27 certification.]  
28

                  [168.021. 1. Certificates of license to teach in the public schools of the  
2 state shall be 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  
7 board with advice from the advisory council established by section 168.015 to  
8 any individual who presents to the state board a valid doctoral degree from an  
9 accredited institution of higher education accredited by a regional accrediting  
10 association such as North Central Association. Such certificate shall be limited  
11 to the major area of postgraduate study of the holder, shall be issued only after  
12 successful completion of the examination required for graduation pursuant to  
13 rules adopted by the state board of education, and shall be restricted to those  
14 certificates established pursuant to subdivision (1) of subsection 3 of this section;  
15 or

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

21                   (a) Recommendation of a state-approved baccalaureate-level teacher  
22 preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed.

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

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

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

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

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

(c) Participate in a beginning teacher assistance program;

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

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

66 continuous professional certificate fail, in any given year, to meet the fifteen-hour  
67 professional development requirement, the possessor may, within two years,  
68 make up the missing hours. In order to make up for missing hours, the possessor  
69 shall first complete the fifteen-hour requirement for the current year and then may  
70 count hours in excess of the current year requirement as make-up hours. Should  
71 the possessor fail to make up the missing hours within two years, the certificate  
72 shall become inactive. In order to reactivate the certificate, the possessor shall  
73 complete twenty-four contact hours of professional development which may  
74 include hours spent in the classroom in an appropriate college curriculum within  
75 the six months prior to or after reactivating his or her certificate. The  
76 requirements of this paragraph shall be monitored and verified by the local school  
77 district which employs the holder of the career continuous professional  
78 certificate.

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

- 84 a. Has ten years of teaching experience as defined by the state board of  
85 education;
- 86 b. Possesses a master's degree; or
- 87 c. Obtains a rigorous national certification as approved by the state board  
88 of education.

89 4. Policies and procedures shall be established by which a teacher who  
90 was not retained due to a reduction in force may retain the current level of  
91 certification. There shall also be established policies and procedures allowing a  
92 teacher who has not been employed in an educational position for three years or  
93 more to reactivate his or her last level of certification by completing twenty-four  
94 contact hours of professional development which may include hours spent in the  
95 classroom in an appropriate college curriculum within the six months prior to or  
96 after reactivating his or her certificate.

97 5. The state board shall, upon an appropriate background check, issue a  
98 professional certificate classification in the areas most closely aligned with an  
99 applicant's current areas of certification, commensurate with the years of teaching  
100 experience of the applicant, to any person who is hired to teach in a public school  
101 in this state and who possesses a valid teaching certificate from another state,  
102 provided that the certificate holder shall annually complete the state board's  
103 requirements for such level of certification, and shall establish policies by which  
104 residents of states other than the state of Missouri may be assessed a fee for a  
105 certificate license to teach in the public schools of Missouri. Such fee shall be  
106 in an amount sufficient to recover any or all costs associated with the issuing of  
107 a certificate of license to teach.

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

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

[168.071. 1. The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes:

(1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;

(2) The certification was obtained through use of fraud, deception, misrepresentation or bribery;

(3) There is evidence of incompetence, immorality, or neglect of duty by the certificate holder;

(4) A certificate holder has been subject to disciplinary action relating to certification issued by another state, territory, federal agency, or country upon grounds for which discipline is authorized in this section; or

(5) If charges are filed by the local board of education, based upon the annulling of a written contract with the local board of education, for reasons other than election to the general assembly, without the consent of the majority of the members of the board that is a party to the contract.

2. A public school district may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, including annulment of a written contract. Charges shall be in writing, specify the basis for the charges, and be signed by the chief administrative officer of the district, or by the president of the board of education as authorized by a majority of the board of education. The board of education may also petition the office of the attorney general to file charges on behalf of the school district for any cause other than annulment of contract, with acceptance of the petition at the discretion of the attorney general.

3. The department of elementary and secondary education may file charges seeking the discipline of a holder of a certificate of license to teach based

upon any cause or combination of causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall be in writing, specify the basis for the charges, and be signed by legal counsel representing the department of elementary and secondary education.

4. If the underlying conduct or actions which are the basis for charges filed pursuant to this section are also the subject of a pending criminal charge against the person holding such certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel under the fifth amendment of the Constitution of the United States. Based upon such a request, no hearing shall be held until after a trial has been completed on this criminal charge.

5. The certificate holder shall be given not less than thirty days' notice of any hearing held pursuant to this section.

6. Other provisions of this section notwithstanding, the certificate of license to teach shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or applicant has pleaded guilty to or been found guilty of any of the following offenses established pursuant to Missouri law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not the sentence is imposed:

(1) Any dangerous felony as defined in section 556.061, RSMo, or murder in the first degree;

(2) Any of the following sexual offenses: rape; statutory rape in the first degree; statutory rape in the second degree; sexual assault; forcible sodomy; statutory sodomy in the first degree; statutory sodomy in the second degree; child molestation in the first degree; child molestation in the second degree; deviate sexual assault; sexual misconduct involving a child; sexual misconduct in the first degree; sexual abuse; enticement of a child; or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest; abandonment of child in the first degree; abandonment of child in the second degree; endangering the welfare of a child in the first degree; abuse of a child; child used in a sexual performance; promoting sexual performance by a child; or trafficking in children; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree; promoting obscenity in the second degree when the penalty is enhanced to a class D felony; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography in the first degree; possession of child pornography in the second degree; furnishing child pornography to a minor; furnishing pornographic materials to minors; or coercing acceptance of obscene material.

7. When a certificate holder pleads guilty or is found guilty of any offense that would authorize the state board of education to seek discipline against that holder's certificate of license to teach, the local board of education

73 or the department of elementary and secondary education shall immediately  
74 provide written notice to the state board of education and the attorney general  
75 regarding the plea of guilty or finding of guilty.

76 8. The certificate holder whose certificate was revoked pursuant to  
77 subsection 6 of this section may appeal such revocation to the state board of  
78 education. Notice of this appeal must be received by the commissioner of  
79 education within ninety days of notice of revocation pursuant to this subsection.  
80 Failure of the certificate holder to notify the commissioner of the intent to appeal  
81 waives all rights to appeal the revocation. Upon notice of the certificate holder's  
82 intent to appeal, an appeal hearing shall be held by a hearing officer designated  
83 by the commissioner of education, with the final decision made by the state board  
84 of education, based upon the record of that hearing. The certificate holder shall  
85 be given not less than thirty days' notice of the hearing, and an opportunity to be  
86 heard by the hearing officer, together with witnesses.

87 9. In the case of any certificate holder who has surrendered or failed to  
88 renew his or her certificate of license to teach, the state board of education may  
89 refuse to issue or renew, or may suspend or revoke, such certificate for any of the  
90 reasons contained in this section.

91 10. In those cases where the charges filed pursuant to this section are  
92 based upon an allegation of misconduct involving a minor child, the hearing  
93 officer may accept into the record the sworn testimony of the minor child relating  
94 to the misconduct received in any court or administrative hearing.

95 11. Hearings, appeals or other matters involving certificate holders,  
96 licensees or applicants pursuant to this section may be informally resolved by  
97 consent agreement or agreed settlement or voluntary surrender of the certificate  
98 of license pursuant to the rules promulgated by the state board of education.

99 12. The final decision of the state board of education is subject to judicial  
100 review pursuant to sections 536.100 to 536.140, RSMo.

101 13. A certificate of license to teach to an individual who has been  
102 convicted of a felony or crime involving moral turpitude, whether or not sentence  
103 is imposed, shall be issued only upon motion of the state board of education  
104 adopted by a unanimous affirmative vote of those members present and voting.]  
105

2 [168.081. After September 1, 1988, no person without a valid Missouri  
certificate shall:

3 (1) Engage in the practice of teaching or the performance of education  
4 duties in grades kindergarten through twelve in any public school in the state;

5 (2) Act as a school administrator in any public school district, unless such  
6 person obtains a temporary administrator certificate pursuant to section 168.083.]

✓