

FIRST REGULAR SESSION

HOUSE BILL NO. 717

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES TILLEY (Sponsor), HOLSMAN, DAY, NOLTE,
SCHARNHORST, SMITH (14), ZERR, CASEY, JONES (89), DIECKHAUS, WILSON (119), SILVEY,
WETER, STREAM, KINGERY, NIEVES, SMITH (150), SCHIEFFER,
BROWN (50) AND GATSCHENBERGER (Co-sponsors).

1153L.01H

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.534, 163.011, 163.172, 168.110, 168.124, 168.211, and 168.291, RSMo,
and to enact in lieu thereof eleven new sections relating to educational personnel
compensation, with an emergency clause for certain sections.

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

Section A. Sections 160.534, 163.011, 163.172, 168.110, 168.124, 168.211, and
2 168.291, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as
3 sections 160.534, 163.011, 163.172, 168.110, 168.124, 168.211, 168.291, 168.711, 168.714,
4 168.716, and 168.720, to read as follows:

160.534. 1. For fiscal year 1996 and each subsequent fiscal year, any amount of the
2 excursion gambling boat proceeds deposited in the gaming proceeds for education fund in excess
3 of the amount transferred to the school district bond fund as provided in section 164.303, RSMo,
4 shall be transferred to the classroom trust fund. Such moneys shall be distributed in the manner
5 provided in section 163.043, RSMo.

6 2. Starting in fiscal year 2009, and for each subsequent fiscal year, all excursion
7 gambling boat proceeds deposited in the gaming proceeds for education fund in excess of the
8 amount transferred to the classroom trust fund for fiscal year 2008 plus the amount appropriated
9 to the school district bond fund in accordance with section 164.303, RSMo, shall be deposited
10 into the schools first elementary and secondary education improvement fund. **The first forty**
11 **million dollars from the schools first elementary and secondary education improvement**
12 **fund shall be appropriated each fiscal year to implement the provisions of sections 163.172,**

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 **168.711, 168.714, 168.716, and 168.720, RSMo, and any remaining moneys shall be**
14 **transferred to the credit of the state school moneys fund for the purposes of the basic**
15 **allotment of the foundation formula, under subsection 1 of section 163.031, RSMo.**

16 3. The amounts deposited in the schools first elementary and secondary education
17 improvement fund pursuant to this section shall constitute new and additional funding for
18 elementary and secondary education and shall not be used to replace existing funding provided
19 for elementary and secondary education.

163.011. As used in this chapter unless the context requires otherwise:

2 (1) "Adjusted operating levy", the sum of tax rates for the current year for teachers' and
3 incidental funds for a school district as reported to the proper officer of each county pursuant to
4 section 164.011, RSMo;

5 (2) "Average daily attendance", the quotient or the sum of the quotients obtained by
6 dividing the total number of hours attended in a term by resident pupils between the ages of five
7 and twenty-one by the actual number of hours school was in session in that term. To the average
8 daily attendance of the following school term shall be added the full-time equivalent average
9 daily attendance of summer school students. "Full-time equivalent average daily attendance of
10 summer school students" shall be computed by dividing the total number of hours, except for
11 physical education hours that do not count as credit toward graduation for students in grades
12 nine, ten, eleven, and twelve, attended by all summer school pupils by the number of hours
13 required in section 160.011, RSMo, in the school term. For purposes of determining average
14 daily attendance under this subdivision, the term "resident pupil" shall include all children
15 between the ages of five and twenty-one who are residents of the school district and who are
16 attending kindergarten through grade twelve in such district. If a child is attending school in a
17 district other than the district of residence and the child's parent is teaching in the school district
18 or is a regular employee of the school district which the child is attending, then such child shall
19 be considered a resident pupil of the school district which the child is attending for such period
20 of time when the district of residence is not otherwise liable for tuition. Average daily
21 attendance for students below the age of five years for which a school district may receive state
22 aid based on such attendance shall be computed as regular school term attendance unless
23 otherwise provided by law;

24 (3) "Current operating expenditures":

25 (a) For the fiscal year 2007 calculation, "current operating expenditures" shall be
26 calculated using data from fiscal year 2004 and shall be calculated as all expenditures for
27 instruction and support services except capital outlay and debt service expenditures minus the
28 revenue from federal categorical sources; food service; student activities; categorical payments
29 for transportation costs pursuant to section 163.161; state reimbursements for early childhood

30 special education; the career ladder entitlement for the district, as provided for in sections
31 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for
32 in section 167.332, RSMo; and payments from other districts;

33 (b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures
34 shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections
35 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per
36 recalculation, of the state revenue received by a district in the 2004-05 school year from the
37 foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free
38 textbook payments for any district from the first preceding calculation of the state adequacy
39 target;

40 (4) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the
41 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for
42 debt service;

43 (5) "Dollar-value modifier", an index of the relative purchasing power of a dollar,
44 calculated as one plus fifteen percent of the difference of the regional wage ratio minus one,
45 provided that the dollar value modifier shall not be applied at a rate less than 1.0:

46 (a) "County wage per job", the total county wage and salary disbursements divided by
47 the total county wage and salary employment for each county and the city of St. Louis as reported
48 by the Bureau of Economic Analysis of the United States Department of Commerce for the
49 fourth year preceding the payment year;

50 (b) "Regional wage per job":

51 a. The total Missouri wage and salary disbursements of the metropolitan area as defined
52 by the Office of Management and Budget divided by the total Missouri metropolitan wage and
53 salary employment for the metropolitan area for the county signified in the school district number
54 or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States
55 Department of Commerce for the fourth year preceding the payment year and recalculated upon
56 every decennial census to incorporate counties that are newly added to the description of
57 metropolitan areas; or if no such metropolitan area is established, then:

58 b. The total Missouri wage and salary disbursements of the micropolitan area as defined
59 by the Office of Management and Budget divided by the total Missouri micropolitan wage and
60 salary employment for the micropolitan area for the county signified in the school district
61 number, as reported by the Bureau of Economic Analysis of the United States Department of
62 Commerce for the fourth year preceding the payment year, if a micropolitan area for such county
63 has been established and recalculated upon every decennial census to incorporate counties that
64 are newly added to the description of micropolitan areas; or

65 c. If a county is not part of a metropolitan or micropolitan area as established by the
66 Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of
67 this subdivision, shall be used for the school district, as signified by the school district number;

68 (c) "Regional wage ratio", the ratio of the regional wage per job divided by the state
69 median wage per job;

70 (d) "State median wage per job", the fifty-eighth highest county wage per job;

71 (6) "Free and reduced lunch pupil count", the number of pupils eligible for free and
72 reduced lunch on the last Wednesday in January for the preceding school year who were enrolled
73 as students of the district, as approved by the department in accordance with applicable federal
74 regulations;

75 (7) "Free and reduced lunch threshold" shall be calculated by dividing the total free and
76 reduced lunch pupil count of every performance district that falls entirely above the bottom five
77 percent and entirely below the top five percent of average daily attendance, when such districts
78 are rank-ordered based on their current operating expenditures per average daily attendance, by
79 the total average daily attendance of all included performance districts;

80 (8) "Limited English proficiency pupil count", the number in the preceding school year
81 of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school
82 or secondary school who were not born in the United States or whose native language is a
83 language other than English or are Native American or Alaskan native, or a native resident of
84 the outlying areas, and come from an environment where a language other than English has had
85 a significant impact on such individuals' level of English language proficiency, or are migratory,
86 whose native language is a language other than English, and who come from an environment
87 where a language other than English is dominant; and have difficulties in speaking, reading,
88 writing, or understanding the English language sufficient to deny such individuals the ability to
89 meet the state's proficient level of achievement on state assessments described in Public Law
90 107-10, the ability to achieve successfully in classrooms where the language of instruction is
91 English, or the opportunity to participate fully in society;

92 (9) "Limited English proficiency threshold" shall be calculated by dividing the total
93 limited English proficiency pupil count of every performance district that falls entirely above the
94 bottom five percent and entirely below the top five percent of average daily attendance, when
95 such districts are rank-ordered based on their current operating expenditures per average daily
96 attendance, by the total average daily attendance of all included performance districts;

97 (10) "Local effort":

98 (a) For the fiscal year 2007 calculation, "local effort" shall be computed as the equalized
99 assessed valuation of the property of a school district in calendar year 2004 divided by one
100 hundred and multiplied by the performance levy less the percentage retained by the county

101 assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for
102 school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts
103 from state-assessed railroad and utility tax, one hundred percent of the amount received for
104 school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to
105 150.370, RSMo, one hundred percent of the amounts received for school purposes from federal
106 properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the
107 calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues
108 received for school purposes from the school district trust fund under section 163.087, and one
109 hundred percent of any local earnings or income taxes received by the district for school
110 purposes. Under this paragraph, for a special district established under sections 162.815 to
111 162.940, RSMo, in a county with a charter form of government and with more than one million
112 inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special
113 school district;

114 (b) In every year subsequent to fiscal year 2007, "local effort" shall be the amount
115 calculated under paragraph (a) of this subdivision plus any increase in the amount received for
116 school purposes from fines. If a district's assessed valuation has decreased subsequent to the
117 calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be
118 calculated using the district's current assessed valuation in lieu of the assessed valuation utilized
119 in calculation outlined in paragraph (a) of this subdivision;

120 (11) "Membership" shall be the average of:

121 (a) The number of resident full-time students and the full-time equivalent number of
122 part-time students who were enrolled in the public schools of the district on the last Wednesday
123 in September of the previous year and who were in attendance one day or more during the
124 preceding ten school days; and

125 (b) The number of resident full-time students and the full-time equivalent number of
126 part-time students who were enrolled in the public schools of the district on the last Wednesday
127 in January of the previous year and who were in attendance one day or more during the preceding
128 ten school days, plus the full-time equivalent number of summer school pupils. "Full-time
129 equivalent number of part-time students" is determined by dividing the total number of hours for
130 which all part-time students are enrolled by the number of hours in the school term. "Full-time
131 equivalent number of summer school pupils" is determined by dividing the total number of hours
132 for which all summer school pupils were enrolled by the number of hours required pursuant to
133 section 160.011, RSMo, in the school term. Only students eligible to be counted for average
134 daily attendance shall be counted for membership;

135 (12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and
136 incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100,

137 RSMo, of any transitional school district containing the school district, in the payment year, not
138 including any equalized operating levy for school purposes levied by a special school district in
139 which the district is located;

140 (13) "Performance district", any district that has met all performance standards and
141 indicators as established by the department of elementary and secondary education for purposes
142 of accreditation under section 161.092, RSMo, and as reported on the final annual performance
143 report for that district each year;

144 (14) "Performance levy", three dollars and forty-three cents;

145 (15) "School purposes" pertains to teachers' and incidental funds;

146 (16) "Special education pupil count", the number of public school students with a current
147 individualized education program and receiving services from the resident district as of
148 December first of the preceding school year, except for special education services provided
149 through a school district established under sections 162.815 to 162.940, RSMo, in a county with
150 a charter form of government and with more than one million inhabitants, in which case the sum
151 of the students in each district within the county exceeding the special education threshold of
152 each respective district within the county shall be counted within the special district and not in
153 the district of residence for purposes of distributing the state aid derived from the special
154 education pupil count;

155 (17) "Special education threshold" shall be calculated by dividing the total special
156 education pupil count of every performance district that falls entirely above the bottom five
157 percent and entirely below the top five percent of average daily attendance, when such districts
158 are rank-ordered based on their current operating expenditures per average daily attendance, by
159 the total average daily attendance of all included performance districts;

160 (18) "State adequacy target", the sum of the current operating expenditures of every
161 performance district that falls entirely above the bottom five percent and entirely below the top
162 five percent of average daily attendance, when such districts are rank-ordered based on their
163 current operating expenditures per average daily attendance, divided by the total average daily
164 attendance of all included performance districts [plus the total amount of funds placed in the
165 schools first elementary and secondary education improvement fund in the preceding fiscal year
166 divided by the total average daily attendance of all school districts for the preceding fiscal year].
167 The department of elementary and secondary education shall first calculate the state adequacy
168 target for fiscal year 2007 and recalculate the state adequacy target every two years using the
169 most current available data[]; provided that the state adequacy target shall be recalculated every
170 year to reflect the per-pupil amount of funds placed in the schools first elementary and secondary
171 education improvement fund in the preceding fiscal year]. The recalculation shall never result
172 in a decrease from the previous state adequacy target amount. Should a recalculation result in

173 an increase in the state adequacy target amount, fifty percent of that increase shall be included
174 in the state adequacy target amount in the year of recalculation, and fifty percent of that increase
175 shall be included in the state adequacy target amount in the subsequent year. The state adequacy
176 target may be adjusted to accommodate available appropriations;

177 (19) "Teacher", any teacher, teacher-secretary, substitute teacher, supervisor, principal,
178 supervising principal, superintendent or assistant superintendent, school nurse, social worker,
179 counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve
180 more than one-half time in the public schools and who is certified under the laws governing the
181 certification of teachers in Missouri;

182 (20) "Weighted average daily attendance", the average daily attendance plus the product
183 of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the
184 free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the
185 number of special education pupil count that exceeds the special education threshold, and plus
186 the product of six-tenths multiplied by the number of limited English proficiency pupil count that
187 exceeds the limited English proficiency threshold. For special districts established under
188 sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with
189 more than one million inhabitants, weighted average daily attendance shall be the average daily
190 attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch
191 pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five
192 hundredths multiplied by the sum of the special education pupil count that exceeds the threshold
193 for each county district, plus the product of six-tenths multiplied by the limited English
194 proficiency pupil count that exceeds the limited English proficiency threshold. None of the
195 districts comprising a special district established under sections 162.815 to 162.940, RSMo, in
196 a county with a charter form of government and with more than one million inhabitants, shall use
197 any special education pupil count in calculating their weighted average daily attendance.

163.172. 1. [In school year 1994-95 and thereafter until school year 2006-07, the
2 minimum teacher's salary shall be eighteen thousand dollars. Beginning in school year 2006-07,
3 the minimum teacher's salary shall be twenty-two thousand dollars; in school year 2007-08, the
4 minimum teacher's salary shall be twenty-three thousand dollars; in school year 2008-09, the
5 minimum teacher's salary shall be twenty-four thousand dollars;] **Beginning** in school year
6 2009-10 and thereafter, the minimum teacher's salary shall be twenty-five thousand dollars.
7 [Beginning in the school year 1996-97 until school year 2006-07, for any full-time teacher with
8 a master's degree and at least ten years' teaching experience in a public school or combination
9 of public schools, the minimum salary shall be twenty-four thousand dollars. Beginning in the
10 school year 2006-07,] For any full-time teacher with a master's degree [in an academic teaching
11 field] and at least ten years' teaching experience in a public school or combination of public

12 schools, the minimum salary [shall be thirty thousand dollars; in the 2007-08 school year such
13 minimum salary shall be thirty-one thousand dollars; in the 2008-09 school year such minimum
14 salary shall be thirty-two thousand dollars; and] in the 2009-10 school year [such minimum
15 salary] **and thereafter**, shall be thirty-three thousand dollars.

16 2. [Beginning with the budget requests for fiscal year 1991,] **As used in this section, the**
17 **following terms mean:**

18 (1) **"Full-time"**, a teacher working under school district contract or for a state
19 school for the severely handicapped, state school for the deaf, or state school for the blind
20 for all school days and hours eligible for attendance of students, including full-time
21 substitute teachers under contract;

22 (2) **"Minimum salary supplement"**, the difference between the school district's
23 salary schedule and the minimum salary set out in subsection 3 of this section, based on
24 years of teaching experience and the most advanced academic degree held by the teacher;

25 (3) **"Regular school term"**, a minimum of one hundred seventy-four days and one
26 thousand forty-four hours of pupil attendance possible for students;

27 (4) **"Salary"**, the salary amount which appears on the teacher's contract for the
28 regular school term. Such term does not include supplements for extra duties, summer
29 school, career ladder, or extensions of the contract year. The minimum salary supplement
30 shall be included in the calculation of "final average salary" under subdivision (8) of
31 section 169.010, RSMo;

32 (5) **"Teacher"**, all certificated school district personnel who are eligible for tenure
33 and are paid pursuant to the school district teacher salary schedule, including but not
34 limited to teachers, librarians, counselors, and career education instructors.

35 3. Subject to appropriation and beginning with the 2009-2010 school year, moneys
36 from the Schools First Elementary and Secondary Fund established in section 163.087 shall
37 be appropriated for the purpose of paying public school teacher minimum salary
38 supplements in those districts meeting the qualifications established in subsection 4 of this
39 section. A participating school district shall be responsible only for the contracted amount
40 of a teacher's salary. If the appropriation of the general assembly is insufficient to pay the
41 total cost of all salary supplements, the minimum salary amount of subsection 4 of this
42 section shall be prorated until the amount appropriated is sufficient to make the payments
43 to all participating school districts.

44 4. To make application and qualify to begin receiving funds under this subsection,
45 a school district shall recognize all years of teacher experience, including but not limited
46 to employment in out-of-state schools, private schools, and public charter schools,
47 regardless of where a teacher is placed on a local salary schedule. Beginning in school year

48 **2009-10 and thereafter the minimum teacher's salary shall be twenty-seven thousand**
49 **dollars.**

50 **5. Any future increase in minimum salaries established under subsection 4 of this**
51 **section shall be contingent upon decreases in total state payments to all districts made**
52 **under this section. The second fiscal year following the fiscal year in which the state cost**
53 **of funding the minimum salary program is eighty-five percent or less of the full funding**
54 **cost for the first school year of the state funding of minimum salaries for teachers under**
55 **this section, the value of the base level of minimum salary shall be increased by five**
56 **hundred dollars.**

57 **6. The commissioner of education shall present to the appropriate committees of the**
58 **general assembly information on the average Missouri teacher's salary, regional average salary**
59 **data, and national average salary data.**

60 **[3.] 7. All school salary information shall be public information.**

61 **[4. As used in this section, the term "salary" shall be defined as the salary figure which**
62 **appears on the teacher's contract and as determined by the local school district's basic salary**
63 **schedule and does not include supplements for extra duties.**

64 **5. The minimum salary for any fully certificated teacher employed on a less than**
65 **full-time basis by a school district, state school for the severely handicapped, the Missouri**
66 **School for the Deaf, or the Missouri School for the Blind shall be prorated to reflect the amounts**
67 **provided in subsection 1 of this section.]**

68 **8. The state board of education shall issue rules and regulations as necessary for**
69 **the efficient and effective implementation of this section. Any rule or portion of a rule, as**
70 **that term is defined in section 536.010, RSMo, that is created under the authority delegated**
71 **in this section shall become effective only if it complies with and is subject to all of the**
72 **provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section**
73 **and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general**
74 **assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to**
75 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
76 **rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be**
77 **invalid and void.**

168.110. The board of education of a school district may modify an indefinite contract
2 annually on or before the fifteenth day of May in the following particulars:

3 (1) Determination of the date of beginning and length of the next school year;

4 (2) Fixing the amount of annual compensation for the following school year as provided
5 by the salary schedule adopted by the board of education applicable to all teachers **who are**
6 **similar in relevant experience and credentials, not limited to years of teaching experience**

7 **and academic credentials. A salary schedule may include other qualifications in addition**
8 **to experience and credentials, such as measurable classroom performance, as long as the**
9 **schedule applies equitably to all teachers who are similar in such qualifications.**

10

11 The modifications shall be effective at the beginning of the next school year. All teachers
12 affected by the modification shall be furnished written copies of the modifications within thirty
13 days after their adoption by the board of education.

168.124. 1. The board of education of a school district may place on leave of absence
2 as many teachers as may be necessary because of a decrease in pupil enrollment, school district
3 reorganization or the financial condition of the school district. In placing teachers on leave, the
4 board of education shall be governed by the following provisions:

5 (1) No permanent teacher shall be placed on leave of absence while probationary
6 teachers are retained in positions for which a permanent teacher is qualified;

7 (2) Permanent teachers shall be retained on the basis of performance-based evaluations
8 and seniority [(however, seniority shall not be controlling)] within the field of specialization;
9 **however, seniority shall not be controlling;**

10 (3) Permanent teachers shall be reinstated to the positions from which they have been
11 given leaves of absence, or if not available, to positions requiring like training and experience,
12 or to other positions in the school system for which they are qualified by training and experience;

13 (4) No appointment of new teachers shall be made while there are available teachers on
14 unrequested leave of absence who are properly qualified to fill such vacancies;

15 (5) A teacher placed on leave of absence may engage in teaching or another occupation
16 during the period of such leave;

17 (6) The leave of absence shall not impair the tenure of a teacher;

18 (7) The leave of absence shall continue for a period of not more than three years unless
19 extended by the board.

20 2. Should a board of education choose to utilize the mechanism for reducing teacher
21 forces as provided in subsection 1 of this section in an attempt to manage adverse financial
22 conditions caused at least partially by a withholding of, or a decrease or less than expected
23 increase in, education appropriations, then the district additionally shall follow the provisions
24 of subsection 3 of this section.

25 3. If a school district has an unrestricted combined ending fund balance of more than ten
26 percent of current expenditures in its teachers' and incidental funds, and in the subsequent fiscal
27 year such district, because of state appropriations, places a contracted teacher on leave of absence
28 after forty days subsequent to the governor signing the elementary and secondary education

29 appropriation bill, the district shall pay the affected teacher the greater of his or her salary for any
30 days worked under the contract, or a sum equal to three thousand dollars.

168.211. 1. In metropolitan districts the superintendent of schools shall be appointed
2 by the board of education for a term of [one to] **no more than** five years[, during which term his
3 compensation shall not be reduced. The superintendent of schools may appoint, with the
4 approval of the board, a treasurer, a commissioner of school buildings and he shall serve at the
5 pleasure of the superintendent of schools and as many associate and assistant superintendents as
6 he deems necessary, whose compensation shall be fixed by the board. The superintendent of
7 schools shall give bond in the sum that the board requires but not less than fifty thousand
8 dollars]. No employee or agent of the board shall be a member of the board.

9 2. The superintendent of schools shall have general supervision, subject to policies
10 established by the board, of the school system, including its [various departments and physical
11 properties,] courses of instruction, discipline and conduct of the schools, textbooks and studies.
12 All appointments, promotions and transfers of teachers and all other employees, and introduction
13 and changes of textbooks and apparatus, shall be [made by the superintendent with the approval
14 of the board] **upon the initial recommendation of the principal of the building to which the**
15 **teacher or employee is assigned, and the approval of the superintendent.** All appointments
16 and promotions of teachers and all other employees shall be made upon the basis of merit[, to
17 be ascertained, as far as practicable, in cases of appointment, by examination, and in cases of
18 promotion, by length and character of service. Examinations for appointment shall be conducted
19 by the superintendent under regulations to be made by the board. He shall make such reports to
20 the board that it directs or the rules provide]. **The superintendent shall hire the**
21 **administrative staff who shall serve unless a majority of all the members of the board**
22 **disapproves any appointment.**

23 3. [The superintendent of schools shall have general supervision, subject to policies
24 established by the board, of all school buildings, apparatus, equipment and school grounds and
25 of their construction, installation, operation, repair, care and maintenance; the purchasing of all
26 supplies and equipment; the operation of the school lunchrooms; the administration of
27 examinations for the appointment and promotion of all employees of the school system; and the
28 preparation and administration of the annual budget for the school system. Subject to the
29 approval of the board of education as to number and salaries, the superintendent may appoint as
30 many employees as are necessary for the proper performance of his duties.

31 4.] The board may grant a leave of absence to the superintendent of schools, and may
32 remove him from office by vote of a majority of **all of** its members.

33 [5. Should the superintendent hire a commissioner of school buildings, said person shall
34 be a person qualified by reason of education, experience and general familiarity with buildings

35 and personnel to assume the following responsibilities and duties. Subject to the control of the
36 superintendent of schools, he shall exercise supervision over all school buildings, machinery,
37 heating systems, equipment, school grounds and other buildings and premises of the board of
38 education and the construction, installation, operation, repair, care and maintenance related
39 thereto and the personnel connected therewith; the purchasing of building supplies and
40 equipment and such other duties as may be assigned to him by board rules or regulations.]

168.291. Whenever it is necessary to decrease the number of employees because of
2 insufficient funds or decrease in pupil enrollment or lack of work the board of education may
3 cause the necessary number of employees, beginning with those serving probationary periods,
4 to be placed on leave of absence without pay[, but only in the inverse order of their appointment.
5 Each employee placed on leave of absence shall be reinstated in inverse order of his placement
6 on leave of absence. Such reemployment shall not result in a loss of status or credit for previous
7 periods of service. No new appointments shall be made while there are available employees on
8 leave of absence who have not attained the age of seventy years and who are adequately qualified
9 to fill the vacancy in the particular department unless the employees fail to advise the board
10 within thirty days from date of notification by the board that positions are available to them, that
11 they will return to employment, and will assume the duties of the position to which they are
12 appointed not later than the beginning of the month following the date of the notice by the
13 board].

**168.711. 1. Beginning in fiscal year 2011 and ending in fiscal year 2016, the general
2 assembly shall make an annual appropriation of twenty million dollars from the schools
3 first elementary and secondary fund established in section 163.087, RSMo, to be
4 distributed to school districts for a pilot project to recognize excellence in performance by
5 instructional personnel and school-based administrators in participating districts.**

**6 2. In order to be eligible for funding under this section, a school district board shall
7 adopt an excellence award program plan that provides for assessment and an award based
8 on the performance of teachers and students assigned to schools in participating districts
9 under subsection 3 of this section. All instructional personnel and school-based
10 administrators, as defined by the department through rule, are eligible to receive excellence
11 awards, with the exception of substitute teachers. In order to receive an excellence award
12 under this section, instructional personnel shall be assessed on the performance of students
13 assigned to their classrooms or within their academic sphere of responsibility. The district
14 school board may not require instructional personnel or school-based administrators to
15 apply for an award, or make any presentation, in order to be assessed for or receive an
16 excellence award. The department of elementary and secondary education may not
17 distribute any portion of prorated funding to a district, if the district chooses not to adopt**

18 an excellence award program plan under this section. Undistributed funds shall revert to
19 the fund from which the appropriation was made.

20 3. The district's award plan shall be based on the elements listed below. No district
21 shall be permitted to continue to participate unless it submits its external building
22 evaluation data under opportunity 2 annually to the joint committee on education and
23 annually makes the data available to the school community in conjunction with the
24 information required for annual performance reports. Opportunity 1 shall be an
25 individual award based on the teacher's performance; opportunities 2, 3, and 4 shall be
26 awarded to all teachers assigned to the building.

27 (1) Opportunity 1 consists of teacher-controlled variables as provided in this
28 subsection. An individual teacher may earn two and five-tenths percent of his or her base
29 salary by:

30 (a) Submitting a portfolio, which shall include but not be limited to, grade level
31 expectations, a curriculum outline for the year, daily lesson plans, past student work,
32 current student work, discipline plan, and notes for substitute teachers; and

33 (b) Achieving a ninety-five percent personal attendance rate.

34 (2) Opportunity 2 consists of ground level expectations as provided in this
35 subsection. Teachers assigned to the building may earn:

36 (a) Two and five-tenths percent of their base salaries if the building:

37 a. Conducts an external evaluation of the building's performance with anonymous
38 surveys of parents, teachers, administrators and nonteaching staff, and students, which
39 includes:

40 (i) If a high school building, the creation of a student evaluation council composed
41 of no more than ten percent of the senior class selected at the beginning of the second
42 semester of the senior year from students who have a career grade-point average of at least
43 three points on a four-point scale or equivalent, to participate in three meetings with the
44 superintendent, building administrator, and selected faculty to conduct exit interviews and
45 anonymous questionnaires and to be available for a followup on academic preparation and
46 job readiness the year after graduation; or

47 (ii) If not a high school building, the implementation of an age-appropriate
48 exit-year interview to gather information on school climate and a survey with anonymous
49 questionnaires taken from a random sample of the building's parents, teachers, staff, and
50 students; and

51 b. Increases either student attendance or graduation rate by two percentage points
52 over the last year's rate; or

53 (b) One percent of their base salaries by maintaining at least ninety-three percent
54 student attendance and a ninety percent graduation rate.

55 (3) Opportunity 3 consists of achieving certain levels on Missouri assessment
56 program scores as provided in this subsection. Teachers assigned to the building may
57 earn:

58 (a) Two and five-tenths percent of their base salaries by increasing the scores on
59 the building's performance index status measure for any two of the mathematics,
60 communication arts, or science assessments by one performance level over the last year;
61 or

62 (b) One percent of their base salaries by:

63 a. Raising one of the three assessment status measures to the high 1 or high 2 level;
64 or

65 b. Maintaining two out of three assessment status measures at the high 1 or high
66 2 level.

67 (4) Opportunity 4 consists of a building progress report as provided in this
68 subsection. Teachers assigned to the building may earn:

69 (a) Two and five-tenths percent of their base salaries by scoring "met" on two
70 accreditation performance indicators that had been scored "not met" on last year's annual
71 performance report; or

72 (b) One percent of their base salaries by scoring "met" on one accreditation
73 performance indicator that was scored "not met" last year or maintaining accreditation
74 with at least twelve of the fourteen performance criteria met for a building with high
75 school grades or six of seven for elementary, middle school, or junior high school buildings.

76 4. In order for a district to develop a plan to participate in the excellence award
77 program, a majority vote of the certificated teachers of the district shall be required. The
78 department shall create a web-based ballot that permits a district's certificated teachers
79 to vote using a method that requires a unique identifier or other means to ensure validity.
80 Voting shall be a confidential process. The department shall report the district's results
81 to the district.

82 5. Each district school board shall inform its employees of the criteria and
83 procedures associated with the excellence award program plan.

84 6. Each person who qualifies for an award is required to be an employee of the
85 school district in the fiscal year during which award funds are distributed.

86 7. Nothing in this section shall be construed to be an element of any school district
87 salary schedule as referred to in subdivision (2) of section 168.110.

88 **8. The joint committee on education shall review the impact of the excellence award**
89 **program during fiscal year 2013 and again in fiscal year 2015 and shall make**
90 **recommendations about the continuation of the program for legislative action prior to the**
91 **scheduled end of the program under subsection 9 of this section. In its review, the joint**
92 **committee shall consider information from all stakeholders and may issue a request for**
93 **proposals from any organization without an interest in the matter to conduct research that**
94 **it deems necessary.**

95 **9. Under section 23.253, RSMo, of the Missouri Sunset Act:**

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

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

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

104 **10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
105 **that is created under the authority delegated in this section shall become effective only if**
106 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
107 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
108 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
109 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
110 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
111 **adopted after August 28, 2009, shall be invalid and void.**

168.714. 1. Any certificated teacher who is hired after August 28, 2009, by a school
2 **district that meets the requirements of subsection 2 of this section may apply for and be**
3 **awarded a recruitment stipend of two thousand five hundred dollars, or, in the case of**
4 **teachers certificated in mathematics or science, as determined by rule of the department**
5 **of elementary and secondary education, a stipend of five thousand dollars.**

6 **2. For its teachers to be eligible for a stipend under subsection 1 of this section, a**
7 **district shall have a minimum salary of at least twenty-seven thousand dollars and either**
8 **of the following requirements:**

9 **(1) It shall be unaccredited, provisionally accredited, or interim accredited in its**
10 **current Missouri school improvement program cycle status; or**

11 (2) It shall have an assessed valuation in the second preceding year of seventy
12 thousand dollars or less per student as determined by the district's membership enrollment
13 for the preceding year.

14 3. No teacher who has accepted a recruitment stipend shall be eligible for another
15 such stipend unless ten full academic years have elapsed from the granting of the previous
16 stipend. A teacher who has received a stipend under this section shall be required to
17 refund a prorated share of the stipend if he or she leaves the employment of the district
18 within three school years after receiving the stipend. A teacher who leaves the employment
19 of the district during the school year in which he or she receives the stipend or within the
20 first full school year after receiving the stipend shall refund seventy percent of the stipend.
21 A teacher who leaves the employment of the district during the second full school year after
22 receiving the stipend shall refund sixty percent of the stipend. A teacher who leaves the
23 employment of the district during the third full school year after receiving the stipend shall
24 refund sixty percent of the stipend.

25 4. The stipend granted under this section shall be used in the calculation of final
26 average salary for retirement. The provisions of this section are subject to appropriations
27 from the schools first elementary and secondary education fund established under section
28 163.087, RSMo.

29 5. Every school district, whether it qualifies for the stipend under this section or
30 not, shall demonstrate a good faith effort in recruiting teachers for special shortage areas.
31 The department shall determine by rule what constitutes a good faith effort, which may
32 include but not be limited to the following:

33 (1) Prominent identification of the position as a shortage area in its posting;

34 (2) Posting on the centralized web page available through the department's web
35 site; and

36 (3) Demonstration of offers made to teachers who are certificated in the required
37 subject area, which includes teachers certificated under any path described in section
38 168.021.

39

40 This subsection shall not require a district to hire any qualified applicant or the only
41 qualified applicant. Districts that do not make a good faith effort to recruit may be subject
42 to a withholding of up to one percent of their basic formula payment under subsection 1
43 of section 163.031, RSMo.

44 6. Under section 23.253, RSMo, of the Missouri Sunset Act:

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

48 (2) If such program is reauthorized, the program authorized under this section
49 shall automatically sunset twelve years after the effective date of the reauthorization of this
50 section; and

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

168.716. 1. Each certificated teacher with a base salary of fifty thousand dollars
2 or less who is employed by a school district that meets the requirements of subsection 2 of
3 this section who attains at least five full years of experience as a teacher in a Missouri
4 school, including private and charter school experience, as of August 28, 2009, or later, and
5 who is still employed by the same school district as of August 28, 2010, shall be designated
6 as a special consultant and shall receive, upon appropriation by the general assembly, an
7 amount designated for this purpose, a stipend of two thousand five hundred dollars during
8 the school year in which the teacher reaches his or her fifth year of service.

9 2. For its teachers to be eligible for a stipend under subsection 1 of this section, a
10 district shall meet the following requirements:

11 (1) It shall be neither unaccredited, provisionally accredited, nor interim accredited
12 in its current Missouri school improvement program cycle status during the year of the
13 award; and

14 (2) It shall have an assessed valuation in the second preceding year of seventy
15 thousand dollars or less per student as determined by the district's membership enrollment
16 for the preceding year.

17 3. The stipend granted under this section shall be used in the calculation of final
18 average salary for retirement. The provisions of this section are subject to appropriations
19 from the schools first elementary and secondary education fund established under section
20 163.087, RSMo.

21 4. A teacher who has received a stipend under this section shall be required to
22 refund a prorated share of the stipend if he or she leaves the employment of the district
23 within three school years after receiving the stipend. A teacher who leaves the employment
24 of the district during the school year in which he or she receives the stipend or within the
25 first full school year after receiving the stipend shall refund seventy percent of the stipend.
26 A teacher who leaves the employment of the district during the second full school year after
27 receiving the stipend shall refund sixty percent of the stipend. A teacher who leaves the

28 employment of the district during the third full school year after receiving the stipend shall
29 refund sixty percent of the stipend.

30 **5. Under section 23.253, RSMo, of the Missouri Sunset Act:**

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

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

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

168.720. 1. When any school district that is unaccredited, interim accredited, or
2 **provisionally accredited in its Missouri school improvement program cycle status as of**
3 **April 30, 2009, achieves accreditation without provisions, any certificated teacher with a**
4 **base pay of fifty thousand dollars or less who is employed by the district on the date of the**
5 **state board decision to award full accreditation shall receive an accreditation stipend of**
6 **two thousand five hundred dollars.**

7 **2. The stipend granted under this section shall be used in the calculation of final**
8 **average salary for retirement. No district shall be eligible for the stipend more than once.**
9 **A teacher who has received a stipend under this section shall be required to refund a**
10 **prorated share of the stipend if he or she leaves the employment of the district within three**
11 **school years after receiving the stipend. A teacher who leaves the employment of the**
12 **district during the school year in which he or she receives the stipend or within the first full**
13 **school year after receiving the stipend shall refund seventy percent of the stipend. A**
14 **teacher who leaves the employment of the district during the second full school year after**
15 **receiving the stipend shall refund sixty percent of the stipend. A teacher who leaves the**
16 **employment of the district during the third full school year after receiving the stipend shall**
17 **refund sixty percent of the stipend. The provisions of this section are subject to**
18 **appropriations from the schools first elementary and secondary education fund established**
19 **under section 163.087, RSMo.**

20 **3. Under section 23.253, RSMo, of the Missouri Sunset Act:**

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

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

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

Section B. Because immediate action is necessary to clarify potential school scheduling
2 and funding problems, the repeal and reenactment of sections 160.534, 163.011, and 163.172 of
3 section A of this act are deemed necessary for the immediate preservation of the public health,
4 welfare, peace, and safety, and the repeal and reenactment of sections 160.534, 163.011, and
5 163.172 of section A of this act are hereby declared to be an emergency act within the meaning
6 of the constitution, and the repeal and reenactment of sections 160.534, 163.011, and 163.172
7 of section A of this act shall be in full force and effect on July 1, 2009, or upon its passage and
8 approval, whichever later occurs.

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