

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1817

91ST GENERAL ASSEMBLY

Reported from the Committee on Education, May 3, 2002, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

4190S.06C

AN ACT

To repeal sections 160.011, 160.051, 160.518, 160.530, 161.092, 166.260 and 168.400, RSMo, and to enact in lieu thereof ten new sections relating to accountability for priority and performance schools.

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

Section A. Sections 160.011, 160.051, 160.518, 160.530, 161.092, 166.260 and
2 168.400, RSMo, are repealed and ten new sections enacted in lieu thereof, to be
3 known as sections 160.011, 160.051, 160.518, 160.530, 160.531, 160.720, 161.092,
4 166.260, 168.400 and 170.014, to read as follows:

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

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

5 (2) "Elementary school", a public school giving instruction in a grade or
6 grades not higher than the eighth grade;

7 **(3) "Family literacy programs", services of sufficient intensity in terms of**
8 **hours, and of sufficient duration, to make sustainable changes in families that**
9 **include:**

10 **(a) Interactive literacy activities between parents and their children;**

11 **(b) Training of parents regarding how to be the primary teacher of their**
12 **children and full partners in the education of their children;**

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 **(c) Parent literacy training that leads to high school completion and/or**
14 **economic self sufficiency; and**

15 **(d) An age-appropriate education to prepare children of all ages for**
16 **success in school;**

17 [(3)] **(4)** "Graduation rate", the quotient of the number of graduates in the
18 current year as of June thirtieth divided by the sum of the number of graduates in
19 the current year as of June thirtieth plus the number of twelfth graders who
20 dropped out in the current year plus the number of eleventh graders who dropped
21 out in the preceding year plus the number of tenth graders who dropped out in the
22 second preceding year plus the number of ninth graders who dropped out in the
23 third preceding year;

24 [(4)] **(5)** "High school", a public school giving instruction in a grade or grades
25 not lower than the ninth nor higher than the twelfth grade;

26 [(5)] **(6)** "Metropolitan school district", any school district the boundaries of
27 which are coterminous with the limits of any city which is not within a county;

28 [(6)] **(7)** "Public school" includes all elementary and high schools operated
29 at public expense;

30 [(7)] **(8)** "School board", the board of education having general control of
31 the property and affairs of any school district;

32 [(8)] **(9)** "School term", a minimum of one hundred seventy-four school days,
33 as that term is defined in section 160.041, and one thousand forty-four hours of
34 actual pupil attendance as scheduled by the board pursuant to section 171.031,
35 RSMo, during a twelve-month period in which the academic instruction of pupils is
36 actually and regularly carried on for a group of students in the public schools of any
37 school district. A "school term" may be within a school year or may consist of parts
38 of two consecutive school years, but does not include summer school. A district
39 may choose to operate two or more terms for different groups of children;

40 [(9)] **(10)** "Secretary", the secretary of the board of a school district;

41 [(10)] **(11)** "Seven-director district", any school district which has seven
42 directors and includes urban districts regardless of the number of directors an urban
43 district may have unless otherwise provided by law;

44 [(11)] **(12)** "Taxpayer", any individual who has paid taxes to the state or any
45 subdivision thereof within the immediately preceding twelve-month period or the
46 spouse of such individual;

47 [(12)] **(13)** "Town", any town or village, whether or not incorporated, the plat

48 of which has been filed in the office of the recorder of deeds of the county in
49 which it is situated;

50 [(13)] (14) "Urban school district", any district which includes more than half
51 of the population or land area of any city which has not less than seventy thousand
52 inhabitants, other than a city which is not within a county.

160.051. 1. A system of free public schools is established throughout the
2 state for the gratuitous instruction of persons between the ages of five and
3 twenty-one years. Any child whose fifth birthday occurs before the first day of
4 August shall be deemed to have attained the age of five years at the
5 commencement of the school year beginning in that calendar year or at the
6 commencement of the summer school session immediately prior to the school term
7 beginning in the school year beginning in that calendar year, whichever is earlier,
8 for the purpose of apportioning state school funds and for all other purposes.

9 **2. Public schools may establish family literacy programs for children of all**
10 **ages and their families.**

11 [2.] 3. The department of elementary and secondary education shall not use
12 school for kindergarten pupils in the summer preceding such pupils' regular fall
13 starting date as an element of the standards of the Missouri school improvement
14 program.

160.518. 1. Consistent with the provisions contained in section 160.526, the
2 state board of education shall develop a statewide assessment system that
3 provides maximum flexibility for local school districts to determine the degree to
4 which students in the public schools of the state are proficient in the knowledge,
5 skills and competencies adopted by such board pursuant to subsection 1 of section
6 160.514. The statewide assessment system shall assess problem solving, analytical
7 ability, evaluation, creativity and application ability in the different content areas
8 and shall be performance-based to identify what students know, as well as what
9 they are able to do, and shall enable teachers to evaluate actual academic
10 performance. The assessment system shall neither promote nor prohibit rote
11 memorization and shall not include existing versions of tests approved for use
12 pursuant to the provisions of section 160.257, nor enhanced versions of such
13 tests. The statewide assessment shall measure, where appropriate by grade level,
14 a student's knowledge of academic subjects including, but not limited to, reading
15 skills, writing skills, mathematics skills, world and American history, forms of
16 government, geography and science.

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

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

30 4. For any school that meets the criteria established by the state board of
31 education for three successive school years pursuant to the provisions of subsection
32 3 of this section, by August first following the third such school year, the
33 commissioner of education shall present a plan to the superintendent of the school
34 district in which such school is located for the waiver of rules and regulations to
35 promote flexibility in the operations of the school and to enhance and encourage
36 efficiency in the delivery of instructional services. The provisions of other law to the
37 contrary notwithstanding, the plan presented to the superintendent shall provide
38 a summary waiver, with no conditions, for the pupil testing requirements pursuant
39 to section 160.257, in the school. Further, the provisions of other law to the contrary
40 notwithstanding, the plan shall detail a means for the waiver of requirements
41 otherwise imposed on the school related to the authority of the state board of
42 education to classify school districts pursuant to subdivision (9) of section 161.092,
43 RSMo, and such other rules and regulations as determined by the commissioner of
44 education, excepting such waivers shall be confined to the school and not other
45 schools in the district unless such other schools meet the criteria established by the
46 state board of education consistent with subsection 3 of this section and the
47 waivers shall not include the requirements contained in this section and section
48 160.514. Any waiver provided to any school as outlined in this subsection shall be
49 void on June thirtieth of any school year in which the school fails to meet the
50 criteria established by the state board of education consistent with subsection 3 of
51 this section.

52 5. The score on any assessment test developed pursuant to this section or this
53 chapter of any student for whom English is a second language shall not be counted
54 until such time as such student has been educated for three full school years in a
55 school in this state, or in any other state, in which English is the primary language.

56 **6. The state board of education shall identify or, if necessary, establish one**
57 **or more developmentally appropriate alternate assessments for students who**
58 **receive special educational services, as that term is defined pursuant to section**
59 **162.675, RSMo. In the development of such alternate assessments, the state board**
60 **shall establish an advisory panel consisting of a majority of active special**
61 **education teachers and other education professionals as appropriate to research**
62 **available assessment options. The advisory panel shall attempt to identify**
63 **preexisting developmentally appropriate alternate assessments but shall, if**
64 **necessary, develop alternate assessments and recommend one or more alternate**
65 **assessments for adoption by the state board. The state board shall consider the**
66 **recommendations of the advisory council in establishing such alternate assessment**
67 **or assessments. Any student who receives special educational services, as that**
68 **term is defined pursuant to section 162.675, RSMo, shall be assessed by an alternate**
69 **assessment established pursuant to this subsection upon a determination by the**
70 **student's individualized education program team that such alternate assessment is**
71 **more appropriate to assess the student's knowledge, skills and competencies than**
72 **the assessment developed pursuant to subsection 1 of this section. The alternative**
73 **assessment shall evaluate the student's independent living skills, which includes**
74 **how effectively the student addresses common life demands and how well the**
75 **student meets standards for personal independence expected for someone in the**
76 **student's age group, sociocultural background, and community setting.**

160.530. 1. Beginning with fiscal year 1994 and for all fiscal years thereafter,
2 in order to be eligible for state aid distributed pursuant to section 163.031, RSMo, a
3 school district shall allocate one percent of moneys received pursuant to section
4 163.031, RSMo, exclusive of categorical add-ons, to the professional development
5 committee of the district as established in subdivision (1) of subsection 4 of section
6 168.400, RSMo. Of the moneys allocated to the professional development
7 committee in any fiscal year as specified by this subsection, seventy-five percent
8 of such funds shall be spent in the same fiscal year for purposes determined by the
9 professional development committee after consultation with the administrators of
10 the school district and approved by the local board of education as meeting the
11 objectives of a school improvement plan of the district that has been developed

12 by the local board. Moneys expended for staff training pursuant to any provisions
13 of this act shall not be considered in determining the requirements for school
14 districts imposed by this subsection.

15 2. Beginning with fiscal year 1994 and for all fiscal years thereafter, ninety
16 percent of one percent of moneys appropriated to the department of elementary
17 and secondary education otherwise distributed to the public schools of the state
18 pursuant to the provisions of section 163.031, RSMo, exclusive of categorical
19 add-ons, shall be distributed by the commissioner of education to address
20 statewide areas of critical need for learning and development as determined by
21 rule and regulation of the state board of education with the advice of the
22 commission established by section 160.510 and the advisory council provided by
23 subsection 1 of section 168.015, RSMo. The moneys described in this subsection may
24 be distributed by the commissioner of education to colleges, universities, private
25 associations, professional education associations, statewide associations organized
26 for the benefit of members of boards of education, public elementary and
27 secondary schools, and other associations and organizations that provide
28 professional development opportunities for teachers, administrators, **family literacy**
29 **personnel** and boards of education for the purpose of addressing statewide areas
30 of critical need, provided that subdivisions (1), [and] (2) and (3) of this subsection
31 shall constitute priority uses for such moneys. "Statewide areas of critical need for
32 learning and development" shall include:

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

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

39 **(3) Funding for family literacy programs;**

40 [(3)] **(4)** Ensuring that all children, especially children at risk, children with
41 special needs, and gifted students are successful in school;

42 [(4)] **(5)** Increasing parental involvement in the education of their children;

43 [(5)] **(6)** Providing information which will assist public school administrators
44 and teachers in understanding the process of site-based decision making;

45 [(6)] **(7)** Implementing recommended curriculum frameworks as outlined in
46 section 160.514;

47 [(7)] (8) Training in new assessment techniques for students;
48 [(8)] (9) Cooperating with law enforcement authorities to expand successful
49 antidrug programs for students;
50 [(9)] (10) Strengthening existing curricula of local school districts to stress
51 drug and alcohol prevention;
52 [(10)] (11) Implementing and promoting programs to combat gang activity
53 in urban areas of the state;
54 [(11)] (12) Establishing family schools, whereby such schools adopt proven
55 models of one-stop state services for children and families;
56 [(12)] (13) Expanding adult literacy services; and
57 [(13)] (14) Training of members of boards of education in the areas deemed
58 important for the training of effective board members as determined by the state
59 board of education.

60 3. Beginning with fiscal year 1994 and for all fiscal years thereafter, ten
61 percent of one percent of moneys appropriated to the department of elementary
62 and secondary education otherwise distributed to the public schools of the state
63 pursuant to the provisions of section 163.031, RSMo, exclusive of categorical
64 add-ons, shall be distributed in grant awards by the state board of education, by
65 rule and regulation, for the "Success Leads to Success" grant program, which is
66 hereby created. The purpose of the success leads to success grant program shall
67 be to recognize, disseminate and exchange information about the best professional
68 teaching practices and programs in the state that address student needs, and to
69 encourage the staffs of schools with these practices and programs to develop
70 school-to-school networks to share these practices and programs.

160.531. 1. Beginning with fiscal year 2005 and for all fiscal years thereafter,
2 **an amount, as specified in subsection 2 of this section, of the appropriation to the**
3 **department of elementary and secondary education otherwise distributed to the**
4 **public schools of the state pursuant to the provisions of section 163.031, RSMo, shall**
5 **be distributed by the department of elementary and secondary education to**
6 **establish and fund family literacy programs in school attendance centers declared**
7 **academically deficient by the state board of education as authorized by section**
8 **160.538 or school districts declared unaccredited or provisionally accredited by the**
9 **state board of education pursuant to section 161.092, RSMo.**

10 2. The amount to be distributed by the department of elementary and
11 secondary education to establish and fund family literacy programs pursuant to
12 subsection 1 of this section shall be the lesser of either:

13 (1) Five percent of any increase from the total line 14 revenue compared to
14 the total line 14 revenue amount distributed to all school districts in fiscal year 2004;
15 or

16 (2) One and one-half percent of the total line 14 distribution.

17 3. The department of elementary and secondary education shall promulgate
18 rules for the distribution of family literacy funds.

19 4. Any rule or portion of a rule, as that term is defined in section 536.010,
20 RSMo, that is created under the authority delegated in this section shall become
21 effective only if it complies with and is subject to all of the provisions of chapter
22 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
23 RSMo, are nonseverable and if any of the powers vested with the general assembly
24 pursuant to chapter 536, RSMo, to review, to delay the effective date or to
25 disapprove and annul a rule are subsequently held unconstitutional, then the grant
26 of rulemaking authority and any rule proposed or adopted after August 28, 2002,
27 shall be invalid and void.

 160.720. 1. The department of elementary and secondary education shall
2 identify for recognition by the governor schools demonstrating high student
3 achievement to be designated as performance schools. In addition, the
4 department of elementary and secondary education shall identify those waivers of
5 administrative rule authorized under state law appropriate for the recognized school
6 district or school. The department of elementary and secondary education shall
7 endeavor to identify waivers of administrative rule that result in a meaningful
8 reduction in administrative burden on the districts recognized in this section.

9 2. The department of elementary and secondary education shall identify
10 priority school districts and priority schools based upon the following criteria:

11 (1) School attendance centers declared academically deficient by the state
12 board of education as authorized by section 160.538;

13 (2) School districts declared unaccredited or provisionally accredited by the
14 state board of education pursuant to section 161.092, RSMo; or

15 (3) School districts or school attendance centers that do not meet any of the
16 accreditation standards on student performance established by the state board of
17 education based upon the statewide assessment system authorized pursuant to
18 section 160.518.

19 3. The board of education of any priority school district or priority school
20 shall submit, as a part of a comprehensive school improvement plan, an
21 accountability compliance statement that shall:

22 (1) Identify and analyze areas of deficiency in student performance by

23 school, grade and academic content area;

24 (2) Provide a comprehensive strategy for addressing these areas of
25 deficiency;

26 (3) Assure disclosure of these areas of deficiency in the school
27 accountability report card required pursuant to section 160.522;

28 (4) Permit a metropolitan district that is implementing a program of
29 academic improvement in a school or schools identified pursuant to a settlement
30 agreement for a desegregation lawsuit to submit the elements of the accountability
31 compliance statement required in subdivisions (1) to (3) of this subsection for review
32 for possible waiver solely in regard to the schools identified for academic
33 improvement pursuant to the settlement agreement; provided, however, that the
34 department of elementary and secondary education shall meet with any district
35 covered by the provisions of this subdivision prior to the district submitting any
36 element of an accountability compliance statement, so that the department may
37 identify elements of the settlement agreement academic improvement plan that
38 are substantially similar to the requirements contained in this section, and the
39 department shall advise such district if, based on its review, any further plan or
40 reporting of such plans or elements is required; and

41 (5) Require school boards of each district to annually review the school
42 discipline provisions contained in section 160.261, and sections 167.023, 167.026,
43 167.117, 167.161 to 167.171 and 167.335, RSMo, and ensure that the district's
44 discipline policies are consistent with the above listed sections.

45 4. The comprehensive strategy for addressing areas of deficiency required
46 pursuant to this section shall address the following areas:

47 (1) Align curriculum to address areas of deficiency in student achievement;

48 (2) Develop, for any student who is not receiving special education services
49 under an individualized education plan pursuant to sections 162.670 to 162.699,
50 RSMo, who is performing at a level not determined or at the lowest level of
51 proficiency in any subject area under the statewide assessment established
52 pursuant to section 160.518, an individual performance plan in that subject area
53 which shall:

54 (a) Be developed by the teacher or teachers in consultation with the child's
55 parents or guardian;

56 (b) Outline responsibilities for the student, parent or guardian, teachers and
57 administrators in implementing the plan. Such plans shall not require the level of
58 documentation and procedural complexities of an individualized education plan
59 pursuant to sections 162.670 to 162.699, RSMo, but shall contain sufficient detail for

60 all parties to understand their responsibilities in the implementation of the student's
61 performance plan; and

62 (c) Require those students performing at a level not determined or at the
63 lowest level of proficiency in any subject area under the statewide assessment
64 established pursuant to section 160.518 to be provided with additional instruction
65 time and for students in grade nine to eleven to retake the assessment;

66 (3) Focus state and local professional development funds on the areas of
67 greatest academic need, including a statement relating to accessing the resources
68 and services of the regional professional development center and support from
69 state professional development funds;

70 (4) Create programs to improve teacher and administrator effectiveness;

71 (5) Establish school accountability councils consistent with the procedures
72 stated in subsection 5 of section 160.538 or align any existing parent advisory
73 council with the requirements of subsection 5 of section 160.538;

74 (6) Develop a resource reallocation plan for the district; and

75 (7) Consider the need to implement strategies pursuant to this subsection for
76 feeder schools of any priority school.

77 5. The school district shall include in any program for improvement of
78 teacher and administrator effectiveness in an accountability compliance statement
79 policies that will:

80 (1) Require school administrators and teachers, including teachers who are
81 provisionally or temporarily certified, to participate in one of the following programs
82 of professional development:

83 (a) A mentoring program meeting standards established by the state board
84 of education or supervised by an individual previously designated by the
85 department of elementary and secondary education as a regional resource
86 teacher;

87 (b) Successful completion of a training program for certification as a scorer
88 under the statewide assessment program authorized pursuant to section 160.518;
89 or

90 (c) Enrollment and making adequate progress towards national board
91 certification;

92 (2) Provide one additional year of intensive professional development
93 assistance to teachers and administrators who do not complete or make adequate
94 progress in the professional development activities described in subdivision (1) of
95 this subsection;

96 (3) Exempt from the professional development requirements accountability

97 compliance statement as provided in subdivision (1) of this subsection any
98 individual who:

99 (a) Holds qualifying scores in the appropriate professional assessment as
100 determined by the state board of education or who elects to take and receive a
101 qualifying score of that assessment;

102 (b) Holds national board certification;

103 (c) Is certified as a scorer under the statewide assessment program;

104 (d) Is designated by the department of elementary and secondary
105 education as a regional resource teacher;

106 (e) Serves as a mentor teacher for one school year in a program meeting
107 standards adopted by the state board of education; or

108 (f) Successfully completes an appropriate administrator academy program
109 offered pursuant to section 168.407, RSMo;

110 6. Any resource reallocation plan shall include at least one of the following
111 elements:

112 (1) Reduce class size in areas of academic concern;

113 (2) Establish full-day kindergarten or preschool programs;

114 (3) Establish after-school, tutoring and other programs offering extended
115 time for learning;

116 (4) Employ regional resource teachers designated by the department of
117 elementary and secondary education or national board-certified teachers, along
118 with appropriate salary enhancements for such teachers;

119 (5) Establish programs of teacher home visitation to encourage parental
120 support of student learning; and

121 (6) Create "school within a school" programs to achieve smaller learning
122 communities within priority schools.

123 7. The state board of education shall establish by administrative rule
124 standards to evaluate accountability compliance statements, based upon the
125 following criteria:

126 (1) An accountability compliance statement shall be submitted to the
127 department of elementary and secondary education on or before August fifteenth
128 following any school year in which a school district meets the criteria established
129 under subsection 2 of this section;

130 (2) The department of elementary and secondary education shall review
131 and identify areas of deficiency in the plan within thirty days of receipt; and

132 (3) Changes to the plan shall be forwarded to the department of elementary
133 and secondary education within thirty days of notice to the district of the areas of

134 **deficiency.**

135 **8. The department of elementary and secondary education shall withhold**
136 **funds to be paid to the school district, as authorized in section 163.031, RSMo, until**
137 **such time as the district submits an accountability compliance statement meeting**
138 **the standards authorized pursuant to this section within the timelines established**
139 **herein.**

140 **9. The department of elementary and secondary education shall develop**
141 **within three years of the adoption of this section a program of administrator**
142 **mentoring focusing on the need of priority schools and priority school districts and**
143 **meeting standards established by the state board of education.**

144 **10. Any rule or portion of a rule, as that term is defined in section 536.010,**
145 **RSMo, that is created under the authority delegated in this section shall become**
146 **effective only if it complies with and is subject to all of the provisions of chapter**
147 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**
148 **RSMo, are nonseverable and if any of the powers vested with the general assembly**
149 **pursuant to chapter 536, RSMo, to review, to delay the effective date or to**
150 **disapprove and annul a rule are subsequently held unconstitutional, then the grant**
151 **of rulemaking authority and any rule proposed or adopted after August 28, 2002,**
152 **shall be invalid and void.**

161.092. The state board of education shall:

2 (1) Adopt rules governing its own proceedings and formulate policies for the
3 guidance of the commissioner of education and the department of elementary
4 and secondary education;

5 (2) Carry out the educational policies of the state relating to public schools
6 that are provided by law and supervise instruction in the public schools;

7 (3) Direct the investment of all moneys received by the state to be applied
8 to the capital of any permanent fund established for the support of public
9 education within the jurisdiction of the department of elementary and secondary
10 education and see that the funds are applied to the branches of educational
11 interest of the state that by grant, gift, devise or law they were originally intended,
12 and if necessary institute suit for and collect the funds and return them to their
13 legitimate channels;

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

16 (5) Require of county clerks or treasurers, boards of education or other
17 school officers, recorders and treasurers of cities, towns and villages, copies of all

18 records required to be made by them and all other information in relation to the
19 funds and condition of schools and the management thereof that is deemed
20 necessary;

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

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

26 (8) Grant, without fee, certificates of qualification and licenses to teach in
27 any of the public schools of the state, **including provisional certification to a person**
28 **with more than five years teaching experience in that curriculum area and**
29 **approximate grade level in another state, and permit full certification upon the**
30 **satisfactory completion of five years teaching in Missouri public schools,** establish
31 requirements therefor, formulate regulations governing the issuance thereof, and
32 cause the certificates to be revoked for the reasons and in the manner provided
33 in section 168.071, RSMo;

34 (9) Classify the public schools of the state, subject to limitations provided by
35 law, establish requirements for the schools of each class, and formulate rules
36 governing the inspection and accreditation of schools preparatory to classification;

37 (10) Make an annual report on or before the first Wednesday after the first
38 day of January to the general assembly or, when it is not in session, to the governor
39 for publication and transmission to the general assembly. The report shall be for the
40 last preceding school year, and shall include: (a) a statement of the number of
41 public schools in the state, the number of pupils attending the schools, their sex,
42 and the branches taught; (b) a statement of the number of teachers employed,
43 their sex, their professional training, and their average salary; (c) a statement of the
44 receipts and disbursements of public school funds of every description, their
45 sources, and the purposes for which they were disbursed; (d) suggestions for the
46 improvement of public schools; and (e) any other information relative to the
47 educational interests of the state that the law requires or the board deems
48 important;

49 (11) **Make an annual report to the general assembly and the governor**
50 **concerning coordination with other agencies and departments of government that**
51 **support family literacy programs and other services which influence educational**
52 **attainment of children of all ages;**

53 [(11)] **(12)** Require from the chief officer of each division of the department
54 of elementary and secondary education, on or before the thirty-first day of August
55 of each year, reports containing information the board deems important and
56 desires for publication;

57 [(12)] **(13)** Cause fifty copies of its annual report to be reserved for the use
58 of each division of the state department of elementary and secondary education,
59 and ten copies for preservation in the state library;

60 [(13)] **(14)** Have other powers and duties prescribed by law.

 166.260. There is hereby created the "Children At-Risk in Education Program"
2 which shall be administered by the commissioner of education. The program shall
3 be funded by moneys provided to school districts pursuant to line 14 of subsection
4 6 of section 163.031, RSMo, and used solely as determined by local boards of
5 education for: reductions of class size in schools containing high concentrations of
6 children who are least advantaged or who have specially identified educational
7 needs according to rule and regulation of the state board of education; or the
8 following:

9 (1) The program of half-day instruction for developmentally delayed and
10 at-risk children established pursuant to section 167.260, RSMo;

11 (2) The program to provide teacher assistants in grades kindergarten through
12 three established pursuant to section 167.263, RSMo;

13 **(3) The program of family literacy for children and families of children at risk**
14 **of dropping out of school pursuant to sections 160.531, RSMo;**

15 [(3)] **(4)** The program to provide guidance counselors in grades kindergarten
16 through nine established pursuant to section 167.265, RSMo;

17 [(4)] **(5)** The programs for pupils at risk of becoming high school dropouts
18 established pursuant to section 167.270, RSMo, including specialized courses of
19 instruction, alternative education programs for pregnant teens and teen mothers
20 and supplemental services for teen mothers;

21 [(5)] **(6)** The program of support services to pupils identified as having a high
22 risk of dropping out of school established pursuant to section 167.280, RSMo;

23 [(6)] **(7)** The program of professional development committees for in-service
24 training on teaching children identified as at risk of failing in school pursuant to
25 section 168.400, RSMo;

26 [(7)] **(8)** A program to contract for mental health services to meet the needs
27 of children who are identified as being at risk of failing school as a result of

28 emotional or environmental factors. Eligible contractors shall be approved by the
29 department of mental health;

30 ~~[(8)]~~ **(9)** The program of special education and other special services for
31 at-risk and handicapped children in grades kindergarten through third grade
32 emphasizing prevention and early intervention, rather than remediation, known as
33 the "Success for All Program";

34 ~~[(9)]~~ **(10)** Paying for building site operating costs in the proportion that the
35 free and reduced-price meal eligible student count is to the total enrollment in that
36 building; and

37 ~~[(10)]~~ **(11)** Other programs as approved by the commissioner of education
38 that are exclusively targeted to provide educational services for students who are
39 least advantaged or who have specially identified educational needs.

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

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

9 2. Preservice teacher programs established under this section shall include,
10 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
16 education to develop or select such tests to establish abilities necessary to receive
17 a satisfactory rating, and to establish procedures for the administering of the test;

18 (2) The entry-level tests developed under this subsection shall include, but
19 need not be limited to, an examination of basic oral and written communication
20 skills and of basic mathematics skills, and may include both oral and written
21 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 been**
36 **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 assistants practice teaching. Any**
40 **rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is**
41 **created under the authority delegated in this section shall become effective only**
42 **if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,**
43 **if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
44 **nonseverable and if any of the powers vested with the general assembly pursuant**
45 **to chapter 536, RSMo, to review, to delay the effective date or to disapprove and**
46 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
47 **authority and any rule proposed or adopted after August 28, 2002, shall be invalid**
48 **and void.** The preservice teacher assessment shall be reviewed by the certifying
49 authority prior to issuance of a certificate. An unsatisfactory assessment shall result
50 in the nonissuance of a certificate. Persons who are aggrieved by the nonissuance
51 of a certificate may appeal such nonissuance in the manner provided in section
52 168.071. Any costs associated with the entry-level tests or the exit requirements
53 established under this subsection shall be borne by each institution and costs
54 defrayal included in the incidental fees charged to the student.

55 3. Each approved teacher education program shall require the faculty
56 teaching preservice teacher education courses to further their professional
57 development through direct personal involvement in the public schools in grades
58 kindergarten through twelve on a periodic basis. As used in this subsection, the
59 term "faculty" shall include, but need not be limited to, full- and part-time classroom

60 instructors, and supervisors of practice teaching at institutions offering an approved
61 teacher education program.

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

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

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

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

95 teachers.

96 6. (1) The administrator assistance programs established under this section
97 shall include, but shall not be limited to, programs of professional development and
98 improvement for superintendents, principals, assistant principals, and other school
99 district personnel charged with administrative duties.

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

**170.014. 1. This section shall be known as the "Reading Instruction Act" and
2 is enacted to ensure that all public schools establish reading programs based in
3 scientific research and offer explicit systematic phonics instruction in grades
4 kindergarten through three as a significant component of a program of balanced
5 reading instruction and that all new teachers who teach reading in grades
6 kindergarten through three receive adequate training in the teaching of explicit
7 systematic phonics.**

8 2. As used in this section, "explicit systematic phonics", means the
9 methodology of pronouncing and reading words by learning the phonetic sound
10 association of individual letters, letter groups and syllables and the principles
11 governing these associations. Reading instruction using implied recognition of
12 words or partial words through the use of pictures or other references other than
13 explicit pronunciation of phonetic letter combinations shall not be admitted as a
14 substitute in compliance with this provision.

15 3. Explicit systematic phonics instruction shall be offered in every public
16 school in the state in grades kindergarten through three as a significant component
17 of a program of balanced reading instruction. Nothing in this section shall be
18 construed to allow for implicit phonics methodology as a substitute for the teaching
19 of explicit systematic phonics as defined by this section.

20 4. On and after July 1, 2005, no teacher shall be certified to teach reading
21 in the public schools of this state in grades kindergarten through three, either as a
22 reading specialist or as a classroom teacher, unless the teacher has successfully
23 completed instruction in explicit systematic phonics at the university or college
24 level.