

FIRST REGULAR SESSION

HOUSE BILL NO. 885

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WOOD.

1804H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.254, 160.268, 160.530, 160.545, 161.650, 162.930, 162.1000, 163.011, 163.021, 163.031, 167.340, 167.343, 167.346, 167.349, 167.640, 167.645, 167.950, 168.221, 168.400, 168.405, 168.407, 168.409, 168.410, 168.500, 168.505, 168.510, 168.515, 168.520, 168.530, 168.745, 168.747, 168.749, 168.750, 169.010, 173.232, 178.300, 178.310, 178.320, 178.330, 178.340, 178.350, and 178.360, RSMo, and to enact in lieu thereof fifteen new sections relating to elementary and secondary education.

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

Section A. Sections 160.254, 160.268, 160.530, 160.545, 161.650, 162.930, 162.1000, 163.011, 163.021, 163.031, 167.340, 167.343, 167.346, 167.349, 167.640, 167.645, 167.950, 168.221, 168.400, 168.405, 168.407, 168.409, 168.410, 168.500, 168.505, 168.510, 168.515, 168.520, 168.530, 168.745, 168.747, 168.749, 168.750, 169.010, 173.232, 178.300, 178.310, 178.320, 178.330, 178.340, 178.350, and 178.360, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 160.254, 160.268, 160.530, 160.545, 161.650, 162.930, 163.011, 163.021, 163.031, 167.349, 167.640, 167.645, 167.950, 168.221, and 169.010, to read as follows:

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.

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.

8 3. The committee shall select either a chairman or cochairmen, one of whom shall be a
9 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 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, in all state-based financial aid programs;

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

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

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

37 (11) Beginning August 28, 2008, upon review, approve or deny any expenditures made
38 by the commissioner of education pursuant to section 160.530, as provided in subsection [5] 4
39 of section 160.530.

40 5. The committee may make reasonable requests for staff assistance from the research
41 and appropriations staffs of the house and senate and the committee on legislative research, as
42 well as the department of elementary and secondary education, the department of higher
43 education, the coordinating board for higher education, the state tax commission, the department

44 of economic development, all school districts and other political subdivisions of this state,
45 teachers and teacher groups, business and other commercial interests and any other interested
46 persons.

47 6. Members of the committee shall receive no compensation but may be reimbursed for
48 reasonable and necessary expenses associated with the performance of their official duties.

160.268. 1. There is hereby created a revolving fund for the department of elementary
2 and secondary education which shall be known as the "Excellence in Education Fund", and
3 which shall be administered by the commissioner of the department of elementary and secondary
4 education. The excellence in education fund shall consist of moneys appropriated annually by
5 the general assembly from general revenue to such fund, and any moneys paid into the state
6 treasury and required by law to be credited to such fund. The annual increase of such
7 appropriation to the revolving fund shall not exceed thirty-three and one-third percent of the
8 increase in the appropriation for the foundation program under section 163.031 for any fiscal
9 year. The excellence in education fund shall be kept separate and apart from all other moneys
10 in the state treasury and shall be paid out by the state treasurer pursuant to chapter 33.

11 2. After appropriation pursuant to law, the moneys in the excellence in education fund
12 shall be available for the payment of the costs and expenses for programs ~~[which shall include,~~
13 ~~but not be limited to:~~

14 ~~—— (1) The incentives for school excellence program established in section 160.264;~~

15 ~~—— (2) The professional teacher and administrator programs established in sections 168.400~~
16 ~~and 168.410;~~

17 ~~—— (3) The career development and teacher excellence plan established in section 168.500~~
18 ~~for which funding shall be distributed pursuant to section 163.031].~~

19 3. All revenue collected through cost recovery activities authorized pursuant to law shall
20 be credited to the excellence in education fund.

21 4. Any unexpended balance in the excellence in education fund at the end of each fiscal
22 year shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended
23 balances to the general revenue fund.

24 5. Moneys in the excellence in education fund shall be invested by the state treasurer in
25 the same deposits and obligations in which state funds are authorized by law to be invested;
26 except that, the income accruing from such investments shall be credited to the excellence in
27 education fund on an annual basis.

160.530. 1. ~~[Beginning with fiscal year 1994 and for all fiscal years thereafter, in order~~
2 ~~to be eligible for state aid distributed pursuant to section 163.031, a school district shall allocate~~
3 ~~one percent of moneys received pursuant to section 163.031, exclusive of categorical add-ons,~~
4 ~~to the professional development committee of the district as established in subdivision (1) of~~

~~subsection 4 of section 168.400. Of the moneys allocated to the professional development committee in any fiscal year as specified by this subsection, seventy-five percent of such funds shall be spent in the same fiscal year for purposes determined by the professional development committee after consultation with the administrators of the school district and approved by the local board of education as meeting the objectives of a school improvement plan of the district that has been developed by the local board. Moneys expended for staff training pursuant to any provisions of this act shall not be considered in determining the requirements for school districts imposed by this subsection.~~

———2.] Beginning with fiscal year 1994 and for all fiscal years thereafter, eighteen million dollars shall be distributed by the commissioner of education to address statewide areas of critical need for learning and development, provided that such disbursements are approved by the joint committee on education as provided in subsection [5] 4 of this section, and as determined by rule and regulation of the state board of education with the advice of the advisory council provided by subsection 1 of section 168.015. The moneys described in this subsection may be distributed by the commissioner of education to colleges, universities, private associations, professional education associations, statewide associations organized for the benefit of members of boards of education, public elementary and secondary schools, and other associations and organizations that provide professional development opportunities for teachers, administrators, family literacy personnel and boards of education for the purpose of addressing statewide areas of critical need, provided that subdivisions (1), (2) and (3) of this subsection shall constitute priority uses for such moneys. "Statewide areas of critical need for learning and development" shall include:

(1) Funding the operation of state management teams in districts with academically deficient schools and providing resources specified by the management team as needed in such districts;

(2) Funding for grants to districts, upon application to the department of elementary and secondary education, for resources identified as necessary by the district, for those districts which are failing to achieve assessment standards;

(3) Funding for family literacy programs;

(4) Ensuring that all children, especially children at risk, children with special needs, and gifted students are successful in school;

(5) Increasing parental involvement in the education of their children;

(6) Providing information which will assist public school administrators and teachers in understanding the process of site-based decision making;

(7) Implementing recommended curriculum frameworks as outlined in section 160.514;

(8) Training in new assessment techniques for students;

41 (9) Cooperating with law enforcement authorities to expand successful antidrug
42 programs for students;

43 (10) Strengthening existing curricula of local school districts to stress drug and alcohol
44 prevention;

45 (11) Implementing and promoting programs to combat gang activity in urban areas of
46 the state;

47 (12) Establishing family schools, whereby such schools adopt proven models of one-stop
48 state services for children and families;

49 (13) Expanding adult literacy services; and

50 (14) Training of members of boards of education in the areas deemed important for the
51 training of effective board members as determined by the state board of education.

52 ~~[3-]~~ 2. Beginning with fiscal year 1994 and for all fiscal years thereafter, two million
53 dollars of the moneys appropriated to the department of elementary and secondary education
54 otherwise distributed to the public schools of the state pursuant to the provisions of section
55 163.031, exclusive of categorical add-ons, shall be distributed in grant awards by the state board
56 of education, by rule and regulation, for the "Success Leads to Success" grant program, which
57 is hereby created. The purpose of the success leads to success grant program shall be to
58 recognize, disseminate and exchange information about the best professional teaching practices
59 and programs in the state that address student needs, and to encourage the staffs of schools with
60 these practices and programs to develop school-to-school networks to share these practices and
61 programs.

62 ~~[4-]~~ 3. The department shall include a listing of all expenditures under this section in the
63 annual budget documentation presented to the governor and general assembly.

64 ~~[5-]~~ 4. Prior to distributing any funds under subsection ~~[2]~~ 1 of this section, the
65 commissioner of education shall appear before the joint committee on education and present a
66 proposed delineation of the programs to be funded under the provisions of subsection ~~[2]~~ 1 of
67 this section. The joint committee shall review all proposed spending under subsection ~~[2]~~ 1 of
68 this section and shall affirm, by a majority vote of all members serving on the committee, the
69 spending proposal of the commissioner prior to any disbursement of funds under subsection ~~[2]~~
70 1 of this section.

71 ~~[6-]~~ 5. If any provision of subdivision (11) of subsection 4 of section 160.254 or any
72 provision of subsection ~~[2]~~ 1 or ~~[5]~~ 4 of this section regarding approval of disbursements by the
73 joint committee on education is held to be invalid for any reason, then such decision shall
74 invalidate subsection ~~[2]~~ 1 of this section in its entirety.

160.545. 1. There is hereby established within the department of elementary and
2 secondary education the "A+ Schools Program" to be administered by the commissioner of

3 education. The program shall consist of ~~[grant awards made to]~~ public secondary schools that
4 demonstrate a commitment to ensure that:

5 (1) All students be graduated from school;

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

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

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

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

14 ~~—— (2) Specify the knowledge, skills and competencies, in measurable terms, that students~~
15 ~~must demonstrate to successfully complete any individual course offered by the school, and any~~
16 ~~course of studies which will qualify a student for graduation from the school; and~~

17 ~~—— (3) Do not offer a general track of courses that, upon completion, can lead to a high~~
18 ~~school diploma; and~~

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

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

34 ~~—— 3.]~~ Any nonpublic school in this state may apply to the state board of education for
35 certification that it meets the requirements of this section subject to the same criteria as public
36 high schools. Every nonpublic school that applies and has met the requirements of this section
37 shall have its students eligible for reimbursement of postsecondary education under subsection
38 [8] 4 of this section on an equal basis to students who graduate from public schools that meet the

39 requirements of this section. ~~[Any nonpublic school that applies shall not be eligible for any~~
40 ~~grants under this section.]~~ Students of certified nonpublic schools shall be eligible for
41 reimbursement of postsecondary education under subsection [8] 4 of this section so long as they
42 meet the other requirements of such subsection. ~~[For purposes of subdivision (5) of subsection~~
43 ~~2 of this section, the nonpublic school shall be included in the partnership plan developed by the~~
44 ~~public school district in which the nonpublic school is located. For purposes of subdivision (1)~~
45 ~~of subsection 2 of this section, the nonpublic school shall establish measurable performance~~
46 ~~standards for the goals of the program for every school and grade level over which the nonpublic~~
47 ~~school maintains control.]~~

48 ~~—————4.]~~ 3. A school district may participate in the program irrespective of its accreditation
49 classification by the state board of education, provided it meets all other requirements.

50 ~~[5. By rule and regulation, the state board of education may determine a local school~~
51 ~~district variable fund match requirement in order for a school or schools in the district to receive~~
52 ~~a grant under the program. However, no school in any district shall receive a grant under the~~
53 ~~program unless the district designates a salaried employee to serve as the program coordinator,~~
54 ~~with the district assuming a minimum of one-half the cost of the salary and other benefits~~
55 ~~provided to the coordinator. Further, no school in any district shall receive a grant under the~~
56 ~~program unless the district makes available facilities and services for adult literacy training as~~
57 ~~specified by rule of the state board of education.]~~

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

75 ~~7. For any school year, grants authorized by subsections 1, 2, and 5 of this section shall~~
76 ~~be funded with the amount appropriated for this program, less those funds necessary to reimburse~~
77 ~~eligible students pursuant to subsection 8 of this section.~~

78 ~~8.]~~ 4. The department of higher education shall, by rule, establish a procedure for the
79 reimbursement of the cost of tuition, books and fees to any public community college or
80 vocational or technical school or within the limits established in subsection [10] 6 of this section
81 for any two-year private vocational or technical school for any student:

82 (1) Who has attended a high school in the state for at least three years immediately prior
83 to graduation that meets the requirements of [subsection 2 of] this section; except that, students
84 who are active duty military dependents, and students who are [dependants] **dependents** of
85 retired military who relocate to Missouri within one year of the date of the parent's retirement
86 from active duty, who, in the school year immediately preceding graduation, meet all other
87 requirements of this subsection and are attending a school that meets the requirements of
88 [subsection 2 of] this section shall be exempt from the three-year attendance requirement of this
89 subdivision; and

90 (2) Who has made a good faith effort to first secure all available federal sources of
91 funding that could be applied to the reimbursement described in this subsection; and

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

95 (4) Who is a citizen or permanent resident of the United States.

96 [9.] 5. The commissioner of education shall develop a procedure for evaluating the
97 effectiveness of the program described in this section. Such evaluation shall be conducted
98 annually with the results of the evaluation provided to the governor, speaker of the house, and
99 president pro tempore of the senate.

100 [10.] 6. For a two-year private vocational or technical school to obtain reimbursements
101 under subsection [8] 4 of this section, the following requirements shall be satisfied:

102 (1) Such two-year private vocational or technical school shall be a member of the North
103 Central Association and be accredited by the Higher Learning Commission as of July 1, 2008,
104 and maintain such accreditation;

105 (2) Such two-year private vocational or technical school shall be designated as a
106 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

107 (3) No two-year private vocational or technical school shall receive tuition
108 reimbursements in excess of the tuition rate charged by a public community college for course
109 work offered by the private vocational or technical school within the service area of such college;
110 and

111 (4) The reimbursements provided to any two-year private vocational or technical school
112 shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the Missouri
113 Constitution or the first amendment of the United States Constitution.

161.650. 1. The department of elementary and secondary education shall identify and
2 adopt an existing program or programs of educational instruction regarding violence prevention
3 to be administered by public school districts pursuant to subsection 2 of this section, and which
4 shall include, but shall not be limited to, instructing students of the negative consequences, both
5 to the individual and to society at large, of membership in or association with criminal street
6 gangs or participation in criminal street gang activity, as those phrases are defined in section
7 578.421, and shall include related training for school district employees directly responsible for
8 the education of students concerning violence prevention and early identification of and
9 intervention in violent behavior. The state board of education shall adopt such program or
10 programs by rule as approved for use in Missouri public schools. The program or programs of
11 instruction shall encourage nonviolent conflict resolution of problems facing youth; present
12 alternative constructive activities for the students; encourage community participation in program
13 instruction, including but not limited to parents and law enforcement officials; and shall be
14 administered as appropriate for different grade levels and shall not be offered for academic
15 credit.

16 2. All public school districts within this state with the approval of the district's board of
17 education may administer the program or programs of student instruction adopted pursuant to
18 subsection 1 of this section to students within the district starting at the kindergarten level and
19 every year thereafter through the twelfth-grade level.

20 3. Any district adopting and providing a program of instruction pursuant to this section
21 shall be entitled to receive state aid pursuant to section 163.031. If such aid is determined by the
22 department to be insufficient to implement any program or programs adopted by a district
23 pursuant to this section[—

24 ———(1)] , the department may fund the program or programs adopted pursuant to this section
25 or pursuant to subsection [2] 1 of section 160.530, or both, after securing any funding available
26 from alternative sources[;—and—

27 ———(2) School districts may fund the program or programs from funds received pursuant to
28 subsection 1 of section 160.530].

29 4. No rule or portion of a rule promulgated pursuant to this section shall become
30 effective unless it has been promulgated pursuant to chapter 536.

162.930. The department of elementary and secondary education shall inspect all
2 programs for the handicapped and severely handicapped established under the provisions of
3 sections 162.670 to [162.995] **162.974** and, upon its approval, the special school district shall

4 receive state aid under the provisions of ~~[sections]~~ **section** 162.935~~[-162.975, and 162.980]~~ and
5 sections 163.161~~[-]~~ **and** 163.172~~[-168.500, and 168.520]~~.

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;

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

24 (3) "Current operating expenditures":

25 (a) For the fiscal year 2007 calculation, "current operating expenditures" shall be
26 calculated using data from fiscal year 2004 and shall be calculated as all expenditures for
27 instruction and support services except capital outlay and debt service expenditures minus the
28 revenue from federal categorical sources; food service; student activities; categorical payments
29 for transportation costs pursuant to section 163.161; state reimbursements for early childhood
30 special education; ~~[the career ladder entitlement for the district, as provided for in sections~~
31 ~~168.500 to 168.515;]~~ the vocational education entitlement for the district, as provided for in
32 section 167.332; and payments from other districts;

33 (b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures
34 shall be the amount in paragraph (a) of this subdivision plus any increases in state funding

35 pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five
36 percent, per recalculation, of the state revenue received by a district in the 2004-05 school year
37 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share,
38 and free textbook payments for any district from the first preceding calculation of the state
39 adequacy target;

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

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

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

51 (b) "Regional wage per job":

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

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

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

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

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

72 (6) "Free and reduced price lunch pupil count", for school districts not eligible for and
73 those that do not choose the USDA Community Eligibility Option, the number of pupils eligible
74 for free and reduced price lunch on the last Wednesday in January for the preceding school year
75 who were enrolled as students of the district, as approved by the department in accordance with
76 applicable federal regulations. For eligible school districts that choose the USDA Community
77 Eligibility Option, the free and reduced price lunch pupil count shall be the percentage of free
78 and reduced price lunch students calculated as eligible on the last Wednesday in January of the
79 most recent school year that included household applications to determine free and reduced price
80 lunch count multiplied by the district's average daily attendance figure;

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

86 (8) "Limited English proficiency pupil count", the number in the preceding school year
87 of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school
88 or secondary school who were not born in the United States or whose native language is a
89 language other than English or are Native American or Alaskan native, or a native resident of
90 the outlying areas, and come from an environment where a language other than English has had
91 a significant impact on such individuals' level of English language proficiency, or are migratory,
92 whose native language is a language other than English, and who come from an environment
93 where a language other than English is dominant; and have difficulties in speaking, reading,
94 writing, or understanding the English language sufficient to deny such individuals the ability to
95 meet the state's proficient level of achievement on state assessments described in Public Law
96 ~~[407-40]~~ **107-110 or successor legislation**, the ability to achieve successfully in classrooms
97 where the language of instruction is English, or the opportunity to participate fully in society;

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

103 (10) "Local effort":

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

107 assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for
108 school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts
109 from state-assessed railroad and utility tax, one hundred percent of the amount received for
110 school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to
111 150.370, one hundred percent of the amounts received for school purposes from federal
112 properties under sections 12.070 and 12.080 except when such amounts are used in the
113 calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues
114 received for school purposes from the school district trust fund under section 163.087, and one
115 hundred percent of any local earnings or income taxes received by the district for school
116 purposes. Under this paragraph, for a special district established under sections 162.815 to
117 162.940 in a county with a charter form of government and with more than one million
118 inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special
119 school district;

120 (b) In every year subsequent to fiscal year 2007, "local effort" shall be the amount
121 calculated under paragraph (a) of this subdivision plus any increase in the amount received for
122 school purposes from fines. If a district's assessed valuation has decreased subsequent to the
123 calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be
124 calculated using the district's current assessed valuation in lieu of the assessed valuation utilized
125 in the calculation outlined in paragraph (a) of this subdivision. When a change in a school
126 district's boundary lines occurs because of a boundary line change, annexation, attachment,
127 consolidation, reorganization, or dissolution under section 162.071, 162.081, sections 162.171
128 to 162.201, section 162.221, 162.223, 162.431, 162.441, or 162.451, or in the event that a school
129 district assumes any territory from a district that ceases to exist for any reason, the department
130 of elementary and secondary education shall make a proper adjustment to each affected district's
131 local effort, so that each district's local effort figure conforms to the new boundary lines of the
132 district. The department shall compute the local effort figure by applying the calendar year 2004
133 assessed valuation data to the new land areas resulting from the boundary line change,
134 annexation, attachment, consolidation, reorganization, or dissolution and otherwise follow the
135 procedures described in this subdivision;

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

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

141 (b) The number of resident full-time students and the full-time equivalent number of
142 part-time students who were enrolled in the public schools of the district on the last Wednesday

143 in January of the previous year and who were in attendance one day or more during the preceding
144 ten school days, plus the full-time equivalent number of summer school pupils. "Full-time
145 equivalent number of part-time students" is determined by dividing the total number of hours for
146 which all part-time students are enrolled by the number of hours in the school term. "Full-time
147 equivalent number of summer school pupils" is determined by dividing the total number of hours
148 for which all summer school pupils were enrolled by the number of hours required pursuant to
149 section 160.011 in the school term. Only students eligible to be counted for average daily
150 attendance shall be counted for membership;

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

156 (13) "Performance district", any district that has met performance standards and
157 indicators as established by the department of elementary and secondary education for purposes
158 of accreditation under section 161.092 and as reported on the final annual performance report
159 for that district each year; for calculations to be utilized for payments in fiscal years subsequent
160 to fiscal year 2018, the number of performance districts shall not exceed twenty-five percent of
161 all public school districts;

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

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

164 (16) "Special education pupil count", the number of public school students with a current
165 individualized education program or services plan and receiving services from the resident
166 district as of December first of the preceding school year, except for special education services
167 provided through a school district established under sections 162.815 to 162.940 in a county with
168 a charter form of government and with more than one million inhabitants, in which case the sum
169 of the students in each district within the county exceeding the special education threshold of
170 each respective district within the county shall be counted within the special district and not in
171 the district of residence for purposes of distributing the state aid derived from the special
172 education pupil count;

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

178 (18) "State adequacy target", the sum of the current operating expenditures of every
179 performance district that falls entirely above the bottom five percent and entirely below the top
180 five percent of average daily attendance, when such districts are rank-ordered based on their
181 current operating expenditures per average daily attendance, divided by the total average daily
182 attendance of all included performance districts. The department of elementary and secondary
183 education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the
184 state adequacy target every two years using the most current available data. The recalculation
185 shall never result in a decrease from the state adequacy target as calculated for fiscal years 2017
186 and 2018 and any state adequacy target figure calculated subsequent to fiscal year 2018. Should
187 a recalculation result in an increase in the state adequacy target amount, fifty percent of that
188 increase shall be included in the state adequacy target amount in the year of recalculation, and
189 fifty percent of that increase shall be included in the state adequacy target amount in the
190 subsequent year. The state adequacy target may be adjusted to accommodate available
191 appropriations as provided in subsection 7 of section 163.031;

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

197 (20) "Weighted average daily attendance", the average daily attendance plus the product
198 of twenty-five hundredths multiplied by the free and reduced price lunch pupil count that exceeds
199 the free and reduced price lunch threshold, plus the product of seventy-five hundredths
200 multiplied by the number of special education pupil count that exceeds the special education
201 threshold, plus the product of six-tenths multiplied by the number of limited English proficiency
202 pupil count that exceeds the limited English proficiency threshold. For special districts
203 established under sections 162.815 to 162.940 in a county with a charter form of government and
204 with more than one million inhabitants, weighted average daily attendance shall be the average
205 daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced
206 price lunch pupil count that exceeds the free and reduced price lunch threshold, plus the product
207 of seventy-five hundredths multiplied by the sum of the special education pupil count that
208 exceeds the threshold for each county district, plus the product of six-tenths multiplied by the
209 limited English proficiency pupil count that exceeds the limited English proficiency threshold.
210 None of the districts comprising a special district established under sections 162.815 to 162.940
211 in a county with a charter form of government and with more than one million inhabitants[,] shall
212 use any special education pupil count in calculating their weighted average daily attendance.

163.021. 1. A school district shall receive state aid for its education program only if it:

2 (1) Provides for a minimum of one hundred seventy-four days and one thousand
3 forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section
4 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of one
5 hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a
6 term for kindergarten pupils. If any school is dismissed because of inclement weather after
7 school has been in session for three hours, that day shall count as a school day including
8 afternoon session kindergarten students. When the aggregate hours lost in a term due to
9 inclement weather decreases the total hours of the school term below the required minimum
10 number of hours by more than twelve hours for all-day students or six hours for one-half-day
11 kindergarten students, all such hours below the minimum must be made up in one-half day or
12 full day additions to the term, except as provided in section 171.033;

13 (2) Maintains adequate and accurate records of attendance, personnel and finances, as
14 required by the state board of education, which shall include the preparation of a financial
15 statement which shall be submitted to the state board of education the same as required by the
16 provisions of section 165.111 for districts;

17 (3) Levies an operating levy for school purposes of not less than one dollar and
18 twenty-five cents after all adjustments and reductions on each one hundred dollars assessed
19 valuation of the district;

20 (4) Computes average daily attendance as defined in subdivision (2) of section 163.011
21 as modified by section 171.031. Whenever there has existed within the district an infectious
22 disease, contagion, epidemic, plague or similar condition whereby the school attendance is
23 substantially reduced for an extended period in any school year, the apportionment of school
24 funds and all other distribution of school moneys shall be made on the basis of the school year
25 next preceding the year in which such condition existed.

26 2. For the 2006-07 school year and thereafter, no school district shall receive more state
27 aid, as calculated under subsections 1 and 2 of section 163.031, for its education program,
28 exclusive of categorical add-ons, than it received per weighted average daily attendance for the
29 school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional
30 pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for
31 school purposes, as determined pursuant to section 163.011, of not less than two dollars and
32 seventy-five cents after all adjustments and reductions. Any district which is required, pursuant
33 to Article X, Section 22 of the Missouri Constitution, to reduce its operating levy below the
34 minimum tax rate otherwise required under this subsection shall not be construed to be in
35 violation of this subsection for making such tax rate reduction. Pursuant to Section 10(c) of
36 Article X of the state constitution, a school district may levy the operating levy for school
37 purposes required by this subsection less all adjustments required pursuant to Article X, Section

38 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect
39 subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school
40 district is guaranteed to receive an amount not less than the amount the school district received
41 per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply
42 to any school district located in a county of the second classification which has a nuclear power
43 plant located in such district or to any school district located in a county of the third classification
44 which has an electric power generation unit with a rated generating capacity of more than one
45 hundred fifty megawatts which is owned or operated or both by a rural electric cooperative
46 except that such school districts may levy for current school purposes and capital projects an
47 operating levy not to exceed two dollars and seventy-five cents less all adjustments required
48 pursuant to Article X, Section 22 of the Missouri Constitution.

49 3. No school district shall receive more state aid, as calculated in section 163.031, for
50 its education program, exclusive of categorical add-ons, than it received per eligible pupil for the
51 school year 1993-94, if the state board of education determines that the district was not in
52 compliance in the preceding school year with the requirements of section 163.172, until such
53 time as the board determines that the district is again in compliance with the requirements of
54 section 163.172.

55 4. ~~[No school district shall receive state aid, pursuant to section 163.031, if such district~~
56 ~~was not in compliance, during the preceding school year, with the requirement, established~~
57 ~~pursuant to section 160.530 to allocate revenue to the professional development committee of~~
58 ~~the district.]~~

59 ~~5.]~~ No school district shall receive more state aid, as calculated in subsections 1 and 2
60 of section 163.031, for its education program, exclusive of categorical add-ons, than it received
61 per weighted average daily attendance for the school year 2005-06 from the foundation formula,
62 line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment
63 amounts, if the district did not comply in the preceding school year with the requirements of
64 subsection 5 of section 163.031.

65 ~~[6.]~~ 5. Any school district that levies an operating levy for school purposes that is less
66 than the performance levy, as such term is defined in section 163.011, shall provide written
67 notice to the department of elementary and secondary education asserting that the district is
68 providing an adequate education to the students of such district. If a school district asserts that
69 it is not providing an adequate education to its students, such inadequacy shall be deemed to be
70 a result of insufficient local effort. The provisions of this subsection shall not apply to any
71 special district established under sections 162.815 to 162.940.

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 subtracting payments from the classroom trust fund
6 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 2008-09 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 dollar value modifier, and dividing this product by the weighted average daily
16 attendance computed for the 2005-06 school year;

17 (b) For each year subsequent to the 2008-09 school year, the amount shall be no less than
18 that computed in paragraph (a) of this subdivision, multiplied by the weighted average daily
19 attendance pursuant to section 163.036, less any increase in revenue received from the classroom
20 trust fund under section 163.043;

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

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

29 (b) For each year subsequent to the 2008-09 school year, the amount shall be no less than
30 that computed in paragraph (a) of this subdivision;

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

34 3. School districts that meet the requirements of section 163.021 shall receive categorical
35 add-on revenue as provided in this subsection. The categorical add-on for the district shall be
36 the sum of: seventy-five percent of the district allowable transportation costs under section
37 163.161; ~~the career ladder entitlement for the district, as provided for in sections 168.500 to~~
38 ~~168.515; the vocational education entitlement for the district, as provided for in section 167.332;~~

39 and the district educational and screening program entitlements as provided for in sections
40 178.691 to 178.699. The categorical add-on revenue amounts may be adjusted to accommodate
41 available appropriations.

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

48 5. (1) No less than seventy-five percent of the state revenue received under the
49 provisions of subsections 1 and 2 of this section shall be placed in the teachers' fund, and the
50 remaining percent of such moneys shall be placed in the incidental fund. No less than
51 seventy-five percent of one-half of the funds received from the school district trust fund
52 distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of
53 revenue received under the provisions of section 163.161 shall be placed in the incidental fund.
54 ~~[One hundred percent of revenue received under the provisions of sections 168.500 to 168.515~~
55 ~~shall be placed in the teachers' fund.]~~

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

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

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

63 (c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's
64 weighted average daily attendance for certificated compensation and tuition expenditures the
65 previous year from revenue produced by local and county tax sources in the teachers' fund, plus
66 the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax
67 sources by dividing local and county tax sources in the incidental fund by total revenue in the
68 incidental fund.

69

70 In the event a district fails to comply with this provision, the amount by which the district fails
71 to spend funds as provided herein shall be deducted from the district's state revenue received
72 under the provisions of subsections 1 and 2 of this section for the following year, provided that
73 the state board of education may exempt a school district from this provision if the state board
74 of education determines that circumstances warrant such exemption.

75 6. (1) If a school district's annual audit discloses that students were inappropriately
76 identified as eligible for free and reduced price lunch, special education, or limited English
77 proficiency and the district does not resolve the audit finding, the department of elementary and
78 secondary education shall require that the amount of aid paid pursuant to the weighting for free
79 and reduced price lunch, special education, or limited English proficiency in the weighted
80 average daily attendance on the inappropriately identified pupils be repaid by the district in the
81 next school year and shall additionally impose a penalty of one hundred percent of such aid paid
82 on such pupils, which penalty shall also be paid within the next school year. Such amounts may
83 be repaid by the district through the withholding of the amount of state aid.

84 (2) In the 2017-18 school year and in each subsequent school year, if a district
85 experiences a decrease in its gifted program enrollment of twenty percent or more from the
86 previous school year, an amount equal to the product of the difference between the number of
87 students enrolled in the gifted program in the current school year and the number of students
88 enrolled in the gifted program in the previous school year multiplied by six hundred eighty
89 dollars shall be subtracted from the district's current year payment amount. The provisions of
90 this subdivision shall apply to districts entitled to receive state aid payments under both
91 subsections 1 and 2 of this section but shall not apply to any school district with an average daily
92 attendance of three hundred fifty or less.

93 7. Notwithstanding any provision of law to the contrary, in any fiscal year during which
94 the total formula appropriation is insufficient to fully fund the entitlement calculation of this
95 section, the department of elementary and secondary education shall adjust the state adequacy
96 target in order to accommodate the appropriation level for the given fiscal year. In no manner
97 shall any payment modification be rendered for any district qualified to receive payments under
98 subsection 2 of this section based on insufficient appropriations.

167.349. In any school district ~~[to which any provisions of sections 167.340 to 167.346~~
2 ~~apply and]~~ in which district charter schools may be established pursuant to section 160.400 **and**
3 **in which the district provides reading improvement instruction for students in**
4 **kindergarten through third grade who do not meet the district's objectives for reading as**
5 **demonstrated by performance on the district's chosen methods of reading assessment,** any
6 state college or university which provides educational programs to any part of such district and
7 any campus of the state university located in a county of the third classification may sponsor one
8 or more charter schools pursuant to section 160.400 and, in addition to the purposes for which
9 charter schools may be established pursuant to sections 160.400 to 160.420, such charter schools
10 may be established to emphasize remediation of reading deficiencies.

167.640. 1. School districts may adopt a policy with regard to student promotion which
2 may require remediation as a condition of promotion to the next grade level for any student

3 identified by the district as failing to master skills and competencies established for that
4 particular grade level by the district board of education. School districts may also require parents
5 or guardians of such students to commit to conduct home-based tutorial activities with their
6 children or, in the case of a student with disabilities eligible for services pursuant to sections
7 162.670 to ~~[162.1000]~~ **162.999**, the individual education plan shall determine the nature of
8 parental involvement consistent with the requirements for a free, appropriate public education.

9 2. Such remediation shall recognize that different students learn differently and shall
10 employ methods designed to help these students achieve at high levels. Such remediation may
11 include, but shall not necessarily be limited to, a mandatory summer school program focused on
12 the areas of deficiency or other such activities conducted by the school district outside of the
13 regular school day. Decisions concerning the instruction of a child who receives special
14 educational services pursuant to sections 162.670 to ~~[162.1000]~~ **162.999** shall be made in
15 accordance with the child's individualized education plan.

16 3. School districts providing remediation pursuant to this section outside of the
17 traditional school day may count extra hours of instruction in the calculation of average daily
18 attendance as defined in section 163.011.

167.645. 1. For purposes of this section, the following terms mean:

2 (1) "Reading assessment", a recognized method of judging a student's reading ability,
3 with results expressed as reading at a particular grade level. The term reading assessment shall
4 include, but is not limited to, standard checklists designed for use as a student reads out loud,
5 paper-and-pencil tests promulgated by nationally recognized organizations and other recognized
6 methods of determining a student's reading accuracy, expression, fluency and comprehension in
7 order to make a determination of the student's grade-level reading ability. Assessments which
8 do not give a grade-level result may be used in combination with other assessments to reach a
9 grade-level determination. ~~[Districts are encouraged but not required to select assessment~~
10 ~~methods identified pursuant to section 167.346.]~~ Districts are ~~[also]~~ encouraged to use multiple
11 methods of assessment;

12 (2) "Summer school", for reading instruction purposes, a minimum of forty hours of
13 reading instruction and practice. A school district may arrange the hours and days of instruction
14 to coordinate with its regular program of summer school.

15 2. For purposes of this section, methods of reading assessment shall be determined by
16 each school district. Unless a student has been determined in the current school year to be
17 reading at grade level or above, each school district shall administer a reading assessment or set
18 of assessments to each student within forty-five days of the end of the third-grade year, except
19 that the provisions of this subsection shall not apply to students receiving special education
20 services under an individualized education plan pursuant to sections 162.670 to 162.999, to

21 students receiving services pursuant to Section 504 of the Rehabilitation Act of 1973 whose
22 services plan includes an element addressing reading or to students determined to have limited
23 English proficiency or to students who have been determined, prior to the beginning of any
24 school year, to have a cognitive ability insufficient to meet the reading requirement set out in this
25 section, provided that districts shall provide reading improvement plans for students determined
26 to have such insufficient cognitive ability. The assessment required by this subsection shall also
27 be required for students who enter a school district in grades four, five or six unless such student
28 has been determined in the current school year to be reading at grade level or above.

29 3. Beginning with school year 2002-03, for each student whose third-grade reading
30 assessment determines that such student is reading below second-grade level, the school district
31 shall design a reading improvement plan for the student's fourth-grade year. Such reading
32 improvement plan shall include, at a minimum, thirty hours of additional reading instruction or
33 practice outside the regular school day during the fourth-grade year. The school district shall
34 determine the method of reading instruction necessary to enforce this subsection. The school
35 district may also require the student to attend summer school for reading instruction as a
36 condition of promotion to fourth grade. The department of elementary and secondary education
37 may, from funds appropriated for the purpose, reimburse school districts for additional
38 instructional personnel costs incurred in the implementation and execution of the thirty hours of
39 additional reading instruction minus the revenue generated by the school district through the
40 foundation formula for the additional reading instruction average daily attendance.

41 4. Each student for whom a reading improvement plan has been designed pursuant to
42 subsection 3 of this section shall be given another reading assessment, to be administered within
43 forty-five days of the end of such student's fourth-grade year. If such student is determined to
44 be reading below third-grade level, the student shall be required to attend summer school to
45 receive reading instruction. At the end of such summer school instruction, such student shall be
46 given another reading assessment. If such student is determined to be reading below third-grade
47 level, the district shall notify the student's parents or guardians, and the student shall not be
48 promoted to fifth grade. No student shall be denied promotion more than once solely for
49 inability to meet the reading standards set out in this section.

50 5. The process described in subsections 3 and 4 of this section shall be repeated as
51 necessary through the end of the sixth grade, with the target grade level rising accordingly.
52 Mandatory retention in grade shall not apply to grades subsequent to fourth grade.

53 6. The mandatory process of additional reading instruction pursuant to this section shall
54 cease at the end of the sixth grade. The permanent record of students who are determined to be
55 reading below the fifth-grade level at the end of sixth grade shall carry a notation advising that

56 such student has not met minimal reading standards. The notation shall stay on the student's
57 record until such time as the district determines that a student has met minimal reading standards.

58 7. Each school district shall be required to offer summer school reading instruction to
59 any student with a reading improvement plan. Districts may fulfill the requirement of this
60 section through cooperative arrangements with neighboring districts; provided that such districts
61 shall timely make all payments provided pursuant to such cooperative agreements.

62 8. A school district may adopt a policy that requires retention in grade of any student
63 who has been determined to require summer school instruction in reading and who does not
64 fulfill the summer school attendance requirement.

65 9. Nothing in this section shall preclude a school district from retaining any student in
66 grade when a determination is made in accordance with district policy that retention is in the best
67 interests of the student.

68 10. The state board of education shall not incorporate information about the number of
69 students receiving additional instruction pursuant to this section into any element of any standard
70 of the Missouri school improvement program or its successor accreditation program; provided,
71 however, each district shall make available, upon the request of any parent, patron, or media
72 outlet within the district, the number and percentage of students receiving remediation pursuant
73 to this section. The information shall be presented in a way that does not permit personal
74 identification of any student or educational personnel.

75 11. Each school district shall make a systematic effort to inform parents of the methods
76 and materials used to teach reading in kindergarten through fourth grade, in terms understandable
77 to a layperson and shall similarly inform parents of students for whom a reading improvement
78 plan is required pursuant to this section.

167.950. 1. (1) By December 31, 2017, the department of elementary and secondary
2 education shall develop guidelines for the appropriate screening of students for dyslexia and
3 related disorders and the necessary classroom support for students with dyslexia and related
4 disorders. Such guidelines shall be consistent with the findings and recommendations of the task
5 force created under section 633.420.

6 (2) In the 2018-19 school year and subsequent years, each public school, including each
7 charter school, shall conduct dyslexia screenings for students in the appropriate year consistent
8 with the guidelines developed by the department of elementary and secondary education.

9 (3) In the 2018-19 school year and subsequent years, the school board of each district
10 and the governing board of each charter school shall provide reasonable classroom support
11 consistent with the guidelines developed by the department of elementary and secondary
12 education.

13 2. In the 2018-19 school year and subsequent years, ~~[the practicing teacher assistance~~
14 ~~programs established under section 168.400]~~ **each district** shall offer ~~[and include]~~ two hours
15 of in-service training ~~[provided by each local school district]~~ for all practicing teachers in such
16 district regarding dyslexia and related disorders. Each charter school shall also offer all of its
17 teachers two hours of training on dyslexia and related disorders. Districts and charter schools
18 may seek assistance from the department of elementary and secondary education in developing
19 and providing such training. Completion of such training shall count as two contact hours of
20 professional development under section 168.021.

21 3. For purposes of this section, the following terms mean:

22 (1) "Dyslexia", a disorder that is neurological in origin, characterized by difficulties with
23 accurate and fluent word recognition and poor spelling and decoding abilities that typically result
24 from a deficit in the phonological component of language, often unexpected in relation to other
25 cognitive abilities and the provision of effective classroom instruction, and of which secondary
26 consequences may include problems in reading comprehension and reduced reading experience
27 that can impede growth of vocabulary and background knowledge. Nothing in this definition
28 shall require a student with dyslexia to obtain an individualized education program (IEP) unless
29 the student has otherwise met the federal conditions necessary;

30 (2) "Dyslexia screening", a short test conducted by a teacher or school counselor to
31 determine whether a student likely has dyslexia or a related disorder in which a positive result
32 does not represent a medical diagnosis but indicates that the student could benefit from approved
33 support;

34 (3) "Related disorders", disorders similar to or related to dyslexia, such as developmental
35 auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia,
36 and developmental spelling disability;

37 (4) "Support", low-cost and effective best practices, such as oral examinations and
38 extended test-taking periods, used to support students who have dyslexia or any related disorder.

39 4. The state board of education shall promulgate rules and regulations for each public
40 school to screen students for dyslexia and related disorders and to provide the necessary
41 classroom support for students with dyslexia and related disorders. Any rule or portion of a rule,
42 as that term is defined in section 536.010, that is created under the authority delegated in this
43 section shall become effective only if it complies with and is subject to all of the provisions of
44 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
45 and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to
46 delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
47 then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016,
48 shall be invalid and void.

49 5. Nothing in this section shall require the MO HealthNet program to expand the services
50 that it provides.

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 or her
6 incompetency. If improvement satisfactory to the superintendent is not made within one
7 semester after the receipt of the statement, the probationary teacher shall be dismissed. The
8 semester granted the probationary teacher in which to improve shall not in any case be a means
9 of prolonging the probationary period beyond five years and six months from the date on which
10 the teacher entered the employ of the board of education. The superintendent of schools on or
11 before the fifteenth day of April in each year shall notify probationary teachers who will not be
12 retained by the school district of the termination of their services. Any probationary teacher who
13 is not so notified shall be deemed to have been appointed for the next school year. Any principal
14 who prior to becoming a principal had attained permanent employee status as a teacher shall
15 upon ceasing to be a principal have a right to resume his or her permanent teacher position with
16 the time served as a principal being treated as if such time had been served as a teacher for the
17 purpose of calculating seniority and pay scale. The rights and duties and remuneration of a
18 teacher who was formerly a principal shall be the same as any other teacher with the same level
19 of qualifications and time 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
25 not 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, incompetency, or inefficiency in line of duty,
28 violation of the published regulations of the school district, violation of the laws of Missouri
29 governing the public schools of the state, or physical or mental condition which incapacitates
30 him for instructing or associating with children, and then only by a vote of not less than a
31 majority of all the members of the board, upon written charges presented by the superintendent
32 of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon
33 the person against whom they are preferred, who shall have the privilege of being present at the
34 hearing, together with counsel, offering evidence and making defense thereto. At the request of

35 any person so charged the hearing shall be public. During any time in which powers granted to
36 the district's board of education are vested in a special administrative board, the special
37 administrative board may appoint a hearing officer to conduct the hearing. The hearing officer
38 shall conduct the hearing as a contested case under chapter 536 and shall issue a written
39 recommendation to the board rendering the charges against the teacher. The board shall render
40 a decision on the charges upon the review of the hearing officer's recommendations and the
41 record from the hearing. The action and decision of the board upon the charges shall be final.
42 Pending the hearing of the charges, the person charged may be suspended if the rules of the board
43 so prescribe, but in the event the board does not by a majority vote of all the members remove
44 the teacher upon charges presented by the superintendent, the person shall not suffer any loss of
45 salary by reason of the suspension. Incompetency or inefficiency in line of duty is cause for
46 dismissal only after the teacher has been notified in writing at least thirty days prior to the
47 presentment of charges against him by the superintendent. The notification shall specify the
48 nature of the incompetency or inefficiency with such particularity as to enable the teacher to be
49 informed of the nature of his or her incompetency or inefficiency.

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

63 5. Whenever it is necessary to decrease the number of teachers because of insufficient
64 funds or a substantial decrease of pupil population within the school district, the board of
65 education upon recommendation of the superintendent of schools may cause the necessary
66 number of teachers beginning with those serving probationary periods to be placed on leave of
67 absence without pay, but only in the inverse order of their appointment. Nothing herein stated
68 shall prevent a readjustment by the board of education of existing salary schedules. No teacher
69 placed on a leave of absence shall be precluded from securing other employment during the
70 period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in

71 inverse order of his or her placement on leave of absence. Such reemployment shall not result
72 in a loss of status or credit for previous years of service. No appointment of new teachers shall
73 be made while there are available teachers on unrequested leave of absence who are properly
74 qualified to fill such vacancies. Such leave of absence shall not impair the tenure of a teacher.
75 The leave of absence shall continue for a period of not more than three years unless extended by
76 the board.

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

81 7. ~~[A teacher whose appointment has become permanent may give up the right to a~~
82 ~~permanent appointment to participate in the teacher choice compensation package under sections~~
83 ~~168.745 to 168.750.]~~

84 ~~8.]~~ Should the state mandate that professional development for teachers be provided in
85 local school districts and any funds be utilized for such, a metropolitan school district shall be
86 allowed to utilize a professional development plan for teachers which is known within the
87 administration as the "St. Louis Plan", should the district and the teacher decide jointly to
88 participate in such plan.

169.010. The following words and phrases, as used in sections 169.010 to 169.130,
2 unless a different meaning is plainly required by the context, shall have the following meanings:

3 (1) "Accumulated contributions" shall mean the sum of the annual contributions a
4 member has made to the retirement system through deductions from the member's salary, plus
5 interest compounded annually on each year's contributions from the end of the school year during
6 which such contributions were made;

7 (2) "Board" shall mean the board of trustees provided for in sections 169.010 to 169.130;

8 (3) "Creditable service" shall mean prior service or membership service, or the sum of
9 the two, if the member has both to the member's credit;

10 (4) "District" shall mean public school, as herein defined;

11 (5) "Employ" shall have a meaning agreeable with that herein given to employer and
12 employee;

13 (6) "Employee" shall be synonymous with the term "teacher" as the same is herein
14 defined;

15 (7) "Employer" shall mean the district that makes payment directly to the teacher or
16 employee for such person's services;

17 (8) "Final average salary" shall mean the total compensation payable to a member for
18 any three consecutive years of creditable service, as elected by the member, divided by thirty-six;

19 with the proviso that any annual compensation entering into the total compensation shall not
20 exceed twelve thousand six hundred dollars for any year prior to July 1, 1967; and with the
21 proviso that the board may set a maximum percentage of increase in annual compensation from
22 one year to the next in the final average salary period. In no instance shall the maximum
23 percentage of increase in annual compensation from one year to the next in the final average
24 salary period exceed ten percent. This limit will not apply to increases due to bonafide changes
25 in position or employer increases required by state statute, or districtwide salary schedule
26 adjustments for previously unrecognized education-related services;

27 (9) "Member" shall mean a person who holds membership in the retirement system;

28 (10) "Membership service" shall mean service rendered by a member of the retirement
29 system after the system becomes operative, and may include a period of service in the Armed
30 Forces of the United States as provided for in section 169.055;

31 (11) "Prior service" shall mean service rendered by a member of the retirement system
32 before the system becomes operative, and may include service rendered by a member of the
33 Armed Forces if the member was a teacher at the time the member was inducted, for which credit
34 has been approved by the board of trustees;

35 (12) "Public school" shall mean any school conducted within the state under the
36 authority and supervision of a duly elected district or city or town board of directors or board of
37 education and the board of regents of the several state teachers' colleges, or state colleges, board
38 of trustees of the public school retirement system of Missouri, and also the state of Missouri and
39 each county thereof, to the extent that the state and the several counties are employers of teachers
40 as herein designated;

41 (13) "Retirement allowance" shall mean a monthly payment for life during retirement;

42 (14) "Retirement system" or "system" shall mean the public school retirement system
43 of Missouri created by sections 169.010 to 169.130;

44 (15) "Salary", "salary rate" or "compensation" shall mean the regular remuneration[;
45 ~~including any payments made pursuant to sections 168.500 to 168.515;~~] which is earned by a
46 member as an employee of a district, but not including employer-paid fringe benefits except the
47 value of employer-paid medical benefits (including dental and vision) for members, and not
48 including employer-paid medical benefits (including dental and vision) for anyone other than the
49 member, employer contributions to any deferred compensation plan, consideration for agreeing
50 to terminate employment or other nonrecurring or unusual payments that are not a part of regular
51 remuneration. The board by its rules may further define salary, salary rate and compensation in
52 a manner consistent with this definition and with sections 169.010 to 169.141;

53 (16) "School year" shall mean the year from July first of one year to June thirtieth of next
54 year, inclusive, which shall also be the fiscal year of the system;

55 (17) "Teacher" shall mean any person who shall be employed by any public school on
56 a full-time basis and who shall be duly certificated under the law governing the certification of
57 teachers; any person employed in the state department of elementary and secondary education
58 or by the state board of education on a full-time basis who shall be duly certificated under the
59 law governing the certification of teachers and who did not become a member of the Missouri
60 state employees' retirement system pursuant to section 104.342; and persons employed by the
61 board of trustees of the public school retirement system of Missouri on a full-time basis who
62 shall be duly certified under the law governing the certification of teachers. The term "teacher"
63 shall be synonymous with the term "employee" as defined in this section.

~~[162.1000. 1. As used in this section, the following terms mean:~~

2 ~~(1) "Transition", a coordinated set of activities for a student, designed~~
3 ~~within an outcome-oriented process, which promotes movement to integrated~~
4 ~~employment, including supported employment, postsecondary education,~~
5 ~~vocational training, continuing and adult education services, independent living~~
6 ~~and community participation. The coordinated set of activities shall be based~~
7 ~~upon the individual student's needs, taking into account the student's preferences~~
8 ~~and interests, and shall include, but not be limited to, instruction, community~~
9 ~~experiences, the development of employment and other postschool adult living~~
10 ~~objectives, and when appropriate, acquisition of daily living skills and functional~~
11 ~~vocational evaluation;~~

12 ~~(2) "Youth with disabilities", any person who is found eligible for special~~
13 ~~education as defined in federal Public Law 101-476, the Individuals with~~
14 ~~Disabilities Education Act.~~

15 ~~2. The individualized education program required for each student~~
16 ~~enrolled in special education shall include a statement of the needed transition~~
17 ~~services for students beginning not later than age sixteen and annually thereafter,~~
18 ~~and shall include, when appropriate, a statement of interagency responsibility or~~
19 ~~linkages before the student leaves the school setting.~~

20 ~~3. The "Missouri Interagency Council on Transition" is hereby created~~
21 ~~within the division of special education, and shall be composed of the~~
22 ~~commissioner of the department of elementary and secondary education, the~~
23 ~~assistant commissioners of the division of vocational rehabilitation, the division~~
24 ~~of special education, and the division of vocational and adult education, the~~
25 ~~director of the department of health and senior services, the director of the~~
26 ~~division of maternal, child and family health, the director of the department of~~
27 ~~mental health, the director of the department of social services, the president of~~
28 ~~the Missouri planning council for developmental disabilities, the chairman of the~~
29 ~~Missouri brain injury advisory council, the president of the advisory council for~~
30 ~~comprehensive psychiatric services, the president of the Missouri Association for~~
31 ~~Rehabilitation Facilities, or their designees, a representative of the governor's~~
32 ~~council on disability, and seven professionals and consumer representatives with~~
33 ~~no less than three parents or primary consumers, to be appointed by the governor~~

34 ~~from names submitted by any interested agency or organization serving~~
35 ~~individuals with disabilities. At the first meeting a chair shall be selected from~~
36 ~~the members to serve a term of two years. The council shall meet at least~~
37 ~~quarterly, and at such other times at the call of the chair.~~

38 ~~4. The Missouri interagency council on transition shall:~~

39 ~~(1) Gather and coordinate data on transition services for secondary age~~
40 ~~youth with disabilities;~~

41 ~~(2) Provide information, consultation, and technical assistance to state~~
42 ~~and local agencies and school districts involved in the delivery of services to~~
43 ~~youth with disabilities who are in transition from school to work or~~
44 ~~postsecondary transition programs;~~

45 ~~(3) Assist state and local agencies and school districts in establishing~~
46 ~~interagency agreements to assure the necessary transition from school to work or~~
47 ~~postsecondary training programs;~~

48 ~~(4) Conduct an annual statewide assessment of transition needs and~~
49 ~~postsecondary school outcomes from information supplied by local education~~
50 ~~agencies and local interagency transition committees;~~

51 ~~(5) Assist regions and local areas in planning interagency in-service~~
52 ~~training to develop and improve transition services.~~

53 ~~5. Members of the Missouri interagency council on transition shall~~
54 ~~receive no compensation for their services while serving on the council; however,~~
55 ~~members may receive reimbursement for their actual and necessary expenses~~
56 ~~incurred in the performance of their duties.~~

57 ~~6. Beginning on January 1, 1995, and on or before January first of each~~
58 ~~successive year, the council shall make a written report to the governor and to the~~
59 ~~general assembly of its activities for the preceding fiscal year. The council's~~
60 ~~annual report shall include recommendations for administrative and legislative~~
61 ~~policies and programs to enhance the delivery of transition services and~~
62 ~~supports.]~~

63
2 ~~[167.340. 1. The provisions of sections 167.340 to 167.346 shall be~~
3 ~~known and may be cited as the "Read to be Ready Program".~~

4 ~~2. Beginning July 1, 2000, if a school district provides reading~~
5 ~~improvement instruction for students in kindergarten through third grade who do~~
6 ~~not meet the district's objectives for reading as demonstrated by performance on~~
7 ~~the district's chosen methods of reading assessment, such students who receive~~
8 ~~reading improvement instruction pursuant to this subsection may be counted for~~
9 ~~additional average daily attendance for state school aid during their reading~~
10 ~~improvement instruction time if such time falls outside normal school hours.~~

11 ~~3. Reading improvement instruction may take the form of summer~~
12 ~~school, provided that the summer school instruction addresses the reading~~
13 ~~deficiency, additional hours of instruction or such other methods as the district~~
~~may select including, but not limited to, smaller class sizes, additional resources~~

including computers, reading specialists, teacher and administrator training, tutoring, phonics instruction and use of parents and volunteers.]

~~[167.343. 1. Beginning July 1, 2000, the department of elementary and secondary education shall provide a four-year competitive matching grant program at the district and building level to defray the cost of reading assessment, teacher and administrator training in the use of reading assessment and in early grade reading intervention strategies, provided that such intervention strategies give the classroom teacher options for selecting the method most appropriate for an individual student's needs. Grants may also be used to expand existing reading instruction improvement programs. Grants may also be used for explicit phonics instruction, in any district, consistent with the requirements for the pilot program established pursuant to section 168.430.]~~

~~2. In its grant application the school district shall describe its current program, at the building level if applicable, of reading assessment and instruction, show a need for improved assessment and instructional methods, and explain which assessment and reading instruction improvement program or programs it will implement under the grant and how it proposes to judge student progress. Additional priority shall be given to programs that include a parental involvement component.~~

~~3. The grantee pursuant to this section shall show improvement of students in the reading instruction improvement program after the second year of the grant to receive funds for years three and four. As part of the mid-grant progress report, the grantee shall report the progress of students who are receiving reading improvement instruction as a result of their performance on the third-grade communication arts assessment. The grantee shall also report its third grade communication arts assessment results in the two-year period before the grant and its results during the first two years of the grant. Performance on the third grade communication arts assessment may be a factor in the granting or denial of funds for years three and four, but primary emphasis shall be given to the plan of reading improvement and the measurements selected by the grantee.~~

~~4. Upon the conclusion of the grant, the department of elementary and secondary education may, upon demonstration of significant levels of improvement, from funds appropriated for that purpose, reimburse the district for its match, with such funds to be returned to the district's operating funds. The department shall develop rules to determine significant progress, allowing for flexibility in application to varying grant projects but supplying rigorous standards so that significant is understood to mean measurable and meaningful in the context of the individual grant project.~~

~~5. Grants are renewable for an additional four-year term, based in part upon the results of the first grant. Any reimbursement of a district's match shall be a one-time payment.~~

40 ~~6. Nothing in this act shall be construed to prohibit the inclusion of~~
41 ~~vision- or hearing-impaired students in reading improvement instruction grant~~
42 ~~programs appropriate for them. Nothing in this act shall be construed to prevent~~
43 ~~the consideration of a grant application that focuses on improving reading for~~
44 ~~vision- or hearing-impaired students.~~

45 ~~7. Grants shall be distributed in equal amounts within geographic areas~~
46 ~~established proportionately based upon student population; provided that funds~~
47 ~~may be reallocated by the department if an area has insufficient applications or~~
48 ~~insufficient eligible applications to obligate all funds for the area.]~~
49

2 ~~[167.346. 1. The state board of education shall develop a list of~~
3 ~~recommended reading assessments for kindergarten through grade three pupils~~
4 ~~by July 1, 2000. Such assessments shall have a demonstrated effectiveness based~~
5 ~~on research. The list shall incorporate a variety of methods and may also include~~
6 ~~reading improvement programs. The list shall serve as a guideline for districts~~
7 ~~choosing reading improvement assessment and instructional methods pursuant~~
8 ~~to the grant program established in section 167.343. Districts are not required to~~
9 ~~use a reading assessment from the list developed pursuant to this section. The~~
10 ~~department shall review the results of the grants and determine which reading~~
11 ~~instruction programs have been particularly effective and use this information to~~
12 ~~update its initial list.~~

13 ~~2. The state board of education shall develop guidelines to apply reading~~
14 ~~assessment results to instructional programs and the training of teachers and~~
15 ~~administrators in assisting pupils identified as reading below grade level.~~

16 ~~3. The department of elementary and secondary education shall adopt~~
17 ~~rules to implement the provisions of sections 167.340 to 167.346.~~

18 ~~4. Any rule or portion of a rule, as that term is defined in section 536.010,~~
19 ~~that is created under the authority delegated in this section shall become effective~~
20 ~~only if it complies with and is subject to all of the provisions of chapter 536 and,~~
21 ~~if applicable, section 536.028. This section and chapter 536 are nonseverable and~~
22 ~~if any of the powers vested with the general assembly pursuant to chapter 536 to~~
23 ~~review, to delay the effective date or to disapprove and annul a rule are~~
24 ~~subsequently held unconstitutional, then the grant of rulemaking authority and~~
25 ~~any rule proposed or adopted after August 28, 1999, shall be invalid and void.]~~

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

- 6 ~~(1) The preservice teacher or student in training;~~
- 7 ~~(2) The beginning teacher;~~
- 8 ~~(3) The practicing teacher; and~~
- 9 ~~(4) The administrator.~~

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

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

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

22 ~~(3) Each prospective teacher education student shall be required to obtain~~
23 ~~a satisfactory rating prior to admission into the approved teacher education~~
24 ~~program;~~

25 ~~(4) The department of elementary and secondary education, with the~~
26 ~~advice of the advisory council as provided in section 168.015, shall establish and~~
27 ~~monitor exit requirements from approved teacher education programs which shall~~
28 ~~be met by all preservice teacher education students seeking certification in~~
29 ~~Missouri, and specific criteria for a preservice teacher assessment that all~~
30 ~~candidates for certification shall meet. The preservice teacher assessment~~
31 ~~established under this subdivision shall include, but need not be limited to,~~
32 ~~classroom achievement, practice teaching evaluation and observation, successful~~
33 ~~participation in assessment centers, interviews, tests and other evaluation~~
34 ~~measures. The department of elementary and secondary education shall~~
35 ~~promulgate rules to allow all preservice teacher education students who have~~
36 ~~been employed for at least two years as teacher assistants to utilize their teacher~~
37 ~~assistant experience to bypass the practice teaching evaluation and observation~~
38 ~~process. These rules shall allow the certified teacher working with the teacher~~
39 ~~assistant to observe and evaluate the teacher assistant's practice teaching. No rule~~
40 ~~or portion of a rule promulgated pursuant to the authority of this section shall~~
41 ~~become effective unless it has been promulgated pursuant to chapter 536. The~~
42 ~~preservice teacher assessment shall be reviewed by the certifying authority prior~~
43 ~~to issuance of a certificate. An unsatisfactory assessment shall result in the~~
44 ~~nonissuance of a certificate. Persons who are aggrieved by the nonissuance of a~~
45 ~~certificate may appeal such nonissuance in the manner provided in section~~
46 ~~168.071. Any costs associated with the entry-level tests or the exit requirements~~
47 ~~established under this subsection shall be borne by each institution and costs~~
48 ~~defrayal included in the incidental fees charged to the student.~~

49 ~~3. Each approved teacher education program shall require the faculty~~
50 ~~teaching preservice teacher education courses to further their professional~~
51 ~~development through direct personal involvement in the public schools in grades~~

52 kindergarten through twelve on a periodic basis. As used in this subsection, the
53 term "faculty" shall include, but need not be limited to, full- and part-time
54 classroom instructors, and supervisors of practice teaching at institutions offering
55 an approved teacher education program.

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

58 ~~(1) Such programs shall require each school district to provide a plan of~~
59 ~~professional development for the first two years of teaching for any teacher who~~
60 ~~does not have prior teaching experience. The professional development plan~~
61 ~~shall include assistance from a professional development committee, which is~~
62 ~~hereby established in each school district, which committee shall work with~~
63 ~~beginning teachers and experienced teachers in identifying instructional concerns~~
64 ~~and remedies; serve as a confidential consultant upon a teacher's request; assess~~
65 ~~faculty needs and develop in-service opportunities for school staff; and present~~
66 ~~to the proper authority faculty suggestions, ideas and recommendations pertaining~~
67 ~~to classroom instruction within the school district. The members of each~~
68 ~~professional development committee shall be selected by the teachers employed~~
69 ~~by the school district in question. The professional development plan may~~
70 ~~include guidance from a district-designated faculty member employed at a grade~~
71 ~~level comparable to the instructional grade level of the beginning teacher, and~~
72 ~~such other forms of assistance which the school district may choose to offer. The~~
73 ~~professional development committee may apply to the state board of education~~
74 ~~for a grant, which shall be in addition to any state aid provided to the committee~~
75 ~~for activities identified in this subdivision. The grant thus awarded shall be used~~
76 ~~by the committee to provide in-service training to the teachers of the district on~~
77 ~~teaching children identified as at risk of failing in school as defined in section~~
78 ~~167.273. The department of elementary and secondary education shall provide~~
79 ~~resource materials and assist the committee if such assistance is requested;~~

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

84 ~~5. The practicing teacher assistance programs established under this~~
85 ~~section shall include, but need not be limited to, programs of professional~~
86 ~~development and improvement as provided for experienced teachers by the~~
87 ~~professional development committee established under subsection 4 of this~~
88 ~~section, and in-service opportunities as provided by the local school district for~~
89 ~~all practicing teachers.~~

90 ~~6. (1) The administrator assistance programs established under this~~
91 ~~section shall include, but shall not be limited to, programs of professional~~
92 ~~development and improvement for superintendents, principals, assistant~~
93 ~~principals, and other school district personnel charged with administrative duties.~~

94 ~~———— (2) Establishment of programs by local districts and organizations for the~~
95 ~~training of school board members are encouraged and recommended.]~~
96

2 ~~[168.405. There is hereby established an "Administrator Assessment~~
3 ~~Center", which shall be organized and administered by the department of~~
4 ~~elementary and secondary education, either individually or through contract, for~~
5 ~~the purpose of assessing prospective school administrators. Beginning~~
6 ~~September 1, 1988, all prospective administrators seeking initial administration~~
7 ~~certification shall make application to and be approved by the department of~~
8 ~~elementary and secondary education for admission to the administrator~~
9 ~~assessment center. The assessment established under this section shall include,~~
10 ~~but need not be limited to, simulations, observations, evaluations and~~
11 ~~recommendations. The assessment shall be reviewed by the certifying authority~~
12 ~~prior to issuance of a certificate. An unsatisfactory assessment shall result in the~~
13 ~~nonissuance of a certificate. Persons who are aggrieved by the nonissuance of a~~
14 ~~certificate may appeal such nonissuance in the manner provided in section~~
15 ~~168.071.]~~

2 ~~[168.407. There is hereby created the "Principal-Administrator Academy"~~
3 ~~under the auspices of the department of elementary and secondary education.~~
4 ~~The academy is not a single institution, but is an organizational framework for~~
5 ~~a wide array of educational and training programs for school leaders, which may~~
6 ~~be conducted at several sites in the state by the department of elementary and~~
7 ~~secondary education, individually or through contract.]~~

2 ~~[168.409. The department of elementary and secondary education may~~
3 ~~charge a reasonable fee to cover the expenses and costs related to the services~~
4 ~~provided at the assessment center established under section 168.405 or at the~~
5 ~~academy established under section 168.407. Such fees shall be deposited in the~~
6 ~~excellence in education fund. Participant travel, living and incidental costs shall~~
7 ~~be at the expense of the participant, or may be reimbursed by a local school~~
8 ~~district.]~~

2 ~~[168.410. School administrators and school district superintendents shall~~
3 ~~be evaluated in the following manner:~~

4 ~~———— (1) The board of education of each school district shall cause a~~
5 ~~comprehensive performance-based evaluation for each administrator employed~~
6 ~~by the district. Such evaluation shall be ongoing and of sufficient specificity and~~
7 ~~frequency to provide for demonstrated standards of competency and academic~~
8 ~~ability;~~

9 ~~———— (2) All evaluations shall be maintained in the respective administrator's~~
~~personnel file at the office of the board of education of the school district. A~~

10 copy of each evaluation shall be provided to the person being evaluated and to
11 the appropriate administrator;

12 ~~_____ (3) The state department of elementary and secondary education shall~~
13 ~~provide suggested procedures for the evaluations performed under this section.]~~
14

2 ~~[168.500. 1. For the purpose of providing career pay, which shall be a~~
3 ~~salary supplement, for public school teachers, which for the purpose of sections~~
4 ~~168.500 to 168.515 shall include classroom teachers, librarians, school~~
5 ~~counselors and certificated teachers who hold positions as school psychological~~
6 ~~examiners, parents as teachers educators, school psychologists, special education~~
7 ~~diagnosticians and speech pathologists, and are on the district salary schedule,~~
8 ~~there is hereby created and established a career advancement program which shall~~
9 ~~be known as the "Missouri Career Development and Teacher Excellence Plan",~~
10 ~~hereinafter known as the "career plan or program". Participation by local school~~
11 ~~districts in the career advancement program established under this section shall~~
12 ~~be voluntary. The career advancement program is a matching fund program. The~~
13 ~~general assembly may make an annual appropriation to the excellence in~~
14 ~~education fund established under section 160.268 for the purpose of providing the~~
15 ~~state's portion for the career advancement program. The "Career Ladder Forward~~
16 ~~Funding Fund" is hereby established in the state treasury. Beginning with fiscal~~
17 ~~year 1998 and until the career ladder forward funding fund is terminated pursuant~~
18 ~~to this subsection, the general assembly may appropriate funds to the career~~
19 ~~ladder forward funding fund. Notwithstanding the provisions of section 33.080~~
20 ~~to the contrary, moneys in the fund shall not be transferred to the credit of the~~
21 ~~general revenue fund at the end of the biennium. All interest or other gain~~
22 ~~received from investment of moneys in the fund shall be credited to the fund. All~~
23 ~~funds deposited in the fund shall be maintained in the fund until such time as the~~
24 ~~balance in the fund at the end of the fiscal year is equal to or greater than the~~
25 ~~appropriation for the career ladder program for the following year, at which time~~
26 ~~all such revenues shall be used to fund, in advance, the career ladder program for~~
27 ~~such following year and the career ladder forward funding fund shall thereafter~~
28 ~~be terminated.~~

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

33 ~~_____ (1) Contain three steps or stages of career advancement;~~

34 ~~_____ (2) Contain a detailed procedure for the admission of teachers to the~~
35 ~~career program;~~

36 ~~_____ (3) Contain specific criteria for career step qualifications and attainment.~~
37 ~~These criteria shall clearly describe the minimum number of professional~~
~~responsibilities required of the teacher at each stage of the plan and shall include~~

38 ~~reference to classroom performance evaluations performed pursuant to section~~
39 ~~168.128;~~

40 ~~_____ (4) Be consistent with the teacher certification process recommended by~~
41 ~~the Missouri advisory council of certification for educators and adopted by the~~
42 ~~department of elementary and secondary education;~~

43 ~~_____ (5) Provide that public school teachers in Missouri shall become eligible~~
44 ~~to apply for admission to the career plans adopted under sections 168.500 to~~
45 ~~168.515 after five years of public school teaching in Missouri. All teachers~~
46 ~~seeking admission to any career plan shall, as a minimum, meet the requirements~~
47 ~~necessary to obtain the first renewable professional certificate as provided in~~
48 ~~section 168.021;~~

49 ~~_____ (6) Provide procedures for appealing decisions made under career plans~~
50 ~~established under sections 168.500 to 168.515.~~

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

55 ~~_____ 4. A participating local school district may have the option of~~
56 ~~implementing a career plan developed by the department of elementary and~~
57 ~~secondary education or a local plan which has been developed with advice from~~
58 ~~teachers employed by the district and which has met with the approval of the~~
59 ~~department of elementary and secondary education. In approving local career~~
60 ~~plans, the department of elementary and secondary education may consider~~
61 ~~provisions in the plan of the local district for recognition of teacher mobility from~~
62 ~~one district to another within this state.~~

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

67 ~~_____ 6. In order to receive funds under this section, a school district which is~~
68 ~~not subject to section 162.920 must have a total levy for operating purposes~~
69 ~~which is in excess of the amount allowed in Section 11(b) of Article X of the~~
70 ~~Missouri Constitution; and a school district which is subject to section 162.920~~
71 ~~must have a total levy for operating purposes which is equal to or in excess of~~
72 ~~twenty-five cents on each hundred dollars of assessed valuation.~~

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

80 ~~8. Beginning in fiscal year 2012, the state portion of career ladder~~
81 ~~payments shall only be made available to local school districts if the general~~
82 ~~assembly makes an appropriation for such program. Payments authorized under~~
83 ~~sections 168.500 to 168.515 shall only be made available in a year for which a~~
84 ~~state appropriation is made. Any state appropriation shall be made prospectively~~
85 ~~in relation to the year in which work under the program is performed.~~

86 ~~9. Nothing in this section shall be construed to prohibit a local school~~
87 ~~district from funding the program for its teachers for work performed in years for~~
88 ~~which no state appropriation is made available.]~~
89

2 ~~[168.505. 1. Any teacher receiving career pay pursuant to section~~
3 ~~163.031 for entitlements authorized under any plan or program established under~~
4 ~~sections 168.500 to 168.515 shall continue to receive the district base pay to~~
5 ~~which he would be entitled if he were not receiving the career pay provided for~~
6 ~~in sections 168.500 to 168.515.~~

7 ~~2. Any teacher receiving career pay under any plan or program~~
8 ~~established under sections 168.500 to 168.515 shall receive any local pay to~~
9 ~~which teachers with similar training and experience are otherwise entitled.]~~

2 ~~[168.510. After a teacher who is duly employed by a district qualifies and~~
3 ~~is selected for participation under a career plan established under sections~~
4 ~~168.500 to 168.515, such teacher shall not be denied the career pay authorized~~
5 ~~by such plan unless he:~~

- 6 ~~(1) Is dismissed for cause as established under section 168.114; or~~
7 ~~(2) Fails to maintain or renew any certificate required by the department~~
8 ~~of elementary and secondary education; or~~
9 ~~(3) Fails to maintain the performance level as required for the attainment~~
10 ~~of the career stage as set forth in the plan effective in the local district as provided~~
11 ~~in section 168.500; or~~
12 ~~(4) Fails to complete professional responsibilities required for the~~
13 ~~attainment of each stage; and~~
14 ~~(5) Has exhausted all due process procedures provided by subdivision (6)~~
15 ~~of subsection 2 of section 168.500.]~~

2 ~~[168.515. 1. Each teacher selected to participate in a career plan~~
3 ~~established under sections 168.500 to 168.515, who meets the requirements of~~
4 ~~such plan, may receive a salary supplement, the state's share of which shall be~~
5 ~~distributed under section 163.031, equal to the following amounts applied to the~~
6 ~~career ladder entitlement of section 163.031:~~

- 7 ~~(1) Career stage I teachers may receive up to an additional one thousand~~
8 ~~five hundred dollars per school year;~~
9 ~~(2) Career stage II teachers may receive up to an additional three~~
10 ~~thousand dollars per school year;~~

10 ~~————— (3) Career stage III teachers may receive up to an additional five thousand~~
11 ~~dollars per school year. All teachers within each stage within the same school~~
12 ~~district shall receive equal salary supplements.—~~

13 ~~————— 2. The state may make payments pursuant to section 163.031 to the local~~
14 ~~school district for the purpose of providing funding to the local school district for~~
15 ~~the payment of any salary supplements provided for in this section, subject to the~~
16 ~~availability of funds as appropriated each year and distributed on a matching~~
17 ~~basis where the percentage of state funding shall be forty percent and the~~
18 ~~percentage of local funding shall be sixty percent.—~~

19 ~~————— 3. Not less than every fourth year, beginning with calendar year 1988, the~~
20 ~~general assembly, through the joint committee established under section 160.254,~~
21 ~~shall review the amount of the career pay provided for in this section to~~
22 ~~determine if any increases are necessary to reflect the increases in the cost of~~
23 ~~living which have occurred since the salary supplements were last reviewed or~~
24 ~~set.—~~

25 ~~————— 4. To participate in the salary supplement program established under this~~
26 ~~section, a school district may submit to the voters of the district a proposition to~~
27 ~~increase taxes for this purpose. If a school district's current tax rate ceiling is at~~
28 ~~or above the rate from which an increase would require a two-thirds majority, the~~
29 ~~school board may submit to the voters of the district a proposition to reduce or~~
30 ~~eliminate the amount of the levy reduction resulting from section 164.013. If a~~
31 ~~majority of the voters voting thereon vote in favor of the proposition, the board~~
32 ~~may certify that seventy-five percent of the revenue generated from this source~~
33 ~~shall be used to implement the salary supplement program established under this~~
34 ~~section.—~~

35 ~~————— 5. In no case shall a school district use state funds received under this~~
36 ~~section nor local revenue generated from a tax established under subsection 4 of~~
37 ~~this section to comply with the minimum salary requirements for teachers~~
38 ~~established pursuant to section 163.172.]~~
39

2 ~~[168.520. 1. For the purpose of providing career pay, which shall be a~~
3 ~~salary supplement for teachers, librarians, school counselors and certificated~~
4 ~~teachers who hold positions as school psychological examiners,~~
5 ~~parents-as-teachers educators, school psychologists, special education~~
6 ~~diagnosticians or speech pathologists in Missouri schools for the severely~~
7 ~~disabled, the Missouri School for the Blind and the Missouri School for the Deaf;~~
8 ~~there is hereby established a career advancement program which shall become~~
9 ~~effective no later than September 1, 1986. Participation in the career~~
10 ~~advancement program by teachers shall be voluntary.—~~

11 ~~————— 2. The department of elementary and secondary education with the~~
12 ~~recommendation of teachers from the state schools, shall develop a career plan.~~
13 ~~This state career plan shall include, but need not be limited to, the provisions of~~
~~state model career plans as contained in subsection 2 of section 168.500.—~~

14 ~~3. After a teacher who is duly employed by a state school qualifies and~~
15 ~~is selected for participation in the state career plan established under this section,~~
16 ~~such a teacher shall not be denied the career pay authorized by such plan except~~
17 ~~as provided in subdivisions (1), (2), and (3) of section 168.510.~~

18 ~~4. Each teacher selected to participate in the career plan established under~~
19 ~~this section who meets the requirements of such plan shall receive a salary~~
20 ~~supplement as provided in subdivisions (1), (2), and (3) of subsection 1 of section~~
21 ~~168.515.~~

22 ~~5. The department of elementary and secondary education shall annually~~
23 ~~include within its budget request to the general assembly sufficient funds for the~~
24 ~~purpose of providing career pay as established under this section to those eligible~~
25 ~~teachers employed in Missouri schools for the severely disabled, the Missouri~~
26 ~~School for the Deaf, and the Missouri School for the Blind.]~~
27

2 ~~[168.530. The department of elementary and secondary education shall~~
3 ~~not reimburse a school district for more than one A+ program coordinator per one~~
4 ~~thousand two hundred fifty students; however a school with up to one thousand~~
5 ~~five hundred students shall be reimbursed for only one A+ program coordinator.]~~

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

6 ~~2. There is hereby created the "Teacher Choice Compensation Fund" in~~
7 ~~the state treasury. The fund shall be administered by the department of~~
8 ~~elementary and secondary education. The state treasurer shall be custodian of the~~
9 ~~fund and may approve disbursements from the fund in accordance with sections~~
10 ~~30.170 and 30.180.~~

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

18 ~~4. The general assembly shall annually appropriate five million dollars~~
19 ~~to the fund created in this section.]~~

2 ~~[168.747. 1. To be eligible for the teacher choice compensation package,~~
3 ~~all classroom personnel in a metropolitan school district reported as a code forty,~~
4 ~~fifty, or sixty through the core data system of the department of elementary and~~
5 ~~secondary education shall opt out of his or her indefinite contract under section~~
6 ~~168.221 for the duration of employment with the district. A teacher may decide~~

6 to end his or her eligibility for the teacher choice stipend but may not resume
7 permanent teacher status with that district. A probationary teacher may opt out
8 of consideration for a permanent contract in the second or subsequent years of
9 employment by the district to participate in the teacher choice compensation
10 package but may not return to permanent status in that district or resume the
11 process for qualification for an indefinite contract in that district. A teacher who
12 has chosen the teacher choice compensation package and changes employment
13 to another district may choose to resume the process for qualification for an
14 indefinite contract in that district. The teacher choice compensation package
15 shall only be available for teachers in a metropolitan school district.

16 ~~2. Teachers shall qualify annually in October for the stipends described~~
17 ~~in section 168.749. Stipends shall be offered in five thousand dollar increments;~~
18 ~~up to fifteen thousand dollars, but shall not exceed fifty percent of a teacher's~~
19 ~~base salary, before deductions for retirement but including designated pay for~~
20 ~~additional duties such as coaching, sponsoring, or mentoring. Any stipend~~
21 ~~received under section 168.749 shall be in addition to the base salary to which the~~
22 ~~teacher would otherwise be entitled.~~

23 ~~Teachers receiving the stipend shall receive any pay and benefits received by~~
24 ~~teachers of similar training, experience, and duties. Such stipends shall not be~~
25 ~~considered compensation for retirement purposes.~~

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

31 ~~4. Every person employed by the district in a teaching position,~~
32 ~~regardless of the certification status of the person, who qualifies under any of the~~
33 ~~indicators listed in section 168.749 is eligible for the teacher choice~~
34 ~~compensation package. Teachers who are employed less than full-time are~~
35 ~~eligible for teacher choice stipends on a prorated basis. Any teacher who is~~
36 ~~dismissed for cause who has otherwise qualified for a teacher choice stipend shall~~
37 ~~forfeit the stipend for that year.]~~

38
2 ~~[168.749. 1. Beginning with school year 2010-11, teachers who elect to~~
3 ~~participate in the teacher choice compensation package shall be eligible for~~
4 ~~stipends based on the following criteria:~~

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

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

11 ~~_____ (b) Scores on the statewide assessments established under section~~
12 ~~160.518 may be used for this purpose, and the department of elementary and~~
13 ~~secondary education shall develop a procedure for identifying the value added by~~
14 ~~teachers that addresses the fact that not all subjects are tested at all grade levels~~
15 ~~each year under the state assessment program;~~

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

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

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

27 ~~_____ (3) Evaluations by parents and by students at their appropriate~~
28 ~~developmental level.~~

29
30 ~~_____ Model instruments for these evaluations shall be developed or identified by the~~
31 ~~department of elementary and secondary education. Districts may use such~~
32 ~~models, may use other existing models, or may develop their own instruments.~~
33 ~~A district that develops its own instrument shall not use that instrument as its sole~~
34 ~~method of evaluation.~~

35 ~~_____ 2. The department of elementary and secondary education shall develop~~
36 ~~criteria for determining eligibility for stipend increments, including a range of~~
37 ~~target scores on assessments for use by the districts. The test-score options listed~~
38 ~~in subdivision (1) of subsection 1 of this section shall be given higher weight than~~
39 ~~the evaluation options listed in subdivisions (2) and (3) of subsection 1 of this~~
40 ~~section. The decision of individual districts about the qualifications for each~~
41 ~~increment based on the evaluations listed in subdivisions (2) and (3) of~~
42 ~~subsection 1 of this section and for value-added instruments for which target~~
43 ~~scores have not been developed by the department of elementary and secondary~~
44 ~~education may address the district's unique characteristics but shall require~~
45 ~~demonstrably superior performance on the part of the teacher, based primarily on~~
46 ~~improved student achievement while taking into account classroom~~
47 ~~demographics including but not limited to students' abilities, special needs, and~~
48 ~~class size.]~~

49
2 ~~[168.750. Any rule or portion of a rule, as that term is defined in section~~
3 ~~536.010, that is created under the authority delegated in sections 168.745 to~~
4 ~~168.749 shall become effective only if it complies with and is subject to all of the~~
provisions of chapter 536 and, if applicable, section 536.028. This section and

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

[173.232. 1. There is hereby established the "Urban Flight and Rural Needs Scholarship Program", which shall be administered by the department of elementary and secondary education. The program shall, upon appropriation, provide scholarships, subject to the eligibility criteria enumerated in this section, for eligible students who enter a teacher education program and make a commitment to teach as a condition of receiving such scholarship.]

2. Subject to appropriation, each year the department of elementary and secondary education shall make available to eligible students up to one hundred four-year urban flight and rural needs scholarships in an amount that encompasses one hundred percent of the total cost of eligible students' tuition and fees at a four-year college or university located in Missouri. Such amount shall be paid by funds appropriated to the department.

3. As used in this section, the term "eligible student" shall mean an individual who:

(1) Is a United States citizen and a Missouri resident who attended a Missouri high school;

(2) Enters and makes a commitment to pursue a teacher education program approved by the department of elementary and secondary education and offered by a four-year college or university located in Missouri;

(3) Signs an agreement with the department of elementary and secondary education in which the recipient agrees to teach in a Missouri public school, the population of which includes a higher-than-average "at-risk student population"; as such term shall be defined by the department of elementary and secondary education, for two years for every one year the recipient received the urban flight and rural needs scholarship;

(4) Has graduated from high school with a cumulative grade point average of at least two and one-half on a four-point scale or equivalent;

(5) Maintains a cumulative grade point average of at least two and one-half on a four-point scale or equivalent.

4. If the number of applicants exceeds the number of scholarships or revenues available, the department of elementary and secondary education may consider the financial needs of the applicant.

5. The scholarships provided in this section shall be available to otherwise eligible students who either:

(1) Are currently enrolled in a community college and make a commitment to pursue a teacher education program approved by the department

37 ~~of elementary and secondary education and offered by a four-year college or~~
38 ~~university located in Missouri; or~~

39 ~~— (2) Have completed their baccalaureate degree and agree to enter a~~
40 ~~teacher education program and make a commitment to pursue a teacher education~~
41 ~~program approved by the department of elementary and secondary education and~~
42 ~~offered by a four-year college or university located in Missouri.—~~

43 ~~— 6. Every eligible student receiving scholarships under this section shall~~
44 ~~teach in an elementary or secondary public school in Missouri as provided in~~
45 ~~subdivision (3) of subsection 3 of this section. The student shall teach for a~~
46 ~~period of two years for every one year he or she received an urban flight and rural~~
47 ~~needs scholarship; otherwise, the scholarship shall be treated as a loan to the~~
48 ~~eligible student, and interest at the rate of nine and one-half percent per year shall~~
49 ~~be charged on the unpaid balance of the amount received from the date the~~
50 ~~eligible student ceases to teach until the amount received is paid back to the state.~~
51 ~~In order to provide for the servicing of such loans, the department of elementary~~
52 ~~and secondary education may sell such loans to the higher education loan~~
53 ~~authority of the state of Missouri created pursuant to sections 173.350 to 173.445.~~
54 ~~For each year the student teaches, up to eight years, one-eighth of the amount~~
55 ~~received pursuant to this section shall be applied against the total amount~~
56 ~~received and shall not be subject to the repayment requirement of this section;~~
57 ~~provided that twenty-five percent of such amount, not subject to repayment, shall~~
58 ~~be repaid by the local school district to the department. The department of~~
59 ~~elementary and secondary education shall have the power to and shall defer~~
60 ~~interest and principal payments under certain circumstances, which shall include,~~
61 ~~but need not be limited to, the enrollment in a graduate program or service in any~~
62 ~~branch of the Armed Forces of the United States.—~~

63 ~~— 7. There is hereby established in the state treasury a fund to be known as~~
64 ~~the "Urban Flight and Rural Needs Scholarship Program Fund", which shall~~
65 ~~consist of all moneys that may be appropriated to it by the general assembly, and~~
66 ~~in addition may include any gifts, contributions, grants, or bequests received from~~
67 ~~federal, state, private, or other sources. The fund shall be administered by the~~
68 ~~department of elementary and secondary education. Notwithstanding the~~
69 ~~provisions of section 33.080 to the contrary, moneys in the fund shall not be~~
70 ~~transferred to the credit of the general revenue fund at the end of the biennium.~~
71 ~~Interest and moneys earned on the fund shall be credited to the fund. Moneys in~~
72 ~~the fund shall be used solely for the purpose of awarding scholarships under the~~
73 ~~provisions of this section.]~~

74
2 ~~[178.300.— Whenever in any school district in this state not less than~~
3 ~~twenty-five employment certificates for children under sixteen years of age have~~
4 ~~been issued and are in full force and effect, the school district shall establish and~~
5 ~~maintain part-time schools, departments or classes for the employed children for~~

5 ~~not less than four hours per week and for a term not less than that in which~~
6 ~~schools are regularly in session in the district.]~~
7

2 ~~[178.310. The state board of education shall establish standards for the~~
3 ~~establishment and maintenance of the schools.]~~

2 ~~[178.320. Whenever the part-time schools meet the standards of the~~
3 ~~federal act and the standards established by the state board of education, they~~
4 ~~shall be entitled to share in the distribution of the federal funds available under~~
5 ~~the provisions of the federal act, and the state funds appropriated for the~~
6 ~~promotion of vocational education under the provisions of the Missouri~~
7 ~~vocational education law.]~~

2 ~~[178.330. The attendance of the part-time school, department or class~~
3 ~~shall be counted as a part of the time the minor can be employed.]~~

2 ~~[178.340. The state board of education is responsible for the execution~~
3 ~~of sections 178.300 to 178.360. The local school boards or school authorities~~
4 ~~maintaining the instruction given are responsible for the local administration of~~
5 ~~the sections.]~~

2 ~~[178.350. The state board of education may, upon special hearing in each~~
3 ~~case, excuse a school district from either establishing or maintaining part-time~~
4 ~~schooling.]~~

2 ~~[178.360. The state board of education shall make an annual report to the~~
3 ~~legislature of its administration of sections 178.300 to 178.360, with its policies~~
4 ~~and regulations, and the statistics and finances involved.]~~

✓