

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 50

AN ACT

To repeal sections 160.518, 160.522, 162.481, 167.640, 167.645, 168.021 and 168.071, RSMo 2000, and to enact in lieu thereof fourteen new sections relating to elementary and secondary education, with an emergency clause.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 160.518, 160.522, 162.481, 167.640, 167.645, 168.021 and 168.071, RSMo 2000, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 160.518, 160.522, 161.229, 161.231, 162.481, 167.640, 167.645, 167.648, 168.021, 168.071, 168.073, 168.077, 168.082 and 170.014, to read as follows:

160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop a statewide assessment system that provides maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills and competencies adopted by such board pursuant to subsection 1 of section 160.514. The statewide assessment system shall assess problem solving, analytical ability, evaluation, creativity and application ability in the different

content areas and shall be performance-based to identify what students know, as well as what they are able to do, and shall enable teachers to evaluate actual academic performance. The assessment system shall neither promote nor prohibit rote memorization and shall not include existing versions of tests approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such tests. The statewide assessment shall measure, where appropriate by grade level, a student's knowledge of academic subjects including, but not limited to, reading skills, writing skills, mathematics skills, world and American history, forms of government, geography and science.

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

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

4. For any school that meets the criteria established by the state board of education for three successive school years

pursuant to the provisions of subsection 3 of this section, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, excepting such waivers shall be confined to the school and not other schools in the district unless such other schools meet the criteria established by the state board of education consistent with subsection 3 of this section and the waivers shall not include the requirements contained in this section and section 160.514. Any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the criteria established by the state board of education consistent with subsection 3 of this section.

5. Any student who receives special educational services, as that term is defined in section 162.675, RSMo, may be allowed

to take any test developed pursuant to this section at a developmentally appropriate grade level that may be different from his or her grade level if determined appropriate pursuant to this subsection. The state board of education shall develop criteria for determining developmentally appropriate grade levels for testing such students and shall require that a student whose disability does not prevent them from taking a test at grade level, as determined by the student's individualized education plan committee, shall take such test at grade level. The school district shall be required to submit to the department of elementary and secondary education, at least thirty days prior to the date of testing, proof of meeting the criteria for the grade level at which the district is seeking to have such student tested. The department may refuse to allow any such student to be tested at the level requested by the district, and may require that such student be tested at his or her grade level. If the department takes no action on any such request by the district, then the student shall be tested at the level requested by the district.

160.522. 1. [The state board of education shall adopt a policy for the public reporting of information by school districts on an annual basis.] School districts shall provide, at least annually, a school accountability report card for each school building to any household with a student enrolled in the district. Methods of distribution of the school accountability report card may include, but are not restricted to:

(1) Distribution at the time and place of student enrollment;

(2) Inclusion with student grade reports;

(3) Newspaper publication;

(4) Posting by the school district by Internet or other electronic means generally accessible to the public; or

(5) Making copies available upon request at all school or administrative buildings in any school district.

The school district reports shall be distributed to all media outlets serving the district, and shall be made available, upon request, to all district patrons and to each member of the general assembly representing a legislative district which contains a portion of the school district.

2. The department of elementary and secondary education shall develop [multiple reporting models] a standard form for the school accountability report card which may be used by school districts [for their public reports]. The information reported shall include, but not be limited to, enrollment, rates of pupil attendance, high school dropout rate, the rates and durations of, and reasons for, suspensions of ten days or longer and expulsions of pupils, staffing ratios, including the district ratio of students to all teachers, to administrators, and to classroom teachers, the average years of experience of professional staff and advanced degrees earned, student achievement as determined through the assessment system developed pursuant to section 160.518, student scores on the SAT or ACT, as appropriate, along with the percentage of students taking each test, average teachers' and administrators' salaries compared to the state averages, average salaries of noncertificated personnel compared to state averages, average per pupil expenditures for the district as a whole and [for each building in the district which

has pupils at the same grade level as another building in the district,] by attendance center as reported to the department of elementary and secondary education, voted and adjusted tax rates levied, assessed valuation, percent of the district operating budget received from state, federal, and local sources, [extracurricular activities offered and the costs associated with each activity,] the number of students eligible for free or reduced lunch, school calendar information, including [the number of] days [and hours for] of student attendance, parent-teacher conferences, and staff development or in-service training, data on course offerings and rates of participation in parent-teacher conferences, special education programs, early childhood special education programs, parents as teachers programs, vocational education programs, gifted or enrichment programs, and advanced placement programs, data on the number of students continuing their education in postsecondary programs and information about job placement for students who complete district vocational education programs, and the district's most recent accreditation by the state board of education, including measures for school improvement.

3. The public reporting shall permit the disclosure of data on a school-by-school basis, but the reporting shall not be personally identifiable to any student or education professional in the state.

4. The annual report made by the state board of education pursuant to section 161.092, RSMo, shall include a summary of school districts accredited, provisionally accredited, and unaccredited under the Missouri school improvement program,

including an analysis of standards met and not met, and an analysis of state program assessment data collected pursuant to section 160.526, describing the kinds of tasks students can perform.

161.229. In all matters arising pursuant to its authority pursuant to chapters 160 to 171, RSMo, the department is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person.

161.231. 1. The commissioner of the department of elementary and secondary education may administer oaths, subpoena witnesses, issue subpoenas duces tecum and require production of documents and records. Subpoenas, including subpoena duces tecum, issued pursuant to this section shall be served by a person authorized to serve subpoenas of courts of record. In lieu of requiring attendance of a person to produce original documents in response to a subpoena duces tecum, the department may require sworn copies of such documents to be filed with it or delivered to its designated representative.

2. The department may enforce its subpoenas, including subpoena duces tecum, by applying to the circuit court of Cole County, the county of the investigation, hearing or proceeding or any county where the person resides or may be found, for an order upon any person who shall fail to obey a subpoena to show cause why such subpoena should not be enforced. The order and a copy of the application for the order shall be served upon the person in the same manner as a summons in a civil action. If the circuit court shall, after a hearing, determine that the subpoena should be sustained and enforced, such court shall proceed to enforce the subpoena in the same manner as though the subpoena

had been issued in a civil case in the circuit court.

162.481. 1. Except as otherwise provided in this section, all elections of school directors in urban districts shall be held biennially at the same times and places as municipal elections.

2. In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3. Except as otherwise provided in subsection 4 of this section, hereafter when a seven-director district becomes an urban district, the directors of the prior seven-director district shall continue as directors of the urban district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The

first biennial school election for directors shall be held in the urban district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban district have been elected under this subsection, their successors shall be elected for terms of six years.

4. In any school district in any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any school district which becomes an urban school district by reason of the 2000 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998.

167.640. 1. School districts may adopt a policy with regard to student promotion which may require remediation as a condition of promotion to the next grade level for any student identified by the district as failing to master skills and competencies established for that particular grade level by the district board of education. School districts may also require parents or guardians of such students to commit to conduct home-based tutorial activities with their children or, in the case of a student with disabilities eligible for services pursuant to sections 162.670 to 162.1000, RSMo, the individual education plan shall determine the nature of parental involvement consistent with the requirements for a free, appropriate public education.

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

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

[4. Any student scoring at the lowest level of proficiency, in any subject, at any grade level under the statewide assessment established pursuant to section 160.518, RSMo, shall be required

to retake that assessment in the following year. School districts shall evaluate student progress toward proficiency after the initial assessment and report this progress in the aggregate at the building level as a part of the annual report issued to patrons of the district pursuant to section 160.522, RSMo.

5. The state board of education shall establish by administrative rule a method for determining effectiveness of the remediation to students identified pursuant to subsection 4 of this section. Such rule shall make allowances for students who have recently entered the school district. School districts are required to report only the scores of students meeting the district's attendance policy and no report shall disclose student achievement data in such a manner that would personally identify any student.

6. The state board of education, beginning in the 2001-02 school year, shall include the data reported pursuant to subsection 4 of this section as an element in identifying academically deficient schools pursuant to section 160.538, RSMo, and in the school accreditation process pursuant to section 161.092, RSMo.]

167.645. [No public school student shall be promoted to a higher grade level unless that student has a reading ability level at or above one grade level below the student's grade level; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999, RSMo.] 1. For purposes of this section, the following terms mean:

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

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

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

504 of the Rehabilitation Act of 1973 whose services plan includes an element addressing reading or to students determined to have limited English proficiency. The assessment required by this subsection shall also be required for students who enter a school district in grades fourth, fifth or sixth unless such student has been determined in the current school year to be reading at grade level or above.

3. Beginning with school year 2002-2003, for each student whose third-grade reading assessment determines that such student is reading below second-grade level, the school district shall design a reading improvement plan for the student's fourth-grade year. Such reading improvement plan shall include, at a minimum, thirty hours of additional reading instruction or practice outside the regular school day during the fourth-grade year. The school district shall determine the method of reading instruction necessary to enforce this subsection. The school district may also require the student to attend summer school for reading instruction as a condition of promotion to fourth grade. The department of elementary and secondary education may, from funds appropriated for the purpose, reimburse school districts for additional instructional personnel costs incurred in the implementation and execution of the thirty hours of additional reading instruction minus the revenue generated by the school district through the foundation formula for the additional reading instruction average daily attendance.

4. Each student for whom a reading improvement plan has been designed pursuant to subsection 3 of this section shall be given another reading assessment, to be administered within forty-five days of the end of such student's fourth-grade year.

If such student is determined to be reading below third-grade level, the student shall be required to attend summer school to receive reading instruction. At the end of such summer school instruction, such student shall be given another reading assessment. If such student is determined to be reading below third-grade level, the district shall provide a reading improvement plan for the student's fifth-grade year.

5. The process described in subsections 3 and 4 of this section shall be repeated as necessary through the end of the sixth grade, with the grade level requirement rising accordingly.

6. The mandatory process of additional reading instruction pursuant to this section shall cease at the end of the sixth grade. The permanent record of students who are determined to be reading below the fifth-grade level at the end of sixth grade shall carry a notation advising that such student has not met minimal reading standards. The notation shall stay on the student's record until such time as the district determines that a student has met minimal reading standards.

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

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

9. Nothing in this section shall preclude a school district

from retaining any student in grade when a determination is made in accordance with district policy that retention is in the best interests of the student.

10. The state board of education shall require each district to provide information about the number of students receiving additional instruction pursuant to this section and consider such information as necessary in its review of the school district pursuant to the Missouri school improvement program or its successor accreditation program; provided, however, each district shall make available, upon the request of any parent, patron, or media outlet within the district, the number and percentage of students receiving remediation pursuant to this section. The information shall be presented in a way that does not permit personal identification of any student or educational personnel.

11. Each school district shall make a systematic effort to inform parents of the methods and materials used to teach reading in kindergarten through sixth grade, in terms understandable to a layperson.

167.648. The performance of a limited English proficiency student on the statewide assessments pursuant to section 160.518, RSMo, shall be disaggregated from the district's performance for five years after such student enters a Missouri public school for the purposes of determining a district's performance for accreditation.

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

(1) By the state board, [under] pursuant to rules and regulations prescribed by it[, ]:

- (a) Upon the basis of college credit;
- (b) Upon the basis of examination; and
- (c) Upon completion of a background check;

(2) By the state board, [under] pursuant to rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctor of philosophy degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of [the examination required for graduation pursuant to section 168.033 if appropriate] a background check, and shall be restricted to those certificates established pursuant to subdivisions (1) and (2) of subsection 4 of this section; or

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

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

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated

examinations will be issued a two-year nonrenewable provisional certificate; and

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

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall continue in effect until they expire, are revoked or suspended, as provided by law. [When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held.]

3. Any teacher holding a third class county certificate in the state during the 1972-73 school year shall upon his or her written request be given an examination by a person designated by the state commissioner of education to determine his or her eligibility to be granted a certificate of license to teach. The examination shall be comparable to those given by county superintendents to eligible applicants prior to July 1, 1974. Upon successful completion of the examination the applicant shall be issued a certificate by the state board of education entitling the holder to teach in the public schools of the state for a period of three years. A request for such examination must be presented to the commissioner of education on or before March first of the year in which the examination is to be administered. The commissioner of education shall cause the examination to be administered and the certificate issued to those successfully completing it prior to April first of the year in which the

application for the examination was received.

4. After September 1, 1988, certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall provide for levels of certification including, but not limited to, an initial professional certificate and culminating with a continuous professional certificate:

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

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

(3) The continuous professional certificate shall be issued upon verification of completion of criteria, which shall not exceed a master's degree or its equivalent and ten years' employment in an educational position, established by the state board of education. The continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines.

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

6. The state board shall establish policies by which [residents of states] individuals who have completed a four-year baccalaureate degree or higher-level state approved teacher preparation program from a state other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach.

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

168.071. 1. [The Missouri state board of education may refuse to issue or renew, or may suspend or revoke a certificate of license to teach upon satisfactory proof of incompetency, cruelty, immorality, drunkenness, neglect of duty, or the annulling of a written contract for reasons other than election to the general assembly, with the local board of education without the consent of the majority of the members of the board which is a party to the contract. Charges may be filed by any school district or, at the request of the school district, by the office of the attorney general if the school district has been identified as financially stressed pursuant to section 161.520, RSMo. If the underlying conduct or actions which are the basis for charges filed under this subsection are also the subject of a

pending criminal charge against the person holding such certificate, and that person requests in writing a delayed hearing on advice of counsel under the fifth amendment of the Constitution of the United States, no hearing shall be held until after final disposition of the criminal charge.

2. The state board of education may refuse to issue or renew, or may, upon hearing, suspend or revoke a certificate of license to teach if a certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state or any other state or of the United States, or any other country, whether or not the sentence is imposed.

3.] Unless a stricter penalty is imposed pursuant to subsection 6 of this section, the state board of education may refuse to issue or renew, or may, upon a hearing as set forth in rules promulgated by the board, reprimand, place on probation, suspend or revoke a certificate of license to teach if the certificate holder has:

(1) Plead to, or been found guilty of, a felony or crime involving moral turpitude pursuant to the laws of this state, any other state, the United States or any other country, whether or not sentence is imposed;

(2) Used fraud, deception, misrepresentation or bribery in securing any certificate of license to teach issued pursuant to this chapter;

(3) Been subject to any revocation, suspension or disciplinary action against his or her certificate of license to teach as granted by another state, territory, federal agency or country; provided that the grounds for such revocation,

suspension or disciplinary action are also authorized in this chapter;

(4) Engaged in acts of incompetency, cruelty, immorality, drunkenness or neglect of duty;

(5) Violated a consent agreement or an agreed settlement consented to by the certificate holder; or

(6) Violated a probation imposed by the state board of education.

2. Charges may be filed by the department of elementary and secondary education for any of the causes listed in subsection 1 of this section. The office of the attorney general shall represent the department of elementary and secondary education in these proceedings.

3. Charges may be filed by any school district, or by the office of the attorney general at the request of the school district, for any of the causes listed in subsection 1 of this section. If brought by a school district, the charges shall be signed by the chief administrative officer of the district or by the president of the school board when so authorized by the majority of the board.

4. In addition to those causes listed in subsection 1 of this section, a school district may file charges based upon the annulling of a written contract with the local board of education for reasons other than election to the general assembly without the consent of the majority of the members of the board, which is a party to the contract.

5. The charges filed with the state board of education pursuant to this section shall be in writing and shall plainly and fully specify the basis for the charges. The certificate

holder shall be given not less than thirty days' notice of the hearing and shall be given an opportunity to be heard, together with witnesses. If the underlying conduct or actions which are the basis for the charges filed pursuant to this subsection are also the subject of a pending criminal charge against the person holding such certificate, and if such person requests in writing a delayed hearing on advice of counsel pursuant to the fifth amendment of the Constitution of the United States, no hearing shall be held until after final disposition of the criminal charge.

6. Upon notice by certified mail, return receipt requested, or if notice by certified mail is unsuccessful, upon notice by first class mail, to the last known address of the certificate holder, the certificate of license to teach shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or applicant has pleaded guilty to or been found guilty of any of the following offenses established pursuant to Missouri law or offenses of a similar nature established [under] pursuant to the laws of any other state or of the United States, or any other country, whether or not the sentence is imposed:

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

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

sexual misconduct in the first degree; or sexual abuse;

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

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

[4.] 7. In the case of any certificate holder who has surrendered or failed to renew his or her certificate of licensure to teach, the state board of education may refuse to issue or renew, or may suspend or revoke, such certificate for any of the reasons contained in this section.

8. The certificate holder whose certificate was revoked pursuant to subsection [3] 6 of this section may appeal such revocation to the state board of education. The certificate holder whose certificate has been revoked pursuant to subsection [3] 6 of this section must notify the commissioner of education of the intent to appeal by advising the commissioner within

thirty days of [the certificate holder's plea of guilty or finding of guilt of the intent to appeal] notice of the revocation described in subsection 6 of this section. Failure of the certificate holder to notify the commissioner of the intent to appeal waives all rights to appeal said revocation. Upon notice of the certificate holder's intent to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner of education, with the final decision made by the state board of education, based upon the record of that hearing. The certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity to be heard by the hearing officer, together with witnesses. In those cases where the plea of guilty to or finding of guilt of any of the offenses listed in subsection [3] 6 of this section [involve] involves a minor child, testimony from the minor child involved in the complaint shall not be required. The hearing officer shall accept into the record the transcript of any testimony of a child involved in such offense if such testimony was admitted in any court hearing. Subsection [6] 10 of this section shall apply to any final decision made by the state board of education pursuant to this subsection.

[5. The charges filed with the state board of education under this section shall be in writing and plainly and fully specify the basis for the charges. The charges shall be signed by the chief administrative officer of the district or by the president of the board of education when so authorized by a majority of the board. The certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity

to be heard, together with witnesses.

6. The certificate holder may appeal to the circuit court at any time within thirty days after receipt of the final decision of the state board of education. The appeal shall be heard with a jury at the option of either the certificate holder or the party filing the charges, and shall be tried de novo, affirming or denying the action of the state board of education. Costs shall be taxed against the appellant if the judgment of the state board of education is affirmed. In those cases where the charges allege immorality by the certificate holder involving a minor child, such case shall be heard by the court without a jury and any testimony from the minor child involved in the complaint shall be taken directly from the hearing record taken on behalf of the state board of education.]

9. Contested cases and other matters involving certificate holders, licensees or applicants pursuant to this section may be informally resolved by consent agreement, agreed settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated by the state board of education.

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

[7.] 11. The issuance of a certificate of license to teach to an individual who has been convicted of a felony or crime involving moral turpitude, whether or not the sentence is imposed, shall be issued only upon motion of the state board of education adopted by a unanimous affirmative vote of those members present and voting.

168.073. 1. If an employee or school board member has

direct knowledge that a certificate holder has been charged with, pled guilty to or been found guilty of any felony or of any other crime or misdemeanor involving any of the acts described in subsection 1 or subsection 6 of section 168.071, established pursuant to the laws of this state, any other state, the United States or any other country, whether or not the sentence is imposed, that employee or school board member shall report such act of such certificate holder to the district superintendent. Upon receiving a report of such act the superintendent shall notify the department of elementary and secondary education of such act.

2. If a local board of education has a written policy that substantially complies with the provisions of subsection 1 of this section, then any employee or school board member who follows that written policy shall be deemed to have complied with the provisions of subsection 1 of this section.

3. Any employee or school board member acting in conformity with either the provisions of subsection 1 of this section or any substantially complying policy pursuant to subsection 2 of this section shall not be civilly liable for any such conforming action.

4. Any employee, school board member or superintendent who fails to report any of the offenses listed in subsection 1 of this section to the appropriate local law enforcement agency shall be guilty of a class A misdemeanor.

168.077. 1. All educational transcripts, test scores, complaints, investigatory reports and information pertaining to any person who is an applicant, certificate holder or licensee of the department are confidential and may not be disclosed to the

public or any member of the public, except with the written consent of the person whose records are involved or the school district where the individual is currently employed or was employed at the time of the incident which gave rise to the investigation; provided that, the department may disclose confidential information without consent of the person involved in the course of voluntary interstate exchange of information, in the course of any litigation concerning that person, pursuant to a lawful request, or to school districts or other administrative or law enforcement agencies acting within the scope of their statutory authority. Information regarding identity, including name and address, registration and currency of the license or certificate of the person and the name and address of an applicant for such certificate of license is not confidential information.

2. Notwithstanding any other provision of the law to the contrary, no complaint, investigatory report or information received from any source may be disclosed prior to its review by the department.

3. At its discretion, the department may disclose complaints, completed investigatory reports and information obtained from state administrative and law enforcement agencies to a certificate holder, licensee or applicant in order to further an investigation or to facilitate settlement negotiations.

168.082. Beginning August 28, 2001, and ending June 30, 2005, the department of elementary and secondary education shall waive the requirements for English as a second language certification in order to permit local school districts to base

employment of teachers who will be teaching limited English proficiency students on such teachers' ESL certification, the ethnicity of the individual, the ability to speak a certain language or certification in another state.

170.014. 1. This section shall be known as the "Reading Instruction Act" and is enacted to ensure that all public schools provide developmentally appropriate phonics instruction in grades kindergarten through three as a significant component of a program of balanced reading instruction and that all teachers who teach reading in grades kindergarten through three receive adequate training in the teaching of developmentally appropriate phonics.

2. As used in this section, the following terms mean:

(1) "Developmentally appropriate", instruction and interaction within the age and developmental level of the learner, as ascertained by the best current research;

(2) "Grammar", the rules and conventions of standard English, including the construction of sentences, the classification, derivation and properties of words, and spelling;

(3) "Phonics instruction", the teaching of sound-symbol correspondence and the rules and generalizations that govern these correspondences, including phonemics, which is the recognition of the boundaries of phonetic elements.

3. Developmentally appropriate phonics instruction shall be provided in every public school in the state in grades kindergarten through three as a significant component of a program of balanced reading instruction. Each school district shall make an effort to systematically inform parents of the methods and materials used to teach reading in grades

kindergarten through three. Nothing in this act shall be construed to require that every child be taught phonics; however, developmentally appropriate phonics instruction shall be available in every elementary school building.

4. By July 1, 2004, the state board of education shall establish a teacher competency test or tests in grammar and in developmentally appropriate phonics instruction.

5. The state board of education shall provide in-service training programs for certified teachers on the use of developmentally appropriate phonics instruction in the teaching of reading in grades kindergarten through three.

6. On and after July 1, 2005, no teacher shall be certified to teach reading in the public schools of this state in grades kindergarten through three, either as a reading specialist or as a classroom teacher, unless the teacher has passed competency tests established or adopted by the state board on developmentally appropriate phonics instruction and on grammar. Such tests may be administered before the prospective teacher graduates from college.

Section B. Because immediate action is necessary to preserve the reading ability of the elementary school students of Missouri, the repeal and reenactment of sections 160.518, 160.522, 162.481, 167.640, 167.645, 168.021 and 168.071 and the enactment of sections 161.229, 161.231, 167.648, 168.073, 168.077, 168.082 and 170.014 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 160.518, 160.522, 162.481, 167.640, 167.645, 168.021

and 168.071 and the enactment of sections 161.229, 161.231, 167.648, 168.073, 168.077, 168.082 and 170.014 of this act shall be in full force and effect on July 1, 2001, or upon its passage and approval, whichever later occurs.