

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 291
95TH GENERAL ASSEMBLY

1475L.07C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.121, 160.011, 160.041, 160.254, 160.400, 160.405, 160.410, 160.534, 160.730, 161.072, 161.122, 162.431, 162.492, 163.011, 163.031, 163.043, 167.031, 167.126, 167.275, 168.021, 168.133, 168.221, 168.251, 171.031, 171.033, 177.088, 313.775, 313.778, and 313.822, RSMo, and to enact in lieu thereof fifty-five new sections relating to education, with an effective date for a certain section and an emergency clause for certain sections.

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

Section A. Sections 115.121, 160.011, 160.041, 160.254, 160.400, 160.405, 160.410, 160.534, 160.730, 161.072, 161.122, 162.431, 162.492, 163.011, 163.031, 163.043, 167.031, 167.126, 167.275, 168.021, 168.133, 168.221, 168.251, 171.031, 171.033, 177.088, 313.775, 313.778, and 313.822, RSMo, are repealed and fifty-five new sections enacted in lieu thereof, to be known as sections 115.121, 160.011, 160.041, 160.254, 160.263, 160.375, 160.400, 160.405, 160.410, 160.534, 160.539, 160.800, 160.805, 160.810, 160.815, 160.820, 160.950, 161.072, 161.122, 161.380, 161.800, 161.850, 162.083, 162.204, 162.215, 162.431, 162.492, 162.1168, 162.1250, 163.011, 163.031, 163.043, 163.095, 167.018, 167.019, 167.031, 167.126, 167.275, 167.720, 168.021, 168.133, 168.221, 168.251, 168.745, 168.747, 168.749, 168.750, 170.400, 171.029, 171.031, 171.033, 177.088, 210.1050, 313.822, and 1, to read as follows:

- 115.121. 1. The general election day shall be the first Tuesday after the first Monday in November of even-numbered years.
2. The primary election day shall be the first Tuesday after the first Monday in August of even-numbered years.

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.

5 3. The election day for the election of political subdivision and special district officers
6 shall be the first Tuesday after the first Monday in April each year; and shall be known as the
7 "general municipal election day".

8 4. In addition to the primary election day provided for in subsection 2 of this section, for
9 the year 2003, the first Tuesday after the first Monday in August, 2003, also shall be a primary
10 election day for the purpose of permitting school districts and other political subdivisions of
11 Missouri to incur debt in accordance with the provisions of article VI, section 26(a) through
12 26(g) of the Missouri Constitution, with the approval of four-sevenths of the eligible voters of
13 such school district or other political subdivision voting thereon, to provide funds for the
14 acquisition, construction, equipping, improving, restoration, and furnishing of facilities to
15 replace, repair, reconstruct, reequip, restore, and refurnish facilities damaged, destroyed, or lost
16 due to severe weather, including, without limitation, windstorms, hail storms, flooding, tornadic
17 winds, rainstorms and the like which occurred during the month of April or May, 2003.

18 5. Notwithstanding the provisions of subsection 1 of section 115.125, the officer or
19 agency calling an election on the first Tuesday after the first Monday of August, 2003, shall
20 notify the election authorities responsible for conducting the election not later than 5:00 p.m. on
21 the sixth Tuesday prior to the election. For purposes of any such election, all references in
22 section 115.125 to the tenth Tuesday prior to such election shall be deemed to refer to the sixth
23 Tuesday prior to such election.

24 **6. In addition to the general election day provided for in subsection 1 of this section,**
25 **for the year 2009 the first Tuesday after the first Monday in November shall be a general**
26 **election day for the purpose of permitting school districts to incur debt in accordance with**
27 **the provisions of article VI, section 26(a) through 26(g) of the Missouri Constitution, with**
28 **the approval of four-sevenths of the eligible voters of such school district, to provide funds**
29 **for school districts to acquire, construct, equip, improve, restore, and furnish public school**
30 **facilities in accordance with the provisions of Section 54F of the Internal Revenue Code of**
31 **1986, as amended, which provides for qualified school construction bonds and the**
32 **provisions of Section 54AA of the Internal Revenue Code of 1986, as amended, which**
33 **provides for build America bonds, as well as in accordance with the provisions of Section**
34 **103 of the Internal Revenue Code of 1986, as amended, which provides for traditional**
35 **government bonds.**

160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and
2 178, RSMo, the following terms mean:

3 (1) "District" or "school district", when used alone, may include seven-director, urban,
4 and metropolitan school districts;

- 5 (2) "Elementary school", a public school giving instruction in a grade or grades not
6 higher than the eighth grade;
- 7 (3) "Family literacy programs", services of sufficient intensity in terms of hours, and of
8 sufficient duration, to make sustainable changes in families that include:
- 9 (a) Interactive literacy activities between parents and their children;
- 10 (b) Training of parents regarding how to be the primary teacher of their children and full
11 partners in the education of their children;
- 12 (c) Parent literacy training that leads to high school completion and economic self
13 sufficiency; and
- 14 (d) An age-appropriate education to prepare children of all ages for success in school;
- 15 (4) "Graduation rate", the quotient of the number of graduates in the current year as of
16 June thirtieth divided by the sum of the number of graduates in the current year as of June
17 thirtieth plus the number of twelfth graders who dropped out in the current year plus the number
18 of eleventh graders who dropped out in the preceding year plus the number of tenth graders who
19 dropped out in the second preceding year plus the number of ninth graders who dropped out in
20 the third preceding year;
- 21 (5) "High school", a public school giving instruction in a grade or grades not lower than
22 the ninth nor higher than the twelfth grade;
- 23 (6) "Metropolitan school district", any school district the boundaries of which are
24 coterminous with the limits of any city which is not within a county;
- 25 (7) "Public school" includes all elementary and high schools operated at public expense;
- 26 (8) "School board", the board of education having general control of the property and
27 affairs of any school district;
- 28 (9) "School term", a minimum of one hundred seventy-four school days, as that term is
29 defined in section 160.041, **for schools with a five-day school week or a minimum of one**
30 **hundred forty-two school days, as that term is defined in section 160.041, for schools with**
31 **a four-day school week**, and one thousand forty-four hours of actual pupil attendance as
32 scheduled by the board pursuant to section 171.031, RSMo, during a twelve-month period in
33 which the academic instruction of pupils is actually and regularly carried on for a group of
34 students in the public schools of any school district. A "school term" may be within a school
35 year or may consist of parts of two consecutive school years, but does not include summer
36 school. A district may choose to operate two or more terms for different groups of children. **A**
37 **school term for students participating in a school flex program as established in section**
38 **160.539 may consist of a combination of actual pupil attendance and attendance at college**
39 **or technical career education or approved employment aligned with the student's career**
40 **academic plan for a total of one thousand forty-four hours;**

- 41 (10) "Secretary", the secretary of the board of a school district;
- 42 (11) "Seven-director district", any school district which has seven directors and includes
- 43 urban districts regardless of the number of directors an urban district may have unless otherwise
- 44 provided by law;
- 45 (12) "Taxpayer", any individual who has paid taxes to the state or any subdivision
- 46 thereof within the immediately preceding twelve-month period or the spouse of such individual;
- 47 (13) "Town", any town or village, whether or not incorporated, the plat of which has
- 48 been filed in the office of the recorder of deeds of the county in which it is situated;
- 49 (14) "Urban school district", any district which includes more than half of the population
- 50 or land area of any city which has not less than seventy thousand inhabitants, other than a city
- 51 which is not within a county.

160.041. 1. The "minimum school day" consists of three hours **for schools with a five-day school week or four hours for schools with a four-day school week** in which the pupils are under the guidance and direction of teachers in the teaching process. A "school month" consists of four weeks of five days each **for schools with a five-day school week or four weeks of four days each for schools with a four-day school week**. The "school year" commences on the first day of July and ends on the thirtieth day of June following.

2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of education is authorized to reduce the required number of hours and days in which the pupils are under the guidance and direction of teachers in the teaching process if:

(1) There is damage to or destruction of a public school facility which requires the dual utilization of another school facility; or

(2) Flooding or other inclement weather as defined in subsection 1 of section 171.033, RSMo, prevents students from attending the public school facility.

Such reduction shall not extend beyond two calendar years in duration.

160.254. 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Education", which shall be composed of seven members of the senate and seven members of the house of representatives. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house.

2. The committee shall meet at least twice a year. In the event of three consecutive absences on the part of any member, such member may be removed from the committee.

3. The committee shall select either a chairman or cochairmen, one of whom shall be a member of the senate and one a member of the house. A majority of the members shall

10 constitute a quorum. Meetings of the committee may be called at such time and place as the
11 chairman or chairmen designate.

12 4. The committee shall:

13 (1) Review and monitor the progress of education in the state's public schools and
14 institutions of higher education;

15 (2) Receive reports from the commissioner of education concerning the public schools
16 and from the commissioner of higher education concerning institutions of higher education;

17 (3) Conduct a study and analysis of the public school system;

18 (4) Make recommendations to the general assembly for legislative action;

19 (5) Conduct an in-depth study concerning all issues relating to the equity and adequacy
20 of the distribution of state school aid, teachers' salaries, funding for school buildings, and overall
21 funding levels for schools and any other education funding-related issues the committee deems
22 relevant;

23 (6) Monitor the establishment of performance measures as required by section 173.1006,
24 RSMo, and report on their establishment to the governor and the general assembly;

25 (7) Conduct studies and analysis regarding:

26 (a) The higher education system, including financing public higher education and the
27 provision of financial aid for higher education; and

28 (b) The feasibility of including students enrolled in proprietary schools, as that term is
29 defined in section 173.600, RSMo, in all state-based financial aid programs;

30 (8) Annually review the collection of information under section 173.093, RSMo, to
31 facilitate a more accurate comparison of the actual costs at public and private higher education
32 institutions;

33 (9) Within three years of August 28, 2007, review a new model for the funding of public
34 higher education institutions upon submission of such model by the coordinating board for
35 higher education;

36 (10) Within three years of August 28, 2007, review the impact of the higher education
37 student funding act established in sections 173.1000 to 173.1006;

38 (11) Beginning August 28, 2008, upon review, approve or deny any expenditures made
39 by the commissioner of education pursuant to section 160.530, as provided in subsection 5 of
40 section 160.530.

41 **5. During the legislative interim between the first regular session of the ninety-fifth**
42 **general assembly through January 29, 2010, of the second regular session of the ninety-**
43 **fifth general assembly, the joint committee on education shall study the issue of open**
44 **enrollment for public school students across school district boundary lines in this state. In**
45 **studying this issue, the joint committee may solicit input and information necessary to**

46 **fulfill its obligation, including but not limited to soliciting input and information from any**
47 **state department, state agency, school district, political subdivisions of this state, teachers,**
48 **and the general public. The joint committee shall prepare a final report, together with its**
49 **recommendations for any legislative action deemed necessary for submission to the general**
50 **assembly by December 31, 2009.**

51 **6.** The committee may make reasonable requests for staff assistance from the research
52 and appropriations staffs of the house and senate and the committee on legislative research, as
53 well as the department of elementary and secondary education, the department of higher
54 education, the coordinating board for higher education, the state tax commission, the department
55 of economic development, all school districts and other political subdivisions of this state,
56 teachers and teacher groups, business and other commercial interests and any other interested
57 persons.

58 **[6.] 7.** Members of the committee shall receive no compensation but may be reimbursed
59 for reasonable and necessary expenses associated with the performance of their official duties.

160.263. 1. The school discipline policy under section 160.261 shall prohibit
2 **confining a student in an unattended, locked space except for an emergency situation while**
3 **awaiting the arrival of law enforcement personnel.**

4 **2. By July 1, 2011, the local board of education of each school district shall adopt**
5 **a written policy that comprehensively addresses the use of restrictive behavioral**
6 **interventions as a form of discipline or behavior management technique. The policy shall**
7 **be consistent with professionally accepted practices and standards of student discipline,**
8 **behavior management, health and safety, including the Safe Schools Act. The policy shall**
9 **include but not be limited to:**

10 **(1) Definitions of "restraint", "seclusion", and "time-out" and any other**
11 **terminology necessary to describe the continuum of restrictive behavioral interventions**
12 **available for use or prohibited in the district;**

13 **(2) Description of circumstances under which a restrictive behavioral intervention**
14 **is allowed and prohibited and any unique application requirements for specific groups of**
15 **students such as differences based on age, disability, or environment in which the**
16 **educational services are provided;**

17 **(3) Specific implementation requirements associated with a restrictive behavioral**
18 **intervention such as time limits, facility specifications, training requirements or**
19 **supervision requirements; and**

20 **(4) Documentation, notice and permission requirements associated with use of a**
21 **restrictive behavioral intervention.**

22 **3. The department of elementary and secondary education shall, in cooperation**
23 **with appropriate associations, organizations, agencies and individuals with specialized**
24 **expertise in behavior management, develop a model policy that satisfies the requirements**
25 **of subsection 2 of this section by July 1, 2010.**

160.375. 1. There is hereby established the "Missouri Senior Cadets Program",
2 **which shall be administered by the department of elementary and secondary education.**
3 **The program shall encourage high school seniors to mentor kindergarten through eighth**
4 **grade students in their respective school districts for a minimum of ten hours per week**
5 **during the school year.**

6 **2. In order to be a mentor in the program, a student must:**

7 **(1) Be a Missouri resident who attends a Missouri high school;**

8 **(2) Possess a cumulative grade point average of at least three on a four-point scale**
9 **or equivalent; and**

10 **(3) Plan to attend college.**

11 **3. The department of elementary and secondary education shall promulgate rules**
12 **to implement this section, which shall include, but may not be limited to, guidelines for**
13 **school districts and mentors in the program. Any rule or portion of a rule, as that term is**
14 **defined in section 536.010, RSMo, that is created under the authority delegated in this**
15 **section shall become effective only if it complies with and is subject to all of the provisions**
16 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter**
17 **536, RSMo, are nonseverable and if any of the powers vested with the general assembly**
18 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
19 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
20 **authority and any rule proposed or adopted after August 28, 2009, shall be invalid and**
21 **void.**

22 **4. The mentor shall work with the school principal, classroom teachers, and other**
23 **applicable school personnel in planning and implementing the mentoring plan. Such**
24 **mentoring may occur before, during, or after school.**

25 **5. If a mentor in the program successfully provides mentoring services for an**
26 **average of at least ten hours per week during a school year, the following shall apply,**
27 **subject to appropriations:**

28 **(1) The mentor shall receive one hour of elective class credit, which may satisfy**
29 **graduation requirements; and**

30 **(2) Should the mentor attend college with the stated intention of becoming a**
31 **teacher, the mentor shall be reimbursed, subject to appropriation, by the department of**

32 elementary and secondary education for the costs of three credit hours per semester for a
33 total of no more than eight semesters.

34 6. There is hereby established in the state treasury a fund to be known as the
35 "Missouri Senior Cadets Fund", which shall consist of all moneys that may be
36 appropriated to it by the general assembly, and in addition may include any gifts,
37 contributions, grants, or bequests received from federal, state, private, or other sources.
38 The fund shall be administered by the department of elementary and secondary education.
39 The state treasurer shall be custodian of the fund and may approve disbursements from
40 the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation,
41 moneys in the fund shall be used solely for the administration of the Missouri senior cadets
42 program. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any
43 moneys remaining in the fund at the end of the biennium shall not revert to the credit of
44 the general revenue fund. The state treasurer shall invest moneys in the fund in the same
45 manner as other funds are invested. Any interest and moneys earned on such investments
46 shall be credited to the fund.

47 7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

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

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

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

160.400. 1. A charter school is an independent public school.

2 2. Charter schools may be operated only in a metropolitan school district or in an urban
3 school district containing most or all of a city with a population greater than three hundred fifty
4 thousand inhabitants and may be sponsored by any of the following:

5 (1) The school board of the district;

6 (2) A public four-year college or university with its primary campus in the school district
7 or in a county adjacent to the county in which the district is located, with an approved teacher
8 education program that meets regional or national standards of accreditation;

9 (3) A community college located in the district; or

10 (4) Any private four-year college or university located in a city not within a county with
11 an enrollment of at least one thousand students, and with an approved teacher preparation
12 program.

13 3. The mayor of a city not within a county may request a sponsor under subdivision (2),
14 (3), or (4) of subsection 2 of this section to consider sponsoring a workplace charter school,
15 which is defined for purposes of sections 160.400 to 160.420 as a charter school with the ability
16 to target prospective students whose parent or parents are employed in a business district, as
17 defined in the charter, which is located in the city.

18 4. No sponsor shall receive from an applicant for a charter school any fee of any type for
19 the consideration of a charter, nor may a sponsor condition its consideration of a charter on the
20 promise of future payment of any kind.

21 5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant
22 to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the
23 sponsor and the charter school.

24 6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter
25 school shall select the method for election of officers pursuant to section 355.326, RSMo, based
26 on the class of corporation selected. Meetings of the governing board of the charter school shall
27 be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

28 7. A sponsor of a charter school, its agents and employees are not liable for any acts or
29 omissions of a charter school that it sponsors, including acts or omissions relating to the charter
30 submitted by the charter school, the operation of the charter school and the performance of the
31 charter school.

32 8. A charter school may affiliate with a four-year college or university, including a
33 private college or university, or a community college as otherwise specified in subsection 2 of
34 this section when its charter is granted by a sponsor other than such college, university or
35 community college. Affiliation status recognizes a relationship between the charter school and
36 the college or university for purposes of teacher training and staff development, curriculum and
37 assessment development, use of physical facilities owned by or rented on behalf of the college
38 or university, and other similar purposes. The primary campus of the college or university must
39 be located within the county in which the school district lies wherein the charter school is located
40 or in a county adjacent to the county in which the district is located. A university, college or
41 community college may not charge or accept a fee for affiliation status.

42 9. The expenses associated with sponsorship of charter schools shall be defrayed by the
43 department of elementary and secondary education retaining one and five-tenths percent of the
44 amount of state and local funding allocated to the charter school under section 160.415, not to
45 exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not
46 be withheld when the sponsor is a school district or the state board of education. The department
47 of elementary and secondary education shall remit the retained funds for each charter school to
48 the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship

49 obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter
50 school it sponsors, **including appropriate demonstration of the following:**

51 **(1) Expends no less than ninety percent of its charter school sponsorship funds in**
52 **support of its charter school sponsorship program, or as a direct investment in the**
53 **sponsored schools;**

54 **(2) Maintains a comprehensive application process that follows fair procedures and**
55 **rigorous criteria and grants charters only to those developers who demonstrate strong**
56 **capacity for establishing and operating a quality charter school;**

57 **(3) Negotiates contracts with charter schools that clearly articulate the rights and**
58 **responsibilities of each party regarding school autonomy, expected outcomes, measures for**
59 **evaluating success or failure, performance consequences, and other material terms;**

60 **(4) Conducts contract oversight that evaluates performance, monitors compliance,**
61 **informs intervention and renewal decisions, and ensures autonomy provided under**
62 **applicable law; and**

63 **(5) Designs and implements a transparent and rigorous process that uses**
64 **comprehensive data to make merit-based renewal decisions.**

65 10. No university, college or community college shall grant a charter to a nonprofit
66 corporation if an employee of the university, college or community college is a member of the
67 corporation's board of directors.

68 11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349,
69 RSMo, without ensuring that a criminal background check and child abuse registry check are
70 conducted for all members of the governing board of the charter schools or the incorporators of
71 the charter school if initial directors are not named in the articles of incorporation, nor shall a
72 sponsor renew a charter without ensuring a criminal background check and child abuse registry
73 check are conducted for each member of the governing board of the charter school.

74 12. No member of the governing board of a charter school shall hold any office or
75 employment from the board or the charter school while serving as a member, nor shall the
76 member have any substantial interest, as defined in section 105.450, RSMo, in any entity
77 employed by or contracting with the board. No board member shall be an employee of a
78 company that provides substantial services to the charter school. All members of the governing
79 board of the charter school shall be considered decision-making public servants as defined in
80 section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in
81 sections 105.483, 105.485, 105.487, and 105.489, RSMo.

82 13. A sponsor shall provide timely submission to the state board of education of all data
83 necessary to demonstrate that the sponsor is in material compliance with all requirements of
84 sections 160.400 to 160.420 and 167.349, RSMo.

85 14. The state board of education shall ensure each sponsor is in compliance with all
86 requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school
87 sponsored by any sponsor. The state board shall notify each sponsor of the standards for
88 sponsorship of charter schools, delineating both what is mandated by statute and what best
89 practices dictate. The state board, after a public hearing, may require remedial action for a
90 sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions
91 including withholding the sponsor's funding and suspending for a period of up to one year the
92 sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional
93 school. If the state board removes the authority to sponsor a currently operating charter school,
94 the state board shall become the interim sponsor of the school for a period of up to three years
95 until the school finds a new sponsor or until the charter contract period lapses.

 160.405. 1. A person, group or organization seeking to establish a charter school shall
2 submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a
3 school board, the applicant shall give a copy of its application to the school board of the district
4 in which the charter school is to be located and to the state board of education, within five
5 business days of the date the application is filed with the proposed sponsor. The school board
6 may file objections with the proposed sponsor, and, if a charter is granted, the school board may
7 file objections with the state board of education. The charter shall include a mission statement
8 for the charter school, a description of the charter school's organizational structure and bylaws
9 of the governing body, which will be responsible for the policy and operational decisions of the
10 charter school, a financial plan for the first three years of operation of the charter school
11 including provisions for annual audits, a description of the charter school's policy for securing
12 personnel services, its personnel policies, personnel qualifications, and professional development
13 plan, a description of the grades or ages of students being served, the school's calendar of
14 operation, which shall include at least the equivalent of a full school term as defined in section
15 160.011, and an outline of criteria specified in this section designed to measure the effectiveness
16 of the school. The charter shall also state:

- 17 (1) The educational goals and objectives to be achieved by the charter school;
- 18 (2) A description of the charter school's educational program and curriculum;
- 19 (3) The term of the charter, which shall be not less than five years, nor greater than ten
20 years and shall be renewable;
- 21 (4) A description of the charter school's pupil performance standards, which must meet
22 the requirements of subdivision (6) of subsection 5 of this section. The charter school program
23 must be designed to enable each pupil to achieve such standards;

24 (5) A description of the governance and operation of the charter school, including the
25 nature and extent of parental, professional educator, and community involvement in the
26 governance and operation of the charter school; and

27 (6) A description of the charter school's policies on student discipline and student
28 admission, which shall include a statement, where applicable, of the validity of attendance of
29 students who do not reside in the district but who may be eligible to attend under the terms of
30 judicial settlements.

31 2. Proposed charters shall be subject to the following requirements:

32 (1) A charter may be approved when the sponsor determines that the requirements of this
33 section are met and determines that the applicant is sufficiently qualified to operate a charter
34 school. The sponsor's decision of approval or denial shall be made within ninety days of the
35 filing of the proposed charter;

36 (2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as
37 to the reasons for its denial and forward a copy to the state board of education within five
38 business days following the denial;

39 (3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted
40 to the state board of education, along with the sponsor's written reasons for its denial. If the state
41 board determines that the applicant meets the requirements of this section, that the applicant is
42 sufficiently qualified to operate the charter school, and that granting a charter to the applicant
43 would be likely to provide educational benefit to the children of the district, the state board may
44 grant a charter and act as sponsor of the charter school. The state board shall review the
45 proposed charter and make a determination of whether to deny or grant the proposed charter
46 within sixty days of receipt of the proposed charter, provided that any charter to be considered
47 by the state board of education under this subdivision shall be submitted no later than March first
48 prior to the school year in which the charter school intends to begin operations. The state board
49 of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

50 (4) The sponsor of a charter school shall give priority to charter school applicants that
51 propose a school oriented to high-risk students and to the reentry of dropouts into the school
52 system. If a sponsor grants three or more charters, at least one-third of the charters granted by
53 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student
54 body and address the needs of dropouts or high-risk students through their proposed mission,
55 curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk"
56 student is one who is at least one year behind in satisfactory completion of course work or
57 obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime
58 within the preceding six months, has limited English proficiency, has been suspended from
59 school three or more times, is eligible for free or reduced-price school lunch, or has been referred

60 by the school district for enrollment in an alternative program. "Dropout" shall be defined
61 through the guidelines of the school core data report. The provisions of this subsection do not
62 apply to charters sponsored by the state board of education.

63 3. If a charter is approved by a sponsor, the charter application shall be submitted to the
64 state board of education, along with a statement of finding that the application meets the
65 requirements of sections 160.400 to 160.420 and section 167.439, RSMo, and a monitoring plan
66 under which the charter sponsor will evaluate the academic performance of students enrolled in
67 the charter school. The state board of education may, within sixty days, disapprove the granting
68 of the charter. The state board of education may disapprove a charter on grounds that the
69 application fails to meet the requirements of sections 160.400 to 160.420 and section 167.349,
70 RSMo, or that a charter sponsor previously failed to meet the statutory responsibilities of a
71 charter sponsor.

72 4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject
73 to judicial review pursuant to chapter 536, RSMo.

74 5. A charter school shall, as provided in its charter:

75 (1) Be nonsectarian in its programs, admission policies, employment practices, and all
76 other operations;

77 (2) Comply with laws and regulations of the state, county, or city relating to health,
78 safety, and state minimum educational standards, as specified by the state board of education,
79 including the requirements relating to student discipline under sections 160.261, 167.161,
80 167.164, and 167.171, RSMo, notification of criminal conduct to law enforcement authorities
81 under sections 167.115 to 167.117, RSMo, academic assessment under section 160.518,
82 transmittal of school records under section 167.020, RSMo, and the minimum number of school
83 days and hours required under section 160.041;

84 (3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules
85 relating to schools, governing boards and school districts;

86 (4) Be financially accountable, use practices consistent with the Missouri financial
87 accounting manual, provide for an annual audit by a certified public accountant, publish audit
88 reports and annual financial reports as provided in chapter 165, RSMo, provided that the annual
89 financial report may be published on the department of elementary and secondary education's
90 Internet web site in addition to other publishing requirements, and provide liability insurance to
91 indemnify the school, its board, staff and teachers against tort claims. A charter school that
92 receives local educational agency status under subsection 6 of this section shall meet the
93 requirements imposed by the Elementary and Secondary Education Act for audits of such
94 agencies. For purposes of an audit by petition under section 29.230, RSMo, a charter school
95 shall be treated as a political subdivision on the same terms and conditions as the school district

96 in which it is located. For the purposes of securing such insurance, a charter school shall be
97 eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo.
98 A charter school that incurs debt must include a repayment plan in its financial plan;

99 (5) Provide a comprehensive program of instruction for at least one grade or age group
100 from kindergarten through grade twelve, which may include early childhood education if funding
101 for such programs is established by statute, as specified in its charter;

102 (6) (a) Design a method to measure pupil progress toward the pupil academic standards
103 adopted by the state board of education pursuant to section 160.514, collect baseline data during
104 at least the first three years for determining how the charter school is performing and to the
105 extent applicable, participate in the statewide system of assessments, comprised of the essential
106 skills tests and the nationally standardized norm-referenced achievement tests, as designated by
107 the state board pursuant to section 160.518, complete and distribute an annual report card as
108 prescribed in section 160.522, which shall also include a statement that background checks have
109 been completed on the charter school's board members, report to its sponsor, the local school
110 district, and the state board of education as to its teaching methods and any educational
111 innovations and the results thereof, and provide data required for the study of charter schools
112 pursuant to subsection 4 of section 160.410. No charter school will be considered in the
113 Missouri school improvement program review of the district in which it is located for the
114 resource or process standards of the program.

115 (b) For proposed high risk or alternative charter schools, sponsors shall approve
116 performance measures based on mission, curriculum, teaching methods, and services. Sponsors
117 shall also approve comprehensive academic and behavioral measures to determine whether
118 students are meeting performance standards on a different time frame as specified in that school's
119 charter. Student performance shall be assessed comprehensively to determine whether a high
120 risk or alternative charter school has documented adequate student progress. Student
121 performance shall be based on sponsor-approved comprehensive measures as well as
122 standardized public school measures. Annual presentation of charter school report card data to
123 the department of elementary and secondary education, the state board, and the public shall
124 include comprehensive measures of student progress.

125 (c) Nothing in this paragraph shall be construed as permitting a charter school to be held
126 to lower performance standards than other public schools within a district; however, the charter
127 of a charter school may permit students to meet performance standards on a different time frame
128 as specified in its charter;

129 (7) Assure that the needs of special education children are met in compliance with all
130 applicable federal and state laws and regulations;

(8) Provide along with any request for review by the state board of education the following:

(a) Documentation that the applicant has provided a copy of the application to the school board of the district in which the charter school is to be located, except in those circumstances where the school district is the sponsor of the charter school; and

(b) A statement outlining the reasons for approval or disapproval by the sponsor, specifically addressing the requirements of sections 160.400 to 160.420 and 167.349, RSMo.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations at least once every two years or at any point where the operation or management of the charter school is changed or transferred to another entity, either public or private. The governing board of a charter school may amend the charter, if the sponsor approves such amendment, or the sponsor and the governing board may reach an agreement in writing to reflect the charter school's decision to become a local educational agency for the sole purpose of seeking direct access to federal grants. In such case the sponsor shall give the department of elementary and secondary education written notice no later than March first of any year, with the agreement to become effective July first. The department may waive the March first notice date in its discretion. The department shall identify and furnish a list of its regulations that pertain to local educational agencies to such schools within thirty days of receiving such notice.

7. (1) A sponsor [may] **shall** revoke a charter **or take other appropriate remedial action, which may include placing the charter school on probationary status**, at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set forth in its charter, failure to meet generally accepted standards of fiscal management, failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo, within forty-five days following receipt of written notice requesting such information, or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, which may require a change of methodology, a change in leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the governing board of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's governing board may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

(6) A charter sponsor shall make available the school accountability report card information as provided under section 160.522 and the results of the academic monitoring required under subsection 3 of this section.

8. A sponsor shall take all reasonable steps necessary to confirm that each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo. Every charter school shall provide all information necessary to confirm ongoing compliance with all provisions of its charter and sections 160.400 to 160.420 and 167.349, RSMo, in a timely manner to its sponsor.

9. A school district may enter into a lease with a charter school for physical facilities.

10. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

11. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The governing board of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided under sections 537.700 to 537.756, RSMo.

12. Any entity, either public or private, operating, administering, or otherwise managing a charter school shall be considered a quasi-public governmental body and subject to the provisions of sections 610.010 to 610.035, RSMo.

13. The chief financial officer of a charter school shall maintain:

201 (1) A surety bond in an amount determined by the sponsor to be adequate based on the
202 cash flow of the school; or

203 (2) **An insurance policy issued by an insurance company licensed to do business in**
204 **Missouri on all employees in the amount of five hundred thousand dollars or more that**
205 **provides coverage in the event of employee theft.**

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

3 (2) Nonresident pupils eligible to attend a district's school under an urban voluntary
4 transfer program; and

5 (3) In the case of a workplace charter school, any student eligible to attend under
6 subdivision (1) or (2) of this subsection whose parent is employed in the business district, who
7 submits a timely application, unless the number of applications exceeds the capacity of a
8 program, class, grade level or building. The configuration of a business district shall be set forth
9 in the charter and shall not be construed to create an undue advantage for a single employer or
10 small number of employers.

11 2. If capacity is insufficient to enroll all pupils who submit a timely application, the
12 charter school shall have an admissions process that assures all applicants of an equal chance of
13 gaining admission except that:

14 (1) A charter school may establish a geographical area around the school whose residents
15 will receive a preference for enrolling in the school, provided that such preferences do not result
16 in the establishment of racially or socioeconomically isolated schools and provided such
17 preferences conform to policies and guidelines established by the state board of education; and

18 (2) A charter school may also give a preference for admission of children whose siblings
19 attend the school or whose parents are employed at the school or in the case of a workplace
20 charter school, a child whose parent is employed in the business district or at the business site
21 of such school.

22 3. A charter school shall not limit admission based on race, ethnicity, national origin,
23 disability, gender, income level, proficiency in the English language or athletic ability, but may
24 limit admission to pupils within a given age group or grade level.

25 4. The department of elementary and secondary education shall commission a study of
26 the performance of students at each charter school in comparison with [a comparable] **an**
27 **equivalent group of district students representing an equivalent demographic and**
28 **geographic population** and a study of the impact of charter schools upon **the constituents they**
29 **serve in** the districts in which they are located, to be conducted by [a contractor selected through
30 a request for proposal] **the joint committee on education.** [The department of elementary and
31 secondary education shall reimburse the contractor from funds appropriated by the general

32 assembly for the purpose.] **The charter school study shall include analysis of the**
33 **administrative and instructional practices of each charter school and shall include findings**
34 **on innovative programs that illustrate best practices and lend themselves to replication or**
35 **incorporation in other schools. The joint committee on education shall coordinate with**
36 **individuals representing charter public schools and the districts in which charter schools**
37 **are located in conducting the study.** The study of a charter school's student performance in
38 relation to a comparable group shall be designed to provide information that would allow parents
39 and educators to make valid comparisons of academic performance between the charter school's
40 students and [a] **an equivalent** group of **district** students [comparable to the students enrolled
41 in the charter school] **representing an equivalent demographic and geographic population.**
42 **The student performance assessment and comparison shall include, but may not be limited**
43 **to:**

- 44 **(1) Missouri assessment program test performance and aggregate growth over**
45 **several years;**
46 **(2) Student reenrollment rates;**
47 **(3) Educator, parent, and student satisfaction data;**
48 **(4) Graduation rates in secondary programs; and**
49 **(5) Performance of students enrolled in the same public school for three or more**
50 **consecutive years.**

51
52 The impact study shall be undertaken every two years to determine the [effect] **impact** of charter
53 schools on [education stakeholders] **the constituents they serve** in the districts where charter
54 schools are operated. The impact study [may] **shall** include, but is not limited to, determining
55 if changes have been made in district policy or procedures attributable to the charter school and
56 to perceived changes in attitudes and expectations on the part of district personnel, school board
57 members, parents, students, the business community and other education stakeholders. The
58 department of elementary and secondary education shall make the results of the studies public
59 and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter
60 schools, the school board and superintendent of the districts in which the charter schools are
61 operated.

62 5. A charter school shall make available for public inspection, and provide upon request,
63 to the parent, guardian, or other custodian of any school-age pupil resident in the district in which
64 the school is located the following information:

- 65 (1) The school's charter;
66 (2) The school's most recent annual report card published according to section 160.522;
67 and

68 (3) The results of background checks on the charter school's board members.
69 The charter school may charge reasonable fees, not to exceed the rate specified in section
70 610.026, RSMo, for furnishing copies of documents under this subsection.

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 provisions**
11 **of this subsection shall terminate on July 1, 2010.**

12 3. The amounts deposited in the schools first elementary and secondary education
13 improvement fund pursuant to this section shall constitute new and additional funding for
14 elementary and secondary education and shall not be used to replace existing funding provided
15 for elementary and secondary education. **The provisions of this subsection shall terminate on**
16 **July 1, 2009.**

160.539. 1. The "School Flex Program" is established to allow eligible students to
2 **pursue a timely graduation from high school. The term "eligible students" includes**
3 **students in grades 11 or 12 who have been identified by the student's principal and the**
4 **student's parent or guardian to benefit by participating in the school flex program.**

5 **2. An eligible student who participates in a school flex program shall:**

6 **(1) Attend school a minimum of two instructional hours per school day within the**
7 **district of residence;**

8 **(2) Pursue a timely graduation;**

9 **(3) Provide evidence of college or technical career education enrollment and**
10 **attendance, or proof of employment and labor that is aligned with the student's career**
11 **academic plan which has been developed by the school district;**

12 **(4) Refrain from being expelled or suspended while participating in a school flex**
13 **program;**

14 **(5) Pursue course and credit requirements for a diploma; and**

15 **(6) Maintain a ninety-five percent attendance rate.**

16 **3. Eligible students participating in the school flex program shall be considered**
17 **full-time students of the school district and shall be counted in the school's average daily**
18 **attendance for state basic aid purposes.**

19 **4. School districts participating in the school flex program shall submit, on forms**
20 **provided by the department of elementary and secondary education, an annual report to**
21 **the department which shall include information required by the department, including but**
22 **not limited to student participation, dropout, and graduation rates for students**
23 **participating in the program. The department shall annually report to the joint committee**
24 **on education under section 160.254 on the effectiveness of the program.**

160.800. The governor may, on behalf of the state and in accordance with chapter
2 **355, RSMo, establish a private not-for-profit corporation named the "P-20 Council", to**
3 **carry out the provisions of sections 160.800 to 160.820. As used in this section, the word**
4 **"corporation" means the P-20 council authorized by this section. Before certification by**
5 **the governor, the corporation shall conduct a public hearing for the purpose of giving all**
6 **interested parties an opportunity to review and comment upon the articles of**
7 **incorporation, bylaws, and method of operation of the corporation. Notice of hearing shall**
8 **be given at least fourteen days prior to the hearing.**

160.805. 1. The articles of incorporation and bylaws of the corporation shall
2 **provide that the purpose of the corporation is to create a more efficient and effective**
3 **education system that more adequately prepares students for the challenges of entering the**
4 **workforce.**

5 **2. The board of directors of the corporation shall be composed of thirteen members.**
6 **The governor shall annually appoint one of its members, who shall be employed in the**
7 **private sector, as chairperson. The board shall consist of the following members:**

- 8 **(1) The director of the department of economic development;**
9 **(2) The commissioner of higher education;**
10 **(3) The chairperson of the coordinating board for higher education;**
11 **(4) The president of the state board of education;**
12 **(5) The chairperson of the coordinating board of early childhood;**
13 **(6) The commissioner of education;**
14 **(7) Seven members appointed by the governor. Two members shall represent**
15 **higher education institutions, one two-year institution and one four-year institution; two**
16 **members shall represent elementary and secondary schools; two members shall represent**
17 **the private, for-profit business sector; and one member shall represent an early childhood**
18 **education provider.**

19 **3. Each member of the board of directors of the corporation appointed by the**
20 **governor shall serve for a term of four years. Of the directors initially appointed to the**
21 **board of directors by the governor, two directors shall be designated by the governor to**
22 **serve a term of four years, two directors shall be designated to serve a term of three years,**
23 **two directors shall be designated to serve a term of two years, and one director shall be**
24 **designated to serve a term of one year. Thereafter, directors shall serve a term of four**
25 **years. Each director shall continue to serve until a successor is duly appointed by the**
26 **governor.**

27 **4. The corporation may receive money from any source, may borrow money, may**
28 **enter into contracts, and may expend money for any activities appropriate to its purpose.**

29 **5. The corporation may appoint staff and do all other things necessary or incidental**
30 **to carrying out the functions listed in sections 160.800 to 160.820.**

31 **6. Any changes in the articles of incorporation or bylaws shall be approved by the**
32 **governor.**

33 **7. The corporation shall submit an annual report to the governor and to the**
34 **Missouri general assembly by the first day of November and shall include detailed**
35 **information on the structure, operation, and financial status of the corporation. The**
36 **corporation shall conduct an annual public hearing to receive comments from interested**
37 **parties regarding the report, and notice of the hearing shall be given at least fourteen days**
38 **prior to the hearing.**

39 **8. The corporation shall be subject to an annual audit by the state auditor. The**
40 **corporation shall bear the full cost of the audit.**

160.810. The corporation, after being certified by the governor as provided by
2 **section 160.800, may:**

3 **(1) Study the potential for a state-coordinated economic and educational policy that**
4 **addresses all levels of education;**

5 **(2) Determine where obstacles make state support of programs that cross**
6 **institutional or jurisdictional boundaries difficult and suggest remedies;**

7 **(3) Create programs that:**

8 **(a) Intervene at known critical transition points, such as middle school to high**
9 **school and the freshman year of college, to help ensure student success at the next level;**

10 **(b) Foster higher education faculty spending time in elementary and secondary**
11 **classrooms and private workplaces, and elementary and secondary faculty spending time**
12 **in general education level higher education courses and private workplaces, with particular**
13 **emphasis on secondary school faculty working with general education higher education**
14 **faculty;**

15 (c) Allow education stakeholders to collaborate with members of business and
16 industry to foster policy alignment, professional interaction, and information systems
17 across sectors;

18 (d) Regularly provide feedback to schools, colleges, and employers concerning the
19 number of students requiring postsecondary remediation, whether in educational
20 institutions or the workplace;

21 (4) Explore ways to better align academic content, particularly between secondary
22 school and first-year courses at public colleges and universities, which may include
23 alignment between:

24 (a) Elementary and secondary assessments and public college and university
25 admission and placement standards; and

26 (b) Articulation agreements for programs across sectors and educational levels.

160.815. 1. Debts incurred by the corporation established pursuant to the authority
2 of sections 160.800 to 160.820 do not represent or constitute a debt of this state within the
3 meaning of the provisions of the constitution or statutes of this state.

4 2. The corporation established pursuant to sections 160.800 to 160.820 shall be
5 subject to all provisions of chapter 355, RSMo, which do not conflict with the provisions
6 of sections 160.800 to 160.820.

160.820. In order to assist the corporation in achieving the objectives identified in
2 section 160.810, the department of economic development, department of elementary and
3 secondary education, and department of higher education may contract with the
4 corporation for activities consistent with the corporation's purpose, as specified in section
5 160.805, including but not limited to the employment of any personnel of the corporation,
6 administrative services, and provision of office space. When contracting with the
7 corporation under the provisions of this section, the departments may directly enter into
8 agreements with the corporation and shall not be bound by the provisions of chapter 34,
9 RSMo.

160.950. 1. There is hereby created in the state treasury the "Persistence to
2 Graduation Fund", which shall consist of money collected under this section. The state
3 treasurer shall be custodian of the fund and may approve disbursements from the fund in
4 accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the
5 fund shall be used solely for the administration of this section. Any moneys remaining in
6 the fund at the end of the biennium shall revert to the credit of the general revenue fund.
7 The state treasurer shall invest moneys in the fund in the same manner as other funds are
8 invested. Any interest and moneys earned on such investments shall be credited to the

9 fund. The fund shall be administered by the department of elementary and secondary
10 education.

11 2. The department of elementary and secondary education shall establish a
12 procedure whereby seven-director, urban, and metropolitan school districts may apply for
13 grant awards from the persistence to graduation fund in order for such districts to
14 implement drop-out prevention strategies. Successful applicants under this section shall
15 be awarded grants for one to five consecutive years. Upon expiration of the initial grant,
16 the district may reapply for an extension of the grant award for a period of time deemed
17 appropriate by both the district and the department. The department of elementary and
18 secondary education shall give preference to school districts that propose a holistic
19 approach to drop-out prevention, directed at a broad array of students, from the pre-
20 kindergarten level through early adulthood, including the following characteristics:

21 (1) A collaborative approach between the school district and various community
22 organizations, including nonprofit organizations, local governmental organizations, law
23 enforcement agencies, "approved public institutions" and "approved private institutions"
24 as such terms are defined in section 173.1102, RSMo, and institutions able to deliver
25 proven, research-based intervention services;

26 (2) Early intervention strategies, including family engagement, early childhood
27 education, early literacy development, family literacy, and mental health detection and
28 treatment;

29 (3) Increased accountability measures that track at-risk students that leave the
30 district;

31 (4) The implementation or augmentation of the following basic core strategies for
32 drop-out prevention:

33 (a) Mentoring;

34 (b) Tutoring;

35 (c) Alternative schooling;

36 (d) Career and technical education; and

37 (e) Before or after school programs;

38 (5) The implementation of early intervention strategies for students who display
39 strong indicators that they will not persist to graduation.

40 3. Subject to appropriation, grants awarded under this section shall be available
41 to school districts that have a student population of which sixty percent or greater is
42 eligible for a free and reduced lunch on the last Wednesday in January for the preceding
43 school year who were enrolled as students of the district, as approved by the department
44 of elementary and secondary education in accordance with applicable federal regulations.

45 **4. The department of elementary and secondary education shall promulgate rules,**
46 **no later than January 15, 2010, for the implementation of this section, including:**

47 **(1) A procedure by which funds shall be allocated to the applying school districts;**
48 **and**

49 **(2) A means to judge the effectiveness of the drop-out prevention programs of the**
50 **districts that receive grants under this program.**

51
52 **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is**
53 **created under the authority delegated in this section shall become effective only if it**
54 **complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
55 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
56 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
57 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
58 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
59 **adopted after August 28, 2009, shall be invalid and void.**

60 **5. The department of elementary and secondary education may cease award**
61 **payments to any district at any time if the department determines that such funds are**
62 **being misused or if the district's drop-out prevention program is deemed to be ineffectual.**
63 **Any decision to discontinue payments of such funds shall be presented to the applicable**
64 **district in writing at least thirty days prior to the cessation of fund payments.**

65 **6. The department of elementary and secondary education shall report to the**
66 **general assembly and to the governor, no later than January fifteenth annually:**

67 **(1) The recipients and amounts of the grants awarded under this section; and**

68 **(2) The persistence to graduation data from the preceding five years for each**
69 **district awarded grants under this section.**

70 **7. Subject to appropriation, the general assembly shall annually appropriate an**
71 **amount sufficient to fund the provisions of this section.**

72 **8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

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

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

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

161.072. The state board of education shall meet semiannually in December and in June
2 in Jefferson City. Other meetings may be called by the president of the board on [five] **seven**
3 days' written notice to the members. In the absence of the president, the commissioner of
4 education shall call a meeting on request of [four] **three** members of the board, and if both the
5 president and the commissioner of education are absent or refuse to call a meeting, any [four]
6 **three** members of the board may call a meeting by similar notices in writing. **The business to**
7 **come before the board shall be available by free electronic record at least seven business**
8 **days prior to the start of each meeting. All records of any decisions, votes, exhibits, or**
9 **outcomes shall be available by free electronic media within forty-eight hours following the**
10 **conclusion of every meeting. Any materials prepared for the members of the board by the**
11 **staff shall be delivered to the members at least five days before the meeting, and to the**
12 **extent such materials are public records as defined in section 610.010, RSMo, and are not**
13 **permitted to be closed under section 610.021, RSMo, shall be made available by free**
14 **electronic media at least five business days in advance of the meeting.**

161.122. The commissioner of education shall supervise the department of elementary
2 and secondary education. Either in person or by deputy, he **or she** shall confer with and advise
3 county and school district officers, teachers, and patrons of the public schools on all matters
4 pertaining to the school law; visit and supervise schools, and make suggestions in regard to the
5 subject matter and methods of instruction, the control and government of the schools, and the
6 care and keeping of all school property; attend and assist in meetings of teachers, directors, and
7 patrons of the public schools; and seek in every way to elevate the standards and efficiency of
8 the instruction given in the public schools of the state. **The commissioner shall study and**
9 **evaluate and test the progress, or lack thereof, in achieving these objectives and shall**
10 **promptly make public by free electronic media the results of all studies and evaluations**
11 **and tests insofar as consistent with student or parental privacy rights contained in federal**
12 **or state law.**

161.380. 1. Each public school shall develop standards for teaching no later than
2 **June 30, 2010. The standards shall be applicable to all public schools, including public**
3 **charter schools operated by the board of a school district.**

4 **2. Teaching standards shall include, but not be limited to, the following:**

5 **(1) Students actively participate and are successful in the learning process;**

6 **(2) Various forms of assessment are used to monitor and manage student learning;**

7 **(3) The teacher is prepared and knowledgeable of the content and effectively**
8 **maintains students' on-task behavior;**

9 **(4) The teacher uses professional communication and interaction with the school**
10 **community;**

11 (5) The teacher keeps current on instructional knowledge and seeks and explores
12 changes in teaching behaviors that will improve student performance; and

13 (6) The teacher acts as a responsible professional in the overall mission of the
14 school.

15 3. The department may provide assistance to public schools in developing these
16 standards upon request.

 161.800. 1. This section establishes a program for public elementary and secondary
2 schools to increase volunteer and parental involvement. The program shall be known and
3 may be cited as the "Volunteer and Parents Incentive Program". The department of
4 elementary and secondary education shall implement and administer the program.

5 2. For purposes of this section, the following terms shall mean:

6 (1) "At risk student":

7 (a) A student who is still of school age but whose continued education is in jeopardy
8 because the student is experiencing academic deficits, including but not limited to:

9 a. Being one or more years behind their age or grade level in mathematics or
10 reading skills through eighth grade or three or more credits behind in the number of
11 credits toward graduation from the ninth grade through twelfth grade;

12 b. Having low scores on tests of academic achievement and scholastic aptitude;

13 c. Having low grades and academic deficiencies;

14 d. Having a history of failure and being held back in school;

15 e. Having language problems or being from a non-English speaking home; or

16 f. Not having access to appropriate educational programs.

17 (b) A student may also be considered "at risk" if the student has any of the
18 following:

19 a. A parent or sibling who dropped out of school;

20 b. Experienced numerous family relocations;

21 c. Poor social adjustment, or deviant social behavior;

22 d. Employment of more than twenty hours per week while school is in session;

23 e. Been the victim of racial or ethnic prejudice;

24 f. Low self-esteem and expectations of teachers, parents, and the community;

25 g. A poorly educated mother or father;

26 h. Children of their own;

27 i. A deprived environment that slows economic and social development;

28 j. A fatherless home;

29 k. Been the victim of personal or family abuse, including substance abuse,
30 emotional abuse, and sexual abuse;

31 (2) "Department", the department of elementary and secondary education;

32 (3) "Institution of higher education", a four year college or university located in
33 the state of Missouri;

34 (4) "Program", the volunteer and parents incentive program;

35 (5) "Qualifying public school", a school located in Missouri that:

36 (a) Is located in a school district that has been classified by the state board of
37 education as unaccredited or provisionally accredited; or

38 (b) That has a student population of more than fifty percent at-risk students.

39 3. The department shall, subject to appropriation, provide a reimbursement to
40 parents or volunteers who donate time at a qualifying public school. For every one
41 hundred hours that a parent or volunteer donates to a qualifying public school, the
42 department shall provide a reimbursement of up to five hundred dollars towards the cost
43 of three credit hours of education from a public institution of higher education located in
44 Missouri. The reimbursement shall occur after completion of the three credit hours of
45 education. The reimbursement amount shall not exceed five hundred dollars every two
46 years.

47 4. A school district that participates in the program shall verify to the department
48 the time donated by a parent or volunteer.

49 5. If a school district that participates in the program becomes classified as
50 accredited by the state board of education, the school district may continue to participate
51 in the program for an additional two years.

52 6. The department of elementary and secondary education shall promulgate rules
53 and regulations to implement this section. Any rule or portion of a rule, as that term is
54 defined in section 536.010, RSMo, that is created under the authority delegated in this
55 section shall become effective only if it complies with and is subject to all of the provisions
56 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
57 536, RSMo, are nonseverable and if any of the powers vested with the general assembly
58 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and
59 annul a rule are subsequently held unconstitutional, then the grant of rulemaking
60 authority and any rule proposed or adopted after August 28, 2009, shall be invalid and
61 void.

62 7. There is hereby created in the state treasury the "Volunteer and Parents
63 Incentive Program Fund", which shall consist of general revenue appropriated to the
64 program, funds received from the federal government, and voluntary contributions to
65 support or match program activities. The state treasurer shall be custodian of the fund
66 and may approve disbursements from the fund in accordance with sections 30.170 and

67 **30.180, RSMo.** Upon appropriation, money in the fund shall be used solely for the
68 administration of the volunteer and parents incentive program. Notwithstanding the
69 provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at
70 the end of the biennium shall not revert to the credit of the general revenue fund. The state
71 treasurer shall invest moneys in the fund in the same manner as other funds are invested.
72 Any interest and moneys earned on such investments shall be credited to the fund.

73 **8.** Pursuant to section 23.253, RSMo, of the Missouri sunset act:

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

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

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

161.850. 1. By January 1, 2010, the department of elementary and secondary
2 education shall develop and produce a publication entitled "The Parents' Bill of Rights"
3 that shall be designed to inform parents of children with an individualized education
4 program of their educational rights provided under federal and state law. The content of
5 the publication shall not confer any right or rights beyond those conferred by federal or
6 state law and shall state that it is for informational purposes only. The department shall
7 post a copy of this publication on its web site. The publication shall contain the
8 department's contact information.

9 **2.** The publication shall contain, but may not be limited to, the following general
10 information presented in a clear and concise manner and the department shall ensure the
11 content is consistent with legal interpretations of existing federal and state law and
12 provides equitable treatment of all disability groups and interests:

13 (1) The right of parents to attend individualized education program meetings and
14 represent their child's interests;

15 (2) The right of parents to have an advocate or expert present at an individualized
16 education program meeting;

17 (3) The right of parents to receive a copy of the child's evaluation and to disagree
18 with its results and request one independent educational evaluation at public expense;

19 (4) The right of parents to provide a written report from outside sources as part of
20 the evaluation process;

21 (5) The right of parents to examine all school records pertaining to the child and
22 be provided with a copy of the individualized education program;

23 (6) The right of parents to disagree with the decision of the school district and the
24 individualized education program team and to pursue complaint procedures, including a
25 child complaint filed with the department of elementary and secondary education, state-
26 paid mediation, and other due process rights;

27 (7) The right of parents with a child with an individualized education program to
28 participate in reviews of such program, participate in any decision to change any aspects
29 of the individualized education program, and meet with school officials whenever a change
30 occurs in their child's education program or classroom placement;

31 (8) The right of a child to be placed in the least restrictive environment and be
32 placed in a general education classroom, to the greatest extent appropriate;

33 (9) The right of parents with limited English language proficiency to request an
34 accommodation to provide effective communications;

35 (10) The right of parents to have a free appropriate public education for their child
36 with an individualized education program designed to meet their child's unique needs,
37 which may include, but not be limited to, special education and related services such as
38 assistive technology devices and services, transportation, speech pathology services,
39 audiology services, interpreting services, psychological services, including behavioral
40 interventions, physical therapy, occupational therapy, recreation, including therapeutic
41 recreation, early identification and assessment of disabilities in children, counseling
42 services, including rehabilitation counseling, orientation and mobility services, school
43 health services, school nurse services, social work services, parent counseling and training,
44 and medical services for diagnostic or evaluation purposes.

45 3. Each school district shall provide the parent or parents of a child with a copy of
46 this publication upon determining that a student qualifies for an individualized education
47 program, and at any such time as a school district is required under state or federal law
48 to provide the parent or parents with notice of procedural safeguards.

49 4. The department of elementary and secondary education shall review and revise
50 the content of the publication as necessary to ensure the content accurately summarizes
51 current federal and state law and shall promulgate rules and regulations necessary to
52 implement the provisions of this section, including but not limited to, the manner in which
53 the publication described in this section shall be distributed.

54 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
55 that is created under the authority delegated in this section shall become effective only if
56 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if

57 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
58 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
59 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
60 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
61 adopted after August 28, 2009, shall be invalid and void.

162.083. 1. The state board of education may appoint additional members to any
2 special administrative board appointed under section 162.081.

3 2. The state board of education may set a final term of office for any member of a
4 special administrative board, after which a successor member shall be elected by the voters
5 of the district.

6 (1) All final terms of office for members of the special administrative board
7 established under this section shall expire on June thirtieth.

8 (2) The election of a successor member shall occur on the general municipal election
9 day immediately prior to the expiration of the final term of office.

10 (3) The election shall be conducted in a manner consistent with the election laws
11 applicable to the school district.

12 3. Nothing in this section shall be construed as barring an otherwise qualified
13 member of the special administrative board from standing for an elected term on the
14 board.

15 4. If the state board of education appoints a successor member to replace the chair
16 of the special administrative board, the serving members of the special administrative
17 board shall be authorized to appoint a superintendent of schools and contract for his or
18 her services.

19 5. On a date set by the state board of education, any district operating under the
20 governance of a special administrative board shall return to local governance, and continue
21 operation as a school district as otherwise authorized by law.

162.204. Notwithstanding any provision of law to the contrary, a school district may
2 fulfill its statutory responsibility to maintain permanent records by maintaining or storing
3 such records in a digital or electronic format. A school district that maintains or stores
4 records in a digital or electronic format shall follow all guidelines, suggestions, or
5 recommendations set forth by the manufacturer of the digital or electronic storage media.
6 A school district shall not use or maintain digital or electronic storage media beyond the
7 manufacturer suggested or recommended period of time.

162.215. 1. The school board of a district with its administrative headquarters
2 located within a home rule city with more than forty-eight thousand but fewer than forty-
3 nine thousand inhabitants may authorize and commission school officers to enforce laws

4 relating to crimes committed on school premises, at school activities, and on school buses
5 operating within the school district only upon the execution of a memorandum of
6 understanding with each municipal law enforcement agency and county sheriff's office
7 which has law enforcement jurisdiction over the school district's premises and location of
8 school activities, provided that the memorandum shall not grant statewide arrest authority.
9 School officers shall be licensed peace officers, as defined in section 590.010, RSMo, and
10 shall comply with the provisions of chapter 590, RSMo. The powers and duties of a peace
11 officer shall continue throughout the employee's tenure as a school officer.

12 2. School officers shall abide by district school board policies, all terms and
13 conditions defined within the executed memorandum of understanding with each municipal
14 law enforcement agency and county sheriff's office which has law enforcement jurisdiction
15 over the school district's premises and location of school activities, and shall consult with
16 and coordinate activities through the school superintendent or the superintendent's
17 designee. School officers' authority shall be limited to crimes committed on school premises,
18 at school activities, and on school buses operating within the jurisdiction of the executed
19 memorandum of understanding. All crimes involving any sexual offense or any felony
20 involving the threat or use of force shall remain under the authority of the local jurisdiction
21 where the crime occurred. School officers may conduct any justified stop on school
22 property and enforce any local violation that occurs on school grounds. School officers shall
23 have the authority to stop, detain, and arrest for crimes committed on school property, at
24 school activities, and on school buses.

162.431. 1. When it is necessary to change the boundary lines between seven-director
2 school districts, in each district affected, ten percent of the voters by number of those voting for
3 school board members in the last annual school election in each district may petition the district
4 boards of education in the districts affected, regardless of county lines, for a change in boundaries.
5 The question shall be submitted at the next election, as the term "election" is referenced and
6 defined in section 115.123, RSMo.

7 2. The voters shall decide the question by a majority vote of those who vote upon the
8 question. If assent to the change is given by each of the various districts voting, each voting
9 separately, the boundaries are changed from that date.

10 3. If one of the districts votes against the change and the other votes for the change, the
11 matter may be appealed to the state board of education, in writing, within fifteen days of the
12 submission of the question by either one of the districts affected, or in the above event by a
13 majority of the signers of the petition requesting a vote on the proposal. At the first meeting of
14 the state board following the appeal, a board of arbitration composed of three members, none of
15 whom shall be a resident of any district affected, shall be appointed. In determining whether it

16 is necessary to change the boundary line between seven-director districts, the board of arbitration
17 shall base its decision upon the following:

18 (1) The presence of school-aged children in the affected area;

19 (2) The presence of actual educational harm to school-aged children, either due to a
20 significant difference in the time involved in transporting students or educational deficiencies in
21 the district which would have its boundary adversely affected; and

22 (3) The presence of an educational necessity, not of a commercial benefit to landowners
23 or to the district benefitting for the proposed boundary adjustment.

24

25 **For purposes of subdivision (2) of this subsection, "significant difference in the time**
26 **involved in transporting students" shall mean a difference of forty-five minutes or more per**
27 **trip in travel time. "Travel time" is the period of time required to transport a pupil from**
28 **the pupil's place of residence or other designated pickup point to the site of the pupil's**
29 **educational placement.**

30 4. [If the potential receiving district obtained a score consistent with the criteria for
31 classification of the district as accredited on its most recent annual performance report and the
32 potential sending district obtained a score consistent with the criteria for classification of the
33 district as unaccredited on its most recent annual performance report, the board shall approve the
34 proposed boundary change for the educational well-being of the children enrolled in the potential
35 sending district.

36 5.] Within twenty days after notification of appointment, the board of arbitration shall
37 meet and consider the necessity for the proposed changes and shall decide whether the boundaries
38 shall be changed as requested in the petition or be left unchanged, which decision shall be final.
39 The decision by the board of arbitration shall be rendered not more than thirty days after the
40 matter is referred to the board. The chairman of the board of arbitration shall transmit the
41 decision to the secretary of each district affected who shall enter the same upon the records of his
42 district and the boundaries shall thereafter be in accordance with the decision of the board of
43 arbitration. The members of the board of arbitration shall be allowed a fee of fifty dollars each,
44 to be paid at the time the appeal is made by the district taking the appeal or by the petitioners
45 should they institute the appeal.

46 [6.] 5. If the board of arbitration decides that the boundaries shall be left unchanged, no
47 new petition for the same, or substantially the same, boundary change between the same districts
48 shall be filed until after the expiration of two years from the date of the municipal election at
49 which the question was submitted to the voters of the districts.

162.492. 1. In all urban districts containing the greater part of the population of a city
2 which has more than three hundred thousand inhabitants the terms of the members of the board

3 of directors in office in 1967 shall continue until the end of the respective terms to which each
4 of them has been elected to office and in each case thereafter until the next school election be held
5 and until their successors, then elected, are duly qualified as provided in this section.

6 2. In each urban district designated in subsection 1, the election authority of the city in
7 which the greater portion of the school district lies, and of the county if the district includes
8 territory not within the city limits, shall serve ex officio as a redistricting commission. The
9 commission shall on or before November 1, 1969, divide the school district into six subdistricts,
10 all subdistricts being of compact and contiguous territory and as nearly equal in the number of
11 inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions as
12 soon as practicable after each United States decennial census. In establishing the subdistricts each
13 member shall have one vote and a majority vote of the total membership of the commission is
14 required to make effective any action of the commission.

15 3. School elections for the election of directors shall be held on municipal election days
16 in each even-numbered year. At the election in 1970, one member of the board of directors shall
17 be elected by the voters of each subdistrict. The seven candidates, one from each of the
18 subdistricts, who receive a plurality of the votes cast by the voters of that subdistrict shall be
19 elected and the at-large candidate receiving a plurality of the at-large votes shall be elected. In
20 addition to other qualifications prescribed by law, each member elected from a subdistrict must
21 be a resident of the subdistrict from which he is elected. The subdistricts shall be numbered from
22 one to six and the directors elected from subdistricts one, three and five shall hold office for terms
23 of two years and until their successors are elected and qualified, and the directors elected from
24 subdistricts two, four and six shall hold office for terms of four years and until their successors
25 are elected and qualified. Every two years thereafter a member of the board of directors shall be
26 elected for a term of four years and until his successor is elected and qualified from each of the
27 three subdistricts having a member on the board of directors whose term expires in that year.
28 Those members of the board of directors who were in office in 1967 shall, when their terms of
29 office expire, be succeeded by the members of the board of directors elected from subdistricts.
30 In addition to the directors elected by the voters of each subdistrict, additional directors shall be
31 elected at large by the voters of the entire school district as follows: In 1970 one director at large
32 shall be elected for a two-year term. In 1972 one director at large shall be elected for a four-year
33 term. In 1974 two at-large directors shall be elected for a four-year term and thereafter in
34 alternative elections one director shall be elected for a four-year term and then two directors shall
35 be elected for a four-year term, so that from and after the 1970 election the board of directors not
36 including those members who were in office in 1967 shall consist of seven members until the
37 1974 election and thereafter the board shall consist of nine members. In those years in which one
38 at-large director is to be elected each voter may vote for one candidate and the candidate receiving

39 a plurality of votes cast shall be elected. In those years in which two at-large directors are to be
40 elected each voter may vote for two candidates and the two receiving the largest number of votes
41 cast shall be elected.

42 4. The six candidates, one from each of the subdistricts, who receive a plurality of the
43 votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality of the
44 at-large votes shall be elected. The name of no candidate for nomination shall be printed on the
45 ballot unless the candidate has at least sixty days prior to the election filed a declaration of
46 candidacy with the secretary of the board of directors containing the signatures of at least two
47 hundred fifty registered voters who are residents of the subdistrict within which the candidate for
48 nomination to a subdistrict office resides, and in case of at-large candidates the signatures of at
49 least five hundred registered voters. The election authority shall determine the validity of all
50 signatures on declarations of candidacy.

51 5. In any election either for at-large candidates or candidates elected by the voters of
52 subdistricts, if there are more than two candidates, a majority of the votes are not required to elect
53 but the candidate having a plurality of the votes if there is only one office to be filled and the
54 candidates having the highest number of votes, if more than one office is to be filled, shall be
55 elected.

56 6. The names of all candidates shall appear upon the ballot without party designation and
57 in the order of the priority of the times of filing their petitions of nomination. No candidate may
58 file both at large and from a subdistrict and the names of all candidates shall appear only once on
59 the ballot, nor may any candidate file more than one declaration of candidacy. All declarations
60 shall designate the candidate's residence and whether the candidate is filing at large or from a
61 subdistrict and the numerical designation of the subdistrict or at-large area.

62 7. The provisions of all sections relating to seven-director school districts shall also apply
63 to and govern urban districts in cities of more than three hundred thousand inhabitants, to the
64 extent applicable and not in conflict with the provisions of those sections specifically relating to
65 such urban districts.

66 8. Vacancies which occur on the school board between the dates of election shall be filled
67 by [majority vote of the remaining members of the school board to serve until the time of the next
68 regular school board election. Subdistrict director vacancies shall be filled by appointment of a
69 resident of the subdistrict in which the vacancy occurs] **special election if such vacancy happens**
70 **more than six months prior to the time of holding a general municipal election, as provided**
71 **in section 115.121, RSMo. The state board of education shall order a special election to fill**
72 **such a vacancy. A letter from the commissioner of education, delivered by certified mail to**
73 **the election authority or authorities that would normally conduct an election for school**
74 **board members shall be the authority for the election authority or authorities to proceed**

75 with election procedures. If a vacancy occurs less than six months prior to the time of
76 holding a general municipal election, no special election shall occur and the vacancy shall
77 be filled at the next general municipal election.

162.1168. 1. There is hereby established a pilot program within the Missouri
2 preschool project to be known as the "Missouri Preschool Plus Grant Program", which
3 shall serve up to one thousand two hundred fifty students with high quality early childhood
4 educational services in order to improve school readiness outcomes. The program shall be
5 administered by the department of elementary and secondary education in collaboration
6 with the coordinating board for early childhood. Grants shall be awarded in this section
7 for three years and shall be renewable. The program shall be funded through
8 appropriations to the Missouri preschool plus grant program fund. Funds from the gaming
9 commission fund created in section 313.835, RSMo, shall not be used to fund the program.

10 2. For purposes of this section, the following terms shall mean:

11 (1) "Department", the department of elementary and secondary education;

12 (2) "Program", the Missouri preschool plus grant program.

13 3. Grantees shall include the following:

14 (1) School districts classified as unaccredited by the state board of education; or

15 (2) Nonsectarian community-based organizations located within a school district
16 classified as unaccredited by the state board of education.

17 4. If a school district becomes classified as provisionally accredited or accredited by
18 the state board of education, the school district may complete the length of an existing grant
19 and shall be eligible for one additional renewal for three years.

20 5. To receive a preschool placement under this section, a child shall be one or two
21 years away from kindergarten entry.

22 6. The Missouri preschool plus grant program shall comply with the standards
23 developed under section 161.213, RSMo. Public school grantees shall employ teachers with
24 a bachelor's degree. Nonsectarian community-based organizations may employ teachers
25 with at least an associate's degree provided such teachers demonstrate they are on the path
26 to obtaining a bachelor's degree within five years.

27 7. Families with incomes less than one hundred thirty percent of the federal poverty
28 guidelines shall receive free services through eligible grantees. Families with incomes at or
29 above one hundred thirty percent of the federal poverty guidelines may be charged a co-pay
30 on a sliding scale, as established by the department.

31 8. At least fifty percent of the preschool placements funded by the program shall be
32 offered through nonsectarian community-based organizations.

33 **9. The department shall develop standards for teacher-pupil ratios, classroom size,**
34 **teacher training and educational attainment, and curriculum.**

35 **10. Grantees participating in the program shall give admission preference to**
36 **dependents of active duty military personnel.**

37 **11. School districts in which such pilot programs exist shall collect data about short-**
38 **term and long-term student performance so that the program may be evaluated on**
39 **quantitative measurements developed by the department. For purposes of this subsection,**
40 **"long-term" shall mean from point of entry to graduation from high school.**

41 **12. Grantees shall coordinate preschool programs with the nearest parents as**
42 **teachers site to ensure a continuum of care.**

43 **13. The department shall accept applications in a competitive bid process to begin**
44 **implementation of the program for the 2010-2011 school year.**

45 **14. The department shall promulgate rules and regulations necessary to implement**
46 **this section by January 1, 2010. Any rule or portion of a rule, as that term is defined in**
47 **section 536.010, RSMo, that is created under the authority delegated in this section shall**
48 **become effective only if it complies with and is subject to all of the provisions of chapter 536,**
49 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
50 **nonseverable and if any of the powers vested with the general assembly pursuant to chapter**
51 **536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are**
52 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
53 **proposed or adopted after August 28, 2009, shall be invalid and void.**

54 **15. The grants awarded under this section are subject to appropriation.**

55 **16. There is hereby created in the state treasury the "Missouri Preschool Plus Grant**
56 **Program Fund" which shall consist of general revenue appropriated to the program, funds**
57 **received from the federal government, and voluntary contributions to support or match**
58 **program activities. The state treasurer shall be custodian of the fund and may approve**
59 **disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon**
60 **appropriation, money in the fund shall be used solely for the administration of this section.**
61 **Any moneys remaining in the fund at the end of the biennium shall revert to the credit of**
62 **the general revenue fund. The state treasurer shall invest moneys in the fund in the same**
63 **manner as other funds are invested. Any interest and moneys earned on such investments**
64 **shall be credited to the fund.**

65 **17. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

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

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

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

162.1250. 1. School districts shall receive state school funding under sections
2 163.031, 163.043, and 163.087, RSMo, for resident students who are enrolled in the school
3 district and who are taking a virtual course or full-time virtual program offered by the
4 school district. The school district may offer instruction in a virtual setting using
5 technology, intranet, and Internet methods of communications that could take place outside
6 of the regular school district facility. The school district may develop a virtual program for
7 any grade level, kindergarten through twelfth grade, with the courses available in
8 accordance with district policy to any resident student of the district who is enrolled in the
9 school district. Nothing in this section shall preclude a private, parochial, or home school
10 student residing within a school district offering virtual courses or virtual programs from
11 enrolling in the school district in accordance with the combined enrollment provisions of
12 section 167.031, RSMo, for the purposes of participating in the virtual courses or virtual
13 programs.

14 2. Charter schools shall receive state school funding under section 160.415, RSMo,
15 for students enrolled in the charter school who are completing a virtual course or full-time
16 virtual program offered by the charter school. Charter schools may offer instruction in a
17 virtual setting using technology, intranet, and Internet methods of communications. The
18 charter school may develop a virtual program for any grade level, kindergarten through
19 twelfth grade, with the courses available in accordance with school policy and the charter
20 school's charter to any student enrolled in the charter school.

21 3. For purposes of calculation and distribution of state school funding, attendance
22 of a student enrolled in a district or charter school virtual class shall equal, upon course
23 completion, ninety-four percent of the hours of attendance possible for such class delivered
24 in the non-virtual program in the student's resident district or charter school. Course
25 completion shall be calculated in two increments, fifty percent completion and one hundred
26 percent completion, based on the student's completion of defined assignments and
27 assessments, with distribution of state funding to a school district or charter school at each
28 increment equal to forty-seven percent of hours of attendance possible for such course
29 delivered in the non-virtual program in a student's school district of residence or charter
30 school.

31 **4. When courses are purchased from an outside vendor, the district or charter**
32 **school shall ensure that they are aligned with the show-me curriculum standards and**
33 **comply with state requirements for teacher certification. The state board of education**
34 **reserves the right to request information and materials sufficient to evaluate the online**
35 **course. Online classes should be considered like any other class offered by the school**
36 **district or charter school.**

37 **5. Any school district or charter school that offers instruction in a virtual setting,**
38 **develops a virtual course or courses, or develops a virtual program of instruction shall**
39 **ensure that the following standards are satisfied:**

40 **(1) The virtual course or virtual program utilizes appropriate content-specific tools**
41 **and software;**

42 **(2) Orientation training is available for teachers, instructors, and students as**
43 **needed;**

44 **(3) Privacy policies are stated and made available to teachers, instructors, and**
45 **students;**

46 **(4) Academic integrity and Internet etiquette expectations regarding lesson**
47 **activities, discussions, electronic communications, and plagiarism are stated to teachers,**
48 **instructors, and students prior to the beginning of the virtual course or virtual program;**

49 **(5) Computer system requirements, including hardware, web browser, and software,**
50 **are specified to participants;**

51 **(6) The virtual course or virtual program architecture, software, and hardware**
52 **permit the online teacher or instructor to add content, activities, and assessments to extend**
53 **learning opportunities;**

54 **(7) The virtual course or virtual program makes resources available by alternative**
55 **means, including but not limited to, video and podcasts;**

56 **(8) Resources and notes are available for teachers and instructors in addition to**
57 **assessment and assignment answers and explanations;**

58 **(9) Technical support and course management are available to the virtual course or**
59 **virtual program teacher and school coordinator;**

60 **(10) The virtual course or virtual program includes assignments, projects, and**
61 **assessments that are aligned with students' different visual, auditory, and hands-on learning**
62 **styles;**

63 **(11) The virtual course or virtual program demonstrates the ability to effectively use**
64 **and incorporate subject-specific and developmentally appropriate software in an online**
65 **learning module; and**

66 **(12) The virtual course or virtual program arranges media and content to help**
67 **transfer knowledge most effectively in the online environment.**

68 **6. Any special school district shall count any student's completion of a virtual course**
69 **or program in the same manner as the district counts completion of any other course or**
70 **program for credit.**

71 **7. A school district or charter school may contract with multiple providers of virtual**
72 **courses or virtual programs, provided they meet the criteria for virtual courses or virtual**
73 **programs under this section.**

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

23 (3) "Current operating expenditures":

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

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

32 (b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures
33 shall be the amount in paragraph (a) **of this subdivision** plus any increases in state funding
34 pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five
35 percent, per recalculation, of the state revenue received by a district in the 2004-05 school year
36 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share,
37 and free textbook payments for any district from the first preceding calculation of the state
38 adequacy target. **Beginning on July 1, 2010, current operating expenditures shall be the**
39 **amount in paragraph (a) of this subdivision plus any increases in state funding pursuant**
40 **to sections 163.031 and 163.043 subsequent to fiscal year 2005 received by a district in the**
41 **2004-05 school year from the foundation formula, line 14, gifted, remedial reading,**
42 **exceptional pupil aid, fair share, and free textbook payments for any district from the first**
43 **preceding calculation of the state adequacy target;**

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

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

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

54 (b) "Regional wage per job":

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

62 b. The total Missouri wage and salary disbursements of the micropolitan area as defined
63 by the Office of Management and Budget divided by the total Missouri micropolitan wage and
64 salary employment for the micropolitan area for the county signified in the school district number,

65 as reported by the Bureau of Economic Analysis of the United States Department of Commerce
66 for the fourth year preceding the payment year, if a micropolitan area for such county has been
67 established and recalculated upon every decennial census to incorporate counties that are newly
68 added to the description of micropolitan areas; or

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

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

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

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

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

84 (8) "Limited English proficiency pupil count", the number in the preceding school year
85 of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school
86 or secondary school who were not born in the United States or whose native language is a
87 language other than English or are Native American or Alaskan native, or a native resident of the
88 outlying areas, and come from an environment where a language other than English has had a
89 significant impact on such individuals' level of English language proficiency, or are migratory,
90 whose native language is a language other than English, and who come from an environment
91 where a language other than English is dominant; and have difficulties in speaking, reading,
92 writing, or understanding the English language sufficient to deny such individuals the ability to
93 meet the state's proficient level of achievement on state assessments described in Public Law
94 107-10, the ability to achieve successfully in classrooms where the language of instruction is
95 English, or the opportunity to participate fully in society;

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

101 (10) "Local effort":

102 (a) For the fiscal year 2007 calculation, "local effort" shall be computed as the equalized
103 assessed valuation of the property of a school district in calendar year 2004 divided by one
104 hundred and multiplied by the performance levy less the percentage retained by the county
105 assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for
106 school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from
107 state-assessed railroad and utility tax, one hundred percent of the amount received for school
108 purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370,
109 RSMo, one hundred percent of the amounts received for school purposes from federal properties
110 under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation
111 of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received
112 for school purposes from the school district trust fund under section 163.087, and one hundred
113 percent of any local earnings or income taxes received by the district for school purposes. Under
114 this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a
115 county with a charter form of government and with more than one million inhabitants, a tax levy
116 of zero shall be utilized in lieu of the performance levy for the special school district;

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

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

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

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

136 section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily
137 attendance shall be counted for membership;

138 (12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and
139 incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100,
140 RSMo, of any transitional school district containing the school district, in the payment year, not
141 including any equalized operating levy for school purposes levied by a special school district in
142 which the district is located;

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

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

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

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

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

163 (18) "State adequacy target", the sum of the current operating expenditures of every
164 performance district that falls entirely above the bottom five percent and entirely below the top
165 five percent of average daily attendance, when such districts are rank-ordered based on their
166 current operating expenditures per average daily attendance, divided by the total average daily
167 attendance of all included performance districts [plus the total amount of funds placed in the
168 schools first elementary and secondary education improvement fund in the preceding fiscal year
169 divided by the total average daily attendance of all school districts for the preceding fiscal year].
170 The department of elementary and secondary education shall first calculate the state adequacy
171 target for fiscal year 2007 and recalculate the state adequacy target every two years using the most

172 current available data[; provided that the state adequacy target shall be recalculated every year to
173 reflect the per-pupil amount of funds placed in the schools first elementary and secondary
174 education improvement fund in the preceding fiscal year]. The recalculation shall never result
175 in a decrease from the previous state adequacy target amount. Should a recalculation result in an
176 increase in the state adequacy target amount, fifty percent of that increase shall be included in the
177 state adequacy target amount in the year of recalculation, and fifty percent of that increase shall
178 be included in the state adequacy target amount in the subsequent year. The state adequacy target
179 may be adjusted to accommodate available appropriations;

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

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

163.031. 1. The department of elementary and secondary education shall calculate and
2 distribute to each school district qualified to receive state aid under section 163.021 an amount
3 determined by multiplying the district's weighted average daily attendance by the state adequacy
4 target, multiplying this product by the dollar value modifier for the district, and subtracting from
5 this product the district's local effort and, in years not governed under subsection 4 of this section,
6 subtracting payments from the classroom trust fund under section 163.043.

7 2. Other provisions of law to the contrary notwithstanding:

8 (1) For districts with an average daily attendance of more than three hundred fifty in the
9 school year preceding the payment year:

10 (a) For the 2006-07 school year, the state revenue per weighted average daily attendance
11 received by a district from the state aid calculation under subsections 1 and 4 of this section, as
12 applicable, and the classroom trust fund under section 163.043 shall not be less than the state
13 revenue received by a district in the 2005-06 school year from the foundation formula, line 14,
14 gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts
15 multiplied by the sum of one plus the product of one-third multiplied by the remainder of the
16 dollar value modifier minus one, and dividing this product by the weighted average daily
17 attendance computed for the 2005-06 school year;

18 (b) For the 2007-08 school year, the state revenue per weighted average daily attendance
19 received by a district from the state aid calculation under subsections 1 and 4 of this section, as
20 applicable, and the classroom trust fund under section 163.043 shall not be less than the state
21 revenue received by a district in the 2005-06 school year from the foundation formula, line 14,
22 gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts
23 multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the
24 dollar value modifier minus one, and dividing this product by the weighted average daily
25 attendance computed for the 2005-06 school year;

26 (c) For the 2008-09 school year, the state revenue per weighted average daily attendance
27 received by a district from the state aid calculation under subsections 1 and 4 of this section, as
28 applicable, and the classroom trust fund under section 163.043 shall not be less than the state
29 revenue received by a district in the 2005-06 school year from the foundation formula, line 14,
30 gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts
31 multiplied by the dollar value modifier, and dividing this product by the weighted average daily
32 attendance computed for the 2005-06 school year;

33 (d) For each year subsequent to the 2008-09 school year, the amount shall be no less than
34 that computed in paragraph (c) of this subdivision, multiplied by the weighted average daily
35 attendance pursuant to section 163.036, less any increase in revenue received from the classroom
36 trust fund under section 163.043;

37 (2) For districts with an average daily attendance of three hundred fifty or less in the
38 school year preceding the payment year:

39 (a) For the 2006-07 school year, the state revenue received by a district from the state aid
40 calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund
41 under section 163.043 shall not be less than the greater of state revenue received by a district in
42 the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial
43 reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the

44 sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier
45 minus one;

46 (b) For the 2007-08 school year, the state revenue received by a district from the state aid
47 calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund
48 under section 163.043 shall not be less than the greater of state revenue received by a district in
49 the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial
50 reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the
51 sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier
52 minus one;

53 (c) For the 2008-09 school year, the state revenue received by a district from the state aid
54 calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund
55 under section 163.043 shall not be less than the greater of state revenue received by a district in
56 the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial
57 reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the
58 dollar value modifier;

59 (d) For each year subsequent to the 2008-09 school year, the amount shall be no less than
60 that computed in paragraph (c) of this subdivision;

61 (3) The department of elementary and secondary education shall make an addition in the
62 payment amount specified in subsection 1 of this section to assure compliance with the provisions
63 contained in this subsection.

64 3. School districts that meet the requirements of section 163.021 shall receive categorical
65 add-on revenue as provided in this subsection. The categorical add-on for the district shall be the
66 sum of: seventy-five percent of the district allowable transportation costs under section 163.161;
67 the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515,
68 RSMo; the vocational education entitlement for the district, as provided for in section 167.332,
69 RSMo; and the district educational and screening program entitlements as provided for in sections
70 178.691 to 178.699, RSMo. The categorical add-on revenue amounts may be adjusted to
71 accommodate available appropriations.

72 4. In the 2006-07 school year and each school year thereafter for five years, those districts
73 entitled to receive state aid under the provisions of subsection 1 of this section shall receive state
74 aid in an amount as provided in this subsection.

75 (1) For the 2006-07 school year, the amount shall be fifteen percent of the amount of state
76 aid calculated for the district for the 2006-07 school year under the provisions of subsection 1 of
77 this section, plus eighty-five percent of the total amount of state revenue received by the district
78 for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading,

79 exceptional pupil aid, fair share, and free textbook payments less any amounts received under
80 section 163.043.

81 (2) For the 2007-08 school year, the amount shall be thirty percent of the amount of state
82 aid calculated for the district for the 2007-08 school year under the provisions of subsection 1 of
83 this section, plus seventy percent of the total amount of state revenue received by the district for
84 the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading,
85 exceptional pupil aid, fair share, and free textbook payments less any amounts received under
86 section 163.043.

87 (3) For the 2008-09 school year, the amount of state aid shall be forty-four percent of the
88 amount of state aid calculated for the district for the 2008-09 school year under the provisions of
89 subsection 1 of this section plus fifty-six percent of the total amount of state revenue received by
90 the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial
91 reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received
92 under section 163.043.

93 (4) For the 2009-10 school year, the amount of state aid shall be fifty-eight percent of the
94 amount of state aid calculated for the district for the 2009-10 school year under the provisions of
95 subsection 1 of this section plus forty-two percent of the total amount of state revenue received
96 by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial
97 reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received
98 under section 163.043.

99 (5) For the 2010-11 school year, the amount of state aid shall be seventy-two percent of
100 the amount of state aid calculated for the district for the 2010-11 school year under the provisions
101 of subsection 1 of this section plus twenty-eight percent of the total amount of state revenue
102 received by the district for the 2005-06 school year from the foundation formula, line 14, gifted,
103 remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts
104 received under section 163.043.

105 (6) For the 2011-12 school year, the amount of state aid shall be eighty-six percent of the
106 amount of state aid calculated for the district for the 2011-12 school year under the provisions of
107 subsection 1 of this section plus fourteen percent of the total amount of state revenue received by
108 the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial
109 reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received
110 under section 163.043.

111 (7) (a) Notwithstanding subdivision (18) of section 163.011, the state adequacy target
112 may not be adjusted downward to accommodate available appropriations in any year governed
113 by this subsection.

(b) a. For the 2006-07 school year, if a school district experiences a decrease in summer school average daily attendance of more than twenty percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of twenty percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

b. For the 2007-08 school year, if a school district experiences a decrease in summer school average daily attendance of more than thirty percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of thirty percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

c. For the 2008-09 school year [through the 2011-12 school year], if a school district experiences a decrease in summer school average daily attendance of more than thirty-five percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of thirty-five percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

d. Notwithstanding the provisions of this paragraph, no such reduction shall be made in the case of a district that is receiving a payment under section 163.044 or any district whose regular school term average daily attendance for the preceding year was three hundred fifty or less.

e. This paragraph shall not be construed to permit any reduction applied under this paragraph to result in any district receiving a current-year payment that is less than the amount calculated for such district under subsection 2 of this section.

(c) If a school district experiences a decrease in its gifted program enrollment of more than twenty percent from its 2005-06 gifted program enrollment in any year governed by this subsection, an amount equal to the product of the percent reduction in the district's gifted program enrollment multiplied by the funds generated by the district's gifted program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

5. For any school district meeting the eligibility criteria for state aid as established in section 163.021, but which is considered an option district under section 163.042 and therefore receives no state aid, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services as provided in section 163.042.

6. (1) No less than seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section shall be placed in the teachers' fund, and the remaining percent of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of revenue received under the provisions of section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received under the provisions of sections 168.500 to 168.515, RSMo, shall be placed in the teachers' fund.

(2) A school district shall spend for certificated compensation and tuition expenditures each year:

(a) An amount equal to at least seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section;

(b) An amount equal to at least seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 during the preceding school year; and

(c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's weighted average daily attendance for certificated compensation and tuition expenditures the previous year from revenue produced by local and county tax sources in the teachers' fund, plus the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax sources by dividing local and county tax sources in the incidental fund by total revenue in the incidental fund. In the event a district fails to comply with this provision, the amount by which the district fails to spend funds as provided herein shall be deducted from the district's state revenue received under the provisions of subsections 1, 2, and 4 of this section for the following year, provided that the state board of education may exempt a school district from this provision if the state board of education determines that circumstances warrant such exemption.

7. If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced lunch, special education, or limited English proficiency and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of aid paid pursuant to the weighting for free and reduced lunch, special education, or limited English proficiency in the weighted average daily attendance on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.

163.043. 1. For fiscal year 2007 and each subsequent fiscal year, the "Classroom Trust Fund", which is hereby created in the state treasury, shall be distributed by the state board of

3 education to each school district in this state qualified to receive state aid pursuant to section
4 163.021 on an average daily attendance basis.

5 2. The moneys distributed pursuant to this section shall be spent at the discretion of the
6 local school district. The moneys may be used by the district for:

7 (1) Teacher recruitment, retention, salaries, or professional development;

8 (2) School construction, renovation, or leasing;

9 (3) Technology enhancements or textbooks or instructional materials;

10 (4) School safety; or

11 (5) Supplying additional funding for required programs, both state and federal.

12 3. The classroom trust fund shall consist of all moneys transferred to it under section
13 160.534, RSMo, all moneys otherwise appropriated or donated to it, and, notwithstanding any
14 other provision of law to the contrary, all unclaimed lottery prize money.

15 4. The provisions of this section shall not apply to any option district as defined in section
16 163.042.

17 **5. For the 2010-2011 school year and for each subsequent year, all proceeds a school**
18 **district receives from the classroom trust fund in excess of the amount the district received**
19 **from the classroom trust fund in the 2009-2010 school year shall be placed to the credit of**
20 **the district's teachers' and incidental funds.**

163.095. For any district in the county with a charter form of government and with
2 **more than one million inhabitants that in calendar year 2005 (school year 2005-2006)**
3 **erroneously set a levy in the capital projects fund rather than the incidental fund and**
4 **reported the capital projects amount to the county for which the county issued tax notices**
5 **and the district received taxes for calendar year 2005, the department of elementary and**
6 **secondary education shall calculate the amount the district would have received in state**
7 **school aid for fiscal year 2006 had the district placed the levy in the incidental fund rather**
8 **than the capital projects fund and use this revised 2005-2006 calculated funding amount in**
9 **the distribution of state school aid for fiscal year 2007 and subsequent years. The sum of**
10 **the amounts due to the school district in state school aid after recalculation for fiscal years**
11 **2007, 2008, 2009, and 2010, shall be divided and distributed to the school district in equal**
12 **amounts in fiscal years 2010, 2011, 2012, and 2013. The calculation shall not change the**
13 **actual funding due the district for the 2005-2006 school year.**

167.018. 1. Sections 167.018 and 167.019 shall be known and may be cited as the
2 **"Foster Care Education Bill of Rights".**

3 **2. Each school district shall designate a staff person as the educational liaison for**
4 **foster care children. The liaison shall do all of the following in an advisory capacity:**

5 (1) Ensure and facilitate the proper educational placement, enrollment in school,
6 and checkout from school of foster children;

7 (2) Assist foster care pupils when transferring from one school to another or from
8 one school district to another, by ensuring proper transfer of credits, records, and grades;

9 (3) Request school records, as provided in section 167.022, within two business days
10 of placement of a foster care pupil in a school; and

11 (4) Submit school records of foster care pupils within three business days of
12 receiving a request for school records, under subdivision (3) of this subsection.

167.019. 1. A child placing agency, as defined under section 210.481, RSMo, shall
2 promote educational stability for foster care children by considering the child's school
3 attendance area when making placement decisions. The foster care pupil shall have the
4 right to remain enrolled in and attend his or her school of origin or to return to a previously
5 attended school in an adjacent district.

6 2. Each school district shall accept for credit full or partial course work
7 satisfactorily completed by a pupil while attending a public school, nonpublic school, or
8 nonsectarian school in accordance with district policies or regulations.

9 3. If a pupil completes the graduation requirements of his or her school district of
10 residence while under the jurisdiction of the juvenile court as described in chapter 211,
11 RSMo, the school district of residence shall issue a diploma to the pupil.

12 4. School districts shall ensure that if a pupil in foster care is absent from school due
13 to a decision to change the placement of a pupil made by a court or child placing agency,
14 or due to a verified court appearance or related court-ordered activity, the grades and
15 credits of the pupil shall be calculated as of the date the pupil left school, and no lowering
16 of his or her grades shall occur as a result of the absence of the pupil under these
17 circumstances.

18 5. School districts, subject to federal law, shall be authorized to permit access of
19 pupil school records to any child placing agency for the purpose of fulfilling educational
20 case management responsibilities required by the juvenile officer or by law and to assist
21 with the school transfer or placement of a pupil.

22 6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
23 that is created under the authority delegated in this section shall become effective only if it
24 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
25 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
26 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
27 to review, to delay the effective date, or to disapprove and annul a rule are subsequently

28 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
29 **adopted after August 28, 2009, shall be invalid and void.**

167.031. 1. Every parent, guardian or other person in this state having charge, control or
2 custody of a child not enrolled in a public, private, parochial, parish school or full-time equivalent
3 attendance in a combination of such schools and between the ages of seven years and the
4 compulsory attendance age for the district is responsible for enrolling the child in a program of
5 academic instruction which complies with subsection 2 of this section. Any parent, guardian or
6 other person who enrolls a child between the ages of five and seven years in a public school
7 program of academic instruction shall cause such child to attend the academic program on a
8 regular basis, according to this section. Nonattendance by such child shall cause such parent,
9 guardian or other responsible person to be in violation of the provisions of section 167.061,
10 except as provided by this section. A parent, guardian or other person in this state having charge,
11 control, or custody of a child between the ages of seven years of age and the compulsory
12 attendance age for the district shall cause the child to attend regularly some public, private,
13 parochial, parish, home school or a combination of such schools not less than the entire school
14 term of the school which the child attends; except that:

15 (1) A child who, to the satisfaction of the superintendent of public schools of the district
16 in which he resides, or if there is no superintendent then the chief school officer, is determined
17 to be mentally or physically incapacitated may be excused from attendance at school for the full
18 time required, or any part thereof;

19 (2) A child between fourteen years of age and the compulsory attendance age for the
20 district may be excused from attendance at school for the full time required, or any part thereof,
21 by the superintendent of public schools of the district, or if there is none then by a court of
22 competent jurisdiction, when legal employment has been obtained by the child and found to be
23 desirable, and after the parents or guardian of the child have been advised of the pending action;
24 or

25 (3) A child between five and seven years of age shall be excused from attendance at
26 school if a parent, guardian or other person having charge, control or custody of the child makes
27 a written request that the child be dropped from the school's rolls.

28 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether
29 incorporated or unincorporated, that:

30 (a) Has as its primary purpose the provision of private or religious-based instruction;

31 (b) Enrolls pupils between the ages of seven years and the compulsory attendance age for
32 the district, of which no more than four are unrelated by affinity or consanguinity in the third
33 degree; and

34 (c) Does not charge or receive consideration in the form of tuition, fees, or other
35 remuneration in a genuine and fair exchange for provision of instruction.

36 (2) As evidence that a child is receiving regular instruction, the parent shall, except as
37 otherwise provided in this subsection:

38 (a) Maintain the following records:

39 a. A plan book, diary, or other written record indicating subjects taught and activities
40 engaged in; and

41 b. A portfolio of samples of the child's academic work; and

42 c. A record of evaluations of the child's academic progress; or

43 d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

44 (b) Offer at least one thousand hours of instruction, at least six hundred hours of which
45 will be in reading, language arts, mathematics, social studies and science or academic courses that
46 are related to the aforementioned subject areas and consonant with the pupil's age and ability. At
47 least four hundred of the six hundred hours shall occur at the regular home school location.

48 (3) The requirements of subdivision (2) of this subsection shall not apply to any pupil
49 above the age of sixteen years.

50 3. Nothing in this section shall require a private, parochial, parish or home school to
51 include in its curriculum any concept, topic, or practice in conflict with the school's religious
52 doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the
53 school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all
54 departments or agencies of the state of Missouri shall be prohibited from dictating through rule,
55 regulation or other device any statewide curriculum for private, parochial, parish or home schools.

56 4. A school year begins on the first day of July and ends on the thirtieth day of June
57 following.

58 5. The production by a parent of a daily log showing that a home school has a course of
59 instruction which satisfies the requirements of this section or, in the case of a pupil over the age
60 of sixteen years who attended a metropolitan school district the previous year, a written statement
61 that the pupil is attending home school in compliance with this section shall be a defense to any
62 prosecution under this section and to any charge or action for educational neglect brought
63 pursuant to chapter 210, RSMo.

64 6. As used in sections 167.031 to 167.051, the term "compulsory attendance age for the
65 district" shall mean:

66 (1) Seventeen years of age for any metropolitan school district for which the school board
67 adopts a resolution to establish such compulsory attendance age; provided that such resolution
68 shall take effect no earlier than the school year next following the school year during which the
69 resolution is adopted; and

70 (2) [Sixteen years of age] **Having successfully completed sixteen credits towards high**
71 **school graduation** in all other cases. The school board of a metropolitan school district for
72 which the compulsory attendance age is seventeen years may adopt a resolution to lower the
73 compulsory attendance age to sixteen years; provided that such resolution shall take effect no
74 earlier than the school year next following the school year during which the resolution is adopted.

167.126. 1. Children who are admitted to programs or facilities of the department of
2 mental health or whose domicile is one school district in Missouri but who reside in another
3 school district in Missouri as a result of placement arranged by or approved by the department of
4 mental health, the department of social services or placement arranged by or ordered by a court
5 of competent jurisdiction shall have a right to be provided the educational services as provided
6 by law and shall not be denied admission to any appropriate regular public school or special
7 school district program or program operated by the state board of education, as the case may be,
8 where the child actually resides because of such admission or placement; provided, however, that
9 nothing in this section shall prevent the department of mental health, the department of social
10 services or a court of competent jurisdiction from otherwise providing or procuring educational
11 services for such child.

12 2. Each school district or special school district constituting the domicile of any child for
13 whom educational services are provided or procured under this section shall pay toward the
14 per-pupil costs for educational services for such child. A school district which is not a special
15 school district shall pay an amount equal to the average sum produced per child by the local tax
16 effort of the district of domicile. A special school district shall pay an amount not to exceed the
17 average sum produced per child by the local tax efforts of the domiciliary districts.

18 3. When educational services have been provided by the school district or special school
19 district in which a child actually resides, **including a child who temporarily resides in a**
20 **children's hospital licensed under chapter 197, RSMo, for rendering health care services**
21 **to children under the age of eighteen for more than three days**, other than the district of
22 domicile, the amounts as provided in subsection 2 of this section for which the domiciliary school
23 district or special school district is responsible shall be paid by such district directly to the serving
24 district. The school district, or special school district, as the case may be, shall send a written
25 voucher for payment to the regular or special district constituting the domicile of the child served
26 and the domiciliary school district or special school district receiving such voucher shall pay the
27 district providing or procuring the services an amount not to exceed the average sum produced
28 per child by the local tax efforts of the domiciliary districts. In the event the responsible district
29 fails to pay the appropriate amount to the district within ninety days after a voucher is submitted,
30 the state department of elementary and secondary education shall deduct the appropriate amount

31 due from the next payments of any state financial aid due that district and shall pay the same to
32 the appropriate district.

33 4. In cases where a child whose domicile is in one district is placed in programs or
34 facilities operated by the department of mental health or resides in another district pursuant to
35 assignment by that department or is placed by the department of social services or a court of
36 competent jurisdiction into any type of publicly contracted residential site in Missouri, the
37 department of elementary and secondary education shall, as soon as funds are appropriated, pay
38 the serving district from funds appropriated for that purpose the amount by which the per-pupil
39 costs of the educational services exceeds the amounts received from the domiciliary district
40 except that any other state money received by the serving district by virtue of rendering such
41 service shall reduce the balance due.

42 5. Institutions providing a place of residence for children whose parents or guardians do
43 not reside in the district in which the institution is located shall have authority to enroll such
44 children in a program in the district or special district in which the institution is located and such
45 enrollment shall be subject to the provisions of subsections 2 and 3 of this section. The
46 provisions of this subsection shall not apply to placement authorized pursuant to subsection 1 of
47 this section or if the placement occurred for the sole purpose of enrollment in the district or
48 special district. "Institution" as used in this subsection means a facility organized under the laws
49 of Missouri for the purpose of providing care and treatment of juveniles.

50 6. Children residing in institutions providing a place of residence for three or more such
51 children whose domicile is not in the state of Missouri may be admitted to schools or programs
52 provided on a contractual basis between the school district, special district or state department or
53 agency and the proper department or agency, or persons in the state where domicile is maintained.
54 Such contracts shall not be permitted to place any financial burden whatsoever upon the state of
55 Missouri, its political subdivisions, school districts or taxpayers.

56 7. For purposes of this section the domicile of the child shall be the school district where
57 the child would have been educated if the child had not been placed in a different school district.
58 No provision of this section shall be construed to deny any child domiciled in Missouri
59 appropriate and necessary, gratuitous public services.

60 8. For the purpose of distributing state aid under section 163.031, RSMo, a child
61 receiving educational services provided by the district in which the child actually resides, other
62 than the district of domicile, shall be included in average daily attendance, as defined under
63 section 163.011, RSMo, of the district providing the educational services for the child.

64 9. Each school district or special school district where the child actually resides, other
65 than the district of domicile, may receive payment from the department of elementary and
66 secondary education, in lieu of receiving the local tax effort from the domiciliary school district.

67 Such payments from the department shall be subject to appropriation and shall only be made for
68 children that have been placed in a school other than the domiciliary school district by a state
69 agency or a court of competent jurisdiction and from whom excess educational costs are billed
70 to the department of elementary and secondary education.

167.275. 1. Effective January 1, 1991, all public and nonpublic secondary schools shall
2 report to the state literacy hot line office in Jefferson City the name, mailing address and
3 telephone number of all students sixteen years of age or older who drop out of school for any
4 reason other than to attend another school, college or university, or enlist in the armed services.
5 Such reports shall be made either by using the telephone hot line number or on forms developed
6 by the department of elementary and secondary education. Upon such notification, the state
7 literacy hot line office shall contact the student who has been reported and refer that student to
8 the nearest location that provides adult basic education instruction leading to the completion of
9 a general educational development certificate.

10 **2. All records and reports from or based upon the reports required by this section**
11 **shall be made available by free electronic record on the department's web site or otherwise**
12 **on the first business day of each month. The names of the students who drop out and any**
13 **other information which might identify such students shall not be included in the records**
14 **and reports made available by free electronic media.**

167.720. 1. As used in this section, the following terms shall mean:

2 (1) "Moderate physical activity", low to medium impact physical exertion designed
3 to increase an individual's heart rate to rise to at least seventy-five percent of his or her
4 maximum heart rate. Activities in this category may include, but are not limited to,
5 running, calisthenics, aerobic exercise, etc.;

6 (2) "Physical education", instruction in healthy active living by a teacher certificated
7 to teach physical education structured in such a way that it is a regularly scheduled class
8 for students;

9 (3) "Recess", a structured play environment outside of regular classroom
10 instructional activities, where students are allowed to engage in supervised safe active free
11 play.

12 **2. Beginning with the school year 2010-2011:**

13 (1) School districts shall ensure that students in elementary schools participate in
14 moderate physical activity for the entire school year, including students in alternative
15 education programs. Students in the elementary schools shall participate in moderate
16 physical activity for an average of one hundred fifty minutes per five-day school week, or
17 an average of thirty minutes per day. Students with disabilities shall participate in

18 moderate physical activity to the extent appropriate as determined by the provisions of the
19 Individuals with Disabilities Education Act, or Section 504 of the Rehabilitation Act;

20 (2) Each year the commissioner of education shall select for recognition students,
21 schools and school districts that are considered to have achieved improvement in fitness;

22 (3) Students in middle schools may at the school's discretion participate in at least
23 two hundred twenty-five minutes of physical activity per school week;

24 (4) A minimum of one recess period of twenty minutes per day shall be provided for
25 children in elementary schools, which may be incorporated into the lunch period.

26

27 Any requirement of this section above the state minimum physical education requirement
28 may be met by additional physical education instruction, or by other activities approved by
29 the individual school district under the direction of any certificated teacher or
30 administrator or other school employee under the supervision of a certificated teacher or
31 administrator.

168.021. 1. Certificates of license to teach in the public schools of the state shall be
2 granted as follows:

3 (1) By the state board, under rules and regulations prescribed by it:

4 (a) Upon the basis of college credit;

5 (b) Upon the basis of examination;

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

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

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

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

23 (c) Upon completion of a background check and possession of a valid teaching certificate
24 in the state from which the applicant's teacher preparation program was completed; [or]

25 (4) **By the state board, under rules prescribed by it, on the basis of a relevant**
26 **bachelor's degree, or higher degree, and a passing score for the designated exit examination,**
27 **for individuals whose academic degree and professional experience are suitable to provide**
28 **a basis for instruction solely in the subject matter of banking or financial responsibility, at**
29 **the discretion of the state board. Such certificate shall be limited to the major area of study**
30 **of the holder and shall be restricted to those certificates established under subdivision (1)**
31 **of subsection 3 of this section. Holders of certificates granted under this subdivision shall**
32 **be exempt from the teacher tenure act under sections 168.102 to 168.130 and each school**
33 **district shall have the decision-making authority on whether to hire the holders of such**
34 **certificates; or**

35 (5) By the state board, under rules and regulations prescribed by it, on the basis of
36 certification by the American Board for Certification of Teacher Excellence (ABCTE) and
37 verification of ability to work with children as demonstrated by sixty contact hours in any one of
38 the following areas as validated by the school principal: sixty contact hours in the classroom, of
39 which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least
40 thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school;
41 or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate
42 of license to teach, except that such certificate shall not be granted for the areas of early childhood
43 education, elementary education, or special education. Upon the completion of the requirements
44 listed in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply
45 for a career continuous professional certificate under subdivision (2) of subsection 3 of this
46 section:

47 (a) Completion of thirty contact hours of professional development within four years,
48 which may include hours spent in class in an appropriate college curriculum;

49 (b) Validated completion of two years of the mentoring program of the American Board
50 for Certification of Teacher Excellence or a district mentoring program approved by the state
51 board of education;

52 (c) Attainment of a successful performance-based teacher evaluation; and

53 (d) Participate in a beginning teacher assistance program.

54 2. All valid teaching certificates issued pursuant to law or state board policies and
55 regulations prior to September 1, 1988, shall be exempt from the professional development
56 requirements of this section and shall continue in effect until they expire, are revoked or
57 suspended, as provided by law. When such certificates are required to be renewed, the state board
58 or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent

59 to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous
60 professional certificate shall, upon expiration of his or her current certificate, be issued the
61 appropriate level of certificate based upon the classification system established pursuant to
62 subsection 3 of this section.

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

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

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

73 (b) Complete thirty contact hours of professional development, which may include hours
74 spent in class in an appropriate college curriculum, **or for holders of a certificate under**
75 **subdivision (4) of subsection 1 of this section, an amount of professional development in**
76 **proportion to the certificate holder's hours in the classroom, if the certificate holder is**
77 **employed less than full time;** and

78 (c) Participate in a beginning teacher assistance program;

79 (2) (a) The career continuous professional certificate shall be issued upon verification
80 of completion of four years of teaching under the initial professional certificate and upon
81 verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of
82 subdivision (1) of this subsection or paragraphs (a), (b), (c), and (d) of subdivision [(4)] (5) of
83 subsection 1 of this section.

84 (b) The career continuous professional certificate shall be continuous based upon
85 verification of actual employment in an educational position as provided for in state board
86 guidelines and completion of fifteen contact hours of professional development per year which
87 may include hours spent in class in an appropriate college curriculum. Should the possessor of
88 a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour
89 professional development requirement, the possessor may, within two years, make up the missing
90 hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour
91 requirement for the current year and then may count hours in excess of the current year
92 requirement as make-up hours. Should the possessor fail to make up the missing hours within
93 two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor
94 shall complete twenty-four contact hours of professional development which may include hours

95 spent in the classroom in an appropriate college curriculum within the six months prior to or after
96 reactivating his or her certificate. The requirements of this paragraph shall be monitored and
97 verified by the local school district which employs the holder of the career continuous
98 professional certificate.

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

- 103 a. Has ten years of teaching experience as defined by the state board of education;
 - 104 b. Possesses a master's degree; or
 - 105 c. Obtains a rigorous national certification as approved by the state board of education.
- 106 4. Policies and procedures shall be established by which a teacher who was not retained
107 due to a reduction in force may retain the current level of certification. There shall also be
108 established policies and procedures allowing a teacher who has not been employed in an
109 educational position for three years or more to reactivate his or her last level of certification by
110 completing twenty-four contact hours of professional development which may include hours spent
111 in the classroom in an appropriate college curriculum within the six months prior to or after
112 reactivating his or her certificate.

113 5. The state board shall, upon an appropriate background check, issue a professional
114 certificate classification in the areas most closely aligned with an applicant's current areas of
115 certification, commensurate with the years of teaching experience of the applicant, to any person
116 who is hired to teach in a public school in this state and who possesses a valid teaching certificate
117 from another state **or certification under subdivision (4) of subsection 1 of this section,**
118 provided that the certificate holder shall annually complete the state board's requirements for such
119 level of certification, and shall establish policies by which residents of states other than the state
120 of Missouri may be assessed a fee for a certificate license to teach in the public schools of
121 Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the
122 issuing of a certificate of license to teach. The board shall promulgate rules to authorize the
123 issuance of a provisional certificate of license, which shall allow the holder to assume classroom
124 duties pending the completion of a criminal background check under section 168.133, for any
125 applicant who:

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

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. Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.

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.

8. The provisions of subdivision [(4)] (5) of subsection 1 of this section, as well as any other provision of this section relating to the American Board for Certification of Teacher Excellence, shall terminate on August 28, 2014.

168.133. 1. The school district shall ensure that a criminal background check is conducted on any person employed after January 1, 2005, authorized to have contact with pupils and prior to the individual having contact with any pupil. Such persons include, but are not limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, and nurses. The school district shall also ensure that a criminal background check is conducted for school bus drivers. The district may allow such drivers to operate buses pending the result of the criminal background check. For bus drivers, the background check shall be conducted on drivers employed by the school district or employed by a pupil transportation company under contract with the school district.

2. In order to facilitate the criminal history background check on any person employed after January 1, 2005, the applicant shall submit two sets of fingerprints collected pursuant to standards determined by the Missouri highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the family care safety registry pursuant to sections 210.900 to 210.936, RSMo, and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.

3. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530, RSMo, and sections 210.900 to 210.936, RSMo, and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record when he or she applies for a position authorized to have contact with pupils pursuant to

20 this section. The department shall distribute the fees collected for the state and federal criminal
21 histories to the Missouri highway patrol.

22 4. The school district may adopt a policy to provide for reimbursement of expenses
23 incurred by an employee for state and federal criminal history information pursuant to section
24 43.530, RSMo.

25 5. If, as a result of the criminal history background check mandated by this section, it is
26 determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or
27 nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a
28 similar crime or offense committed in another state, the United States, or any other country,
29 regardless of imposition of sentence, such information shall be reported to the department of
30 elementary and secondary education.

31 6. Any school official making a report to the department of elementary and secondary
32 education in conformity with this section shall not be subject to civil liability for such action.

33 7. For any teacher who is employed by a school district on a substitute or part-time basis
34 within one year of such teacher's retirement from a Missouri school, the state of Missouri shall
35 not require such teacher to be subject to any additional background checks prior to having contact
36 with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise restricting
37 a school district from requiring additional background checks for such teachers employed by the
38 school district.

39 8. **A criminal background check and fingerprint collection conducted under**
40 **subsections 1 and 2 of this section shall be valid for at least a period of one year and**
41 **transferrable from one school district to another district. A teacher's change in type of**
42 **certification shall have no effect on the transferability or validity of such records.**

43 9. Nothing in this section shall be construed to alter the standards for suspension, denial,
44 or revocation of a certificate issued pursuant to this chapter.

45 [9.] 10. The state board of education may promulgate rules for criminal history
46 background checks made pursuant to this section. Any rule or portion of a rule, as that term is
47 defined in section 536.010, RSMo, that is created under the authority delegated in this section
48 shall become effective only if it complies with and is subject to all of the provisions of chapter
49 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
50 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,
51 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently
52 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
53 after January 1, 2005, shall be invalid and void.

168.221. 1. The first five years of employment of all teachers entering the employment
2 of the metropolitan school district shall be deemed a period of probation during which period all

3 appointments of teachers shall expire at the end of each school year. During the probationary
4 period any probationary teacher whose work is unsatisfactory shall be furnished by the
5 superintendent of schools with a written statement setting forth the nature of his incompetency.
6 If improvement satisfactory to the superintendent is not made within one semester after the receipt
7 of the statement, the probationary teacher shall be dismissed. The semester granted the
8 probationary teacher in which to improve shall not in any case be a means of prolonging the
9 probationary period beyond five years and six months from the date on which the teacher entered
10 the employ of the board of education. The superintendent of schools on or before the fifteenth
11 day of April in each year shall notify probationary teachers who will not be retained by the school
12 district of the termination of their services. Any probationary teacher who is not so notified shall
13 be deemed to have been appointed for the next school year. Any principal who prior to becoming
14 a principal had attained permanent employee status as a teacher shall upon ceasing to be a
15 principal have a right to resume his or her permanent teacher position with the time served as a
16 principal being treated as if such time had been served as a teacher for the purpose of calculating
17 seniority and pay scale. The rights and duties and remuneration of a teacher who was formerly
18 a principal shall be the same as any other teacher with the same level of qualifications and time
19 of service.

20 2. After completion of satisfactory probationary services, appointments of teachers shall
21 become permanent, subject to removal for any one or more causes herein described and to the
22 right of the board to terminate the services of all who attain the age of compulsory retirement
23 fixed by the retirement system. In determining the duration of the probationary period of
24 employment in this section specified, the time of service rendered as a substitute teacher shall not
25 be included.

26 3. No teacher whose appointment has become permanent may be removed except for one
27 or more of the following causes: immorality, inefficiency in line of duty, violation of the
28 published regulations of the school district, violation of the laws of Missouri governing the public
29 schools of the state, or physical or mental condition which incapacitates him for instructing or
30 associating with children, and then only by a vote of not less than a majority of all the members
31 of the board, upon written charges presented by the superintendent of schools, to be heard by the
32 board after thirty days' notice, with copy of the charges served upon the person against whom they
33 are preferred, who shall have the privilege of being present, together with counsel, offering
34 evidence and making defense thereto. Notifications received by an employee during a vacation
35 period shall be considered as received on the first day of the school term following. At the
36 request of any person so charged the hearing shall be public. The action and decision of the board
37 upon the charges shall be final. Pending the hearing of the charges, the person charged may be
38 suspended if the rules of the board so prescribe, but in the event the board does not by a majority

39 vote of all the members remove the teacher upon charges presented by the superintendent, the
40 person shall not suffer any loss of salary by reason of the suspension. Inefficiency in line of duty
41 is cause for dismissal only after the teacher has been notified in writing at least one semester prior
42 to the presentment of charges against him by the superintendent. The notification shall specify
43 the nature of the inefficiency with such particularity as to enable the teacher to be informed of the
44 nature of his inefficiency.

45 4. No teacher whose appointment has become permanent shall be demoted nor shall his
46 salary be reduced unless the same procedure is followed as herein stated for the removal of the
47 teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who
48 is demoted may waive the presentment of charges against him by the superintendent and a hearing
49 thereon by the board. The foregoing provision shall apply only to permanent teachers prior to the
50 compulsory retirement age under the retirement system. Nothing herein contained shall in any
51 way restrict or limit the power of the board of education to make reductions in the number of
52 teachers or principals, or both, because of insufficient funds, decrease in pupil enrollment, or
53 abolition of particular subjects or courses of instruction, except that the abolition of particular
54 subjects or courses of instruction shall not cause those teachers who have been teaching the
55 subjects or giving the courses of instruction to be placed on leave of absence as herein provided
56 who are qualified to teach other subjects or courses of instruction, if positions are available for
57 the teachers in the other subjects or courses of instruction.

58 5. Whenever it is necessary to decrease the number of teachers because of insufficient
59 funds or a substantial decrease of pupil population within the school district, the board of
60 education upon recommendation of the superintendent of schools may cause the necessary
61 number of teachers beginning with those serving probationary periods to be placed on leave of
62 absence without pay, but only in the inverse order of their appointment. Nothing herein stated
63 shall prevent a readjustment by the board of education of existing salary schedules. No teacher
64 placed on a leave of absence shall be precluded from securing other employment during the period
65 of the leave of absence. Each teacher placed on leave of absence shall be reinstated in inverse
66 order of his placement on leave of absence. Such reemployment shall not result in a loss of status
67 or credit for previous years of service. No new appointments shall be made while there are
68 available teachers on leave of absence who are seventy years of age or less and who are
69 adequately qualified to fill the vacancy unless the teachers fail to advise the superintendent of
70 schools within thirty days from the date of notification by the superintendent of schools that
71 positions are available to them that they will return to employment and will assume the duties of
72 the position to which appointed not later than the beginning of the school year next following the
73 date of the notice by the superintendent of schools.

74 6. If any regulation which deals with the promotion of [either] teachers is amended by
75 increasing the qualifications necessary to be met before a teacher is eligible for promotion, the
76 amendment shall fix an effective date which shall allow a reasonable length of time within which
77 teachers may become qualified for promotion under the regulations.

78 **7. A teacher whose appointment has become permanent may give up the right to a**
79 **permanent appointment to participate in the teacher choice compensation package under**
80 **sections 168.745 to 168.750.**

 168.251. 1. All employees of a metropolitan school district shall be appointed and
2 promoted under rules and regulations prescribed by the board of education of the school district.
3 The rules shall be complementary to the provisions of sections 168.251 to 168.291 as to the
4 removal, discharge, suspension without pay or demotion of permanent employees and not in
5 derogation thereof. The word "employee" or "employees" as used in this section means all
6 employees, male or female, except certificated employees.

7 2. All appointments and promotions of noncertificated employees shall be made in the
8 case of appointment by examination, and in case of promotion by length and character of service.
9 Examinations for appointments shall be conducted by the director of personnel under regulations
10 to be made by the board.

11 **3. Sections 168.251 to 168.291 shall not apply to employees hired after August 28,**
12 **2009.**

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

5 **2. There is hereby created the "Teacher Choice Compensation Fund" in the state**
6 **treasury. The fund shall be administered by the department of elementary and secondary**
7 **education. The state treasurer shall be custodian of the fund and may approve**
8 **disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo.**

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

16 **4. The general assembly shall annually appropriate five million dollars to the fund**
17 **created in this section.**

168.747. 1. To be eligible for the teacher choice compensation package, all classroom
2 personnel in a metropolitan school district reported as a code forty, fifty, or sixty through
3 the core data system of the department of elementary and secondary education shall opt out
4 of his or her indefinite contract under section 168.221 for the duration of employment with
5 the district. A teacher may decide to end his or her eligibility for the teacher choice stipend
6 but may not resume permanent teacher status with that district. A probationary teacher
7 may opt out of consideration for a permanent contract in the second or subsequent years
8 of employment by the district to participate in the teacher choice compensation package but
9 may not return to permanent status in that district or resume the process for qualification
10 for an indefinite contract in that district. A teacher who has chosen the teacher choice
11 compensation package and changes employment to another district may choose to resume
12 the process for qualification for an indefinite contract in that district. The teacher choice
13 compensation package shall only be available for teachers in a metropolitan school district.

14 2. Teachers shall qualify annually in October for the stipends described in section
15 168.749. Stipends shall be offered in five thousand dollar increments, up to fifteen thousand
16 dollars, but shall not exceed fifty percent of a teacher's base salary, before deductions for
17 retirement but including designated pay for additional duties such as coaching, sponsoring,
18 or mentoring. Any stipend received under section 168.749 shall be in addition to the base
19 salary to which the teacher would otherwise be entitled. Teachers receiving the stipend
20 shall receive any pay and benefits received by teachers of similar training, experience, and
21 duties. Such stipends shall not be considered compensation for retirement purposes.

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

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

168.749. 1. Beginning with school year 2010-2011, teachers who elect to participate
2 in the teacher choice compensation package shall be eligible for stipends based on the
3 following criteria:

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

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

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

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

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

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

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

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

2. The department of elementary and secondary education shall develop criteria for determining eligibility for stipend increments, including a range of target scores on assessments for use by the districts. The test-score options listed in subdivision (1) of subsection 1 of this section shall be given higher weight than the evaluation options listed in subdivisions (2) and (3) of subsection 1 of this section. The decision of individual districts about the qualifications for each increment based on the evaluations listed in subdivisions (2) and (3) of subsection 1 of this section and for value-added instruments for which target scores have not been developed by the department of elementary and secondary education may address the district's unique characteristics but shall require demonstrably superior

40 performance on the part of the teacher, based primarily on improved student achievement
41 while taking into account classroom demographics including but not limited to students'
42 abilities, special needs, and class size.

168.750. Any rule or portion of a rule, as that term is defined in section 536.010,
2 RSMo, that is created under the authority delegated in sections 168.745 to 168.749 shall
3 become effective only if it complies with and is subject to all of the provisions of chapter 536,
4 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
5 nonseverable and if any of the powers vested with the general assembly pursuant to chapter
6 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are
7 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
8 proposed or adopted after August 28, 2009, shall be invalid and void.

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

171.029. 1. The school board of any school district in the state, upon adoption of a
2 resolution by the vote of a majority of all its members to authorize such action, may
3 establish a four-day school week or other calendar consisting of less than one hundred
4 seventy-four days in lieu of a five-day school week. Upon adoption of a four-day school
5 week or other calendar consisting of less than one hundred seventy-four days, the school
6 shall file a calendar with the department of elementary and secondary education in
7 accordance with section 171.031. Such calendar shall include, but not be limited to, a
8 minimum term of one hundred forty-two days and one thousand forty-four hours of actual
9 pupil attendance.

10 2. If a school district that attends less than one hundred seventy-four days meets at
11 least two fewer performance standards on two successive annual performance reports than
12 it met on its last annual performance report received prior to implementing a calendar year
13 of less than one hundred seventy-four days, it shall be required to revert to a one hundred
14 seventy-four-day school year in the school year following the report of the drop in the
15 number of performance standards met. When the number of performance standards met
16 reaches the earlier number, the district may return to the four-day week or other calendar
17 consisting of less than one hundred seventy-four days in the next school year.

171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days **for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week**, and one thousand forty-four hours of actual pupil attendance. In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033.

2. Each local school district may set its opening date each year, which date shall be no earlier than ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless the district follows the procedure set forth in subsection 3 of this section.

3. A district may set an opening date that is more than ten calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than ten days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than ten calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than ten days before the first Monday in September.

4. If any local district violates the provisions of this section, the department of elementary and secondary education shall withhold an amount equal to one quarter of the state funding the district generated under section 163.031, RSMo, for each date the district was in violation of this section.

5. The provisions of subsections 2 to 4 of this section shall not apply to school districts in which school is in session for twelve months of each calendar year.

6. The state board of education may grant an exemption from this section to a school district that demonstrates highly unusual and extenuating circumstances justifying exemption from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state board of education shall be valid for one academic year only.

7. No school day **for schools with a five-day school week** shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county, **and any school that adopts a four-day school week in accordance with section 171.029.**

171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

3 2. A district shall be required to make up the first six days of school lost or canceled due
4 to inclement weather and half the number of days lost or canceled in excess of six days **if the**
5 **makeup of the days is necessary to ensure that the district's students will attend a minimum**
6 **of one hundred forty-two days and a minimum of one thousand forty-four hours for the**
7 **school year. Schools with a four-day school week may schedule such make-up days on**
8 **Fridays.**

9 3. [In the 2005-06 school year, a school district may be exempt from the requirement to
10 make up days of school lost or canceled due to inclement weather occurring after April 1, 2006,
11 in the school district, but such reduction of the minimum number of school days shall not exceed
12 five days when a district has missed more than seven days overall, such reduction to be taken as
13 follows: one day for eight days missed, two days for nine days missed, three days for ten days
14 missed, four days for eleven days missed, and five days for twelve or more days missed. The
15 requirement for scheduling two-thirds of the missed days into the next year's calendar pursuant
16 to subsection 1 of this section shall be waived for the 2006-07 school year.] **In the 2008-09**
17 **school year a school district may be exempt from the requirement to make up days of school**
18 **lost or canceled due to inclement weather in the school district when the school district has**
19 **made up the six days required under subsection 2 of this section and half the number of**
20 **additional lost or canceled days up to eight days, resulting in no more than ten total make-**
21 **up days required by this section.**

22 4. **In the 2009-2010 school year and subsequent years, a school district may be**
23 **exempt from the requirement to make up days of school lost or canceled due to inclement**
24 **weather in the school district when the school district has made up the six days required**
25 **under subsection 2 of this section and half the number of additional lost or canceled days**
26 **up to eight days, resulting in no more than ten total make-up days required by this section.**

27 5. The commissioner of education may provide, for any school district in which schools
28 are in session for twelve months of each calendar year that cannot meet the minimum school
29 calendar requirement of at least one hundred seventy-four days **for schools with a five-day**
30 **school week or one hundred forty-two days for schools with a four-day school week** and one
31 thousand forty-four hours of actual pupil attendance, upon request, a waiver to be excused from
32 such requirement. This waiver shall be requested from the commissioner of education and may
33 be granted if the school was closed due to circumstances beyond school district control, including
34 inclement weather, flooding or fire.

177.088. 1. As used in this section, the following terms shall mean:

2 (1) "Board", the board of education, board of trustees, board of regents, or board of
3 governors of an educational institution;

4 (2) "Educational institution", any school district, including all community college
5 districts, and any state college or university organized under chapter 174, RSMo.

6 2. The board of any educational institution may enter into agreements as authorized in this
7 section with a not-for-profit corporation formed under the general not-for-profit corporation law
8 of Missouri, chapter 355, RSMo, in order to provide for the acquisition, construction,
9 improvement, extension, repair, remodeling, renovation and financing of sites, buildings,
10 facilities, furnishings and equipment for the use of the educational institution for educational
11 purposes.

12 3. The board may on such terms as it shall approve:

13 (1) Lease from the corporation sites, buildings, facilities, furnishings and equipment
14 which the corporation has acquired or constructed; or

15 (2) Notwithstanding the provisions of this chapter or any other provision of law to the
16 contrary, sell or lease at fair market value, which may be determined by appraisal, to the
17 corporation any existing sites owned by the educational institution, together with any existing
18 buildings and facilities thereon, in order for the corporation to acquire, construct, improve, extend,
19 repair, remodel, renovate, furnish and equip buildings and facilities thereon, and then lease back
20 or purchase such sites, buildings and facilities from the corporation; provided that upon selling
21 or leasing the sites, buildings or facilities, the corporation agrees to enter into a lease for not more
22 than one year but with not more than twenty-five successive options by the educational institution
23 to renew the lease under the same conditions; and provided further that the corporation agrees to
24 convey or sell the sites, buildings or facilities, including any improvements, extensions,
25 renovations, furnishings or equipment, back to the educational institution with clear title at the
26 end of the period of successive one-year options or at any time bonds, notes or other obligations
27 issued by the corporation to pay for the improvements, extensions, renovations, furnishings or
28 equipment have been paid and discharged.

29 4. Any consideration, promissory note or deed of trust which an educational institution
30 receives for selling or leasing property to a not-for-profit corporation pursuant to this section shall
31 be placed in a separate fund or in escrow, and neither the principal or any interest thereon shall
32 be commingled with any other funds of the educational institutions. At such time as the title or
33 deed for property acquired, constructed, improved, extended, repaired, remodeled or renovated
34 under this section is conveyed to the educational institution, the consideration shall be returned
35 to the corporation.

36 5. The board may make rental payments to the corporation under such leases out of its
37 general funds or out of any other available funds, provided that in no event shall the educational
38 institution become indebted in an amount exceeding in any year the income and revenue of the
39 educational institution for such year plus any unencumbered balances from previous years.

40 6. Any bonds, notes and other obligations issued by a corporation to pay for the
41 acquisition, construction, improvements, extensions, repairs, remodeling or renovations of sites,
42 buildings and facilities, pursuant to this section, may be secured by a mortgage, pledge or deed
43 of trust of the sites, buildings and facilities and a pledge of the revenues received from the rental
44 thereof to the educational institution. Such bonds, notes and other obligations issued by a
45 corporation shall not be a debt of the educational institution and the educational institution shall
46 not be liable thereon, and in no event shall such bonds, notes or other obligations be payable out
47 of any funds or properties other than those acquired for the purposes of this section, and such
48 bonds, notes and obligations shall not constitute an indebtedness of the educational institution
49 within the meaning of any constitutional or statutory debt limitation or restriction.

50 7. The interest on such bonds, notes and other obligations of the corporation and the
51 income therefrom shall be exempt from taxation by the state and its political subdivisions, except
52 for death and gift taxes on transfers. Sites, buildings, facilities, furnishings and equipment owned
53 by a corporation in connection with any project pursuant to this section shall be exempt from
54 taxation.

55 8. The board may make all other contracts or agreements with the corporation necessary
56 or convenient in connection with any project pursuant to this section. The corporation shall
57 comply with sections 290.210 to 290.340, RSMo.

58 9. Notice that the board is considering a project pursuant to this section shall be given by
59 publication in a newspaper published within the county in which all or a part of the educational
60 institution is located which has general circulation within the area of the educational institution,
61 once a week for two consecutive weeks, the last publication to be at least seven days prior to the
62 date of the meeting of the board at which such project will be considered and acted upon.

63 10. Provisions of other law to the contrary notwithstanding, the board may refinance any
64 lease purchase agreement that satisfies at least one of the conditions specified in subsection 6 of
65 section 165.011, RSMo, for the purpose of payment on any lease with the corporation under this
66 section for sites, buildings, facilities, furnishings or equipment which the corporation has acquired
67 or constructed, but such refinance shall not extend the date of maturity of any obligation, and the
68 refinancing obligation shall not exceed the amount necessary to pay or provide for the payment
69 of the principal of the outstanding obligations to be refinanced, together with the interest accrued
70 thereon to the date of maturity or redemption of such obligations and any premium which may
71 be due under the terms of such obligations and any amounts necessary for the payments of costs
72 and expenses related to issuing such refunding obligations and to fund a capital projects reserve
73 fund for the obligations.

74 11. Provisions of other law to the contrary notwithstanding, payments made from any
75 source by a school district, after the latter of July 1, 1994, or July 12, 1994, that result in the

76 transfer of the title of real property to the school district, other than those payments made from
77 the capital projects fund, shall be deducted as an adjustment to the funds payable to the district
78 pursuant to section 163.031, RSMo, beginning in the year following the transfer of title to the
79 district, as determined by the department of elementary and secondary education. No district with
80 modular buildings leased in fiscal year 2004, with the lease payments made from the incidental
81 fund and that initiates the transfer of title to the district after fiscal year 2007, shall have any
82 adjustment to the funds payable to the district under section 163.031, RSMo, as a result of the
83 transfer of title.

84 **12. Notwithstanding provisions of this section to the contrary, the board of**
85 **education of any school district may enter into agreements with the county in which the**
86 **school district is located, or with a city, town, or village wholly or partially located within**
87 **the boundaries of the school district, in order to provide for the acquisition, construction,**
88 **improvement, extension, repair, remodeling, renovation, and financing of sites, buildings,**
89 **facilities, furnishings, and equipment for the use of the school district for educational**
90 **purposes. Such an agreement may provide for the present or future acquisition of an**
91 **ownership interest in such facilities by the school district, by lease, lease purchase**
92 **agreement, option to purchase agreement, or similar provisions, and may provide for a joint**
93 **venture between the school district and other entity or entities that are parties to such an**
94 **agreement providing for the sharing of the costs of acquisition, construction, repair,**
95 **maintenance, and operation of such facilities. The school district may wholly own such**
96 **facilities, or may acquire a partial ownership interest along with the county, city, town, or**
97 **village with which the agreement was executed.**

210.1050. 1. For purposes of this section, for pupils in foster care or children placed
2 **for treatment in a licensed residential care facility by the department of social services, "full**
3 **school day" shall mean six hours in which the child is under the guidance and direction of**
4 **teachers in the educational process.**

5 **2. Each pupil in foster care or child placed for treatment in a licensed residential**
6 **care facility by the department of social services shall be entitled to a full school day of**
7 **education unless the school district determines that fewer hours are warranted.**

8 **3. The commissioner of education, or his or her designee, shall be an ombudsman**
9 **to assist the family support team and the school district as they work together to meet the**
10 **needs of children placed for treatment in a licensed residential care facility by the**
11 **department of social services. The ombudsman shall have the final decision over**
12 **discrepancies regarding school day length. A full school day of education shall be provided**
13 **pending the ombudsman's final decision.**

14 **4. Nothing in this section shall be construed to infringe upon the rights or due**
15 **process provisions of the federal Individuals with Disabilities Education Act. The**
16 **provisions of the Individuals with Disabilities Education Act shall apply and control in**
17 **decisions regarding school day. Nothing in this section shall be construed to deny any child**
18 **domiciled in Missouri appropriate and necessary free public education services.**

 313.822. A tax is imposed on the adjusted gross receipts received from gambling games
2 authorized pursuant to sections 313.800 to 313.850 at the rate of twenty-one percent. The taxes
3 imposed by this section shall be returned to the commission in accordance with the commission's
4 rules and regulations who shall transfer such taxes to the director of revenue. All checks and
5 drafts remitted for payment of these taxes and fees shall be made payable to the director of
6 revenue. If the commission is not satisfied with the return or payment made by any licensee, it is
7 hereby authorized and empowered to make an assessment of the amount due based upon any
8 information within its possession or that shall come into its possession. Any licensee against
9 whom an assessment is made by the commission may petition for a reassessment. The request
10 for reassessment shall be made within twenty days from the date the assessment was mailed or
11 delivered to the licensee, whichever is earlier. Whereupon the commission shall give notice of
12 a hearing for reassessment and fix the date upon which the hearing shall be held. The assessment
13 shall become final if a request for reassessment is not received by the commission within the
14 twenty days. Except as provided in this section, on and after April 29, 1993, all functions incident
15 to the administration, collection, enforcement, and operation of the tax imposed by sections
16 144.010 to 144.525, RSMo, shall be applicable to the taxes and fees imposed by this section.

 (1) Each excursion gambling boat shall designate a city or county as its home dock. The
18 home dock city or county may enter into agreements with other cities or counties authorized
19 pursuant to subsection 10 of section 313.812 to share revenue obtained pursuant to this section.
20 The home dock city or county shall receive ten percent of the adjusted gross receipts tax
21 collections, as levied pursuant to this section, for use in providing services necessary for the safety
22 of the public visiting an excursion gambling boat. Such home dock city or county shall annually
23 submit to the commission a shared revenue agreement with any other city or county. All moneys
24 owed the home dock city or county shall be deposited and distributed to such city or county in
25 accordance with rules and regulations of the commission. All revenues provided for in this
26 section to be transferred to the governing body of any city not within a county and any city with
27 a population of over three hundred fifty thousand inhabitants shall not be considered state funds
28 and shall be deposited in such city's general revenue fund to be expended as provided for in this
29 section.

 (2) The remaining amount of the adjusted gross receipts tax shall be deposited in the state
31 treasury to the credit of the "Gaming Proceeds for Education Fund" which is hereby created in the

32 state treasury. Moneys deposited in this fund shall be kept separate from the general revenue fund
33 as well as any other funds or accounts in the state treasury, shall be used solely for education
34 pursuant to the Missouri Constitution and shall be considered the proceeds of excursion boat
35 gambling and state funds pursuant to article IV, section 15 of the Missouri Constitution. All
36 interest received on the gaming proceeds for education fund shall be credited to the gaming
37 proceeds for education fund. Appropriation of the moneys deposited into the gaming proceeds
38 for education fund shall be pursuant to state law.

39 (3) The state auditor shall perform an annual audit of the gaming proceeds for education
40 fund [and the schools first elementary and secondary education improvement fund], which shall
41 include the evaluation of whether appropriations for elementary and secondary education have
42 increased and are being used as intended [by this act]. The state auditor shall make copies of each
43 audit available to the public and to the general assembly.

**Section 1. During the legislative interim between the first regular session of the
2 ninety-fifth general assembly through December 31, 2009, the joint committee on education
3 shall study the issue of governance in urban school districts containing most or all of a home
4 rule city with more than four hundred thousand inhabitants and located in more than one
5 county. In studying this issue, the joint committee may solicit input and information
6 necessary to fulfill its obligation, including but not limited to soliciting input and
7 information from any state department, state agency, school district, political subdivision
8 of the state, teachers, administrators, school board members, all interested parties
9 concerned about governance within the school districts identified in this section, and the
10 general public. The joint committee shall prepare a final report, together with its
11 recommendations for any legislative action deemed necessary for submission to the general
12 assembly by December 31, 2009.**

2 [160.730. 1. Not less than twice each calendar year, the commissioner of
3 higher education, the chair of the coordinating board for higher education, the
4 commissioner of education, the president of the state board of education, and the
5 director of the department of economic development shall meet and discuss ways
6 in which their respective departments may collaborate to achieve the policy goals
7 as outlined in this section.

8 2. In order to create a more efficient and effective education system that
9 more adequately prepares students for the challenges of entering the workforce,
10 the persons and agencies outlined in subsection 1 of this section shall be
11 responsible for accomplishing the following goals:

12 (1) Studying the potential for a state-coordinated economic/educational
13 policy that addresses all levels of education;

14 (2) Determining where obstacles make state support of programs that
15 cross institutional or jurisdictional boundaries difficult and suggesting remedies;

(3) Creating programs that:

(a) Intervene at known critical transition points, such as middle school to high school and the freshman year of college to help assure student success at the next level;

(b) Foster higher education faculty spending time in elementary and secondary classrooms and private workplaces, and elementary and secondary faculty spending time in general education-level higher education courses and private workplaces, with particular emphasis on secondary school faculty working with general education higher education faculty;

(c) Allow education stakeholders to collaborate with members of business and industry to foster policy alignment, professional interaction, and information systems across sectors;

(d) Regularly provide feedback to schools, colleges, and employers concerning the number of students requiring postsecondary remediation, whether in educational institutions or the workplace;

(4) Exploring ways to better align academic content, particularly between secondary school and first-year courses at public colleges and universities, which may include alignment between:

(a) Elementary and secondary assessments and public college and university admission and placement standards; and

(b) Articulation agreements of programs across sectors and educational levels.

3. No later than the first Wednesday after the first Monday of January each year, the persons outlined in subsection 1 of this section shall report jointly to the general assembly and to the governor the actions taken by their agencies and their recommendations for policy initiatives and legislative alterations to achieve the policy goals as outlined in this section.]

[313.775. This act shall be known and may be cited as "The Schools First Elementary and Secondary Education Funding Initiative".]

[313.778. There is hereby created in the state treasury the "Schools First Elementary and Secondary Education Improvement Fund", which shall consist of taxes on excursion gambling boat proceeds as provided in subsection 2 of section 160.534, RSMo, to be used solely for the purpose of increasing funding for elementary and secondary education. The schools first elementary and secondary education improvement fund shall be state revenues collected from gaming activities for purposes of article III, section 39(d) of the constitution. Moneys in the schools first elementary and secondary education improvement fund shall be kept separate from the general revenue fund as well as any other funds or accounts in the state treasury. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not

14 revert to the credit of the general revenue fund. The state treasurer shall invest
15 moneys in the fund in the same manner as other funds are invested. Any interest
16 and moneys earned on such investments shall be credited to the fund.]
17

Section B. The repeal of section 313.778 of section A of this act shall become effective
2 on July 1, 2010.

Section C. Because of the need to ensure adequate funding for our public schools, the
2 repeal of section 313.775 and the repeal and reenactment of sections 115.121, 160.534, 163.011,
3 163.031, 163.043, and 313.822 of section A of this act are deemed necessary for the immediate
4 preservation of the public health, welfare, peace and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and the repeal of section 313.775 and the
6 repeal and reenactment of sections 115.121, 160.534, 163.011, 163.031, 163.043, and 313.822
7 of section A of this act shall be in full force and effect on July 1, 2009, or upon their passage and
8 approval, whichever occurs later.

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